



Minutes  
**Oregon Racing Commission**  
**June 16, 2016**

**Meeting Detail**

The Oregon Racing Commission (ORC) met on Thursday, June 16, 2016, in Room 1A of the Portland State Office Building (PSOB), 800 N.E. Oregon St., Portland, OR.

**Call to Order**

Chair Charles Williamson called the meeting to order at 1:30 p.m.

**In Attendance**

**Commissioners:** Chair Charles Williamson, Vice-Chair Jan Palmer, DVM, Commissioner Michael Huber, DVM, Commissioner Christopher Dudley (by phone)

**Staff**

Jack McGrail, Executive Director, Catriona McCracken, Assistant Attorney General (AAG)

**AGENDA ITEMS**

**Approvals:**

**June 16, 2016, Meeting Agenda**

**Action:** Motion to approve the June 16, 2016, meeting agenda.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**May 19, 2016, Meeting Minutes**

**Action:** Motion to approve the May 19, 2016, Commission Meeting Minutes.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**New Business:**

**Discussion and Possible Approval of Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs – Advance Deposit Wagering (ADW) License Renewals:**

- AmWest Entertainment
- eBet Technologies Inc.
- Churchill Downs dba TwinSpires
- Premier Turf Club

Representatives of the hubs present included: Randy Boden, Chief Operating Officer, and Cynthia Ochsner, Chief Financial Officer, from AmWest Entertainment; Micah Lloyd, Vice President and General Manager of eBet Technologies; Carter Vance, Vice President and Associate General Counsel for Churchill Downs; and Todd Bowker, General Manager of Premier Turf Club. The representatives

uniformly praised the Commission for doing an excellent regulatory job while being responsive to the needs of the business community.

ADW Supervisor Connie Winn reported that each hub was in compliance and up to date in all areas and recommended approval of the individual license renewals.

**Action:** Approve application from AmWest Entertainment for a 5-year ADW license renewal.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Action:** Approve application from eBet Technologies Inc. for a 5-year ADW license renewal.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Action:** Approve application from Churchill Downs dba TwinSpires for a 5-year ADW license renewal.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Discussion:** Commissioner Huber questioned the date of the last on-site audit, and Ms. Winn corrected it to read April 2015.

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Action:** Approve application from Premier Turf Club for a 5-year ADW license renewal.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

#### **Discussion and Annual Reviews of Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs – Advance Deposit Wagering (ADW):**

- Game Play Network dba b Spot
- NewCo Ventures North America, LLC dba NYRA Bets
- XpressBet

Cameron Benjamin, Director of Oregon Operations for Game Play Network's Beaverton call center, appeared before the Commission with ADW Supervisor Connie Winn. Ms. Winn stated that she had found Game Play in compliance in all areas and recommended the review be approved.

Commissioner Huber noted an error regarding the expiration date of when Game Play was registered to do business in Oregon, and Ms. Winn corrected it.

Ms. Winn noted that NewCo Ventures, North America was licensed recently and was in excellent standing.

Ms. Winn stated that XpressBet was also in compliance in all ways. Commissioner Huber noted a typo regarding the "doing business in Oregon" date, and Ms. Winn corrected it.

Commissioner Huber thanked Ms. Winn for her comprehensive reviews and making the process run smoothly.

**Discussion and Possible Approval of Portland Meadows 2016-2017 Race Meet License Renewal:**

Josh Dieringer, ORC Mutuels Auditor, reported that he and Connie Winn had reviewed the Portland Meadows (PM) contract and found everything in order. They recommended approval of the 2016-17 application.

Chair Williamson asked if there had been an amendment to the race dates. Karsten Hennze, general manager of Portland Meadows, answered via phone that PM had submitted an amendment not on the number of race days, but the dates that they fall on.

Executive Director Jack McGrail stated that opening date would be Sunday, Sept. 25, and the end date would be Jan. 3, 2017. The amendment pertains to when the track runs three days a week, changing the schedule from Monday, Tuesday, Wednesday, to Sunday, Monday, and Tuesday. Post time will be noon when the season is two days a week and 1 p.m. when it is three days a week. Director McGrail asked Mr. Hennze if there was a reason for that.

Mr. Hennze replied that PM planned to run eight races daily on three-day weeks. For simulcast purposes, if the main races fall toward the end of the day, coinciding with closing time on East Coast tracks, it works out better financially for PM, he explained. The intention is that the races will end at the same time under both schedules.

Vice Chair Palmer asked what the ending time would be, to which Mr. Hennze replied 5 or 5:30 p.m.

Chair Williamson added that the Commission had a letter from the Oregon Horsemen's Benevolent and Protective Association indicating its agreement with the application.

- Action:** Approve race application for Oregon Racing Inc., as Portland Meadows, for 2016-17 race meet, running no fewer than 320 races.
- Moved by:** Commissioner Michael Huber, DVM
- Seconded:** Vice Chair Jan Palmer, DVM
- Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Discussion and Possible Approval of Tote Company Licenses:**

- Amtote
- United Tote
- Sportech
- Intermountain Tote

Micah Lloyd, representing Sportech, appeared before the Commission. Mutuels Auditor Josh Dieringer stated that he and ADW Supervisor Connie Winn had reviewed the applications for each renewal and found everything in order. In each case, they recommended approval.

