

MINUTES (AMENDED)

OREGON RACING COMMISSION SEPTEMBER 20, 1996

The Oregon Racing Commission met on Friday, September 20, 1996, at 2:00 p.m. for their regular meeting in Room 120C of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. Commissioners in attendance were as follows: Stephen Walters, Chair; Laura Fine, Vice Chair; and Tom Towslee. George Rankins and Richard Reid were excused. Agenda items were discussed in the following order with resulting actions:

1. Personnel Issues

Steve Walters reported the Commission went into Executive Session at 1:30 p.m. to consider this agenda item. Following their deliberation, it was the decision of the Commission to grant a two-step increase in salary for the Executive Director effective July 1, 1996, as a result of reclassification of the position by Oregon Department of Administrative Services, Human Resource Services Division.

2. Minutes of August 15, 1996 Commission Meeting

ACTION: MOTION(Towslee) Approve minutes as submitted.

VOTE: 3 Aye, 0 Nay, 2 Excused

3. Update on Request by Kevin Knowles for Reinstatement of License

Laura Fine reported on her conversation with Mr. Knowles' probation officer, stating all financial obligations have been paid in full.

ACTION: MOTION(Towslee) Approve request for license as a groom by Kevin Knowles subject to the following conditions:

- a. Must comply with all rules of racing;
- b. Limit license to that of groom for sole purpose of helping his parents handle their horses at the track;
- c. Refrain from gambling of any type;
- d. Refrain from entering the pari-mutuel section of any track and off-track wagering site under jurisdiction of the Commission;
- e. Will not enter jockeys' room;
- f. Will continue attending AA and GA meetings;
- g. Sign an agreement for random UA testing;
- h. Will not live on race track.
- i. Automatic suspension and referral for permanent revocation if any of the conditions are violated.

VOTE: 3 Aye, 0 Nay, 2 Excused

4. Request by Richard Keen for Reinstatement of License

Steve Barham presented request to Commission and recommended granting license for groom with similar conditions incorporated in groom's license for Kevin Knowles. In addition, he recommended against granting license allowing Mr. Keen to work on the starting gate.

ACTION: MOTION(Fine) Grant groom's license with same conditions outlined for Mr. Knowles, follow treatment program outlined by Bill Palo, submit to random UA

testing, help family only. Any violations of this or any other racing rules will cause automatic suspension and referral for permanent revocation of license.

VOTE: 2 Aye (Fine, Towslee); 1 Nay (Walters); 2 Excused

Motion failed as there were only three commissioners present

Chair Walters stated he would be willing to reconsider the application following completion of the treatment plan outlined by Bill Palo.

5. Contested Cases

a. Gordon Platt

ACTION: MOTION(Towslee) Find Mr. Platt in violation of bute overage of more than 10 mg with resulting fine of \$300. In addition, Mr. Platt was found to be in ***violation of race day medication rule. The previously entered stay of six months' suspension on the milk shaking case is lifted and Mr. Platt is to now serve that suspension from the previous order, which was for 180 days.***

VOTE: 3 Aye, 0 Nay, 2 Excused

b. Karen Knapp

ACTION: MOTION(Towslee) This was Ms. Knapp's fourth bad test, testing positive for amphetamine/methamphetamine. Licensee is permanently revoked and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

c. Jens Pulver

ACTION: MOTION(Towslee) Recommend adoption of Final Order by Default to revoke Mr. Pulver's license. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

d. Christine Sisco

ACTION: MOTION(Towslee) Recommend adoption of Final Order by Default to revoke Ms. Sisco's license. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

e. Veronica Turner

ACTION: MOTION(Towslee) Recommend adoption of Final Order by Default to revoke Ms. Turner's license. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

f. Kevin Crocker

ACTION: MOTION(Towslee) Recommend adoption of Final Order by Default to suspend Mr. Crocker's license until 30 days after the payment of the full amount of the fines.

Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

g. Brian Faulkner

ACTION: MOTION(Fine) Recommend adoption of Final Order by Default to suspend Mr. Faulkner's license until 30 days after the payment of the fine. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

h. Jordan Shaw

ACTION: MOTION(Fine) Approve Final Order by Default be prepared to permanently revoke the license of Mr. Shaw. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

i. Felix Prakash

ACTION: MOTION(Fine) Approve Final Order by Default be prepared to permanently revoke the license of Mr. Prakash. Licensee is ruled-off and excluded from all race tracks, training tracks, frontside, backside, off-track betting sites and all other places under the jurisdiction of the Oregon Racing Commission.

VOTE: 3 Aye, 0 Nay, 2 Excused

j. James Jackson

Chair Walters stated this hearing had been postponed.

6. Request by Ross Rakow, Attorney at Law, Regarding Jody Davidson

Mr. Rakow requested that the Commission consider clarifying their prior order on Jody Davidson in order for him to be able to be considered for licensure by other racing jurisdictions.

ACTION: MOTION(Fine) Approve an Order In Other Than A Contested Case be prepared clarifying Jody Davidson is currently not licensed by the Oregon Racing Commission and that he is neither suspended, revoked or permanently denied a license.

VOTE: 3 Aye, 0 Nay, 2 Excused

7. Lone Oak-Salem Update

Lonnie Craig reported the live handle is down 20%, however, there was a 17% increase in simulcast handle. They are currently in the process of negotiating a contract with Oregon State Fair to have a training track during the winter. Also, they are having preliminary talks with OSF regarding the 1997 race meet even though they have concerns about the new simulcast policy.

8. Multnomah Greyhound Park Update

Taking into account there are 20 fewer performances than last year, Carl Wilson reported the total live handle in Oregon is down 33%, total live with export is down 29%, and average live Oregon handle is down 20%. Simulcast horse and greyhound handles are up 53% and 20% respectively,

with the total simulcast handle up 38%. Total Oregon handle is down 8%, with grand total being down 6%, the difference being the export handle. The big draw this season has been Mocan Try. Also, a new track record was set at the 670. Oregon-bred pups have been doing well in the last few years. The adoption program is doing very well. Finally, MGP has an agreement with the OGA on a booking contract.

9. New Portland Meadows 1996-97 Race Meet Application - continued

Using a memo prepared by Steve Barham, the Commission went through the outstanding issues in the race meet application. Areas yet needing to be resolved were the number of race days, the simulcast program, HBPA approval for simulcasting, off-track locations and contracts, racing officials and key employees, surety bond, race track surface and ownership issues. Approve request for 1996-97 race meet license subject to the following conditions:

ACTION: MOTION(Fine)

- a. Track surface to be suitable before first horse puts a foot on it, with matter needing to be completely resolved by September 30, 1996;
- b. Delegate to Steve Barham authority to adopt a standard for approving off-track sites that will ensure newly approved sites will be operating year around based on a 12-month financial analysis;
- c. Delegate to Steve Barham authority to approve simulcast program and number of imported signals subject to his satisfaction that: staffing of the mutuel department is adequate, HBPA approvals and contracts from host tracks have been received, and that everything is in accordance with the new simulcast rules which are effective October 1, 1996;
- d. Prior conditions for granting 1995-96 race meet license, i.e., 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.8, 10.9, and subsequent paragraphs regarding failure to comply;
- e. Delegate to Steve Barham authority to approve remaining unnamed officials;
- f. Surety bond of \$275,000.

Prior to the vote, Chair Walters expressed *his* intent to work toward a window allocation on simulcast of 6-1/2 mos. and 5-1/2 mos. beginning with the 1997 Multnomah Greyhound Park race meet.

VOTE:

3 Aye, 0 Nay, 2 Excused (A copy of the Order Granting Conditional License is attached hereto and made a part of these minutes)

10. Report on Rule Hearing on OAR 462-050-425 - Inter-track Wagering Sites

Due to the lateness of the day and the lack of a quorum as the result of a prior commitment by Commissioner Fine, this item was deferred to the October meeting.

There being no quorum, the meeting was adjourned.