



## Ohio State Racing Commission

77 South High Street • 18<sup>th</sup> Floor  
Columbus, OH 43215-6108  
(614) 466-2757 FAX (614) 466-1900  
www.racingohio.net

**John Kasich**  
Governor

**Robert K. Schmitz**  
Chairman

### Minutes of the OSRC Meeting held August 29, 2018

1-The Ohio State Racing Commission (OSRC) held its monthly meeting August 29, 2018 at the Riffe Center, 77 South High Street, Columbus, Ohio, Floor 31 Room B & C at 10 am.

2-OSRC Chairman Robert K. Schmitz called the meeting to order. Commissioners Todd Book, Gary Koch, Greg Simpson and Thomas Winters were present.

3-Commissioner Simpson moved to approve the minutes of the meeting held on July 24, 2018. Commissioner Winters seconded the motion and the motion was unanimously approved.

4-Commissioner Winters moved to approve the ratification of the Executive Director's approvals. Commissioner Simpson seconded the motion and the motion was unanimously approved.

5a-Commissioner Koch offered consideration of Resolution 2018-08 and Commissioner Simpson seconded the motion. The resolution discussed new, amended and no change administrative rules for Ohio Administrative Code 3769 Chapters 5, 7, 9, 15, 16 and Chapter 17 which were subject to five-year rule review. Commissioner Winters moved to approve the OSRC's recommendation of Resolution 2018-08 and Commissioner Simpson seconded the motion. The motion was unanimously approved.

5b-Commissioner Book offered consideration of Resolution 2018-09 and Commissioner Winters seconded the motion. The resolution discussed new, amended and no change administrative rules for Ohio Administrative Code Chapters 1, 2, 3, 4, 11, 12, 14 and 20 which were subject to five-year rule review. Commissioner Winters moved to approve the OSRC's recommendation of Resolution 2018-09 and Commissioner Simpson seconded the motion. The motion was unanimously approved.

6- Executive Director William Crawford discussed approval of permit holders requested 2019 race dates:

a-Miami Valley Gaming and Racing (Miami Valley) requested 87 race dates (January 4, 2019 thru May 6, 2019). The same number of race dates as 2018. There is no conflict with race dates at Scioto Downs or Hollywood Gaming at Dayton Raceway. Miami Valley has a signed agreement with the Ohio Harness Horsemen Association (OHHA) to race less than 125 days. Commissioner Koch moved to approve Miami Valley Gaming's request and Commissioner Simpson seconded the motion. The motion was unanimously approved.

b-Northfield Park requested 221 race dates (January 1, 2019 thru December 30, 2019). Northfield Park requested one more race date than 2018. There is no agreement required with the OHHA. Commissioner Winters moved to approve Northfield Park's request and Commissioner Book seconded the motion. The motion was unanimously approved.

c-Hollywood Gaming at Dayton Raceway (Dayton) requested 78 race dates (September 9, 2019 thru December 28, 2019). Dayton requested three more race dates than 2018. There is no conflict with race dates at Scioto Downs or Miami Valley. Dayton has a signed agreement with the OHHA to race less than 100 days. Commissioner Book moved to approve Hollywood Gaming at Dayton Raceway's request and Commissioner Koch seconded the motion. The motion was unanimously approved.

d-Scioto Downs requested 90 race dates (May 7, 2019 thru September 7, 2019) Scioto Downs requested the same number of race dates as 2018. There is no conflict with race dates at Dayton or Miami Valley. Scioto Downs has a signed agreement with the OHHA to race less than 125 days. Commissioner Winters moved to approve Scioto Down's request and Commissioner Simpson seconded the motion. The motion was unanimously approved.

e-Hollywood Gaming at Mahoning Valley Racecourse (Mahoning Valley) requested 100 race dates (January 2, 2019 thru April 30, 2019 and October 25, 2019 thru December 30, 2019). The same number of race dates as 2018. Mahoning Valley has a signed contract with the Ohio Horsemen Benevolent and Protective Association (OBPA). There is no conflict with Jack Thistledown race dates. Commissioner Winters moved to approve Mahoning Valley Racecourse's request and Commissioner Simpson seconded the motion. The motion was unanimously approved.

f- Belterra Park requested 93 Thoroughbred race dates (April 26 thru September 29) and 6 Quarter Horse race dates (May 27, 2019 thru September 29, 2019). The same number of race dates as 2018. Commissioner Winters moved to informally pass on the approval of Belterra Park's request until the September OSCR meeting. Commissioners Simpson seconded the motion. The motion was unanimously approved.

g- Jack Thistledown requested 100 race dates (April 29, 2019 thru October 19, 2019) The same number of race dates as 2018. Jack Thistledown has a signed contract with the OBPA. There is no conflict with Mahoning Valley race dates. Commissioner Winters moved to approve Jack Thistledown's request and Commissioner Simpson seconded the motion. The motion was unanimously approved.

