

MINUTES

OREGON RACING COMMISSION NOVEMBER 16, 2000

The Oregon Racing Commission met on Thursday, November 16, 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; David Price and Lisa Metcalf, DVM. Laura Fine, Vice Chair, and Tom Towslee were excused. Agenda items were discussed in the following order with resulting actions:

1. Approval of October 19, 2000, Minutes

ACTION: MOTION(Price) Approve minutes as submitted.

VOTE: 3 Aye, 0 Nay, 2 Excused

2. New Portland Meadows

a. Race Meet Report

Mike Dorough reported the horse simulcast is up about 1% and the greyhound simulcast is down 13%. The overall handle, which includes live, export and simulcast, is down about 14%. The live export signal is down significantly due to the short fields. Woody Mitchell reported there are currently 541 horses on the grounds. He went on to say approximately one-third of their starting thoroughbreds and quarter horses ship in. Beginning this weekend they will be starting their handicapping contest which in the past has boosted activity on the live handle.

b. Projects Status Report

Brian Ferryman reported the barns that were classified as being dangerous buildings have all been signed off by both their engineer and the City of Portland's engineer. There are now currently 875 stalls available for occupancy. This past Tuesday they were issued a full building permit for Barn 4. They were hoping they would have been able to pour concrete slab today, however, the engineers advised against it due to the cold weather. They are now looking to the first of next week to pour the slab. Mr. Ferryman stated that after the slab has been poured they are looking at a period of 5 to 6 weeks for the building project to be completed. In response to a question by Chair Walters regarding the best practices handling of the manure, Mr. Ferryman complimented the horsemen for having stepped up their efforts in insuring that manure is contained as much as possible in the process of transferring it from their shedrows to the bunkers. Cleanup of the construction debris left in various places around the barns should take about one more day.

c. Request to Approve Extra Races on November 3 and 4, 2000 as Make Up Races for Those Lost on October 26, 2000

Following is a transcript of this agenda item. *(NOTE: It was decided to do this in order to clarify for the record the intent of the second motion regarding delegated authority)*

Ferryman: As you've probably heard, on October 26th we had a whole grid light failure in our area, and it caused not only the track lights to go out but the barn lights and the building lights, and they're all on separate circuits so generally when we lose one we don't lose everything. But, in this circumstance we did lose

everything. Jockeys were in the post parade at the time and at that point they determined that they felt that the backup lighting was inadequate, so they chose not to ride the remaining two races, which, you know, that's the way they felt, you know, I have nothing I can say bad about that.

Walters: Sure. They're the ones who are at risk.

Ferryman: Yes, they are. Then the next day, later that night Woody had met with jockeys' reps and whatnot, but it took until the following day that we could get the Guild rep from California up. We met with him, we came up with a solution, we added some light towers at the track, four additional light towers, so there's a total of seven now. Everybody's perfectly happy with it. At least that's what they indicated verbally. We asked if they would give us that same assurance in writing because they gave us in writing that the lights were inadequate, and I just asked for the same courtesy if they would give us something in writing that says now they are adequate and I couldn't get that. But I was assured by Darrell Haire verbally that they are adequate.

Walters: And then jockeys are back riding.

Ferryman: Yeah, and they are back riding.

Walters: And so the issue that we have before us right now is you have, you lost a full card on that Friday, you lost two races on the 26th, which was the Thursday night.

Ferryman: Correct.

Walters: And you have rescheduled the full card for November 26th.

Ferryman: Sunday, November 26th of Thanksgiving weekend.

Walters: And the executive director has signed off on that on delegated authority.

Ferryman: Correct.

Walters: And what you're asking us for right now is, as I understand it, you ran an extra race on...

Ferryman: We ran 10 races on the 3rd and 10 races on November 4th, and what we were asking the commission is if we could substitute those two days to the 26th to statutorily meet the requirement of having nine races.

Walters: Right. And just for the benefit of the public and members of the commission, this is something the executive director referred to the commission because he felt given the attention that the nine race issue had gotten in the application process that he didn't want to use delegated authority for that. So, that's the reason that the request comes to us, and basically what you're asking is you ran seven races on the 26th and then you ran extra races on two other days and you're asking us to acknowledge that those actions count as one official race day per the statute.

Ferryman: That's what we're asking, yes.

Walters: Are there any questions or comments by members of the commission? Is there a motion?

ACTION:MOTION(Price) I move that we allow the request to approve the extra races on November 3rd and 4th as make up races for those lost on October 26th and for those two count for nine races.

