

Minutes of the Meeting Held on Thursday, Sept. 15, 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: Todd Book, William Koester and B.J. Roach.

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

2. Executive Director's Report:

A. Beulah Park

1. In a letter dated August 24, 2011, a request to have Richard Nye replace Joe DeLuca as track superintendent. General Manager Jim McKinney submitted a resume and certified Mr. Nye as competent. Motion by Commissioner Roach, second by Commissioner Book, unanimously approved.

B. River Downs

1. In a communication dated August 15, 2011, a request to treat Wednesday, June 22, 2011, as a live racing day pursuant to Section 3769.089 of the Ohio Revised Code. Racing was cancelled due to severe thunderstorms. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Book, unanimously approved.
2. In a communication dated August 29, 2011, a request to approve Jose Collazo Sr. as outrider for the remainder of the live racing programs. This was approved subject to ratification by the commission. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.

C. Thistledown

1. In a communication dated August 25, 2011, a request to uncouple an entry owned by the Pyrite Stable and Bruce Ryan in the \$50,000 Miss Ohio Stakes on August 27, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second Commissioner Roach, unanimously approved.
2. In a communication dated August 31, 2011, a request to uncouple an entry owned by Meadow Springs Farm LLC in the \$50,000 Rose DeBartolo Stakes on September 3, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.
3. In a communication dated Sept. 7, 2011, a request to uncouple an entry owned by Blazing Meadow Farm LLC and another entry owned by the Pyrite Stables in the \$50,000 Governor's Buckeye Cup Stakes on September 10, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

D. Northfield Park

In a letter dated September 1, 2011, Northfield Park requested approval of the following:

1. A performance bond was submitted for the Walton Hills Meeting.
2. List of Officials
3. Number of Races and Wagering Format
4. Post Times
5. Pricing for admission, parking and seating was submitted.
6. Simulcasting Schedule
7. A copy of the 2011 letter to the state fire marshal requesting inspection was previously submitted. A motion to approve items one through six by Commissioner Roach, second by Commissioner Koester, unanimously approved.
8. In a communication dated September 8, 2011, a request to conduct a live racing program on Thursday, December 22, 2011, pursuant to Section 3769.089 of the Ohio Revised Code. This date would make up for the cancellation of a live racing program after the completion of two races on May 25, 2011. Motion by Commissioner Koester, second by Commissioner Book, unanimously approved.

E. Raceway Park

1. In a communication dated August 31, 2011, a request to close for simulcasting on all remaining Tuesdays in 2011 beginning on October 4. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

2. In a communication dated September 9, 2011, a request to approve the uncoupling of an entry owned by John Schuberg in the Champion of Champions 3-Year-Old Colt Pace on Sept. 11, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.

F. Scioto Downs

1. In a communication dated August 15, 2011, a request to approve Patty Potter as paddock judge and Cindy Potter as identifier for the live racing program held on August 20, 2011. Both requests were approved subject to ratification by the commission. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.
 2. In a communication dated August 19, 2011, a request to approve Susan Wilson as charter for live racing programs on August 20 and 21, 2011; and to approve Rick Gleason as charter for the live racing program on September 3, 2011. Both requests were approved subject to ratification by the commission. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 3. In a communication dated August 27, 2011, a request to approve Gene Wiley as starter for qualifying races on August 30, 2011. This was approved subject to ratification by the commission. Motion by Commissioner Koester, second by Commissioner Book, unanimously approved.
3. Approval of the host, guest and additional simulcast product for October. Motion by Commissioner Roach to approve the submissions by Beulah Park, River Downs, Thistledown, Lebanon Raceway, Northfield Park, Northfield Park on behalf of Cedar Downs, Raceway Park and Scioto Downs. Second by Commissioner Koester, unanimously approved.
 4. Request for the expenditure of fine money:
 1. **Raceway Park:** In a communication dated September 6, a request for the expenditure of \$7,300 for an outing for licensees and their families at Cedar Point on either Saturday, Oct. 1, or the following day. Motion by Commissioner Roach, second by Commissioner Book, unanimously approved.
 5. 2012 Racing Dates
 1. **Beulah Park.** Beulah Park's application for 2012 contained a request for 117 live racing days, five fewer days than the racetrack has scheduled in 2011. The request meets the minimum of 114 live days needed to simulcast in 2013. Motion by Commissioner Koester, second by Commissioner Book, unanimously approved.
 2. **River Downs.** River Downs' application for 2012 contained a request for 96 live racing days, the same number of days the racetrack had approved for 2011. The request is below the minimum of 119 live race days needed to simulcast in 2013. As a result, the racetrack must submit to the commission an agreement signed by horsemen allowing River Downs to schedule fewer live days than required by the Ohio Revised Code in order to conduct simulcast wagering in 2013. The track also applied to remain closed for simulcast wagering on all Tuesdays in 2012. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
 3. **Thistledown.** Thistledown's application for calendar year 2012 contained a request for 91 live racing days, 31 fewer live days than the racetrack has scheduled in 2011. The request is below the minimum number of 187 live days needed to simulcast in 2013. As a result, the racetrack must submit to the commission an agreement signed by horsemen allowing Thistledown to schedule fewer live days than required by the Ohio Revised Code in order to conduct simulcast wagering in 2013. General Manager Lee Dillard verbally amended its request by announcing Thistledown now seeks to schedule 122 live racing days in 2012. Thistledown also applied to remain closed for simulcast wagering on the first six Tuesdays in 2012. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
 4. **Lebanon Raceway.** Lebanon Raceway's application for calendar year 2012 contained a request for 52 live racing days, two more days than the racetrack has scheduled in 2011. The request is below the minimum number of 112 live race days needed to simulcast in 2013. As a result, the racetrack signed an agreement with the Ohio Harness Horsemen's Association (OHHA) allowing Lebanon Raceway to schedule fewer live days than required by the Ohio Revised Code and the racetrack retains the right to conduct simulcast wagering in 2013. The commission is in receipt of a communication from Stacy Cahill in which she objected to the track conducting live racing on Preakness Day, May 21, and Belmont day, June 9. Lebanon Raceway has conducted live racing on the days in question during this year and in the preceding two years. Motion by Commissioner Koester, second by Commissioner Roach, unanimously approved.
 5. **Northfield Park.** Northfield Park's application for calendar year 2012 contained a request for 210 live racing days, three fewer days than are scheduled in 2011. The request exceeds the minimum number of 182 live days needed to conduct simulcast wagering in 2013. The racetrack will not scheduled live racing on Saturdays in January and February, and on Saturdays when triple crown races and the Breeders Cup are scheduled. Motion by Commissioner Book, second by Commissioner Koester, unanimously approved.

