

MINUTES

OREGON RACING COMMISSION JANUARY 21, 1999

The Oregon Racing Commission met on Thursday, January 21, 1999, in Room 140 of the Portland State Office Building located at 800 NE Oregon Street, Portland, Oregon. The meeting began with hearings at 11:00 a.m. The commission adjourned for lunch and reconvened at 1:30 p.m. for the balance of the meeting. Commissioners in attendance were Steve Walters, Chair; Laura Fine, Vice Chair; Tom Towslee and Baltazar Ortiz. Commissioner Richard Reid was excused. Agenda items were discussed in the following order with resulting actions:

1. Minutes of the December 17, 1998 Commission Meeting

ACTION: MOTION(Towslee) Approve minutes as submitted.

VOTE: 4 Aye, 0 Nay, 1 Excused

2. Simulcast Requests Received per OAR 462-050-386

a. Multnomah Greyhound Park

Carl Wilson stated they are requesting the same 24-week window for simulcasting this year, from April 28 through October 11, 1999. The tote company has assured MGP that they will be able to operate simulcasting through Monday, October 11, and still be able to be set up and be ready to go at NPM on Wednesday, October 13.

b. New Portland Meadows

Mike Dorough stated they are requesting dates from October 13, 1999 through April 30, 2000, which is a similar package to what they have had the last few years.

Tom Towslee raised the question regarding Y2K issues. Carl Wilson responded by saying they had received a letter last May from tote saying they will be compatible. Mike Dorough stated they have not as yet received a letter, but are expecting one in the near future.

It was recommended the requests be approved subject to: (1) receiving assurances from the tote company they can make the move from MGP to NPM with no loss of service, (2) submission of and approval of a live race meet application, and (3) activity in the legislature, i.e., statutory changes, that may have an effect on the current rule regarding granting of simulcast dates.

ACTION: MOTION(Ortiz) Approve simulcast dates requested by MGP subject to the conditions stated above.

VOTE: 4 Aye, 0 Nay, 1 Excused

ACTION: MOTION(Towslee) Approve simulcast dates requested by NPM subject to the conditions stated above.

VOTE: 4 Aye, 0 Nay, 1 Excused

3. Multnomah Greyhound Park 1999 Race Meet Application

Carl Wilson began by stating they will commence live racing on Friday, April 30, and conclude on Saturday, October 9, with a total of 132 performances. They will begin the meet by running Tuesday through Saturday, all evening performances with 7:30 p.m. post time. Beginning on Memorial Day, May 31, and continuing through Labor Day, September 6, they will run Monday through Saturday. They will then return to Tuesday through Saturday until the end of the meet. The reason for the change is that it provides a much better rotation for the racing kennels and give their dogs more starts. MGP remains committed to live racing, starts for racing kennels and greyhounds. The OGBA has asked for a change in date for the Oregon Futurity stakes race. A couple of officials have yet to be finalized. Track superintendent has been added as an official. Along those lines, they just received notification that Ken Hansen is retiring, so his position will need to be filled and approved at a later date. The main track will be used for training purposes. Chair Walters raised a question about the elimination of Sunday racing. Carl responded by stating six consecutive days of racing is best for racing kennels. He went on further to say they are opposed to dropping the one family day of racing, however, attendance on Sundays has dropped considerably compared to what it used to be in the past. MGP has entered into a five year agreement with the OGA which covers purses, racing activities and how to deal with each other.

Steve Barham then went through the application:

- (1) Delegate authority to executive director for adding races; currently have 14 races per performance, however, sometimes may want to have 15.
- (2) Officials needing to be named: kennel master, scale clerk, track superintendent - delegate authority to executive director.
- (3) Exacta and Pick 7) wagers - delegate authority to executive director.
- (4) Noted reduction in stakes purses, which is due to uncertainty of horse simulcasting.
- (5) Satellite uplink, concession vendor, simulcast races importing and exporting - delegate authority to executive director
- (6) Carryover wagers - ORC has tried to stay away from this, however, the way in which they have formatted it with the patron being informed that they will not be able to participate on all performances, recommends trying it.
- (7) Bond amount of \$225,000 as stated in application.
- (8) Delegate authority for approval of stakes races and OTB sites

Sixteen kennels are scheduled for the 1999 season, with signed contracts from fourteen who will be in the compound and two who are grandfathered to be located at their farms. The season will begin with the fourteen kennels using the old compound. At some point during the meet these kennels will be moved to the new compound, which will house fourteen racing kennels and one adoption kennel. For the record, it was made very clear the commission will not entertain adding to the two grandfathered kennels off premises in the event more than sixteen kennels are booked.

