



## Minutes

### **Oregon Racing Commission**

**March 17, 2016**

#### **Meeting Detail**

The Oregon Racing Commission (ORC) met on Thursday, March 17, 2016, in Room 1C 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; Commissioner Angel Baez

#### **Staff**

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

## **AGENDA ITEMS**

#### **Approvals:**

##### **March 17, 2016, Meeting Agenda**

**Action:** Motion to approve the March 17, 2016, meeting agenda, amended to add approval of Forms B and C for three fair meets.

**Moved by:** Commissioner Christopher Dudley

**Seconded:** Commissioner Michael Huber, DVM

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

##### **February 18, 2016, Meeting Minutes**

**Action:** Motion to approve the February 18, 2016, Commission Meeting Minutes as submitted.

**Moved by:** Commissioner Christopher Dudley

**Seconded:** Commissioner Angel Baez

**Vote:** Chair Williamson took roll and the results were unanimous with 5 Ayes, 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 and topics covered were: the Racing Medication & Testing Consortium (RMTC) model rules; an update on the advisory committee's discussions of the model rules; third party administration of Lasix; and possible commission stances on clenbuterol thresholds. The sub-committee also discussed requiring a Coggins test for upcoming race meets, he added, noting that the state veterinarian is recommending a Coggins test within 6 months of a race meet. Commissioner Huber stated that the stewards would come up with jurisdictional requirements for the fair meets that would conform to that recommendation.

Regarding clenbuterol, Commissioner Huber noted that a legal decision had found the owner of Los Alamitos Race Course in California acted inappropriately in requiring negative clenbuterol tests for horses competing there. Although that case has no direct bearing on Oregon, Commissioner Huber noted, it indicates that it will probably be up to the American Quarter Horse Association, Horsemen's Benevolent & Protective Association and like groups to set requirements for horsemen, rather than the track.

Chair Williamson noted that the ORC also could set those requirements.

Commissioner Jan Palmer, DVM, asked if the 6-month Coggins requirement would apply to Portland Meadows (PM). Commissioner Huber replied that was likely, noting that many horses left PM with a negative Coggins, which would be valid through most of the fair meets, except Tillamook and Harney County. He added that Equine Infectious Anemia is rare in Oregon, except in the racing industry, and the subcommittee decided to follow the Department of Agriculture recommendations because it wanted to be sure race meets do not create a "hot spot" for the virus.

Commissioner Palmer asked if the Commission could impose this requirement on PM, and Catriona McCracken, AAG for the ORC stated that she would look into that. Commissioner Huber stated PM had made such a requirement.

Executive Director Jack McGrail explained that, in the best interests of racing, the stewards could make a ruling to that effect. In the sub-committee meeting, he stated, the ORC took the position that it *is* the race meet, as far as the fair meets are concerned; PM is likely to collaborate with the ORC. He added that all horses were required to have a Coggins before leaving PM, and the management could make that a condition for re-entering the barn area. Washington State has not changed its regulations, he added, but Emerald Downs required all horses entering the barn area to have negative Coggins.

**e. Executive Director's Report**

Executive Director Jack McGrail reported further on the California legal case involving Los Alamitos' clenbuterol rules. He noted that the California Horse Racing Board (CHRB) had passed a rule regarding clenbuterol while the suit was pending. He stated that it should be a Commission charge to make such rules, adding that the California track did not have the authority to override Commission rules.

He reported that Presiding Steward Mike Twiggs was assembling a check list for pre-meet inspections, with the goal of smoother openings for all the fair meets. Director McGrail noted the Commission would be present at the meets earlier than in the past, resulting in two pre-meet inspections at each fair meet.

Director McGrail repeated that negative Coggins would be required of all horses entering the barn areas at the fairs and would be part of the paperwork submitted to the race office. Pony horses and other non-racing horses also are required to have a negative Coggins; however, barn areas at the fairs are not secure, he noted, so those horses will be subject to random checks by the stewards and investigators. An announcement to horsemen about the requirements and potential fines will be forthcoming shortly.

Director McGrail reported that Dean Noyes, Director of Racing at the Crooked River Roundup, had negotiated a jockey insurance policy for the fair meets with a lower premium and higher limits than last year. The premium is almost \$11,000 less than in 2015, Director McGrail stated, and coverage has increased from last year's \$500,000 per accident or death, to \$1 million per incident this year. He added that he hoped the new insurance policy and the jockey incentive fund would make it easier for the western states' Jockeys Guild representative to recruit more jockeys to the fair meets.

