

MINUTES

OREGON RACING COMMISSION NOVEMBER 21, 1996

The Oregon Racing Commission met on Thursday, November 21, 1996, for their regular meeting in Room 120C of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. The Commission opened the public meeting in the morning at 10:40 a.m. and then met in executive session to obtain legal advice from counsel. They returned to public session to conduct the scheduled hearings for James Jackson and James Wooten. The regular meeting was scheduled to begin at 1:30 p.m., however, due to the length of the James Wooten hearing, the meeting was not called to order until 3:10 p.m. Commissioners in attendance were as follows: Stephen Walters, Chair; George Rankins, Richard Reid and Tom Towslee. Vice Chair Fine was excused. Agenda items were discussed in the following order with resulting actions:

1. Minutes of October 17, 1996, Commission Meeting

ACTION: MOTION(Reid) Approve minutes as submitted.
VOTE: 4 Aye, 0 Nay, 1 Excused

2. Petition by Collette Little to Waive Ten-Day Limit for Filing an Appeal and to Accept Appeal of Steward's Order Suspending Groom's License

David Aman, attorney for Collette Little, appeared before the Commission on her behalf. Steve Barham recommended against waiving the 10-day limit as well as not granting a stay of the stewards' order of suspension. A lengthy discussion followed on various ways in which the Commission could respond to the request.

ACTION: MOTION(Towslee) Lift the suspension until December 19, 1996, the date of the next Commission meeting and revisit the issue at that time. Motion amended to include weekly reports from Mr. Aman as to his ability to contact Mr. Nibler, former owner of the horse currently in Ms. Little's possession, regarding setting up a payment agreement on the balance still owed.
VOTE: 3 Aye (Walters, Towslee, Reid), 0 Nay, 1 Abstention (Rankins), 1 Excused

3. Request by Willie B. Brackens to Schedule Another Hearing Before the Commission

It was reported and confirmed notices to appear for the original hearing were mailed to Mr. Brackens at the address he provided in his appeal of the Board of Stewards' order.

ACTION: MOTION(Reid) Deny request for scheduling another hearing.
VOTE: 4 Aye, 0 Nay, 1 Excused

4. Oregon Thoroughbred Breeders Association Oregon-bred Owner Bonus and Breeder Awards for 1996 Lone Oak Race Meet

Ursula Gibbons presented request for owner bonus and breeder awards. She also reported they have been unable to locate two owners from the 1993 meet and would like to have those funds reverted back to the account and be paid out at this time. Steve Barham recommended approval.

ACTION: MOTION(Towslee) Approve payment of Oregon-bred owner bonus.
VOTE: 4 Aye, 0 Nay, 1 Excused

ACTION: MOTION(Towslee) Approve reverting funds of two checks back to the account.
VOTE: 4 Aye, 0 Nay, 1 Excused

ORC MEETING MINUTES - November 21, 1996

ACTION: MOTION(Rankins) Delegate to Steve Barham final approval on breeder awards after he and Ursula Gibbons have had the opportunity to verify the correct figures.
VOTE: 4 Aye, 0 Nay, 1 Excused

5. Request by Oregon Quarter Horse Racing Association to Distribute Oregon-bred and Owners Bonus Money from 1996 Summer Race Meets

Steve Barham recommended approval.

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

6. New Portland Meadows Update

Live handle is down 28%, which is less than during the prior six weeks. Total handle is down 5.9%. Several items of importance were discussed in the following order:

(a) The track surface was doing fine until the heavy rain and snow earlier in the week which created a very severe washout at the south end of the track. It washed off surface material as well as cut a hole in the race track cushion and base. Crews are diligently working to hopefully get the track in a condition to allow racing tomorrow night. The track committee will make a decision tomorrow morning as to whether or not racing will take place.

(b) Backside flooding was extensive with 25 barns experiencing flooding, 7 of which suffered severe damage. Two or three barns had to be moved to the receiving barns. Others moved their horses to Salem or other locations off the premises.

(c) One bank of lights went out a couple or three weeks ago on a Friday night due to a failure in one of the servo motors, causing the motor to back off and reclose. With the lighting system NPM has it takes about 30 minutes for the lights to cool down and warm back up again. Fortunately this happened between races and occurred in the bank of lights in front of the grandstand. This caused NPM management to revisit the backup lighting system to be sure it was adequate should such an occurrence happen in the future.

