



Minutes
Oregon Racing Commission
July 16, 2020

Meeting Detail

The Oregon Racing Commission (ORC) met on Thursday, July 16, 2020. The meeting was held via teleconference.

Call to Order

Chair Diego Conde called the meeting to order at 1:32 p.m.

In Attendance

Commissioners: Chair Diego Conde; Vice Chair Steven O'Hagan; Commissioner Charles Williamson; Commissioner Jan Palmer, DVM

Staff

Executive Director Jack McGrail; Catriona McCracken, Assistant Attorney General

Agenda Items

Approvals:

Action: Approval of the meeting agenda

Moved by: Commissioner Charles Williamson

Seconded: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Action: Approval of the minutes from the June 18, 2020, ORC meeting

Moved by: Commissioner Charles Williamson

Seconded: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Old Business:

Medication and Horse Welfare Subcommittee Report

Subcommittee Chair O'Hagan reported that the subcommittee met today and discussed the Grants Pass Downs (GPD) summer 2020 meet, with the consensus being it went very well. Senior State Veterinarian Tom Everman told members the track, rail, gate and stalls were much improved from last fall, Subcommittee Chair O'Hagan said.

Dr. Everman provided the subcommittee the following statistics: 690 entries; 83 percent of them ran on bute and Lasix; 16 percent ran on bute only; less than 1% ran with no declared medication; 34 horses were scratched; 2 horses died, one as the result of an on-track collision and one of a cardiac event after racing; one horse bled and was put on the bleeder list.

The subcommittee discussed concerns that there may not be enough room in the racetrack chute to safely hold 400-yard races, because of pony riders gathering behind the chute and crowding when a horse flips in the gate. It may be prudent not to hold those races until after the chute is lengthened, Subcommittee Chair O'Hagan added.

The subcommittee discussed whether the ORC should have a policy or rule regarding canceling races when the heat index – a combination of temperature and humidity – is high enough to pose a threat to horses' health. The subcommittee discussed using a heat index of 105 or more as the threshold for canceling races. Chair O'Hagan noted that the subcommittee will check the policy in other hot-weather states and consider whether Oregon should have a statewide rule regarding canceling races in hot weather. That could include the fairs, but it was noted that because of when and where those meets run, extreme hot weather is less of a concern.

The subcommittee also discussed necropsy of horses that die during racing, noting that COVID-19 restrictions have caused logistical problems with getting bodies to Oregon State University, he stated. Dr. Everman will contact OSU to ensure bodies get to the vet school in a timely manner. Executive Director McGrail will coordinate with fair directors.

Randy Evers of GPD added that the track is adopting an internal policy that when the heat index reaches 105, races will be canceled. That will be in place for the fall meet. GPD furthermore recommends the Commission adopt an administrative rule and go through the process of collecting public comment.

Executive Director's Report

Executive Director McGrail congratulated GPD on its successful meet. The signal became increasingly popular as the met progressed. Handle figures are encouraging, he added, noting that handle the last two days was \$327,000 and \$360,000. The track surface was widely praised, he noted.

Director McGrail stated he was reviewing the performance of Truesdail laboratories. There has been some delay in getting test results back, he explained, and it is important that those are received so purses can be released to horsemen as soon as possible.

The Budget Subcommittee will meet Aug. 17, Director McGrail stated, and public notice will be issued. That is 7 weeks into the fiscal year and by then the Commission should have a good snapshot of revenues and expenses. Allocations for fiscal 2021 have not been decided, he reported. Industry groups funded by the Commission should be thinking about their budget requests, he stated, adding that he hoped they could come up with a joint request.

Regarding the heat index and race cancellation, Director McGrail explained the Commission would investigate whether other jurisdictions have rules or if that is left to the tracks.

Chair Conde asked whether the Commission could require a fair licensee to have a heat protocol in place. Director McGrail noted that the Commission is in effect the racetrack operator at the fairs, so it could do so. AAG Catriona McCracken suggested a rule would be a good idea, but it could simply be that the decision is up to the track vet, adding that looking at what other jurisdictions are doing is a good first step.

Grants Pass Downs (GPD) Report

Kendra Lellis, GPD vice president, provided the following statistics for the meet: 78 races; 619 starters, average field size of 7.94 (she noted that is higher than many West Coast tracks), total purses of \$619,511; average daily purses of \$68,000; average per-race purse of \$8,000. Handle totaled \$2,235,000, she stated, adding that with fans not permitted on the track, \$2.1 million of that was in online betting and \$125,000 in on-track wagering.

Rod Lowe, GPD chief operating officer and director of racing, reported that improvements completed this year included: two 40-foot enclosed camera towers; a retaining wall around the first turn to the chute; fencing around the paddock, two turns and the chute; perimeter security fencing; fencing slats; landscaping; concrete patio in front of grandstand; two additional stalls in the paddock; finish line and mile markers; new signs; paint; HVAC in offices; track widened for 10-horse fields; lighting on the track; 300 new portable stalls. Mr. Lowe reported two horse deaths, but neither was caused by the track surface. No jockeys were seriously injured, and a total of 24 jockeys rode, he added.

