

MINUTES

OREGON RACING COMMISSION JANUARY 20, 2000

The Oregon Racing Commission met on Thursday, January 20, 2000, at 1:30 p.m. 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, Richard Reid and David Price. Agenda items were discussed in the following order with resulting actions:

1. Approval of December 16, 1999, Minutes

ACTION: MOTION(Reid) Approve minutes as amended.
VOTE: 5 Aye, 0 Nay

2. Multnomah Greyhound Park 2000 Race Dates Window

Carl Wilson stated the race dates window of Wednesday, May 3, 2000 through Monday, October 16, 2000 is consistent with the 24-week period allocated for greyhound racing. 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: 5 Aye, 0 Nay

3. Commission Meeting Dates for 2001

There was discussion regarding an earlier suggestion that some of the meetings be held at locations other than Portland. It was noted that meetings conducted elsewhere often created a logistical hardship on ORC staff as well as making it more difficult for licensees to attend.

ACTION: MOTION(Towslee) Approve commission meeting dates for 2001 as presented.
VOTE: 5 Aye, 0 Nay

4. Application of Greyhound Channel, Inc. for Multi-Jurisdictional Hub License - *cont'd.* from 12/16/99

Steve Barham reported a letter and response from Ben Hayes regarding the issues the commission raised at the December meeting had been received. After reviewing the materials submitted, Mr. Barham stated that, in his opinion, all of the commission's concerns had been satisfactorily addressed. Regarding the technical review, he and Steve Roden have looked at the production operation as well as the web site where people can get past performances. Based on their observations, Mr. Barham stated he will approve the technical portion of their application. The only remaining issue is the tote. They had hoped to be able to hook up with TVG/NTRA, however, that isn't going to happen. If they go with the Amtote system he stated he was familiar with the system but not with some of the modules. So, there is still some review of the tote system needing to be done.

Mr. Hayes was commended for the timeliness of his response and for the additional information which he provided in response to the concerns

voiced by the commission at its last meeting regarding the responsible gaming program. He was also commended for the commitment Greyhound Channel, Inc. has made in the mitigation plan to study the issue, and if further steps need to be taken, they will be addressed in the operating plan which will be part of an annual review of their license.

ACTION: MOTION(Fine)

Approve the two pieces remaining for commission approval, the responsible wagering portion and the mitigation portion of the operating plan, and continue the delegation to the executive director to review and approve the technological portions.

VOTE:

5 Aye, 0 Nay

Discussion followed regarding the process for approving future applications for hub licenses from the standpoint of providing industry representatives with general information regarding the applicants. It was stated certain information is understandably confidential, however, other parts of the application would be public information. In the future, commission staff will post on our web site notification of receipt of any application for a race meet license or any application for a hub license. That way people wanting to know of significant actions pending before the commission can go to the web site, see what has been received and can then make the necessary inquiries to obtain any public material that is available. It was also suggested that a sanitized version of the application be made available for staff to provide when requests for information are received.

5. New Portland Meadows Update

Mike Dorrough reported the grand total handle is just up under 1%. Live handle instate is down 10%, export live is up almost 15%, and attendance is up about 3%. The horse simulcast is a little above water, but greyhound simulcast has begun to trend downward. In response to a question about the status of the EPA situation, Brian Ferryman reported at this time they are still under negotiation with them. He's hoping the process will be completed within a month. This would allow NPM to take their plan regarding containment of the water and hooking up to the city sewer system and get that process going with permits. In response to a question as to how the landowners fit into the whole EPA situation, Mr. Ferryman said NPM was negotiating with them because they believe the landowners probably have to sign off on whatever plan they have. He went on to say things were still under negotiation, and he was not prepared to go public with the current status. Regarding the races themselves, the fields are shortening up and there have been fewer races per performance. Several horses have left the state, and there has not been an influx of new horses.

6. Contested Cases

a. Ronald M. Floyd

The commission found that Mr. Floyd did violate the cited regulations, specifically two factual findings. There were a number of issues that came together to cause the tragedy of six dogs dying when they arrived in Florida. Two stood out to the commission. (1) The only nourishment they

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received was one milking in a 58-hour period, and the commission found that grossly insufficient. (2) The commission found that the dogs were not, in fact, turned out at the Tomberlin farm. This meant that the dogs remained in their holes for a 58-hour period, which the commission found again that this was grossly insufficient. The decision of the commission was to revoke the owner, trainer and kennel owner licenses of Mr. Floyd. They stated they were not taking action with respect to his farm owner license, but were instituting a \$500 fine for each dog that died as a result of this trip, or a total fine of \$3000. Chair Walters said this was a very difficult case. The commission considered very carefully evidence of Mr. Floyd's good reputation, clean record and contributions he has made. Weighing against that were the issues cited earlier which were grossly negligent in the handling and the transporting of these dogs which resulted in a severe tragedy that potentially has very serious consequences not only for the dogs and Mr. Floyd but for the industry as a whole. It was a violation that was very disturbing to the commission and prompted the action they took. Commissioner Fine added that it was a very difficult decision to make. She stated Mr. Floyd was not, by this ruling, in any way restricted from transporting dogs in the future because that is not a licensed activity; however, she went on to say he would be doing so at his own peril at this time given this precedent. The commission strongly urged him to consider refraining from that activity. The commission understood that even under the best of care and under the best of circumstances dogs can perish from disease and all sorts of things, conditions that nobody can predict. The freak accident can occur. However, given that this occurrence had taken place with him he would not receive the benefit of any doubt if such an occurrence took place in the future. Commissioner Towslee reiterated that this was a tragic situation, and what was even more unfortunate was that Mr. Floyd was the one who suffered the death of the six dogs. He believed it probably could have happened to anybody who transported dogs in the manner in which Mr. Floyd did. Commissioner Towslee challenged the industry and the board of judges to take the lead in developing rules for how dogs are transported. He went on to say that when these rules are presented to the commission for approval, one of the things he would be looking at would be reporting the deaths of dogs. Mr. Floyd did the right thing by calling the judges and reporting these deaths. That doesn't happen in every case, however, it should. He hoped the new rules would address that, along with setting some standards regarding how often dogs should be fed, watered, turned out and exercised on a trip of that length. Impose a fine of \$500 for each dog that perished and revoke the licenses of owner, trainer and kennel owner held by Mr. Floyd.

ACTION: MOTION(Fine)

VOTE:

5 Aye, 0 Nay

7. Proposed Final Orders by Default - S. Barham, HO
a. Al Young

The proposed order recommended the matter be referred back to the board of stewards to provide adequate notice and opportunity for a hearing on the violation of the interim owner license rule.

ACTION: MOTION(Fine)

VOTE:

Adopt the proposed order as final order.
5 Aye, 0 Nay

b. Julie Lange

The proposed order recommended the matter be referred back to the board of stewards to provide adequate notice and opportunity for a hearing on the violation of the interim owner license rule.

ACTION: MOTION(Fine)

Adopt the proposed order as final order.

VOTE:

5 Aye, 0 Nay

c. Jimbob Whiteside

The proposed order fined Mr. Whiteside an additional \$100 for having not paid the initial fine of \$50 within 10 days of the order. His license is suspended from the date of the order until 30 days following receipt of payment of the fine.

ACTION: MOTION(Towslee)

Adopt proposed order as final order.

5 Aye, 0 Nay

There being no further business, the meeting was adjourned.