



MINUTES

Oregon Racing Commission March 20, 2014

Meeting Detail

The Oregon Racing Commission (ORC) met on Thursday, March 20, 2014 in Room 1A of the Portland State Office Building located at 800 NE Oregon Street, Portland, Oregon

Call to Order

Commission Chair, Chris Dudley, called the meeting to order at 1:31pm

In Attendance

Commissioners: Chair Chris Dudley, Vice-Chair Charles Williamson, Commissioner Jan Palmer, DVM, Commissioner Michael Huber, DVM and Commissioner Angel Baez

Staff

Jack McGrail, Executive Director and Kelly Gabliks, Assistant Attorney General

AGENDA ITEMS

Approvals:

March 20, 2014 Meeting Agenda

Action: Motion to approve the agenda as submitted.

Moved by: Commissioner Michael Huber

Seconded: Commission Vice-Chair Charles Williamson

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

February 20, 2014 Meeting Minutes

Action: Motion to approve the February 20, 2014 Commission meeting minutes as submitted.

Moved by: Commission Vice-Chair Charles Williamson

Seconded: Commissioner Angel Baez

Vote: Chair Dudley took roll and the results were unanimous 5 Ayes, 0 Nays

Old Business:

Sub-Committee Update Reports:

a. **Advanced Deposit Wagering (ADW) and Multi-jurisdictional Hubs**

No Report

b. **Best Practices**

Commission Chair Dudley stated that the executive session scheduled at the end of the meeting is to discuss the Executive Director's progress on his goals. He stated that this discussion is part of the Best Practices criteria.

c. **Budget and Hub Funds**

Commissioner Palmer stated that the sub-committee met prior to the ORC meeting. She stated that the group discussed the current overview of how the projected revenue and expenses look in comparison to the actual revenue and expenses for the first half of the biennium.

d. **Medication and Horse Welfare**

Commissioner Huber stated that the group met prior to the ORC meeting. He stated that they had one agenda item and that item was discussion with Dr. Dionne Benson, Executive Director and Chief Operating Officer of the Racing Medication and Testing Consortium (RMTC). The group discussed some questions and recommendations regarding uniform testing and medication management. The group also discussed medication threshold levels and managing violations. Commissioner Huber stated that no votes were taken or decisions made during the meeting. He stated that the sub-committee plans to meet again next month to further discuss what direction, if any, the ORC may want to go.

e. **Executive Director's Report**

Executive Director Jack McGrail stated that the Portland Meadows (PM) end of meet report reflects that catastrophic injury levels continue to be lower than the national average. He stated that track maintenance is to be commended for their effort to keep the track safe. He stated that the horsemen have reported that they have been satisfied with the condition of the track. He stated that the ORC veterinarian Stacy Katler has done a great job with pre-race exams. He stated that the pre-race exam program has contributed greatly to the safety of the equine athletes.

Director McGrail stated that the summer race meet directors are all working diligently to have everything completed so that they are ready to run. He stated that the ORC Steward's have done a fantastic job helping to locate a new racing secretary.

Director McGrail stated that the Advance Deposit Wagering (ADW) Manager position has been posted and the ORC hopes to have interviews and selection of a candidate made by the end of April.

Director McGrail reported that the Governor has signed the instant racing bill and that the ORC is looking forward to the associations and PM working together to draft an agreement and rules for instant racing.

f. Future of Racing in Oregon Group (FROG) update

Commissioner Jan Palmer stated that the group met Thursday March 13, 2014 and the majority of the meeting was spent reviewing FROG's mission statement and goals. There was an election of new officers. Leah Nelson will be the new treasurer. Wendy Hayes-Pound is stepping down as she is moving out of state.

New Business:

Racing Medication Testing Consortium Presentation:

Dr. Dionne Benson, DVM, Executive Director and COO of the Racing Medication Testing Consortium thanked the ORC for inviting her to speak at both the medication and horse welfare sub-committee meeting and at the regular monthly meeting. She stated that the sub-committee group had great conversation. She stated that twelve states have adopted the national uniform medication program. She stated that three states have chosen not to adopt the program and the others intend or are in discussion of adopting the program.

Dr. Benson stated that the purpose of this program is four fold and that the first part is to set national uniform medication threshold levels. She stated that at the start of this program there were thirty-eight jurisdictions with thirty-eight different sets of regulations regarding medications. This made the industry look disorganized and gave very little guidance to horsemen who were moving from state to state.

Dr. Benson stated that secondly, in regard to third party administration of lasix, there is an intermediate option available. This option provides that the Commission Veterinarian supervise the administration of lasix by a private Veterinarian. She stated that the goal of this is to keep private vets from administering anything that should not be administrated on race day.

