

# MINUTES

## OREGON RACING COMMISSION OCTOBER 19, 2000

The Oregon Racing Commission met on Thursday, October 19, 2000, for their regular meeting in Room 140 of the Portland State Office Building located at 800 NE Oregon Street, Portland, OR. The meeting was called to order at 10:00 a.m. for the scheduled hearing. 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; Vice Chair Laura Fine, Tom Towslee, David Price and Lisa Metcalf, DVM. Agenda items were discussed in the following order with resulting actions:

### 1. Approval of September 21, 2000, Minutes

ACTION: MOTION(Towslee) Approve minutes as submitted.

VOTE: 5 Aye, 0 Nay

### 2. OTBA 2000-2001 Fiscal Budget

Ursula Gibbons asked for approval of fiscal budget, expenditure of breakage and administrative service charge. Steve Barham recommended approval.

ACTION: MOTION(Fine) Approve budget as submitted.

VOTE: 5 Aye, 0 Nay

### 3. OGBA Request to Review Formation of New Corporation Named OGA, Inc

Vince Bruno and Skip McKallip, attorney for the OGBA, represented the request by the OGBA. The commission received two letters from the OGBA, the most recent from Mr. McKallip dated October 18, 2000, in which they voiced some concerns regarding the formation of a new corporation by the OGA. Following discussion on the matter, the commission directed Steve Barham to write a letter to Jack Bennett of the OGA asking him to prepare a response to the issues cited in the letters. The commission saw no need to take any further action at this time.

### 4. NTRA Services Operational Plan Request for Proposed Changes

Roger Nyquist, NTRA, and Brad Higbee, TVG, were present to discuss two proposed changes. The first was to change the operating plan with respect to their credit card policy along the same lines as the commission recently approved for the Greyhound Channel. Steve Barham recommended approval on a consistency basis.

ACTION: MOTION(Towslee) Approve of request to change their operating plan with respect to their credit card policy.

VOTE: 5 Aye, 0 Nay

The second request dealt with their cooling off period. They would like to clarify cash and debit card as being the same thing and would like funds from debit cards be available to the account holder immediately the first time they would access in a given day. In the event they would deposit funds a second time on the same day, they would hold in place the cooling off period and not make funds available until the following day. Steve Walters stated that this was a sensitive subject in that the cooling off period

has been something the commission has touted as an important part of the responsible wagering features of the operating plans of hubs in Oregon. He went on to say that with this proposal as it is presented and with the analysis of Dr. Barrett, clinical psychologist for TVG/NTRA in their Responsible Wagering Program, he was satisfied that this request is a reasonable business change and not one that represents a significant departure from the commission's commitment to responsible wagering.

ACTION: MOTION(Fine) Approval of the request.  
VOTE: 5 Aye, 0 Nay

## 5. New Portland Meadows Projects Status Report

Following is a transcript of the discussion on this agenda item.

Ferryman: Chair Walters, Brian Ferryman, New Portland Meadows.

Mitchell: Woody Mitchell, New Portland Meadows.

Walters: Do you have a report?

Ferryman: Yes. As you know, we are starting live racing tonight.

Walters: Right.

Ferryman: Yes, we are looking forward to it. At this point the barn area, we're down to two barns to be completed. Actually we have one that has a partial signoff on.

Walters: Is that Barn 10?

Ferryman: No, Barn 12.

Mitchell: B.

Ferryman: Well, 12B has 20 stalls approved at this point. Barn 12 has eight corrections which are relatively minor corrections. But other than that there will just be the remainder of 12B and Barn 8 and then we'll be done.

Walters: Is 10 approved?

Ferryman: Yes.

Walters: 'Cause I was there on Tuesday and Dave was hustling to try to get that one ready to be approved. So it's been, he said the inspection was coming up and so now it's approved?

Ferryman: Correct. And he gave me a report today and he thought it would be about three weeks and we'd be done with the remainder.

Walters: How many stalls do you have now available for horses?

Ferryman: A lot.

