

MINUTES

OREGON RACING COMMISSION OCTOBER 17, 2002

The Oregon Racing Commission met on Thursday, October 17, 2002, 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; Tom Towslee, Vice Chair; Lisa Metcalf, Jeff Gilmour and Todd Thorne. Agenda items were discussed in the following order with resulting actions:

1. Approval of September 19, 2002, Minutes

ACTION: MOTION(Metcalf) Approve minutes as submitted.

VOTE: 5 Aye, 0 Nay

2. OHBPA Request to Discuss Handling of Remaining Summer Fair Purse Funds

Dave Benson and Dick Cartney stated the commission had approved use of \$371,000 for fair funding to be drawn from the purse account at Portland Meadows. After the designated expenditures had been made there remained \$54,800 left over. The OHPBA is requesting that that money be allowed to be held over for use for the summer fair meets in 2003. Steve Barham recommended approval of the request.

ACTION: MOTION(Towslee) Approve the request.

VOTE: 5 Aye, 0 Nay

3. OGBA Request Regarding Breeders Trust Bonus Program

Carol Bruno was present to request release of the bonus award funds. Steve Barham went through a letter received from Nikki Boyd, deputy state judge, which was the result of a meeting she, Tom Weaver, presiding state judge, and Vince and Carol Bruno. Fifty-four percent of all greyhounds that participated in racing at MGP in 2002 were certified as Oregon-bred, which is up from the previous year. The bonus amount this year is \$187,000 to be issued to 55 participants. There were a couple of disbursements being held until clarification of some issues were resolved. Mr. Barham recommended approval of disbursement of funds with the exception of holding funds for David Strong.

ACTION: MOTION(Thorne) Approve release of bonus award funds with the exception of the funds to go to David Strong.

VOTE: 5 Aye, 0 Nay

4. Portland Meadows Update

Art McFadden and Carl Wilson were present. Mr. McFadden reported on a meeting that was held with the horsemen this morning regarding ongoing Best Management Practices set out by the EPA. The first issue deals with manure in the hotwalker areas and keeping them clean. The other issue requires that the carts which transport manure and used stable bedding to the receiving barn be covered whenever it rains. Systems have been worked out but it does require extra work for the horsemen. Mr. Wilson reported the first day of racing is this coming Saturday and is scheduled to continue through April 27, 2003, with no known perils in the way of

completing a full race meet. Work completed over the summer includes a new back fence, the training track has been redone and has a new rail, the barns have been painted, plastic windbreaks for the shedrows have been replaced, both starting gates have been rebuilt and painted, one water truck has been rebuilt and painted, another new water truck was built, the racing surface is in great shape and there will be a small gift shop in the grandstand. There are currently 767 horses on the grounds. Portland Meadows is exporting their signal to more tracks this year and the video system has been improved.

5. Multnomah Greyhound Park Race Meet Report

Carl Wilson reported the final weekend was capped with Silent Power winning his 21st race of the year and the last race of the season. This was the first year that they've finished a complete meet without a "no race". The racing surface was very good this year. The handle for the meet was down 6% which was primarily a result of the decline in simulcast horse handles from mid summer to the end of the meet. He thanked the commission and staff for their work, the kennel operators, the OGA and OGBA for their cooperation during the race meet. He also saluted Pete Smith who is retiring at the end of the meet.

6. Portland Meadows/Multnomah Greyhound Park Request Regarding RTN Distribution

System

(Commissioner Metcalf left during discussion of this item)

