

Minutes of the Meeting Held On Friday, June 12, 2008

The meeting was called to order by Chairman William Koester, at 10:00 am at Northfield Park, 10705 Northfield Road, Northfield, Ohio, pursuant to due notice. The following Commissioners were determined to be present: Thomas Zaino, Ted Brown, Jerry Chabler and Gerald Holland.

Mr. Koester introduced himself as the newly-appointed Chairman. He thanked previous Chairman Luken, Executive Director Sam Zonak, and Deputy Director John Izzo for making his transition a smooth one. He added that racing is a passion of his, that he is aware of the trying times in racing, but remains optimistic. The Chairman also thanked Mr. Milstein and Mr. Aldrich for having the Commission at their facility and complimented the premises.

1. The first order of business was the approval of the minutes from the meeting held on May 15, 2008. Upon motion by Commissioner Holland, second by Commissioner Chabler, the reading of the minutes was waived and the minutes were unanimously 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. River Downs

1. In a letter dated May 22, 2008, a request for approval of a Waiver of Surety Bond for the River Downs Jockey Club, Inc. meet accompanied by a guaranty of performance signed by Jack Hanessian.
2. In that same letter a request for approval of the List of Officials was submitted. All officials remain the same as the current meet. All officials have been certified as being competent for their positions.
3. The Number of Races and Wagering Format has been submitted for Commission review.
4. A daily post time of 1:05 p.m. has been requested.
5. A request for approval for out-of-state-simulcasts of up to two races per racing day on the live racing program, subject to the Commission receiving all contracts with the host tracks.
6. The Price Structure has been submitted for approval. A motion by Commissioner Brown to approve items 1 – 6 as submitted, second by Commissioner Holland, unanimously approved.

B. Thistledown

1. A Bond has been posted for all meets at Thistledown. No motion required.
2. In a letter dated June 9, a request for approval of the List of Officials for the Randall Meet. All officials remain the same except Robert McWhorter. All officials have been certified as competent by General Manager Brent Reitz for their respective positions.
3. The Number of Races and Wagering Format has been submitted for Commission review.
4. A daily post time of 1:05 p.m. has been requested.
5. The price structure has been submitted for approval.
6. A request for out-of-state simulcast of up to two races per race day included on the live racing program, subject to contracts being submitted into the Commission office. A motion by Commissioner Chabler to approve items 2 – 6 as submitted, second by Commissioner Zaino, unanimously approved.
7. Ratification to uncouple entries from a stake race on May 30. A motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.

C. Scioto Downs

1. A Bond has been posted for all meets at Scioto Downs. No motion required.
2. In a letter dated June 2, a request for approval of the List of Officials for the Mid America Racing Association Meet. All officials remain the same except Perry Lambert. All officials have been certified as competent by Stacy Cahill for their respective positions.
3. A request for the Number of Races and Wagering Format.
4. A daily post time of 6:30 pm each evening is requested.
5. The Price Structure has been submitted for approval.
6. In a letter dated June 8, a request for Patty Potter to serve as Identifier. Ms. Potter was the Identifier last year and is certified by General Manager Stacy Cahill as competent for this position. A motion by Commissioner Brown to approve items 2 – 6 as submitted, second by

Commissioner Chabler, unanimously approved.