Walters: I'm not talking about number of horses. In terms of total number of approved stalls where the work has been done, where work was required, what's your stall capacity?

Ferryman: Seven hundred and change.

Walters: Is it?

Ferryman: Yeah.

Mitchell: There's over 700 stalls available.

Walters: Okay.

Ferryman: And, so that's going really well. So, within three weeks we should be done with that project. And then on our waste transfer station we did get a foundation permit. We've been working with the contractors to have them get started on that. We've done the subgrade, we've brought in 250 yards of different type of rock product to bring the subgrade up. They're going to start drilling the pole holes on Tuesday, so there will be lots of activity going on within the next week or two.

Walters: And in terms of the timeframe for completion of the waste handling facility, what are you looking at?

Ferryman: Well, if we can get the remaining building permit, we have a foundation permit now. I had to get a operation and maintenance plan recorded today with the Multnomah County and I have to deliver that this afternoon to the City of Portland. That'll be the last signoff with BES and as soon as they sign off, then the plumbing division will look at it, it's really not that big of a deal because all it is is a catch basin that has a sump pump that will pump any liquid that goes into that into a 500 gallon holding facility. So, it's pretty simple idea. We've been advised that, you know, as soon as he looks at it then we're done.

Walters: And once you get that final signoff, what's the timeframe until you think you can have completed?

Ferryman: Where we're at with the foundation is Tuesday they're going to start drilling the holes. It'll probably take them two days to drill the holes, which is Tuesday, Wednesday. They're going to try to have, the engineers, Alliance Engineering, come up and inspect the holes because they have to be inspected by the engineer first, and then the city of Portland will inspect, and then they will set all the poles. They'll put a rim around the bottom of all the poles so the poles will become part of the foundation, and then they will pour the slab. The last time I was before you we had to put rebar in the slab, and they've come up with some kind of new technology where they put some type of metal shavings or something within the concrete itself and it hardens at, like it had rebar in it. It's like 70 pounds per yard of some kind of whatever the material is. Anyway, they're going to do that and it makes the job go much faster.

Walters: How much, I mean, where Barn 4 used to be is kind of right there in the middle of barns where there are horses on both sides. What will be the level of construction activity and how is it likely to interfere with the stabling and training of horses that are there?

Ferryman: There will be one day that there will be impact on training and that's the day that we have to pour the slab. The engineers have required it to be a mono-pour or one day pour. There can't be any expansion joints in it because that would allow potential waste to go into the ground, so there will be that day. We're going to try to plan it where it can be on a Monday, so maybe we can train on Sunday and close the track on Monday, you know...

Walters: But why do you have to close the track?

Ferryman: Because there will be concrete trucks lined up for two miles. It's 350 yards, I believe, of concrete that will make the slab, and you can do generally I think it's 8 yards an hour. No, I'm wrong on that. It's going to be 7 hour pour is what they advised me, so...

Walters: Let's just go back a little bit. Once you finish the barns that have yet to be finished and approved, what will be the total stall capacity at that point?

Mitchell: About 875.

Walters: Eight seventy-five. Okay, right. Where else are we?

Ferryman: Well, I think those were the two big topics as far as update, I believe.

Walters: Let me ask you just a few questions and let other members of the commission ask questions as well. First of all, Steve Barham as Woody knows has been tenaciously walking the rail, and...

Mitchell: Kind of an understatement.

Walters: Yeah, I know, but...

Barham: At least not on it. Tried that one time and broke it.

Walters: A few years ago.

Barham: Not this one.

Walters: Steve said that, Woody, he'd had a conversation with you yesterday afternoon about some remaining repairs that need to be done. Where are you on those?

