

Minutes of the meeting held on Thursday, March 10, 2011

The meeting was called to order by Chairman William Koester at 10:00 a.m. in Conference Room West B & C, 77 South High St., Columbus, Ohio, pursuant to due notice. The following Commissioners were determined to be present: Tom Zaino, Ted Brown, Jerry Chabler and Gerald Holland.

1. The first order of business was approval of the minutes from the meeting held on February 10, 2011. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.

2. Executive Director's Report:

A. Northfield Park

1. In a letter dated March 4, 2011, Northfield Park submitted a Guaranty of Performance for the Grandview meet signed by Chairman Brock Milstein.
2. Approval of officials, all certified as competent for their positions by General Manager Tom Aldrich.
3. The number of races and wagering format
4. A live post time of 7:00 p.m.
5. Price Structure and Simulcast Schedule
6. Required letter to State Fire Marshal. Motion by Commissioner Holland to approve items 1-6, second by Commissioner Brown, unanimously approved.
7. Requests:
 - a. Executive Director Tom Fries Jr. requested ratification of his approval of Tom Barry to replace Roy DeVault as associate judge. Mr. Aldrich certifies that Mr. Barry is competent and qualified for the position. Motion by Commissioner Chabler, second by Commissioner Brown, unanimously approved.
 - b. In a letter dated March 1, 2011, a request to open wagering prior to noon on the following dates in 2011: May 7 (Kentucky Derby); May 21 (Preakness); June 11 (Belmont); Sept. 22 (Little Brown Jug); and Nov. 24 (Thanksgiving). Motion by Commissioner Brown, second by Commissioner Holland, unanimously approved.
 - c. In a letter dated March 1, 2011, a request on behalf of the satellite wagering facility Cedar Downs to open wagering prior to noon on the following dates in 2011: May 7 (Kentucky Derby); May 21 (Preakness); June 11 (Belmont); July 30 (Adios); Aug. 6 (Hambletonian); Aug. 7 (Haskell); Aug. 27 (Travers); Sept. 21 (Jugette); Sept. 22 (Little Brown Jug); Nov. 4-5 (Breeders Cup); and Nov. 24-26. Motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved.
 - d. In a letter dated February 28, 2011, a request to reduce the takeout rate on the Pick 3 (two per card), the Pick 4 and the Pick 5 wagers to 14% every night beginning April 1, 2011. Motion by Commissioner Chabler, second by Commissioner Zaino, unanimously approved.

B. Beulah Park

1. Requests:
 - a. Mr. Fries requested ratification of his approval to substitute the Director of Security, who is CPR-certified, on February 8, 2011, to fully staff the hospital. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.
 - b. In a letter dated February 15, 2011, a request to treat Monday, February 14, 2011, as a live day after racing was cancelled due to inclement weather. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.
 - c. Mr. Fries requested ratification of his approval for the HJC/PDC Thoroughbred #2 Meeting to change March 11, 18 and 25, 2011 from host non-live to host live, and to remove host live status on March 26, 28 and 29, 2011. Motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved.
 - d. In a letter dated February 18, 2011, a request to add host live status on March 26, 28 and 29, 2011, and to remove host non-live status on April 3, 7 and 10, 2011 for the HJC/PDC Thoroughbred #1 Meeting. Motion by Commissioner Holland, second by Commissioner Zaino, unanimously approved.
 - e. In a letter dated February 18, 2011, a request to add host non-live status on April 3 and 7, 2011 for the HJC/PDC Quarter Horse #1 Meeting and to remove non-live host status on March 11 and 18, 2011. Motion by Commissioner Brown, second by

Commissioner Holland, unanimously approved.

- f. In a letter dated February 18, 2011, a request to remove non-live host status on March 25, 2011 for the HJC/PDC Quarter Horse #2 Meeting and to add host non-live status on April 10, 2011. Motion by Commissioner Zaino, second by Commissioner Holland, unanimously approved.
- g. Mr. Fries requested ratification of his approval to substitute a paramedic or an EMT on February 26, 2011 in order to fully staff the hospital. Motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved.

