

## Minutes of the Meeting Held on Friday, March 17, 2008

The meeting was called to order by Chairman Charlie Luken, at 10:00 am in Room 1960 at 77 S. High Street, Columbus, Ohio, pursuant to due notice. The following Commissioners were determined to be present: Ted Brown, Jerry Chabler and Gerald Holland. Commissioner Tom Zaino arrived approximately 15 minutes later.

1. The first order of business was approval of the minutes from the meeting held on Feb. 14, 2007. Upon motion by Commissioner Chabler, second by Commissioner Holland, a reading was waived and the minutes were approved by a 4 – 0 vote.
2. **Executive Director's Report:** The following items have been given tentative approval and are being submitted for formal approval at this time:

At this point in the meeting, Executive Director Zonak introduced to the Commission Mr. SooBeng Tan, the new director of the Ohio State Racing Commission Laboratory at the Department of Agriculture.

### A. River Downs

1. In a letter dated Feb. 27, 2008, River Downs requested approval of the Waiver of Surety Bond for the River Downs Turf Club Inc. Meeting, accompanied by a Guaranty of Performance signed by River Downs President Edward J. Hanessian. Motion by Chairman Luken, second by Commissioner Brown, approved by a 4 – 0 vote.
2. In the same letter, a request for approval of the List of Officials, all certified by Mr. Hanessian as competent for their positions.
3. A request for the Number of Races and Wagering Format was submitted for approval.
4. A 1:05 pm post time was requested for live races.
5. The Price Structure was submitted for approval.
6. A request to include up to two out-of-state simulcast races per day on live racing programs, subject to contracts being submitted to the Commission office.
7. A copy of the customary letter to the State Fire Marshal was submitted. Motion by Commissioner Holland to approve items 2 -7, second by Commissioner Chabler, approved by a 4 – 0 vote.

### B. Thistledown

1. Ratification of approval given to Thistledown to import the Dubai Carnival races and World Cup races and to treat them as special racing events. Also, to open for wagering at 11:30 am for these events. The request has HBPA approval, pursuant to 3769.089 (A)(9) of the ORC. Motion to ratify approval by Chairman Luken, second by Commissioner Chabler, approved by a 4 – 0 vote.

### C. Raceway Park

1. In a letter dated March 11, 2008, Raceway Park requested approval of the Waiver of Surety Bond for the Raceway Park Inc. Meeting, accompanied by a Guaranty of Performance signed by Penn National Gaming Vice President Robert S. Ippolito. Motion by Chairman Luken, second by Commissioner Brown, approved by a 4 – 0 vote.  
Commissioner Zaino arrived at this point in the meeting.
2. In the same letter, a request for approval of the List of Officials. All remain the same as in 2007 and have been certified as competent for their positions by General Manager Bill McLaughlin.
3. A request for the Number of Races and Wagering Format was submitted for approval.
4. A 7:00 pm post time on Fridays and Saturdays and a 6:00 pm post time on Sundays was requested for live races.
5. A request to open early for wagering when the Dubai World Cup, Kentucky Derby, Kentucky Oaks, Preakness, Belmont Stakes and Harrington Governor's Day are scheduled.
6. A copy of the customary letter to the State Fire Marshal was submitted. Motion by Commissioner Brown to approve items 2 – 6, second by Commissioner Holland, unanimously approved.

### D. Northfield Park

1. In a letter dated March 10, Northfield Park requested approval of the Waiver of Surety Bond for the Painesville Meeting, accompanied by a Guaranty of Performance signed by Northfield Park Chairman Brock Milstein. Motion by Commissioner Brown, second by Commissioner Zaino, unanimously approved.
2. In the same letter, a request for approval of the List of Officials. With an exception all remain the same as in 2007 and have been certified as competent for their positions by Chief Operating Officer Tom Aldrich. Northfield Park needs to hire a paddock judge.
3. A request for the Number of Races and Wagering Format was submitted for approval.
4. A 7:00 pm post time for live races was requested.
5. Price Structure to remain as current meeting.
6. A request to include up to two out-of-state simulcast races per day on live racing programs, subject to contracts being submitted to the Commission office.
7. A copy of the customary letter to State Fire Marshal was submitted. Motion by Commissioner Holland to approve items 2 -7, second by Commissioner Brown, unanimously approved.