Mitchell: Okay. Yeah, about 4:30, 5 o'clock when Steve and I met yesterday afternoon he actually took me out there and showed me his concern, and what it is I guess you call it the bounce board if for a definition, it's the, you have your rail, you have your face plate on your rail and the piece that hangs down. Well, everywhere you have a gate that's an actual moveable section then you have an area where it is not fastened solid. So, with, and the gates are 10 feet wide, so you get some deflection in them. So, what we've had to do is go along and add some kind of a strip or something to make sure that the level is there. That's what we're doing right now. There was some of them because of age we did, we do all this, it's actually a routine maintenance thing. It's not something we do just once a year, you know, just because we're starting up, it's actually something that we periodically go throughout the race meet and check those things and add, take away, whatever it takes because the thermal expansion, settling and other things. And actually when they get bumped, I mean, they can be knocked out of alignment just like a car door or anything else it can be damaged. And so that's what we're doing as we speak right now. I told Steve I just got, I called Jim or James Easley to make sure that, you know, that there were still some concern about that and that's what they're out there doing right now.

Walters: I thought there was, and maybe a related issue or maybe the same issue, there's an issue with various brackets and whether or not they...

Mitchell: They're, they were, they're putting all them on or double checking everything as we speak. They're actually a clamp, a C-clamp that goes underneath that holds that board down, holds the bounce board down to the actual support.

Walters: And as I understood that there was a concern about protecting those with some sort of foam or something of that sort...

Barham: Foam is between...

Walters: Between?

Barham: ...the post and the bounce board...

Mitchell: Right.

Barham: ...which is what he was talking about.

Walters: Okay, okay.

Mitchell: It's basically, I think, and I appreciate Steve's concern, and I mean Darrell is here, I appreciate anyone's concern with the scrutiny of the rail because obviously we don't want somebody getting hurt, but like I said those guys are out there and if there is a concern and you point something out that we can adjust, it's kind of a, you know, it's a mile track. There's a mile of that rail and you do the very best you can keeping it within, and like Steve indicated maybe a quarter of an inch or a half inch. What Steve's concern and my concern is and it was the concern of the people when we installed the rail any time you set something up if you have the, you can't, you don't want to have an inch or two inches or three inches that someone could slide into and cause an injury. And so that's the reason we go around and shim it up with foam, and it's not as, it's a high density foam, so I mean, it holds it in place, it's not something that just, it allows it to float, but it's something that you have to constantly maintain, it's not something that you fix today and it'll be that way 6 weeks from now.

Walters: And this work will be done before the...

Mitchell: Oh, yes.

Walters: ...before the gate opens?

Mitchell: It'll be done before the race meet starts, before we have the 5:30[sic] post time tonight.

Walters: And the condition of the track, how's that going?

Mitchell: I'm satisfied with the condition of the track. If you've got just a second I'll take just a second of your time. We started a track committee this year. Unlike what I should have been doing in the past we have about half a dozen people that showed up. We had a meeting, it took about an hour, hour and a half. It was a very good, all the topics or all the suggestions and everything that was said was very well taken I think by all the participants.

Fine: Who were the participants?

Mitchell: HBPA, Dick Carney was there, Jim Ferguson and Steve Fisher, Steve Barham, James Easley, myself, Jerry Kohls, and we sat down...

Barham: And Marijo Terleski.

