



Oregon Racing Commission
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COMMISSION MEETING AGENDA
Thursday February 15, 2024
1:30 p.m.

The Oregon Racing Commission will meet at **1:30 p.m. Thursday, February 15th, 2024**, via Zoom videoconference. You may join the meeting by clicking on the link below, or by calling in. Please be aware if you call in, your phone number will appear as your ID.

Topic: Oregon Racing Commission's Zoom Meeting
Time: February 15th, 2024, 01:30 PM Pacific Time (US and Canada)

Join Meeting: [Zoom Link](#)

If you are unable to access this session through a computer, please dial: 1-253-215-8782 Meeting ID: 864 9613 4141 Passcode: 005702

A request for an interpreter or other accommodation for persons with disabilities should be made at least 48 hours before the meeting to Commission staff at 503-853-5927 or by email at ORC.info@orc.oregon.gov. This proposed agenda is subject to last-minute changes without prior notice.

AGENDA ITEMS

ROLL CALL:

APPROVALS:

- 1) Meeting Agenda
- 2) January Meeting Minutes

OLD BUSINESS:

- 3) Executive Director's Report
- 4) Medication and Safety Committee Report

NEW BUSINESS:

- 5) Review and discuss Best Practices Form.

- 6) Review fair meet applications.
- 7) Request permission to begin the rule making process for the following rule filings:
 - a) 462-130-0010 (2) (k) Corrects conflicting information – amendment.
 - b) 462-140-0150 (6) (e) Update address - amendment
 - c) 462-160-0150 Necropsy.
 - d) 462-220-0030 (11) Record retention - amendment
- 8) Discussion and possible adoption of proposed rule filings:
 - a) 462-220-0040 Prevents double taxation on Affiliate fees.
 - b) 462-220-0020 Clarifies out of state licensing requirements.

PUBLIC COMMENT:

CONTESTED CASES:

None

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for **March 21st, 2024, at 1:30 p.m.** via Zoom videoconference.

ADJOURNMENT:

Movement to adjourn.

At any time during the public session, the Commission may go into executive session to consider information or records exempt from disclosure pursuant to ORS 192.660(2)(f), ORS 192.345(2), OAR 462-220-0070 regarding trade secrets; and/or ORS 192.660(2) (f) and ORS 192.355(9) to consult with counsel concerning written legal advice; and/or ORS 192.660(2)(h) to discuss its legal rights and duties regarding current litigation, or litigation likely to be filed. The Commission may also elect to deliberate on pending contested cases pursuant to ORS 192.690(1). Additional items may be placed on the agenda after the general mailing of the agenda. Calls may be made to the Commission office the week of the meeting to inquire about additions.



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Minutes
Oregon Racing Commission
January 18, 2024

Meeting Detail

The Oregon Racing Commission (ORC) met at 1:30 p.m. Thursday, January 18, 2024, via Zoom videoconference.

Call to Order and Roll Call

Chair Margaret Doherty called the meeting to order at 1:30 p.m. and Karen Parkman conducted roll call.

In Attendance

Commissioners: Margaret Doherty, Quinn Berry, Lindsay Fowler, and Scott Beckstead (arrived late at 1:42 p.m.).

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

Excused

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Approvals:

Meeting Agenda

Action: Approval of the January agenda with a correction concerning the executive session.

Moved by: Commissioner Berry

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, and Fowler voted AYE, and the motion was carried unanimously (3:0).

Meeting Minutes

Action: Approval of the November 2023 meeting minutes.

Moved by: Commissioner Fowler

Seconded: Commissioner Berry

Vote: Commissioners Doherty, Berry, and Fowler voted AYE, and the motion was carried unanimously 3:0).

OLD BUSINESS:

Executive Director's report

Executive Director Winn began by thanking Karen Parkman and Maleah Thom for their teamwork planning and unplanning the in-person January meetings. She reported that an issue with the meeting zip drives not opening is being addressed, and the use of a link to the ORC website where the materials are posted will remedy this issue in the future. Director Winn and Director of Mutuals, Micah Lloyd, attended the ADW Roundtable in Tucson and a project to create a database for the ADWs to address the issue of problem gamblers. Micah Lloyd is working on setting up the first meeting for this project. The ORC's newly submitted Information Technology Strategic Plan received positive feedback, and Director Winn thanked all staff members who were involved in its creation. Director Winn reported that Micah Lloyd created a new artificial intelligence policy. This policy was going to be included on this month's agenda; however, it will be included in a later meeting once the state has finalized theirs to ensure alignment.

Director Winn reported that there is some pending legislation that could affect the ORC. One item would allow more funds to be retained rather than going to the General Fund. The possible elimination of greyhound racing would have a negative effect on off-track betting facilities and the commercial track. It could also cause the departure of some of the ADWs. Other items would require some additional reporting, the ability to fine ADWs for illegal operations in the state, and an increase in maximum fines the ORC is allowed to charge.

Medication and Safety Committee Report

Commissioner Berry reported that the Medication & Safety Committee has met twice since the last ORC meeting. Participants have discussed several safety initiatives and mitigation strategies. The general consensus is that every reasonable precaution should be implemented, however cost, available technology, and the state of the industry are confounding factors that must be recognized. The committee has made a good faith effort to draft rules with the aim of increasing athlete safety and promote welfare, which is critical to fulfill ORC's mission statement for the regulation and facilitation of racing in Oregon. The overall agreement has been that less medical intervention prior to races is better for the horses. These draft rules, included in the meeting packet to be voted on during the meeting, will hopefully increase safety while preserving thrilling racing. The goal for 2024 is to explore additional ways to keep athletes safe and to make Oregon the international gold standard for fun and safe horse racing.

NEW BUSINESS:

County fair meetings assignments

Director Winn asked that the commissioners attend at least one day of racing during the 2024 race season. More than one person can attend the same meet, but on different days, and all meets should be covered as it is important to licensees and industry partners to see and meet their commissioners.

Director Winn also recommended that on the topic of scheduling, the commissioners consider moving the in-person meeting in Portland to April starting this year. Then, rather than meeting in June or July at Grants Pass Downs, to meet there in September. This is also a better time to visit the track, as the commercial meet will be underway.

Action: Schedule the in-person commission meetings for April and September of this year.

Moved by: Commissioner Beckstead

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Chair Doherty asked that the commissioners review their calendars and email her with their desired dates no later than Monday, January 22nd.

Director Winn added that travel and lodging would be covered at the government rate. She also stated that racing at Prineville occurs at night, so that may be a consideration.

Policy and Budget Discussion – Tamara Brickman, Policy and Budget Analyst of Administrative Services

Tamara Brickman, the Policy and Budget Analyst at DAS, shared a presentation with the commission to overview the 2025-2027 budget process development, which is now underway. Ms. Brickman reported that Governor Kotek has implemented some changes to how agency request budgets are developed. In the past, agencies worked to develop their request budgets themselves and then turn it in for the analysts to review and create an Agency Recommended Budget (ARB) from. Now, the analysts will be involved from the start to ensure a unified Governor's Recommended Budget (GRB). This is an executive branch process. Phase I begins Monday, January 22, where agencies will submit their proposed Legislative Concepts (LC) and policy package information to the Governor's Office (GO) and their CFO advisor. The GO advisors and CFO advisors will meet and discuss developments and agencies will receive feedback by February 2nd. In March, a Budget Kickoff Meeting will be held to establish budget development plans and release budget instructions. Development of the Current Service Level (CSL) will begin in April. The final information of LCs and policy packages will be due to the GO and CFO on April 30th. The CSL and package development will continue through May, and position and non-position related CSL information and audit transmittals will be due on May 31st. This is when inflation

requests and exceptions are calculated. In June, any outstanding CSL decisions will be finalized, and package development will continue. On June 28th, position related information for any packages the ORC proposes if they involve the addition of any positions to the agency is due to ORPICS, non-position related information which includes all other package information outside of personal services is due to ORBITS, and DAS submits LCs to Legislative Council. In July, the agency will begin finalizing their ARB. The deadline to finalize placeholder language with LC is due on July 31st, along with the ARB narrative being due to CFO. In September and October budget discussions continue which will be a collaborative effort with the agency to put together budget memos for the GO. On October 25th, LCs will be returned to agencies for final review. In November and December, the Governor will have to publish her GRB (released December 1st). November 13th is the deadline for LC packages to DAS and December 13th is the bill filing deadline for any LCs approved by the GO for the agency to have filed with the LC.

Chair Doherty thanked Tamara for her report and explaining this new, more streamlined process. She asked if the budgets still go to the Ways and Means Committee, which Tamara answered that they do if approved.

Review Best Practices form and prepare to discuss in February.

Commissioner Beckstead reported that the purpose of the Best Practices document review is to discuss the items today.

Director Winn added that at the end of the year the Commission must evaluate itself and key metrics. The objective for the meeting is to look at the review questions and see if there are any questions the commissioners have, and then next month to check back in and see if there are any areas that need work.

Commissioner Beckstead asked if there were any questions regarding the document. Chair Doherty stated that the document appeared to be very comprehensive, but also very important for increasing the Commissions effectiveness. Commissioner Beckstead agreed and stated that transparency and accountability are important steps that should be prioritized. There were no questions regarding the review items. Further review will occur during the February meeting.

Review and possibly approve ORC Retention Schedule.

Director Winn reported that the Retention Policy has been reviewed at the state level as well, so she was able to work with the State on this to increase some categories, and it was approved by the governing office. This document covers how long the agency must keep documents. There were no questions or statements from the commissioners.

Action: Adopt the Retention Schedule as printed.

Moved by: Commissioner Fowler

Seconded: Commissioner Berry

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Review and possibly approve Air Quality Policy.

Director Winn started by thanking Rod Lowe and the horsemen for aiding in collaborating on this policy regarding air quality concerns. Unfortunately, due to fires, especially in Southern Oregon, air quality is a factor that must be considered for athlete safety. This policy establishes what to do and when, who needs to meet, and the necessary steps in the event of an air quality concern that could impact the horses. She recommends approval.

Chair Doherty thanked all for their work and added that this was a good document that covered very important factors for making races run or having them canceled if safety becomes an issue.

Action: Approve the Air Quality Policy as printed.

Moved by: Commissioner Berry

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Discussion and possible adoption of proposed rule filings:

A. 462-220-0080 – Hub fund requests.

Director Winn reported a hearing occurred earlier in the morning and there was a requested change. She asked Commissioner Berry, who ran the hearing report on the changes.

Commissioner Berry reported that the requested change was in favor of the overall rule but requested regarding wording that Randy Bodine requested that “all account information” be changed to all “hub account information” for specificity.

Action: Approve the proposed rule filing of OAR 462-220-0080 with the recommended change.

Moved by: Commissioner Beckstead

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Discussion and possible approval to repeal OAR 462-001-0010.

Director Winn reported that this rule existed as an IRS pickup, which up to a year ago designated for the state to match an amount of money placed in retirement funds so they did not come out of staff salaries. Since that time, the state has changed how they handle this, so funds are allocated

into the salary for this purpose and the commission is no longer reimbursing these funds. Therefore, the rule is now irrelevant.

Action: Approve the repeal of OAR 462-001-0010.

Moved by: Commissioner Beckstead

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Request to start the rule making process for the following amendments:

A. **462-140-0250 Starting Gate Amendment**

Director Winn explained that this amendment ensures additional training, and safe and appropriate handling of the horses. This is already occurring at most other tracks, but the ORC wants to put it into rule. There are also limitations on how the horses are put into the starting gate and prohibits the tail wrapping technique, which is used to keep the horses from flipping in the gate but has been deemed inappropriate for handling the horses.

B. **462-150-0060(k) Plates Amendment**

Director Winn explained that this amendment considers that HISA and some other jurisdiction rules don't address differences concerning Quarter Horses. This rule sets the standards for horse shoes and differentiates between Thoroughbreds and Quarter horses. It was brought to Director Winn's attention that a new proposal concerning this topic has been submitted to HISA. She recommends comparing this new proposal with what is stated in this amendment at the next Medication and Safety committee meeting to see if any minor changes should be made, but still recommends approval to begin rule making.

