



MINUTES

Oregon Racing Commission May 19, 2011

Meeting Detail

The Oregon Racing Commission (ORC) met on Thursday, May 19, 2011 in Room 615 of the Portland State Office Building (PSOB) at 11:00am located at 800 NE Oregon Street, Portland, Oregon. The Commission immediately went into executive session to consider information or records exempt from disclosure pursuant to ORS 192.501(2) regarding trade secrets; and/or ORS 192.660(2)(f) to consult with counsel concerning its legal rights and duties regarding litigation likely to be filed pursuant to ORS 192.660(2)(h) and 192.660(2)(i). The Commission met in Room 1D of the PSOB for the public session at the regularly scheduled time of 1:30pm.

In Attendance

Commissioners: Chair Stan Robson (Presiding), Commissioner Michael Huber, DVM, Commissioner Charles Williamson and Commissioner Kerry Johnson

Commission Vice-Chair, Christopher Dudley, attended by telephone

Staff: Randy Evers (Executive Director) and Kelly Gabliks (Assistant Attorney General)

Call to Order

Commission Chair Stan Robson called the executive session to order at 11:05am.

Commission Chair Stan Robson closed the executive session at 12:45pm.

Call to Order

Commission Chair Stan Robson called the public session to order at 1:30pm.

AGENDA ITEMS

Approvals:

May 19, 2011 Meeting Agenda

Action: Motion to approve the agenda as submitted.

Moved by: Commissioner Williamson

Seconded: Commissioner Huber

Vote: 4 Ayes, 0 Nays

April 21, 2011 Meeting Minutes

Action: Motion to approve the April 21, 2011 Commission meeting minutes as submitted with one change from the word “absent” to “excused” in the attendance section of the minutes.

Moved by: Commissioner Williamson

Seconded: Commissioner Johnson

Vote: 4 Ayes, 0 Nays

Old Business:

Sub-Committee Update Reports:

- a. Advanced Deposit Wagering (ADW) and Multi-jurisdictional Hubs
Commissioner Johnson stated that there was nothing to report at this time.
- b. Best Practices
Commissioner Dudley stated that there was nothing to report at this time.
- c. Budget and Hub Funds
Commissioner Johnson stated that there was nothing to report at this time.
- d. Medication and Horse Welfare
Commissioner Huber stated that the sub-committee met that morning prior to the public session and discussed the mild injuries as well as the catastrophic injuries and how pleased they are that those numbers have been significantly reduced. Commissioner Huber reported that there was discussion over the drug intolerance issue that is coming out of The Association of Racing Commissioners International (ARCI) and that there may come a time when no medication will be allowed.

Commissioner Huber stated that the ORC will be following the recommendation of the Oregon State Veterinarian, Don Hansen, DVM, MPVM, with regard to the equine herpes virus outbreak. The impact it may have on summer race meets has not been determined and no changes have been made to the schedule. The ORC will look for direction from the Oregon State Veterinarian over the coming weeks.

- e. Executive Director's Report
Executive Director, Randy Evers, reported that Senate Bill 148 has been signed by the Governor. Senate Bill 149 passed out the house and was forwarded to the Senate floor where it was referred to the Ways and Means Committee. Senate Bill 149 was forwarded on to the Ways and Means Committee because it will raise approximately \$50,000.00 per year in revenue. Director Evers reported that Senate Bill 149 will be heard by the Transportation and Development Sub-Committee on Wednesday, May 25, 2011 and, hopefully, will be referred back to the House for approval. Director Evers thanked stakeholders for their support of these Bills and being present at the hearings.

Director Evers reported that Senate Bill 759 (defines “Gross Mutuel Wagering”) has been a joint effort on behalf of Portland Meadows and the Oregon Horsemen’s Benevolence and Protective Association (OHBPA). This Bill has passed the house but has not yet been signed by the Governor.

Director Evers stated that Friday, May 20, 2011 is a State mandatory, unpaid furlough day and that the Oregon Racing Commission Office, will be closed.

Multi-jurisdictional Simulcasting and Interactive Advance Deposit Wagering Totalizator Hub Licensing Renewal:

XpressBet, Inc.:

Gene Chabrier reported that XpressBet has decided to stay with the three year license term that was approved in April 2011.

New Business:

Multi-jurisdictional Simulcasting and Interactive Advance Deposit Wagering Totalizator Hub Licensing Renewal:

Audrey Kauffman, Pari-Mutuel and Auditing Manager for the ORC stated that she had reviewed all of the required information submitted by each company. Ms. Kauffman recommended each company for approval during each individual interview. Ms. Kauffman accompanied each applicant as the Commission went through the review process.

Commissioner Kerry Johnson questioned each of the eight Multi-jurisdictional Simulcasting and Interactive Advance Deposit Wagering Totalizator Hub Companies applying for licensing renewal from the ORC due diligence checklist during their individual interviews.

The companies applying for licensing renewal with the Oregon Racing Commission are as follows:

AMWEST Entertainment, LLC: Randy Boden, Chief Operating Officer, was present on behalf of AMWEST Entertainment, LLC. Mr. Boden answered the questions from the checklist favorably.

Action: Motion to approve AMWEST Entertainment, LLC for a five-year license renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

Churchill Downs dba Twin Spires: Brad Blackwell was present on behalf of Churchill Downs dba Twin Spires. Mr. Blackwell answered the questions from the checklist favorably.