Mitchell: ...and Marijo Terleski, I forgot the jock, yeah. We all sat down, we talked about the condition of the track, and unfortunately, or fortunately however you look at it, the consensus is today the track's okay. It's called good. But that's not where I'm concerned. I'm fairly confident that the track is in good condition right now because we did a lot of work on it. What my concern is we're at 400 and I'm going to say 439, I don't know, maybe a little more, horses on the backside right now. There's going to be a tremendous horse shortage this year. We already have a nice four horse field going out Saturday with an entry. So, I'm just saying that with that happening to us we have to protect the animals and the riders and everybody else involved, so what I've tried to set out as a goal is how can we get some kind of a handle on the track's okay today. Let's keep some kind of a guidance on when the track, what happens in the middle of November, first of December, January. I want to know if we're causing things to happen to our horse population that we could avert if we were doing something different. The other thing that was brought up is that the concern is in referring to the sand as being totally worn out or contaminated or this type of an approach. We've made a suggestion in that committee that we take and put out four test plots or five or three or whatever we decide of material that we might potentially in the future want to use as a base, or I mean, as a cushion on the race track, sand surface, and we're going to take a test spot someplace on the property, we're going to build some kind of a containment for four or five different types of sand, we're going to fill it up, we're going to let it sit through the winter, I mean, and periodically people can go out and walk on it, check it, see how it's draining, I mean, we're all going to have to put our heads together to try to figure out how we can set up a test plot for this. But I think it's a good, it's a very good suggestion that came out of that committee meeting. So, I think that there was a right atmosphere in that meeting, and I sympathize with the horsemen because Jim Ferguson's an excellent trainer, Steve Fisher, excellent trainer, and you know like they said two years ago, well maybe ten years ago, he said this wasn't an issue. We had, I have 20 horses on the grounds and I had 10 in a pasture. I could rotate my string anytime I wanted. Now I've got 16 horses in here and that's all I've got to work with. I can't give horses time off when they need it, I mean, I, you know, so the, with that shortage they're asking that animal to go an extra mile, so obviously what, the first thing that's going to happen is what can you do to make it better for that animal? So the race track surface is going to be getting a lot of more critical looks and critical overviews, and I tried to take the position that it's, the animal gets injured or becomes sore or things happen to him it's not only the race track's influence it's the training programs that we use, it's the events that you ask this animal to participate in, it's the overall thing, the program, so I'm willing to work on the side of the race track surface and they're obviously willing to work on their training side of it, so I think we can, you know, we're going to meet once a week every Wednesday at 11 o'clock and I believe throughout this year we're going to learn a lot and hopefully by the end of this year we have saved our horse population somewhat and maybe we, maybe we've actually discovered something that we can do better. I don't like to compare our track to another track, but Emerald has went through a tremendously difficult time with that, ever since the start-up, they've added to, I don't think you can call it resurfacing their track, at least three major renovations to it, and they're still, they had their worst record this year. And it's not because those people aren't trying, it's not because the trainers aren't doing a good job, it's just that the horse population is suffering because there is such a shortage.

Walters: When I bumped into Brian on Tuesday as I was leaving the backside he pointed out that while you're not going to put sand on there just for the sake of putting sand on there, that's certainly something you're willing to do if it becomes necessary.

Mitchell: Right. You know, that was the consensus of the group that was in there, that just adding sand to it isn't the solution and I believe that that was the consensus, in other words, just throwing more material at that race track is not necessarily the answer to it. I mean, I don't, we've never been opposed to adding sand. The problem is it's just like if you, one of the points of the discussion was let's strip it all off and add something else, and I said I was not comfortable with doing that and I'll tell you why, because I don't know what to add back. I honestly don't, because I might find myself in the same position three weeks or a month and a half

from now if I strip that thing down to the hard base and put six inches of new sand on it I might be having the same discussions that I'm having today because I don't know what type of material to add.

Walters: But if sand is called for...

Mitchell: Right, that's not an issue.

Walters: Okay. A couple more questions then I'll let other commissioners ask questions they have. When Steve and I were walking around on Tuesday we looked in a lot of the stalls that had been completed. A lot of them looked fine although there's another issue that I'd like to talk to you about in a minute. Some of the stalls, and Steve at least identified them to me as earlier stalls, had situations where there were gaps at the bottom of the stall, there were some metal brackets and that type of thing that looked to me, my untrained eye, as something that a horse might get in trouble, get a leg jammed underneath or get cut. Some of the brackets were down at a level that it looked if a horse sort of backed in and jammed a leg underneath it you might cut the back of the leg or the hock or something like that. Are you guys going around looking at stalls like that where you might need to do further repairs to make them inhabitable for horses? A couple of them appear to me to be occupied but I wasn't sure because there wasn't a horse in them at the time.

Mitchell: Dave Duke, who kind of headed up our construction, has been going around and doing just, making those necessary repairs that were suggested to us prior to, and I'm not saying there isn't one out there or two that hasn't been repaired, but yes, we are. That's an ongoing thing. If somebody brings that up, it will be taken care of.

Walters: And that's something you're committed to doing.

Mitchell: Right.