Dr. Benson stated that the third part of the program is to use accredited testing laboratories. She stated that the ORC already has this in place as Truesdale Laboratory is most of the way through the accreditation process.

Dr. Benson stated that the fourth and last part of the program is multiple medication violations. The purpose of this part of the program is to address the small number of trainers that are responsible for the majority of violations in the industry. Our research revealed that trainers who receive one medication violation are more likely to have a second, third and fourth violation. The purpose of this program is to add a suspension in addition to the discipline that the stewards impose. The multiple violation rule is not triggered until the second violation occurs. There is a point system in place and the program will work in the same way that driving records work.

The reason for this program is to have uniformity across the United States for the racing industry.

Information, Materials and Approvals:

None

Contested Cases:

Proposed Order:

a. Deonte Broadway

Kelly Gabliks, Assistant Attorney General, stated that Mr. Broadway applied for a license as a groom. When the investigators ran the background check they discovered an extensive criminal record with convictions in three States. He did not declare all of his arrests on his application as required. He only listed his three felony convictions and told the investigators to look up everything else. Because there were so many things missing from his application the Board of Stewards (BOS) denied licensure. Ms. Gabliks stated that Mr. Broadway requested a hearing. During his appeal he admitted to his criminal history but argued that being around the track was a very positive experience for him and that he is a single dad and needed employment. Ms. Gabliks stated that on the day of the hearing while on her way she experience the results of food poisoning, became very ill and the hearing was canceled. Mr. Broadway stated that he wanted to go through with a hearing and it was rescheduled. On the day of the rescheduled hearing the ORC did not receive any communication from Mr. Broadway and he did not show up for the hearing.

Action: To accept the Board of Stewards ruling to deny licensure and extend the timeframe of six (6) months to two (2) years before Mr. Broadway can re-apply for an ORC license.

Moved by: Vice-Chair Charlie Williamson

Seconded: Commissioner Huber

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

b. Jorge Rosales-Ibarra

Kelly Gabliks, Assistant Attorney General, stated that Mr. Rosales-Ibarra is a licensed jockey and was riding in a race at Portland Meadows. She stated that when he came out of the gate he allowed his horse to drift out and push the number three horse into the number five horse. Mr. Rosales-Ibarra's horse won the race and the horse that he clipped the heels with ran second.

The BOS did an inquiry. Upon review of the race it was determined that the horse Mr. Rosales-Ibarra was riding would be moved down to second place. The horse that ran second place whose heels were clipped by Mr. Rosales-Ibarra's horse was moved up to first place. The BOS also imposed a two (2) day suspension. Ms. Gabliks stated that Mr. Rosales-Ibarra did not show up for his hearing and that he is in default.

Action: To adopt the Stewards recommendation, issue the final order by default and impose the two (2) day suspension during two (2) live race days at Portland Meadows (PM).

Moved by: Vice-Chair Williamson

Seconded: Commissioner Baez

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

Other Business As May Properly Come Before the Commission:

None

Public Comment:

Randy Evers, Executive Director of the Oregon Horsemen's Benevolent and Protective Association (OHBPA) stated that in anticipation of the next race meet, the associations and PM have met and discussed some backside improvements. He stated that there is about \$130,000.00 in the backside improvement account and the group is doing some planning on how to use some of those funds. Once there is an agreement it will come to the Commission for approval.

Director Evers stated that at the OHBPA Commission meeting, there was discussion on claiming races and whether there should be an opportunity to void a claim. Currently, if a claim is made for a horse and that horse starts in the race, the person who made the claim owns the horse whether the horse finishes or not. If the horse suffers a serious or catastrophic injury during the race the person making the claim is still required to pay the claim for the horse.

Director Evers stated that other States have looked into being able to void a claim in extreme circumstances. In one state if a horse goes on the vets list the claim can be voided and in another state if the horse is removed by ambulance the claim can be voided. He stated that the Associations and PM are going to be meeting and discussing possible rule changes to claims.

Confirmation of the Next Commission Meeting:

The next ORC meeting will be Thursday, April 17, 2014, at 1:30pm in Room 1A of the Portland State Office Building located at 800 NE Oregon Street, Portland, OR 97232

Executive Session:

At 2:20pm Commission Chair Dudley stated that the ORC will now going into executive session as noticed in the March 20, 2014 ORC meeting agenda pursuant to ORS192.660(2)(i)

Executive Session adjourned at 2:46pm and public session reopened at 2:47pm

Adjournment:

Action: There being no further business, the meeting was adjourned at 2:48pm

Moved by: Vice-Chair Williamson

Seconded: Commissioner Huber

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays