



## MINUTES

### Oregon Racing Commission February 16, 2012

#### Meeting Detail

The Oregon Racing Commission (ORC) met on Thursday, February 16, 2012 in Room 1A of the Portland State Office Building located at 800 NE Oregon Street, Portland, Oregon.

#### Call to Order

Commission Chair, Stan Robson, called the meeting to order at 1:30pm.

#### In Attendance

**Commissioners:** Chair Stan Robson, Vice-Chair Christopher Dudley, Commissioner Charles Williamson  
Commissioner Michael Huber, DVM and Commissioner Jan Palmer, DVM

#### Staff

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

## AGENDA ITEMS

#### Approvals:

##### February 16, 2012 Meeting Agenda

**Action:** Motion to approve the agenda as submitted with the addition of a contested case.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-chair Dudley

**Vote:** 5 Ayes, 0 Nays

##### January 19, 2012 Meeting Minutes

**Action:** Motion to approve the January 19, 2012 Commission meeting minutes as submitted.

**Moved by:** Commission Vice-chair Dudley

**Seconded:** Commissioner Palmer

**Vote:** 4 Ayes, 0 Nays, 1 abstain

Commissioner Huber abstained from the vote due to his absence from the January meeting.

## Old Business:

### Sub-Committee Update Reports:

a. Advanced Deposit Wagering (ADW) and Multi-jurisdictional Hubs

Commissioner Williamson stated the sub-committee is meeting immediately following the ORC meeting and he will report at the next meeting.

b. Best Practices

Commission Vice-Chair Dudley stated that he reviewed best practice assessment score cards returned to him from the Commissioners. He provided each of the Commissioners with a new score card that reflected the total scores taken from each of the Commissioner's individual score cards. Commission Vice-Chair Dudley explained that this performance measure requires that, after the preliminary assessment is complete, the Commissioners will discuss and evaluate the information and make adjustments to the preliminary score card if needed.

Commission Vice-Chair Dudley led the Commissioners in the discussion of the "Best Practices Criteria" in order to produce a final score card.

Commissioner Huber stated that he would like to see some changes in the way that the Commissioners and the Executive Director conduct communication regarding some of the issues that affect the agency. He requested that, if possible, more advance notice and depth of information be given on sensitive issues that concern Commissioner staffing and/or items that will require a vote.

Commissioner Vice-Chair Dudley clarified that the miscommunication was between the Governor's office and the Commission. It was not an internal communication issue. He added that the Commissioner staffing decision was made by the Governor's office and was handled in accordance with the Governor's policy.

Commission Vice-Chair Dudley stated that the ORC hasn't had policy option package and requested Director Evers to clarify measure #7.

Director Evers clarified that all fifteen of the best practice criteria measures are applicable. They were created by the legislature and are required criteria. The ORC hasn't had a policy option package in the last four years but we may have one in the future. We are expected by legislature during the budget process to report on all fifteen measures whether we have one or not.

Commission Chair Stan Robson stated that he would like staff to add a brief footnote at the bottom of the score card page explaining measure #7.

**Action:** Motion to approve the Best Practices report presented by Commission Vice-Chair Christopher Dudley

**Moved by:** Commissioner Huber

**Seconded:** Commissioner Palmer

**Vote:** 5 Ayes, 0 Nays

c. **Budget and Hub Funds**

Commission Chair Stan Robson stated the sub-committee met before the ORC meeting. After review of the budget by the sub-committee it was discovered that there are additional hub funds being collected this biennium. As a result, the sub-committee is recommending to the Commission that a 5% increase of hub fund allocations be distributed to the summer fair race meets to be used in purses, \$10,000.00 added to the "Jockey Incentive Program," and \$65,000.00 allocated to Portland Meadows to be used in purses.

**Action:** Motion to approve the allocation of additional funds; 5% to the summer fairs for purses, \$65,000.00 to Portland Meadows for purses and \$10,000.00 to be added to the Jockey incentive program.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-Chair Dudley

**Vote:** 5 Ayes, 0 Nays

d. **Medication and Horse Welfare**

Commissioner Huber stated that the sub-committee met before the ORC meeting. The first topic discussed was the Racing Commission International's (RCI) recommendation that only the Commission veterinarian be permitted to administer Lasix. The sub-committee does not support this recommendation and will not bring forward any more activity on this subject.

The second topic on the agenda was "medication thresholds." The sub-committee is not supportive of any changes to the rule on illegal race day "medication thresholds" at this time. Commissioner Huber reported that the topic of increased security on the back side of Portland Meadows is supported by the sub-committee and that surveillance equipment is being researched. The Oregon Horsemen's Benevolence and Protective Association (OHBPA) is also in support of this increased security.

