

MINUTES

OREGON RACING COMMISSION January 19, 2006

The Oregon Racing Commission met on Thursday, January 19, 2006, at 1:30 p.m. in Room 123, 800 NE Oregon Street, Portland, OR. Commissioners in attendance were Chair Jeff Gilmour, Lisa Metcalf, Todd Thorne and Julianne Davis. The governor has not yet appointed an individual for the vacant commissioner position.

Introduction: The following is a transcript of Chair Jeff Gilmour's opening statement:

With great appreciation from the other members of the Commission, I have been entrusted with the Chairmanship. My intent is never to abuse that with my fellow Commissioners and staff. It's my intent to hold public hearings; everybody gets to say their peace on the issue they came to speak on. Not necessarily will I agree or disagree with their point of view, but I want to make sure that everybody is heard. We are not going to drastically change anything or the procedures, particularly by law, that have happened over the last few years. I am accessible to anybody who wishes to call and talk to me personally about any issue. I will be counting very strongly on our staff and our director, Ms. Hanson, for the advice that I need. I'll be consulting with the other Commissioners privately and in public about their feelings and their directions. I want to state for the record that I am a huge fan of live racing. I am going to lean, obviously, on the side of Oregon-bred and Oregon employees with my philosophical point of view that I share as a member and Chair of this Commission.

With that said, we're going to start, not necessarily always in order on the agenda, but unless you hear from me in advance, it generally will be followed in order. It's my desire not to meet, if there is not an agenda on a monthly basis that is of a nature that we do not have to meet. One other change that I'd like to make: I would like to rotate once a year to a different audience than constantly every year going to Grants Pass by tradition. We will go to Grants Pass as the agenda has stated in June, the next year by lot and acceptance by the county, hypothetically we could be in Union with Nate Jacob for our Commission meeting on that month that Union has a race meet there. I'm hoping that the counties during that period of time on an annual basis would welcome us to have our meeting there. I think it's important that the Commission get in the rural areas to see how other live racing is doing.

End Transcript.

Agenda items were discussed in the following order with resulting actions:

1. Approval of December 15, 2005, Minutes

ACTION: MOTION (Thorne) Approve minutes as submitted.

VOTE: 4 Aye, 0 Nay

2. Race Date Requests for 2006

a. Grants Pass Downs – Josephine County Fair/Southern Oregon Horse Racing Assn.

ACTION: MOTION (Thorne) Approve race dates as submitted and delegate authority to the Executive Director to approve the Officials, Take Out, Lasix and Bute when submitted.

VOTE: 4 Aye, 0 Nay

b. Eastern Oregon Livestock Show

ACTION: MOTION (Metcalf) Approve race dates as submitted.

VOTE: 4 Aye, 0 Nay

c. Crooked River Roundup

ACTION: MOTION (Thorne) Approve race dates as submitted.

VOTE: 4 Aye, 0 Nay

d. Tillamook County Fair

ACTION: MOTION (Thorne) Approve race dates as submitted and delegate authority to the Executive Director to approve the Officials, Take Out, Lasix and Bute when submitted.
VOTE: 4 Aye, 0 Nay

e. Harney County Fair

ACTION: MOTION (Metcalf) Approve race dates as submitted and delegate authority to the Executive Director to approve the Officials, Take Out, Lasix and Bute when submitted and, also, the possible post time change currently under discussion for Sunday, September 10th; the post time would be changed from 1:00 pm to noon to provide opportunity for more people to attend.
VOTE: 4 Aye, 0 Nay

Continuing with county racing business, Chair Gilmour announced that Tracy Barker has been offered the Racing Secretary position for this year's summer fair meets. He explained that this is a contracted position, adding that he has been assured that there are sufficient funds to support this position for 2006.

Nate Jacob, Racing Director, Eastern Oregon Livestock Show, confirmed that the Racing Secretary was very much appreciated last year, but expressed his concern that there was not enough communication regarding the details and concerns of each track.

Chair Gilmour responded that Bob Blair, Presiding Steward, made a standardization template to assist the Racing Secretary this year. The template will be adjusted for each fair meet addressing their particular concerns and issues. Gilmour added that the need for better communication is a subject that has already been discussed.

Jodi Hanson, Executive Director, explained that the Racing Secretary was a new, last minute idea last year and therefore lacked the planning that would have anticipated some of the issues that came up, including the lack of communication. Accordingly, Mr. Blair, Mr. Twiggs, Mr. Barker and Ms. Hanson have all been discussing ways to make everything work much smoother this year. Hanson added that feedback about the fair meets is always welcome.

Chair Gilmour also commented on the jockey insurance issue, stating that the Commission, through Ms. Hanson, will be gathering information to try to help the counties find adequate insurance at a reasonable price. Gilmour stated that the jockey insurance issue is not isolated to just Oregon, but is a national problem.