Dave Nelson with the Oregon Quarter Horse Racing Association (OQHRA) commented that the ideas on racehorse shoes change frequently, so while minimum standards should be in place, care should be taken not to set rules that are very exclusive and may cause horsemen to go elsewhere. Therefore, he recommends having a rule that is flexible and accounts for different tracks, surfaces, dimensions of shoes, and other factors.

Chair Doherty recommended that this rule should perhaps be tabled for the March meeting after it can be further reviewed.

C. **462-160-0110 Intra Articular Injections Amendment**

Director Winn reported that this amendment would prohibit intra articular injections within 14 days of racing and within 7 days of a timed and recorded workout. Dr. Everman explained that intra articular injections are those given directly into a joint, usually Cortisone or a local anesthetic. If given close to race time, these injections may largely be

contained within the joint and may not be detectable in blood and/or urine tests. This would also be compliant with existing HISA rules.

D. **462-160-0120 Use of Shock Waves Amendment**

Director Winn reported that this amendment would change the requirement from shock wave or radio pulse treatments occurring a minimum of 10 days prior to racing to 30 days prior to racing and is compliant with HISA and other jurisdictions. Dr. Everman explained that for Oregon there are no approved machines or machine users, so this rule change won't actively affect the horsemen, and he feels that makes it a good time to put this into rule. The machines radiate sound waves into the tissue and for an unknown reason result in temporary local anesthesia of the tissue. He used the example of using shock wave therapy on micro fractures of the cannon bone, which would result in the horse no longer feeling any pain from the fractures, which may result in the horse getting past a prerace exam when it shouldn't because the horse is not showing signs of lameness. These treatments often occur off-track outside of ORC jurisdiction, so this rule may be difficult to enforce. Dr. Everman stated that if horses could not enter within 30 days of treatment, the anesthesia effects would be worn off by race day.

Commissioner Berry added that enforcement may be an issue for many of these amendments. While establishing ideal standards for horsemanship in Oregon is easy to discuss, it hangs on having a culture that recognizes that having safe, quality horseracing is in everyone's best interest. Ideas on how to enforce these amendments are a topic for future committee meetings.

Chair Doherty commented that making sure the rules are enforceable before putting them into rule is important.

E. **462-160-0130 Prohibited Substances Amendment**

Director Winn reported that this amendment changes several things, but the big ones concern the use of NSAIDs, of which there are three approved for use in Oregon. Currently, use is limited to no less than 24 hours prior to racing, however the ORC recommends changing this limit to 48 hours to reduce hidden lameness during prerace exams and horses racing that should not. Another change is in regard to the use of Lasix, which is given to reduce bleeding from the horse's lungs when running. Currently Lasix may be given no less than 4 hours prior to racing. The recommendation is to change this to 3 hours prior to racing, which is in line with Washington state racing, and based on Dr. Everman's research is better for the horse. The other change would be to reduce the maximum dose of Lasix from 500mg to 250mg, which is more inline with surrounding jurisdictions. This also adds standards for sampling when only blood can be collected, as urine samples are not always possible.

Commissioner Beckstead asked if the expansions of these thresholds would help increase athlete safety. Director Winn responded that by getting pain medication two days prior to racing instead of one, the affects of the medication would be out of their system, so they do not get cleared to run on possible injuries. Dr. Everman clarified that prerace occurs the morning of racing, but races often don't occur until later that evening. When this happens the horses receive medication much closer to the time of the prerace examination, so a horse that might be lame without medication may not appear lame at the time of examination with medication on board. He stated a lame horse should not be racing.

Dr. Alice Lombard, who is one of the commission veterinarians who works the fair meets, commented that she is glad these issues are being investigated. However, she feels this amendment needs a lot of work before going forward and that the commission should not only be getting in line with neighboring jurisdictions and the nation, but also recognizing that HISA does not regulate Quarter Horses and that Oregon has a large Quarter Horse population. Differentiations between the breeds need to be addressed. Further, she felt the issue of changes to Lasix rules needs more investigation, as Lasix is an important drug for horse wellbeing. She also commented that bisphosphonates should also be added and addressed in this amendment. This is another drug that is used and can affect bone development in young horses and some other states have prohibited the racing of horses who have received this drug, as they can have poor bone conformation as a result. She is excited about the work being done on these issues but is unsure this is ready to move forward with.

Dave Nelson, added that it is important to understand that Lasix is a protective drug and that Quarter Horses have been exempt from HISA rules. He added that the American Quarter Horse Association's (AQHA) policy is to defend and support the use of Lasix for Quarter Horse races.

Commissioner Beckstead reaffirmed the objective that horse racing in Oregon, regardless of breed, should be made safer for the horses to reduce and prevent injuries and breakdowns as much as possible. If the rules make racing safer for the horses and jockeys, that should be the primary goal.

Chair Doherty commented that this amendment should also be tabled for further discussion at the next meeting. Commissioner Berry asked if the horsemen's associations would prefer to come to decisions on these issues today, or if they would rather further discussion occur and re-address them another day. AAG Kelly Route from DOJ clarified that these are rules that are just beginning to be made and not being adopted. Chair Doherty clarified that this is just the start of the process. She also asked if it was better to just approve all the

amendments to begin rule making, and discussion can still occur through the rulemaking process. Director Winn recommended moving them all forward. AAG Route stated that from a legal standpoint, either way was fine, but approving them would give more runway to work on them.

F. **462-160-0140 Testing Amendment**

Director Winn reported that the bulk of this amendment are changes our AAG recommended. There were some items removed by Dr. Everman because they were conflicting, but most were grammatical and legal changes.

G. **462-220-0020 Geo-location Amendment**

Director Winn reported this is an ADW rule, which includes geo-location as a means to verify location.

Action: Approve beginning the rule making process for the above amendments.

Moved by: Commissioner Beckstead

Seconded: Commissioner Fowler

Vote: Commissioners Doherty, Berry, Fowler, and Beckstead voted AYE, and the motion was carried unanimously (4:0).

Discuss industry experts' participation in advisory committees and review charters.

Chair Doherty stated that she felt it would be beneficial to have the input of industry experts to help clarify and discuss different topics. Commissioner Beckstead asked to clarify if the experts would be serving in an advisory capacity or a voting capacity. Chair Doherty answered that it would be advisory. Commissioner Beckstead commented that he would have no issue with having industry experts take part in the conversation and give input, and that he supports the concept.

Director Winn stated that she would work with the appropriate members of the ORC team for recommendations to present to the committee chairs to see if they would like to include those recommendations or have their own or types of experts they would like to hear from for their committees.

Discuss Horse Racing Integrity and Safety Act (HISA). – Commissioner Beckstead

Commissioner Beckstead led the discussion on HISA, stating that he formally worked on the passage of HISA and that he would like to discuss if there are substantive and valid reasons not to join HISA, which he currently is not convinced is the case, that the commission should still look into moving in the direction HISA is trying to move in with the objective of making horse racing safe for the athletes. As the commission is already working to adopt rules which are in-line with HISA, he would like there to be due consideration of embracing the ideas and values behind HISA,

while remaining pragmatic and not insisting on adoption of HISA itself if there are good reasons not to.

Chair Doherty asked what the concerns holding the commission back from HISA were.

Director Winn responded that there were a few reasons. One reason a lot of tracks have adopted HISA is because it is required for simulcasting to ADWs in other states. Unfortunately, due to the small size of Grants Pass Downs, the costs of simulcasting are not financially viable, unless the track grows. Another issue is the number of lawsuits and lack of government funding has brought the cost of HISA membership to approximately \$500,000 per year. In Director Winn's opinion, ORC could implement the same ideas and use those funds instead to invest in the fairs and athlete safety. Lastly, Oregon has a high population of Quarter Horses racing, which do not fall under HISA anyway.

Commissioner Berry stated that he had not heard of anyone who was opposed to implementing any evidence-based practices. His impression is that, regardless of joining HISA or not, all industry partners want to take any reasonable precautions to keep athletes safe.

Rod Lowe, with the HRA and SOHRA, added that his opinion aligns with Commissioner Berry. The track is already moving to align rules and regulations with HISA, without accruing the additional costs of HISA. Mr. Lowe stated that he believed HISA was set up because some tracks lacked good regulatory agencies, however the ORC has always had a good handle on things and Oregon continues to be proactive in ensuring safety, as seen in this meeting. He believes we can achieve the same safety standards without HISA. With HISA, they come in and regulate the Thoroughbreds, but we would still have to provide staffing to regulate the other breeds, which adds the cost of a new regulatory body plus your own track staff. He believes it is better for our agency to self-regulate and save funds, especially if some of the bills in the current legislative session go through which could negatively impact the industry and the commission.

Commissioner Berry added that he hopes the incurred savings would be used to make Oregon racing even safer than HISA, which he believes is possible. While you can't ever remove all risk, we should be the standard. Chair Doherty responded that she believes this is the goal of the Commission as a whole.

Dave Nelson, OQHRA, commented that in California, where he is a board member, it has been stated that if Oregon adopts HISA, they will lose the horsemen. This is due to the fact they won't be able to cover their racing fees, which they are able to afford in California because the purses are bigger than Oregon's. They won't be able to afford the added examinations and testing that goes along with HISA regulations. Mr. Nelson stated that too many rules could run out the horsemen, so there has to be a balancing act.

Commissioner Beckstead thanked everyone for their contribution to the discussion. He came into the commissioner role fired about HISA, but has gained a more rounded idea of HISA, both the good and bad. He likes the idea of Oregon setting standards so they could be even better, and he understands the costs, and asked Director Winn if she had those costs to please share them with him for his own added understanding.

Discuss changes to Public Records Law - Kelly Routt.

AAG Kelly Routt stated that her summary could be public record, though if the commissioners had further questions, the executive session item was included on the agenda. However, it may not be needed. Ms. Routt reported that four bills were passed during the 2023 legislative session. All four bills are operative currently.

The first is House Bill 2806, effective July 13, 2023, which adds two new grounds for a board to conduct an executive session, in addition to existing ones. The first is to discuss matters relating to the safety of the governing body, public body, volunteers and staff, facilities, and meeting spaces. The second is to consider matters relating to cyber security infrastructure and responding to cyber security threats.

The second bill was Senate Bill 11, effective January 1, 2024, which set into law that when agencies meet over telephone or other electronic means the board must record the meeting and promptly publish the meeting on a publicly accessible website or hosting service where it can be viewed free of charge.

The third was Senate Bill 207, effective January 1, 2024, authorized the Oregon Government Ethics Commission to open an investigation of an executive session violation on their own motion without receiving a complaint if there is reason to believe there has been a violation in the past.

Lastly, House Bill 2805, effective September 24, 2023, did a few things. The first is it updated definitions related to meetings and clarified what activities are not covered by the Public Meetings Law (PML). Meeting is already defined by the PML, though the word convening is used, and is defined as “gathering in a physical location or using electronic video or telephonic technology to communicate among participants, using serial written electronic communication among participants, or using an intermediary to communicate among participants.” It also defines deliberation as “discussion or communication that is part of a decision-making process.” Activities not included in the PML are communication between or among members of a governing body that are purely factual or educational in nature and that convey no deliberation or decision on any matter that might come before the governing body, communications not related to any matter that could reasonably be seen to come before the governing body for deliberation or decision, or communication that is no substantive in nature such as communication related to scheduling,

leaves of absence, or similar matters. The bill then moves into the enforcement process, which was lacking previously from the PML. This creates a grievance process for the public, where a grievance can be filed first with the public body if they believe a public meeting violation has been committed, and if not satisfied with how the public body handled that grievance, then the member of the public could file a grievance with the Government Ethics Commission. The bill authorizes sanctioning authority to the Government Ethics Commission for any violation of the PML, where previously they could only sanction violations of executive sessions. A civil penalty imposed on a member of a governing body is the personal liability of that member and may not be paid by the governing body or public body. Finally, training opportunities are provided to be offered by the Government Ethics Commission to public bodies.

