

MINUTES (AMENDED)

OREGON RACING COMMISSION MARCH 21, 1997

The Oregon Racing Commission met on Friday, March 21, 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, and Tom Towslee. Richard Reid was excused. Agenda items were discussed in the following order with resulting actions:

1. Minutes of February 21, 1997, Commission Meeting

ACTION: MOTION(Rankins) Approve minutes as submitted.

VOTE: 4 Aye, 0 Nay, 1 Excused

2. Designation of Individual to Cast Unit Vote for Oregon at Annual RCI Convention

ACTION: MOTION(Fine) Designate George Rankins as primary individual to cast unit vote for Oregon with Steve Barham as alternate in the event Mr. Rankins is unable to be present when a vote is called.

VOTE: 4 Aye, 0 Nay, 1 Excused

3. Designation of Representatives or Agents for Purposes of Issuing and Serving Subpoenas

Steve Barham recommended designating certain individuals to act in this capacity.
ACTION: MOTION(Fine) Limit the number of people to issue subpoenas to executive director, presiding steward, presiding judge and commissioners, and investigators can serve.

VOTE: 4 Aye, 0 Nay, 1 Excused

4. Designation of Racing Commission Representatives for Purpose of Obtaining Urine Samples

Steve Barham recommended the Commission delegate to the executive director the authority to designate who is authorized to obtain urine samples. Commissioner Fine expressed major concern regarding this matter as it is a very invasive procedure to collect a urine sample from an individual.
ACTION: MOTION(Fine) Designate the executive director as the Racing Commission representative who can direct a licensee to deliver a specimen of urine, and that the Racing Commission representative (executive director) is also free to delegate as he sees fit to nurses, investigators, or other individuals that he deems appropriate given the circumstances, to make that direction to a licensee.

VOTE: 4 Aye, 0 Nay, 1 Excused

5. Multnomah Greyhound Park Plan for Operation and Maintenance of Training Track and Compound

Carl Wilson stated the plan submitted is very similar to plans submitted in the last few years. There will be four more schooling days as a result of there being extra days of racing. Chair Walters raised some question regarding some additional costs and what appears to be deferred costs. Following discussion on those inquiries, Steve Barham recommended approval.

ACTION: MOTION(Rankins) Approve budget for operation and maintenance of training track and compound.

VOTE: 4 Aye, 0 Nay, 1 Excused

6. New Portland Meadows Update

Mike Dorough reported they have an increased number of sales of their signal out of state, which has resulted in the live handle being down only 11%. They now have the maximum of 20 OTB sites operating. The second annual Race for Cancer will be taking place on April 12th.

7. Legislative Update

Steve Barham reported there are eight bills affecting the Racing Commission, four of which were given to him at the March ORC meeting by Dave Nelson.

(a) HB 2104 is the ORC Chapter 462 bill.

(b) HB 2195 is the governor's task force on gaming bill. In this bill we could request Oregon State Police to do background checks if we want it, however, ORC will still have main decision making authority on licensing. Hearing is scheduled for March 25th. Mr. Barham recommended taking a position of support with amendments on this bill.

(c) HB 2792 has to do with video poker and having 500 machines for each track.

(d) ORC budget bill will probably be heard in mid April.

In summary, will probably end up with 2104, ORC budget bill and some combination of all the others and 2195. Commissioner Towslee had a question regarding the out monies and having the bills state that those funds should go to the tracks. Mr. Barham recommended against that, stating it would be preferable to have the funds go to the development fund.

ACTION: MOTION(Towslee) Regarding HB 2195, move the Commission support the bill with the added amendments.

VOTE: 4 Aye, 0 Nay, 1 Excused

8. Request by Darrell and Vicki Lee

a. Cancellation of Existing Exclusion Orders

b. Reinstatement of ORC Licenses

Chair Walters reported that Mr. and Mrs. Lee, subsequent to the mailing of the agendas, have requested that only the cancellation of the existing exclusion orders be addressed at this meeting. He stated, based on past Commission actions, he would be reluctant to consider the exclusion issue separately from the request to reinstate the licenses, and that it would be best to consider both requests together at the April meeting.