C. Thistledown

1. Requests:

- a. In a letter dated February 11, 2011, Caesars Entertainment requested approval of Lee Dillard as general manager. Motion by Commissioner Holland, second by Commissioner Zaino, unanimously approved.
 - b. Mr. Fries requested ratification of his approval to amend Thistledown's Host/Guest list by adding The Meadowlands as host product on Monday, February 21, 2011. Motion by Commissioner Chabler, second by Commissioner Brown, unanimously approved.
 - c. In a letter dated February 23, 2011, a request to open wagering prior to noon on the following dates in 2011: March 26 (Dubai Day); May 7 (Kentucky Derby); May 21 (Preakness); June 11 (Belmont); July 28 (Governor's Day); July 30 (Adios); Aug. 6 (Hambletonian); Aug. 7 (Haskell); Aug. 27 (Travers); Sept. 21 (Jugette); Sept. 22 (Little Brown Jug); Nov. 4-5 (Breeders Cup); and Nov. 24-26. Motion by Commissioner Zaino, second by Commissioner Holland, unanimously approved.
- 2. A bond was posted for the Summit Meeting.
 - 3. Approval of officials, all certified as competent for their positions by General Manager Lee Dillard.
 - 4. The number of races and wagering format
 - 5. A live post time of 1:50 p.m.
 - 6. Price Structure and Simulcast Schedule
 - 7. Required letter to State Fire Marshal. Motion by Commissioner Holland to approve items 2-7, second by Commissioner Brown, unanimously approved.

D. Scioto Downs

- 1. In a letter dated February 22, 2011, Scioto Downs submitted a Guaranty of Performance for the Scioto Downs Inc. Meet signed by MTR Gaming Group President and CEO Jeffrey Dahl.
- 2. Approval of officials: Including one change, Terri Mt. Pleasant as program director/clerk of course, all are certified as competent for their positions by General Manager Stacy Cahill.
- 3. The number of races and wagering format
- 4. A 6:30 p.m. live post time during the evening and 1:00 p.m. during the afternoon
- 5. Price Structure and Simulcast Schedule
- 6. Required letter to State Fire Marshal. Motion by Commissioner Brown to approve items 1-6, second by Commissioner Zaino, unanimously approved.
- 7. Requests:
 - a. In a letter dated Feb. 22, 2011, a request to open wagering prior to noon on the following dates in 2011: May 21 (Preakness); June 11 (Belmont); July 28 (Governor's Day); Aug. 6 (Hambletonian); Aug. 7 (Haskell); Aug. 27 (Travers); Sept. 21 (Jugette); and Sept. 22 (Little Brown Jug). Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.
 - b. In a letter dated February 22, 2011, a request to move post time to 5:30 p.m. on Saturday, May 21, 2011, and Saturday, June 11, 2011. Motion by Commissioner Brown, second by Commissioner Chabler, unanimously approved.

E. Lebanon Raceway

1. Request:

- a. In a letter dated February 22, 2011, a request to open wagering prior to noon on the following dates in 2011: May 6 (Kentucky Oaks); May 7 (Kentucky Derby); May 21 (Preakness); and June 11 (Belmont Stakes). Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.

F. River Downs

1. Request:

- a. In a letter dated February 24, 2011, a request to approve Kevin Kaufman as general manager. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.

3. Approval of Host/Guest/Additional Simulcast Product for April. Commissioner Zaino moved to approve the submissions by Thistledown, River Downs, Raceway Park, Lebanon Raceway, Northfield Park, Beulah Park, and Cedar Downs; second by Commissioner Brown, unanimously approved.

4. Requests for the expenditure of fine money:

- a. **Northfield Park:** Commissioner Chabler moved to approve the expenditure of \$8,500.00 to be used for the annual Wall of Fame Induction Ceremonies on April 7, 2011; second by Commissioner Holland, unanimously approved. Commissioner Brown moved to approve the expenditure of \$1,000.00 to be used for the annual Horsemen's Easter Dinner on April 24, 2011; second by Commissioner Chabler, unanimously approved.

- b. **Beulah Park:** Commissioner Brown moved to approve the expenditure of \$1,850.00 to be used for an Easter Dinner at the Golden Corral on April 21, 2011; second by Commissioner Chabler, unanimously approved. Commissioner Brown moved to approve the expenditure of \$400.00 to be used for a cookout at the HBPA field office on May 4, 2011; second by Commissioner Holland, unanimously approved.