Chair Doherty asked if this information was included in the meeting packet. AAG Kelly Routt stated that it was not, but it is public information so she would be happy to get it to the commission to review. There were no questions, so the commission did not go into executive session.

PUBLIC COMMENT:

None.

CONTESTED CASES:

None.

CONFIRMATION OF NEXT COMMISSION MEETING:

The next commission meeting is scheduled for February 15th, 2024, at 1:30 P.M. via ZOOM.

Director Winn reminded the meeting participants that the Medication and Safety Committee meeting would be following the commission meeting after a 10-minute recess.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:13 p.m.

Best Practices Performance Measure for the OREGON RACING COMMISSION

Annually, commission members are to self-evaluate their adherence to a set of best practices and report the percent of total best practices met by the commission (percent of yes responses in the table below) in the *Annual Performance Progress Report* as specified in the agency Budget Instructions.

Recommended Assessment Process

1. Select a neutral party to facilitate the self-evaluation (recommended, not required).
2. Individual commission members complete the score card shown below.
3. Tabulate the results for all commission members (can be done by neutral party in advance).
4. Discuss the results—particularly the results for those areas where there are disparate responses or where the group agrees that they are not adhering to a best practice.
5. Record the group’s joint response to each best practice on a new score card. If consensus is not achieved, the commission should record the response as “no.”

Best Practices Assessment Score Card:

Best Practices Criteria	Yes	No
1. Executive Director’s performance expectations are current.	<input type="checkbox"/>	<input type="checkbox"/>
2. Executive Director’s performance has been evaluated in the last year.	<input type="checkbox"/>	<input type="checkbox"/>
3. The agency’s mission and high-level goals are current and applicable.	<input type="checkbox"/>	<input type="checkbox"/>
4. The commission reviews the <i>Annual Performance Progress Report</i> .	<input type="checkbox"/>	<input type="checkbox"/>
5. The commission is appropriately involved in review of agency’s key communications.	<input type="checkbox"/>	<input type="checkbox"/>
6. The commission is appropriately involved in policy-making activities.	<input type="checkbox"/>	<input type="checkbox"/>
7. The agency’s policy option packages are aligned with their mission and goals.	<input type="checkbox"/>	<input type="checkbox"/>
8. The commission reviews all proposed budgets.	<input type="checkbox"/>	<input type="checkbox"/>
9. The commission periodically reviews key financial information and audit findings.	<input type="checkbox"/>	<input type="checkbox"/>
10. The commission is appropriately accounting for resources.	<input type="checkbox"/>	<input type="checkbox"/>
11. The agency adheres to accounting rules and other relevant financial controls.	<input type="checkbox"/>	<input type="checkbox"/>
12. Commission members act in accordance with their roles as public representatives.	<input type="checkbox"/>	<input type="checkbox"/>
13. The commission coordinates with others where responsibilities and interests overlap.	<input type="checkbox"/>	<input type="checkbox"/>
14. The commission members identify and attend appropriate training sessions.	<input type="checkbox"/>	<input type="checkbox"/>
15. The commission reviews its management practices to ensure best practices are utilized.	<input type="checkbox"/>	<input type="checkbox"/>
16. Others <i>[The commission may add additional best practices; however, they are not to be counted when calculating the percentage adherence to best practices.]</i>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number		
Percentage of Total		

CRITERIA DEFINED

Best Practices Criteria	System for Achieving Success
Best Practice: Executive Director Performance	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
1. Executive Director's performance meets or exceeds expectations.	<p>The Commissioners of the ORC will establish clear performance expectations for the Director. This will include overall expectations within the job description, as well as any specific expectations from ORC policy and other meeting-specific directives.</p> <p>If answered no, why:</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Executive Director's performance has been evaluated in the last year.	<p>The Commissioners of the ORC will perform a formal evaluation annually. Informal feedback will be provided to the Director throughout the year.</p> <p>If answered no, why:</p>
Best Practice: Strategic Management	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. The agency's mission and high-level goals are current and applicable.	<p>The Commissioners of the ORC actively participate in the development of agency goals and review of the biennial report.</p> <p>If answered no, why:</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>4. The commission reviews the <i>Annual Performance Progress Report</i> as submitted to the legislature.</p> <p>Statutory/rule responsibility: OAM 20.10.00 PO DLCD Policy 03-01</p>	<p>The Commissioners of the ORC annually review the four key performance measures:</p> <ul style="list-style-type: none"> ■ Animal Safety ■ License Turnaround Time ■ Excellent Customer Service ■ Best Practices <p>If answered no, why:</p>

Best Practice: Strategic Policy Development	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. The commission is appropriately involved in review of agency's key communications.	<p>The ORC is involved in public process and with key media communications. The Executive Director coordinates with the Governor's office and other appropriate entities and communicates with the ORC Chairperson on key communications. When appropriate, communications are shared with all Commissioners.</p> <p>If answered no, why:</p>

Yes <input type="checkbox"/> No <input type="checkbox"/>	
6. The commission is appropriately involved in policy-making activities.	<p>The Commissioners of the ORC are actively involved in all rulemaking through advisory committees and working groups as well as in the final approval of all new, temporary and/or modified rules.</p> <p>If answered no, why:</p>
<p>Statutory/rule responsibility: ORS Chapter 197 OAR 660-002-0010</p>	

Yes <input type="checkbox"/> No <input type="checkbox"/>	
7. The agency's programs and activities align with its mission and goals (biennially).	<p>The Commissioners of the ORC serving on the budget advisory committee will review programs and activities of the agency as part of the review of the biennial ORC budget request. The budget request is approved by the Commission</p> <p>If answered no, why:</p>
<p>Statutory/rule responsibility: OAM 20.10.00 PO DLCD Policy 03-01</p>	

Best Practice: Fiscal Oversight	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>8. The commission reviews all proposed budgets.</p> <p>Statutory/rule responsibility: OAM 20.10.00 PO, OAM 25.00.00 PO DLCD Policy 03-01</p>	<p>The Commissioners of the ORC serving on the budget advisory committee help develop and draft a proposed budget. All Commissioners then review (adjust if necessary) and approve the biennial budget request.</p> <p>If answered no, why:</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>9. The commission periodically reviews key financial information and audit findings.</p> <p>Statutory/rule responsibility: OAM 20.10.00 PO, OAM 25.00.00 PO</p>	<p>The Commissioners of the ORC serving on the budget advisory committee will periodically review key financial information, any material or significant findings will be reported to all Commissioners.</p> <p>If answered no, why:</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>10. The commission is appropriately accounting for resources.</p> <p>Statutory/rule responsibility: OAM 20.10.00 PO, OAM 25.00.00 PO DLCD Policy 03-01</p>	<p>Individual (groups) recipients of monies must periodically report their expenditures to the ORC.</p> <p>If answered no, why:</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>11. The agency adheres to accounting rules and other relevant financial controls.</p> <p>Statutory/rule responsibility: OAM 25.00.00 PO OAM 10.90.00 PO</p>	<p>The Commissioners of the ORC serving on the budget advisory committee will periodically review adherence to accounting rules and assure appropriate financial controls are in place and report to all Commissioners.</p> <p>If answered no, why:</p>

Best Practice: Board Management

Yes No

<p>12. Commission members act in accordance with their roles as public representatives.</p> <p>Statutory/rule responsibility: ORS 244.040 (1)</p>	<p>The Commissioners of the ORC use effective meeting practices including having approved agendas, advisory committees, “other” agenda item, and public comment time.</p> <p>If answered no, why:</p>
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Yes No

<p>13. The commission coordinates with others where responsibilities and interests overlap.</p> <p>Statutory/rule responsibility: ORS Chapter 195</p>	<p>The ORC coordinates with all of its stakeholders. When there are similar issues, the ORC also coordinates with other agencies.</p> <p>If answered no, why:</p>
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Yes No

<p>14. The commission assures proper training of agency staff to carry out its programs and activities.</p>	<p>Employees of the ORC are kept current on all appropriate training opportunities and are encouraged to attend.</p> <p>Executive Director to provide periodic report of staff continued education.</p> <p>If answered no, why:</p>
---	---

Yes No

<p>15. The commission reviews its management practices to ensure best practices are utilized.</p>	<p>The Commissioners of the ORC will review and report on the best practices key performance measure on an annual basis.</p> <p>If answered no, why:</p>
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Best Practice: Other

Yes No

<p>To be identified by ORC</p>	<p>No additional best practices identified at this time.</p>
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FORM A – RACE DATES AND TRACK INFORMATION

Name and Location of Race Meet Requesting the License:

CROOKED RIVER ROUNDUP ASSN. PRINEVILLE, OR

Total Number of Race Days Planned for the 2024 Summer Fair:

4

RACE DATES

RACE DATES:	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Month & Date	<i>7/10</i>	<i>7/11</i>	<i>7/12</i>	<i>7/13</i>			
First Post Time	<i>7:15pm</i>	<i>7:15pm</i>	<i>7:15pm</i>	<i>7:15pm</i>			
Maximum # of Races	<i>8</i>	<i>8</i>	<i>10</i>	<i>10</i>			
Thoroughbred Races	<i>5</i>	<i>5</i>	<i>6</i>	<i>6</i>			
Quarter Horse Races	<i>3</i>	<i>3</i>	<i>4</i>	<i>4</i>			
Other Horse Races (list):	<i>—</i>	<i>—</i>	<i>—</i>	<i>—</i>			

RACE DATES:	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14
Month & Date							
First Post Time							
Maximum # of Races							
Thoroughbred Races							
Quarter Horse Races							
Other Horse Races (list):							

REQUIRED NARRATIVE:

Please describe your efforts to provide security and safety for horses, people and property involved in this race meet. *WE HAVE WORKED hard for the past FEW years, developing new Equipment AND Techiniques for Track Safety. we added a new pathway to get horses from the barns to the track. we built 20 additional stalls that will be used in 2024. we anticipate a new Jockeys Room to be finished in time for our July Race Meet*

RACETRACK ASSURANCES:

We control the possession or possess a valid agreement for use of a properly constructed racetrack suitable for the type of races which are proposed to be conducted at such racetrack. The facilities included safe and suitable grandstands, equipped with reasonably sanitary accommodations, also adequate stables for livestock, taking into consideration the location of such racetrack and probable capacity requirements to accommodate the number of persons that will reasonably be expected to occupy such grandstands and attend the race meet.

We will operate the pari-mutuel wagering as provided in ORS 462. Average daily mutuel handle during the 2023 race meet was \$ 70,000.

It is estimated the State of Oregon will receive \$ 3000 from this 4 day(s) 2024 race meet.

Average purse per race will be:

\$ 6250 for Thoroughbreds
\$ 6250 for Quarter Horses
\$ for Other: N/A

Handicaps or Stakes races are: (specify purse, day and type of horse) To be determined, but similar to 2023

Total fees for all volunteer officials and pari-mutuel clerks are \$100 and will be included with the application not less than thirty days (30) prior to the race meet. Already sent.

Types of wagering offered will be (include cost of each ticket next to each type):

- a) WIN PLACE SHOW
- b) Quinella
- c) Daily Double
- d) Trifecta

Tickets will be sold by totalizator machine. United Tote

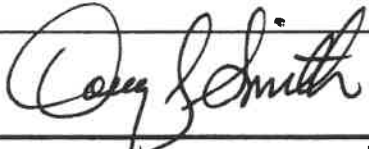
Name of company:

Enclosed is a \$25.00 check for the summer fair race meet license fee. Already Sent

Within three months of the end of the summer fair race meet, an oral report will be presented at a Commission meeting and a written report will be provided to the Oregon Racing Commission summarizing the race meet.

Within three months from the end of the race meet, a detailed statement will be provided to the Oregon Racing Commission summarizing how allocated racing development funds for purses were spent. This must include matching funds required to be dedicated to purses.

