

## Minutes of the Meeting Held On Tuesday, December 19, 2008

The meeting was called to order by Chairman Willie Koester, at 10:00 am at 77 S. High Street, 19<sup>th</sup> Floor, Room 1948, Columbus, Ohio, pursuant to due notice. The following Commissioners were determined to be present: Tom Zaino, Ted Brown, Jerry Chabler, and Gerald Holland.

1. The first order of business was approval of the minutes from the meeting held on November 2008. Upon motion by Commissioner Holland, second by Commissioner Zaino, the reading of the minutes was waived and the minutes were approved.

### 2. EXECUTIVE DIRECTOR'S REPORT:

#### A. Northfield Park

1. In a letter dated December 9, a request for a Waiver of Surety Bond for the Northfield Park (2009) Meet, which is accompanied by a Guaranty of Performance signed by Brock Milstein, Chairman of Northfield Park.
2. In that same letter, a request for approval of the List of Officials, all of whom remain the same as the previous meet and have been certified by Tom Aldrich, General Manager, as qualified for their respective positions.
3. Also requested is the approval for 13 to 14 live races each racing card and The Wagering Format has been submitted for Commission review.
4. A requested 7:00 pm post time each live racing card.
5. The price structure has been submitted for review.
6. A request to simulcast two out-of-state races on each live card.
7. The customary letter to the State Fire Marshal has been submitted.
8. In a separate letter dated December 1, a request for approval for two live Racing nights in December to make-up for lost racing nights on November 15 and November 19, when Northfield Village experienced an electrical power outage. An additional request is the authorization to pay \$100 from the Horsemen's Purse Pool to each owner who had horses programmed to race those cancelled evenings. This request has OHHA approval. Director Zonak recommends approval of this request. Motion by Commissioner Chabler to approve items 1 – 8 as submitted. The motion was seconded by Commissioner Holland, unanimously approved.

#### B. River Downs and Beulah Park

1. In a letter dated November 26, a request for approval to import as a special racing event the Breeders' Crown Final Races on November 29 from the Meadowlands. This request has HBPA approval. Director Zonak recommends approval of this request. Motion by Commissioner Holland to approve this request, second by Commissioner Brown, unanimously approved.

#### C. Beulah Park

1. In a hand delivered request, a request for a Waiver of Surety Bond for the Heartland Jockey Club #2 Meet (2009), which is accompanied by a Guaranty of Performance signed by Charles Ruma, President of Beulah Park.
2. In that same letter, a request for approval of the List of Officials, all of whom remain the same as the previous meet and have been certified by Mike Weiss, General Manager, as qualified for their respective positions
3. Also requested is approval of the Number of Races & Wagering Format.
4. A requested 1:00 pm post time each live racing card.
5. The price structure has been submitted for review.
6. A request to simulcast two out-of-state races on each live card.
7. The customary letter to the State Fire Marshal has been submitted.

Director Zonak stated he would like to take up the dates of Beulah Park at this time. Mike Weiss was present and advised the Commission that Beulah Park wishes to withdraw their previous date submission and request approval for January 10 through May 2, 2009. Racing Mondays, Tuesdays, Wednesdays, Fridays & Saturdays for 70 days; and then October 13 through December 23, Racing the same five days per week for 52 days. Four Quarter Horse days on October 13, 24, March 23, April 26. Director Zonak recommended that these dates be approved along with the aforementioned meet request. Motion by Commissioner Brown to approve the entire submission of Beulah Park, including 2009 dates. The motion was seconded by Commissioner Holland, unanimously approved.

3. Public Hearing on Ohio Rules of Racing: #3769-2-24; #3769-5-66; #3769-5-67; #3769-5-68 3769-5-69; 3769-5-99. Chairman Koester called the public hearing to order. For the record he stated it is 10:15 am on

December 19, 2008 in the Riffe Tower, Columbus, Ohio and all Commissioners are present and Executive Director Zonak. Mike Allen, Assistant Attorney General read the proof of publication into the record. Chairman Koester then opened the public hearing and advised the public the rules to be heard. No comments were made, Chairman Koester adjourned the public hearing.

