

# Minutes of the Meeting Held On Friday, November 21, 2008

The meeting was called to order by Chairman William Koester, at 10:00 am in Room 1948 at 77 South High Street, Columbus, Ohio, pursuant to due notice. The following Commissioners were determined to be present with the Chairman: Tom Zaino, Jerry Chabler, Ted Brown and Gerald Holland.

1. The first order of business was approval of the minutes from the meeting held on October 16, 2008. Upon motion by Commissioner Chabler, second by Commissioner Zaino, the reading of the minutes was waived and the minutes were unanimously approved.  
Next, approval of the minutes from the special meeting held on November 14, 2008. Upon motion by Commissioner Chabler, second by Commissioner Holland, the reading of the minutes was waived and the minutes were unanimously approved.
2. **Executive Director's Report:**  
Director Zonak stated a letter from Beulah Park has been submitted due to races being cancelled on October 17, 18 and 21, 2008. Beulah is not asking for a live day, just wishing to keep money in the purse fund. Their number of live racing days stands at 129 total. No action is needed on this informational letter.
3. Approval of the host/guest/additional simulcast product for December. Motion by Commissioner Holland to approve the simulcast product from Beulah Park, Thistledown, River Downs, Lebanon, Raceway Park, Northfield Park, and Cedar Downs. The motion was seconded by Commissioner Brown, unanimously approved.
4. Move to adopt Ohio Rules of Racing: #3769-3-03 & 3769-13-03; #3769-3-27 & 3769-13-27; #3769-3-28 & 3769-13-28; #3769-3-33 & 3769-13-33; #3769-3-34 & 3769-13-34; #3769-3-35 & 3769-13-35; #3769-3-36 & 3769-13-36; #3769-3-37 & 3769-13-37; #3769-3-38 & 3769-13-38; #3769-3-39 & 3769-13-39; #3769-3-40 & 3769-13-40 to become effective January 1, 2009.  
Commissioner Chabler stated following the public hearing and in accordance with 3769.032 of the Ohio Revised Code, I move to rescind old Ohio Rules of Racing: #3769-3-03 & 3769-13-03; #3769-3-27 & 3769-13-27; #3769-3-28 & 3769-13-28; #3769-3-33 & 3769-13-33; #3769-3-34 & 3769-13-34; #3769-3-35 & 3769-13-35; #3769-3-36 & 3769-13-36; #3769-3-37 & 3769-13-37; #3769-3-38 & 3769-13-38; #3769-3-39 & 3769-13-39; #3769-3-40 & 3769-13-40, effective December 31, 2008. Commissioner Brown seconded the motion, which was unanimously approved.  
Commissioner Chabler moved to adopt, as amended, Ohio Rules of Racing: #3769-3-03 & 3769-13-03; #3769-3-27 & 3769-13-27; #3769-3-28 & 3769-13-28; #3769-3-33 & 3769-13-33; #3769-3-34 & 3769-13-34; #3769-3-35 & 3769-13-35; #3769-3-36 & 3769-13-36; #3769-3-37 & 3769-13-37; #3769-3-38 & 3769-13-38; #3769-3-39 & 3769-13-39; #3769-3-40 & 3769-13-40, to become effective January 1, 2009. Commissioner Zaino seconded the motion, which was unanimously approved.
5. Request for Fine Money:
  - a. **Beulah Park** - A request for the expenditure of \$1500.00 for a Thanksgiving Dinner; \$1500.00 for the HBPA Christmas; and \$3500.00 for the HBPA Annual Dinner/Dance. Director Zonak has recommended approval of this request. Motion by Commissioner Holland to approve this request, second by Commissioner Brown, unanimously approved.
  - b. **Northfield Park** - A request for the expenditure of \$1000.00 for the Annual Thanksgiving Dinner on November 27; and \$1400.00 for the Horsemen's Christmas Dinner on December 24. Director Zonak has recommended approval of this request. Motion by Commissioner Brown to approve this request, second by Commissioner Chabler, unanimously approved.
6. Settlement Agreements:
  - a. **Timothy Hamm** - This settlement agreement is a result of Thistledown stewards ruling #87 which will fine Mr. Hamm \$125.00 to be deducted from his appeal bond and he shall serve a seven day suspension commencing November 23 through November 29, 2008. Motion by Commissioner Zaino to authorize the Executive Director to enter into the settlement agreement with Mr. Hamm. The motion was seconded by Commissioner Brown, unanimously approved.