By signing below, I certify that all information included in Form A of the application submitted for the Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by 		
Name: Doug Smith	Title: DIRECTOR of Racing	Date: 1/26/2024
Address: 3340 NW Gumpert Rd Prineville OR 97534		
Telephone: 541-480-1048	Fax: —	E-mail: DJSmitty55@gmail.com

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

Name and Location of Race Meet Requesting the License:

CROOKED RIVER Roundup

Planned Race Dates for the 2024 Summer Fair:

July 10-13 2024

REQUESTED OFFICERS:

Position Title	Name of Officer(s)
Association Steward & Placing Judge	
Director of Racing	
Patrol Judge	
Paddock Judge	
Identifier	
Timer	
Association Veterinarian	
Pari-Mutuel Manager	
Chief of Security	
Assistant Racing Secretary	
Plate Inspector in Paddock	
Racing Secretary	
Clerk of Scales	
Patrol Judge	
Starter	
Jockey Room Custodian	
Paymaster of Purses	
Track Superintendent	
Track Announcer	
Test Barn Personnel	ORC Staff (only)

*To Be
determined
later in 2024*

(Form B continues on the next page)

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

REQUIRED NARRATIVE

The Oregon Racing Commission is interested in your efforts to strengthen your race meet. Please educate us by answering the following questions:

1. Please describe your efforts to form new collaborations and to strengthen your race meet with your local community of stakeholders in the industry. *We have a solid financial standing AND are profitable. We are currently working with several entities to add sponsorship dollars to our event.*

2. In addition to the hub taxes received from the Commission, please describe your efforts to seek and pursue revenue sources with the local community to support your race meet. *We add \$1250 above the Horseman funds to each Race. We are funneling more into facility AND purse improvement when possible. (New Horse Barn in 2024, New Jocks Room to start construction soon.)*

By signing below, I certify that all information included in Form B of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by <i>Doug Smith</i>		
Name: <i>Doug Smith</i>	Title: <i>Director of Racing</i>	Date: <i>1/26/2024</i>
Address: <i>3340 NW Gumpert Rd Pineville OR 97154</i>		
Telephone: <i>541-480-1048</i>	Fax: <i>—</i>	E-mail: <i>DJSmitty55@GMail.com</i>

FORM C – TAKEOUTS AND MEDICATION

Name of Race Meet:

CROOKED RIVER ROUNDUP

TAKE-OUTS

TYPE OF BET	PERCENTAGE TAKEOUT
Win, Place, Show	22%
Quinella/Daily Double/Exacta/Trifecta	22%
Other: _____	

MEDICATIONS

Medications approved for use by the Oregon Racing Commission as described in: OAR 462-160-0130

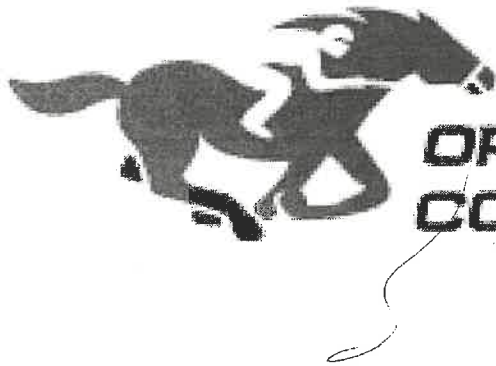
YES - Also Approved by the state

By signing below, I certify that all information included in Form C of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by		
Name: Doug Smith	Title: Director of Racing	Date: 1/26/2024
Address: 3340 NW Gumpert Rd Prineville OR 97154		
Telephone: 541-480-1048	Fax: _____	E-mail: DJSmitty55@gmail.com

Extra Copy

**2024 Summer Fair Race
Meet Application
Forms A, B & C**



**OREGON RACING
COMMISSION**

**OREGON RACING COMMISSION
PO Box 366
Gresham, OR 97030**

FORM A – RACE DATES AND TRACK INFORMATION

Name and Location of Race Meet Requesting the License:

Eastern Oregon Livestock Show Association Inc
P O Box 1052, 762 E Delta, Union, OR 97883

Total Number of Race Days Planned for the 2024 Summer Fair:

3

RACE DATES

RACE DATES:	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Month & Date	06/07/24	06/08/24	06/09/24				
First Post Time	4:15 P.M.	2:15 P.M.	1:45 P.M.				
Maximum # of Races	7	7	7	(NOTE: Maximum 3 day racing = 18)			
Thoroughbred Races	3-5	3-5	3-5				
Quarter Horse Races	3-5	3-5	3-5				
Other Horse Races (list):	0	0	1	Mixed Breed			

RACE DATES:	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14
Month & Date							
First Post Time							
Maximum # of Races							
Thoroughbred Races							
Quarter Horse Races							
Other Horse Races (list):							

REQUIRED NARRATIVE:

Please describe your efforts to provide security and safety for horses, people and property involved in this race meet.

Eastern Oregon Livestock Show will provide for the 2024 races by having security officers on site beginning at 7 P.M. on Thursday, June 6, 2024 and continue each evening on Friday, June 7th, Saturday, June 8th, and Sunday thru the end of race meet. EOLS will also have its own racing personnel to monitor grounds and horses each day of our race meet beginning Tuesday, June 4th, when horses are allowed to arrive, along with owners and trainers.

RACETRACK ASSURANCES: 2024 Race Meet, Eastern Oregon Livestock Show, Inc

We control the possession or possess a valid agreement for use of a properly constructed racetrack suitable for the type of races which are proposed to be conducted at such racetrack. The facilities included safe and suitable grandstands, equipped with reasonably sanitary accommodations, also adequate stables for livestock, taking into consideration the location of such racetrack and probable capacity requirements to accommodate the number of persons that will reasonably be expected to occupy such grandstands and attend the race meet.

We will operate the pari-mutuel wagering as provided in ORS 462. Average daily mutuel handle during the 2023 race meet was \$ 14,663. the total 3 day meet handle for 2023 was 43,991

It is estimated the State of Oregon will receive \$ 400 from this 3 day(s) 2024 race meet.

Average purse per race will be: Given the same help form Race Horse Associations as 2023
\$ 5,000 for Thoroughbreds
\$ 5,000 for Quarter Horses
\$ 4,500 for Other: Mixed Breed

Handicaps or Stakes races are: (specify purse, day and type of horse)

Total fees for all volunteer officials and pari-mutuel clerks are \$100 and will be included with the application not less than thirty days (30) prior to the race meet.

Types of wagering offered will be (include cost of each ticket next to each type):
a) Win, Place, Show, Daily Double, Quinella, Trifecta
b) with \$ 2.00 tickets and a \$ 1,00 ticket allowed for Quinella, Trifecta Box Bet
c)
d)

Tickets will be sold by totalizator machine.

Name of company: United Tote Company as far as I am aware

Enclosed is a \$25.00 check for the summer fair race meet license fee.

Within three months of the end of the summer fair race meet, an oral report will be presented at a Commission meeting and a written report will be provided to the Oregon Racing Commission summarizing the race meet.

Within three months from the end of the race meet, a detailed statement will be provided to the Oregon Racing Commission summarizing how allocated racing development funds for purses were spent. This must include matching funds required to be dedicated to purses.

By signing below, I certify that all information included in Form A of the application submitted for the Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by		
Eastern Oregon Livestock Show Association, Inc		
By: <i>Nathan H Jacob</i>		<i>01/03/24</i>
Name:	Title:	Date:
Nathan H Jacob	Mutual Manager, Dir Racing	01/03/24
Address:		
P O Box 1052 Union, OR 97883		
Telephone:	Fax:	E-mail:
Nate's Cell 541-805-9935	None	njacob4@outlook.com

Please: Note Please use following address to send race meet checks
(There is not anyone available to check dailey at the street address of EOLS)

Send to: JoAnn Hefner
67151 Miller Lane
Union, OR 97883

Thank You, Nathan H Jacob

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

2024 Eastern Oregon Livestock Association, Inc

Name and Location of Race Meet Requesting the License:

Eastern Oregon Livestock Show Association, Inc
 P O Box 1052, Union, OR 97883

Planned Race Dates for the 2024 Summer Fair:

June 7, 8, 9, 2024

REQUESTED OFFICERS:

Position Title	Name of Officer(s)
Association Steward & Placing Judge	Troy Skillwell if available
Director of Racing	Dave Billings, Nate Jacob
Patrol Judge	Chris Nantz if available
Paddock Judge	Jim Clark
Identifier	
Timer	Chris Nantz if available
Association Veterinarian	Sage Veterinary Serv. Josh Anderson
Pari-Mutuel Manager	Nathan Jacob
Chief of Security	Union County Sheriff Dept/Search & Rescue
Assistant Racing Secretary	Not available at this time
Plate Inspector in Paddock	Jim Clark
Racing Secretary	Jerry Kohls if available
Clerk of Scales	Jim Clark
Patrol Judge	Jim Clark
Starter	Steve Smith, Jason Young
Jockey Room Custodian	Dawn Nelson, Emily Sharatt
Paymaster of Purses	Mike Poe, JoAnn Hefner
Track Superintendent	Jim Clark, John Hefner
Track Announcer	Al Peterson if available
Test Barn Personnel	ORC Staff (only)

(Form B continues on the next page)

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

Eastern Oregon Livestock Show Association, Inc 2024

REQUIRED NARRATIVE

The Oregon Racing Commission is interested in your efforts to strengthen your race meet. Please educate us by answering the following questions:

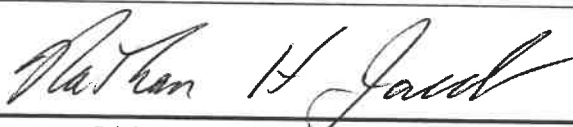
1. Please describe your efforts to form new collaborations and to strengthen your race meet with your local community of stakeholders in the industry.

Eastern Oregon Livestock Show Association, Inc will continue each year to partner with local sponsors, city and county organizations to fill racing positions and provide security to our grounds and to make improvements to facility to maintain a high state of safety and meet standards of county rules.

2. In addition to the hub taxes received from the Commission, please describe your efforts to seek and pursue revenue sources with the local community to support your race meet.

Eastern Oregon Livestock Show Association, Inc will continue its efforts to find local race fans, businesses to promote our race meet and to add purse money when possible. We will continue to add money to purses from our organization revenues to increase race purses at our 2024 meet.

By signing below, I certify that all information included in Form B of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by		
Nathan H Jacob		01/03/2024
Name:	Title:	Date:
Nathan H Jacob	Mutual Mgr, Dir Racing	01/03/2024
Address:		
P O Box 1052, Union, OR 97883		
Telephone:	Fax:	E-mail:
Nate's Cell 541-805-9935		Nate's : njacob4@outlook.com
Dave's Cekk 541-786/1060		Dave's : actionplumbing@eoni.com

FORM C – TAKEOUTS AND MEDICATION

Name of Race Meet:

Eastern Oregon Livestock Show Association, Inc
 P O Box 1052, Union, OR 97883

TAKE-OUTS

TYPE OF BET	PERCENTAGE TAKEOUT
Win, Place, Show	22 %
Quinella/Daily Double/Exacta/Trifecta	22 %
Other: _____	

MEDICATIONS

Medications approved for use by the Oregon Racing Commission as described in: **OAR 462-160-0130**

By signing below, I certify that all information included in Form C of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by

Nathan H Jacob



01/03/2024

Name:

Nathan H Jacob

Title:

Mutual Mgr, Dir Racing

Date:

01/03/2024

Address:

P O Box 1052, Union, OR 97883

Telephone:

Nate: 541-805-9935

Dave: 541-786-1060

Fax:

E-mail:

Nate: njacob4@outlook.com

Dave: actionplumbing@eoni.com

**2024 Summer Fair Race
Meet Application
Forms A, B & C**



**OREGON RACING
COMMISSION**

**OREGON RACING COMMISSION
PO Box 366
Gresham, OR 97030**

FORM A – RACE DATES AND TRACK INFORMATION

Name and Location of Race Meet Requesting the License:

Eastern Oregon Livestock Show Association Inc
P O Box 1052, 762 E Delta, Union, OR 97883

Total Number of Race Days Planned for the 2024 Summer Fair:

3

RACE DAYS

RACE DATES:	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Month & Date	06/07/24	06/08/24	06/09/24				
First Post Time	4:15 P.M.	2:15 P.M.	1:45 P.M.				
Maximum # of Races	7	7	7	(NOTE: Maximum 3 day racing = 18)			
Thoroughbred Races	3-5	3-5	3-5				
Quarter Horse Races	3-5	3-5	3-5				
Other Horse Races (list):	0	0	1	Mixed Breed			

RACE DATES:	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14
Month & Date							
First Post Time							
Maximum # of Races							
Thoroughbred Races							
Quarter Horse Races							
Other Horse Races (list):							

REQUIRED NARRATIVE:

Please describe your efforts to provide security and safety for horses, people and property involved in this race meet.