Walters: The last question that I would have is, again you learn a lot by just spending a little time back there, and I was struck by the amount of work and material it takes to take a stall from one of the ones that you folks have rebuilt and it looks perfectly nice inside except for the floor of the stall, which is dented and requires a lot of dirt, requires a lot of new material in there. Most of them require webbing or a gate or some folks seem to be using chains or something of that sort, and one figure quoted to me and I don't if it's accurate or not was that it's costing horsemen about \$200 a stall to get them ready to put a horse in. And a question I raised with Dick Cartney before the meeting, and I suppose I'd raise with you, it would seem to me that it might be a very appropriate use of backside improvement fund monies to help horsemen defray some of those expenses, particularly given the fact that you don't a whole lot of horses on the backside now. I don't know if there are folks who are not willing to come in or don't feel like they can afford to come in with a full string of horses because they're going to have to spend a whole lot of money per stall getting it back to the point where it would have been if you hadn't had to get everybody out over the winter, or over the summer and rebuild. Is that something you folks would be willing to consider and look at?

Ferryman: Well, I think we'd absolutely look at it, but a lot of horsemen would just as soon have a chain or have their own kind of gate in front because they all have their preference.

Walters: Oh, I understand that. I was talking more about using some of that money to help defray the expenses, I mean, so much per horseman, something like that, and of course then the horsemen if they wanted to put a better material on or something like that they'd be free to do to that.

Ferryman: We would be willing to look at that.

Walters: Okay, thanks.

Mitchell: One of the things in walking around that you obviously were aware of is a lot of the fronts on the barns, you know, we have a lot of work that needs to be done. We've tried to make the material available. I've tried to, you know, it's unfortunate that the property is in such dire straights so to speak because we have made a vast improvement on it, if you get it to a runnable situation right now. Our full intentions are after Barn 8, or actually will be the last barn completed, we plan on, I plan on continuing the same program we've got going today only I'll be able to dictate and dedicate a little more effort to straightening up some of the things we've left behind because there is, and I've received an awful lot of cooperation. One thing that I will say that I can think of a lot of our trainers that have come up and asked me for things, and I went to Dave Duke and he's tried in every way to oblige some of their requests. I mean, I could go through and take the McCoys, Hurley, everyone that's asked us we try to do what we can to make it, because it is an ugly situation out there that we've tried to make a real runnable situation out of, and it does look much better. But we're going to continue to replace fronts on

barns, and there's tack room doors, there's, some people do prefer doors on their stalls, some do not. So, I mean, it's just something I guess if people will just ask I don't think there's, they've ever really been told that we're not going to support whatever position it takes.

Walters: I hear you and I appreciate that. My question was just if something, it struck me \$200 a stall strikes me as something that would be, it that's a proper number and I don't know whether it is or not...

Mitchell: I don't know either.

Walters: ...but that that is something that could be pretty intimidating to a horseman who was considering whether or not to come there. I mean, it's because you hadn't had the, to tear down the barns and redo them in the past is it's expenses that they didn't have to incur, and when we have a situation where we're concerned about the number of horses there that would strike me as a deterrent to folks coming, and I appreciate your willingness to talk about that and maybe talk with the HBPA and with Steve and whomever to see if we could sort of ease a bit of that pain for the horsemen and women out there. Thank you. Other members of the commission have questions or comments?

Fine: Mr. Chair?

Walters: Commissioner Fine.

Fine: I think it's wonderful that you have a track committee. Did you say they're meeting weekly?

Mitchell: Yes.

Fine: And is everyone on the backside aware of the existence of this track committee?

Ferryman: We had a general meeting on Tuesday with the horsemen and it was talked about, so the ones who choose to participate know about it. So, I don't know if everybody knows.

Fine: Is it your perception that everybody feels invited to participate?

Mitchell: Yes.

Ferryman: They were invited at the meeting.

Fine: Great. Are you going to post notices about when or where you're meeting so that...

Ferryman: Well I don't know if it's going to be a general meeting, you know. I think that it needs to be a focus group. I think that the more people you have it becomes more difficult to come up with a good solution.

