



## MINUTES

### Oregon Racing Commission May 7, 2013

#### Meeting Detail

The Oregon Racing Commission (ORC) met on Tuesday, May 7, 2013 in Room 1E of the Portland State Office Building located at 800 NE Oregon Street, Portland, Oregon.

#### Call to Order

##### **Executive Session:**

The ORC went into Executive Session under ORS 192.660(2) (a) to discuss the progress regarding appointing the next ORC Executive Director at 9:35a.m.

The Commissioners came out of Executive Session at 2:00p.m.

Commission Chair, Chris Dudley, called the public portion of the meeting to order at 2:03pm.

#### In Attendance

**Commissioners:** Chair Chris Dudley, Vice-Chair Charles Williamson, Commissioner Stan Robson, Commissioner Jan Palmer, DVM and Commissioner Michael Huber, DVM

#### Staff

Nancy Artmann (Interim Executive Director) and Kelly Gabliks (Assistant Attorney General)

## AGENDA ITEMS

#### Approvals:

##### **May 7, 2013 Meeting Agenda**

**Action:** Motion to approve the agenda with the removal of agenda items “a”, “d”, “f” and “g” under old business.

**Moved by:** Commission Vice-Chair Charles Williamson

**Seconded:** Commissioner Huber

**Vote:** Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

##### **April 18, 2013 Meeting Minutes**

**Action:** Motion to approve the April 18, 2013 Commission meeting minutes as submitted.

**Moved by:** Commissioner Vice-Chair Charles Williamson

**Seconded:** Commissioner Robson

**Vote:** Chair Dudley took roll and the results were 4 Ayes, 0 Nays. Commissioner Huber abstained from voting as he was not present for the April 18, 2013 meeting.

**Possible Motion for Public Comment and Appointment of an Executive Directive**  
Action: Motion to open public comment regarding the appointment of Jack McGrail for Executive Director.

Moved by: Commissioner Robson

Seconded: Commissioner Palmer

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

Commissioner Robson stated that hearing no public comment that he would move to close public comment.

#### **Closing of Public Comment**

Action: Motion to close public comment.

Moved by: Commissioner Robson

Seconded: Commissioner Palmer

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

Action: Motion to approve the appointment of Jack McGrail for Executive Director of the ORC and that Twyla Lawson, Recruiter approach Mr. McGrail with the employment offer and that Chair Dudley and Ms. Lawson meet with the Department of Administrative Services (DAS) to coordinate the conditions of employment.

Moved by: Commissioner Robson

Seconded: Commissioner Palmer

Vote: Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

Chair Dudley thanked all the candidates that were selected to interview. He stated that it was a very hard decision to make between the finalists. He gave a special thanks to Nancy Artmann for her outstanding performance as Interim Executive Director.

#### **Old Business:**

##### **Sub-Committee Update Reports:**

a. **Advanced Deposit Wagering (ADW) and Multi-jurisdictional Hubs**

None

b. **Best Practices**

None

c. **Budget and Hub Funds**

Commissioner Robson stated that Nancy Artmann did a great job on the budget report. He stated that the sub-committee had met and made decisions regarding the hub fund allocation requests. He stated that there were some changes because of the actual amount of funds available. Commissioner Robson asked that the Allocation Plan be passed around so all could view how the funds were allocated. He stated that the allocation recommendations are as follows:

- Eastern Oregon Livestock Show will receive \$120,287.00 for 2013-2015
- Southern Oregon Horse Racing Association will receive \$502,517.00 for 2013-2015
- Crooked River Round-Up will receive \$182,607.00 for 2013-2015
- Tillamook County Fair will receive \$180,767.00 for 2013-2015
- Harney County Fair will receive \$118,687.00 for 2013-2015

Commissioner Robson stated that the sub-committee is happy to see the associations and Portland Meadows (PM) working together through the Future of Racing in Oregon Group (FROG). He stated that s requested by the hub funds application submitted from FROG, the associations will receive the same amount that they each received last year and PM will receive the increased amount of \$375,000.00.

**Action:** Motion to approve the hub fund allocations for 2013-2015 as recommended by the budget and hub funds sub-committee.

