

# MINUTES

## OREGON RACING COMMISSION MAY 15, 1997

The Oregon Racing Commission met on Thursday, May 15, 1997, 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; Laura Fine, Vice Chair; George Rankins, Richard Reid and Tom Towslee. Agenda items were discussed in the following order with resulting actions:

### 1. Minutes of April 25, 1997, Commission Meeting

ACTION: MOTION(Reid) Approve minutes as submitted.

VOTE: 5 Aye, 0 Nay

### 2. Request for Reconsideration by Darrell and Vicki Lee

#### a. Cancellation of Existing Exclusion Orders

#### b. Reinstatement of ORC Licenses

Vicki Lee made a presentation in which she asked that her requests for cancellation of exclusion order and reinstatement of ORC license be dealt with separately from Darrell Lee's requests. It was the consensus of the Commission to deal with the requests separately.

Ms. Lee stated she felt four years was long enough to be sanctioned, and that she should be allowed to return to the track and have her license reinstated.

Mr. Lee referred to a statement which he had sent to commissioners regarding his exclusion and request for reinstatement.

Summary of commissioners' comments regarding the requests:

- (1) denial of culpability over the past four years;
- (2) the findings in the Exclusion Orders have not been addressed;
- (3) no assurances the actions which prompted the issuance of the orders will not be repeated;
- (4) past record of multiple violations of Commission orders;
- (5) suddenness of change in approach by Mr. Lee;
- (6) inadequate defense by Ms. Lee that "I participated because I was told to".

Chair Walters spoke very strongly that revocation of a license is a very serious sanction. There has been no acknowledgement of any wrong doing, no assurances past actions by Mr. and Ms. Lee won't happen again. Chair Walters stated standards are well articulated in the Griffith case regarding reinstatement of licenses. There has to be clear and convincing evidence that the person has reformed.

ACTION: Regarding Mr. Lee, in his request for cancellation of existing exclusion order and reinstatement of ORC license, de facto denial. Denial due to lack of motion.

ACTION: MOTION(Reid) Lift exclusion order for Ms. Lee.

VOTE: 2 Aye(Rankins, Reid); 3 Nay(Fine, Towslee, Walters)  
ACTION: Regarding Ms. Lee, in her request for reinstatement of ORC license, de facto denial. Denial due to lack of motion.

**3. Request for Reinstatement by Philip Petitmermet**

Michelle Petitmermet and Joe Brisco came before the Commission on behalf of her father, Phil Petitmermet, requesting that his license not necessarily be reinstated but that he be able to attend live racing. Discussion followed regarding the seriousness of the rule violation which resulted in suspension of his license. Question was raised by Ms. Petitmermet regarding her father's ability to assist in the raising of pups at the farm. The Commission suggested they contact Mr. Barham when determining what roles he might possibly be able to fill at the farm to insure there would be no violation of the greyhound rules.

ACTION: MOTION(Fine) Deny request to lift the Exclusion Order of Philip Petitmermet.  
VOTE: 4 Aye, 0 Nay, 1 Abstention(Reid)

**4. Request by Gina Berry for Reinstatement of License**

Gina Berry appeared along with her attorney, Emily Simon, who gave an overview of the treatment program in which Ms. Berry had been enrolled and the aftercare in which she is currently participating. Steve Barham recommended granting reinstatement subject to Ms. Berry submitting a clean UA, signing a written random test agreement and continued activity in AA/NA. Commissioner Fine had a question regarding the length of time since the last violation, stating there had not been a very long period.

ACTION: MOTION(Towslee) Grant reinstatement of license subject to continuation of aftercare treatment, submitting a negative UA and signing a random test agreement.  
VOTE: 5 Aye, 0 Nay

**5. Oregon Greyhound Association 1997-98 Budget**

Jack Bennett reported there were two areas where there were substantial increases over last year - in racing and in the adoption program. He also stated last year there were additional funds available, and those were used to provide farm assistance in the form of spray painting and minor repairs at local farms. Steve Barham concurred with the two program increases and recommended approval of the budget.