Barham: If I could just maybe clarify a little bit. I think the track committee is a committee that is basically between the race meet licensee and the HBPA. The HBPA, Dick Cartney is the one that talked to me the most about it and invited me and called me up and said will you come to this thing and I know talked to horsemen, and we met in the HBPA trailer. If you've been there you know that you're not going to have the entire backside there. I think you need representation from the trainers and from jocks. I want to attend. I'm also looking at different times having stewards or veterinarians attend. The committee, in my opinion, just got started and the consensus of that group, and I checked at the very end, that just adding sand to the track is not going to do anything. The track right now, I think Woody called it okay, the horsemen were actually saying it's probably pretty good right now. The concern is not now, rather November, December, January, February which historically has started causing the problem. The problem, the additional problem we run into is dumping sand on it now or stripping it down and dumping sand on it right now, it's too late, folks. I mean, you don't, that should have been done back in May if in fact you were going to do it. So, Woody had the concern that okay, if I strip it down what do I put on it because that could be wrong, too. That's when we came up with idea of actually testing some material. The horsemen were basically saying what we want is that sand that you have at low tide on the Oregon Coast. You walk down through that and you'll get an idea of what they're talking about. You walk out on the track right now, you ain't got that, okay? That's really where it is, and...

Walters: Why don't you get a truck and head for Newport?

Barham: Yeah.

Ferryman: I think Governor Kitzhaber would get mad at us for digging up the...

Fine: My concern is that we address any concerns of horsemen and make sure that, I think it's a great idea to have the committee. Obviously it has to be a small enough size that you can actually get something accomplished, but I wanted to be sure that you feel that it's truly representational and that everybody on the backside knows about it and has a way that they can have a voice on this committee, that they're aware of who they would go to to voice concerns, that there's some mechanism in place to make sure that this accomplishes the goal that you intend it to.

Ferryman: And maybe the best person for that and to address that to would be their representative with the HBPA.

Fine: I think you're right, and knowing how much they're involved in it I am pretty confident that the backside is going to be represented. Thanks.

Walters: Other questions or comments?

Metcalf: Mr. Chair?

Walters: Commissioner Metcalf.

Metcalf: Woody, after last month's discussion about this track I asked, you've been very commendable about putting together the committee, do you have a footing expert on this committee who not necessarily knows what's going on in the northwest, we're in a prime area to with our weather conditions to have some new things, but have you consulted some of the national people who are actually footing experts to help form some of these recommendations for the footing?

Mitchell: Okay. On our committee, no, there isn't. I think one of the consensus from our committee is that, maybe it's only my own personal opinion, but one of the things I have learned is that unique to our situation is our climate and with that it's difficult to take someone out of another environment such as California or even the tracks back east and have them be able to understand the climate change and what we go through. So, no, there's no one on the committee. In the past there have been people from California involved and I believe there was an individual from New York at one time involved in the problems associated with the racetrack surface at Portland Meadows, but right now I actually feel that the committee has within itself the tools to work with to figure out what's in the best interest of Portland Meadows and actually in the best interest of horsemen and the horses that are at the track.

Metcalf: So, you are going to do some sample areas during this winter to see how different footing...

Mitchell: As soon as we get this race meet underway, when we have some time we're going to pick out a spot and we're going to throw down say four or five strips of different types of material and try to recreate what you would see if it was on the racetrack surface. And then we're going to leave it set there and then on period times I'm assuming that our race track committee that meets every Wednesday depending on the weather conditions, etc., we'll probably all take a walk out there and walk across our four or five samples and make comments and try to keep notes and try to understand what we're visualizing and what we're seeing as the test period goes along. We may discover a, maybe a particular sand that meets all of the criteria that people are looking for.

Metcalf: Also, along the same lines as long as you're considering the footing for the track, also the footing for the stalls when I went and visited there. If you remember, these horses stand for 23 hours a day in those stalls and so I also find it wonderful that you are open to suggestions, too, if it's \$200 a stall that, that people come with their concerns there because we equally have to consider what the horses are standing on for the majority of the time.