Mr. Evers reported that GPD operates 10 OTBs in Oregon that were shut down by the pandemic for more than two months. The OTBs were bringing in about \$1 million per month before the shutdown. The OTBs started reopening in June, he noted, and the handle for that month was nearly \$1 million. Handle for July is likely to reach \$1.5 million, he added. GPD plans to start handicapping contests and giveaways as wagering incentives, he stated.

Travis Boersma, GPD chief executive officer, stated that safety is the focal point for the Grants Pass team, and the second priority is increasing handle. He praised the team effort by GPD, the Commission and stakeholder groups. He reported that ground has been broken on the project to build a tunnel under the track to connect the front side with the infield; that is estimated to take 7 weeks. All the necessary approvals have been received for The Flying Lark, a 33,000-square-foot facility that will house historic racing machines and a family-friendly restaurant and will help stabilize the racing industry, he stated. (It is named after Don Jackson's famous Oregon stallion, Mr. Boersma noted.) Mr. Boersma stated that he wants to work with the Oregon Horsemen's Benevolent & Protective Association (OHBPA) to keep purses at about \$60,000 per race day.

Work is beginning on a 231-acre training facility for the use of all segments of the horse industry, he added. His goals, he reported, include keeping safety the top priority. For example, he would like to see a steward observing on training days. Mr. Boersma stated he planned to send the Commissioners a letter with suggestions for improvements.

Chair Conde noted that safety is No. 1 for the Commission also and expressed the Commission's appreciation for the efforts of the whole GPD team.

New Business

Discussion and Possible Approval of Subcommittee Assignments

Director McGrail stated that the following subcommittee assignments have been proposed:

- **Medication and Horse Welfare Subcommittee:** Chair Steven O'Hagan; Commissioner Jan Palmer, DVM; Senior State Veterinarian Tom Everman, DVM; Presiding State Steward Mike Twiggs; Deputy State Steward Jim Smith; Executive Director Jack McGrail
- **ADW Subcommittee:** Chair Diego Conde; Commissioner Charles Williamson; ADW Supervisor Connie Winn; Executive Director Jack McGrail
- **Budget Subcommittee:** Chair Jan Palmer, DVM; Commissioner Diego Conde; Administrative and Program Coordinator Karen Parkman; Executive Director Jack McGrail

Furthermore, he stated, it is proposed to disband the Best Practices Subcommittee and transfer those largely administrative functions to staff. Staff would report quarterly on Best Practices to the Commission.

Action: Approve subcommittee assignments as proposed

Motion: Commissioner Jan Palmer, DVM

Second: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Other Business as May Properly Come Before the Commission

None

Public Comment:

Randy Boden of OHBPA reported that the horsemen's group guaranteed purses to GPD so that purse money could be released to winners of the Thoroughbred races. He also noted that the Commission allocated \$81,000 to OHBPA for the fairs, but with no fair meets, the association guaranteed \$300 to each GPD finisher in fifth through 10th places. This allocation, which helped both the horsemen and field sizes, totaled \$55,000, he stated. Mr. Boden thanked the GPD team.

Lynnelle Fox Smith of the Oregon Thoroughbred Owners & Breeders Association (OTOBA) reported that her group planned to pay \$56,395 in owners' bonuses. During the fall 2019 and summer 2020 meets (through June 30), Oregon-bred horses earned \$211,857. She stated that 78 Oregon-bred horses had earnings, and 48 owners will receive bonus checks. She requested the Commission's permission to pay out those bonuses, as required by statute.

Action: Approve payment of owners' bonuses as outlined by OTOBA

Motion: Commissioner Charles Williamson

Second: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Ron Sutton, president of OHBPA, also spoke, praising GPD and expressing the group's excitement about the future of Oregon racing.

Contested Cases:

Review and possible approval of final order by default revoking racing license for Silvestre De La Paz Sanguino

Action: Approve final order by default revoking license No. 25175, Silvestre De La Paz Sanguino

Motion: Commissioner Charles Williamson

Second: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Confirmation of next meeting:

Director McGrail suggested the Commission cancel its August meeting due to a lack of business and reconvene in September.

Action: Cancel August ORC meeting

Motion: Commissioner Charles Williamson

Second: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

Adjournment:

Action: Adjourn meeting

Motion: Commissioner Charles Williamson

Second: Vice Chair Steven O'Hagan

Vote: Commissioners Conde, O'Hagan, Williamson, and Palmer voted AYE, and the motion carried unanimously (4:0).

There being no further business, the meeting was adjourned at 2:15 p.m.