7--Dr. James Robertson gave an update on catastrophic horse fatalities due to training or racing. There was a total of 33 catastrophic breakdowns through August 21, 2018. During the month of August there were two Thoroughbred and zero Standardbred fatalities due to racing and or training.

8-Sherry White, OSRC Fiscal Officer, gave her monthly financial report. Ms. White stated OSRC revenues are five percent lower than last fiscal year due to a decrease in OSRC tax revenues. Payments authorized by Resolution 2018-07 were made to all permit holders, Thoroughbred and Standardbred funds and the OSRC operating fund.

9- The OSRC had a discussion regarding out of competition testing. Chairman Schmitz asked Dave Basler of the HPBA to testify. Mr. Basler stated that he would like to see out of competition testing limited to substances that are not able to be detected in post-race samples such as blood and gene-doping agents and certain venoms which can mask pain. Mr. Basler noted that surrounding states already have implemented some form of out of competition testing. His position is if it can be found in post-race testing, such as anabolic steroids, it should not be part of an out of competition testing program.

Chairman Schmitz asked OHHA President Kevin Greenfield to discuss out of competition testing. Mr. Greenfield stated Ohio is the heartland of harness racing and it should be a leader in out of competition testing. He further stated out of competition testing could be justified to protect the integrity of racing. He noted there should be a two-pronged goal for of out of competition testing program. A fair and level playing field for all participants and to protect the horse.

He said that once a horseman enters a horse in a race that horse should then be subject to out of competition testing. He also suggested a horse could be subject to testing once or twice a year at a designated location. Mr. Greenfield also said that cost to the horsemen needs to be considered. He did not support the ARCI program for out of competition testing. He claims it is too broad.

10- Chairman Schmitz commented it's the peak of the racing season. There is a lot of opportunities to go out and see a lot of good thoroughbred and standardbred racing.

11-There were no public comments.

12-Charles Febus discussed the proposed settlement agreement between Christi Pokornowski, and the OSRC. The common pleas court reversed the OSRC decision in the case against Ms. Pokornowski. The case is pending in the 10<sup>th</sup> district court of appeals. Mr. Febus further stated that there was evidence that the substance found in the horse was 11 times higher than the normal level found in a horse. Commissioners Winters moved to not approve the settlement agreement and Commissioner Simpson seconded the motion. The motion to deny approval of the settlement agreement was unanimously approved by roll call vote: Chairman Schmitz voted Yes; Commissioner Winters voted Yes; Commissioner Koch voted Yes; Commissioner Simpson voted Yes; Commissioner Book voted Yes.

13- -There being no further business. Commissioner Winters moved to go into executive session to consider imminent or pending legal matters. Commissioner Simpson seconded the motion and the motion was approved via roll call vote: Chairman Schmitz voted Yes; Commissioner Book voted Yes; Commissioner Winters voted Yes; Commissioner Koch voted Yes; Commissioner Simpson voted Yes. Chairman Schmitz stated after executive session, the commission would only move to adjourn the meeting. Commissioner Winters moved to go out of executive session. Commissioner Book seconded the motion and the motion was approved via roll call vote: Chairman Schmitz voted Yes; Commissioner Book voted Yes; Commissioner Winters voted Yes; Commissioner Koch voted Yes; Commissioner Simpson voted Yes.

14-Commissioner Winters moved to adjourn the meeting. Commissioner Koch seconded the motion and the motion was unanimously approved. The public meeting adjourned at 11:05 a.m.

---

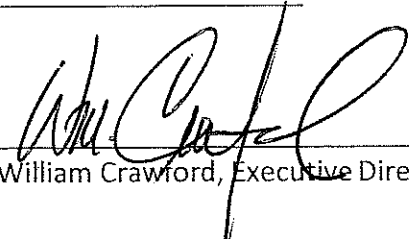
Date, Time & Place of Next Meeting

September 21, 2018 @ 10 am Room 1960  
77 South High Street, Columbus Ohio 43215

---

  
Robert K. Schmitz, Chairman

---

  
William Crawford, Executive Director

OHIO STATE RACING COMMISSION

RESOLUTION 2018-08

**WHEREAS**, the Ohio State Racing Commission ("Commission") has the authority under Revised Code 3769.03 to promulgate administrative rules;

**WHEREAS**, Revised Code Chapter 106 and R.C. 119.04 requires agencies to review administrative rules five years after its effective date;

