



Minutes
Oregon Racing Commission
November 16, 2017

Meeting Detail

The Oregon Racing Commission (ORC) met on Thursday, November 16, 2017, in Room 1B 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; Commissioner Diego Conde; Commissioner Angelo Turner; Commissioner Christopher Dudley (by phone).

Excused

Vice Chair Jan Palmer, DVM

Staff

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

Agenda Items

Chair Williamson opened the meeting by thanking former Commissioner Michael Huber, DVM, for his nine years on the Commission. He presented Dr. Huber with a plaque in appreciation of his service. Dr. Huber characterized his Commission experience as wonderful, noting that he had served on many volunteer committees and this was the most active. He stated that the Commission had accomplished a lot and that he hoped to maintain a connection to it. He also thanked the staff, Commissioners past and present, and the two Executive Directors he worked with.

Approvals:

Action: Approval of the meeting agenda, amended to include an Executive Session on the proposed Jim Bob Whiteside licensing.

Moved by: Commissioner Diego Conde

Seconded: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Action: Approval of the October 19, 2017, meeting minutes.

Moved by: Commissioner Diego Conde

Seconded: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Old Business:

Executive Director's report

Executive Director McGrail stated the Portland Meadows meet generally has been going smoothly. There was one catastrophic injury on Oct. 31. Sunday racing Oct. 22 drew an enthusiastic crowd. He acknowledged that because of competition, weekend race days do not generate enough simulcast takeout to contribute much to the handle, but offering weekend races generates interest locally and allows families and working people to attend. He noted the 37-day meet includes five Sunday cards.

Director McGrail stated he attended the Oregon Fairs Association meeting in Albany on Oct. 28, and the consensus was the fair race meets are trending in the right direction. The transition to United Tote was successful with a few bumps, as expected. The experiment in Grants Pass and Prineville with simulcasting has some challenges to overcome and will have to pay for itself at some point and contribute to purses. He noted that purse contributions from industry groups, private sponsors and the Commission make Oregon fair racing competitive with other fairs across the West.

He noted that Grants Pass has some issues stemming from the expense of keeping the track open for training 35 days before the meet starts. Officials and the horsemen are discussing how keep the track open for training, which Director McGrail stated is important to getting horses fit.

Director McGrail reported that the jockey shortage had cost a few starts at Grants Pass. He thanked Darrell Haire, Western Regional Manager of the Jockeys' Guild, for meeting this week with stewards and jockeys to share ideas about increasing the number of jockeys at the fairs. He noted that jockey Robert Burney also participated in today's meeting to give the jockeys' view on what would incentivize jockeys to attend the fairs.

Director McGrail noted that the Commission is continuing to work with the Justice Department and ADW licensees to bring new products to market in a controlled manner. He added that the integrity of wagers is the Commission's primary concern, and that compliance issues are not insurmountable to get the new products licensed in accordance with Commission rules and statutory requirements.

FROG Report:

Chair Williamson reported that much of today's FROG meeting, with Mr. Haire and Mr. Burney in attendance, focused on how to improve jockey attendance at the fairs. The group made a resolution recommending the Commission use about \$23,000 of the current \$35,000 in the Jockey Incentive Fund to increase mount fees. Chair Williamson suggested that before the proposal is submitted to the Commission, more information should be gathered to be certain the move does not inadvertently provide a disincentive to jockeys. He asked Director McGrail to gather information on how such a plan would affect jockeys before the next Commission meeting.

Director McGrail noted there had also been a suggestion that the fees to second-place jockeys also be increased, which will be part of the discussion.

Portland Meadows (PM) Report:

Director McGrail noted that PM had requested changing post times to 1 p.m. on Nov. 27 and 28, when 8-race cards are anticipated following Sunday racing on Nov. 26.

Karsten Hennze, PM General Manager, reported that the meet is still struggling with field size, with 500+ racehorses on the backside. The track had a \$600,000 and a \$900,000 day last week, he stated, adding that \$900,000 is a very good day. Given the horse population, the track is doing about as expected, he reported.

A recent “Dollar Day” on a Sunday was successful, with more than 2,000 people at the track, he reported. There will be another one in November.

There has been one catastrophic injury. PM officials inspected the track, talked to jockeys and horsemen and could not attribute the injury to any particular track or safety issue, he stated.

Instant Racing handle has increased continuously, Mr. Hennze reported.

In response to a question from Chair Williamson, Mr. Hennze stated that the track was not anticipating reducing the number of race days from what appears on its license, but weather can affect that. He noted that it poses a problem if bad weather leads to stretching out the meet and keeping the backside open. He added that on the upcoming three-day week, first post on Monday and Tuesday would move back to 1 p.m., because only eight races will be run those days.

New Business:

Discussion and Possible Policy Amendment Regarding Chair Terms:

Chair Williamson explained that Vice Chair Palmer suggested changing the terms of the chair and vice chair to be consistent with the fiscal year, instead of starting in January. New terms would run July 1 through June 30 for two years. The current terms of Chair Williamson and Vice Chair Palmer would be extended through June 2018, when the new policy would go into effect with an election of officers.

