



Ohio State Racing Commission

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Mike DeWine
Governor

Scott Borgemenke
Chairman

Minutes of the Ohio State Racing Commission Meeting held on February 27, 2020

1-The Ohio State Racing Commission (Commission) held its monthly meeting February 27, 2020 at the Riffe Center, 77 South High Street, Columbus, Ohio, Room 1948, beginning at 10 am.

2-Commission Chairman Scott Borgemenke called the meeting to order. Commissioners Greg Simpson, and Thomas Winters were present.

3- Commissioner Simpson moved to approve the January 21, 2020 Commission meeting minutes. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

4- Executive Director Bill Crawford discussed Executive Director approvals. Commissioner Winters moved to ratify the Executive Director's approvals. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

5- Deputy Director and Legal Counsel Michael Rzymek discussed Resolution 2020-04 five-year rule review for Ohio Administrative Code 3769 Chapters 5 and 6. Commission Simpson moved the Commission approve Resolution 2020-04. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

6- Deputy Director and Legal Counsel Michael Rzymek discussed Resolution 2020-05 rule changes in Ohio Administrative Code 3769 Chapters 2,4 and 7. Commissioner Winters moved that the Commission consider and approve Resolution 2020-05. Commissioner Simpson seconded the motion. After discussion Commissioner Winters moved to amend his motion to approve Resolution 2020-05 by approving the resolution except for Rule 3769-7-12. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

7- Executive Director Bill Crawford discussed Resolution 2020-06 Commission medication thresholds. Commissioner Simpson moved to approve Resolution 2020-06. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

8- Executive Director Bill Crawford discussed Resolution 2020-07 extension of time for Belterra Park closing. Commissioner Winters moved to approve Resolution 2020-07. Commissioner Simpson seconded the motion. John Oberle, outside counsel for Boyd Gaming and Gaming and Leisure Properties testified as to the reasons for the extension. Chairman Borgemenke moved to amend the extension of time from June 30, 2020 to April 30, 2020. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

9-The Commission discussed approval of the Promotional and Advertising expense for the 2020 Ohio Standardbred Development Fund. Commissioner Winters moved to approve the OSDF administrator receives fifty one thousand eight hundred and ninety one dollars (\$51, 891) to promote the Ohio Sire Stake program with twenty nine thousand two hundred and twenty one dollars (\$29, 221) being allocated for advertising and twenty two thousand six hundred and seventy dollars (\$22,670) being

allocated for Ohio Sire Stakes trophies and blankets. Chairman Borgemenke seconded the motion. The motion was unanimously approved by roll call vote.

10- Dr. James Robertson, Commission consulting veterinarian, gave an update on catastrophic horse fatalities at Ohio racetracks. Thru February 25, 2020 there has been a total of 2 catastrophic deaths with 1 Thoroughbred and 1 Standardbred due to training or racing. Dr. Robertson discussed a quarantine for equine herpes at Mahoning Valley Race Course which started on February 14, 2020 and ended on February 21, 2020.

11-Sherry White, Commission Fiscal Officer, gave her monthly financial report. She stated revenues are up seven percent mainly due to the transfer of fine accounts to the Commission. Expenses are up four percent due to increases payroll cost, office supplies, IT expenses and testing charges.

12-A There was no Medication Committee report.

12-B There will be a Safety Committee meeting in April 22, 2020.

13A-K Charles Febus from the Ohio Attorney General's office discussed the Commission's settlement agreements with Daniel Walski, Kevin Johnson (2 cases), Herman Hagerman, Randal Smith, Jessica McCown, Trent Stohler, Marty Wollam, Rickie Williams, Greg Henderson, Steve Carter and Ron Burke (2 cases). Commissioner Winters moved the Commission approve settlement agreements. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

14A-Assistant Attorney General Charles Febus discussed the hearing officers report and recommendation regarding the Henry Weiseneck. Commissioner Simpson moved the Commission adopt the report and recommendation of the hearing officer. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

15-There were no chairman's comments. .

16-There were no public comments.

17-Commissioner Simpson moved to adjourn the meeting. Commissioner Winters seconded the motion. The motion was unanimously approved by a roll call vote. The public meeting adjourned at 11:08 a.m.

Date, Time & Place of Next Meeting
Wednesday, March 25, 2020 @ 10 am
77 South High Street, Room 1948
Columbus, Ohio 43215

Scott Borgemenke, Chairman

William Crawford, Executive Director

OHIO STATE RACING COMMISSION

RESOLUTION 2020-04

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, Chapter 5 Commission Rules 3769-5-01 through 3769-5-70, and 3769-5-99, Chapter 6 Commission Rules 3769-6-01 through 3769-6-60, and 3769-6-99 are subject to R.C. 119.032 five-year review;

WHEREAS, Commission staff has sent out Chapters 5 and 6 to stakeholders for their review and comment. Commission staff has conducted meeting with the stakeholders to discuss these rules;

WHEREAS, The Commission desires to amend in Chapter 5 Rules 3769-5-20, 3769-5-27, and 3769-5-36;

WHEREAS, The Commission desires to rescind in Chapter 5 Rules 3769-5-47, 3769-5-50; and 3769-5-54;

WHEREAS, The Commission desires to make a new rule in Chapter 5 Rules 3769-5-07 and 3769-5-51;

WHEREAS, The Commission desires to amend in Chapter 6 Rule 3769-6-24;

WHEREAS, The Commission desires to rescind in Chapter 6 Rule 3769-6-57;