Mitchell: And I agree 100 percent on that.

Walters: Other questions or comments? Actually, just a couple more. Are the repairs to the jocks' room done?

Mitchell: Yes.

Walters: How many jockeys do you have?

Mitchell: We have enough to fill our card for tonight. I know one of them, Joe Crispin's not riding. I think it'll probably be just around 12 or 15...

Barham: Ten.

Mitchell: Ten? I was going to suit up tonight.

Ferryman: Are you sure. I heard there was 11 yesterday.

Barham: I believe...

Mitchell: Crispin isn't riding...

Ferryman: ...[unintelligible] Crispin...

Barham: Yeah. One is not coming and that was somebody other than Crispin when I was talking to Jerry Webb. The information I got from Bob Blair today, it would have been probably 6:30 this morning, there's 423 head of horses on the barn, you've got 10 riders, there may be another one or two coming in after this weekend or maybe on...

Walters: I hope so with the ninth race on tonight. We have 11 entries, so...

Fine: Mr. Chair? Provisional license, please?

Walters: Ah, yeah. Okay. Thank you very much, gentlemen. I appreciate the report and you answering all out questions, and good luck on a successful opening night. I hope to see you this weekend out there. Thank you.

## **6. Multnomah Greyhound Park End of Meet Report**

Carl Wilson reported they ended the race meet on a pretty positive note with a nice closing weekend. They were complimented on a number of the changes they made this year in order to make the facilities more user friendly to patrons. The new compound was well received. The big disappointment was the 6% decline in handle, however, the attendance was up approximately 4% based on their estimates. The adoption program has really flourished this year. They currently have a lot of adoptable greyhounds, and the first adopt a fast friend day during the off-season will be on this coming Sunday. Mr. Wilson also thanked Fred Van Horn, Merrytime Tavern, for having been an off-track site in Astoria that has always been supportive over the years. They have decided to discontinue that operation at the conclusion of the MGP race meet.

## **7. Action on Flunixin Cases Hearing**

Following is a partial transcript of the rationale for the commission's decision on these cases.

Fine: We had the matter of three different individuals that was brought up for our consideration by our judges and presented very difficult issue, this was the flunixin cases. It was difficult in that it was very clearly a violation of rule but it was just as clear that this was not an intentional violation by any of the three named individuals. In fact, the three named individuals cooperated fully with our staff who conducted a very thorough, very excellent investigation of the circumstances of how the substance, which is a prohibited substance, came to be found in so many positive tests. However, after deliberation we unanimously have agreed that the absolute insurer rule dictates the outcome of these cases, and while the fault of the contaminated meat seems to lie with the producers, the responsibility for its presence in the tests of these greyhounds is ultimately the responsibility of the trainers. We considered that there's a lot of economics involved in this situation. It's very expensive to run and maintain the greyhounds, and in the course of making decisions trainers and people in a position to make a decision about what food is given to greyhounds are opting to use 4-D meat. Using 4-D meat opens up a door to a lot of potential risks, and in doing the economics of what food one chooses to feed I think that what we determined is you have to consider that included in the cost of a less expensive food you have to factor in the potential cost of fines and the return of purses that could have been won because when you buy these 4-D meats it's a crap shoot, and you're getting whatever you're going to get in that, and it's not just limited to substances that are controlled and could cause you to lose a purse or be fined by the commission it's exposing the greyhounds to potential health hazards, it's exposing the handlers of the food to salmonella poisoning, e-coli, and a host of other types of health considerations. So, it's our hope that as a result of the

excellent investigation that brought this to light we can be looking in the future to exploration of alternative means of feeding dogs. It's been noted by the newest member of our commission, Dr. Metcalf who has special expertise in the area of animal nutrition, that we have tax dollars in the state of Oregon going to the salary of a nutrition specialist at Oregon State University Veterinary Hospital. We have an expert nutritionist in this state who's going to take your calls, and in fact, he will probably be taking our calls because also as a result of this case we've delegated further investigation into this issue to the Veterinary Medicine Committee which is comprised of me and Dr. Metcalf. So, we're going to continue looking into this.

