

MINUTES (AMENDED)

OREGON RACING COMMISSION JANUARY 23, 1997

The Oregon Racing Commission met on Thursday, January 23, 1997, 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; Laura Fine, Vice Chair; George Rankins, Richard Reid and Tom Towslee. Agenda items were discussed in the following order with resulting actions:

1. Minutes of December 19, 1996, Commission Meeting

Question was raised by George Rankins as to timing of his departure.
ACTION: MOTION(Reid) Approve minutes subject to correction, if needed, of departure of
Commissioner Rankins.
VOTE: 5 Aye, 0 Nay

2. Minutes of Telephone Conference Call on December 27, 1996

ACTION: MOTION(Towslee) Approve as submitted.
VOTE: 5 Aye, 0 Nay

3. Tillamook County Fair 1997 Race Meet Application (8/7/97-8/9/97)

Steve Barham recommended approval.
ACTION: MOTION(Rankins) Approve race meet application and delegate to executive director authority
to approve any changes in race meet officials.
VOTE: 5 Aye, 0 Nay

4. Petition for Reconsideration of Final Order for James Wooten

Mr. Wooten was represented by his attorney Mike Reed who submitted the petition for reconsideration. In the petition, Mr. Reed asked the Commission to reconsider its final order and issue an amended final order dismissing the charges. Paul Sundermier stated in its consideration of this request the Commission could: (1) reconsider their final order, (2) reconsider and recharge/retry the case, or (3) have evidence pleadings to prove submitted. Following discussion, it was decided the Commission would go into executive session at the end of the meeting to deliberate on the petition.

5. Request by Jens Pulver for Reinstatement of License

Steve Barham reported the board of stewards had issued an exclusion order on December 16, 1994, as a result of a positive drug test. This was Mr. Pulver's second violation and as such needed to complete a certified alcohol/drug rehab program before being considered for reinstatement. An administrative order for permanent revocation was issued September 26, 1996, for failure to comply with the December 16, 1994 order. Don Murray, Winners Foundation in Southern California, has been in contact with Mr. Barham, stating Mr. Pulver has been in a rehab program in California, and that the CHRB is willing to license Mr. Pulver if Oregon gives clearance. Steve Barham recommended approval based his conversations with Don Murray.

ACTION: MOTION(Rankins) Reinstate Mr. Pulver's license on the condition he provides a negative UA and signs an agreement for random testing.

VOTE: 5 Aye, 0 Nay

6. Payment of 1997 Due for Association of Racing Commissioners International

Steve Barham summarized the contents of his memo to commissioners regarding problems within the RCI organization, primarily the compensation package of the president resulting in the major financial instability of the organization. George Rankins, as immediate past chair of RCI, spoke of a number of inefficiencies in the operation of RCI.

ACTION: MOTION(Reid) Hold off on paying 1997 dues in the amount of \$11,000 until we see what happens at the annual convention in April.

VOTE: 5 Aye, 0 Nay

ACTION: MOTION(Towslee) Direct Steve Barham to attend the RCI strategic planning meeting in March and to also explore other possible alternatives with other interested jurisdictions for meeting the needs of racing regulators.

VOTE: 5 Aye, 0 Nay

7. New Portland Meadows Update

Mike Dorough reported both handle and attendance are down, with total handle being down 21%. They lost a number of simulcast signals due to bad weather at host tracks - Oaklawn, Southland, Delta Downs. The good news was the Chicago off-track system will be picking up the New Portland Meadows live signal. They are still working on the OTB network to bring it up to the 20 sites allowed by statute. With the Corvallis site on line, they feel the anticipated drop in handle at the Albany site did not occur. Grants Pass and St. Johns are currently under construction and should be ready for final approval in the near future.

8. Information to be Included on ORC Web Site

Steve Barham report the ORC web site is now operational and summarized what types of information are on it. It was decided to make the ORC meeting minutes available once they have been approved by the Commission at their monthly meeting.

9. Summer 1997 Race Meet Applications

a. Josephine County Fair (5/17/97-6/8/97)

b. Southern Oregon Horse Racing Association (6/14/97-7/6/97)

Steve Barham recommended approval. It was noted Al Westhoff in his letter accompanying the applications stated the running of these race meets would be contingent on receipt of the necessary monies.

ACTION: MOTION(Towslee) Approve race meet application and delegate to executive director authority to approve any changes in race meet officials.

VOTE: 5 Aye, 0 Nay

10. License Suspensions For Failure to Pay Child Support

Discussion centered primarily around whether or not we are an agency subject to suspending licenses when directed to do so by the Support Enforcement Division when licensees fail to pay child support. Additionally, question was raised as to what is the best way to determine whether or not we are subject. Paul Sundermier recommended that we ask. Laura Fine had some concerns on how this matter should be handled with our

licensees, stating an educational approach would probably be the best, i.e., informing all licensees by posting notices at the track that we are subject to this law and as such are required to act once we receive notification that a licensee has failed to pay child support.

ACTION: MOTION(Rankins) If we are subject to this law, delegate authority to Steve Barham to act on it once we are notified of a licensee's failure to pay child support.

VOTE: 5 Aye, 0 Nay

ACTION: MOTION(Towslee) Determine whether or not we are subject to the law by asking per Paul Sundermier's recommendation.

VOTE: 5 Aye, 0 Nay

11. Advisory Committee Report

Ursula Gibbons reported she had been elected chair of the committee and that Carol Bruno had been elected recording secretary. The date and time of the next meeting will be February 5, 1997, at 2:00 p.m. at Multnomah Greyhound Park. Request has been made to both MGP and NPM for commitment in writing regarding their continued funding of the 1% of handle per the current simulcast rule until such time as the rule is revoked or repealed. MGP has made the commitment, however, Gene Ferryman, NPM, has assumed a wait-and-see stance. Question was raised as to whether or not decisions from the committee need to have a unanimous vote. Most decisions are approved with a majority vote and are accompanied with a minority report. Chair Walters stated if a recommendation came to the Commission with the vote divided along breed lines rather than being presented as a joint proposal, it would definitely affect the credibility of the recommendation.

Steve Walters stated he would not be able to attend the February meeting if it was held on the 20th as previously scheduled. It was the consensus of the Commission to change the meeting date to Friday, February 21. Notification of the date change will be sent to the agenda mailing list next week.

There being no further business, the meeting was adjourned and the Commission went into executive session to deliberate on the petition to reconsider final order on James Wooten. *Following deliberation, the Commission reconvened and announced a modified order with respect to Mr. Wooten. The Commission upheld charges of disturbing the peace in the Jockeys' Room, imposed a fine of \$125.00 and dismissed all remaining charges.*