

Minutes of the Meeting Held Tuesday, January 20, 2009

The meeting was called to order by Chairman Willie Koester, at 10:00 am at 77 S. High Street, 19th 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 December 19, 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. **Lebanon Raceway**
 1. In a letter dated December 9, a request for a Waiver of Surety Bond for the Lebanon Trotting Club, Inc. (2009) Meet, which is accompanied by a Guaranty of Performance signed by Lou Carlo, Chairman of Lebanon Raceway.
 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 John Carlo, General Manager, as qualified for their respective positions.
 3. Also requested is the approval of the Wagering Format which remains the same as the previous meet.
 4. A requested 6:30 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. Motion by Commissioner Brown to approve the requests as submitted. The motion was seconded by Commissioner Holland, unanimously approved
3. Approval of the Host/Guest/Additional Simulcast Product for February 2009. Motion by Commissioner Chabler to approve all simulcast product for all tracks in Ohio. The motion was seconded by Commissioner Zaino, unanimously approved.
4. Request from Northfield Park to amend their non-live host/guest dates. This request is to switch February 5, 12, 19, 26 and December 10, 13, 17, 27 from evening guest to evening non-live host and to switch January 25, February 1, 15, 22, October 21, 28, and November 5, 12 from evening non-live host to evening guest. Director Zonak recommends approval of this request. Motion by Commissioner Zaino to approve, second by Commissioner Holland, unanimously approved.
5. Request by Lebanon to suspend Rule #3769-15-29 (A)(3) the last two weeks in February. Director Zonak asked Jerry Knappenberger, General Manager of the Ohio Harness Horsemen's Association is his organization in favor of this request. He stated if there are not enough horses eligible, he would support Lebanon's request to suspend the rule and have the Executive Director permit the track to fill the races under an emergency situation. Mel Hagemeyer, General Manager of Lebanon has the same concerns with possibly not filling fields the first couple of weekends and would offer qualifiers on February 13 and then again on February 17 for those horses that may not make it. Director Zonak responded by stating by allowing that, he would be permitting non-competitive horses in races therefore he does not recommend the Commission waiving the rule that is in place. Motion by Commissioner Brown to deny the request. The motion was seconded by Commissioner Zaino, unanimously approved.
6. Approval of the Thoroughbred Race Fund Program for 2009. Director Zonak stated that additional negotiations are being held between Thistledown and the HBPA that may affect the stakes schedule. In addition, the Advisory Board wants the Director to look into and possibly amend the administrative expenses regarding the fund. He further added that he has taken over the Thoroughbred Fund Program for the last six months and the current computer program being used is over 20-years old and is in need of replacement with a more up-to-date program, which would in turn help reduce administrative costs. For these reasons, Director Zonak requested that this item not be discussed at this time. Motion by Chairman Koester to table this item for now. The motion was seconded by Commissioner Chabler, unanimously approved

7. In the Matter of Financial Judgment on Ronald Behrens. On November 26, 2008 the Ohio State Racing Commission issued a notice of opportunity for a hearing on a proposal to suspend the license of Mr. Behrens due to a financial judgment issued against him in the Bedford Municipal Court. Mr. Behrens failed to request a hearing. Director Zonak recommends the suspension of Mr. Behrens. Commissioner Brown moved to suspend the 2008 license of Mr. Behrens and make him ineligible for a 2009 license until such time as he satisfies the judgment. The motion was seconded by Commissioner Zaino, unanimously approved.
8. **Settlement Agreements:**
 - a. **Enzo Canelo** – This involves Mr. Canelo taking the wrong horse to the test barn after the 4th race on November 19, 2008 at Beulah Park. As a result of an OSRC investigation, it was found that there was a misidentification in the horse that was brought to the test barn and the horse that raced. Mr. Canelo agrees to pay a \$500.00 fine; the costs of the adjudication hearing that had been scheduled; and he shall serve a six month suspension commencing December 21, 2008. Chairman Koester advised Mr. Canelo of the seriousness of this violation of the rules of the Racing Commission and violations like this will be treated accordingly. Motion by Commissioner Chabler to authorize the Executive Director to enter into the settlement agreement. The motion was seconded by Commissioner Holland. Commissioner Zaino voted Nay. Let the record reflect that the motion passed by a 4 – 1 vote.
 - b. **Larry Clabaugh** – This involves Mr. Clabaugh's horse testing positive for meplvacaine after winning the 5th race on October 6, 2008 at Northfield Park. Mr. Clabaugh agrees to pay a \$500.00 fine; he agrees to return the purse Money earned from winning the 5th race on October 6; and he shall serve a sixty day suspension commencing November 29, 2008. Motion by Commissioner Holland to authorize the Executive Director to enter into the settlement agreement. The motion was seconded by Commissioner Brown, unanimously approved.
9. Hearing: **Joe Costanzo** This involves a financial judgment which was issued against Mr. Costanzo by Tom Vasiliadis in the Berea Municipal Court regarding a horse racing related debt. Mr. Costanzo requested a hearing, which was scheduled for him this day but he failed to appear at the scheduled hearing. Assistant Attorney General Mike Allen presented exhibits and the case to the Commission members. Mr. Vasiliadis was present and spoke to the Commission regarding the judgment he had filed. Upon review of the exhibits, Commissioner Zaino moved to suspend the 2008 license of Mr. Costanzo and make him ineligible for a 2009 license until such time as he satisfies the judgment against him. The motion was seconded by Commissioner Brown, unanimously approved.