## E. Scioto Downs

1. In a letter dated March 10, Scioto Downs posted a \$1,000,000 bond for all meetings during 2008.
  2. In the same letter, a request for approval of the List of Officials, all certified as competent for their positions by General Manager Stacy Cahill. Three new employees have submitted resumes. Scioto Downs needs to hire an identifier.
  3. A request for the Number of Races and Wagering Format was submitted for Commission approval.
  4. A 6:30 pm post time was requested for live races.
  5. The Price Structure was submitted for approval.
  6. A copy of the customary letter to the State Fire Marshal was submitted. Motion by Commissioner Chabler to approve items 2 – 6, second by Commissioner Brown, unanimously approved.
3. Approval of the Host/Guest/Additional Simulcast Product for April. Motion by Commissioner Zaino to approve the simulcast product for April for all tracks in Ohio, second by Commissioner Holland, unanimously approved.
  4. Update regarding the Presiding Judge at Raceway Park. Director Zonak reminded the Commission that an RFP was issued for all State Stewards, Presiding Judges and State Veterinarians. An individual was awarded the RFP for a position at Raceway Park, but then accepted a position as Judge in Kentucky. The Director added he then interviewed Renee Sheward from Northfield Park. She has been an Associate Judge and Paddock Judge there and is qualified to replace the Presiding Judge at Raceway Park. She has been hired to be the new Presiding Judge at Raceway Park.
  5. Request by Beulah Park to delete live host and add non-live host status on February 4, 5, 12 and 13; and to add live host and delete non-live host status on March 7, 14, 21 and 28. Motion by Chairman Luken, second by Commissioner Chabler, unanimously approved.
  6. Requests by Beulah Park to:
    - a. Treat the following days cancelled due to inclement weather as live race days: February 16, 18, and 25; and March 3, 4, 5, 7, 8, 10, 11, 12, 14 and 15.
    - b. Delete live host and add non-live host status on March 14, and add live host and delete non-live host status on April 4. Upon motion by Chairman Luken, second by Commissioner Chabler, unanimously approved.
  7. Request by Lebanon Raceway to treat cancellations due to inclement weather on March 7 and 8 as live race days, and to pay \$50 to the owner of each horse programmed to race on those days. The request has OHHA approval. Upon motion by Chairman Luken, second by Commissioner Brown, unanimously approved.
  8. Request by River Downs to delete non-live host and add guest status on March 7 and March 8, and to delete guest and add non-live host status on April 3 and April 9. Upon motion by Chairman Luken, second by Commissioner Brown, unanimously approved.
  9. Request by Northfield Park to delete live host and add non-live status on March 8, cancelled due to inclement weather, and to delete non-live and add host status on April 16. Also, a request for post time at 5:15 pm on April 16. Upon motion by Commissioner Zaino, second by Commissioner Brown, unanimously approved.
  10. Request by Northfield Park to host the Cuyahoga County Fair races on August 5, to delete guest and add non-live host status on August 5, and to delete non-live host and add guest status on October 9. Upon motion by Chairman Luken, second by Commissioner Chabler, unanimously approved.
  11. Request for Fine Money:
    - a. **Northfield Park** - A request for the expenditure of \$1,000 to be used for the Annual Horsemen's Easter Dinner on March 23, 2008; and a request for the expenditure of \$10,000 to be used tri-annually for the Wall-of-Fame Induction Ceremonies on April 30, 2008. Upon motion by Chairman Luken, second by Commissioner Zaino, unanimously approved.
    - b. **Scioto Downs** - A request for the expenditure of \$1,500 to be used for the Annual Horsemen's Kick-off Luncheon on May 8, 2008. Upon motion by Commissioner Zaino, second by Commissioner Brown, unanimously approved.
  12. Discussion regarding Race Dates for Thistledown.

