

Minutes of the Meeting Held On Thursday, May 15, 2008

The meeting was called to order at 10:00 am at Scioto Downs, 6000 S. High Street, Columbus, Ohio, pursuant to due notice. Director Zonak advised that the Governor has not appointed a new Commissioner or a new Chairman. Therefore, he will coordinate the meeting and guide the Commissioners over the agenda. The following Commissioners were determined to be present at the meeting: Thomas Zaino, Ted Brown, Jerry Chabler and Gerald Holland.

1. The first order of business was approval of the minutes from the meeting held on April 24, 2008. Motion by Commissioner Zaino to approve the minutes as submitted. The motion was seconded by Commissioner Holland and the reading of the minutes was waived and the minutes were unanimously approved by a 4 – 0 vote.
2. **Executive Director's Report:** There was no report from the Executive Director this month.
3. Approval of the Host/Guest/Additional Simulcast Product during the month of June for the six commercial race tracks and the parlor, Cedar Downs.

After review of the Simulcast Schedules, Commissioner Chabler moved to approve the Permit Holders' Simulcast Schedules for the entire State. The motion was seconded by Commissioner Brown, unanimously approved, by a 4 – 0 vote.

4. Request for fine money from:
 - a. **Thistledown** is requesting the expenditure of \$1,000 to be used for a Memorial Day picnic. Staff recommends the Commission approve this request. Motion by Commissioner Brown to approve the request, second by Commissioner Holland, unanimously approved by a 4 – 0 vote.
 - b. **River Downs** is requesting the expenditure of \$500 to be used for a Chili Cook-off and Backside Cookout. Staff recommends the Commission approve this request. Motion by Commissioner Holland to approve the request, second by Commissioner Brown, unanimously approved by a 4 – 0 vote.
5. Request from Scioto Downs, Lebanon Raceway, River Downs and Thistledown to open early for wagering on May 17 (Preakness) and June 7 (Belmont). Commissioner Chabler moved to approve the requests as submitted. The motion was seconded by Commissioner Brown, unanimously approved by a 4 – 0 vote.
6. In the Matter of Financial Judgment of Edward Thomas.
Director Zonak stated that, staff or he may be questioned regarding this case, so to avoid any conflict Commissioner Chabler has agreed to preside over this portion of the meeting.

Mr. Thomas called the Commission office and requested a continuance until the Racing Commission meeting in June which will be held at Northfield Park where Mr. Thomas is stabled. Motion by Commissioner Chabler, second by Commissioner Zaino, the request was unanimously approved by a 4 – 0 vote.

7. In the Matter of Hearing Officer's Report and Recommendation and objections regarding Lori Fisher.
Director Zonak stated that once again, staff or himself may be questioned regarding this case, therefore Commissioner Chabler will preside over this portion of the meeting.

John Izzo, Deputy Director of the Racing Commission outlined the facts in the case by stating that Ms. Fisher appealed a ruling from the Northfield Park Judges, when the horse, Phantom Power, trained by her, finished first in the first race on July 9, 2005, and subsequently the horse tested positive for aminorex, a class one substance. An administrative hearing was held on October 11 and 12, 2006. The Hearing Officer issued his report and recommendation on February 14, 2007. Ms. Fisher then filed a Motion to Remand it back to the Hearing Officer to address newly discovered evidence, information that calls into question the reliability of the testing for aminorex and suggests that the alleged positive results could be from another source. The Commission granted this request. A remand hearing was held, and a subsequent Report and Recommendation was issued on April 10, 2008. Both are currently before the Commission. Paula Brown was present representing Lori Fisher and addressed the Commission. Michael Allen, Assistant Attorney General representing the Racing Commission was present and addressed the Commission.

After reviewing the Hearing Officer's Report and Recommendations, the Objections to the Hearing Officer's Report and Recommendations submitted by Counsel for Ms. Fisher and the response submitted by Assistant Attorney General Michael Allen, and listening to comments from Attorney Brown, Mr. Allen and Commission staff, Commissioner Brown moved to uphold the Hearing Officer's Report and Recommendation as follows: that the Findings of Fact, Conclusions of Law be approved, but the Recommendations be amended by modifying to a six month full suspension and a total fine of \$500.00; Ms. Fisher will have to return the purse money received as a result of winning the first race at Northfield Park on July 9, 2005; and she will be assessed the costs of the adjudication hearings. The motion was seconded by Commissioner Zaino and unanimously approved by a 4 - 0 vote.

New Business

1. Tom Aldrich of Northfield Park requests a 6:45 pm post time on Monday, May 19 with 15 live races to be held. Thistledown had no objection to this verbal request. The staff recommends the Commission approve the request. Commissioner Holland moved to approve the request, Commissioner Chabler seconded the motion, which was unanimously approved by a 4 - 0 vote.

Old Business

1. Monthly Fiscal Report - Commissioner Zaino gave an update on the monthly fiscal operations.

Director Zonak stated if there is no additional business to be discussed, the Commissioner will be moving to go into an executive session to discuss the proposed RFP. With that said, Director Zonak announced that the next monthly meeting will be held Thursday, June 12, 2008 at 10:00 am at Northfield Park, 10705 Northfield Road, Northfield, Ohio.

Commissioner Brown moved for an Executive Session, Commissioner Chabler seconded the motion. A roll call vote was taken and Commissioner Zaino voted Aye; Commissioner Brown voted Aye; Commissioner Chabler voted Aye; Commissioner Holland voted Aye. The motion passed unanimously.

In resuming from Executive Session, Commissioner Holland moved to go back on the record, Commissioner Chabler seconded the motion. A roll call vote was taken and Commissioner Zaino voted Aye; Commissioner Brown voted Aye; Commissioner Chabler voted Aye; Commissioner Holland voted Aye. With all Commissioners back on the record, Commissioner Brown moved to authorize the RFP, Commissioner Chabler seconded the motion, which passed by a 4 - 0 vote

Commissioner Holland moved to adjourn the meeting, Commissioner Chabler seconded the motion.

Date, Time & Place Of Next Meeting:

Thursday, June 12, 2008 at 10:00 a.m. at Northfield Park, 10705 Northfield Rd., Northfield, Ohio