5. The Ohio Thoroughbred Breeders and Owners requested the Cleveland Gold Cup be re-named the Daniel Stearns Cleveland Gold Cup. Motion by Commissioner Holland, second by Commissioner Chabler, unanimously approved.

6. Approval to re-appoint Carl Wick to a three-year term as a trustee of the Harness Horsemen's Health & Retirement Fund. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.

7. Approval to re-appoint Robert Reeves to a three-year term as a trustee of the Thoroughbred Horseman's Health & Retirement Fund. Motion by Commissioner Chabler, second by Commissioner Brown, unanimously approved.

8. In consideration of the Report and Recommendation of:

- a. **Jeff Novak:** Mr. Novak was not present nor represented by counsel. Assistant Attorney General Vivian Tate summarized the Hearing Officer's Report and Recommendation. Commissioner Chabler moved to adopt the Hearing Officer's Report and Recommendation in its entirety. Mr. Novak is ordered to pay the financial judgment and be assessed the cost of the hearing. Mr. Novak will be suspended until payment is made in full. Second by Commissioner Zaino, unanimously approved.

9. In consideration of:

- a. **Alvin Parker:** Mr. Parker was present and sworn in by the Court Reporter. Investigator Steve Zaper summarized the request by Mr. Parker. Mr. Zaper stated the staff recommends Mr. Parker be issued a probationary license. Motion by Commissioner Holland, second by Commissioner Brown, unanimously approved.

10. In the Matter of Financial Judgments:

- a. **Allen Arnold** was not present. Commissioner Zaino moved to table the matter until the next Commission Meeting on April 14, 2011; second by Commissioner Chabler, unanimously approved.

- b. **David Kern** was present and sworn in by the Court Reporter. Ms. Tate submitted documentation to the Commission concerning the notice of hearing and that the debt was racing-related. Mr. Kern addressed the Commission and requested a payment plan. Commissioner Brown moved to suspend Mr. Kern's license until judgment is paid in full; second by Commissioner Chabler, unanimously approved.

- c. **Israel Sostre** was not present and was properly served. Ms. Tate submitted documentation to the Commission concerning the notice of hearing and that the debt was racing-related. Ms. Tate also stated the plaintiff, Garrison Turf Supply & Feed Co. LLC, had contacted her and was willing to enter into a payment plan with Mr. Sostre. Motion by Commissioner Zaino to allow a payment plan. Mr. Sostre shall pay \$50.00 per month until the judgment is paid in full. If Mr. Sostre fails to make payment his license(s) will be suspended until the judgment is satisfied. Second by Commissioner Brown, unanimously approved.

OLD BUSINESS

- 1.** Monthly Fiscal Report -- Commissioner Zaino reviewed the monthly budget with all in attendance. Motion by Commissioner Chabler, second by Commissioner Holland, unanimously approved.
- 2.** Mr. Zaper reviewed the on going Inspection Reports of all seven tracks and updated the Commission where each track was in the process to date.
- 3.** Medication Meeting Report -- Commissioner Brown said the main discussion at the meeting was TCO₂ testing. The HBPA and thoroughbred horsemen have requested a change to post-race testing for thoroughbreds. Commissioner Brown said the commission's testing laboratory has arranged with The Ohio State University to get the equipment needed that would allow the lab to begin post-race testing. This testing will be started when the calibration process is completed in two to three months. Commissioner Brown expressed concern with standardbred testing being done pre-race with radiometers. He was assured by Jerry Knappenberger and Steve McCoy of the Ohio Harness Horsemen's Association that the harness horsemen don't have a problem with testing each breed differently.

NEW BUSINESS

- 1.** Chairman Koester announced a Rules Committee Meeting would be held after the Commission Meeting.

Motion to adjourn by Commissioner Chabler, second by Commissioner Brown, unanimously approved.

Date, Time & Place of Next Meeting:

**Thursday, April 14, 2011 at 10:00 a.m.
77 South High St., Columbus, Ohio
31st Floor, Room South A**