



**Ohio State Racing Commission**  
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**Mike DeWine**  
Governor

**Scott Borgemenke**  
Chairman

## **Minutes of the Ohio State Racing Commission Meeting held on Wednesday, August 31, 2022**

1. The Ohio State Racing Commission ("Commission") held its monthly meeting at 10:00 a.m. on August 31, 2022, at Belterra Park Cincinnati, 6301 Kellogg Road, Cincinnati, OH 45230.
2. The Commission Chairman called the meeting to order. Chairman Borgemenke and Commissioners Beth Hansen, Greg Simpson, and Thomas Winters were present. Commissioner Bill Patmon was present via a phone link.
3. Commissioner Hansen moved to approve the July 13, 2022, Commission meeting minutes. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
4. Chairman Borgemenke moved for the approval and a second for the ratification of Executive Director Dragone's approval for item number four (4) from the July 13, 2022, meeting. Commissioner Winters moved to ratify the Executive Director's approvals, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
5. Executive Director Reports
  - (A) Dayton Raceway 2022 Meet Requests:  
The Director of Racing, Jason Bluhm, was present and requested approval for the 2022 Meet. Jason Bluhm noted the change of the racing schedule to be Tuesday through Saturday with a 4:00 p.m. post. There was a request for the State Fire Marshall, Chief Kevin Reardon, to conduct the required inspection of the racing side of the property by September 15, 2022. Commissioner Hansen moved to approve the Dayton Raceway 2022 Meet Requests. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
  - (B) Mahoning Valley Race Course 2022 Meet Request:  
The Director of Racing, Elizabeth Rogers, was present. The State Fire Marshall is scheduled to conduct the required inspection of the racing side of the property on

Tuesday, September 20, 2022. Chairman Borgemenke asked for a motion and a second to consider all the items on the agenda; with the exception of an amendment that needed to be considered and voted on. Commissioner Hansen moved to approve the Mahoning Valley Race Course 2022 Meet Request, and Commissioner Winters seconded the motion. Chairman Borgemenke's amendment pertained to item B2, which is the list of officials. The Chairman moved to hold and separate Item B2. Chairman Borgemenke addressed the issue regarding racing officials not conducting themselves with a decorum of professionalism. The list of officials is to be approved at the September Commission meeting, and in the event that the September meeting doesn't happen, the Executive Director will make the determination, and it will be voted on after the fact. Chairman Borgemenke moved for the approval of the amendment, and Commissioner Winters seconded the motion. The Motion was unanimously approved by roll call.

**(C) Delaware County Agricultural Society 2022 Meet Request:**

Jason M. Settlemaier's agenda requested consideration for horses entered in the Little Brown Jug or Jugette to arrive by 11 a.m. 2 days prior to the race. Commissioner Winters moved to approve the Delaware County 2022 Meet Request, and Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.

6. Resolution 2022-09(A) Approval of Casino Distribution Percentages:  
Due to the timing of the July meeting, Resolution 2022-09 had the percentages assigned instead of raw numbers. The amounts were available after the July meeting, and they were entered to correctly reflect the distribution in dollars. Commissioner Hansen moved to approve the resolution, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
7. Resolution 2022-10 Rules:  
Amended Rules 3769-8-12; 3769-15-32; 3769-16-07; 3769-17-09; 3769-17-36; 3769-18-12; and No Change Rule 3769-5-20 were APPROVED for submission and review for filing with the Common-Sense Initiative Office, when applicable, and the Joint Committee on Agency Rule Review. Deputy Director, Tanya Boulmetis, was asked to discuss Rule 3769-8-12 and the implementation of the independent analysis being conducted prior to rulings being issued in order to potentially minimize appeals. Chairman Borgemenke asked for a motion to pass the no change rules with the proposed changes as a package. Commissioner Winters moved to approve the resolution, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
8. Adjudication – Mark Tomczak:  
Chairman Borgemenke motioned to postpone or table the hearing for Mark Tomczak due to the fact that he could not be at the meeting. Commissioner Winters moved to postpone the hearing for one meeting only. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.



9. Settlement Agreement – Daniel N. Noble:  
Commissioner Simpson moved to approve the Settlement Agreement. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.
10. Commission veterinarian, Dr. James Robertson, updated the Commission on horse fatalities in Ohio. Through August 24, 2022, there have been forty (40) total fatalities from racing and training. There have been Thirty-two (32) fatalities from the thoroughbreds – Twenty-six (26) racing and six (6) training, and eight (8) fatalities from the standardbreds.
11. Sherry White, Commission Fiscal Officer, gave her monthly financial report. Chairman Borgemenke requested a five (5) year comparison at the September meeting.
12. Chairman Borgemenke opened a discussion about the implementation of the Horseracing Integrity and Safety Act (HISA). Commissioner Winters mentioned it was announced that HISA formed a horseman's advisory group. The Jockeys' Guild representative Jeff Johnston gave an update on the new 360-GT style of riding crop and addressed the fact that they are not durable; and that there has been an issue of them breaking and marking horses. Chairman Borgemenke discussed the position of the Racing Commission and HISA in relation to either having the authority to cancel horse racing. The Chairman instructed the permit holders to communicate to their racing officials that neither the Racing Commission nor HISA have the ability to cancel racing. The Chairman made it clear that the Commission did not sign an agreement with HISA. In addition, the Chairman specified that whoever currently works for the Commission or the permit holder that may be approached to enter a contract of employment with HISA and potentially working in a dual role; that the scope of employment stays with the entity they are representing for that specific duty. Chairman Borgemenke clarified that the state regulatory body is the Commission, and the applicable rules of the federal regulatory body are governed by HISA. However, the Commission will be looking to see if any gaps or gray areas need addressed.
13. Committee Reports:
  - A. Medication Committee – Commissioner Hansen reiterated that on January 1, 2023; harness testing would remain under the Commission, and thoroughbred testing will be under HISA. The Chairman discussed the new Lasix Rule, will be implemented as of October 1<sup>st</sup>.
  - B. Safety Committee – Commissioner Simpson discussed having an October safety meeting. Director Chris Dragone said he had discussed safety issues and

concerns raised by Jockey Guild Representative, Jeff Johnston, and that they were on the agenda for the Safety Committee Meeting scheduled for October.

C. Standardbred Committee – there were no comments.

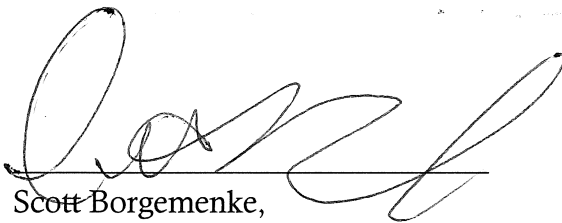
14. There were no public comments.

15. Chairman's Comments – Chairman Borgemenke requested a motion to go into an executive session for the purpose of discussion pending legal matters and personnel; and to clear the room for everybody except for the Commissioners. Commissioner Winters moved that the Racing Commission go into executive session, and Commissioner Hansen second the motion. The Commission came out of executive session and the Commission adjourned.

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Date, Time, & Place of Next Meeting  
Wednesday, October 19, 2022 @ 10 am Room 1932 Riffe Center

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Scott Borgemenke,  
Chairman



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Christopher Dragone  
Executive Director