Carl Wilson stated this request for approval for Portland Meadows and Multnomah Greyhound Park to use the RTN system to distribute racing signals to the tracks and OTB sites in Oregon. There are eight channels of racing on a daily basis. Current monthly decoder costs range from approximately \$4000/month at the race tracks which are taking all of the signals to \$3000/month for OTBs taking multi-signals and down to \$1600/month for OTBs taking very few signals. The use of RTN would allow more signals to be offered at a lower cost which increase their ability to offer product throughout the state. The main signals will still be offered in the way they are currently being offered. This is just an additional option with some other tracks to send out to the OTBs. There are some drawbacks from the current clean signal offerings which every signal brought in is brought in on its own decoder and shown on its own TV. Chair Walters and Steve Barham were a Portland Meadows a few weeks ago for a demonstration of the system. Mr. Wilson went on to explain some of the potential problems, some of which were observed and others which could occur. There will be contracts with each track on which wagers can be placed just the same as it is now. In Steve Barham's opinion, RTN is a good television show for an account wagerer at home, one who has a computer where one can look at the odds. He does not feel that the system is made for OTB sites. A lengthy discussion took place on a number of the details that concerned Mr. Barham. In response to a comment, Carl Wilson agreed with Mr. Barham that a direct feed from host tracks (non RTN) would still have to be available to tote operators in the tote room in order to insure that the tote lock happened at appropriate times. Mr. Barham's recommendation was against the request. Chair Walters stated that RTN presents a high quality product and, while he agreed with the problems cited by Mr. Barham and that this is not a perfect solution, he would like to give Portland Meadows the opportunity to try RTN with the understanding that if it's not received well and

the problems that are incurred are too bad, that the commission could revoke their approval.

ACTION: MOTION(Gilmour) Approve the request submitted by Portland Meadows to use the RTN distribution system.

VOTE: 4 Aye, 0 Nay, 1 Excused

7. Confirmation of Next Commission Meeting - November 21, 2002

The meeting date was confirmed as scheduled.

8. OTBA Sale

Ursula Gibbons stated the sale went very well. This year it was held at Oakhurst Thoroughbreds instead of Portland Meadows. There were about the same number of horses as in the sale last year, however, more horses were sold and the highest gross they've had in six years. The average of the yearlings was up and the median was up.

9. Request for License Reinstatement by Jody Ray Davidson

Following is a transcript of this agenda item:

Walters: The next item on our agenda is a request for license, the term used is reinstatement but it's not reinstatement. It's a request for a license by Jody Davidson. Hi, Jody. And just so we're clear on the procedure we are following here, and I'd just like to confirm with counsel, at our last meeting we clarified the rule on reinstatement and there's a provision of that rule that says if you are reinstated and then revoked after October 1997 then you can't apply for reinstatement again. I think that rule affected Jody on a prior request for actual reinstatement, but we clarified the rule. The reinstatement rule only applies to the same type of license that was revoked. So, if for example you had a jockey and exercise rider that was revoked, that wouldn't prevent you from applying, for example, a groom license or something of that sort. My understanding is that the basic license that you're requesting is an assistant trainer's license, is that right, Jody?

Davidson: Exercise boy, assistant trainer.

Walters: Exercise rider, I am not clear on. Maybe Steve could clarify this for me. Did Jody have an exercise rider's license revoked the last time he was revoked?

Barham: The last time he was revoked it was a jockey's license and a groom's license.

Walters: Okay. So, that wouldn't fall under the rule. I was asking because jockey and exercise rider often kind of go together. The procedural situation is that Jody has applied for those licenses, the stewards have recommended denial of those licenses, and that recommendation is coming to the commission. If we grant the licenses that's the end of it. If we deny the licenses then Jody would have the right to a hearing before a hearings officer which is the procedure if you have a license application that is denied. I just want to confirm with our counsel that that's the procedure that we are following today.

Ramirez: That's correct, Mr. Chairman.

Walters: Now, having said all that, on the packaged materials that we have on Jody's application for those two licenses, our staff basically followed the procedure that they would follow in the case of a reinstatement given the circumstances. Jody was asked to fill out the same application that we use for reinstatement and there were people who were interviewed by the staff and we will get a recommendation from Steve as well. We have a very thick package of materials that I'm going to assume that the commissioners are familiar with. First of all, I'd ask Jody do you have any statement you want to make in addition to what's on your application?

