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Minutes
Oregon Racing Commission
June 23rd, 2023

Meeting Detail

The Oregon Racing Commission (ORC) met at 2:30 p.m. Friday, June 23, 2023. The meeting was held at the Arts and Crafts building at the Josephine County Fairgrounds in Grants Pass, Oregon and via videoconference.

Call to Order

Chair Charles Williamson called the meeting to order at 2:31 p.m. and conducted roll call.

In Attendance

Commissioners: Chair Charles Williamson; Vice Chair Margaret Doherty; Commissioner Jan Palmer, DVM; Commissioner Diego Conde; Commissioner Quinn Berry

Staff: Executive Director Connie Winn; Karen Parkman, Program and Administrative Coordinator; Kelly Routt, Assistant Attorney General (AAG)

Excused

none

Approvals:

Action: Approval of the meeting agenda with a change to the order – bringing forward the commissioner oaths of office before any other agenda items.

There were no objections.

Commissioner oaths of office

Position 1: Margaret Doherty

Position 2: Quinn Berry

Position 4: Diego Conde

The above commissioners were officially sworn into office, recited the commissioner oath alongside Chair Williamson.

Approvals Cont.

Action: Approval of the agenda, with the above change.

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Action: Approval of the minutes from the April 2023 meeting

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

OLD BUSINESS:

Executive Director's report

Executive Director Connie Winn welcomed the commissioners, horsemen, interested parties, and Xpressbet representative, Gene Chabrier, to Grants Pass. She introduced the newest commissioner, Quinn Berry, who joins the commission from Wallowa, Oregon. Berry is a professional counselor and horse breeder. Director Winn then introduced the ORC's new Chief Investigator, Chris Adams, who has a long history in law enforcement, is an Air Force veteran, and operates a dog rescue and livestock sanctuary with his wife. Director Winn thanked Micah Lloyd for setting up the PA system for the meeting.

The ORC's budget has passed the senate and house and is awaiting the Governor's signature. Director Winn stated she is currently working on review of Key Performance Measures, reporting on greyhound statistics, and a new Federal Bill in the House, if enacted, would eliminate greyhound racing throughout the United States. Currently there has been no movement.

Regarding the recent article by Willamette Week, Winn clarified for interested parties that regarding caps placed on ADW fees paid to the ORC, that ADWs have other fees in addition to what they pay in Oregon that they must pay in other jurisdictions. These companies choose to stay with Oregon for their regulation. They may not continue to choose to do business in Oregon if fees are increased, as questioned by the article. Director Winn encouraged anyone to contact her with questions regarding the media or public relations for fact-based answers and clarifications.

The ORC recently lost US Off-Track, one of the original ADWs, effective June 30, 2023. They will be missed but we understand the inability to operate virtual greyhound racing in the state has been a major factor for their decision.

Racing is underway, with the completion of the first fair meet in Union and the first weekend of racing at Grants Pass Downs. A full report will be given at the next meeting. Director Winn stated she was impressed with increased handles and performance and thanked the staff, and all involved.

The state audit is still in process. The change in leadership at the Secretary of State's office has delayed the results from being released at the end of the month. The ORC takes the findings very seriously and is working hard to implement any recommendations and to go above and beyond to improve current operations.

Director Winn provided an overview of the commission committees, whose purpose is to provide more in-depth review and evaluation of specific topics before bringing the information before the full commission for possible approval. There are currently 3 committees – Budget, ADWs, and Horse and Welfare. Each committee is comprised of at least 1 commissioner, but never more than 2, 1 ORC staff member with applicable expertise, and the Executive Director. These committee meetings are open to the public.

Director Winn reported that the Governor's Office has received many qualified applications for the open commissioner positions, and she is confident that 2 exceptional individuals will be selected for the positions in the following months. These positions will be taking the roles of current commissioners Williamson and Palmer, who have served the commission well and will be missed.

Chair Williamson introduced the newest commissioner, Quinn Berry. He reported that they met at the fair races at Union, which he would highly recommend anyone to attend. Commissioner Berry seconded the recommendation to make a trip to the races in Union.

ADW Committee report

Commissioner Conde reported that the ADW subcommittee met on Wednesday, June 21st to discuss several topics. The first being the departure of US Offtrack from operations in Oregon as of June 30th, 2023. Second, was the annual reviews of ADWs not up for renewal, which were reported on by Micah Lloyd and all were found to be compliant. Last, was review of ADWs up for renewal, also reported by Micah Lloyd, and all were found to be compliant. Mr. Lloyd recommended approval, and the committee adopted the recommendation, to approve the license renewals of Xpress Bets, LLC and Game Play Network.