The sub-committee reviewed a list of safety issues that were present at the Harney county summer race meet in Burns. Commissioner Huber requested that the Commission consider delaying licensing of the Harney county race meet until they can provide the improvements to racing safety that are recommended by the horse welfare sub-committee. The list is relatively long but all items are manageable.

Commissioner Huber reported that a stakeholder previously presented a medication report released by the American Quarter Horse Association (AQHA). The stakeholder requested that the Commission evaluate the report and use of the medication "Clenbuterol", specifically in Quarter horses. The sub-committee does support evaluating the recommendation of the use of Clenbuterol and its withdrawal period. Currently there is no rule on Clenbuterol; with the exception that is a non-permitted substance. The sub-committee will research the AQHA recommendation and will provide a recommendation as soon as possible.

e. **Executive Director's Report**

Executive Director Randy Evers stated that the staff have been busy preparing administrative rules. The public rules hearing will be on May 15, 2012. The stakeholders and other interested parties will be invited to a meeting to discuss the changes. That meeting will be held in March or April. Director Evers reported that he and Nancy Artmann have been working on an ORC calendar of important dates that will be posted on our website.

Commissioner Huber questioned Director Evers regarding the race dates for Crooked River Round Up in Prineville. He asked if Doug Smith (race meet Director) still had concerns with PM starting their race meet the day after Prineville ends. Director Evers stated that he and Will Alempijevic, PM Manager have had discussion with Mr. Smith. Director Evers reported that Chair Robson also had correspondence with Mr. Smith regarding his concerns. Director Evers stated that everyone is working to partner together so that both Prineville and PM race meets are successful.

f. **Portland Meadows' Report**

Will Alempijevic stated that he provided the Commissioners the monthly recap report summarizing the meet week ending Sunday, February 12, 2012. Mr. Alempijevic reported that PM has run 45 days to date versus 49 days last meet. PM has had no cancellations this meet. PM has had 424 races this meet with 3,218 starters for average of 7.59 starters per race. Last race meet PM had 7.79 runners per race on average. PM's current average purse per day is \$40,973.00 versus \$46,458.00 last meet, which is a drop of almost 12%.

Mr. Alempijevic stated that PM is processing on average \$22,804.00 in wagers on PM live race days and \$7,578.00 in the off-track betting site network, for a total of \$30,382.00 per day on in-state wagers. This is a drop of 5.68% from the previous meet which was \$32,210.00 per day.

Mr. Alempijevic reported that the export sales of \$612,000.00 per day represent a drop of 6.56% from the previous meet's export sales of \$655,000.00 per day. The average daily in-state wager and the average daily export sales figure added together is \$642,000.00 this meet versus \$687,000.00 last meet which is a drop of 6.5%.

Mr. Alempijevic stated that last month's recap reflected that PM's total daily average was \$612,000.00 per live race day. This month, it is up to \$642,000.00. Mr. Alempijevic stated that it appears that the wagering public likes this new two-day a week schedule.

g. **Future of Racing in Oregon (FROG) Update**

Commissioner Palmer stated that the FROG group met on February 9, 2012. It was well attended. Commissioner Palmer reported that the group is moving forward with the economic impact study. The group still needs to collect some information for the meeting with EconNW which is scheduled for March 8, 2012. Commissioner Palmer reported that Wendie Hayes-Pounds is forming the FROG-PAC group. There have already been several contributions to the PAC.

Commissioner Palmer reported that the group would like to look at restructuring the jockey incentive program.

New Business:

**2012 Summer Race Meet Date Requests for Approval:**

a. Tillamook County Fair (TCF)

Director Evers stated that Tillamook has redesigned their paddock to accommodate seven horses this year. There is still a little work left to do. Tillamook's race dates look good and Director Evers stated that he recommends the Tillamook application for approval.

**Action:** Motion to approve the Tillamook County Fair race dates application "Form A" for the dates of August 8, 9, 10 & 11 2012.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-Chair Dudley

**Vote:** 5 Ayes, 0 Nays

b. Crooked River Round Up (CRRU)

Director Evers Stated that he recommended Crooked River Round-Up for approval of their requested race dates of July 11, 12, 13 & 14 2012.

**Action:** Motion to approve the Crooked River Round-Up race dates application "Form A" for the dates of July 11, 12, 13 & 14 2012.