4. Approval of the Host/Guest/Additional Simulcast Product for January, 2009. Director Zonak asked that due to the fact that Beulah, Lebanon and River Downs have just come to an agreement with their horsemen's groups, which will cause their simulcast schedules to change for the month of January, and may lead to other tracks making changes in their requests for host/guest simulcast product, that the Commissioners give the Executive Director the authority to handle these changes for January if need be. Motion by Commissioner Brown to approve the simulcast product from Thistledown, River Downs, Lebanon, Raceway Park, Northfield Park, Beulah Park and Cedar Downs. The motion was seconded by Commissioner Zaino, unanimously approved.
5. Request for approval of the Standardbred Development Fund Program for 2009. Executive Director Zonak deferred item #5 until the end of the meeting.
6. Request by **Northfield Park** to change post time on December 22 from 7:00 to 6:00 pm. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.
7. Request by **Northfield Park** to amend dark days in 2009. This request is to replace Wednesday evening live racing with Tuesday evening live racing. Director Zonak recommends approval of this request. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.
8. Request by **River Downs** to move a non-live host day from 12/30 to 12/28. Director Zonak advised approval of this request will mean Northfield Park will be the only day & night host on December 28 and he recommends this approval. Motion by Commissioner Brown, second by Commissioner Zaino, unanimously approved.
9. Request for the expenditure of fine money:
  - a. **Northfield Park** – This request is for the expenditure of \$2,500.00 for a Fun n Stuff Amusement Center trip on a Sunday in January. This request was previously approved in 2008, but the trip was never taken. Director Zonak recommends approval of this fine money expenditure. Motion by Commissioner Holland to approve this request, second by Commissioner Zaino, unanimously approved.
10. Request by **Beulah Park** to add dates to its 2009 race schedule. – This item was taken up under Item C of the Executive Director's Report.
11. Request by **River Downs** for approval of its 2009 race schedule. Director Zonak stated that River Downs has reached a proposed agreement with the HBPA for 102 live days and three Quarter Horse days. Jack Hanessian was present and addressed the Commission with his racing schedule, stating that the live schedule is tentative based upon receiving the signed agreement from the HBPA. Host days have not been reviewed between River, Beulah and Thistle, therefore Mr. Hanessian stated he is not sure of any changes at this time. Some issues stand with the 7/7 schedule between River and Thistle regarding exporting and the agreement between Thistle and the HBPA will need to be worked out. Mr. Hanessian also voiced concerns regarding the lack of a horse population in the summer months. Chairman Koester assured Mr. Hanessian that no one would be unreasonable in the event River does not have the horses to fill races. Director Zonak recommends approval of the 102 live days and the three Quarter Horse days at River Downs. With discussion ending, Commissioner Chabler moved to approve the schedule for River Downs, seconded by Commissioner Brown, unanimously approved.
12. Request by **Lebanon Raceway** to change their 2009 race dates. Director Zonak has a two-party agreement between Lebanon and OHHA that amends Lebanon's dates that had previously been approved. The agreement states that Lebanon will open the last two weekends in February and race Fridays and Saturdays until the Kentucky Derby Day; they will race five Sundays; they will race Sires Stakes at the same time as in the past and be completed with those by Kentucky Derby. They will race on Preakness and Belmont days and the Sundays afterward. On those two days they will only card seven races and will have a two-day box, with Scioto Downs having a three-day box. This helps the horsemen in February and helps Lebanon keep some money on Preakness and Belmont days. Director Zonak stated that this amendment does affect Scioto Downs and although he feels that Scioto Downs is not in agreement with this two-party agreement does not feel that Scioto Downs will not cooperate in this one year trial between the parties. Director Zonak recommends to supersede the previous approval with this agreement. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved. Chairman Koester thanked Scioto Downs for cooperating in this endeavor.
5. At this point, Director Zonak stated item #5 will be discussed regarding the Standardbred Development Fund. Doug Thomas, Sire Stakes Administrator asked for approval of the conditions and budget, but not the Sire Stakes Schedule. There is need for an additional Sire Stakes Committee meeting due to the two-party

agreement just approved because the dates that were set for Sires Stakes conflict with what has just been approved. Mr. Thomas outlined the schedules and the condition changes. Mr. Bob Schmitz, Member of the Standardbred Development Fund was present and addressed the Commission. Steve McCoy, President of the OHHA addressed the Commission regarding Lebanon's race dates. Director Zonak recommends approval be given to the condition changes and the budget. Motion by Commissioner Holland, second by Commissioner Chabler. Commissioner Zaino and Commissioner Brown voted Nay. Chairman Koester voted in favor of the motion. Let the record reflect the motion to approve the condition changes and budget passed by a 3 – 2 vote.

