

MINUTES

OREGON RACING COMMISSION APRIL 23, 1998

The Oregon Racing Commission met on Thursday, April 23, 1998, in Room 140 of the Portland State Office Building located at 800 N. E. Oregon Street, Portland, Oregon. Hearings were conducted beginning at 9:00 a.m. The commission adjourned for lunch and reconvened at 1:30 p.m. for their regular meeting. Commissioners in attendance were as follows: Stephen Walters, Chair; Laura Fine, Vice Chair; Richard Reid and Tom Towslee. Baltazar Ortiz was excused. Agenda items were discussed in the following order with resulting actions:

1. Minutes March 19, 1998 Commission Meeting

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

2. Multnomah Greyhound Park

a. Release of Training Track Funds

Steve Barham recommended approval of disbursement of the 1997 training track funds.

ACTION: MOTION(Towslee) Approve release of training track funds.
VOTE: 4 Aye, 0 Nay, 1 Excused

b. 1998 Plan for Operation and Maintenance of Training Track and Compound

Steve Barham recommended approval.

ACTION: MOTION(Reid) Approve 1998 plan for operation and maintenance of training track and compound.
VOTE: 4 Aye, 0 Nay, 1 Excused

3. Final Approval of Purchase of Multnomah Greyhound Park

Arthur McFadden came before the commission, again citing he is the sole shareholder and officer of MKC Acquisition Company and that Multnomah Greyhound Park will continue to be the operating company. Dick Cummings will continue as president and Carl Wilson will continue as vice president and general manager. Dick Cummings made a presentation using architectural drawings to show some of the proposed changes that will be taking place following the completion of the 1998 race meet. Steve Barham referred the commission to copies of the investigative report on Mr. McFadden which was conducted by Robert Mannix, chief investigator. Based on the results of the investigation, Mr. Barham recommended approval of the purchase of Multnomah Greyhound Park by Mr. McFadden.

ACTION: MOTION(Towslee) Approve purchase of Multnomah Greyhound Park by Arthur McFadden.
VOTE: 4 Aye, 0 Nay, 1 Excused

4. OGA 1998 Budget

Jack Bennett presented the budget and responded to questions from the commission. He stated the adoption program reflects an increase of about

20% over last year. Steve Barham stated an increased amount in the adoption program or the idea of setting up a contingency fund has his support in that the OGA over the past couple of years has come to the rescue when certain issues of various kennels needed to be addressed in a timely manner. Mr. Barham recommended approval of the budget.

ACTION: MOTION(Reid)
VOTE:

Approve 1998 OGA budget as submitted.
4 Aye, 0 Nay, 1 Excused

5. New Portland Meadows Update

Mike Dorough reported as the season gets closer to the end, so do the activities. This coming Saturday will be the fundraiser called Race for Cancer. As far as statistics are concerned, the live product is up 58% due to the sale of their live signal out of state. The horse simulcast handle is down 6% and the greyhound simulcast handle is down 22%, bringing the total handle down 2%. Attendance figures are down 5%.

6. Consideration on Whether Oregon Should Follow New York in Establishing a Whip

Rule

Steve Walters had asked Steve Barham to look into the matter. Mr. Barham recommended serving notice of proposed rulemaking to see whether or not the commission want to adopt one. Gary Baze, Jockeys' Guild, stated the issue is heating up and public pressure is mounting. He feels the time has come to establish a rule, and he would like to have the same rule in effect in Washington and Oregon since jockeys frequently go back and forth between the two states. It was recommended the executive director be given delegated authority to appoint an advisory committee and then initiate the rulemaking process once a proposed rule has been written.

ACTION: MOTION(Reid)
VOTE:

Delegate to the executive the authority to appoint an advisory committee and to initiate the rulemaking process.
4 Aye, 0 Nay, 1 Excused

7. Consideration of Proposed Greyhound Rules for 1998 Racing Season

Before beginning discussion on the proposed rules, Chair Walters stated this was a deliberation and not an open hearing. The board of judges, Tom Weaver, Brenda Adams and Julie Delkamp, were present and available to answer questions directed by commissioners during their deliberation. Mr. Weaver, on behalf of the entire board of judges, did request certain proposed rules be withdrawn from consideration at this time as a result of some 11th hour concerns. It was reported the proposed rules were the result of several meetings which involved representatives from all groups in greyhound racing.