3. Portland Meadows Update Report

Dwayne Yuzik, Assistant General Manager, Portland Meadows, and Jerry Kohls, Racing Secretary, were present to answer questions. Information and discussions included the following:

a. Wagering Report for the first 14 weeks, October 10th - January 15th: The number of race days this year is 31 compared to last year's 37, with three race days cancelled this year due to track conditions and the inclement weather; number of races is down about 15% primarily due to less days offered, the field size is approximately the same as last year; the total state on-track wagering, which includes live product and simulcast product, is up 2.4 %; the OTB network is down about 5% due to three simulcast facilities being closed including the greyhound track as a simulcast facility and two other OTB sites.

b. Oregon Day was rescheduled due to the weather and held on December 31, 2005. Ursula and all of the breeders in the state were commended for returning the following week and for supporting racing on that day at Portland Meadows; the wagering levels were within 5% of the previous year.

c. The bi-weekly track surface meetings are continuing and feedback has been very positive on the condition of the track. For the first time, maintenance programs were a budgeted item this year. Next week the track will be closed Tuesday and Wednesday to add some additional racing surface to replace what washed away the last couple of months.

d. Sunshine Million Days will take place on January 28th.

e. A new facility upgrade; as of today, the patrons now have heat in the general simulcast area.

f. New procedures have been implemented in response to the discussion at the last meeting regarding the two horses that had sustained fractures during training with no on-site veterinarians available. The bottom line: Unless the track has access to a large animal practitioner within ten minutes, the facility will not open for training.

Jerry Kohls added that Dr. Solomon and Dr. Kennedy currently have everyone's telephone numbers and if they are going to be unavailable, they will be able to contact someone to cover for them.

Commissioner Metcalf commended Mr. Yuzik for the implementation of the new procedures. She urged him to ensure that all the veterinarians, including the Commission Veterinarians, are in agreement with those procedures and that they meet with everybody's satisfaction and the needs of the horses at the track.

g. Portland Meadows may be operating without lights in the future. The excess amount of rain and standing water caused flooding in one of the infield transformers. The transformers will be examined further once the water table drops and it is safe to do so. Repairs may cost in excess of \$100,000. From this point to the end of the meet, the fact that they will be operating without lights shouldn't be an issue.

h. The number of races on Monday will increase to ten in an effort to make up for some of the cancellations.

Commissioner Thorne asked for additional reasons that total wagering on Portland Meadow races was down, other than the cancellations due to the weather. Mr. Yuzik stated that they were running larger cards last year, only running eight races this year; the number of days is also a factor, although he believes that difference will diminish as the year progresses; the advertising dollars this last quarter was lower than the previous year, which would result in some decline of the wagering on the live races.

i. In an effort to provide support for the summer fair meets, Jerry Kohls, Portland Meadows Racing Secretary, agreed to send a letter to each fair director to notify them that he is available to assist them in any way that he can.

4. Update on Oregon Greyhound Association Adoption Kennel

Dick Gage, President, Oregon Greyhound Association was present to answer questions. Information and discussions included the following:

- a. As of January 16, 2006, there are 39 Greyhounds in the adoption kennel.
- b. For the year 2005, 184 Greyhounds were adopted out; 119 adoptions below the yearly average due to no longer having live racing.
- c. In January, to date, nine Greyhounds were adopted out and 12 Greyhounds came in to the kennel.
- d. In 2005, Homes for Hounds adopted out 86 Greyhounds, GPA Northwest 76, and GPA Emerald Pacific 22.
- e. Currently, there are 22 Greyhounds on the list waiting to come in to Oregon. There are an additional 21 Greyhounds in Oklahoma that are scheduled to come in. The Oklahoma dogs are eligible to be placed into adoption through the OGA Adoption Kennel. Eligibility requirements are as follows: the dog has to be an Oregon-bred Greyhound and/or the Greyhound has to have run in an official race in Oregon. There are a total of about 930 dogs eligible to come into the adoption kennel. Of those, it is expected that some will be adopted out in other states with about 500 of the dogs actually coming into Oregon.

Mr. Gage anticipates that if things continue as they have, the OGA Adoption Kennel program will need the Commission's assistance via the Hub funds for another two to three years.

- f. The OGA agreed to provide the Commission an updated report every three months.

Chair Gilmour stated for the record that the Commission is not changing anything past, present or future, under these rules regarding the Greyhound adoption program and the Hub funding.

5. The Cornell Collar

a. Dr. Jack Root, practicing Veterinarian at Portland Meadows, was present to answer questions. He had provided a comprehensive presentation on the Cornell Collar at the December '05 Commission meeting. The collar is a new tack device developed by Cornell researches that prevents a condition called Dorsal Displacement of the Soft Palate (AKA: Flipped Palate).

⇒ In response to Chair Gilmour's question, stated that he was not aware of any other pari-mutuel racing jurisdictions who declare the use of the Cornell Collar in the racing program. He added that an article about the Cornell Collar in the Thoroughbred Times addressed the subject of listing the collar in the program but determined that it was another piece of equipment. Front wraps and blinkers are the only equipment listed in the program.

⇒ Proposed that the ORC approve the use of the Cornell Collar under the conditions similar to those used in Washington and Florida:

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1. The use of the collar on a horse should be approved by the race track licensed veterinarian, those practicing on race horses.

