

Minutes of the Meeting Held on June 9, 2011

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

1. The first order of business was approval of the minutes from the meeting held on May 12, 2011. Motion by Commissioner Book, second by Commissioner Brown, unanimously approved.

2. Executive Director's Report:

A. River Downs

1. In a communication dated June 1, 2011, a request for Jodie Fortner to serve as outrider for the remainder of the racing season beginning on June 1, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
2. In a letter dated June 1, 2011, a request to treat the following as special events: the Brooklyn Handicap/Belmont Daily Double on June 10, 2011, and the Belmont Stakes on June 12. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Book, unanimously approved.

B. Thistledown

1. In a letter dated May 27, 2011, a performance bond was submitted for the Randall Meeting beginning on July 26, 2011.
2. List of Officials. All were certified as competent for their positions by General Manager Lee Dillard or Racing Secretary L. William Couch.
3. Number of Races and Wagering Format.
4. Post Times of 1:50 pm with a 3:15 pm post time on Fridays between July 29 and September 2, 2011.
5. Price Structure.
6. Simulcasting Schedule.
7. A copy of the annual letter to the state fire marshal was submitted. A motion to approve items 1-7 by Commissioner Koester, second by Commissioner Book, unanimously approved.
8. In a letter dated May 16, 2011, a request to treat the following as special events: the Brooklyn Handicap/Belmont Daily Double on June 10, 2011, and the Belmont Stakes on June 12. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
9. In a letter dated May 25, 2011, a request to move post time to 2:30 pm on June 4, 2011 for the Ohio Derby racing program. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Book, unanimously approved.
10. In a communication dated May 28, 2011, a request to uncouple two entries in the Angenora Stakes on May 29, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
11. In a communication dated June 1, 2011, a request to increase parking fees for Ohio Derby racing program on June 4, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

C. Lebanon Raceway

1. In a letter dated May 16, 2011, a request for Joe Denman to replace Mike Woebkenberg as starter on May 21, 2011 and June 11, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.

D. Northfield Park

1. In a letter dated May 26, 2011, Northfield Park submitted a request for approval of the following: A waiver of Surety Bond for the Painesville Meeting beginning on July 16, 2011.
2. List of Officials. All were certified as competent for their positions by Chief Operating Officer Tom Aldrich.
3. Number of Races and Wagering Format.
4. Post Times.
5. Price Structure.
6. Simulcasting Schedule.
7. A copy of the annual letter to the state fire marshal requesting an inspection was submitted. Motion by Commissioner Brown to approve items 1-7, second by Commissioner Koester, unanimously approved.

E. Raceway Park

1. In a letter dated May 31, 2011, Raceway Park submitted a performance bond for the Toledo Maumee Raceways Inc. Meeting beginning on August 6, 2011 and requested approval of the following: .
2. List of Officials. All were certified as competent for their positions by General Manager Bill McLaughlin.
3. Number of Races and Wagering Format.
4. Post Times.
5. Price Structure.
6. Simulcasting Schedule.
7. A copy of the annual letter to the state fire marshal requesting an inspection was submitted. Motion by Commissioner Roach to approve items 1-7, second by Commissioner Book, unanimously approved.
8. In a communication dated May 16, 2011, a request to allow Robert Mount to replace Bruce Patterson as starter and patrol judge on May 18, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.
9. In a communication dated May 29, 2011, a request to allow Krista Williams to replace Pat Button as outrider on June 11, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
10. In a letter dated May 31, 2011, a request to open early on the following days in 2011: August 9, for Hambletonian day; August 27, for Travers day; September 21, for Jugette day; September 22, for Little Brown Jug day; November 4 and 5, for Breeders' Cup days; and November 25 and 26, for early wagering at Churchill Downs. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