NEW BUSINESS:

Report from HRA

Rod Lowe reported excitement for the first commercial race meet with SOHRA and HRA. During the first weekend of races there were 3 race days, starting on Friday which was a Quarter Horse day. The handle was \$25,637 and 1,485 were in attendance, and there were 53 starters. On Saturday 2,570 were in attendance, the handle was \$35,815, with 51 starters. On Sunday, attendance was 3,735 people and the handle was \$51,035. This was an increase from last year's opening weekend handles, which ran on a Sunday, Monday, and Tuesday, and were \$46,759, \$18,891, and \$19,436. HRA is very pleased with the observed growth and looks forward to the commercial fall meet, which will be 12 race days starting on Labor Day weekend on Sundays and Mondays. The 10 OTBs are doing well, with a June handle of over \$700,000 to date and the yield to date for Oregon is \$6.1 million.

The commissioners thanked HRA for their good work.

Discussion and possible approval of tote board transportation costs for summer fairs: \$9,400.00

Executive Director Winn explained that these costs are historically part of the fair meet costs which were automatically billed and paid. In the interest of transparency, the ORC would like to have official commission approval to pay this cost.

Commissioner Doherty asked for clarification that these costs were already in the budget, which Winn confirmed.

Action: Approval of tote board transportation cost of \$9,400

Moved by: Commissioner Doherty

Seconded: Commissioner Conde

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Payment confirmation and approval of commission portion of jockey insurance premium: \$120,420.00

Executive Director Winn explained that this cost is also in the budget and needing official commissioner approval.

Commissioner Doherty asked what the insurance covers, which Winn answered it covers injuries and disability and help cover such costs.

Action: Approval of \$120,420 contribution to jockey insurance

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Discussion and possible approval of direction to staff to open proposed rulemaking proceedings:

462-220-0080 Distribution of hub funds

Executive Director Winn explained that this rule outlines new audit association procedures for funds received. This rule goes in hand with a new policy that will be presented at the meeting next month. The rule requires a hearing to ensure transparency for the associations and was an audit finding that should be in policy.

Action: Approve opening proposed rulemaking proceedings for 462-220-0080

Moved by: Commissioner Doherty

Seconded: Commissioner Conde

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Discussion and possible adoption of proposed rule filings:

462-010-0000 – Commissioner duties

462-010-0010 – Commissioner elections

462-010-0020 – Commissioner vacancies
462-010-0030 – Commissioner compensation
462-010-0040 – Additional meetings
462-120-0040 (4) (h) types of licenses –
462-001-0000 Remove outdated language update website (address)
462-200-0340 Application and Approval of Off-Track Wagering Facilities (address)
462-220-0030 Approval of the License for a Hub Operation (address)
462-120-0055 (1) (a) State and NCIC records check
462-140-0130(1) Race meet licensees (address)
462-120-0030 (2) Minimum working age – (repeal)
462-140-0050 Racing Officials; Complaints (address)
462-150-0040 Entering for Official Racing
462-001-0008 Hearing Request and Answers

Executive Director Winn explained that all the proposed rules have been before the commission before and approved for rule making. A few changes were made under legal advice. The first was to 462-010-0030 – Commissioner compensation, to simplify the text to say that commissioners “shall receive the current Oregon Legislative per diem stipend.” The other change was to 462-001-0008 Hearing Request and Answers, in which the changes advised by legal council are outlined in the document included in the meeting packet.

Action: Adopt proposed rule filings with the changes made under legal council

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Annual Review of ADW Licenses:

AmWest Entertainment LLC, dba AmWager
Churchill Downs Technology Initiatives Co., dba TwinSpires
eBet Technologies Inc.
NYRA Bets LLC
ODS Technologies LP, dba TVG Network
Premier Turf Club, dba BetPTC
US Off-Track LLC, dba Greyhound Channel

Commissioner Conde reported that all the above licensees were in compliance. Micah Lloyd, the Director of Mutuels, reported for each ADW regarding their last audit and that all taxes and fees are up to date, and he had no issues to report to the commission. Although US Off-Track is leaving operations in Oregon, they still meet all requirements and could be renewed otherwise if they were ceasing operations.

Review and Possible Approval of ADW Licenses:

Game Play Network, dba b Spot
Xpressbet, LLC

Micah Lloyd reported that an in-depth review occurred for Game Play Network, dba b Spot, as it is a renewal year. Their last audit was in 2023 and they are in compliance with all requirements. They have elected to pay taxes as noted under 3-A of OAR 462-220-0040. Mr. Lloyd recommends approving their license renewal.

Chair Williamson asked Mr. Lloyd to explain what 3-A is. Mr. Lloyd explained that there are two tax payment options a licensee may elect to pay under. 3-A requires them to pay 8% on the first \$60 million handled and then 0.25% thereafter. The second option allows the licensee to exclude a state from their total handle count but must pay a quarter-of-a-point from their very first dollar handled.