**WHEREAS**, Commission Rules 3769-5-17, 3769-7-01, 3769-7-04, 3769-7-13, 3769-7-25, 3769-7-35, 3769-7-36, 3769-7-42, 3769-7-44, 3769-9-09, 3769-15-01, 3769-15-30, 3769-15-31, 3769-16-03, 3769-16-05, 3769-16-12, 3769-16-15, 3769-16-24, 3769-16-27, 3769-17-01, 3769-17-11, 3769-17-15, 3769-17-16, 3769-17-36, 3769-17-37, 3769-17-41, and 3769-17-42 are subject to R.C. 119.032 five-year review;

**WHEREAS**, The Commission desires to make a new rule Rules 3769-7-13, 3769-7-25, 3769-7-36, 3769-7-42, 3769-7-44, 3769-17-36, 3769-17-37, 3769-17-41, 3769-17-42;

**WHEREAS**, The Commission desires to amend Rules 3769-5-17, 3769-7-01, 3769-7-04, 3769-7-35, 3769-15-01, 3769-16-24, and 3769-17-01;

**WHEREAS**, The Commission desires to repeal Rule 3769-9-09;

**WHEREAS**, The Commission desires no change to Rules 3769-15-30, 3769-15-31, 3769-16-03, 3769-16-05, 3769-16-12, 3769-16-15, 3769-16-27, 3769-17-11, 3769-17-15, 3769-17-16;

**NOW, THEREFORE, BE IT RESOLVED**, by the Commission New rules 3769-7-13, 3769-7-25, 3769-7-36, 3769-7-42, 3769-7-44, 3769-17-36, 3769-17-37, 3769-17-41, 3769-17-42; and Amended Rules 3769-5-17, 3769-7-01, 3769-7-04, 3769-7-35, 3769-15-01, 3769-16-24, and 3769-17-01 and No Change Rules 3769-15-30, 3769-15-31, 3769-16-03, 3769-16-05, 3769-16-12, 3769-16-15, 3769-16-27, 3769-17-11, 3769-17-15, 3769-17-16 and Repealed Rule 3769-9-09 are APPROVED for submission and review for filing with the Common-Sense Initiative Office, when applicable, and the Joint Committee on Agency Rule Review.

Adopted: August 29, 2018

OHIO STATE RACING COMMISSION

RESOLUTION 2018-09

*WHEREAS*, the Ohio State Racing Commission ("Commission") has the authority under Revised Code 3769.03 to promulgate administrative rules;

*WHEREAS*, Revised Code Chapter 106 and R.C. 119.04 requires agencies to review administrative rules five years after its effective date;

*WHEREAS*, Commission Rules 3769-1-01 through 3769-1-42, 3769-2-01 through 3769-2-43, 3769-2-99, 3769-3-01 through 3769-3-40, 3769-3-99, 3769-4-01 through 3769-4-57, 3769-4-99, 3769-11-01 through 3769-11-50, 3769-12-01 through 3769-12-42, 3769-12-99, 3769-14-12, 3769-14-18, and 3769-20-01 through 3769-20-03 are subject to R.C. 119.032 five-year review;

*WHEREAS*, The Commission desires to make a new rule Rules 3769-4-20, and 3769-14-18;

*WHEREAS*, The Commission desires to amend Rules 3769-4-13, 3769-14-12 and 3769-11-15;

*WHEREAS*, The Commission desires no change to Rules 3769-1-01 through 3769-1-42; 3769-2-01 through 3769-2-43, 3769-2-99, 3769-3-01 through 3769-3-40, 3769-3-99, 3769-4-01 through 3769-4-12, 3769-4-14, through 3769-4-19, 3769-4-21 through 3769-4-57, 3769-4-99, 3769-11-01 through 3769-11-14, 3769-11-16 through 3769-11-50; 3769-12-01 through 3769-12-42, 3769-12-99 and 3769-20-01 through, 3769-20-03.

*NOW, THEREFORE, BE IT RESOLVED*, by the Commission New rules 3769-4-20 and 3769-14-18 and Amended Rules 3769-4-13, 3769-11-15, 3769-14-12, and No Change Rules 3769-1-01 through 3769-1-42; 3769-2-01 through 3769-2-43, 3769-2-99, 3769-3-01 through 3769-3-40, 3769-3-99, 3769-4-01 through 3769-4-12, 3769-4-14 through 3769-4-19, 3769-4-21 through 3769-4-57, 3769-4-99, 3769-11-01 through 3769-11-50; 3769-12-01 through 3769-12-42, 3769-12-99 and 3769-20-01 through, 3769-20-03 are APPROVED for submission and review for filing with the Common-Sense Initiative Office, when applicable, and the Joint Committee on Agency Rule Review.