Davidson: Just my deepest apology for any embarrassment to the horse racing industry, the horse racing community and citizens of racing. I got my deepest apology. I've learned a valuable lesson. I've been given the honors to be head riding instructor for a jockey school which is turning out very well. That's a real honor. I recently now admitted to my disease as an alcoholic, I am enrolled in a alcohol program and continue to do so.

Walters: I have a few questions of Jody and will then open it up for other questions by members of the commission. One of the things that is on your application, Jody, is that you have a pending DUI. When did you get that DUI?

Davidson: Back I 1999.

Walters: And then you were, that went into a diversion and you are on essentially a deferred prosecution?

Davidson: Yes.

Walters: But then... When was it? We have information that suggests that at some point a warrant was issued for your arrest because you weren't complying with that program.

Davidson: Yes, in 1999 when I was arrested for a DUI I went to court, was given one year to get enrolled into a program that is set by the court. I did enroll but would quit, enroll, quit. Then the last one I quit I never followed in. So, for that the court issued a violation of the deferred. A bench warrant was issued. When I got back from California I was notified of that because I reported to probation officer while I was getting enrolled into a alcohol program in Albany, OR, when I got to Mr. Gilmour's facilities. I was told to turn myself in. I drove to Vancouver, went in, surrendered, went before a judge that morning. I was offered two days in jail. I mentioned to the judge, I says, your honor, I'm in a program, I continue to stay in this program, and if you do give me two days of jail I'm going to continue my program anyway. So, he set it over to the sentencing judge. I come back in two weeks, probationary officer submitted a report stating what was going on with my progress in treatment and recommended to drop the two days as long as I continue to fulfill my obligation.

Walters: Okay. And the program you're in is the one that we have the letter from in Albany?

Davidson: Yes.

Walters: One of the applications which I think is the add-on application says that have you ever been arrested for a crime except a minor traffic violation. Yes. And you have on number 2 it's a DWI pending prosecution, and then you said have you ever been convicted of any crime except minor traffic violations and you answered that no, but you have a number 3 pending. Is that referring to the same DUI?

Davidson: See, I wasn't real sure on how to answer. I am on a probation until 2004.

Walters: With the deferred prosecution.

Davidson: Yes.

Walters: Okay, and so when you talk about that you're talking about the same thing you were talking about in terms of the arrest. Okay. Another question I have for you, Jody, is you're in this program now and you just told us that after the DWI you started a program, stopped it, started a program, stopped it. How many times have you been in a drug alcohol rehabilitation program?

Davidson: Been in them?

Walters: Yes.

Davidson: Oh, there's a few.

Walters: Well, how many?

Davidson: Probably half a dozen.

Walters: So before you got into this program now you had been in, when you've had your license suspended and revoked before for drug and alcohol problems you, I assume, one of the conditions of getting back up because you did get back up several times was completing a drug or alcohol program.

Davidson: When I chose to start this program I was not committing myself unless I had 30 days of sobriety prior to going because I've always made it two or three weeks. I made a commitment. The good lord above must have sent a signal because of God I am here living today.

Walters: My question, Jody, is how many prior drug and alcohol programs have you completed?

Davidson: Completed?

Walters: Yeah. You had to complete some to get back up.

Davidson: Yes. I completed Cronin House, I've completed Day One, I've completed (unintelligible) Treatment Center, another one in Spokane, I completed it, it was 45 days.

Walters: Okay, and then you had some that you have started and not completed.

Davidson: Well, that was just an outpatient. Any inpatient I've completed.

Walters: That's all the questions I have. Oh, actually one other and you may not know the answer to this. If you don't I'd ask our investigators. In the interviews that we have we have that it sounds as if when Bob Beckner was originally interviewed he recommended that you not get a new license, but now we have a letter of support from Bob and Teri and I assume what happened they were interviewed before you became involved in their jockey program and that their view has changed now that you've been in the jockey program.