- b. Virgil Morgan** - This settlement agreement is a result of Northfield Park judges ruling #DAY001 and 231, which will fine Mr. Morgan \$1000.00, of which \$500.00 will be deducted from his appeal bond; and he shall serve a seven day suspension commencing November 23 through November 29, 2008. Motion by Commissioner Zaino to authorize the Executive Director to enter into the settlement agreement with Mr. Hamm. The motion was seconded by Commissioner Chabler, unanimously approved.
- 7. In the Matter of Hearing Officer's Report and Recommendation and any objections regarding:**
- a. Craig Cornachione** – Deputy Director John Izzo summarized the Report and Recommendation by advising the Commission that this matter is a result of a notice of opportunity for a hearing to deny or refuse a 2008 Ohio Harness Owner/Driver/Trainer's license, due to several denials and/or refusals by the Indiana Racing Commission. Mr. Cornachione did request a hearing which was set for him and heard before the Hearing Officer.
- After reviewing the Hearing Officer's Report and Recommendation, and hearing the testimony and discussion at the Commission meeting, Executive Director Sam Zonak asked Mr. Cornachione if he is aware that should the Ohio Commission deny his application for a license, he will be denied in other jurisdictions as well. With that said, Director Zonak offered Mr. Cornachione the opportunity to withdraw his application in order to prevent the Commission from denying said application. Mr. Cornachione agreed at this time to withdraw his application for a 2008 license. Motion by Commissioner Zaino to permit the withdrawal of the application of Mr. Cornachione for a 2008 Harness Owner/Driver/Trainer's license. The motion was seconded by Commissioner Chabler, unanimously approved.
- b. Donald Sherman** – Deputy Director Izzo summarized the Report and Recommendation by advising the Commission that this matter is a result of an appeal from Raceway Park judges ruling, dated July 26, 2008, when the horse Hot Link, trained by Mr. Sherman tested over the total carbon dioxide limit permitted by Commission rule.
- After reviewing the Hearing Officer's Report and Recommendation, and hearing the testimony and discussion at the Commission meeting, Motion by Commissioner Brown to adopt the Findings of Fact; Conclusion of Law and Recommendation of the Hearing Officer in its entirety and Mr. Sherman be assessed the costs of the adjudication hearing.
- 8. Allocation of 2009 Race Dates:**
- a. Beulah Park** – Charles Ruma, President of Beulah Park addressed the Commission by requesting (28) Quarter Horse days commencing April 1 through May 3, 2009; racing six days per week; Dark on Tuesdays. Also, he requested (60) Thoroughbred days commencing October 2 through December 23; racing five days per week; Dark on Sundays and Thursdays. Director Zonak reminded Mr. Ruma that simulcast may not be permitted in 2010 if this request is approved. Mr. Ruma replied that he feels that Director Zonak is wrong taking that stance. No two party agreement has been reached with the HBPA. With further discussion taking place from Commissioners, HBPA and Beulah Park, Commissioner Zaino moved to approve the 2009 dates requested by Beulah Park. The motion was seconded by Commissioner Holland, unanimously approved.
- b. River Downs** – Jack Hanessian, General Manager of River Downs addressed the Commission by requesting (14) Quarter Horse days , and (2) Thoroughbred days (Kentucky Oaks day and Kentucky Derby day). Director Zonak reminded Mr. Hanessian that if the minimum number of days are not run in 2009, he doesn't believe River Downs will be permitted to simulcast in 2010. Mr. Hanessian disagreed with that position on simulcasting. No two party agreement has been reached with the HBPA. Jack Hanessian stated that he did not want to risk Director Zonak having the Commission fine River Downs if they ask for live days and then did not run them in 2009. Without a HBPA agreement and the possibility of a \$10,000 a day fine, he will only ask for the two thoroughbred days. Commissioner Holland voiced concerns regarding a business plan when there is no certainty by any parties involved. Commissioner Zaino replied that the lack of a business plan also affects the Commission via our operating fund. He added that he does not plan to vote on race dates for 2009 after December 31. Last years thoroughbred days were 102 and three quarter horse days. After further discussion, Commissioner Zaino moved to

accept the request for the 14 quarter horse days, the motion was seconded by Commissioner Holland, unanimously approved. Regarding the thoroughbred days, Commissioner Zaino moved to reject the request of two thoroughbred days. The motion was seconded by Commissioner Brown, unanimously approved.

**Old Business:**

1. Commissioner Zaino gave an update on the Monthly Fiscal Budget.
2. Commissioner Ted Brown spoke regarding the ARCI Model rules Committee which met October 27 -29. Rules were discussed with the intention to come up with uniformity for thoroughbreds. The issues discussed were: 1) regulations on riding crops; the lengths and widths; 2) safety equipment not to be included in jocks weights; 3) horses not to race at least ten days after shock wave therapy. Other rules will be discussed at the ARCI meeting in Tucson in December.

**New Business:**

1. A Presentation of the RFP was given by Mr. Steve Szapor of the Innovation Group.

Date, Time & Place of Next Meeting:

**Thursday, January 17, 2008 at 10:00 am, Room 1960, 77 S. High St., Columbus, Ohio.**