13. Settlement agreements:

- a. **Enzo Canelo** – This item was continued until the January meeting.
- b. **Trent Stohler** - Deputy Director John Izzo outlined the stipulations of the settlement agreement between Mr. Stohler and the Commission, when his horse tested for an overage of furosemide at the Darke County Fair on August 21, 2008. The settlement agreement requires Mr. Stohler to serve a ten- day suspension to begin on Monday, December 22 and run through and including Wednesday, December 31, 2008; he pay a \$250.00 fine; and return the purse money to Darke County Fair. Staff recommends that the Commission enter into this settlement agreement. Motion by Commissioner Holland, second by Commissioner Zaino, unanimously approved.
- c. **Charles Wyers** - Deputy Director John Izzo outlined the stipulations of the settlement agreement between Mr. Wyers and the Commission, when his horse tested for an overage of furosemide at the Mahoning County Fair on September 12, 2008. The settlement agreement requires Mr. Wyers to serve a ten- day suspension to begin on Thursday, December 11 and run through and including Saturday, December 20, 2008; he pay a \$250.00 fine; he agrees to pay the cost of scheduling a hearing in the amount of \$250.00; and return the purse money to Mahoning County Fair. Staff recommends that the Commission enter into this settlement agreement. Motion by Commissioner Brown, second by Commissioner Holland, unanimously approved.
- d. **Patricia Mularkey** - Deputy Director John Izzo outlined the stipulations of the settlement agreement between Ms. Mularkey and the Commission, when she failed to properly identify horses racing in the 4<sup>th</sup> race on November 29, 2008 at Beulah Park. The settlement agreement requires Ms. Mularkey to serve a 30- day suspension to begin on Sunday, December 21, 2008; and she agrees to not participate as an identifier in the sport of horse racing in the State of Ohio in the future. Staff recommends that the Commission enter into this settlement agreement. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.

14. Hearing(s):

- a. Cindy & Doug Haehn – This matter had been previously resolved.

**Old Business:**

1. Monthly Budget Report – Commissioner Zaino updated the Commission regarding the monthly financial/budget report.

**New Business:**

1. Update on Thoroughbred Race Fund. Director Zonak stated that due to the uncertainty of race days in the thoroughbred industry, there has been no Thoroughbred Fund meeting scheduled. One will be set as soon as possible in January. The fund has a \$600,000 carry over. The race secretary at Beulah Park has been instructed to pay out the fund money for the month of January, with the Commission's approval which I will need today. By the next meeting, the complete Thoroughbred Fund will be brought before the Commission for approval. As with the Standardbred Development Fund, the Thoroughbred Race Fund will show drastic cuts. Commissioner Holland approved the pay out from the Thoroughbred Fund at Beulah Park. The motion was seconded by Commissioner Chabler, unanimously approved.
2. Commissioner Chabler asked if any one had any comments regarding the Innovation Groups report and/or proposals. Commissioner Zaino voiced his opinions/suggestions on the RFP and stated he feels we need to come up with plans on how to get people to the tracks rather than waiting for additional gaming.
3. Commissioner Brown stated it is the end of 2008 and again just approving dates, as was done in 2007. More cooperation needs to be had with the nine-entities in 2009 and come up with a united front to further along racing in this state.
4. Commissioner Holland reminded of the safety committee directly following the Commission meeting.

Chairman Koester wished everyone happy holidays and a prosperous 2009 and moved to adjourn the meeting. Commissioner Chabler seconded the motion, unanimously approved.

Date, Time & Place of Next Meeting:

Tuesday, January 20, 2009 at 10:00 am, in Room 1948, 19<sup>th</sup> Floor, 77 S. High Street, Columbus, Ohio