Davidson: They were skeptical of having me their head instructor, anybody at that time was. I had not proven to them that I was good to society and trustworthy around children.

Walters: Thanks. That's all the questions I have. Do other commissioners have questions of Jody?

Gilmour: I do. Jody, are you an alcoholic?

Davidson: Yes I am.

Gilmour: And you're in treatment?

Davidson: Yes. I took full responsibility of being an alcoholic and as soon as realizing it admitted it and put myself into the current treatment center which I am in compliance with.

Gilmour: And this current treatment that you're under, what's it called? ACES?

Davidson: ACES.

Gilmour: Is this the longest treatment that you've been involved with to this date?

Davidson: Yes.

Gilmour: I've read the letter, and we've had questions about other treatment which you've been either quit or didn't complete, but this one you're still in and you've been there since February 11 of this year, correct?

Davidson: Yes.

Gilmour: I guess I have one question that didn't get a conclusion from and that was with the results of the investigative reporting that the staff has made which I take it because of the thickness it was over the whole period of Jody's career, correct? Maybe you can answer this, Steve. This whole packet's his career, correct?

Barham: No. What you...

Gilmour: Well, let me rephrase that. There is nothing new to add to Jody's file of complaints or problems since his last revocation.

Walters: Well, the DWI in 1999. That came after the last revocation.

Barham: Let me...

Gilmour: You see where I'm coming from?

Barham: If you're asking on the ruling files contained within this...

Gilmour: Yes...

Barham: If that's his entire career I think it probably is. It goes back to early 80s or actually in the 70s, so that portion would be his career. The files that we have regarding Jody up in the office are much bigger than this.

Gilmour: Okay. So that from his last revocation of a license by the Racing Commission the incident of which happened with the DUI in '99 is the only investigative criticism or thing for the record that was added to this file. What I'm trying to say is since his revocation the only citation of merit would have to do with the DUI in '99. There has not been other incidents of misconduct legally. Was that what the investigation showed?

Barham: No. He has applied for...

Gilmour: No, no, no...

Barham: Well, I don't know what you're trying to get me to say, but...

Gilmour: Well, what I'm trying to find out was is that the last time Jody had a license granted by this state and it was revoked, on his record the only incident that he's had to add to that record criminally, legally, was the DUI in '99.

Walters: I think that's right from my reading of the record, Commissioner Gilmour,...

Gilmour: I wanted to make sure of that.

Walters: ...except that he didn't comply with terms of the deferred prosecution and as recently as I believe it indicates December 2001 a warrant was issued for his arrest because he had not completed the terms of the deferred prosecution. That's another incident, but it's related to the DUI.

Gilmour: Okay, but the point I'm making is that there's only been one incident since the revocation and that was the DUI...

Walters: Except for his failure to comply with it for which he was arrested.

Gilmour: And he's in compliance now, correct?

Walters: Right.

Gilmour: Well, I would make a motion that we issue a license for Jody for his application, that it be a limited license. I don't know whether we can figure out how to do this limited license possibility but the

limited license would be a continuation and completion of the program that he's in and any failure to would be revocation of that license, and a continuation of a drug urine analysis upon any request made by an official of racing of which if it doesn't pass then obviously he loses the license.

Walters: Commissioner Thorne or Commissioner Towslee, do you have discussion? The motion has been made, so we're at discussion.

Thorne: I just have a couple questions I guess. Jody, I'm just reading through this packet and aside from just the alcoholism I'm looking at previews of rulings dating from the first one starting February 7, 1979, through February 2, 1999, and I'm just seeing lists of suspensions, revocations, incidences on the track, careless riding, more suspensions, willfully striking, a lot of stuff here which for me it's some of what I'm reading on the rulings previews really is an issue that's separate from alcoholism. Can you tell me that this whole list of altercations that I'm reading through is a direct result of your problem with alcohol and drugs?

Davidson: Yes.