ACTION: MOTION(Fine)
VOTE:

Adopt proposed rules submitted subject to the modifications and withdrawals made today.
4 Aye, 0 Nay, 1 Excused

At this point in the meeting the commission adjourned to go into executive session to discuss with counsel matters relating to pending litigation. When they reconvened at 3:15 p.m., Chair Walters reported they had met in executive session to discuss matters with counsel regarding pending litigation and that they took no action.

8. Action on Hearings Conducted Today **a. Nick L. Lowe**

ACTION: MOTION(Fine) Two issues were presented. The first allegation was whether or not Mr. Lowe had taken any action upon a racecourse that caused a clear and present danger of violence. We found by a preponderance of evidence, just based on the testimony of Mr. Lowe himself, that that was the fact of what happened and, therefore, move to uphold the findings of the stewards and the sanction which they imposed. Because of the findings on the first allegation, the commission did not reach the merits of the second allegation regarding whether there was initiated any physical altercation. The message the commission wants to send is that absolutely any physical touching or altercation with any of our staff is absolutely prohibited and is subject to the severest of sanctions. Secondly, the finding of violation of creating and clear and present danger of physical violence, whether or not there is any touching, is behavior that the commission considers highly inappropriate, and we find that that certainly occurred in this case.

VOTE: 4 Aye, 0 Nay, 1 Excused

b. Joe Crispin

No commission action taken as a result of having been settled by stipulation.

c. John A. Kester

No commission action taken as a result of having been settled by stipulation.

9. Approval of Final Orders by Default

a. Dexter Assoon

Mr. Assoon was fined \$500 which was due by January 25, 1996. The fine was not paid until March 13, 1998.

ACTION: MOTION(Fine) Approve additional fine of \$250 for late payment of original fine.
VOTE: 4 Aye, 0 Nay, 1 Excused

b. Daniel Higgins

Mr. Higgins failed to pay fine of \$100 which was due by January 14, 1998, for interim license process which he did not complete.

ACTION: MOTION(Fine) Approve order in which Mr. Higgins is declared ineligible for licensure for a period of 30 days following payment of fine. He is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

c. Domingo M. Caballero

Mr. Caballero has a fine in the amount of \$250 which was due by January 14, 1997, and has not yet been paid.

ACTION: MOTION(Reid) Approve suspension of Mr. Caballero's license which will continue for 30 days following payment of the fine. He is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

c. Peter Yarbrough

Mr. Yarbrough has a fine in the amount of \$100 which was due by May 14, 1997, and has not yet been paid.

ACTION: MOTION(Reid) Approve suspension of Mr. Yarbrough's license which will continue for 30 days following payment of the fine. He is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

d. Robert W. Dale

Mr. Dale has a fine in the amount of \$100 which was due by February 16, 1998, and has not yet been paid.

ACTION: MOTION(Towslee) Approve suspension of Mr. Dale's license which will continue for 30 days following payment of the fine. He is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

e. E. Gail Riese

Ms. Riese has a fine in the amount of \$100 which was due by February 24, 1998, and has not yet been paid.

ACTION: MOTION(Reid) Approve suspension of Ms. Riese's license which will continue for 30 days following payment of the fine. She is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

f. Sharon Shanks

Ms. Shanks failed to pay fine of \$100 which was due by May 6, 1997, for interim license process which she did not complete.

ACTION: MOTION(Fine) Approve order in which Ms. Shanks is declared ineligible for licensure for a period of 30 days following payment of fine. She is ruled off and excluded from all areas under the jurisdiction of the Oregon Racing Commission.
VOTE: 4 Aye, 0 Nay, 1 Excused

There being no further business, the meeting was adjourned.