Eastern Oregon Livestock Show will provide for the 2024 races by having security officers on site beginning at 7 P.M. on Thursday, June 6, 2024 and continue each evening on Friday, June 7th, Saturday, June 8th, and Sunday thru the end of race meet. EOLS will also have its own racing personnel to monitor grounds and horses each day of our race meet beginning Tuesday, June 4th, when horses are allowed to arrive, along with owners and trainers.

RACETRACK ASSURANCES: 2024 Race Meet, Eastern Oregon Livestock Show, Inc

We control the possession or possess a valid agreement for use of a properly constructed racetrack suitable for the type of races which are proposed to be conducted at such racetrack. The facilities included safe and suitable grandstands, equipped with reasonably sanitary accommodations, also adequate stables for livestock, taking into consideration the location of such racetrack and probable capacity requirements to accommodate the number of persons that will reasonably be expected to occupy such grandstands and attend the race meet.

We will operate the pari-mutuel wagering as provided in ORS 462. Average daily mutuel handle during the 2023 race meet was \$ 14,663. the total 3 day meet handle for 2023 was 43,991

It is estimated the State of Oregon will receive \$ 400 from this 3 day(s) 2024 race meet.

Average purse per race will be: Given the same help form Race Horse Associations as 2023
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\$ 5,000 for Quarter Horses
\$ 4,500 for Other: Mixed Breed

Handicaps or Stakes races are: (specify purse, day and type of horse)

Total fees for all volunteer officials and pari-mutuel clerks are \$100 and will be included with the application not less than thirty days (30) prior to the race meet.

Types of wagering offered will be (include cost of each ticket next to each type):

- a) Win, Place, Show, Daily Double, Quinella, Trifecta
- b) with \$ 2.00 tickets and a \$ 1,00 ticket allowed for Quinella, Trifecta Box Bet
- c)
- d)

Tickets will be sold by totalizator machine.

Name of company: United Tote Company as far as I am aware

Enclosed is a \$25.00 check for the summer fair race meet license fee.

Within three months of the end of the summer fair race meet, an oral report will be presented at a Commission meeting and a written report will be provided to the Oregon Racing Commission summarizing the race meet.

Within three months from the end of the race meet, a detailed statement will be provided to the Oregon Racing Commission summarizing how allocated racing development funds for purses were spent. This must include matching funds required to be dedicated to purses.

By signing below, I certify that all information included in Form A of the application submitted for the Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by		Eastern Oregon Livestock Show Association, Inc	
By: <i>Nathan H Jacob</i>		<i>01/03/24</i>	
Name:	Title:	Date:	
Nathan H Jacob	Mutual Manager, Dir Racing	01/03/24	
Address:		P O Box 1052 Union, OR 97883	
Telephone:	Fax:	E-mail:	
Nate's Cell 541-805-9935	None	njacob4@outlook.com	

Please: Note Please use following address to send race meet checks
 (There is not anyone available to check dailey at the street address of EOLS)

Send to: JoAnn Hefner
 67151 Miller Lane
 Union, OR 97883

Thank You, Nathan H Jacob

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

2024 Eastern Oregon Livestock Association, Inc

Name and Location of Race Meet Requesting the License:

Eastern Oregon Livestock Show Association, Inc
P O Box 1052, Union, OR 97883

Planned Race Dates for the 2024 Summer Fair:

June 7, 8, 9, 2024

REQUESTED OFFICERS:

Position Title	Name of Officer(s)
Association Steward & Placing Judge	Troy Skillwell if available
Director of Racing	Dave Billings, Nate Jacob
Patrol Judge	Chris Nantz if available
Paddock Judge	Jim Clark
Identifier	
Timer	Chris Nantz if available
Association Veterinarian	Sage Veterinary Serv. Josh Anderson
Pari-Mutuel Manager	Nathan Jacob
Chief of Security	Union County Sheriff Dept/Search & Rescue
Assistant Racing Secretary	Not available at this time
Plate Inspector in Paddock	Jim Clark
Racing Secretary	Jerry Kohls if available
Clerk of Scales	Jim Clark
Patrol Judge	Jim Clark
Starter	Steve Smith, Jason Young
Jockey Room Custodian	Dawn Nelson, Emily Sharatt
Paymaster of Purses	Mike Poe, JoAnn Hefner
Track Superintendent	Jim Clark, John Hefner
Track Announcer	Al Peterson if available
Test Barn Personnel	ORC Staff (only)

(Form B continues on the next page)

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

Eastern Oregon Livestock Show Association, Inc 2024

REQUIRED NARRATIVE

The Oregon Racing Commission is interested in your efforts to strengthen your race meet. Please educate us by answering the following questions:


1. Please describe your efforts to form new collaborations and to strengthen your race meet with your local community of stakeholders in the industry.

Eastern Oregon Livestock Show Association, Inc will continue each year to partner with local sponsors, city and county organizations to fill racing positions and provide security to our grounds and to make improvements to facility to maintain a high state of safety and meet standards of county rules.

2. In addition to the hub taxes received from the Commission, please describe your efforts to seek and pursue revenue sources with the local community to support your race meet.

Eastern Oregon Livestock Show Association, Inc will continue its efforts to find local race fans, businesses to promote our race meet and to add purse money when possible. We will continue to add money to purses from our organization revenues to increase race purses at our 2024 meet.

By signing below, I certify that all information included in Form B of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by		
Nathan H Jacob		01/03/2024
Name:	Title:	Date:
Nathan H Jacob	Mutual Mgr, Dir Racing	01/03/2024
Address:		
P O Box 1052, Union, OR 97883		
Telephone:	Fax:	E-mail:
Nate's Cell 541-805-9935		Nate's : njacob4@outlook.com
Dave's Cekk 541-786/1060		Dave's : actionplumbing@eoni.com

FORM C – TAKEOUTS AND MEDICATION

Name of Race Meet:

Eastern Oregon Livestock Show Association, Inc
P O Box 1052, Union, OR 97883

TAKE-OUTS

TYPE OF BET	PERCENTAGE TAKEOUT
Win, Place, Show	22 %
Quinella/Daily Double/Exacta/Trifecta	22 %
Other: _____	

MEDICATIONS

Medications approved for use by the Oregon Racing Commission as described in: **OAR 462-160-0130**

By signing below, I certify that all information included in Form C of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by

Nathan H Jacob



01/03/2024

Name:

Nathan H Jacob

Title:

Mutual Mgr, Dir Racing

Date:

01/03/2024

Address:

P O Box 1052, Union, OR 97883

Telephone:

Nate: 541-805-9935

Fax:

Dave: 541-786-1060

E-mail:

Nate: njacob4@outlook.com

Dave: actionplumbing@eoni.com

FORM A – RACE DATES AND TRACK INFORMATION

Name and Location of Race Meet Requesting the License:

Grants Pass Downs / Grants Pass Or. / Josephine County Fairgrounds

Total Number of Race Days Planned for the 2024 Summer Fair:

7

RACE DATES

RACE DATES:	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
Month & Date	<i>6/15/24</i>	<i>6/16/24</i>	<i>6/22/24</i>	<i>6/23/24</i>	<i>6/29/24</i>	<i>6/30/24</i>	<i>7/4/24</i>
First Post Time	<i>1pm</i>	<i>1pm</i>	<i>1pm</i>	<i>1pm</i>	<i>1pm</i>	<i>1pm</i>	<i>1pm</i>
Maximum # of Races	<i>10</i>	<i>10</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>
Thoroughbred Races	<i>6</i>	<i>6</i>	<i>6</i>	<i>6</i>	<i>6</i>	<i>6</i>	<i>6</i>
Quarter Horse Races	<i>4</i>	<i>4</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
Other Horse Races (list):							

RACE DATES:	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14
Month & Date							
First Post Time							
Maximum # of Races							
Thoroughbred Races							
Quarter Horse Races							
Other Horse Races (list):							

REQUIRED NARRATIVE:

Please describe your efforts to provide security and safety for horses, people and property involved in this race meet.

We will hire security for both the front & backside of the race track as needed

RACETRACK ASSURANCES:

We control the possession or possess a valid agreement for use of a properly constructed racetrack suitable for the type of races which are proposed to be conducted at such racetrack. The facilities included safe and suitable grandstands, equipped with reasonably sanitary accommodations, also adequate stables for livestock, taking into consideration the location of such racetrack and probable capacity requirements to accommodate the number of persons that will reasonably be expected to occupy such grandstands and attend the race meet.

We will operate the pari-mutuel wagering as provided in ORS 462. Average daily mutuel handle during the 2023 race meet was \$ 40,623.

It is estimated the State of Oregon will receive \$ 2843.⁰⁰ from this 7 day(s) 2024 race meet.

Average purse per race will be:
\$ 4200 for Thoroughbreds
\$ 4200 for Quarter Horses
\$ _____ for Other: _____

Handicaps or Stakes races are: (specify purse, day and type of horse) T.B.A.

Total fees for all volunteer officials and pari-mutuel clerks are \$100 and will be included with the application not less than thirty days (30) prior to the race meet.

Types of wagering offered will be (include cost of each ticket next to each type):

- a) win place show \$2
- b) Quinella \$2
- c) Daily Double \$2
- d) Exacta \$1
- e) Tripletta \$1
- f) Pick 3 \$1

Tickets will be sold by totalizator machine.


Name of company: United Tote

Enclosed is a \$25.00 check for the summer fair race meet license fee.

Within three months of the end of the summer fair race meet, an oral report will be presented at a Commission meeting and a written report will be provided to the Oregon Racing Commission summarizing the race meet.

Within three months from the end of the race meet, a detailed statement will be provided to the Oregon Racing Commission summarizing how allocated racing development funds for purses were spent. This must include matching funds required to be dedicated to purses.

By signing below, I certify that all information included in Form A of the application submitted for the Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by 		
Name: Rod Lowe	Title: President (SO.HRA)	Date: 1/10/2024
Address: PO Box 1694 Grants Pass Or 97528		
Telephone: 541-821-0516	Fax: —	E-mail: cub.t1@earthlink.net

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

Name and Location of Race Meet Requesting the License:

Grants Pass Downs / Grants Pass Or / Josephine County Fairgrounds

Planned Race Dates for the 2024 Summer Fair:

June 16 17 22 23 29 30
July 4

REQUESTED OFFICERS:

Position Title	Name of Officer(s)
Association Steward & Placing Judge	<i>Troy Stillwell</i>
Director of Racing	<i>Rod Lowe</i>
Patrol Judge	<i>TBD</i>
Paddock Judge	<i>Daniel Morris</i>
Identifier	<i>Daniel Morris</i>
Timer	<i>Plusmic</i>
Association Veterinarian	<i>Len Jensen</i>
Pari-Mutuel Manager	<i>Sharon Heckers</i>
Chief of Security	<i>Tim Harrell / Backside Manager</i>
Assistant Racing Secretary	<i>Mary Mumpia</i>
Plate Inspector in Paddock	<i>Daniel Morris</i>
Racing Secretary	<i>Terry Kohls</i>
Clerk of Scales	<i>Dee Stillwell</i>
Patrol Judge	<i>—</i>
Starter	<i>Daniel Morris</i>
Jockey Room Custodian	<i>Lora Billmore</i>
Paymaster of Purses	<i>Chris Holley / Rachel Nobel</i>
Track Superintendent	<i>Steve Wood</i>
Track Announcer	<i>Dean Mazzuca</i>
Test Barn Personnel	ORC Staff (only)

(Form B continues on the next page)

FORM B – RACE MEET OFFICIALS AND RACE MEET EFFORTS

REQUIRED NARRATIVE

The Oregon Racing Commission is interested in your efforts to strengthen your race meet. Please educate us by answering the following questions:

1. Please describe your efforts to form new collaborations and to strengthen your race meet with your local community of stakeholders in the industry.

