

MINUTES

OREGON RACING COMMISSION SEPTEMBER 21, 1995

The Oregon Racing Commission met on Thursday, September 21, 1995, at 1:30 p.m. for their regular meeting in Room 140 of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. Commissioners in attendance were as follows: Stephen Walters, Chair; Brad Higbee, Vice Chair; and George Rankins. Laura Fine and Richard Reid were excused. Agenda items were discussed in the following order with resulting actions:

1. Minutes of August 17, 1995 Commission Meeting

ACTION: MOTION (Higbee) Approve minutes as amended.

VOTE: 3 Aye, 0 Nay, 2 Excused

2. Spirit Mountain Gaming Casino

Jeff Realander, Director of Gaming, and Joe Smith appeared before the Commission. Steve Barham stated after having visited the site he could report the Spirit Mountain Casino is not only going to meet but is actually going to exceed any ORC rule requirements. Mr. Barham recommended approval of OTB license request.

ACTION: MOTION (Rankins) Approve application.

VOTE: 3 Aye, 0 Nay, 2 Excused

3. OTBA 1995-96 Fiscal Budget

Ursula Gibbons reported the new simulcast policy may have an impact on the budget as presented. Steve Barham recommended approval.

ACTION: MOTION (Higbee) Approve the OTBA 1995-96 budget.

VOTE: 3 Aye, 0 Nay, 2 Excused

4. Multnomah Greyhound Park Update

Carl Wilson provided the following statistics: Total live handle is down 23.2%; total live attendance is down 16%; live average handle is down 16.2%; live average attendance is down 8.4%; simulcast handle is up 24%; total handle (live and simulcast) is down 11.6%. Mr. Wilson reported they've had the best group of puppies this year than they have had in a long time and that racing for the rest of the meet should be excellent. MGP is proud of the performance of local kennels this year, citing that both the Oregon Derby and the Kennel Championship Series were won by local kennels. In the near future management will be evaluating their plans for next year. In closing, he thanked the ORC staff for helping them throughout the year.

5. Lone Oak Racing

With two weeks left in their race meet, Lonnie Craig reported they expect the total handle for the meet will be around \$10 million, and that they are still slightly above last year on the live handle. The simulcast handle is up about 2.5% from last year.

6. Iron Halters

Steve Barham summarized the process the Board of Stewards went through in reaching their recommendation to the Commission on the resolution of this matter. In a 2 to 1 vote of the Board of Stewards, it was agreed the iron halter is training equipment, but should not be allowed as racing equipment. At the last meeting the Commission felt the decision was best left up to the Board of Stewards unless, after looking at the materials, the Commission determined the board was clearly wrong in their decision. The consensus of the Commission was to accept the decision of the Board of Stewards.

7. HBPA 1995-96 Budget

Cliff Babbitt and Ed Hagen reported there was basically no change in the budget from the one which was approved by the Commission last year. Funding comes mostly from New Portland Meadows, with the balance coming from the rest of the race meets in Oregon. Steve Barham recommended approval.

ACTION: MOTION (Higbee) Approve 1995-96 budget.
VOTE: 3 Aye, 0 Nay, 2 Excused

8. Simulcast Policy

Steve Walters stated the report and recommendations of the Simulcast Committee which was distributed to interested parties has a number of findings based on the prior policy. Following comments made by commissioners and people representing racing interests, it was suggested that a notice for proposed rule making be filed with the office of Secretary of State. In taking this action it was pointed out that (1) the Commission is not bound to adopting any particular rule, (2) further financial analysis of this recommendation can be done, (3) discussions can take place as to whether there are any changes that should be made to this recommendation, and (4) we can see if there are any recommendations that people in the industry can put together that make more sense than this recommendation. No action needed to be taken by the Commission since the executive director has been delegated authority to initiate the rule making process.

9. New Portland Meadows 1995-96 Race Meet Application

Gene Ferryman, Dave Nelson and Mike Dorough were present to discuss the following issues raised at the August meeting with the Commission:
(a) Technical - Steve Barham went through a status report he prepared for the Commission on those issues, i.e., sand on track, waste water, etc.
(b) Litigation - David Brown provided a very thorough review of the current status of all legal matters involving New Portland Meadows and the two shareholders.

At 3:35 p.m. the Commission adjourned to go into executive session to get advice from counsel. They reconvened the public session at 4:25 p.m. Chair Walters reported the Commission took no action during the executive session. He stated the Commission wants the race meet to run at New Portland Meadows on time, however, recent developments, particularly the

ruling by Judge Poyfair of Clark County regarding transfer of ownership, cause them a great deal of concern. Chair Walters proposed the following:

- (1) The application for a full race meet license be denied.
- (2) Offer NPM the opportunity for a hearing on the denial of a full race meet application.
- (3) Grant a provisional license subject to conditions the Commission would adopt regarding potential changes in ownership, management, etc.
- (4) Send out notice for a special telephone conference meeting to be held on Tuesday, September 26, 1995, regarding granting of a provisional license at that meeting. All actions regarding the NPM race meet will be taken up at this meeting.

Other issues raised by participants/interested parties:

- (a) Dark days during Christmas break. Will look to see how the purse account is doing in November to see whether it can stand two additional days of racing on December 30 and 31.
- (b) Greyhound simulcasting. Steve Walters stated the Commission would expect to see a consent by the OGA in order for NPM to simulcast greyhound signals from out-of-state. Action on this issued will be taken up at the teleconference meeting on September 26.

10. OAR 462-31-000 Through 462-39-035 - Total Rule Review of All Sections of The Rules of Horse Racing

Steve Barham went through the changes in rules as presented in draft form.

ACTION: MOTION (Higbee) Approve Rules of Horse Racing as amended.

VOTE: 3 Aye, 0 Nay, 2 Excused

11. OAR 462-39-005 - Provides for Trace Level of Sulfa Drugs in Urine Samples in Horses

ACTION: MOTION (Rankins) Approve amendment of OAR 462-39-005.

VOTE: 3 Aye, 0 Nay, 2 Excused

There being no further business, the meeting was adjourned at 6:45 p.m.