- Action:** Approve application from Amtote for annual license.
- Moved by:** Commissioner Michael Huber, DVM
- Seconded:** Vice Chair Jan Palmer, DVM
- Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

- Action:** Approve application from United Tote for annual license.
- Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM  
**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Action:** Approve application from Sportech for annual license.  
**Moved by:** Commissioner Michael Huber, DVM  
**Seconded:** Vice Chair Jan Palmer, DVM  
**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

**Action:** Approve application from Intermountain Tote for annual license.  
**Moved by:** Commissioner Michael Huber, DVM  
**Seconded:** Vice Chair Jan Palmer, DVM  
**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

Vice Chair Palmer thanked Portland Meadows for submitting its race meet application in a timely fashion and the horsemen for their cooperation.

### **Discussion & Possible Adoption of Proposed Rule Amendment Regarding Clenbuterol:**

Commissioner Huber read the proposed amendment to the rule, as follows: “Notwithstanding (11) (a), the use of Clenbuterol, albuterol, zilpateral, ractopamine or any analogues thereof in American Quarter Horse racing at recognized race tracks in Oregon is prohibited. All horses entering an official Quarter Horse race will be subject to testing by any biologic method including but not limited to hair, blood and urine.”

**Action:** Amend ORS 462-160-0130 (11) regarding the use of Clenbuterol.  
**Moved by:** Commissioner Michael Huber, DVM  
**Seconded:** Commissioner Christopher Dudley  
**Discussion:** Commissioner Huber explained that by adopting the rule, the ORC would have a policy for mixed Quarter Horse races that any positive hair tests would not be subject to sanction by the Commission for 6 months. He added that the rule would go into effect upon filing with the Secretary of State tomorrow, and because the testing involves significant costs that have not been included in the current budget, the Commission will accept the Oregon Quarter Horse Racing Association’s (OQHRA) offer of \$3,000 to be applied to the cost of testing.

Chair Williamson noted that the Commission expected to spend an additional \$8,000 to \$11,000 on the testing. He clarified that the contribution by the OQHRA was policy and not part of the actual rule amendment.

In response to a question from Vice Chair Palmer regarding testing Thoroughbreds in mixed breed races, Commissioner Huber explained that the stewards would decide which horses to test: It might be the winner, it might be other horses. He added that any horse, regardless of breed, that tested positive in blood or urine tests would be sanctioned.

Director McGrail added that the ORC conducts blood and urine tests on all winners. Under the proposed rule, all horses in Quarter Horse races would be subject to hair-testing, but because of the cost, the reality is horses from about 30 percent of the races would be tested. (That is the same percentage as in California, he noted.) He added that the stewards make the decisions about which races are tested; that would probably include higher dollar events, such as futurities.

Vice Chair Palmer expressed her concern that Thoroughbreds not be excluded from random sampling in the mixed breed races. Director McGrail explained that no winner of a mixed breed race – regardless of breed – would be sanctioned during the 6-month grace period. The Commission might, however, do hair testing for informational purposes.

Chair Williamson noted that the rule would go into effect tomorrow in regard to all races restricted to Quarter Horses, and Director McGrail added that there is no grace period in straight Quarter Horse races. Chair Williamson noted that some support had been expressed for a 6-month grace period for Quarter Horses as well, but the Quarter Horse association wanted the rule change and has been advocating for it for more than a year and Portland Meadows wants the change. He stated he is not persuaded by the argument that the rule will reduce field sizes.

**Vote:** Chair Williamson took roll and results were unanimous with 4 Ayes and 0 Nays.

**Old Business:**

**Sub-Committee Update Reports:**

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

No report.

**b. Best Practices**

No report.

**c. Budget and Hub Funds**

No report.

**d. Medication and Horse Welfare**

Commissioner Michael Huber, DVM, reported that the sub-committee met this morning and discussed the Clenbuterol rule. All members in attendance supported the proposed amendment, he stated.

**e. Executive Director's Report**

Executive Director Jack McGrail stated that the summer fair meets got off to a terrific start with the Union meet last Friday. Field sizes were good, and Friday's card included an Oregon-bred race. The track surface appeared to be good, eliciting no comments from the jockeys. Track consultant Steve Wood was in attendance and helped work the track. The Eastern Oregon Livestock Show (EOLS) contributed \$50 per day to the Jockey Incentive program. Director McGrail stated there were enough jockeys each day, with no scratches due to a lack of riders. He added that last year almost every fair meet saw scratches because no rider was available. He added that the new Test Barn policy of having only ORC staff and horse handlers in the area was an improvement, resulting in a safer and more professional environment. The weather was good, he stated, and handle was up about 15 percent.

Director McGrail noted that the Oregon Horsemen's Benevolent and Protective Association (OHBPA) will hold four clinic days to offset the cost of compliance with the Commission's Coggins policy. Sessions in Grants Pass are scheduled for June 17 and July 1. Information on clinics in Prineville and Portland Meadows will be posted on the HBPA website. He noted that after the HBPA contributes \$10 and the ORC contributes \$10, each test costs the horseman only \$10.

