

MINUTES

OREGON RACING COMMISSION NOVEMBER 13, 1997

The Oregon Racing Commission met on Thursday, November 13, 1997, at 10:00 a.m. in The Jockey Club room located on the mainline at New Portland Meadows, 1001 North Schmeer Road, Portland, Oregon for their regular meeting. Commissioners in attendance were as follows: Stephen Walters, Chair; Laura Fine, Vice Chair; Richard Reid, Tom Towslee, and Baltazar Ortiz. Chair Walters expressed the Commission's appreciation for hosting the meeting. Agenda items were discussed in the following order with resulting actions:

1. Minutes of October 23, 1997 Commission Meeting

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

2. 1998 Race Dates Request by Josephine County Fair Board and S.O.H.R.A.

Race dates being requested are from May 16 through July 5 during which 18 days of racing will be conducted. They are planning on using the same format as they used this year subject to E-Board funds being granted. Steve Barham recommended approval of the window of dates.

ACTION: MOTION(Fine) Approve request for race dates, subject to timely submission of an application for issuance of a race meet license, and approval of that application by the Commission.
VOTE: 5 Aye, 0 Nay

3. Request by OGBA for Release of Funds from The Oregon Greyhound Breeders Trust Fund

Steve Barham recommended approval of request to release funds to pay Oregon bred bonus awards.

ACTION: MOTION(Fine) Approve release of funds
VOTE: 5 Aye, 0 Nay

4. Patron Request for Payment on Destroyed Tickets

Robert Seapy stated his tickets had been destroyed when they went through the laundry. He had a record of his bets and had conferred with Dan McDevitt, pari-mutuel manager at MGP, and Steve Barham. Following discussion on this matter, Mr. Barham suggested the Commission direct counsel to look into the legal issues as to whether or not the Commission can take any action to pay on tickets that have been mutilated and then to bring to the December meeting counsel's opinion. The Commission concurred with the suggestion of Mr. Barham.

5. Commission Resolution Regarding New Portland Meadows 1998-99 Race Meet

Approval - *continued from 10/23/97*

Chair Walters gave a history of the reason for this agenda item. David Brown, attorney for NPM, stated that since the last meeting, the Washington Court of Appeals had issued an opinion regarding the Clark county case in which Darrell Lee brought action against Gene Ferryman, stating Mr. Ferryman had to sell his shares of NPM to Mr. Lee. The Court of Appeals reversed the Clark County decision stating Mr. Ferryman had not triggered the buy-sell agreement. Mr. Brown requested this agenda item remain on the table until the December 18 Commission meeting stating he felt there would be additional information forthcoming that should be considered in their decision-making process. Commissioner Towslee stated he had no objection to waiting another month, however, he would object if this request was a stalling tactic. It was the consensus of the Commission to defer this item to the December meeting, however, stated they would not look favorably at further requests to postpone.

6. New Portland Meadows Update

Mike Dorough reported the Breeders' Cup figures were up 7% over last year, stating the day as a whole was very good. If comparing 6 weeks last year to 4 weeks this year, the handle is down 26%; however, if comparing the same 4week period last year to the 4 week period this year, the handle is up 11%. NPM feels exporting their signal has helped a great deal in improving their total handle. Next week they will begin to export their signal into Pennsylvania. As far as the races themselves are concerned, they continue to have full fields.

7. Request by HBPA to Discuss Wearing of ORC Licenses

Cliff Babbitt and Nick Lowe addressed the Commission regarding OAR 462-031-030 which requires licensees to display their licenses while in a restricted area. Prior to entering discussion on this subject, Steve Barham was asked to present a brief history on the events leading up to the adoption of this rule. In addition to Cliff Babbitt and Nick Lowe, other licensees speaking to this issue were Dick Occhiuto, Keith Drebin, Margaret Root and Bev Lyons. In summary, they feel they are being unnecessarily harassed by ORC investigators when being asked to display their licenses. They stated there was a lot to be done in prepping a horse for a race while in the paddock, and that that was not the time to be asking licensees to show their licenses. Chair Walters stated the Commission does have a rule that clearly states licenses have to be displayed at all times. As a result, the bottom line is the investigators have the responsibility to implement the rules which have been adopted by the Commission. They do not have the discretion to implement them some of the time and not to at another time. This issue has been around for a long time, and there are very legitimate reasons for licenses being displayed. Chair Walters stated he would like members of the Commission to see what is being done in other states regarding the wearing and displaying of licenses. Commissioner Fine said she was Interested in looking into this rule in order to insure that it will satisfy security needs and the needs of licensees. Commissioners Reid and Fine were appointed to a committee to look at the problem and to present their report at the December meeting.