Christina McArthur, a representative from Game Play Network, joined the meeting from Zoom and introduced herself and thanked the commission for considering their license renewal.

Action: Approval of renewal of 5-year license for Game Play Network, dba b Spot

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

Micah Lloyd presented alongside Gene Chabrier, who flew from the east coast to represent Xpressbet, LLC in person at the meeting. Mr. Lloyd reported that Xpress Bets also choose 3-A as their tax allocation. An audit was conducted in April of 2023 and no issues were found, fees were paid, and they are complying with all requirements. They are requesting a 3-year license renewal, which Mr. Lloyd recommended approving.

Gene Chabrier introduced himself as Vice President of Xpressbet, LLC. Chair Williamson asked why they requested a 3-year license instead of 5, to which Mr. Chabrier answered that he preferred 3 years to check in more frequently.

Commissioner Conde commented that in Mr. Lloyd's report, the Responsible Wagering Policies for Xpressbet was noted to be exceptional. Mr. Conde congratulated Xpressbet on that achievement and asked about getting together to review the policies that make them exceptional so that the commission can raise the bar for exceptional policies the other ADWs can follow and strive for. Mr. Chabrier said that he would love to take part in that. He also thanks Director Winn and Micah Lloyd for being the gold standard of licensing in both the rest of the United States and throughout the world. He noted that they must submit their Oregon license to obtain other licenses and that he thought having an Oregon license is very valuable and well worth the travel to maintain a relationship with ORC, whom he considers the leaders in the industry.

Action: Approval of renewal of 3-year license for Xpressbet, LLC

Moved by: Commissioner Conde

Seconded: Commissioner Berry

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0). (00:40:40)

Review and Possible Approval of Totalizer License Renewals:

AmTote International

Colossusbets Limited

Global Tote, (eBet Technologies)

i-Neda Ltd

United Tote

Executive Director Winn thanked Dawn Rome, the Supervisor of Pari Mutuels, and Mr. Lloyd for all the work they have done to simplify the auditing process while still maintaining in depth and thorough reviews. Ms. Winn further commented that the standards have really been raised in the last year by these two individuals.

Dawn Rome reported that she received 5 applications for totalizer license renewals, which are listed about. She received and reviewed the applications and did not find anything notable that would prevent them from being renewed. She recommended that all 5 totalizer licenses be approved for renewal.

Commissioner Doherty commented how succinct and easy to read the report Ms. Rome provided was and commended her for her work.

Action: Approval of totalizer license renewals for the 5 applicant totalizers

Moved by: Commissioner Doherty

Seconded: Commissioner Conde

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

PUBLIC COMMENT: (Agenda Items 1-13)

Lynelle Fox Smith of OTOBA shared that their lobbyist Rob Douglas is retiring at the end of the month after a 45-year career advocating for thoroughbred breeders and the industry. She thanked him for his service. Commissioner Doherty added that she had worked with Mr. Douglas and that he was always very professional and of great integrity and that the commission would be sorry to see him go. Ms. Smith reported that Douglas's colleague Nicole Hazelbaker will be taking his place.

10:00 Minute Recess

Chair Williamson called the meeting to be adjourned for a 10-minute recess at 3:17 p.m.

Best Practices Discussion (retreat)

Chair Williamson called the meeting back to order at 3:30 p.m.

Currently, the commission has not filled out any Best Practices questionnaires. Chair Williamson announced that those questionnaires would be sent out to the commissioners and reviewed at the next commission meeting.

PUBLIC COMMENT: (Agenda Item #14)

Rod Lowe reminding the meeting attendants that there would be a reception at the grandstands following the meeting.

Executive Session: Performance Evaluation of the Executive Director

The ORC met in executive session pursuant to ORS 192.345(2), OAR 462-220-0070(1) and ORS 192.660(2)(f), which allows the ORC to meet in executive session to consider proprietary information in this case related to performance review of the executive director. Representatives of ORC, the news media, and designated staff, shall be allowed to attend the Executive Session. All other members of the audience were asked to leave the room. Representatives of the news media are specifically directed not to report on, or otherwise disclose, any of the deliberations or anything said about these subjects during the Executive Session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the Executive Session, the meeting was returned to the open session and the audience was welcomed back into the room.

Chair Williamson announced that the Evaluation of Executive Director Winn had been completed.

CONTESTED CASES:

None

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for July 20th, 2023, at 1:30 P.M. via ZOOM.

ADJOURNMENT:

Action: Adjourn meeting

Moved by: Commissioner Conde

Seconded: Commissioner Doherty

Vote: Commissioners Williamson, Conde, Doherty, Berry and Palmer voted AYE, and the motion carried unanimously (5:0).

There being no further business, the meeting was adjourned at 3:49 p.m.