**Moved by:** Commission Vice-Chair Williamson

**Seconded:** Commissioner Huber

**Vote:** Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

d. Medication and Horse Welfare

None

e. Executive Director's Report

Interim Executive Director Nancy Artmann stated that not much has happened since the Commission met two weeks ago. She stated that she would be going to Salem May 8, 2013 because ORC budget will be heard in front of the Ways and Means budget sub-committee. She stated that she wanted to be present in case there are any questions.

Ms. Artmann stated that the auditor position was now open. Copies of the recruitment were available for those in attendance.

Interim Director Artmann stated that she was able to attend two industry events one was the Oregon Thoroughbred Owner and Breeders Association (OTOBA) awards banquet and the other was the Kentucky Derby party at Portland Meadows. She stated that both were wonderful events.

f. Future of Racing in Oregon Group (FROG) update

None

g. Oregon Horsemen's Benevolent & Protective Association (OHBPA)

None

New Business:

Summer Race Meet Application Approval of Forms B and C for Crooked River Round-Up and Grants Pass Downs:

**Action:** Motion to approve Forms B and C of the summer race meet application for Crooked River Round-Up race meet as submitted with the addition of Banamine as an approved medication.

**Moved by:** Commissioner Vice-Chair Charles Williamson

**Seconded:** Commissioner Huber

**Vote:** Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

**Action:** Motion to approve Forms B and C of the summer race meet application for SOHRA (Grants Pass Downs) race meet as submitted.  
**Moved by:** Commissioner Vice-Chair Charles Williamson  
**Seconded:** Commissioner Robson  
**Vote:** Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays

**Information, Materials and Approvals:**

None

**Contested Cases:**

**Proposed Order: Don Murphy**

Assistant Attorney General Kelly Gabliks presented the proposed order. She stated that Mr. Murphy owned a horse by the name of "Rachael My Love." She was a two year-old and needed to complete two qualifying workouts in order to be eligible to begin her racing career. She only had completed one official workout. Mr. Murphy entered "Rachael My Love" in a race and needed to get the second workout completed in order for her to be eligible to run in the race in where she was entered. There was not enough time to get the workout done so Mr. Murphy used a different horse. He wrapped her legs and used blinkers that gave the impression she was "Rachael My Love." The Clocker discovered this during the workout and the stewards imposed disciplinary action.

Ms. Gabliks explained all the options that could be imposed by the Commission and the recommendations by the Administrative Law Judge (ALJ).

ORC Presiding Steward Martin Hamilton explained the Steward's ruling and the intent of the ruling to the Commissioners. The ruling called for suspension of all the ORC licenses that Don Murphy has for one year (365 days). The Stewards recommendation is to revoke or suspend his trainer's license for an extended period of time beyond one year.

**Action:** Motion to approve an amended proposed order in the matter regarding Don Murphy to revoke his trainer's license for three years and all other licenses are suspended for 365 days as per the Stewards ruling.

**Moved by:** Commissioner Vice-Chair Charles Williamson

**Seconded:** Commissioner Robson

**Vote:** Chair Dudley took roll and the results were 4 Ayes, 0 Nays

Commissioner Huber abstained from vote due to doctor/patient-client relationship.

**Other Business As May Properly Come Before the Commission:**

None

**Public Comment:**

Randy Evers was asked to come forward to be presented with a recognition plaque that the Commissioners wanted to award to him. Chair Dudley presented the plaque to him and thanked him for his years of service with the Racing Commission.

Don Murphy gave testimony to provide the Commissioners his interpretation of what happened to cause the ruling against him.

Will Alempijevic General Manager of Portland Meadows (PM) thanked the Commissioners for expeditiously approving the hub fund allocations. He also thanked them for allowing FROG to submit a request on behalf of all the associations and PM.

Rod Lowe of Southern Oregon Horse Racing Association (SOHRA) was present to thank the Commissioners on behalf of the fairs for the hub fund allocations that were approved. He also announced that a long-time horseman, Carl Alleman, had passed away. He was 94 years-old and had always been very active in racing. Mr. Lowe stated that the family is having a celebration of life for him on the 25<sup>th</sup> of May.

**Confirmation of the Next Commission Meeting:**

The next ORC meeting will be Thursday, June 20, 2013, at the Portland State Office Building in Room 1E.

**Adjournment:**

**Action:** There being no further business, the public meeting was adjourned at 3:25pm

**Moved by:** Commissioner Robson

**Seconded:** Commissioner Huber

**Vote:** Chair Dudley took roll and the results were unanimous with 5 Ayes, 0 Nays