* SOHRA will reach out to all our local papers, radio + TV stations to make our community aware of our race meet + to promote live horse racing.

* SOHRA will also reach out nationally through web sites + Facebook to let everyone know that Grants Pass Downs will have live horse racing.

2. In addition to the hub taxes received from the Commission, please describe your efforts to seek and pursue revenue sources with the local community to support your race meet.

* SOHRA will seek out businesses + individuals to sponsor each race + add money to the purses

* SOHRA will work with several stakeholders to sponsor races: AQHA, OHBPA, OTBOA, OQHRA.

By signing below, I certify that all information included in Form B of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by

Rod Lowe

Name:

Title:

Date:

Rod Lowe Director of Racing 1/10/2024

Address:

PO Box 1694 Grants Pass Or 97528

Telephone:

Fax:

E-mail:

541-821-0516

Cubit1@earthlink.net

FORM C – TAKEOUTS AND MEDICATION

Name of Race Meet:
Grants Pass Downs

TAKE-OUTS

TYPE OF BET	PERCENTAGE TAKEOUT
Win, Place, Show	<i>18%</i>
Quinella/Daily Double/Exacta/Trifecta	<i>22%</i>
Other: <u><i>Pick 3</i></u>	<i>22%</i>

MEDICATIONS

Medications approved for use by the Oregon Racing Commission as described in: **OAR 462-160-0130**

By signing below, I certify that all information included in Form C of the application submitted for Summer Fair Race Meet License consideration is accurate and true to the best of my knowledge as of this date. Should anything change, I will report this information to the Oregon Racing Commission as soon as possible.

Signed by <i>Red Lowe</i>		
Name: <i>Red Lowe</i>	Title: <i>Director of Racing</i>	Date: <i>11/10/2024</i>
Address: <i>PO Box 1694 Grants Pass Or 97528</i>		
Telephone: <i>541-821-0514</i>	Fax:	E-mail: <i>Cubot1@earthlink.net</i>

OAR 462-130-0010 Prohibited Conduct; Investigations; Discipline

(1) No person (including licensees) shall:

(a) Incite, encourage, instruct, assist, or cause or attempt to cause another person to engage in any violation of ORS Chapter 462 or any rule of the commission, or to commit any prohibited act in relation to racing in another racing jurisdiction.

(b) Offer or accept any form of compensation for cashing a pari-mutuel ticket for another.

(c) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any racing official or employee of the commission at any place under the jurisdiction of the racing commission.

(d) Take any action upon a racecourse that creates or causes a clear and present danger of violence.

(e) Initiate any physical altercation with another person on a racecourse.

(f) Threaten another person with physical harm or probable physical harm.

(g) Refuse to obey reasonable orders or directions of a racing official, security personnel of the race meet licensee or Oregon Racing Commission employees.

(h) Sell or offer to sell tip sheets or any other written, electronic or oral predictions as to the outcome of races at any place under the jurisdiction of the commission unless licensed to do so by the commission.

(i) Gamble, bet, or wager on a racecourse except as authorized by the State of Oregon.

(j) Except for the race meet licensee, solicit any wagers from the public.

(k) Give or offer to give any bribe directly or indirectly, to any licensee, racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or racing animal.

(l) Tamper or attempt to tamper with an animal, or apply or aid in applying to an animal or possess on a racecourse any electrical or mechanical device or prohibited medication intended to affect the performance of an animal.

(m) Possess a hypodermic needle or usable injectable syringe on which a needle may be attached on a racecourse, except veterinarians or veterinarian assistants licensed by the Oregon Racing Commission. On a racecourse, veterinarians may use only one-time disposable needles, and shall dispose of them appropriately, according to Oregon Veterinary Medical Examining Board standards. If a person has a medical condition which makes it necessary to have a syringe on the racecourse, that person must request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to have a syringe on the racecourse, and must comply with any conditions and restrictions set by the stewards.

(n) Administer, offer to administer, or allow to be administered to any racing animal any prohibited drug or medication, or an unauthorized quantity of an approved drug or medication.

(o) Alter or forge a prescription for medication for a racing animal, or any legal document including but not limited to: a bill of sale, a claim blank, a license application, a treatment form, a registration certificate, ownership registration certificate, lease certificate, a check, or a license application.

(p) Impersonate any racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or animal in any manner including forging any of these individuals' names or initials on any document.

(q) Submit or knowingly allow to be submitted to the commission, commission personnel, racing secretary or any racing animal registry, any report or document or application which contains false or misleading information.

(r) Mar or alter any identification mark on a racing animal.

(s) With the exception of commission staff and racing officials in the conduct of official business, use cell phones in the paddock, jockeys' room, test barn enclosure/area and on the racing surface when the area is actively in use.

(t) Smoke inside the test barn/storage area, under the covered portion of the stables, including stalls, tack rooms, shedrow, or in designated "No Smoking" areas.

(u) Use any tobacco products or have food or beverages in the designated testing areas.

(v) Test barn commission staff is permitted to have food or beverages in specified areas only under the following conditions:

(A) Test barn staff is to be free of food residues on their person and to wash their hands prior to testing horses or handling samples.

(B) Food or beverage items that contain prohibited substances are not permitted in the test barn enclosure.

(w) Possess on a racecourse any deadly weapon or firearm, a BB gun, blow gun, pellet gun or similar device, except law enforcement officers, commission officials and security personnel.

(x) While employed by the race meet licensee, racing commission or acting as a racing official, wager at the racecourse where employed or working, while on duty, or ask any other person to place a bet on their behalf. This includes individuals working under contract with the race meet licensee during the racing program and the employees of contractors of the race meet licensee who are working during the racing program.

(y) Allow any person under the age of eighteen (18) years to place or collect a wager. Race meet licensee shall turn over to the proper civil authorities any person who violates this rule, to be punished upon conviction of any such violation, according to law. This rule shall be posted conspicuously at entrance gates and throughout wagering areas. The license of any employee participating in any transaction relative to wagering with persons under the age of eighteen (18) years may be summarily, suspended or revoked.

(z) Move, nominate or enter to race a racing animal on a racecourse except with express permission of the trainer, racing secretary, owner, stall superintendent or the stewards.

(aa) Submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(A) Inadequate food, shelter and water as defined by typical industry standards for those animals kept in similar climates and conditions;

(B) Neglect in any manner, including adequate veterinary care and attention when necessary;

(C) Conditions which cause the animal unnecessary physical pain or suffering;

(D) Prohibited conduct described in ORS 167.310 to 167.388 in the form the statute provided on the effective date of this rule.

(bb) Commit theft or buy, sell or possess any stolen property, or buy, sell or possess any illegal contraband.

(cc) Illegally influence or conspire, or attempt to influence or conspire, to affect the result of any race or manipulate the odds in which an animal participates.

(dd) Violate any written agreement entered into with the Oregon Racing Commission, the board of stewards or any other commission employee as a result of an order of the commission or stewards.

(ee) Engage in any lewd, obscene, indecent, or inappropriate conduct

(2) No licensee shall:

(a) Enter for official racing, official schooling, start, cause or allow to be entered or start, a racing animal that the licensee knows or should know does not meet all entry requirements.

(b) Come onto a racecourse or participate in a race meet while suspended, excluded or ruled off by the official body of any racing jurisdiction unless otherwise ordered by the board of stewards or the Oregon Racing Commission.

(c) Knowingly harbor or otherwise enable the unlawful presence of any individual who is suspended or revoked by the official body of any racing jurisdiction or excluded by the race meet licensee.

(d) Fail to immediately notify the racing secretary when the licensee discovers that any entry or starting requirement for a racing animal under the licensee's control is not met or is no longer being met.

(e) Allow or cause a scratch to become necessary, which could have been avoided by the exercise of reasonable care.

(f) Fail to request a scratch immediately upon learning that a scratch is necessary.

(g) Solicit, offer or accept any bribe in any form, directly or indirectly, to or from any person, in connection with any race meet in any racing jurisdiction which is a member of Association of Racing Commissioners International (ARCI). A conviction is not required in order to prove a violation of this rule.

(h) Commit any corrupt, fraudulent, or unlawful act on any racecourse or in connection with any race meet in any racing jurisdiction which is a member of ARCI.

(i) Fail to cooperate with commission personnel, officials or security personnel when requested to comply with these statutes and rules relating to racing.

(j) Fail to report to the stewards' office promptly upon request.

~~(k) Be intoxicated or under the influence of controlled substances in a restricted area or on duty.~~

(l) Lodge a frivolous complaint.

(m) Knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.

(n) Fail to properly escort unlicensed individuals after registering them with security personnel as guests.

(o) Fail to immediately report to the commission the unlicensed participation in a race meet of any person who the licensee knows or should know is required to be licensed.

(p) Fail to report promptly to a commission representative any possession or use of a prohibited drug, prohibited medication or prohibited paraphernalia.

(q) Fail to notify the commission in writing of a change of officer, director, stockholder (except for publicly traded corporations), or partner, within 30 days, if the change occurred during a race meet, or prior to the next race meet, if the change occurred after a race meet.

(r) Ride a horse on the racecourse without properly wearing an approved helmet and vest.

(s) Retain any prize or purse money which the person has reason to know was paid in error or lost because of disqualification or commission action as a result of an appeal.

(t) If an owner, assistant trainer, groom or other person having charge, custody or care of a racing animal, fail to protect the racing animal and guard it against the administration of unauthorized drugs or any other illegal conduct.

(u) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.

(v) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.

(w) Allow anyone other than participating jockey, authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room between two hours

before post time for the first race of the day and one hour after the last race without consent of the stewards for each time of entry.

(x) Other than a licensed jockey agent, make engagements for a jockey. A jockey may make his/her own engagements if not represented by a jockey agent.

(y) Engage in any dishonest conduct on a racecourse.

(z) Engage in any unprofessional conduct on a racecourse.

(aa) Willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee; nor shall a licensee falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying the payment of the debt or defrauding the person to whom the indebtedness is due.

(bb) Write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is a stop payment check or is written on a closed account or a nonexistent account. The fact that such a check is returned to the payee by the bank as refused, constitutes a rebuttable presumption for a finding of financial irresponsibility.

(cc) Except in cases deemed appropriate by the board of stewards, no person shall enter the stalls, shed row, tack rooms, feed sheds or the immediate adjacent area of the locations, unless the person has prior approval of the trainer to whom the locations are assigned by the association. This rule does not apply to racing officials, investigators of the commission, security officers, employees or agents of the association who are on duty, law enforcement or fire protection officers, or employees, agents or representatives of the trainer to whom the locations are assigned.

(3) Substance Abuse:

(a) Alcohol Consumption: No licensee may have present within his/her system an amount of alcohol which would constitute being intoxicated, defined as .08% blood alcohol content or greater, while in a restricted area. No jockey, apprentice jockey, valet, assistant starter, pony person, exercise person, or

racing official may have present within his/her system an amount of alcohol which would constitute being impaired, defined as .02% or greater blood alcohol content, while responsible for performing their official duties.

(A) Any licensee may be required to take a breath alcohol test prior to their participation in racing events.

(B) Acting with reasonable suspicion, the stewards, or a designated Racing Commission representative, may direct any licensee to submit to a breathalyzer test to determine blood alcohol content.

(C) Refusal to take a breath test will be considered as positive evidence of a violation of subsection (3)(a).

(D) Sanctions for Alcohol Violations

(i) Penalties for a first offense may result in a fine and/or a suspension up to 15 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(ii) Penalties for a second offense may result in a fine and suspension up to 30 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iii) Penalties for third and subsequent offenses shall result in a fine and suspension for no less than 90 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iv) A history of substance abuse violations other than alcohol may be considered as aggravating circumstances when considering penalties for alcohol abuse, and may result in penalties greater than those listed in these rules.