OLD BUSINESS

1. Monthly Budget Report - Commissioner Zaino briefly summarized the monthly budget report.
2. John Izzo, Deputy Director/Chief Legal Counsel presented to the Commission a review of the 2008 legal cases, including quod appeals, hearings, etc. to the Commission.

NEW BUSINESS

1. Proposed Voluntary Cost Savings Program Procedure. Director Zonak advised the Commission that the Dept. of Administrative Services put out this procedure to find out if agencies were interested in participating in order to cut agency costs/expenses. The Director would have the authority to grant an employee approval to take days off without pay from the agency. Director Zonak asks for the Commission to approve this procedure and the plan will be sent to DAS and the union for their approval. Commissioner Holland asked if this has been negotiated with the union. Deputy Director Izzo responded with a no because the approval was being sought first by the Commission to find out if this was a plan we could even do. Director Zonak would then ask the union if they want to approve the plan for the OSRC and if so, all employees will be able to participate. This is strictly a voluntary procedure, no one is forced to participate. Director Zonak stated if approved, he will participate to save the OSRC money. Motion by Commissioner Chabler to authorize the Executive Director to be permitted to participate in this program, if approved by the union and DAS. The motion was seconded by Commissioner Zaino, which passed unanimously.
2. A request submitted by Thistledown to take a special event on the Kentucky Derby and Kentucky Derby Oaks Future Wager. Dave Basler, Executive Director of the HBPA gave verbal approval for this request. Motion by Commissioner Brown to grant approval to this request. The motion was seconded by Commissioner Holland. Commissioner Zaino voted Nay. Let the record reflect the motion passed by

a 4 – 1 vote.

Jack Hanessian, General Manager of River Downs requested a verbal request to also take the Kentucky Derby and Kentucky Derby Oaks Future Wager as a special event, with the approval of the HBPA. Dave Basler gave verbal approval. Motion by Commissioner Brown, second by Commissioner Chabler. Commissioner Zaino abstained from the vote. Let the record reflect the motion passed by a 4 – 0 vote.

3. A request submitted by Thistledown for permission to offer the Magna-5 wager as a special racing event. Dave Basler stated that he is not sure why this should be special event status. Director Zonak recommends this request be approved but not on a special event status basis. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.
4. A request submitted by Beulah Park to treat January 16 and January 17, 2009 as live race days, which were cancelled due to frigid temperatures. Dave Basler stated the HBPA is waiting to receive this request in order to approve it and that there were more than two days they cancelled. Director Zonak stated that pending approval from the HBPA this request will be tabled until the next meeting.
5. Director Zonak reminded that steroid testing began on January 1, 2009. Should a trainer test positive, prior to April 1, they will get a letter from the OSRC office. Fines and suspensions will start on April 1, 2009 and be considered as a Class 3 violation.
6. Commissioner Chabler reminded that a rules committee meeting will be held after the OSRC meeting on February 19, 2009. Commissioner Holland moved to adjourn the meeting. Commissioner Brown seconded the motion, which passed unanimously.

Commissioner Holland moved to adjourn the meeting. Commissioner Brown seconded the motion, which passed unanimously.