6. **Raceway Park.** Raceway Park's application for calendar year 2012 contained a request for 40 live racing days, six fewer days than the racetrack has scheduled in 2011. This is below the minimum number of 120 live race days needed to simulcast in 2013. As a result, the racetrack signed an agreement with the OHHA allowing Raceway Park to schedule fewer live days than required by the Ohio Revised Code and the racetrack retains the right to conduct simulcast wagering in 2013. The track has also requested a simulcasting schedule that does not include opening on all Tuesdays in 2012. Motion by Commissioner Roach, second by Commissioner Koester, unanimously approved.
 7. **Scioto Downs.** Scioto Downs' application for calendar year 2012 contained a request for 57 live racing days, the same amount the racetrack has scheduled in 2011. The request is below the minimum number of 115 live race days needed to simulcast in 2013. As a result, the racetrack must submit to the commission an agreement signed by horsemen allowing Scioto Downs to schedule fewer live days than required by the Ohio Revised Code in order to conduct simulcast wagering in 2013. Live racing will take place on Thursdays instead of Sundays next year. Motion by Commissioner Book, second by Commissioner Roach, unanimously approved.
6. In the matter of Financial Judgments:
- a. **Melanie Medley.** Ms. Medley was not present or represented by counsel. Motion by Commissioner Koester to suspend any Ohio racing license issued to Ms Medley until the racing-related judgment against her is satisfied. Second by Commissioner Roach, unanimously approved.
 - b. **Kelly A. Gonzalez.** Ms. Gonzalez was not present or represented by counsel. Motion by Commissioner Roach to grant Ms. Gonzalez 14 additional days to satisfy the racing-related judgment against her. Any Ohio racing license issued to Ms Gonzalez shall be suspended if payment in full is not made by the extended deadline. Second by Commissioner Keoster, unanimously approved.
7. Monthly Financial Report: This report was presented by Fiscal Officer Sherry White.
8. Compliance Report: This report was presented by Chief Investigator Steve Zaper.
9. Committee Reports: None
10. Chairman's Comments: Chairman Schmitz said after the member of the commission is appointed, committee assignments would be announced. He provided background related to the passage of House Bill 277. The new law becomes effective on October 17. As required by the legislation, the commission will develop rules and an application for tracks that desire to relocate.
11. Public Comments: None
- Old Business:** None
- New Business:** None
- 12 A motion for the Commission to enter into executive session was made by Commissioner Book, seconded by Commissioner Koester. Chairman Schmitz voted aye. Commission Roach voted aye. Commission Koester voted aye. Commission Book voted aye. Chairman Schmitz announced that when commission members returned from executive session no business would be conducted and the meeting would be adjourned. 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, October 20, 2011 at 10:00 am
77 South High St., Columbus, Ohio
31st Floor, Room South B & C