8. Advisory Committee on Account Wagering Report

Steve Barham reported a draft of the rule has been prepared by Dick Cummings and Brian Ferryman. Once it has been put into final form it will be distributed to the full advisory committee for them to review prior to scheduling another meeting.

9. Proposed Rule OAR 462-050-260 - Pari-Mutuel Ticket Sales (Cancellations)

Steve Barham met with representatives of Multnomah Greyhound Park and New Portland Meadows. A draft of a rule was presented to the Commission which would delete the current rule and in its place create a rule which states the race meets are to establish a policy that will be acted upon by the Commission at the time they submit their race meet applications. Discussion on the ramifications of the drafted rule took place. Following discussion, some language changes were provided in the wording. Chair Walters stated action on temporary rule was before the Commission right now. The temporary rule can only be for a period of six months and can become effective upon filing. Rulemaking would also need to be initiated in a timely manner in order for the rule to become permanent. Mike Dorough presented a policy which was drafted by New Portland Meadows. It was determined the Commission can enact the NPM policy today as well as enact the temporary rule.

ACTION: MOTION(Fine) Adopt temporary rule as amended.
VOTE: 5 Aye, 0 Nay

ACTION: MOTION(Fine) Approve policy submitted by New Portland Meadows.
VOTE: 5 Aye, 0 Nay

10. OTBA Requests

a. Approval of 1997 Lone Oak Owner Bonuses and Breeder Awards

Ursula Gibbons reported the Lone Oak meet was processed prior to the Grants Pass meet this year because they had the records and funding to do so. Steve Barham recommended approval to disburse the funds and also recommended reallocating undeliverable and/or outstanding breeder award checks.

ACTION: MOTION(Reid) Approve disbursement of owner bonuses and breeder awards as well as relocation of undeliverable checks.
VOTE: 5 Aye, 0 Nay

b. Approval of 1997 Grants Pass Breeder Awards

Ursula Gibbons requested the Commission delegate authority to Steve Barham to approval Grants Pass breeder awards rather than waiting for the December meeting. There are some matters which are still unresolved regarding source of funds.

ACTION: MOTION(Towslee) Delegate authority for approval of disbursement of breeder awards to the Executive Director.
VOTE: 5 Aye, 0 Nay

11. Reinstatement Request by Dexter Assoon - continued from 10/23/97

Steve Barham reviewed action at the last Commission meeting on this item. Mr. Assoon wants us to lift the revocation so he can race in Canada. Mr. Barham stated he could not recommend that the revocation be lifted. A lengthy discussion ensued on this request.

ACTION: MOTION(Towslee) Lift the revocation with understanding that (1) we believe circumstances that gave rise to revocation here were a unique set of circumstances that do not apply if he is legally in another country, and (2) we are making no comment one way or the other as to whether or not we would license him again if he presented himself to the Oregon Racing Commission.

VOTE: 5 Aye, 0 Nay

12. Commission Action on Hearing for Brian L. Turner

Chair Walters stated the Commission found this to be a very difficult situation. He made it very clear they supported the investigators fully on their actions and that they behaved entirely appropriately in the circumstances and that they don't believe it was not clearly explained to Mr. Turner the consequences of his leaving the scene at the time he was asked to provide a sample. They are, however, reluctant to revoke Mr. Turner's license for refusing to provide a urine sample when requested. Speaking for himself, Chair Walters made it very clear he would not entertain any more requests for mercy by Mr. Turner, and that if there were any more refusals to test, he was gone.

ACTION: MOTION(Towslee) Approve 30 day suspension and a \$500 fine. Since Mr. Turner has already been excluded for 30 days, he is to be given credit for time served against the 30-day suspension. Mr. Turner will have to pay the fine before he gets back up.

VOTE: 5 Aye, 0 Nay

There being no further business, the meeting was adjourned.