(b) Drugs/Controlled Substances: No licensee within any place under the jurisdiction of the racing commission shall have in the licensee's body any controlled substance or drug listed in Schedules I through V of 21 USC Section 812 except for a drug which was obtained or taken pursuant to a valid legal written prescription or order from a licensed physician acting in the course of the physician's professional conduct and which is produced by the licensee upon request.

(A) Acting with reasonable suspicion, the stewards, or a designated racing commission representative, may direct any licensee observed in a restricted area or any racing official acting in their capacity to submit to drug testing for analysis. When so directed, said licensee shall submit to such examination. If the result of the test indicates the presence of a controlled substance as delineated above, or if the person refuses to be tested, either for reasonable suspicion or under random testing criteria, or if the specimen was adulterated as reported by the official testing laboratory, the person may be fined and/or suspended as described in this rule. If the laboratory determines that the sample is dilute, the licensee being tested shall be required to submit another urine sample. To ensure the sample will not be dilute, the licensee will be required to report for testing at a specified time and remain until the sample is acquired.

(B) Controlled Substance Testing Expense: Except for split samples, laboratory analysis will be performed at the racing commission's expense, unless pursuant to a prior order of the stewards or commission reinstating the licensee, or the person produced an adulterated specimen, in which case retesting may be performed only after the person pays the cost of the first test to the commission.

(C) Sanctions for Controlled Substance Violations

(i) A licensee's first violation may in a fine and/or suspension. If suspended, reinstatement shall not occur until the licensee has been evaluated by, and a current written report is received from, a drug counselor certified by the State of Oregon and who is approved in advance by the commission or stewards. If the report states that treatment is required, reinstatement shall not occur until the licensee presents documented proof of current enrollment in or completion of an appropriate certified rehabilitation program approved in advance by the commission. Reinstatement is also subject to licensee producing at licensee's expense, a negative test from a laboratory approved in advance by the commission, and the licensee agreeing in writing to submit urine specimens at the request of the stewards, or designated racing commission representative, for not less than five years, or until no longer licensed. Any failure to comply with the certified counselor's and/or stewards' instructions may result in immediate suspension.

(ii) A licensee's second violation within five years of the first violation shall result in an indefinite suspension and reinstatement shall not occur until the licensee completes all of the contingencies listed above in subsection (i).

(iii) A licensee's third violation within seven years of the second violation shall result in a suspension of up to 365 days and may include referral to the commission for consideration of exclusion and/or revocation of the license.

(iv) A history of alcohol abuse violations may be considered as aggravating circumstances when considering penalties for drug abuse violations and may result in penalties greater than those listed in these rules.

(D) Prescription Medication:

(i) Any licensee who has obtained a medical prescription for any drug listed in Schedules I through V of 21 USC Section 812 may be required to furnish the Commission or the stewards written documentation from the issuing physician that the use of the prescribed drug will not impede the licensee from performing the duties for which they are licensed or threaten the safety or welfare of others or a racing animal.

(ii) If, in the opinion of the board of stewards, the use of any lawfully prescribed drug listed in Schedules I through V of 21 USC Section 812 would or could pose a threat to the health, safety or welfare of the licensee, others or a racing animal, the board of stewards, after having an appropriate hearing, can bar the licensee from entering a restricted area of any racecourse or their handling of any race animal subject to appeal.

(E) Knowledge of a person's voluntary and active participation in an approved rehabilitation program will not constitute grounds for "reasonable suspicion" under this rule.

(4) Any licensee who violates any provision of ORS Chapter 462 or any rule adopted there under is subject to further discipline by the board of stewards, up to the limits imposed by law, and also is subject to further discipline by the racing commission, including suspension, revocation, civil penalties, exclusion, probation, and such other discipline as may be appropriate in the case. Whenever a licensee is suspended, the stewards have the commission's authority to also exclude him or her. Any non-licensee who, in the opinion of the stewards, acts in a manner detrimental to racing may be subject to exclusion.

(5) When grounds exist for suspension of a license, the stewards or commission may also impose other appropriate sanctions including, but not limited to, forfeiture of purse, return of prizes, ruling off, or forbidding entry of racing animals.

(6) When a license is suspended, it may be suspended for all categories licensed, including reciprocity suspensions.

(7) Ejection. The race meet licensee may eject any person from the race course for any reasons and in any manner that is not contrary to law. The race meet licensee shall notify the commission within 24 hours of any ejection or arrest occurring on the racecourse, including the details thereof.

(8) All licensees shall report any known irregularities or wrong doings by any person immediately to a commission employee and cooperate in subsequent investigations.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

462-140-0150

Racing Secretary

(1) The racing secretary is responsible for maintaining a file of all registration papers and foal certificates on horses participating in the race meet. The racing secretary shall inspect all ownership and lease documents to be sure they are accurate, complete, and up-to-date. The racing secretary has the authority to demand the production of any documents or other evidence necessary in order to perform this responsibility. The racing secretary shall verify each racing animal's ownership and shall not allow any racing animal to run unless the racing animal is entered in the name of the legal owner as shown on the back of the registration/ownership papers, or on a legal lease attached to the registration/ownership papers, and unless the stable name is licensed, where the papers show a stable name.

(2) The racing secretary is responsible for receiving all entry forms for official racing, all scratch requests, and all subscriptions, nominations, and entrance monies. The racing secretary shall assure, to the extent possible, that all entry requirements have been met and continue to be met until the entry is withdrawn.

(3) The racing secretary shall be responsible for forming each race, and may provide assistance to the trainers in ensuring that only racing animals which are eligible to start or race and which meet any special entry requirements are drawn into the race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all racing animal owners and stable owners in the forming of all races.

(4) As soon as the entries have closed for each racing program, the racing secretary shall compile and post in a conspicuous place a list of entries, minus any subsequent withdrawals. Names of horses on the "Also Eligible" list shall also be compiled and promptly posted in a conspicuous place.

(5) The racing secretary shall keep a complete record of all races and shall immediately report to the stewards conditions which may require a scratch, and any violations of ORS Chapter 462 or the rules of racing.

(6) The racing secretary is responsible for publishing the racing program and for the accuracy of the information in it.

(a) The racing secretary shall compile and cause to be printed for each racing day a program which shall legibly set forth for each race the amount of the purse, distance, conditions, names of racing animal which are to be run, their color, sex, age, breeding, state in which foaled, the name of their owner, lessee

(if any), trainer, assistant trainer (if any), and jockey, the weight carried, order of their post positions, and such other information and notices to the public as the commission may direct.

(b) Once the official program is printed and placed for sale to the public, there shall be no changes in the program (except to correct printer's errors) unless a horse is legally scratched from a race. No program shall contain a loose insert, unless approved by the board of stewards.

(c) The racing secretary is responsible for the accuracy of all racing related material provided for the program.

(d) All daily programs sold at the racecourse must contain a prominent notice that there is an information window and/or complaint window in the clubhouse and grandstand where complaints may be made or filed in writing. The exact locations of these windows shall be set forth in the notice.

(e) All daily programs sold at the racecourse must clearly contain the following:

NOTICE: This race meet is licensed for 20___, License No. ____ by the Oregon Racing Commission and operates under its rules and regulations. The commission office is located at the **Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232.** **May be contacted at P.O. Box 366, Gresham, OR 97030, or faxed to (971) 673-0213; or emailed to orc.info@orc.oregon.gov**

(7) The racing secretary is responsible for writing a condition book and shall assign stalls in an equitable manner and shall maintain a record of arrival and departure of horses stabled on the racecourse.

(8) The racing secretary is responsible for custody and safekeeping of registration papers and foal certificates for all horses participating in the race meet, and for recording required information on them including all wins in Oregon. The racing secretary shall permit access to the registration papers and foal certificates only to authorized personnel, and shall allow them to be removed only by the trainer. If the racing secretary is aware that a trainer has been fired by an owner, the racing secretary shall not release any papers to either except with consent of both, or pursuant to court or arbitration order, or with the consent of the commission. Effective January 1, 2020, the Racing Secretary shall ensure that the foal certificates for all the Thoroughbred horses entered to race that were foaled in 2018, or thereafter, have a "Digital Tattoo." This Digital Tattoo shall indicate that the Thoroughbred Racing Protective Bureau has confirmed the identity of the horse and uploaded updated digital photos to the breed registry database.

(9) The racing secretary shall place on the racing secretary's bulletin board the names of heel nerved horses, mares in foal and any other information requested to be posted by the stewards or the commission. Horses that have had an alcohol blocking of the nerve or nerves shall be considered to be nerved.

(10) The racing secretary shall promptly make available to the media records of workouts.

(11) Chart Books:

(a) The Quarter Horse Chart Book shall be the official chart form for Quarter Horse racing.

(b) The Appaloosa Chart Book shall be the official chart form for Appaloosa horse racing.

(c) The Arabian Jockey Club Charts shall be the official chart form for Arabian horse racing.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.270

Proposed Rule

OAR 462-160—0150 Post Mortem Examination/Necropsies

- (a) All race horses that die or are euthanized on Oregon Racing Commission's jurisdiction's racetrack grounds shall have a post mortem examination (necropsy) performed when reasonably feasible.
 - (b) Necropsies should be performed at facilities and by personnel with capabilities to perform necropsy examination of racehorses.
 - (c) If a Necropsy is not obtained, a post mortem examination will be conducted by the ORC Veterinarian.
 - (c) The Oregon Racing Commission will reimburse the race track for reasonable costs of transportation and will pay for all costs of the necropsy.
 - (d) Relationships and contact information shall be included in the necropsy standard operating procedure. The Veterinarian performing the necropsy shall not be an Attending Veterinarian of the affected Horse.
-

Reason for the rule:

Necropsies are currently not outlined in rules.

Statutory/Other Authority: ORS 462.270(3)

462-220-0030

Approval of the License for a Hub Operation

(1) Prior to operating a hub, the entity must submit a completed application on commission provided forms to: Oregon Racing Commission, P.O. Box 366, Gresham, OR 97030; or fax the application to: (971) 673-0213; or email the application to: orc.info@orc.oregon.gov for a license, and be granted a license, from the commission, to conduct simulcasting and pari-mutuel wagering in accordance with ORS 462.725 and these rules as a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub."

(a) A license may range from one to five years in length and the length should be noted in the application submitted.

(b) The current, daily licensing fee is to be remitted no later than June 30th preceding the July 1 start of each year licensing has been granted or is being requested. Upon request from a hub entity the executive director shall permit the hub entity to make semiannual or quarterly payments of the daily licensing fee with the first payment due no later than June 30.

(2) An applicant for a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub" license must provide the following information as part of the application thirty days prior to the scheduled commission meeting at which the application is to be presented:

(a) The applicant's legal name;

(b) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided;

(c) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders must be provided;

(d) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in subsection (2)(b) and (2)(c) of this rule shall be required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(e) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product;

(f) Financial information from the applicant that demonstrates whether the applicant has the financial resources to install and operate a hub;

(g) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the hub's operation during the license period;

(h) The number of days that the applicant is planning to operate the hub during the fiscal year in which they are seeking to be licensed;

(i) A list of all hub personnel containing the name, position, job location, license number and expiration date. All current gaming licenses should be listed, regardless of jurisdiction;

(j) A chart illustrating the organizational structure, including reporting lines;

(k) A list of all states where the hub is operating; and

(l) Documentation of proper filing that the Hub applicant and/or parent company is registered to do business in the state of Oregon.

(3) As part of the application for licensure as a hub, the applicant shall submit a detailed plan of operations in a format containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate;

(b) The requirements for a "qualified subscriber-based service" or "closed loop subscriber based system" set out in OAR 462-220-0010(2);

(c) Programs for responsible wagering; Beginning July 1, 2023, responsible wagering programs must include at a minimum:

(A) Annual training for all staff that interact directly with account holders;

(B) Advertising must include responsible wagering messaging;

(C) An account holder may request a one year, three-year, five year or a lifetime self-exclusion;

(D) An account holder that has elected to self-exclude will be removed from any type of direct advertising or promotions; and

(E) Responsible wagering resources must be available on all ADW web and other sites and must include information about where to get additional help.

