

Minutes of the meeting held on August 9, 2011

The meeting was called to order by Chairman Robert K. Schmitz at 10:00 am in Conference Room South B & C, 31st Floor, 77 South High St., Columbus Ohio, pursuant to due notice. The following Commissioners were determined to be present: William Koester and B.J. Roach

1. Approval of the minutes from the meeting held on June 9, 2011. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

2. Executive Director's Report:

A. River Downs

1. In a communication dated June 17, 2011, requests for Jeff Riegel to serve as afternoon clocker and for John Hayes to serve as morning clocker. Those requests were approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
2. In a communication dated June 16, 2011, requests to reduce the amount of minimum wagers for all Trifectas and for all Pick 3s to 50 cents. Those requests were approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
3. In a communication dated July 28, 2011, a request to treat as special events the Haskell Stakes at Monmouth Park on July 31, the Hambletonian at The Meadowlands and the West Virginia Derby at Mountaineer Park on August 6, and the Arlington Million at Arlington Park on August 13, 2011. The Ohio Horsemen's Benevolent & Protective Assn. supported the request. The request was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

B. Thistledown

1. In a letter dated July 25, 2011, Thistledown requested approval of the following: A performance bond was submitted for the Cranwood Meeting.
2. List of Officials
3. Number of Races and Wagering Format
4. Post Times
5. Prices were submitted for admission, parking and seating.
6. Simulcasting Schedule
7. A copy of the 2011 letter to the state fire marshal requesting inspection was submitted previously. A motion to approve items one through seven by Commissioner Roach, second by Commissioner Koester, unanimously approved.
8. In a communication dated June 22, 2011, a request to allow Thistledown to uncouple an entry owned by the Pyrite Stable in the \$50,000 J. William Petro Memorial Handicap on June 18, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

C. Lebanon Raceway

1. In a letter dated July 6, 2011, Lebanon Raceway requested approval of the following: A guarantee of performance statement for the Miami Valley Trotting Club Inc. Meeting.
2. List of Officials
3. Number of Races and Wagering Format
4. Post Times.
5. Pricing for admission, parking, live racing programs and seating was submitted.
6. Simulcasting Schedule
7. A copy of the 2011 letter to the state fire marshal requesting inspection was submitted. A Items 1-7 were approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

8. In a communication dated July 27, 2011, a request to allow the racetrack to open early for wagering on the following dates in 2011: August 6 for Hambletonian Day at The Meadowlands; August 27 for Travers Day at Saratoga; September 21-22 for the Delaware County Fair; and November 4-5 for Breeders Cup races at Churchill Downs. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

D. Northfield Park

1. In a communication dated July 20, 2011, a request to allow Northfield Park to uncouple an entry owned by the VIP Internet Stables LLC in the \$100,000 Battle of Lake Erie on July 23, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

E. Raceway Park

1. In a communication dated July 25, 2011, a request to treat Saturday, July 23, 2011, as a live racing day pursuant to Section 3769.089 of the Ohio Revised Code. Racing was cancelled following the first race. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
2. In a communication dated July 25, 2011, a request, in conjunction with the Ohio Harness Horsemen's Association, to pay \$100 from the purse pool to the owner of any horse programmed in any cancelled race on July 23, 2011 and not previously scratched. Racing was cancelled following the first race. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
3. In a communication dated June 21, 2011, a request to approve Ryan Kelso as track paramedic. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
4. In a communication dated August 8, 2011, a request for the expenditure of \$4,400 from the fine account for backstretch personnel and their families to attend a Toledo Mud Hens game. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

F. Scioto Downs

1. In a communication dated August 1, 2011, a request to treat Friday, July 29, 2011, as a live racing day pursuant to Section 3769.089 of the Ohio Revised Code. Racing was cancelled following the fourth race. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
2. In a communication dated August 1, 2011, a request, in conjunction with the Ohio Harness Horsemen's Association, to pay \$100 from the purse pool to the owner of any horse programmed in any cancelled race on July 29, 2011 and not previously scratched. Racing was cancelled following the fourth race. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
3. In a communication dated July 31, 2011, a request to approve Gene Wiley as the starter for qualifying races on August 2, and August 16, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

3. Host/Guest/Additional Simulcast Product

- a. Submissions of host, guest and additional product by River Downs, Thistledown, Lebanon Raceway, Northfield Park, Raceway Park and Scioto Downs for August were approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
 - b. Approval of host, guest and additional product submissions by River Downs, Thistledown, Lebanon Raceway, Northfield Park, Raceway Park and Scioto Downs for September. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
4. In a communication dated July 19, 2011, requests by the Delaware County Agricultural Society to offer the following wagers: a Pick 4 on September 21, and a Pick 3 and a second Pick 4 on September 22. Each wager would feature a 15 per cent takeout. These requests were approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.

5. In the matter of Financial Judgments:

- a. **Mark Johnson** – A motion by Commissioner Koester to revoke all licenses held by Mr. Johnson if the outstanding debt is not paid in full within 60 days. Second by Commissioner Roach, unanimously approved.
- b. **David Kern** – A motion by Commissioner Koester that Mr. Kern stand suspended until the outstanding debt is paid in full. Second by Commissioner Roach, unanimously approved.
- c. **Randy Cassavaugh** – The debt was paid in full prior to the meeting and the item was taken off the agenda.

6. In the Matter of:

- a. **John Bourke** -- Mr. Bourke was not present. A motion by Commissioner Roach to permit Mr. Bourke to present additional testimony at another hearing. Second by Commissioner Koester, unanimously approved.
- b. **Shane T. Meyers** – This item was taken off the agenda

7. The Monthly Financial Report was presented Fiscal Officer Sherry White. A motion to accept the report by Commissioner Koester, second by Commissioner Roach, unanimously approved.

8. Chief Investigator Steve Zaper presented the monthly Compliance Report.

9. There were no committee reports

10. Chairman’s Comments: Chairman Schmitz presented some of the facets of House Bill 277 signed by Governor Kasich on July 15, 2011, and racing commission responsibilities as a result.

11. There were no public comments.

Old Business

There was no old business.

New Business

There was no new business.

12. A motion for the Commission to enter into executive session was made by Commissioner Roach, seconded by Commissioner Koester. Commission Koester voted aye. Commission Roach voted aye. Chairman Schmitz voted aye.

Upon returning from executive session a motion to adjourn by Commissioner Koester, second by Commissioner Roach, unanimously approved.

Date, Time & Place of Next Meeting:
Thursday, Sept. 15, 2011 at 10:00 a.m.
77 South High St., Columbus, Ohio
31st Floor, Room South B & C