(d) A test by representatives from the Jockeys' Guild, Board of Stewards, jockeys and track management was completed on the backup system of lights which are currently run by three portable generators. According to the Jockeys' Guild reps and stewards the amount of light shed onto the track is unsatisfactory. Woody Mitchell suggested moving one of the generators to another location, and in addition stated they may need to purchase another generator. Steve Barham will be involved in the process of acquiring a safe level of light in the backup system.

(e) OTB sites - Mike Dorough reported the site in Corvallis is ready to go, another one will be ready in about a month at a location yet to be announced, and NPM is working with MGP on a Grants Pass site. Steve Barham again expressed concern regarding the Albany/Corvallis markets, and has yet to receive an analysis from NPM as to the impact a Corvallis site would have on the Albany site. Chair Walters said the Commission had previously delegated to the Executive Director authority to approve off-track sites and were reluctant to act on this request to approve the Corvallis site. Also, they needed numbers to see if the Executive Director's refusal to approve should be overturned. The Commission considered setting over to the December meeting the issue on the Corvallis site if there is no decision by the Executive Director by that time. If he gets the analytical information he has requested, he could conceivably approve the site

ORC MEETING MINUTES - November 21, 1996

tomorrow, however, Chair Walters was hearing Mr. Barham state that he did not have the necessary information. Saying that, Chair Walters again suggested the matter be placed on the December agenda, stating he is hopeful it will be worked out in the meantime.

7. Multnomah Greyhound Park 1997 Race Meet Application

Dick Cummings presented the application. Ownership remains the same as 1996. An agreement has already been reached between MGP and the OGA on the purse structure. They are requesting a racing window beginning April 30, 1997 and ending October 12, 1997, with live racing beginning on Friday, May 2nd, and concluding on Saturday, October 11th. Regarding OTB sites, they will stay the same as in 1996 with the addition of Hillsboro. Also to be added is the Grants Pass site, which has been a cooperative effort between NPM and MGP, with some of the funds going to Josephine County Fair for purses at the 1997 Grants Pass race meet.

Chair Walters stated there are three issues of concern to the Commission: (1) race dates, i.e., expansion to 10/12/97, (2) simulcast program, and (3) paddock issues, which is one they need to look at further and probably before taking final action on the application. Regarding the race dates issue, Chair Walters' preference was to take action on the dates at this meeting, however, Commissioner Towslee was interested in seeing some numbers as to the impact of the \$2.7 million shift in handle from NPM to MGP. Dave Brown, attorney for NPM, stated he didn't believe the statute allowed for changing the race meet window from a 7 mo./5 mo. split to a 5-1/2 mo./6-1/2 mo. split. He projected if the split were to change there would be a lowering of purses, a reduction in the quality of horses, and a reduction in the Oregon breeding program. It was decided to carry the MGP race meet application over to the December meeting. In the interim, Steve Barham is to look at some of the numbers and document as to the financial impact the change would have on NPM. Also, it will allow time to look at the issue of the paddock.

8. New Portland Meadows 1997-98 Preliminary Race Meet and Race Dates Request

It was decided to carry this item over to the December meeting.

9. Schedule Telephone Conference Call for Permanent Rule Making on OAR 462-029-005 and OAR 462-039-005, Supplemental Feeds, After December 23, 1996

It was decided to select a date at the December meeting.

10. Report of Sub Committee on Racing at Salem and Grants Pass

Chair Walters reported on the two meetings which have taken place since the establishment of this sub committee at the October Commission meeting. It was the consensus of those present at the meetings to conduct 18 days of racing at Grants Pass, with purses at the same level as the 1996 race meet, and 18 days of racing at Salem, with purses in the range of \$20,000 per day and also making available owner and breeder awards. The allocation formula for the 1% simulcasting money and the Christmas Tree fund will be on the December meeting agenda. Steve Barham stated the aforementioned plan will be operated during the 1997 season, however, he made it clear this is just a short term fix. The committee needs to have additional discussions to consider long-term solutions regarding future racing in these locations.

11. Contested Cases

a. Final Order by Default

Juan O. Ramos	S. Barham, HO
Rusty Shaw	S. Barham, HO

b. Proposed Order

Greg Logan	L. Fine, HO
Carrie Lawrence	L. Fine, HO

It was decided to defer taking action on these cases to the December meeting.

There being no further business, the meeting was adjourned.