

## Minutes of the Meeting Held On Friday, July 17, 2008

The meeting was called to order by Chairman Willie Koester, at 10:00 am at Thistledown, 21501 Emery Rd., Cleveland, 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 June 12, 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:** The following items have been given tentative approval and are being submitted for formal approval at this time:

### A. Thistledown

1. In a letter dated June 16, a request to offer the "Sixty Minute Six" Wager on Saturdays beginning June 21 through August 30. A copy of the rules for this wager have been submitted for Commission review. Motion by Commissioner Brown, second by Commissioner Holland, unanimously approved.

### B. River Downs

1. A request from Ed Vomack, Race Secretary at River Downs to uncouple entries for the \$50,000 Hoover Stakes on July 10, 2008. Motion by Commissioner Zaino, second by Commissioner Chabler, unanimously approved.

### C. Raceway Park

1. In a letter dated July 9, 2008, a request for the Waiver of Surety Bond for the Toledo-Maumee Meet which was accompanied by a Guaranty of Performance signed by Robert S. Ippolito, Vice President, Secretary & Treasurer for Penn National Gaming.
2. In the same letter, a request for approval of the List of Officials, all officials remain the same as the current meeting and are certified by General Manager Bill McLaughlin as being competent for their positions.
3. The price structure remains the same.
4. The Wagering Format has been submitted for Commission review.
5. A request of 15 live races each race night.
6. A 7:00 p.m. post time on Fridays and Saturdays; and a 6:00 pm post time on Sundays is requested. Motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved.

### C. Northfield Park

1. In a letter dated July 8, 2008, a request for a Waiver of Surety Bond for the Grandview Meet which was accompanied by a Guaranty of Performance signed by Chairman Brock Milstein.
  2. In that same letter, a request for approval of the List of Officials, all officials remain the same as the current meeting, except for two new paramedics in the First Aid Office and their certificates have been submitted. All the officials have been certified by Chief Operating Officer/General Manager Tom Aldrich, as being competent for their positions.
  3. The Number of Races and Wagering Format have been submitted for Commission review.
  4. A 7:00 p.m. post time each live racing card is requested.
  5. Price Structure remains the same.
  6. A request to simulcast two out-of-state simulcasts on the live card. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.
3. Approval of the host/guest/additional simulcast product for August. Motion by Commissioner Brown to approve the simulcast product from Thistledown, River Downs, Lebanon Raceway, Raceway Park, Northfield Park, and Cedar Downs. The motion was seconded by Commissioner Chabler, unanimously approved.
  4. Public Hearing on Ohio Rules of Racing #3769-3-01 & 3769-13-01. Chairman Koester opened the public hearing, then Assistant Attorney General Michael Allen read the proof of publication into the record.
  5. Request for fine money from Northfield Park. A request for the expenditure of \$2,500 of fine money to be used for an Annual Horsemen's Kids' Summer Fling. Motion by Commissioner Chabler, second by Commissioner Holland, unanimously approved.
  6. Request by Raceway Park to amend its race schedule. This request amends the current permit by dropping four Fridays of live racing in September and the first four Fridays in October. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.

7. Request by Raceway Park, Scioto Downs & Lebanon Raceway to open early on August 2; to take wagers on the Hambletonian; and to open early on September 17 & 18, to take wagers on the Juliette and Little Brown Jug Races. This is permitted according to Section 3769.07 of the Ohio Revised Code and is recommended by staff. Motion by Commissioner Zaino, second by Commissioner Brown, unanimously approved.
8. Request by Thistledown to open early on August 2 & 3 to take wagers on the Hambletonian. This request is also recommended by staff. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved. At this point in the meeting, Greg Davis of Thistledown requested to amend the simulcast schedule for the month of August on their guest simulcasts. Motion by Commissioner Holland to grant this request, second by Commissioner Brown, unanimously approved.
9. Settlement Agreement on Marlin Smith. John Izzo, Deputy Director of the Racing Commission addressed the Commission by stating this Settlement Agreement is a result of Scioto Downs' judges ruling #012-08, which suspended Mr. Smith for 30 days and fined him \$100 when his horse tested positive for TCO2; and Northfield Park's judges ruling #164, which suspended Mr. Smith for 30 days and fined him \$250 when his horse was found to have furosemide in his system although not programmed to race on furosemide. As a result of the above rulings, Mr. Smith shall serve a 60 day suspension from June 20 through August 18, 2008; he shall pay a \$350 fine; and he shall return the purse money earned from the race in question at Northfield Park. Motion by Commissioner Brown to authorize the Executive Director to enter into the Settlement Agreement between the Commission and Mr. Smith. The motion was seconded by Commissioner Zaino, unanimously approved.
10. Hearing on Richard Manning: Mr. Manning was present at his hearing without counsel. Mike Allen, Assistant Attorney General representing the Commission introduced Exhibits 1 -2 into the record. After questioning from all parties, Commissioner Zaino reminded Mr. Manning that he still has an outstanding \$250.00 fine that must be paid. Staff recommended a two year probationary license be considered. Commissioner Holland voiced concerns that Mr. Manning stay clean from drugs. Mr. Manning was advised by the Director that he would have to be willing to be randomly drug tested by the Stewards at any time. After discussion, Commissioner Chabler moved to accept the staff recommendation and permit Mr. Manning to obtain a two-year probationary license. The motion was seconded by Commissioner Holland. Commissioner Zaino voted Nay; Chairman Koester voted Nay. Let the record reflect that the motion passed by a 3 - 2 vote.

#### **Old Business**

1. Monthly Fiscal Report - Commissioner Zaino gave updates on the Commission's monthly fiscal report.
2. Director Zonak spoke regarding the Electronic Fingerprinting Machines.

#### **New Business**

1. Deputy Director Izzo spoke on behalf of complaints received regarding Ohio foals. He added that at this time there is an investigation in progress. Tim Hamm, OTBO President responded by stating he is in support of the Commission's investigation and feels horse(s) should be scratched if found to be not Ohio bred. He added he is in support of raising registration fees.
2. Commissioner Chabler reminded the Commission that a rules committee meeting will be held after the Commission meeting at River Downs on August 21.
3. Deputy Director Izzo spoke in regards to the RFP's, by stating that a meeting has been set with Administrative Services next week. Commissioner Chabler asked for any know time line as to when a report can be given. Deputy Director replied hopefully by the next meeting, but not really sure. Director Zonak stated that an RFP will be awarded after grading if anyone qualifies.
4. Commissioner Zaino gave a follow up to the Budget Finance Committee held last month. A draft of rule amendments regarding permit to race will be forwarded to respective parties for input.
5. Commissioner Brown spoke regarding the Medication Committee and the thresholds concerning Anabolic Steroids. He continued by stating that the ARCI is awaiting to hear what Ohio wishes to do regarding this topic. The Committee is working with the lab and will be meeting with the ARCI and Model Rules Committee at the end of August. After meeting with the ARCI, a Medication Committee meeting will be held. Director Zonak encouraged everyone involved to attend this meeting and voice their suggestions.
6. Chairman Koester reminded the permit holders that the deadline for filing applications for 2009 race dates is Friday, August 15.

**DATE, TIME & PLACE OF NEXT MEETING:** Thursday, August 21, 2008 at 10:00 am at River Downs, 6301 Kellogg Ave., Cincinnati, Ohio.

The September meeting will be held on Wednesday, September 17, 2008 at Delaware in conjunction with the Little Brown Jug.

With no more business to address, Commissioner Zaino moved to adjourn from the meeting, Commissioner Chabler seconded the motion which passed unanimously.