

# MINUTES

## OREGON RACING COMMISSION DECEMBER 19, 1996

The Oregon Racing Commission met on Thursday, December 19, 1996, at 1:30 p.m. for their regular meeting in Room 120C of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. Commissioners in attendance were as follows: Stephen Walters, Chair; George Rankins, Richard Reid and Tom Towslee. Vice Chair Fine was excused. Agenda items were discussed in the following order with resulting actions:

### 1. Minutes of November 21, 1996, Commission Meeting

ACTION: MOTION(Reid) Approve minutes as submitted.  
VOTE: 4 Aye, 0 Nay, 1 Excused

The Chair announced that it was necessary for Commissioner Rankins to leave the meeting at 3:00 p.m. to return to Lincoln City in order to attend a 70th birthday celebration in his honor.

### 2. Allocation Formula for One Percent Simulcast Fund and Lottery Money for Fiscal Year 1996-97

Steve Barham summarized the memo and attached proposed allocation of funds for the 1997 season. He stated he had received revised information from the Lottery indicating the dollar amount might be slightly more than the amount listed, however, he recommended no changes be made at this time.

ACTION: MOTION(Towslee) Approve allocation of funds.  
VOTE: 4 Aye, 0 Nay, 1 Excused

### 3. Consideration of Petition to Repeal Rule OAR 462-050-385 - Approval Criteria of the Commission for Authorizing Receiving Tracks

Tim Sercombe, attorney representing Lone Oak Racing, Inc. and the H.B.P.A., presented the reasons for petitioning for the rule to be repealed as outlined in their petition and related documents.

ACTION: MOTION(Reid) Direct Executive Director to file with the Secretary of State a Notice of Proposed Rulemaking Hearing to take place March 20, 1997. The Notice is to include that the fiscal and economic impact of such repeal will be the likely demise of the race meets at Grants Pass and Salem.  
VOTE: 4 Aye, 0 Nay, 1 Excused

In addition, Steve Barham recommended an Advisory Committee made up of Gene Ferryman (NPM), Dick Cummings (MGP), Al Westhoff (JCF), Rusty Vernon (OSF&E), Lonnie Craig (LOR), Ursula Gibbons (OTBA), Cliff Babbitt (HBPA), Dave Nelson (OQHRA), Jack Bennett (OGA) and Carol Bruno (OGBA) be formed to prepare formal recommendations from the industry for the hearing.

ACTION: MOTION(Reid) Approve proposed members of the Advisory Committee.  
VOTE: 4 Aye, 0 Nay, 1 Excused

### 4. Multnomah Greyhound Park 1997 Race Meet Application - continued from 11/21/96

Dick Cummings spoke on behalf of MGP and responded to some of the Commission's concerns as follows:

(a) Paddock/Lock-Up Kennel: The roof will be repaired. Walls, ceiling and floor will be treated as previously discussed with the Executive Director. This procedure will then become a part of the annual maintenance program. Regarding the kennel size, research needs to be done with other tracks to see what sizes they are using.

(b) As requested in the last meeting, MGP is requesting live race dates commencing May 3, 1997 through October 12, 1997. This would mean a 12-day expansion of their race meet involving 10 more performances. On this issue, Chair Walters recommended expansion of the MGP race dates. David Brown, attorney for New Portland Meadows, and Julian McFadden, board member of the OTBA, presented oppositions to the expansion.

ACTION: MOTION(Rankins) Approve race meet application submitted by MGP with live racing beginning May 3, 1997 and continuing through October 12, 1997. In addition, delegate authority to the Executive Director to approve simulcast program, OTB sites and certain racing officials.

VOTE: 4 Aye, 0 Nay, 1 Excused

(Commissioner Rankins left the meeting)

## **5. New Portland Meadows Update**

### **a. Update**

Mike Dorough reported their handle is still down, but down less than at last month's report. Live is down 23.8%, horse simulcast is down 1.6%, greyhound simulcast is up 9.4%, with the overall handle figure down 2.5%. They plan on expanding their exported NPM live races. Woody Mitchell gave an updated report on the track surface, primarily stating the washout area is holding up quite well in spite of all the rain we've had. Regarding the track lights, he is looking at moving a generator to another location. Again, due to the rain they have been unable to take some of the corrective measures they had hoped to by this time.

### **b. Corvallis OTB Site**

David Brown requested the Commission overrule decision of the Executive Director to recommend against approving this site. They feel it should be a track management decision as to whether or not a particular site should be opened.

ACTION: MOTION(Towslee) Approve application for Corvallis OTB site with the proviso MGP will not be mandated to continue the site during their race meet if they feel it is not profitable to do so.

VOTE: 3 Aye, 0 Nay, 2 Excused

## **6. New Portland Meadows 1997-98 Race Dates Request - continued from 11/21/96**

Dates requested were for live racing to commence October 4, 1997 and continue through April 26, 1998. The request died due to lack of motion.

## **7. Commission Meeting Dates for 1998**

It was the general consensus of those Commissioners present to approve the 1998 dates as submitted, however, Commissioner Towslee expressed an interest in having some of the meetings held in Salem.

## **8. Gary Baze, The Jockeys' Guild, Regarding Backup Lighting at New Portland Meadows**

Gary stated he was not real confident that relocation of the one generator would solve the lighting problem. It was decided to have the generator repositioned by January 10, 1997, in order for a test to be done following races that evening.

**9. Request for Reinstatement of Collette Little's Grooms License - continued from 11/21/96**  
Contact made with previous owner of the horse, therefore, issue is moot.

**10. Contested Cases**

**a. Juan O. Ramos**

ACTION: MOTION(Towslee) Approve Final Order by Default as submitted.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**b. Rusty Shaw**

ACTION: MOTION(Reid) Approve Final Order by Default as submitted.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**c. Greg Logan**

ACTION: MOTION(Reid) Approve Proposed Order as Final Order.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**d. Carrie Lawrence**

ACTION: MOTION(Towslee) Amend fine to \$250 and incorporate revised wording of No. 3 under Findings of Fact submitted by Ms. Lawrence. Approve Proposed Order as amended as Final Order.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**e. James Wooten**

ACTION: MOTION(Towslee) Impose fine of \$250. Whether or not any suspension would be warranted in addition to fine, Mr. Wooten has already served equivalent of a 30-day suspension. All other charges to be dismissed. Regarding the issue of race which was raised, the Commission did not find any evidence that Mr. Wooten was singled out because of race.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**f. James Jackson**

ACTION: MOTION(Towslee) Uphold decision of the Board of Stewards with fine of \$250.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**g. Gina Berry**

ACTION: MOTION(Towslee) Adopt findings of Board of Stewards and initiate revocation of license.  
VOTE: 3 Aye, 0 Nay, 2 Excused

**11. Schedule Telephone Conference Call for Permanent Rule Making on OAR 462-029-005 and OAR 462-039-005, Supplemental Feeds**

Telephone conference call was scheduled for Tuesday, December 24, 1996, at 10:00 a.m.

There being no further business, the meeting was adjourned.