D. Northfield Park

1. In a letter dated May 20, a request to use June 3 as a make-up day for May 17, which was lost due to a power outage. Also, a request by the OHHA to pay each owner \$50.00 who had a horse programmed to race on May 17. A motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.
3. Approval of the host/guest/additional simulcast schedules for July. A motion by Commissioner Zaino to approve the host, guest and additional simulcast product submitted by River Downs; Thistledown; Lebanon Raceway; Raceway Park; Northfield/Cedar Downs; and Scioto Downs. The motion was seconded by Commissioner Brown, unanimously approved.
4. Request for the expenditure of fine money: Prior to discussing the individual fine money requests, Bill McLaughlin, General Manger of Raceway Park, addressed the Commission with questions and concerns about the fine money account. Commissioner Zaino stated that these concerns about the fine money accounts can be addressed at the next financial committee meeting.
 - a. **River Downs-** A request for the expenditure of \$500.00 to be used for Kid's Day Picnic on August 4. A motion by Commissioner Chabler, second by Commissioner Brown, unanimously approved. The second request was an expenditure of \$3,500.00 to be used for the Annual Dinner-Dance on August 13. A motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved. The next request was for an expenditure of \$3,500.00 to be used for the Family Picnic at Coney Island on July 23. A motion by Commissioner Chabler, second by Commissioner Holland, unanimously approved.
 - b. **Raceway Park** – A request for the expenditure of \$3,000.00 to be used for a Golf Outing on July 23 at Sugar Creek Golf Course. A motion by Commissioner Brown, second by Commissioner Zaino, unanimously approved. The second request was an expenditure of \$1,500.00 to be used for a Paddock Barbeque on June 15. A motion by Commissioner Zaino, second by Commissioner Brown, unanimously approved. The next request was an expenditure of \$1,500.00 to be used to purchase coffee and supplies for the paddock lounge. A motion by Commissioner Holland, second by Commissioner Brown. Commissioner Zaino voted Nay. The motion passed by a 4 – 1 vote.
 - c. **Thistledown** – A request for the expenditure of \$7,000.00 for a Family Day at Cedar Point on August 4. A motion by Commissioner Chabler, second by Commissioner Brown, unanimously approved.
5. Approval of Tax Reduction Application #2006-TOL-1 (submission #2). A motion by Commissioner Brown to give approval to Raceway Park's request for Capital Improvement Tax Reduction Application #2006-TOL-1 (submission #2) as contained in the independent auditors report provided by Thomas Gilday, C.P.A. in the amount of \$12,225.00. The motion was seconded by Commissioner Chabler, unanimously approved.
6. Request by the Delaware Agricultural Society for approval of the Wagering Format; Simulcasting of races; permission to race under the amended 3769-13-01 rule; that all Jug and Jugette horses be on the grounds by 11:00 am two days prior to their respective races; to suspend rule 3769-15-31 (B)(2); and to permit Canadian tracks and OTB's to commingle in pools. Motion by Commissioner Zaino to approve the requests submitted by the Delaware Agricultural Society. The motion was seconded by Commissioner Chabler, unanimously approved.
7. In the Matter of Application of: Richard C. Manning. On July 10, 2006, Mr. Manning submitted a report from the Akron Drug Abuse Outreach Program stating that he had completed a treatment program and it was recommended that he participate in the Relapse Prevention Program and continue in weekly AA meetings. In November 2005, Mr. Manning was arrested in Cleveland for possession of crack cocaine and sentenced to two years probation ending in April, 2008. In October 2005, Mr. Manning was suspended for 60 days and fined \$250 by the stewards at Thistledown for failing to provide a valid urine sample for drug testing. From December 1985 through July 1997, Mr. Manning has tested positive on three occasions at Thistledown for marijuana, and has been suspended for possession of a hypodermic needle and syringe at Thistledown. Motion by Commissioner Zaino to issue a notice of opportunity for a hearing and to hold the hearing at the July meeting. The motion was seconded by Commissioner Brown, unanimously approved.
8. Settlement Agreement of James Spicer. Deputy Director John Izzo outlined the stipulations of the settlement agreement between Mr. Spicer and the Commission, by stating that this came about as a

result of Mr. Spicer's horse, Chocolatenroses, testing for an overage of furosemide after winning the fourth race on April 9, 2008 at Beulah Park. The settlement agreement requires Mr. Spicer to serve a seven-day suspension to begin on Monday, June 16, and run through and include Sunday, June 22, 2008; he pay a \$125.00 fine; and return the purse money to Beulah Park. Staff recommends that the Commission enter into this settlement agreement. Motion by Commissioner Chabler, second by Commissioner Holland, unanimously approved.

9. Hearing: Edward Thomas - This matter was a continuation from the May 15 Commission meeting. Mr. Thomas was present and addressed the Commission regarding a judgment filed against him by the Stark County Agricultural Society. After testimony and questioning, all documents regarding this hearing were submitted into the record. Commissioner Holland moved to suspend Mr. Thomas' license effective July 16, 2008, and he shall remain suspended until he satisfies the judgment against him. The motion was seconded by Commissioner Chabler, unanimously approved.
10. Move to adopt Ohio Rules of Racing #3769-6-25.1 & 3769-17-09.1 (safety reins). Commissioner Holland stated that following a public hearing and advertising pursuant to 3769.03 of the Ohio Revised Code and #3769-2-03 and 3769-12-03 of the Ohio Administrative Code, he moved to adopt new rules 3769-6-25.1 and 3769-17-09.1 to become effective on July 1, 2008. Commissioner Zaino seconded the motion, which passed unanimously.

Old Business

1. Monthly Fiscal Report - Commissioner Zaino outlined the Monthly Fiscal Report to the Commission.

New Business

1. Commissioner Zaino is requesting staff to set up a meeting in order to discuss the Bond requirements and accounting principals. Director Zonak added that it is important for the tracks to attend such a meeting. An item to be discussed is the Financial Statements being done properly in order for the possibility of the Bond requirement to be waived.
2. Commissioner Chabler stated that a rules committee meeting will be held before or after the August Commission meeting.
3. Commissioner Holland stated that he was very disappointed in the lack of media coverage on the \$300,000 Ohio Derby held at Thistledown. Director Zonak stated that the office will provide the media venues with press releases after each big race in Ohio. Chairman Koester suggested that any press releases be submitted to the TRA.
4. Director Zonak stated that the Commission is in the process of purchasing electronic fingerprinting machines that will provide a report within 24 hours. If there are no delays, it is expected the machines will be purchased and installed by July 1. The new equipment will also benefit the racetracks in that there will be no need to have a fingerprinting technician.
5. Commissioner Brown advised that there will be a Medication Committee meeting in August to discuss the topic of Anabolic Steroids once some research has been received from lab regarding plasma testing and determining thresholds.
6. Chairman Koester reminded the permit holders that the applications for 2009 race dates are due in the Commission office by August 15, 2008.

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

Date, Time & Place of Next Meeting:

Thursday, July 17, 2008 at 10:00 am at Thistledown, 21501 Emery Rd., Cleveland, Ohio.