Nationally, Director McGrail stated that the Jockeys' Guild and the University of Kentucky are collaborating on a concussion management protocol study. He noted this was an important initiative, following the lead of other governing bodies in sports, including the NFL, NBA and NASCAR. Director McGrail noted one jockey at Union suffered a concussion on Friday, but it was not a serious injury and he rode Sunday. However, it is a common occurrence in horse racing, he added.

Director McGrail reported that Grants Pass opens on Saturday. The stewards reported that major items – involving paddock repairs, the jockey’s room and the starting gate – had been resolved. Some minor things, such as wiring and the inside rail, remained to be addressed. He added that consultant Steve Wood would meet with the track crew and stewards.

Director McGrail noted that the Association of Racing Commissioners International (ARCI) will hold a town hall meeting at 2 p.m. July 13 at Emerald Downs. The national uniform medication program is supposed to be on the agenda.

Director McGrail thanked the ADW licensees present, noting that the renewal process is detailed and time consuming, and he appreciated the effort put forth by both the licensees and by the ORC’s Mr. Dieringer and Ms. Winn in reviewing the filings.

Vice Chair Palmer asked how the Coggins screening was working at the fair meets. Director McGrail answered that one pony horse without a Coggins was asked to leave the Union meet, but horsemen have been cooperative. Regarding the Commission checklist for summer meets, Director McGrail stated that officials at EOLS had been very cooperative in following the stewards’ recommendations, and getting the stewards to the track well in advance of the meet had helped. Grants Pass has been slower to address issues with the paddock and inner rail.

Vice Chair Palmer asked if Mr. Wood felt the EOLS track surface was better than last year. Director McGrail stated there had been no complaints from the horsemen or jockeys, but that could not necessarily be attributed to Mr. Wood. He added that EOLS has good track equipment. Vice Chair Palmer stated that the gist of her question was should the ORC hire Mr. Wood next year, and she would like to have a brief, written report from him at the end of the summer. Director McGrail stated that Mr. Wood had indicated he would make such a report.

Chair Williamson noted that in the past, Grants Pass had significant problems with security, and people in that community are very concerned about horse welfare.

He also asked Director McGrail if someone from ORC should attend the medications portion of the ARCI meeting at Emerald Downs. Director McGrail stated that would be useful, and he would forward the agenda to all once he gets it. He stated that he planned to attend the town hall meeting. Commissioner Huber and Vice Chair Palmer both stated they would check their schedules.

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

Vice Chair Jan Palmer stated the group met this morning and discussed the social media and marketing campaign. The Facebook page, Oregon Racing, set up by Kelly O’Neill, includes dates for the fair meets and condition books and has 72 “likes” so far.

**Contested Cases:**

None

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

None

**Public Comment:**

Ron Sutton, president of the OHBPA, thanked the hubs for relicensing, noting that horsemen appreciated their involvement in Oregon racing. He noted that he attended the Union meet, where the \$100 gift card

for the “trainer of the day” had been a success, and the track was the best he had ever seen it. He stated he didn’t hear any complaints about the track, and it was a good meet. He also thanked the Commission for licensing Portland Meadows.

Mr. Sutton stated that he thought the Commission had done a “grave injustice” to Oregon horsemen by enacting the Clenbuterol rule that takes effect tomorrow, turning a 21-day out-time on medication into a 180-day out-time. Any rule involving therapeutic medications should take into account the out-time, he added. Mr. Sutton stated he had owned Quarter Horses, and was speaking as a horseman generally and did not want this rule to set a precedent.

In response to a question from Chair Williamson, Mr. Sutton stated he would be OK with the rule if it were adopted with a 180-day grace period for all horses. As is, he thinks some Quarter Horses will not run at the fair meets and will not run until December.

Commissioner Huber noted that the rule came from the Quarter Horse community. Mr. Sutton stated that a lot of Quarter Horse people did not know the rule was happening and would take effect immediately. He stated that the prohibition was not in the Condition Book, but only in the nomination for the futurities. Mr. Sutton added that he was speaking as an individual horseman and not in his role as president of the HBPA.

Mr. Huber stated that the driving force for the amendment was the fact that it was brought by the Quarter Horse racing administration, which carried a lot of weight. He added that the warning had been out for more than a year.

Dave Nelson, OQHRA board member, expressed his appreciation for the positive vote on the Clenbuterol rule amendment. He noted that change is always hard, and the Commission has done a good job of easing into the new rule and accommodating Thoroughbreds in the mixed breed races.

**Confirmation of the Next Commission Meeting:**

The next ORC meeting will be at 1:30 p.m. Thursday, July 21, 2016, in Room 1A of the Portland State Office Building, 800 N.E. Oregon St., Portland, OR.

**Adjournment:**

**Action:** Motion to adjourn.

**Moved by:** Commissioner Michael Huber, DVM

**Seconded:** Vice Chair Jan Palmer, DVM

**Vote:** Chair Williamson took roll and the results were unanimous with 4 Ayes, 0 Nays.

There being no further business, the meeting was adjourned at 2:28 p.m.