

# MINUTES

## OREGON RACING COMMISSION DECEMBER 14, 1995

The Oregon Racing Commission met on Thursday, December 14, 1995, at 1:30 p.m. for their regular meeting in Room 140 of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. Commissioners in attendance were as follows: Stephen Walters, Chair; Brad Higbee, Vice Chair; Richard Reid and Laura Fine. George Rankins was excused. Agenda items were discussed in the following order with resulting actions:

### 1. Minutes of November 9, 1995 Commission Meeting

ACTION: MOTION (Reid) Approve minutes as submitted.

VOTE: 4 Aye, 0 Nay, 1 Excused

### 2. Simulcast Related Issues

#### a. Conditions of Granting License to New Portland Meadows Requiring Consent of Greyhound Interests

David Brown, attorney for NPM, and Paul Romain, attorney for the OGA, reported no agreement had been reached, and it appeared a resolution would not be forthcoming in the near future.

ACTION: MOTION (Higbee) Approve continuation of greyhound simulcasting at NPM until the January meeting, at which time if the parties have not come forth with an agreement, the Commission will either set an amount which they feel to be reasonable or will order the termination of greyhound simulcasting at NPM altogether.

VOTE: 4 Aye, 0 Nay, 1 Excused

#### b. Discussion on the Simulcast Rulemaking Process

Timothy Sercombe of Preston Gates & Ellis, representing Lone Oak Racing, made a presentation with a recommendation to the Commission that they consider a mediation process instead of the rulemaking process as a means of dealing with the unresolved simulcasting issues. Dick Cummings suggested a study be conducted, one which would be funded by all parties involved, in order to get accurate facts and figures as to the impact of greyhound simulcasting during the fall and winter months on the live meet at MGP. The Commission responded to the suggestions by stating there are too many parties involved to make the mediation process effective in this situation. Additionally, they wholeheartedly supported the idea of industry participants combining their resources to have a study conducted by an outside party on the impact issues. It was stated the rulemaking hearing would be conducted as scheduled on Monday, December 18, 1995, at 9:00 a.m. in Room 140. Steve Barham will act as Hearings Officer, will take testimony that is offered and prepare a summary of the proceedings to present to the Commission at the January meeting.

### 3. New Portland Meadows

#### a. Update

Mike Dorough reported the live handle had been down 2.6% prior to the loss of racing due to the ice storm on Saturday, December 9th. The total handle is down 6.5% from last year, however, they do feel things are improving.

**b. Track Surface**

Presiding Steward F. R. Blair, Woody Mitchell and Bud Keen presented their respective views on the current conditions of the track surface. Subjects discussed included adding more sand, measuring the depth of the surface periodically and purchasing new track equipment. Steve Barham recommended measuring the surface once a week and having the sand screen tested. It was also suggested they contact Bill Taylor at Hastings Park regarding used track equipment they will be selling. Commissioner Fine suggested this matter be revisited in a couple of months.

**4. OTBA Oregon-bred Owner Bonus and Breeder Awards for 1995 Lone Oak Race Meet**

Steve Barham recommended approval.

ACTION: MOTION (Higbee) Approve request.  
VOTE: 4 Aye, 0 Nay, 1 Excused

**5. Contested Cases**

**a. Joel L. Haselwander**

ACTION: MOTION (Fine) Uphold \$500 fine set by the board of judges, but rescind suspension and/or probation.  
VOTE: 4 Aye, 0 Nay, 1 Excused

**b. Nick L. Lowe**

ACTION: MOTION (Fine) Uphold the findings of the board of stewards for the violation but rescind the fine.  
VOTE: 4 Aye, 0 Nay, 1 Excused

**c. L. Wayne Shaw**

ACTION: MOTION (Fine) Approve proposed order as final order.  
VOTE: 4 Aye, 0 Nay, 1 Excused

**d. John A. Kester**

ACTION: MOTION (Fine) Approve proposed order as final order.  
VOTE: 4 Aye, 0 Nay, 1 Excused

**6. Proposed ORC Meeting Dates for 1997**

ACTION: MOTION (Reid) Approve proposed meeting dates.  
VOTE: 4 Aye, 0 Nay, 1 Excused

## **OTHER ITEMS NOT ON THE AGENDA WHICH WERE DISCUSSED**

1. Paul Sundermier, ORC assistant attorney general, reported an investigation by the TRPB agent at Portland Meadows and ORC staff has resulted in concerns regarding a trainer and a veterinarian giving a horse a substance which could effect the performance of the horse during a race. Mr. Sundermier recommended that the Commission deliberate as to whether some immediate action should be taken.

Based on Mr. Sundermier recommendations, the Commission adjourned to go into executive session. Upon reconvening the following action was taken:

**ACTION: MOTION (Fine)**      An exclusion order is to be prepared for both individuals; however, if in fact they would sign a stipulated order agreeing to discontinue the practice of milk shaking immediately, the exclusion would not go into effect.

**VOTE:**                              4 Aye, 0 Nay, 1 Excused

There being no further business, the meeting was adjourned.