Thorne: The stewards had written some statements along with their recommendation and some of the issues that they brought out were you being dishonest, incapable of following rules of racing, lack of self control, lack of integrity, drug and alcohol abuse. Can you tell me that all the issues that they've brought up lack of self control, lack of integrity, lack of respect for authority, incapability of following rules of racing, is that directly related to your alcoholism?

Davidson: Yes it is.

Thorne: You've been in the ACS program since February 11, 2002, that's roughly eight months. That's the longest time you've ever been in a rehabilitation program?

Davidson: Yes.

Thorne: What made you decide to stay in this one so long?

Davidson: That's a very hard question to answer. For one, it's finally coming to your senses and admitting all your do wrongs and where your life is headed. I was going nowhere, I was coming to a dead end. When I ended up in Albany, one of the last places I thought I would never, you know, I've been given a shot, Mr. Gilmour, and he was basically my last road. I believe when my father got to heaven he talked to the good lord and they sent the blessing to me. I'm a miracle. Miracles do exceed, and my counselor says that. All can say for the grace of God I am here today.

Thorne: There's a lot of people back here that we are associated with that don't like you much, and you're asking us to, since we don't have to deal with you on a day by day basis, you're asking us to allow you to exercise and essentially what we're saying is I know you guys don't like this guy much but we're going to let you deal with him anyway. And I guess the comment I've got is we have to be fair to everybody, and if I were to vote to grant you a license and you were to somehow foul up you would personally offend me and I guess in addition humiliate everybody on this commission if they were to vote for you. You'd be essentially humiliating us. So, if we do grant you this just understand my perspective because I'll be personally watching what you do.

Walters: Commissioner Towslee, do you have some comments?

Towslee: Your current job is to train new jockeys at Beckners farm. Is that your current job?

Davidson: I'm employed by Mr. Gilmour...

Towslee: You might clarify who Mr. Gilmour is.

Davidson: Mr. Gilmour, Jim...

Towslee: Jim Gilmour, okay.

Davidson: ...and his wife Sue Gilmour. Mr. and Mrs. Gilmour who I've been employed with since December of last year.

Towslee: Doing what?

Davidson: I take care of all the horses at the farm. I was loping all their horses, any babies that needed to be broke.

Towslee: And you don't need a license from us to do that work, correct?

Davidson: To fulfill an obligation all the way with Mr. Gilmour he'd really like me to be able to work with him at the racetrack. He believes that I'm an asset and we've had intense conversations. I can clarify with your understanding I am on a last shot.

Towslee: So the license that you're applying for is as an assistant trainer so you can come to the track with Jim Gilmour and his horses and that would be at Portland Meadows.

Davidson: And also...

Towslee: How often would you be at the track?

Davidson: Every day, and also involved with the jockey school...

Towslee: I'll get to that, Jody. So, you would be at the track on a daily basis beginning whenever this license is granted if it is.

Davidson: Yes.

Towslee: What are the duties of an assistant trainer?

Davidson: It runs the shedrow when the trainer is unavailable to be there. I am there to supervise.

Towslee: So it's pretty much what it says it is.

Davidson: Yes.

Towslee: Your job as training jockeys. That's not a Gilmour's farm.

Davidson: That's at a different facility.

Towslee: That's a second job.

Davidson: Yes.

Towslee: Is there a license required for that?

Davidson: No. Well, yes.

Towslee: You do it now, just to train.

Davidson: No, not on the farm, but to bring the students and show them what the racetrack's all about and let the see how the exercise riders and the jockeys...

Towslee: So, you would bring these aspiring jockeys to the track and you could do that under the same assistant trainer license?

Davidson: Yes.

Towslee: So, this assistant trainer license would satisfy your obligations to Mr. Gilmour and to the Beckners.

Davidson: Yes.

Towslee: Jody, you know I've been on this commission six years, buddy, and Steve's been on it twelve. This is like Groundhog's Day. I've seen this act before, and here's my dilemma. I don't that you know anything except racing. You're not going to go to school and become a computer analyst or a programmer or anything else. This is the only thing that you know, isn't it?

Davidson: Yes.

Towslee: And you continue to put us in a position where we'd have to grant you a license so you can earn a living or you're going to end up under a bridge somewhere. I feel like I've been burned here and I'm probably going to get burned again, Jody. I hope to hell I'm not. I'll vote to grant your license because I don't think there's any other way in hell you're going to earn a living except involved in horses. This is the end of the line. I've probably said that on three different occasions to you and we're right back where we started from. I'm put in a position here of denying you the opportunity to do the only thing that you know how to do and that's some involvement with horses and some involvement with racing. Well, I'm going to be on this commission for a couple more years at least and I have this feeling in the back of my mind that I'm going to see you again. As much as I like you, Jody, and as much as I respect the career that you've had I don't want to see you again. I want you to see your counselors, I want you to see your horses, I want you to see your students, I want you to see God. I don't care who you see, but this isn't where you need to be. So, I'm going to vote to do this and I feel the same way that Commissioner Thorne does. God help you if you get back in here again cause the only horse you're going to see is going to be on a carousel somewhere.

Walters: I'm not going to vote to grant it. There is no way in the world I could vote to grant Jody Davidson a license. As Commissioner Towslee has pointed out I've been on this commission twelve years. About the second meeting that I attended Jody appeared with Taylor Powell who vouched for him, he'd been through a treatment program, he'd been through prior treatment programs, his act was cleaned up and we were never going to have to see him again because he wasn't going to be a problem. During the past twelve years I don't know how many times Jody has been back telling us the same thing - he's completed a treatment program, he's gotten his life together, he's not going to be a problem anymore - and then here we came again. It was another problem, it was an assault, it was being abusive to people. You go through the list of rulings that Commissioner Thorne was referring to, it goes back to '79. I tended to discount the riding infractions, but your record, Jody, goes so far beyond that in terms of suspensions, revocations for drug abuse, for assaulting people, and maybe that's related to your disease I don't know. The record goes on and on and on. The last time we revoked you in October of 1999 it was because of an incident where you'd violated an agreement with the commission not to use alcohol, and you sat before us and denied that you'd used alcohol. We found that you had, in fact, used alcohol and that was based on the testimony that we heard from a police officer who had been called out to this episode that had caused us to revoke your license. At some point if racing is going to have any integrity we need to tell people that no, you can't be involved in racing anymore because this isn't just an employment program for people. This is an industry that depends for its survival on the public perception of integrity and on this commission maintaining the integrity. Now, I like you, Jody, you're a personal person. I have commented many times on the skill that you have as a rider, but we have someone who's completed at least six treatment programs. I'm glad you're in another one, I hope you can get your life together, I hope you can be a productive member of society. I think you can do that if you're committed to getting your life together without having a license from the Oregon Racing Commission that sort of puts our imprimatur on you as satisfying the requirements and being worthy of the public trust. But with the record you have, Jody, and the number of times you have sat here and told us that your life is different, your life is changed, this time you really are going to follow the rules, we're going to have no problems, we're never going to see you back here again, I've heard it again and again and again and again. If there ever is a case where I think this commission should draw the line and say no, this person just should not be involved in racing I think this is the poster for it. I wish you well, I hope that you have a full and productive life. Lord knows I hope that you can stick with this program, but there is no way in the world that I can vote to grant you a license. Is there further discussion?