Director Zonak said Dave Basler of the HBPA and Brent Reitz of Thistledown have been involved in communications that appear will result in an agreement soon. Mr. Basler said the HBPA has signed an agreement and sent it to the Magna Entertainment Corp., but has not received the contract back. Mr. Reitz said he has an agreement signed by the horsemen that he also forwarded to the owner of Thistledown. Commissioner Zaino asked about the number of live days in the contract. Mr. Reitz said there would be 122 live days with a look back provision for up to three more days. Director Zonak asked whether this agreement would be a two-party agreement or a nine-party agreement.

Mr. Basler said it would be a nine-party agreement. Mel Hagemeyer, representing Lebanon Raceway, and Stacy Cahill said they have not reviewed an agreement yet. Mr. Basler added it is the same nine-party agreement that has already been signed by all entities except the HBPA and Thistledown, with no change in terms other than effective days. Director Zonak polled the parties and asked if they are willing to sign the agreement. OHHA President Steve McCoy responded first and said the OHHA would like to review the agreement prior to signing it; Bill McLaughlin said he would like to review the agreement; River Downs will sign the agreement; Mel Hagemeyer said he was just handed the agreement and must review it first; Mike Weiss (Beulah Park) and Mr. Aldrich (Northfield Park) will sign if after reviewing it, they discover no changes; and Stacy Cahill said she is reviewing the agreement and will sign if everything is acceptable. Commissioner Chabler asked about the impact should Thistledown not open. Director Zonak replied it would be devastating to all parties concerned. Commissioner Zaino asked about the tax dollars and audits of Thistledown.

13. Motion to advertise for public hearing an amendment to the Safety Rein rules. Commissioner Holland gave a brief synopsis of the Safety Committee meeting held on February 13, and the need to change Safety Rein rules. Commissioner Holland moved to advertise for public hearing on April 24, Ohio Rules of Racing #3769-6-25.1 and 3769-17-09.1. The motion was seconded by Commissioner Brown, unanimously approved.
14. Request by River Downs and Beulah Park to open at 11:30 am on March 29, and to treat the Dubai World Cup races as special racing events. The request has HBPA approval. Motion by Commissioner Chabler, second by Commissioner Zaino, unanimously approved.

#### **Old Business**

1. Monthly Budget Update – Commissioner Zaino gave a brief update of the budget.
2. Update on RFP. Director Zonak said he has been meeting with the Ohio Department of Administrative Services and hopes to present a draft of an RFP for a study of the racing industry by the next meeting. He added that several responses have been received.
3. Commissioner Brown spoke about the Medication Committee Meeting held on March 9. Topics included Anabolic Steroids and the use of plasma rather than urine to test for steroid use. He said that testing plasma is better than testing urine. Although there are no standard thresholds in plasma at this point, the ARCI has commissioned a study and expects results in August of the this year.

#### **New Business**

1. Request by Director Zonak to move the Royal North Stakes to April 12, and the Howard B. Noonan Stakes to April 26. Motion by Commissioner Zaino, second by Commissioner Holland, unanimously approved.
2. Thistledown requested to amend the rules and conditions of the Ohio Thoroughbred Race Fund in order to be able to conduct races at five furlongs and at 5½ furlongs during the first two weeks of the meeting. The conditions currently state that to be eligible for fund money, races should be six furlongs after May 1. Upon motion by Commissioner Zaino, second by Commissioner Holland, unanimously approved.

Date, Time & Place of Next Meeting:

**Thursday, April 24, 2008, at 10:00 am at Raceway Park, 5700 Telegraph Rd., Toledo, Ohio.**