



**Minutes**  
**Oregon Racing Commission**  
**Nov. 17, 2022**

**Meeting Detail**

The Oregon Racing Commission (ORC) met at 1:30 p.m. Thursday, Nov. 17, 2022. The meeting was held via videoconference.

**Call to Order**

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

**In Attendance**

**Commissioners:** Chair Charles Williamson; Vice Chair Margaret Doherty, Commissioner Jan Palmer, DVM

**Staff :** Executive Director Connie Winn; Catriona McCracken, Assistant Attorney General (AAG)

**Excused**

Commissioner Diego Conde

**Agenda Items**

**Approvals**

**Action:** Approval of the meeting agenda

**Moved by:** Commissioner Margaret Doherty

**Seconded:** Commissioner Jan Palmer

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

**Action:** Approval of the minutes from the September 2022 meeting

**Moved by:** Commissioner Jan Palmer

**Seconded:** Commissioner Margaret Doherty

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

**Old Business:**

**Medication and Horse Welfare Committee Report**

Commissioner Palmer reported that the committee met yesterday and discussed compliance with the Horseracing Integrity and Safety Act (HISA). She explained that because the ORC is not under HISA jurisdiction, compliance is not an issue at this time. Commission Chair Williamson noted that if a meet plans to simulcast, the ORC will have to comply with HISA, so starting to plan for such compliance would be a good idea. Commissioner Palmer asked that any stakeholders who were considering simulcasting give the Commission as much notice as possible.

Commissioner Palmer said the group also discussed whether it is time to review medications, withdrawal times, penalties, etc. Senior Commission Veterinarian Tom Everman will get started on a review of rules. She noted it will be a months-long process.

The committee did recommend a change in the Commission's rule regarding the administration of Lasix, reducing the permitted dosage from 3-10 cc to 3-5 cc.

Director Winn said the proposed change would be brought to the Commission at its next meeting.

### **Budget Committee Report**

Committee Chair Palmer said the ORC has given notice at the Portland State Office Building (PSOB) and must be out by April. Relocation options include renting space in smaller or shared space in the PSOB or elsewhere.

The committee discussed possible changes in how hub funds are distributed, including better auditing of how stakeholders use the money and setting guidelines for restrictions on use of the funds. Committee Chair Palmer noted the Commission has money to distribute from the third and fourth quarter that was designated for TMB Racing. HRA LLC has submitted a request for funding.

The committee also recommended increasing license fees effective July 1, 2023. Fees would increase July 1, 2023, from \$60 to \$75 for a three-year license, and again on July 1, 2024, to \$90 for a three-year license. License fees for grooms and jockeys would not increase. Committee Chair Palmer noted there does not seem to be any objection to the proposal.

**Action:** Approve increase in license fees as outlined

**Moved by:** Commissioner Margaret Doherty

**Seconded:** Commissioner Jan Palmer

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

### **ADW Committee Report**

Director Winn said the committee welcomed Micah Lloyd as the Commission's new director of mutuels. His background includes working with ADWs, tribal gaming, and IT. He has worked for both Sportech and eBet Technologies and will be the ORC's tribal liaison. She reported that she and Mr. Lloyd will attend the ADW symposium to be held in conjunction with the Global Symposium on Racing next month in Tucson, Ariz. Agenda topics include shared wallets and

geofencing. Director Winn added that Commissioner Conde asked Mr. Lloyd to explore what ADWs are doing regarding responsible wagering, noting that was a significant concern for the ORC.

### **HRA Report**

Rod Lowe of HRA LLC reported that OTB handle this year is about \$12.5 million. There is a new OTB in Ontario, Action Sports Bar, and four more sites are under consideration, including in Prineville, Hermiston, and Southern Oregon. He said HRA is looking at equipment needs and has purchased a trailer with 14 bunks and two showers to house jockeys and grooms, noting the scarcity of affordable housing in Grants Pass. The meet is finalizing its license application with updated dates for 2023, he added.

### **Executive Director's Report**

Director Winn reported staffing news: Maleah Thom has a new baby and will become the Administrative Assistant when she returns to work in February. Karen Pate is leaving that role but plans to continue in the test barn during the fair meets. Chief Investigator Eric Shepherd worked at the Breeders Cup; she noted it is an honor to be asked and he has been invited to be part of the permanent investigative team for the annual races.

The Commission will begin annual audits of how hub funds are used. The industry groups will be asked to present a report to the Commission of how funds were spent; the fair meets already do this.

HISA, Director Winn noted, continues to be a moving target, with estimated costs to join as high as \$450,000 annually. She added that Mr. Lowe and others had told her that simulcasting outside the state costs a race meet money – there is no short-term benefit.

Director Winn concluded by giving a shout out to trainer Ben Root for his contributions to the industry.

### **Office downsizing**

Director Winn explained that \$10,000 has been budgeted to move/downsize the office. This covers the cost of hiring a temp (which may not be needed), shredding, sending furniture and equipment to surplus, and moving documents to state archives. She expects the actual cost to be under \$5,000.

She noted that two other state bodies of similar size – the Oregon Advocacy Commission and the Public Records Advisory Council – operate fully remotely and they have reported no problems doing so.

Commissioner Doherty asked if there are places the Commission can meet in person (yes, in the PSOB or other state office building) and if the Portland staff had any objections to going fully remote (no).