**Moved by:** Commission Vice-Chair Dudley

**Seconded:** Commissioner Huber

**Vote:** 5 Ayes, 0 Nays

c. Josephine County Fair (JCF)

Director Evers stated that the most significant change in the Josephine County race meet application this year is that Grants Pass Downs would like to change the post time on some of their races from 1:00pm to 4:00pm in order to run in the evening. There is a correction that is being made to the figure that the State receives in tax. Grants Pass is also requesting the "Pick Four" wager to be added to their wagering options. Grants Pass uses "United Tote" and they have the capability of facilitating the "Pick Four" wager. Director Evers stated that he recommends the Grants Pass Downs application for approval.

**Action:** Motion to approve the Josephine County Fair, Grants Pass Downs race dates application "Form A" for the dates of June 16, 17, 23, 24 & 30 2012 and July 1, 4, 7 & 8, 2012.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-Chair Dudley

**Vote:** 5 Ayes, 0 Nays

d. Eastern Oregon Livestock Show (EOLS)

Director Evers stated that the application to request race dates for the EOLS in Union is their standard request and does not reflect any changes. Director Evers stated that he recommends EOLS race dates for approval.

**Action:** Motion to approve the EOLS race dates application “Form A” for the dates of June 8, 9 & 10, 2012.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-Chair Dudley

**Vote:** 5 Ayes, 0 Nays

e. Harney County Fair (HCF)

Director Evers stated that the application for the Harney County race meet is in good order. He reported that the safety issues that were brought up by Commissioner Huber will be addressed at the next ORC meeting and that he recommends the requested race dates for approval.

Commission Vice-Chair Dudley stated that he would like to move to approve the Harney County race meet dates with the condition that they comply with the list of safety items that Commissioner Huber is preparing. He stated that he would like to see evidence of the changes to the safety measures being taken before full approval is given.

**Action:** Motion to approve Harney County Fair race dates application “Form A” for the dates of September 7, 8 & 9, 2012.

The applicant is required to complete the necessary safety improvements documented in a letter to be prepared and sent to the Harney County Fair manager.

**Moved by:** Commission Vice-Chair Dudley

**Seconded:** Commissioner Huber

**Vote:** 5 Ayes, 0 Nays

**2011 Performance Measures Report:**

Director Evers stated that the performance measures report is for the period of July 1, 2010 through June 30, 2011. These are the four, primary key performance measures (KPMs). They are reported to the legislature during the budget process every biennium. The four key measures are as follows:

- **Animal Safety** – This is the report reflecting catastrophic injuries. The national average is around 2 per 1000 starters. The legislature has set our target goal to be 1.5 per 1000 starters. The ORC is at 1.7 for July 1, 2010 - June 30, 2011 report. This is a significant reduction in catastrophic injuries from just a short time ago when that number was 3.2 per 1000 starters.
- **Licensing Turn-Around Time** – This goal is being met. The ORC target turn-around time is 5 days. The ORC's actual turn-around time is 5 days or less.
- **Excellent Customer Service** –The ORC has surveys that are handed out at the time of service. The majority of those are completed at that time. The ORC has an electronic survey on its website for those who wish to submit one electronically at a later time. The target goal is a 75% rating. The ORC's current rating is 89%.
- **Best Practices** – Commission Vice-Chair Dudley stated that he would have final calculations after the meeting.

**Action:** Motion to approve the ORC Key Performance Measures Report for the 2010-2011 period with the finalized best practices score completed at the end of this meeting.

Moved by: Commission Vice-Chair Dudley  
Seconded: Commissioner Huber  
Vote: 5 Ayes, 0 Nays

**Information, Materials and Approvals:**

None

**Contested Cases:**

**Final Order by Default – Marijo H. Terleski**

Assistant Attorney General Kelly Gabliks presented the Terleski case to the Commissioners. Ms. Gabliks stated that this is a straight forward case where a jockey (Marijo H. Terleski) interfered with another horse while racing. This could have caused injury to both the horse and rider that she bumped into, as well as, herself. The Board of Stewards imposed a three-day suspension which she appealed. Ms. Terleski withdrew her appeal after the notice of intent to impose discipline was sent and a hearing date set. The three-day suspension originally imposed by the Board of Stewards will be served by Ms. Terleski after she is back riding.

**Action:** Motion to accept the final order as presented.

**Moved by:** Commissioner Huber

**Seconded:** Commission Vice-Chair Dudley

**Vote:** 5 Ayes, 0 Nays

**Other Business As May Properly Come Before the Commission:**

None

**Public Comment:**

Commissioner Williamson requested that if anyone could help to motivate the fairs to send their economic impact information to Mr. Alempijevic it would be appreciated.

**Confirmation of the Next Commission Meeting:**

Thursday, March 15, 2012, Room 1A of the Portland State Office Building at 1:30p.m.

**Adjournment:**

There being no further business, the meeting was adjourned at 2:46p.m.