Director McGrail thanked members of the stakeholders committee who worked on the national uniform medication program initiative. Recommendations and fiscal impact statements will be drafted, he noted, adding that good suggestions and potential compromises emerged from the discussions.

The Commission will be submitting an RFP for laboratory services, Director McGrail noted, after he meets April 4 with the Department of Administrative Services procurement office.

Regarding the California case, Director McGrail explained that the rule in question was a house rule at Los Alamitos, but the CHRB had not, at that time, changed the state rule. The court found the track did not have authority to alter a CHRB rule by attaching a house rule to it. He added that is always a potential issue when house and Commission rules do not align. The CHRB did subsequently align its new rule with the house rule, he added.

Chair Williamson noted that the ORC seemed to have found a good deal on jockey insurance. Director McGrail attributed that to low claims last year – premiums are determined by recent history.

In response to a question from Chair Williamson about barn areas at the fair meets, Director McGrail said there was no way to secure them, but he felt confident that publicizing the new Coggins rule and the threat of enforcement would be sufficient to

ensure compliance. He added that the horsemen want to comply. He agreed with Chair Williamson's suggestion that a sign could be posted about restricted access.

In response to a question from Commissioner Dudley about narrowing the number of horses to be checked, Director McGrail stated that papers submitted to the race office would include the negative Coggins. The concern was mostly concerning pony horses and horses in training, which numbered about 12 horses. He added that rodeo horses at certain fairs were stabled in different barns from the race horses, and most of the rodeo horses have negative Coggins because they travel out of state. Commissioner Huber repeated that the at-risk population was the race horse population: horses who participate in match races or receive injections.

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

No report.

**g. Portland Meadows Report**

No report.

**New Business:**

**Discussion and possible approval of applications B and C for three fair meets:**

Director McGrail reported that the Commission had received Forms B and C from three fair meets. The Commission had made minor corrections to clerical errors, but otherwise the applications were very similar to those submitted the past two years and had been determined to meet Commission requirements. The applications are from Grants Pass Downs, the Tillamook County Fair and the Harney County Fair.

Commissioner Palmer noted that Grants Pass has a house rule under medications banning clenbuterol use among Quarter Horses and wondered if that was enforceable. Director McGrail stated he did not think the track had authority to enforce it; it was uncertain what an Oregon judge would say. He noted that the application was "somewhat at odds" with Oregon medication rules. Counsel McCracken recommended holding the application and acting only on the other two.

Commissioner Dudley noted that on Harney County's application, Don Slone's name had been marked out and replaced with Rick Paul. Director McGrail explained that Mr. Slone had resigned as fair manager, but submitted the papers prior to his resignation. Commissioner Dudley noted the email address also was incorrect.

Chair Williamson asked if the copies before the board were correct. Director McGrail stated they were; the changes made were clerical in nature and had been submitted to the fair boards for ratification. Chair Williamson stated that the Commission could approve the applications before them. Counsel McCracken stated that the Commission should add the clause "subject to ratification" by the fair boards or delay action until the next meeting, which would be simpler.

**Action:** Approve forms B and C for the Tillamook and Harney County race meets, as adjusted by ORC staff.

**Moved by:** Commissioner Chris Dudley

**Seconded:** Commissioner Michael Huber, DVM

**Vote:** Chair Williamson took roll and results were unanimous with 5 Ayes and 0 Nays.

**Contested Cases:**

None

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

None

**Public Comment:**

None

**Confirmation of the Next Commission Meeting:**

The next ORC meeting will be at 1:30 p.m. Thursday, April 21, 2016, in Room 1A of the Portland State Office Building, 800 N.E. Oregon St., Portland, OR. No vote was taken.

**Executive Session:**

The Commission went into Executive Session at 2:04 p.m. pursuant to ORS 192.660(2)(f), ORS 40.225 and ORS 192.502(9) to discuss previous Executive Session minutes and receive legal advice for board members about attendance. It emerged from Executive Session at 2:30 p.m.

**Adjournment:**

There being no further business, the meeting was adjourned at 2:32 p.m.

**Action:** Motion to adjourn.

**Moved by:** Commissioner Christopher Dudley

**Seconded:** Commissioner Michael Huber, DVM

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