

MINUTES

OREGON RACING COMMISSION DECEMBER 21, 2000

The Oregon Racing Commission met on Thursday, December 21, 2000, at 1:30 p.m. for their regular meeting in Room 140 of the Portland State Office Building located at 800 NE Oregon Street, Portland, OR. Commissioners in attendance were Steve Walters, Chair; Laura Fine, Vice Chair; Tom Towslee and Lisa Metcalf, DVM. David Price was excused. Agenda items were discussed in the following order with resulting actions:

1. Approval of November 16, 2000, Minutes

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

2. OQHRA 2000-2001 Operating Budget

Steve Barham recommended approval.

ACTION: MOTION(Fine) Approve proposed budget.
VOTE: 4 Aye, 0 Nay, 1 Excused

3. Requests for Reinstatement of Licenses

a. Howard Haynes

Mr. Haynes was present to answer questions. When asked if he had undergone any treatment for anger management or substance abuse, he replied that he had not. Steve Barham stated the revocation was approximately 20 years ago, and since that time commission records show that he has had a number of opportunities to correct his behavior which he has not. Based on the information provided in the investigation on this request and the reinstatement application completed by Mr. Haynes, Mr. Barham felt there was nothing provided that would warrant his recommending approval for reinstatement. He, therefore, recommended the commission deny the request for reinstatement of Mr. Haynes' license.

ACTION: MOTION(Towslee) Approve request for reinstatement of license.
VOTE: 1 Aye(Towslee), 3 Nay(Walters,Fine,Metcalf), 1 Excused
(Following the vote, Commissioner Towslee changed his 'aye' vote to a 'nay' vote)
FINAL VOTE: 0 Aye, 4 Nay, 1 Excused

b. Richard Keen

Mr. Keen was not present. When asked for a recommendation, Steve Barham stated he was going to follow the recommendation of the stewards which was a reluctant yes to reinstate his license. The conditions for reinstatement should be a negative UA prior to reinstatement and signing an agreement for random testing. During commission discussion on this request it was brought out there was no evidence to indicate that Mr. Keen has been through a program. Following discussion, it was decided to postpone action on this request until January to allow time for Mr. Keen to provide documentation on his having completed a treatment program.

c. Dan Tobin

Mr. Tobin was present to answer questions. A revocation order in 1993 was issued in which the commission directed Mr. Tobin not to make reapplication for any license and also directed ORC staff not to accept any application from Mr. Tobin. Chair Walters summarized that in light of a rule that was passed in the interim period, Mr. Tobin was now asking that the commission at least accept his application and then allow him to go through the reinstatement process. From a legal standpoint Tom Cowan, Asst. Atty. General, stated the commission did not have the legal authority to rescind the earlier final order. He went on to say the commission could simply evaluate a new application in light of the earlier final order and in light of the current rule as well as any other mitigating or aggravating factors that would be presented in the reinstatement process. If they were to do that, they would evaluate the request in light of the new rule, issue a new order and the old order would remain intact. Mr. Cowan also stated the new order might end up having different ramifications for Mr. Tobin

MOTION: ACTION(Fine)

Enter an order permitting Mr. Tobin to file a reinstatement application, and direct the staff to accept the application and to follow the process for reinstatement as outlined in our administrative rules. Once that part of the process was completed, the application would come back to the commission for consideration as to whether or not Mr. Tobin should be granted a license.

VOTE:

4 Aye, 0 Nay, 1 Excused

4. New Portland Meadows Projects Update and Race Meet Report

Mike Dorough reported the simulcast has leveled off and they are about even on horse signals, however, the greyhounds continue to be down about 10%. Overall in Oregon their handle is down a little over 6%. The live handle continues to suffer due to shortage of horses and shorter fields which have limited betting opportunities on some races. Attendance is down a little over 5% for the live. They anticipate the horse population will increase since Playfair ended their season on December 17th.

Brian Ferryman reported NPM had finally received a notice of compliance from the City of Portland over the waste handling barn renovation issue, so work on the structure is moving forward.

5. NTRA Services, LLC Third Quarter 2000 Oregon Hub Activity Report

Roger Nyquist referred to the one page printed report which was included in the commissioners' packets, making references to some of the key areas of interest. Highlights were \$4.2 million for the third quarter, up 35% from last year at this time, and current trending for the fourth quarter is even better than that.

6. Proposed Orders

a. Angela Rochelle Almond

ACTION: MOTION(Fine)

Adopt the proposed order as amended as a final order.

VOTE:

4 Aye, 0 Nay, 1 Excused

b. David B. Garner

ACTION: MOTION(Fine)

Adopt the proposed order as a final order.

VOTE:

4 Aye, 0 Nay, 1 Excused

c. Jay Ivan White

ACTION: MOTION(Fine) Adopt the proposed order as amended as a final order.
VOTE: 4 Aye, 0 Nay, 1 Excused

7. Complaints Regarding Running of the Fourth Race on December 9, 2000

Complaints regarding the running of the fourth race on December 9, 2000, were heard by the commission. Trainer Nick Lowe and owners Stan Bos and George Hurliman who had horses entered in that race addressed the commission with their concerns. The commission watched the video of the start of the race and heard from members of the board of stewards who individually presented their comments regarding the incident. After receiving the input on this incident, the commission expressed their displeasure of having an unlicensed individual being responsible for the start of a race. The commission also determined they could take no further action on this issue.

There being no further business, the meeting was adjourned.