Action: Motion to approve Churchill Downs dba Twin Spires for a five-year license renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

eBet Technologies, Inc.: Ben Hayes was present on behalf of eBet Technologies, Inc. Mr. Hayes answered the questions from the checklist favorably.

Action: Motion to approve eBet Technologies, Inc. for a five-year licensing renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

US Offtrack, LLC: Ben Hayes attorney for US Offtrack was present on behalf of US Offtrack, LLC. Mr. Hayes answered the questions from the checklist favorably.

Action: Motion to approve US Offtrack, LLC for a five-year licensing renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

Player Management Group, LLC: Gene Chabrier was present on behalf of Player Management Group, LLC. Mr. Chabrier answered the questions from the checklist favorably.

Action: Motion to approve Player Management Group for a three-year license renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

Premier Turf Club, LLC: Todd Bowker was present on behalf of Premier Turf Club, LLC. Mr. Bowker answered the questions from the checklist favorably.

Action: Motion to approve Premier Turf Club, LLC for a five-year licensing renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

The Racing Channel, Inc.: Richard Romano was present on behalf of The Racing Channel, Inc. Mr. Romano answered the questions from the checklist favorably.

Action: Motion to approve The Racing Channel, Inc. for a five-year licensing renewal.

Moved by: Commissioner Johnson

Seconded: Commissioner Williamson

Vote: 5 ayes, 0 nays

ODS Technologies, L.P. dba TVG: Roger Nyquist was present to represent TVG for their licensing. Mr. Nyquist answered the questions from the checklist favorably.

Action: Motion to approve TVG for a five-year licensing renewal.

Moved by: Commissioner Johnson
Seconded: Commissioner Williamson
Vote: 5 ayes, 0 nays

Portland Meadows (PM) - Commercial Race Meet license renewal:

Will Alempijevic, General Manager of Portland Meadows, (PM) was present to represent PM for licensing renewal. Audrey Kauffman, Pari-Mutuel and Auditing Manager for the ORC stated that she had reviewed the application package submitted by Portland Meadows. Ms. Kauffman stated that she recommended Portland Meadows for license renewal with conditions that were outlined in her report.

Commissioner Kerry Johnson questioned Mr. Alempijevic from the ORC due diligence checklist. Mr. Alempijevic stated that PM did not have an agreement with the horsemen and that they were still in negotiations.

Action: Motion to postpone licensing renewal for Portland Meadows until there is an agreement reached with the Oregon Horsemen's Benevolence and Protective Association.

Moved by: Commissioner Huber
Seconded: Commissioner Williamson
Vote: 5 ayes, 0 nays

Approval of Summer Race Meets Forms B and C (Racing Officials, Take Outs & Medications):

Executive Director Randy Evers stated that he had reviewed all five race meet application forms B and C. Director Evers reported that a couple corrections were being made and that he recommended all five summer race meets (Tillamook, Eastern Oregon Livestock Show, Grants Pass, Crooked River Round-Up and Harney County) for full approval.

Commissioner Huber stated that Tillamook's medication statement needed to specifically identify what medications are being asked for approval, versus the word "medications" which is currently listed.

Director Evers stated that this was one of the corrections being made and thanked Commissioner Huber for identifying that.

Action: Motion to approve all five summer race meet forms B and C (Racing Officials, Take Outs and Medication).

Moved by: Commissioner Williamson
Seconded: Commissioner Huber
Vote: 5 Ayes, 0 nays

Contested Cases:

Final Orders by Default and Options Memos:

Assistant Attorney General Kelly Gabliks gave testimony regarding the case of Mr. Everaert. Ms. Gabliks stated that Mr. Everaert intentionally injured a horse at Portland

Meadows as response to a disagreement with an owner over a Ferrier bill. Mr. Everaert defaulted when he did not appear for his hearing with the Oregon Racing Commission. Ms. Gabliks offered the range of options that the Commission could impose.

Action: Motion to adopt memo option of revoking Mr. Everaert's license, impose a \$1000.00 penalty and provide that he is ineligible to apply for licensing with the ORC for ten (10) years.

Moved by: Commissioner Williamson

Seconded: Commissioner Johnson

Vote: 5 Ayes, 0 nays

Assistant Attorney General Kelly Gabliks gave testimony regarding the case of Mr. Lopez. Ms. Gabliks stated that Mr. Lopez, while riding, interfered with other horses and was disqualified from first to fourth place and was suspended by the Board of Stewards for three (3) days. Mr. Lopez appealed the Steward's decision and then did not appear for his hearing with the ORC. Ms. Gabliks offered the range of options that the Commission could impose.

Action: Motion to adopt memo option of imposing a three (3) day suspension that will go into effect at the beginning of the 2011-2012 Portland Meadows race meet.

Moved by: Commissioner Williamson

Seconded: Commissioner Huber

Vote: 5 Ayes, 0 nays

Information, Materials and Approvals:

None

Other Business As May Properly Come Before the Commission:

None

Public Comment:

None

Confirmation of the Next Commission Meeting:

The next Commission Meeting is Friday, June 10, 2011 at 10:00am in the conference room of America's Best Value- Sandman Inn. The hotel is located at 2410 E "R" Ave., La Grande, OR 97850, (541) 963-3707.

Adjournment:

There being no further business, the public portion of the Commission meeting was adjourned at 2:29pm