Walters: Yeah, I absolutely agree. I'm going to vote for the motion, and it's something that I think is an entirely reasonable request. I mean, they ran seven full races and then you carded some extra races so the horsemen have the opportunity as soon as possible to make up for that lost revenue. I'd also like to say that I'd like to thank the management at Portland Meadows and the Jockeys' Guild for working together to get this situation resolved as promptly as possible because it was a difficult situation as you pointed out and acknowledged, Brian, the jockeys are the ones at risk and if they feel that there's a situation that needs to be addressed I think that we all owe it to the safety of racing to address it and you did in a prompt manner and I appreciate that and I appreciate the Jockeys' Guild representative for working and all the jockeys at Portland Meadows for working cooperatively to work this out.

Ferryman: And I thank them as well.

Walters: Further discussion?

Barham: Just one thing. I think it's probably a motion that should pass. I do want to make clear though or find out the commission's opinion. You had a power outage, electrical outage that caused carded races to not be able to be run, and then some extra races were done on Saturday and Sunday. I want to make sure that this doesn't carry over to thing where only eight races are carded on a given day...

Walters: Oh, no, no, no, no, no, no...

Barham: Okay. As long as that...

Walters: ...no, no, no, no, no, no.

Ferryman: That isn't our intent at all.

Barham: We have gotten into that in the past.

Walters: That's not their request.

Barham: Okay. I just want to make sure that...

Walters: They had carded a full day and got in seven races. I mean, if they had carded in a full day and only got one race...

Ferryman: We wanted to run the other two as well, but it was just an issue.

Walters: Right.

Barham: As long as that's there, and in fact, hopefully it doesn't happen again but if it does, if that's the commission's policy which is probably good, then I would suggest that future things be delegated to me if a similar instance happens where carded races...

Ferryman: And it could be anything from ice or bad fog or some element that happens that's out of anybody's control like this instance.

Walters: I think maybe we should take up the delegation issue after we vote on this motion. I would suggest, though, that there are matters of judgement and degree. If you ran one race and something happened that you had to scrub the rest of the card, I'm not sure that we would approve tacking one race onto the end of a bunch of different cards.

Barham: I wouldn't.

Walters: So, here they had nearly finished the card, and this one is a very easy call. Further discussion? All those in favor signify by saying aye.

VOTE: 3 Aye, 0 Nay, 2 Excused

Walters: The request is approved. And should we address the issue of delegating to the executive director the approval of make up days? He has it and exercised it for approving an entire make up day for the entire day that was missed, and I don't see any reason we shouldn't delegate him the authority to deal with the situation if something like this comes up in the future. Is there a motion?

Price: I agree with that.

Walters: Is that a motion?

ACTION: MOTION(Price) I move that we delegate that authority to the executive director.

Walters: Further discussion. All those in favor signify by saying aye.

VOTE: 3 Aye, 0 Nay, 2 Excused

Walters: It's delegated.

3. Request from Karen Knapp for License Reinstatement

In response to a question from Chair Walters, Karen Knapp stated she was wanting to have her license reinstated so that she could gallop horses as well as to be able to be at the racetrack again. She said she has been in treatment for four months in a one-year program and attends sessions once a week. Steve Barham clarified that the first twelve weeks of the program were spent in an intensive out patient program. Mr. Barham reported that the board of stewards recommended against licensure. He went on to say if Ms. Knapp's request for reinstatement was for a jockey's license, he would recommend against it. However, he stated he was willing to cautiously recommend for an exercise license. Chair Walters, for the record, stated he would be willing to approve an exercise rider's license with the conditions that she complete the year of treatment and submit to random UAs. If she were to reach the point that she wanted to be reinstated as a jockey, he would ask that she demonstrate to the commission that she could make the weight, be drug free, and maintain that weight for a period of time prior to the request for reinstatement as a jockey.

ACTION: MOTION(Price) Reinstatement Karen Knapp's license as an exercise rider with the conditions that she complete the year treatment program in which she is enrolled, abide by the random testing agreement which she has already signed and show that she can make and maintain the weight if, in fact, she wishes to have her jockey's license reinstated.

VOTE: 3 Aye, 0 Nay, 2 Excused

4. Oregon Greyhound Breeders Trust Bonus Awards

Carol Bruno requested release of the Oregon bonus money. Steve Barham recommended approval.

ACTION: MOTION(Price) Approve the request to release the bonus awards.

VOTE: 3 Aye, 0 Nay, 2 Excused

5. Request by Executive Director for Commission Direction on State Pari-Mutuel Tax on Australian Signal

Following discussion on this item, it was decided the state pari-mutuel tax for the Australian signal would follow the guidelines as set forth in OAR 462-22-0040(1). The commission directed staff to prepare a proposed rule to clarify the issue.

There being no further business, the meeting was adjourned.