**Action:** Change ORC operations to fully remote or downsize the office space  
**Moved by:** Commissioner Jan Palmer

**Seconded:** Commissioner Margaret Doherty

**Discussion:** Commissioner Williamson expressed concern about the Commission not having a phone number, fax, and mail drop. “We can’t disappear from people who need us,” he said, noting that some racetrack licensees do not have access to a computer. Director Winn noted the ORC has offices at every race meet, open before the meet begins. Chief Investigator Shepherd confirmed that is where in-person licensing happens, adding there is no licensing now in Portland because there is no track there. Counsel McCracken added that she recommends all boards get email addresses for their licensees, in addition to addresses, as another way to communicate.

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

**New Business:**

**Discussion and possible approval to begin rulemaking on amendments to OAR 462-001-0008, 462-130-0040, 462-130-0050, and 452-220-0080**

Counsel McCracken explained the goal of the proposed amendments was to clean up rules that are no longer applicable or to make them more readable.

She explained changes in chronology and wording to 462-001-0008, which concerns hearings before the stewards. Chair Williamson said he thought giving licensees 10 days to respond to a hearing request was not enough time. Ms. McCracken noted 10 days had been in the rules for a long time; however 20 to 21 days is usual in other agencies. However, the Commission must abide by statute, and she said she will have to check what it says. Commissioner Doherty also expressed support for 21 days.

**Action:** Begin rulemaking to adopt changes to OAR 462-001-0008 as outlined by Counsel McCracken, and change the response time from 10 to 21 days, subject to research by counsel

**Moved by:** Commissioner Margaret Doherty

**Seconded:** Commissioner Jan Palmer

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

Regarding OAR 462-130-0040, which also concerns stewards’ hearings, Ms. McCracken explained the proposed amendment clarifies the rule, but does not change its meaning.

However, Chair Williamson took issue with the phrase “timely manner” as being vague, and said “may” should be changed to “will” in the phrase “suspension may continue to run” for the full duration. Counsel McCracken said she would fix the wording and return the proposed amendment to the Commission at its next meeting. No vote was taken.

Chair Williamson noted OAR 462-130-0050 (appeal to the Commission) also had a response time of 10 days. Director Winn suggested changing that to 21 days, and Ms. McCracken said she would research the statute to make sure that was permitted.

**Action:** Begin rulemaking to adopt changes to OAR 462-130-0050, and change the response time from 10 to 21 days, subject to research by counsel  
**Moved by:** Commissioner Jan Palmer  
**Seconded:** Commissioner Margaret Doherty  
**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

Regarding OAR 462-220-0080 (distribution of receipts from multi-jurisdictional simulcasting and interactive wagering totalizator hubs), the proposed change clarifies language and removes a dated time reference. Director Winn wondered if the Commission wanted to continue to direct hub funds first to the fairs. Chair Williamson noted the Legislature likes the fair meets and more investigation needs to be done before changes are made to the distribution. The other commissioners agreed the playing field has changed, but more investigation should be done before substantive changes are made. Ms. McCracken added that statutory authority must be checked before any major changes are made.

**Action:** Begin rulemaking to adopt proposed wording change to OAR 462-220-0080  
**Moved by:** Commissioner Margaret Doherty  
**Seconded:** Commissioner Jan Palmer  
**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

#### **Discussion and possible approval of reinstating Best Practices Committee**

Director Winn suggested restarting and revamping the Best Practices Committee with a mission of improving the agency as a whole. She said her vision is to set standards all commissions will strive to meet.

Although he said he had no problem with trying to be excellent, Chair Williamson called Best Practices “a huge waste of time.” He noted that getting surveys from stakeholders is a good idea, but generally Best Practices resulted in a lot of make-work. Commissioner Palmer added that she thought the Commission had a lot of other issues to address that were more significant than renewing the committee.

#### **Discussion and possible approval of ORC meeting calendar for 2023**

Director Winn proposed a 2023 calendar with meetings in January, March, May, June, July, September, and November. Two meetings would be in-person rather than via videoconference: in January in Portland and in June or September in Grants Pass. Dr. Everman and Mr. Lowe both noted weather in June is likely to be better than in September.

Chair Williamson stated it was better to continue to schedule a monthly meeting and cancel if there is no business to conduct.

**Action:** Adopt 2023 calendar with ORC meetings the third Thursday of each month, except for the June meeting, to be held Friday, June 16, in Grants Pass  
**Moved by:** Commissioner Margaret Doherty  
**Seconded:** Commissioner Jan Palmer

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

**Discussion and possible approval to use video recordings as official minutes**

Director Winn stated there are advantages to using video recordings as the official minutes instead of a written record: Doing so would free up staff time for other things, and written minutes do not convey the intent and emotion of speakers as well as video does.

Counsel McCracken noted that written minutes are not required under Oregon law, and agency policies vary. Some transcribed minutes are very short, some detailed.

**Action:** Approve using videorecordings as the official ORC meeting minutes

**Moved by:** Commissioner Jan Palmer

**Seconded:** Commissioner Margaret Doherty

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

**Public Comment:**

Leah Nelson of the Oregon Quarter Horse Racing Association stated she was “tickled” that the Commission would meet June 16 in Grants Pass, as that’s the day trials will be held for the Firecracker Futurity, as well as possibly a challenge derby.

**Contested Cases:**

None

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

None

**Confirmation of Next Meeting:**

The next Commission meeting is scheduled for 1:30 p.m. Jan.19, 2022, in Room 1A of the Portland State Office Building, 800 N.E. Oregon St., Portland, OR.

**Adjournment:**

**Action:** Adjourn meeting

**Moved by:** Commissioner Margaret Doherty

**Seconded:** Commissioner Jan Palmer

**Vote:** Commissioners Williamson, Doherty, and Palmer voted AYE, and the motion carried unanimously (3:0).

There being no further business, the meeting was adjourned at 3:03 p.m.