**ACTION: MOTION(Fine):** The motion I am making at this time is to adopt the findings of fact that were presented by our judges and to impose the following sanction, and it's an identical sanction for each of the three individuals, which consists of a \$100 fine. There will be no suspension. In this matter there was one purse that has been forfeited, and that matter will stand and there will be no other additional sanctions imposed. I'd also address at this time the fact that I appreciate that the judges have already demonstrated a willingness to use their discretion in making case-by-case determinations. I acknowledge that we are not going to be so fortunate as a Commission to be able to hear many cases in the future due to the change that the legislature imposed in taking these matters away from us. So, I'm enthused to know that our judges are willing to make these kinds of determinations and it is with the blessing of the Racing Commission that they continue to do a case-by-case determination of each of these incidents by looking at the totality of circumstances, including but not limited to credibility findings of the individuals based on all the information present. We appreciate that you've done and commend you to continue doing that.

**VOTE:** 4 Aye, 0 Nay, 1 Abstention(Price-not present at hearing)

#### **8. Approval of October 11, 2000 Telephone Conference Minutes**

**MOTION: ACTION(Towslee)** Approve minutes as submitted.

**VOTE:** 3 Aye, 0 Nay, 2 Abstentions(Fine,Price-not present for telephone conference)

#### **9. Request by Lone Oak Racing for Direction in Disbursing Leftover Quarter Horse Purse Money**

Steve Barham stated in a phone call from Lone Oak Racing personnel they reported there was \$781.00 left in the quarter horse purse account at the end of the meet. Some of the purse money for the quarter horses was funded from the hub account. Dave Nelson presented some suggestions as to how the funds should be handled.

**ACTION: MOTION(Towslee)** Return the \$781.00 to the hub account.

**VOTE:** 5 Aye, 0 Nay

#### **10. HBPA 2000-2001 Proposed Budget**

Dave Benson and Dick Cartney requested approval of the proposed budget, and they also requested an additional budget draw. The reserve account is now virtually gone as a result of providing financial assistance to Salem the last two years and to Grants Pass this year. Steve Barham recommended approval of both requests.

**ACTION: MOTION(Fine)** Approve both HBPA requests.

**VOTE:** 5 Aye, 0 Nay

#### **11. OQHRA Request for Delegated Authority to Executive Director to Approve Distribution of Breakage Money for 2000 Summer Race Meets**

Dave Nelson said they originally requested delegated authority for distribution of funds, however, since the request was made, they received the funds from the last summer fair meet. Steve Barham recommended still delegating approval to him because he just received the revised request this morning and hadn't had time to verify the figures yet.

**ACTION: MOTION(Fine)** Approve delegation of authority to Mr. Barham.

VOTE: 5 Aye, 0 Nay

**12. OTBA Breeder Awards for 2000 Grants Pass Race Meets**

Ursula Gibbons asked to amend her request due to an error she discovered in her computer's calculations of the figures. Instead of asking for approval to pay the breeder awards, she requested the commission approve delegated authority to Steve Barham to approve the breeder awards for not only the Grants Pass meet but also the Salem meet. Steve Barham recommended approval.

ACTION: MOTION(Towslee) Delegate authority to the executive director for approval.

VOTE: 5 Aye, 0 Nay

**13. Non-Agenda Items**

- ◆ Commissioner Towslee stated there was another request for hub money from Tillamook County Fair which led to the question as to what the commission was going to be doing regarding distribution of the funds currently in the hub account to the summer fair meets. In response to the question as to how do the requests for money stack up against the amount that is in the account, Steve Barham stated there have been a lot more requests for funding than there is money available. Upon Commissioner Towslee's request for regular accounting of the amount in the hub account, Mr. Barham stated he would provide the commission with monthly reports.
  
- ◆ Darrell Haire thanked the members of the HBPA for approving the Jockeys' Guild request to increase the jockeys' fees for fourth on down which is happening nationally.

There being no further business, the meeting was adjourned.