Tom Towslee inquired about the status with the HBPA regarding bring in horse signals. The response was at this time they do not know whether they will experience the same problems they did last year. Time will tell.

ACTION: MOTION(Fine) Approve race meet application with stated bond amount, and delegate authority to executive director to approve number of races, officials yet to be named, other types of wagers, contracts, satellite uplink, concession vendor, importing/exporting simulcasts, OTB sites, stakes and purses.

VOTE: 4 Aye, 0 Nay, 1 Excused

4. Race Dates Requests for 1999 Summer Circuit

a. Oregon State Fair & Expo - August 7, 8, 21, 22, 27, 28, 29; September 3, 4, 5, 6

Steve Barham recommended approval.

ACTION: MOTION(Fine) Approve race dates request subject to timely submission of an application for issuance of a race meet license, and approval of that application by the commission.

VOTE: 4 Aye, 0 Nay, 1 Excused

b. Crooked River Roundup - July 7, 8, 9, 10

Steve Barham recommended approval.

ACTION: MOTION(Fine) Approve race dates request subject to timely submission of an application for issuance of a race meet license, and approval of that application by the commission.

VOTE: 4 Aye, 0 Nay, 1 Excused

5. Request by William A. Haynes for Payment on Lost Pari-Mutuel Ticket

As the statute clearly states an individual must provide a ticket in order to receive payment on any wager, Steve Barham recommended not approving the request.

ACTION: MOTION(Towslee) Deny request for payment on lost pari-mutuel ticket. In the future, requests of this nature are to be handled by commission staff and are no longer to come before the commission for resolution unless there is a change in statute.

VOTE: 4 Aye, 0 Nay, 1 Excused

6. New Portland Meadows Update

Mike Dorough reported a new OTB site was opened in Bend, Lava Lanes, and Umatilla reopened under new ownership. They are about halfway through the meet, and their live handle is up 21%. Horse simulcasting is up 6.4% while greyhound simulcasting is down 17%. Overall they are up just under 3%. They are beginning to see a change in betting on the live product, and pools are also getting larger.

7. Contested Case - Jody Davidson

Vice Chair Laura Fine stated the main issue the commission needed to consider in this case was whether or not there had been a violation of a commission stipulated order.

ACTION: MOTION(Fine) The license of Jody Davidson as a jockey and groom is to be revoked for having violated the commission stipulated order. Further, Mr. Davidson is to be excluded from all areas which are under the jurisdiction of the Oregon Racing Commission.

VOTE: 4 Aye, 0 Nay, 1 Excused

8. Proposed Final Orders

a. Bob W. Beckner

b. Nick L. Lowe

Chair Walters, who acted as hearings officer, stated both cases involved bute overages in which the licensees requested split samples be analyzed by another laboratory. Once received by the laboratory the samples could not be tested due to hemolysis of the blood. There was no evidence of improper administration of bute on the part of either trainer. Therefore, the proposed orders recommended dismissing the board of stewards' orders and not assessing any civil penalties.

ACTION: MOTION(Towslee) Adopt proposed orders for Mr. Beckner and Mr. Lowe as final orders.

VOTE: 4 Aye, 0 Nay, 1 Excused

c. Keith A. Rough

The issue in this case was whether or not the violation should be treated as a 3rd violation or as a 2nd violation. The proposed order determined this case should be constituted as a 2nd violation and recommended a 9 month suspension, which is 3 months longer than the usual 6 months for a 2nd violation of the human drug rule.

ACTION: MOTION(Ortiz) Adopt proposed order as final order.

VOTE: 4 Aye, 0 Nay, 1 Excused

d. Timothy J. Neal

This case with violation of rule for misuse of the whip during the running of two races. The proposed order recommended upholding the ruling of the board of stewards. Exceptions to the findings of fact were filed by Mr. Neal and were taken into consideration by the commission during their deliberation.

ACTION: MOTION(Fine) Adopt the proposed order as final order.

VOTE: 4 Aye, 0 Nay, 1 Excused

There being no further business, the meeting was adjourned.