ACTION: MOTION(Towslee) Table the request for cancellation go existing exclusion orders and reinstatement of ORC licenses to the April meeting.
4 Aye, 0 Nay, 1 Excused

9. Consideration of Proposed Greyhound Rules for 1997 Racing Season

Steve Barham, assisted by Presiding State Judge Tom Weaver and Association Judge Walt Zornado, went through the proposed amended rule changes with the Commission. There was a lengthy discussion regarding addition of new rule on licensing of any interim kennel providing temporary housing for greyhounds while they are awaiting an adoptive home.

ACTION: MOTION(Fine) Approve proposed rules as amended and withhold approval of licensing of interim kennels until a later time.

VOTE: 4 Aye, 0 Nay, 1 Excused

At 11:45 a.m., the Commission adjourned to go into executive session on matters of pending litigation to be followed by lunch. It was announced the meeting would reconvene at 1:30 p.m.

The Commission reconvened at 1:30 p.m. and reported they took no action while in executive session.

10. Hearing in Response to Petition Filed by Lone Oak Racing and The HBPA to Repeal OAR 462-050-385

The following individuals presented testimony before the Commission:

Tim Sercombe, representing Lone Oak Racing and HBPA
Jack Bennett and Paul Romain, representing OGA
Dick Cummings, representing MGP
David Brown, representing NPM

Ursula Gibbons, representing Advisory Committee, reported the committee feels it is in the best interests of everyone in racing to fund the Grants Pass and other summer fair meets at the same level as they were last year. The funding would come from MGP/NPM/Salem with a breakdown of 40%/40%/20%. The vote on this recommendation was: 9 Aye (3 of which were with conditions) and 1 Nay. It was felt the *Barham Draft* on the simulcasting was too contentious. In response to the committee report, Steve Barham stated the *Barham Draft* basically takes the Commission out of the middle of the problem, thus allowing the participants to reach decisions regarding simulcasting without the Commission "interfering" in their track management decisions. Dave Nelson responded by stating he felt it is part of the Commission's responsibility to deal with the problems. A request was made for a 10 minute recess and was granted.

When the meeting reconvened, Commissioner Fine stated that after hearing all the testimony today, she did not feel she was in a position to make a decision today. Other commissioners in attendance made similar statements.

ACTION: MOTION(Fine) Leave the record on whether to repeal the current rule or adopt a new rule open for three weeks, following which the Commission will deliberate on the matter no later than the April Commission meeting. If the Commission decides to deliberate prior to that date the appropriate meeting notices for a telephone conference call will be sent out.

VOTE: 4 Aye, 0 Nay, 1 Excused

11. Petition by Lone Oak Racing and New Portland Meadows to Rehear and Reconsider the Decision of the Oregon Racing Commission Granting Multnomah Greyhound Park's 1997 Race Meet Application - *continued from 2/21/97*

Tim Sercombe, representing LOR and NPM, summarized their reasoning for filing the petition. Following his comments, Chair Walters stated their request really didn't raise anything that could not have been considered at the time of the application itself.

ACTION: de facto denial for petition for reconsideration of MGP race dates due to lack of motion.

12. Request by Lone Oak Racing, Inc. for Commercial Race Meet Dates for Live and Simulcast Racing for 1997 Season

Lonnie Craig stated they were requesting race dates to begin July 23 and continuing through the end of September, which is their normal racing window. Before pursuing this item any further, Rusty Vernon, OSF, was asked to provide a report on the status of their bid process. Mr. Vernon reported that since there had been no responses, the invitation to bid had been extended. Given the fact OSF had not as yet awarded the bid to an operator to conduct the 1997 race meet in Salem, the Commission took no action on the request for race dates submitted by Lone Oak Racing.

OTHER BUSINESS BEFORE THE COMMISSION:

13. David Brown, Representing New Portland Meadows

David Brown presented a proposal for funding the Grants Pass and summer fair race meets this summer, a copy of which was transcribed and made a part of these minutes. Dick Cummings of MGP responded by saying they would very much try to make a proposal regarding these race meets.

There being no further business, the meeting was adjourned.