Action: Amend election-of-officers policy to extend current terms through June 30, 2018; thereafter, 2-year terms will coincide with the fiscal year

Moved by: Commissioner Diego Conde

Seconded by: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Discussion and Possible Approval of Committee Appointments:

Chair Williamson outlined the proposed committee appointments: Commissioners Palmer (chair) and Dudley will serve on the Budget sub-committee; Commissioners Dudley (chair) and Conde will serve on the ADW sub-committee; Commissioner Dudley will chair the Best Practices sub-committee; Commissioners Conde (chair) and Palmer will serve on the Medication and Horse Welfare sub-committee; Commissioners Palmer (chair) and Turner will serve on FROG.

Director McGrail stated that the policy does not require a vote of the Commission, as the Chair makes committee appointments.

Discussion and Possible Approval of 2018 Meeting Dates:

Action: Approve Commission meeting dates for 2018

Moved by: Commissioner Diego Conde

Seconded by: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Discussion and Possible Delegation of Final Order Authority:

Assistant Attorney General Catriona McCracken explained that the final order authority would give Director McGrail authority to draft a final order in situations where there has been a default, such as when a licensee has appealed a stewards' ruling then withdrawn the appeal before the hearing; the licensee has notified the board that he/she will not appear on the date scheduled for the hearing; and/or the licensee fails to appear without due cause on the scheduled hearing date. Under these circumstances, the Commission delegates to Director McGrail the authority to draft and sign a final order.

Action: Adopt delegation of final order authority

Moved by: Commissioner Christopher Dudley

Seconded by: Commissioner Diego Conde

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Other Business as May Properly Come Before the Commission:

None

Public Comment:

Darrell Haire, Western Regional Manager of the Jockeys' Guild, stated that from the riders' point of view, racing at Portland Meadows is the best it's been in the 18 years he has been coming to Portland. Track management has been supportive of jockeys' concerns, as have industry groups, he stated, and Mr. Haire expressed his appreciation.

Contested Cases:

None

Executive Session:

The Commission went into executive session at 2:03 p.m. to consider information or records exempt from disclosure pursuant to ORS 192.660(2)(f), ORS 192.502(9) and ORS 192.502(2) to consult with counsel concerning written legal advice and to question applicant Jim Bob Whiteside in the matter of the possible reinstatement of his license. It emerged from executive session at 2:17 p.m.

Discussion and Possible Reinstatement of Licensee Jim Bob Whiteside:

Counsel McCracken explained that the Commission met in Executive Session with Jim Bob Whiteside and the stewards. Criteria reviewed in deciding whether Mr. Whiteside's license should be reinstated included whether the applicant has reformed; whether he has identified his own character faults; whether his presence in places under the Commission's jurisdiction would be detrimental to racing's best interests; whether he has acknowledged wrongdoing, taken responsibility for his misconduct and shown sincere remorse; whether relevant problems have been resolved; and whether he is willing to comply with the Commission's rules and regulations.

Counsel McCracken added that the Commission has three options: 1) Reinstatement of the license; 2) reinstate the license with conditions; or 3) deny the license. In the last case, Mr. Whiteside would have the right to appeal and go to a hearing, she noted.

Action: Approve reinstatement of Jim Bob Whiteside's license with conditions

Moved by: Commissioner Diego Conde

Seconded by: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Counsel McCracken then listed the conditions the Commission discussed. Mr. Whiteside is to:

- Continue on his substance-abuse program, with an agreement for regular testing.
- Attend counseling wherever he is traveling for racing, to the best of his ability. The stewards will confirm his adherence to this. Mr. Whiteside has given the Commission permission to contact treatment providers to confirm his attendance.
- Abide by the Commission's statutes and rules, as well as those of the state of Oregon.
- Submit to random testing.

Action: Approve the listed conditions as those applying to the reinstatement of Jim Bob Whiteside's license

Moved by: Commissioner Diego Conde

Seconded by: Commissioner Angelo Turner

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

Confirmation of the Next Commission Meeting:

Chair Williamson noted that the Commission often does not meet in December, but Director McGrail stated that a December meeting may be necessary to approve an ADW application. Chair Williamson noted that if that were the only thing on the agenda, a telephone meeting might be sufficient. The next regular Oregon Racing Commission meeting will be Thursday, December 21, 2017, at 1:30 p.m. in Room 1B of the Portland State Office Building (PSOB), 800 N.E. Oregon St., Portland, OR.

Adjournment:

Action: Motion to adjourn.

Moved by: Commissioner Diego Conde

Seconded: Commissioner Christopher Dudley

Vote: Commissioners Williamson, Conde, Dudley and Turner voted AYE, and the motion carried unanimously (4:0).

There being no further business, the meeting was adjourned at 2:25 p.m.