F. Scioto Downs

1. In a letter dated May 16, 2011, Scioto Downs submitted a performance bond for the Mid America Racing Association Meeting beginning on July 8, 2011 and requested approval of the following:
 2. List of Officials. All have been certified as competent for their positions by General Manager Stacy Cahill.
 3. Number of Races and Wagering Format.
 4. Post Times.
 5. Price Structure.
 6. Simulcasting Schedule.
 7. A copy of the annual letter to the state fire marshal requesting an inspection was submitted. A motion by Commissioner Roach to approve items 1-7, second by Commissioner Koester, unanimously approved.
3. Approval of Host/Guest/Additional Simulcast Product for July, 2011. A motion to approve the submissions by River Downs, Thistledown, Lebanon Raceway, Northfield Park, Northfield Park on behalf of Cedar Downs, Raceway Park and Scioto Downs by Commissioner Roach, second by Commissioner Brown, unanimously approved.
4. Requests for the expenditure of fine money:
 - a. **River Downs** – In a communication dated June 3, 2011, requests for the following expenditures: \$3,500 for Coney Island in July, 2011; \$1,200 for Kids Day in August, 2011; \$7,000 for the Annual HBPA Banquet & Dance in August, 2011; and \$1,000 for a Cincinnati Reds Game in July or August, 2011. Motion by Commissioner Koester, second by Commissioner Brown, unanimously approved.
 - a. **Raceway Park** – In a communication dated May 25, 2011, a request for the expenditure of \$800 for a Chicken Barbecue in the Paddock Lounge on Saturday, June 25, 2011. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 - b. **Scioto Downs** – In a communication dated May 19, 2011, a request for the expenditure of \$3,000 for a golf outing at Foxfire Golf Club on July 18, 2011; and a request for the expenditure of \$1,855 for food to be served in the paddock on September 10, 2011. Motion by Commissioner Roach, second by Commissioner Book, unanimously approved.
5. Delaware County Agricultural Society: In a communication dated May 23, 2011, requests to:
 - a. Race on the following four days in 2011: Sunday, September 18; Tuesday, September 20; Wednesday, September 21; and Thursday, September 22. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 - b. A request to offer future wagering on the Little Brown Jug. Motion by Commissioner Brown, second by Commissioner Book, unanimously approved.
 - c. A request to simulcast all races to Ohio locations eligible to receive the simulcasts and to out-of-state locations. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 - d. A request to require horses entered in the Jugette to arrive at the fairgrounds by 11:00 am on Monday, September 19, and horses entered in the Little Brown Jug to arrive on the grounds by 11:00 am on Tuesday,

September 20. Motion by Commissioner Brown, second by Commissioner Book, unanimously approved.

- e. A request to waive the requirement of Ohio Administrative Rule 3769-15-31 (B)(2). This allows the fair to apply preference in accepting entries to overnight races. Motion by Commissioner Roach, second by Commissioner Brown, unanimously approved.
 - f. A request to approve the wagering format. Motion by Commissioner Koester, second by Commissioner Book, unanimously approved.
 - g. A request to approve a Pick 4 wager with a 15 per cent take out on September 21, 2011 and on September 22, 2011. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
6. In a letter dated May 26, 2011, the Ohio Harness Horsemen's Association (OHHA) requested a payment from the purse pool at Northfield Park of \$100 to the owner of each horse programmed to start on May 25, 2011 after racing was cancelled because of severe weather conditions following the second race. Motion by Commissioner Brown, second by Commissioner Koester, unanimously approved.
 7. In a letter dated June 6, 2011, Scioto Downs requested permission to pay from the purse pool \$100 to the owner of each horse programmed to start after racing was cancelled on June 4, 2011 following the fourth race. Jerry Knappenberger, representing the OHHA, requested this date be considered a live racing day. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 8. In a letter dated May 26, 2011, Raceway Park requested a payment from the purse pool at Raceway Park of \$100 to the owner of each horse programmed to start on May 25, 2011 after racing was cancelled because of weather conditions. The OHHA requested this date be considered a live racing day. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 9. In the Matter of Hearing Officer's Report and Recommendation:
 - a. **Enzo Canelo** – This item was continued.
 - b. **Juan Aquirre** – Mr. Aquirre was present. Commissioner Roach moved to reject the hearing officer's report recommending that the Steward's ruling against Mr. Aquirre be overturned, and to instead adopt the staff recommendation of a \$1,000 fine because even though there were mitigating circumstances, Mr. Aquirre did violate thoroughbred administrative rules 3769-2-26 (A)(10) and 3769-8-07. Second by Commissioner Koester, unanimously approved.
 10. In the matter of license application:
 - a. **Timothy Conkright** – Mr. Conkright was present. Staff provided background information related to Mr. Conkright's arrest, 2006 conviction, and the subsequent, successful appeal of this conviction. This resulted in a plea bargain between the State of Ohio and Mr. Conkright. Commissioner Koester moved to license Mr. Conkright on a probationary basis as a harness owner, trainer and driver. Second by Commissioner Roach, unanimously approved.
 - b. **David Drippon** – This item was tabled after Mr. Drippon failed to appear.
 11. Fiscal Officer Sherry White presented the Monthly Fiscal Report.
 12. Chief Investigator Steve Zaper presented the Monthly Compliance Report.
 13. There were no committee reports.
 14. There were no public comments.

Old Business: There was no old business.

New Business:

1. Chairman Schmitz said the commission would take a look at the calendar for August and mostly likely schedule a meeting. As no one in attendance expressed a problem with skipping the meeting scheduled in July, no meeting will be held next month. Commissioners may visit one or more racetracks in July.
 2. Chairman Schmitz announced that Commissioner Ted Brown has resigned effective July 31, 2011, and this is the final meeting he would attend.
15. A motion to go into executive session by Commissioner Roach, second by Commissioner Brown. In a roll call vote, Commissioner Book voted aye, Commissioner Brown voted aye, Commissioner Koester voted aye, Commissioner Roach voted aye and Chairman Schmitz voted aye. Chairman Schmitz said no business would be transacted after the executive session. The roll call taken following the executive session indicated all were in attendance. A motion to adjourn by Commissioner Brown. Second by Commissioner Roach, unanimously approved.