ACTION: MOTION(Rankins) Approve budget as submitted.  
VOTE: 5 Aye, 0 Nay

**6. New Portland Meadows 1997-98 Race Meet Application**

Mike Dorough went through the application, stating they are in discussions with the HBPA regarding purses and that there will be a maximum of two quarter horse races per day. Some of the questions raised by the Commission related to seeing a reconciliation of the purse account for the 1996-97 season, how did they go about arriving at the estimated decrease in total handle in Exhibit C, where they would be sending their live signal. Steve Barham stated end of meet reports had been submitted by the stewards and investigators, and that it is ORC staff's responsibility to get together with track management to address issues that were raised. He will be scheduling a meeting next week to go over the reports with track management. Mr. Barham recommended approval of the license subject

to similar conditions as have been required in approvals of previous license applications.

ACTION: MOTION(Fine)

Approve 1997-98 race meet application subject to the following:  
(1) Approval of officials by delegated authority to the executive director;  
(2) Approval of OTB sites, their contracts, by delegated authority;  
(3) Conditions consistent with those required in the past regarding ownership issues of New Portland Meadows;  
(4) Conditions subject to ORC end of meet reports; and  
(5) Payment of \$270,000 surety bond.

VOTE:

5 Aye, 0 Nay

Following the vote, Mike Dorough stated he would provide the New Portland Meadows 1996-97 end of meet report at the June Commission meeting in Grants Pass.

### **7. Oregon State Fair Update**

Rusty Vernon reported Lone Oak Racing was awarded the contract to run the race meet at Oregon State Fairgrounds. Given that announcement, the following item was added to the agenda.

### **8. Lone Oak Racing 1997 Race Meet Application for Racing at Oregon State Fairgrounds**

The race meet application had previously been on the March meeting agenda, however, the Commission decided to take no action since Lone Oak Racing at that time had not yet been awarded the contract by Oregon State Fair. Lonnie Craig went through the race meet application, stating they don't yet have a tote company nor do they have telephone lines installed. LOR will be racing 29 days which includes two additional weekends at the end. Live racing will commence July 26 and continue through October 12. He stated the major problem now is that they are in a bidding contest with MGP for simulcast signals. The Commission stated they were prepared to vote for a commercial race meet application and to grant simulcasting rights, however, there would be no change in the simulcasting signals already granted to MGP. LOR is free to contract with other race meets for their signals, horse and greyhound, that are not already being brought in by MGP. Regarding OTB sites, the Commission has never been in the business of negotiating OTB site contracts. Steve Barham recommended approval of the application subject to the usual conditions.

ACTION: MOTION(Fine)

Approve 1997 race meet application subject to bond amount set by ORC staff; approval of officials, OTB sites and signals, which are delegated to the executive director.

VOTE:

5 Aye, 0 Nay

### **9. Legislative Update**

Steve Barham reported HB 2104 moved out of committee on May 9 with a do pass and included account wagering. It will now go to the house and senate. HB 5026 passed both chambers.

The racing industry package was the major topic of discussion, a copy of which is attached and made a part of these minutes. Steve Barham recommended the Commission not support items 2 and 3, and stated item

4 is already in HB 2104. Comments were presented by Dave Brown, NPM; Dick Cummings, MGP; Dave Nelson, Mike Dewey.

ACTION: MOTION(Reid) Oregon Racing Commission to take a neutral position on this proposed legislative package.  
VOTE: 5 Aye, 0 Nay

**10. Harney County Fair 1997 Race Meet Application**

Steve Barham recommended approval.

ACTION: MOTION(Fine) Approve race meet application and delegate to executive director authority to approve any changes in race meet officials.  
VOTE: 5 Aye, 0 Nay

**11. Approval of Proposed Final Orders**

**a. James F. Saylor**

Steve Barham, who was hearing officer, recommended dismissing the charges.

ACTION: MOTION(Fine) Dismiss the charges.  
VOTE: 5 Aye, 0 Nay

**b. James E. Jackson**

This was a case of failure to pay fine.

ACTION: MOTION(Reid) License is suspended and will continue to be suspended for 30 days following payment of fine.  
VOTE: 5 Aye, 0 Nay

**12. Approval of Orders by Default**

**a. Vincent Arata**

ACTION: MOTION(Fine) Suspension to remain in effect until 30 days following payment of fine.  
VOTE: 5 Aye, 0 Nay

**b. Heather L. Brett**

ACTION: MOTION(Reid) Approve recommendation for suspension of license for 15 days due to her not having paid the \$200 fine within 10 days of receipt of Order.  
VOTE: 5 Aye, 0 Nay

There being no further business, the meeting was adjourned, and the Commission went into executive session to receive legal advice from counsel.