- Ramirez: Mr. Chairman, I'd like to make a comment for I think the commission's edification perhaps, and it's a comment that reflects, I think, from the attorney's standpoint as to what the duties of the commission are. In terms of whether to allow or deny a license to any person that is an applicant for a license before the commission the duties of the commission lie primarily if not exclusively on the protection of the public and the industry that it regulates. I don't believe that it would be a valid factor if that is the only factor to consider whether to deny or allow a license whether the applicant is otherwise going to be denied an opportunity to practice a livelihood outside of the industry.
- Walters: One other comment I would add is that one of the principal grounds for denying a license is having a prior record of not complying with commission orders, rules, regulations and statutes. Most of this is rulings on that point. Again, if there ever was an example of someone who has not been able to behave in a way that results in complying with commission orders, rules, regulations and statutes it's this applicant for a license. I cannot imagine how we would ever deny a license to someone who had a record of noncompliance and came back and said that this time I really mean it if we granted this license. So, again, I'm going to vote no. Is there further discussion? We'll have the question. All those in favor of granting Jody Davidson a license say aye.
- Gilmour: Aye.
- Towslee: Aye.
- Walters: Those opposed say no.
- Thorne: No.
- Walters: No. I think the request fails in an equally divided commission. Thanks, Jody. Good luck to you.

10. Steve Barham Departure

Chair Walters began by stating this coming weekend will be Steve Barham's last working days to be followed by a two week vacation prior to starting his new position as associate coordinator of the Race Track Industry Program at the University of Arizona in Tucson. He went on to say that Mr. Barham had prepared a memorandum regarding a transition plan which basically involves the assignment of various duties to members of the commission staff for the interim until a new executive director has been hired. As far as the search for a replacement is concerned, Frank Garcia, manager for executive recruitment and diversity programs for the Department of Administrative Services, was in attendance and presented to the commission a brief verbal outline regarding the procedures needing to be followed. He stated the recruitment process usually runs about 60 to 90 days, however, with the holiday season approaching it may take just a little longer. Mr. Garcia suggested that a screening committee be established to do the initial review of applications received. Chair Walters and Commissioner Thorne volunteered to be on the committee. Chair Walters stated that this a crucial decision and everyone in the industry has a state in it. He encouraged members of the racing community to provide input as to the type of person they would like to be considered for the position.

Following are final comments made by Chair Walters regarding Steve Barham's tenure:

"Final observation I would make is I would, since I make my living by talking and I have the gavel, I'd just like to say a few words about Steve. And the first thing I'd like to say is I am just absolutely stunned that I'm outlasting him on this commission. I never ever thought that that would occur, but he's out foxed me again. As you've heard several times he's been here 17 years, I've been here for most of that which is 12 years, and to say it's been an interesting ride is an understatement. Everyone is aware of the turmoil and the rapid changes in the racing industry generally around the

country that we have felt the full brunt of being a small racing state, and then we've had our own unique problems here in Oregon during the last 17 years. I can testify personally to the last 12 years. We've had race track operators come and go, we've had race track operators sue the commission and the commissioners, we've had race track operators sue each other, we've had the EPA come in and threaten to shut down race meets and continue to play in role in that. We have had the unfortunate loss of the race meet in Salem which was a big part of racing culture and history here in Oregon. We, of course, as all places have had have had the explosion of simulcasting, we've had the competition from Native American casinos and from the casino that the State of Oregon euphemistically calls a lottery. We've had more recently account wagering and development of hubs in which the State of Oregon has not only been implementing but we've also, I think, been a leader in developing the rules and managing hubs here in Oregon. We've had obviously the day in and day out regulatory issues and disciplinary problems, some that range from matters that are important to a single individual and to others that involve the integrity of the racing industry here in Oregon. Throughout that process the commissioners have come and gone, but whatever cliché you want to use the glue that has held it together or the straw that stirs the drink on the regulatory side has been Steve Barham. He came to this commission 17 years ago with a background in government and an MBA and no prior history of racing and has grown in this job over time to which I could say, and I don't think it's hyperbole at all, that he is one of the most knowledgeable and able executive directors in this country. Obviously he will be missed and obviously we can't replace him, but we have been fortunate, this industry has been fortunate to have Steve to work with over these years. So, I would just simply say God speed and good luck to you and June and thank you for your contributions."

There being no further business, the meeting was adjourned.