2. The official Racing Commission Veterinarian should approve the device actually positioned on the horse to ensure that it is properly applied.

3. It should be declared by the trainer at entry and once declared, always worn for each race; this will prevent using the collar to affect the performance of the horse. Only the Stewards can give permission for the collar to no longer be worn.

⇒ Research indicates that the collar solves the problem and surgery isn't necessary in over 80% of the horses.

⇒ Agreed to submit to the Commission a draft of the rule for use of the Cornell Collar in Oregon racing based on the conditions discussed.

b. Dr. Lisa Metcalf, Commissioner, stated that the Cornell Collar is a humane device as it allows a horse that has a soft palate abnormality to breathe properly without having surgery. The throat surgery is difficult and approximately fifty percent of the time it fails. Using the collar is much more humane than tying the horses tongue down. She approves the use of the Cornell Collar, reiterating that it must be the Cornell Collar, not something that is "like it".

⇒ She stipulated the following **requirements:**

1. An endoscopic diagnosis that the horse does have dorsal displacement of the soft palate or something that the Cornell Collar will alleviate and that it is a necessary piece of equipment. The endoscopy is usually done on a treadmill, but can be done at rest in severe cases. She explained the reason she was requiring an endoscopy was: the payment requirement for an endoscopy ensures that it won't be used haphazardly; the owners/trainers will have to go to the trouble of having the horse scoped either during exercise, immediately following exercise or on a treadmill; other causes of dorsal displacement of the soft palate, such as tumors and cysts, will be ruled out.

2. The horse always race with it, once the collar has been approved for use. A horse may outgrow dorsal displacement of the soft palate and it would be up to the Stewards to remove the collar requirement. She added that she is in favor of listing the collar in the racing program.

3. A formal training course on applying the collar correctly.

c. Dr. Stacy Katler, ORC Veterinarian, approved the use of the device, but stated concerns about the collar possibly breaking or coming loose during post parade and causing race delays and whether continual wear of the collar would cause permanent damage to the larynx.

⇒ She suggested that the following stipulations also be **required:**

1. The application of the collar be part of the endoscopy.
2. Only the trainer can apply or adjust the collar, not the groom or gate crew, etc.

d. Dwayne Yuzik, Assistant General Manager, Portland Meadows, asked that it not be mandatory to declare the collar in the program as it would be difficult to know if the collar had been worn in race meets in other states and there would be considerable cost to modify software to add it to the program.

e. Jeff L Gilmour, Commission Chair, stated that he approves the use of the Cornell Collar. He explained that in order to make sure that all of the conditions discussed are met and that the public has opportunity to comment, the Commission will enter into the rule making process.

ACTION: MOTION (Metcalf) Begin rule making process for the use of the Cornell Collar in Oregon racing.
VOTE: 4 Aye, 0 Nay

6. Confirmation of Next Commission Meeting – February 16, 2006

All Commissioners stated they would be able to be present.

7. Public Comment

Chair Gilmour invited anyone in the audience to speak to the Commission if they desired. No public comment.

8. Proposed Order for Mary F. Repman

Raul Ramirez, Assistant Attorney General, stated that the Board of Stewards' proposed a civil penalty of \$200.00 for failure to provide proper veterinary care to a Greyhound that had broken its leg. The hearing was held and the ALJ proposed a reduced civil penalty of \$100.00. The question before the Commission is whether to adopt the proposed order with the \$100.00 civil penalty or stay with the Board of Stewards' proposal of a \$200.00 civil penalty. No exceptions have been received and the Commission may enter a final order today.

ACTION: MOTION (Metcalf) Approve the Proposed Order as amended with the civil penalty increased to \$200.00 as the Final Order.

VOTE: 4 Aye, 0 Nay

9. Proposed Order for Marjorie L. Avery

Raul Ramirez, Assistant Attorney General, stated that the Board of Stewards had imposed a fine of \$500.00 and a six months suspension. The hearing was held and the ALJ agreed with the sanctions imposed and affirmed the alleged violations. No exceptions have been received and the Commission may enter a final order today.

Chair Gilmour provided an opportunity for Ms. Avery, who was in the audience, to make a statement. He reiterated that the time period for her to file an exception had passed.

Ms. Avery apologized for what she had said, stating that she had only spoken to one person, the Veterinarian. She explained that once she had been asked to remove the horse from the track, she did so within a couple of days.

ACTION: MOTION (Thorne) Approve the Proposed Order as the Final Order
VOTE: 4 Aye, 0 Nay

In closing, Chair Gilmour stated that whenever the upcoming agenda does not include a sufficient number of issues needing immediate attention to warrant a meeting that Commission meetings will be cancelled and Commissioners notified in a timely manner. He also announced that the process to appoint the fifth Commissioner had begun and that applications were being submitted to the Governor's Appointment Secretary. He added that until that person is actually appointed, the Commission will be operating with four members. He requested that all of the Commissioners be sure to notify him if attendance at one of the scheduled meetings is not possible.

There being no further business, the meeting was adjourned.