(d) Mitigation for the effects of account wagering on the source market in Oregon. In addition to the source market mitigation plan as outlined in the application, more detailed source market information shall be provided by the hub at the commission's request. A mitigation plan must include one of the following options:

(A) An agreement with a state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission; or

(B) A written agreement with the Oregon HBPA, a copy of which has been submitted to the commission; or

(C) A written plan submitted to, and approved by, the commission that mitigates the effect of account wagering and provides equitable compensation to the commercial race meet licensee as defined in ORS 462.062. Source market fees shall be paid statewide on Oregon accounts. Accounts must be available to Oregon residents if a hub is licensed in Oregon.

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Oregon. The commission may require changes in a proposed plan of operations as

a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

(f) A list of any affiliate sites or potential affiliate sites of the hub. The operating plan must provide the following information and meet the following affiliate guidelines:

(A) The name and web address of the affiliate site.

(B) The person or companies involved in the affiliate agreement.

(C) That the affiliate site agreement is clearly noted as either a marketing or service agreement.

(D) Customers using the affiliate site will be customers of the licensed hub, subject to the same verification process and account operational procedures as any other customer of said hub licensee.

(E) The wagers placed through the affiliate site will be processed through equipment owned and operated by the licensed hub and their commission approved tote provider.

(F) The commission approved totalizator provider will incorporate the handle of the affiliate site into the handle report for the licensed hub or generate a separate daily report for this handle. In either case, the handle will count as part of the hub licensee's handle, and the hub licensee will be responsible for all taxes on the handle generated from their own site and any affiliate sites.

(G) The affiliate site will be branded in some form to indicate to the customer that they will be wagering through systems operated by the licensed hub. The commission reserves the right to approve or deny any affiliate sites. Additionally, the commission may determine a handle level at which an affiliate site may need to apply for its own hub license, or at which the hub licensee must be subject to the tax rate described in OAR 462-220-0040(3).

(4) Multi-jurisdictional hubs that offer handicapping contests must list each contest as a live money contest and/or an entry fee contest. All applications for approval must be accompanied by agreement(s) from the tracks.

(5) The commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.

(6) The fee of \$200 per day that the hub is scheduled to operate must accompany the application. If the license is denied by the commission the fee will be refunded less the amount equal to the amount that the commission expended in conducting investigations and inspections which was in excess of the expenses that would have otherwise been incurred by the commission.

(7) To ensure that the funds of an applicant's account holders will be properly held and maintained by the applicant:

(a) The applicant must provide evidence to the commission that the applicant has established a segregated account (the Bank Account) in which all funds of its account holders will be deposited in an insured account, approved by the commission, solely for the benefit of the account holders:

(A) No hub shall use the funds deposited in the Bank Account for any purpose except to facilitate the wagering activities and other instructions or agreements of account holders. The funds of an account

holder held in the Bank Account shall remain the property of the account holder for all purposes until wagered by the account holder or otherwise withdrawn or used in accordance with the account holder's instruction or agreement;

(B) The hub shall maintain a record of each deposit, withdrawal or other use of funds held in the Bank Account for each account holder (the Customer Record);

(C) Any account holder, who claims that any credit or debit to his or her Customer Record is incorrect or who claims that any deposit, withdrawal, or use of the account holder's funds is incorrect, may file a claim with the commission. The commission shall investigate all claims and provide the hub with an opportunity to respond to such claims. The hub may submit any information, documentation or other evidence supporting its position with respect to the claim. If the commission determines that the Customer Record is incorrect or that any deposit, withdrawal, or use of an account holder's funds was incorrect, the hub shall have 10 days to correct same as instructed by the commission. Such correction may require the hub to correct the Customer Record for the account holder, to deposit additional funds into the Bank Account for the account holder, to remit funds directly to the account holder, or any combination thereof.

(b) The applicant must provide a \$50,000 irrevocable bond, letter of credit, or other security instrument to the commission, in a form acceptable to the commission, which designates the commission as the beneficiary thereof (the Security Instrument). The Security Instrument shall permit the commission to make draws to cover such amounts as the commission finds is necessary. For example, if a hub fails to deposit funds into the Bank Account for an account holder or to remit funds directly to the account holder, as described in subsection (7)(a)(C) above, within 10 days of the commission's decision, the commission may draw down on or take other appropriate action against the Security Instrument to ensure the account holder is immediately made whole.

(8) An applicant licensed under this section may enter into such agreements, as for what it deems good and sufficient reasons, that are necessary to promote, advertise and further the sport of racing or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services.

(9) An applicant must maintain an operational presence within the State of Oregon. A call center for customer wagering, a sub-contract with an existing call center for customer wagering, or a business office is required. In addition, totalizator equipment must be located in Oregon, and services must be provided by a totalizator vendor identified in the hub operating plan as approved by the commission.

(10) An applicant must provide the following to the commission:

(a) Access to customer call monitoring, account holder detail, and electronic wagering data;

(b) On site regulatory visits of the call center by authorized commission staff; and

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.

(11) **Effective July 1, 2024, An applicant must maintain all customer account-related documentation after the account is closed – including, but not limited to, wagering activity, deposits, and withdrawals - for a minimum of three years, or the duration of any self-exclusion period, whichever is greater.**

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For self-excluded individuals whose elected period is beyond three years, the applicant is only required to maintain documentation necessary to identify the self-excluded individuals.

Electronic customer communications, including but not limited to, email, text, and social media, must be retained for a period of not less than one year.

Audio recording(s) must be retained for a period of not less than three months.

Statutory/Other Authority: ORS 462.270(3) & 462.725

Statutes/Other Implemented: ORS 462.725

Statutes that apply:

Statutory/Other Authority: ORS 462.270(3) & 462.725

Statutes/Other Implemented: ORS 462.725

Reason for amendment:

1. Updates retention schedule for account holder's records.

Is hearing needed? Yes.

Is there a fiscal impact? No.

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

12/08/2023 11:09 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies share of the Pari-Mutuel Handle language and eliminates possibility of double taxation.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/26/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

NEED FOR THE RULE(S)

Clarifies share of the Pari-Mutuel Handle language and eliminates possibility of double taxation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Language clarification- Agency counsel. Documents are stored electronically and are available upon request.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Amended language will not effect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved - no affect. Amendment clarifies language for pari-mutuel handle fee payments.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-220-0040

RULE SUMMARY: Clarifies share of the Pari-Mutuel Handle language and eliminates possibility of double taxation.

CHANGES TO RULE:

462-220-0040

State of Oregon Share of the Pari-Mutuel Handle ¶

In addition to the licensing fee set forth in OAR 462-220-0030(56), the hub operator shall pay to the Oregon Racing Commission the ~~tax payments~~ authorized by ORS 462.725(34)(b) on all gross mutuel wagering receipts recorded by the hub's totalizator system during the license period. The payments shall be made as follows:¶

(1) Payments shall be made each month based on the gross mutuel wagering receipts for that month.¶

(2) Payments shall be made in a timely manner as prescribed by the executive director of the commission.¶

(3) Payments shall be calculated according to one of the following formulas as elected by the hub operator in the manner specified in section (6):¶

(a) Payment of 0.125% of the first 60 million dollars in gross mutuel wagering receipts during the license period and 0.25% of the gross mutuel wagering receipts in excess of 60 million dollars during that period; or¶

(b) Payment of 0.25% of gross mutuel wagering receipts, except that, if the hub operator conducts business in a state where hubs are specifically authorized and the tax rate is less than 0.25%, the tax rate for wagers by the residents of such state would be that of the state in which they reside. This exception is limited to a single state designated by the hub operator in the manner specified in section (57).¶

(4) Advanced deposit wagering handle from past live racing products will be calculated separately from all other gross mutuel wagering receipts recorded by the hub's totalizator system. These product wagering receipts will, however, follow the same payment structure as all other gross wagering receipts including the maximum payment set out in section (6).¶

(5) ~~Each~~ affiliates of a licensed multi-jurisdictional hub will follow the same payment structure as the licensed multi-jurisdictional hub including the maximum payment set out in section 6 ~~after the affiliate's first \$20,000,000.00 in handle. The first \$20,000,000.00 of the affiliate's handle. The additional payments, as outlined in (3), will occur after the affiliate's first \$20,000,000.00 in handle or after the licensee has reached their maximum payment, whichever occurs last. The first \$20,000,000.00 of the affiliate's handle and any additional handle if the licensee has not yet reached thier maximum payment is exempt from separate fee payments-but t. The first \$20,000,000.00 will nevertheless apply toward the licensee's maximum payment.~~¶

(6) The base ~~tax payments~~ for fiscal year 20223-20234 is \$778,192,647.00. The maximum payment set out in section (6) will increase 2.5% on an annual basis for each fiscal year through 2029-2030 unless the commission changes that limit before the beginning of a fiscal year. Maximum payments through fiscal year 2029-2030 are calculated below.¶

Fiscal Year - ~~Tax Amount:~~¶

2022-23 - \$778,192.00 Fee Payment Schedule:¶

2023-24 - \$797,647.00¶

2024-25 - \$817,588.18¶

2025-26 - \$838,027.88¶

2026-27 - \$858,978.58¶

2027-28 - \$880,453.04¶

2028-29 - \$902,464.37¶

2029-2030 - \$925,025.97¶

¶

(7) The hub operator shall state in its license application its election to pay tax calculated pursuant to section (3), subsections (a) or (b), for gross mutuel wagering on merged pools, and shall also designate a state that is subject to the exception in section (3), subsection (b), if that formula is elected. The hub operator statement shall be made in its license application or at such other time as is specified by the Commission. Neither the payment formula nor the state subject to the exception may be changed during a license period without the prior approval of the Commission.

Statutory/Other Authority: ORS 462.270(3), 462.725

Statutes/Other Implemented: ORS 462.725

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

12/08/2023 12:02 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies which out of state individuals need licenses.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/26/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
Karen Parkman
Rules Coordinator

NEED FOR THE RULE(S)

Clarifies which out of state individuals need licenses.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Agency Counsel. Documents are electronically stored and are available upon request.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Rule amendment will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

None

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not needed- Small businesses were not involved.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Not needed

AMEND: 462-220-0020

RULE SUMMARY: Clarifies which out of state individuals need licenses.

CHANGES TO RULE:

462-220-0020

Account Wagering Rules Apply ¶¶

- (1) The account wagering rules as set-forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.¶¶
- (2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:¶¶
- (a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence; and¶¶
- (b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. § 3001 to 3007.¶¶
- (3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.¶¶
- (4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber based system.¶¶
- (5) Requirements for the establishment and operation of accounts for individuals whose principale residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).¶¶
- (6) Notwithstanding OAR 462-120-0010(4) if the hub's out-of-state employees are licensed in a state or jurisdiction that does full background checks (including fingerprint), then an Oregon Commission license is not necessary upon review of the license standing and confirmation of those jurisdictions' processes.
- Statutory/Other Authority: ORS 462.270(3), 462.725
Statutes/Other Implemented: ORS 462.725

NOTE: DOJ may have some suggested revisions for clarification

462-220-0020

Account Wagering Rules Apply

(1) The account wagering rules as set-forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.

(2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:

(a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence; and

(b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. § 3001 to 3007.

(3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.

(4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber based system.

(5) Requirements for the establishment and operation of accounts for individuals whose **principal** residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).

(6) Notwithstanding OAR 462-120-0010(4) if the hub's out-of-state employees are licensed in a state or jurisdiction that does full background checks (including fingerprint), then an Oregon Commission license is not necessary upon review of the license standing and confirmation of those jurisdictions' processes.

(7) Notwithstanding subsection (6) of this rule, any employee of the hub that has access to an account holder's confidential information must obtain a license from the commission.

Statutory/Other Authority: ORS 462.270(3) & 462.725

Statutes/Other Implemented: ORS 462.725

History:

RC 3-2000, f. 3-27-00, cert. ef. 5-1-00