WHEREAS, The Commission desires to make a new rule in Chapter 6 Rules 3769-6-25, 3769-6-55; and 3769-6-60;

WHEREAS, The Commission desires no change to Chapter 5 Rules 3769-5-01 through 3769-5-06, 3769-5-08 through 3769-5-19, 3769-5-21 through 3769-5-26, 3769-5-28 through 3769-5-35, 3769-5-37 through 3769-5-46, 3769-5-48, 3769-5-49, 3769-52, 3769-5-53, 3769-5-55 through 3769-5-70, and 3769-5-99;

WHEREAS, The Commission desires no change to Chapter 6 Rules 3769-6-01 through 3769-6-23, 3769-6-26 through 3769-6-54, 3769-6-56, 3769-6-58, 3769-6-59, and 3769-6-99;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to amend Rules 3769-5-20, 3769-5-27, 3769-5-36, are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to rescind Rules 3769-5-47, 3769-5-50; and 3769-5-54 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to make a new rule Rules 3769-5-07 and 3769-5-51 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to amend Rule 3769-6-24 is APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to rescind Rule 3769-6-57 is APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to make a new rule 3769-6-25, 3769-6-55 and 3769-6-60 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission No Change Rules 3769-5-01 through 3769-5-06, 3769-5-08 through 3769-5-19, 3769-5-21 through 3769-5-26, 3769-5-28 through 3769-5-35, 3769-5-37 through 3769-5-46, 3769-5-48, 3769-5-49, 3769-52, 3769-5-53, 3769-5-55 through 3769-5-70, and 3769-5-99 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review.

NOW, THEREFORE, BE IT RESOLVED, by the Commission No Change Rules 3769-6-01 through 3769-6-23, 3769-6-26 through 3769-6-54, 3769-6-56, 3769-6-58, 3769-6-59, and 3769-6-99 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review.

Adopted: February 27, 2020

OHIO STATE RACING COMMISSION

RESOLUTION 2020-05

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 staff has conducted meeting with the stakeholders to discuss these rules;

WHEREAS, The Commission desires to make a new rule in Chapter 2 Rule 3769-2-14;

WHEREAS, The Commission desires to make a new rule in Chapter 4 Rule 3769-4-58;

WHEREAS, The Commission desires to amend in Chapter 7 Rules 3769-7-13, and 3769-7-32;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to make a new rule in Chapter 2 Rule 3769-2-14 is APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to make a new rule in Chapter 4 3769-4-58 is APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

NOW, THEREFORE, BE IT RESOLVED, by the Commission to amend rules in Chapter 7 Rules 3769-7-13, and 3769-7-32 are APPROVED for submission and review for filing with the Common-Sense Initiative Office and the Joint Committee on Agency Rule Review;

Adopted: February 27, 2020

OHIO STATE RACING COMMISSION

RESOLUTION 2020-06

WHEREAS, The Ohio State Racing Commission ("Commission") has the authority under Ohio Revised Code 3769.03 to prescribe rules and conditions under which horse racing may be conducted;

WHEREAS, Ohio Administrative Code sections 3769-8-01 (A)(2) and 3769-18-01 (A)(2) state the Commission may, by order, establish a system of classification of prohibited foreign substances, to include methods of detection and/or regulatory thresholds recommended penalties and disciplinary measures for the presence of said substances in test samples;

WHEREAS, Ohio Administrative Code sections 3769-8-01 (A)(2) and 3769-18-01 (A)(2) further state in determining the substances to be classified the Commission shall give due consideration to the uniform classification guidelines of foreign substances and recommended penalties and model rules revised by the association of racing commissioners international;

WHEREAS, The Commission has established a medication committee which has reviewed industry therapeutic medication thresholds and the Commission's current list of Regulatory Thresholds for Prohibited Substances;

WHEREAS, The medication committee received industry input regarding the misuse and/or abuse of these therapeutic medications and the detrimental effect on the equine athlete and to all of horse racing;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Commission that the following substances are approved as the Commission's Regulatory Thresholds for Prohibited Substances:

Substance	Threshold	Matrix
Acepromazine	HEPS 10 ng/ml	urine
Albuterol	1 ng/ml	urine
Retamethasone	10 pg/ml	plasma or serum
Butorphanol	10 ng/ml	urine
Cetirizine	6 ng/ml	plasma or serum
Cimetidine	400 ng/ml	plasma or serum

Substance	Threshold	Matrix
Clenbuterol	25 pg/ml	plasma or serum
Dantrolene	5-OH dantrolene 0.1 ng/ml	plasma or serum
Detomidine	1 ng/ml	plasma or serum
Dexamethasone	5 pg/ml	plasma or serum
Diclofenac	5 ng/ml	plasma or serum
DMSO	10 ug/ml	plasma or serum
Firocoxib	20 ng/ml	plasma or serum
Flunixin	20 ng/ml	plasma or serum
Furosemide	100 ng/ml	plasma or serum
Glycopyrrolate	3 pg/ml	plasma or serum
Guaifenesin	12 ng/ml	plasma or serum
Isoflupredone	100 pg/ml	plasma or serum
Isoxuprine	1 ug/ml	urine
Ketoprofen	2 ng/ml	plasma or serum
Lidocaine	20 pg/ml of total 3-OH Lidocaine	plasma or serum

Mepivacaine	10 ng/ml of 3-OH Mepivacaine in urine Limit of Detection	urine plasma or serum
Methocarbamol	1 ug/ml	urine
Methylprednisolone	100 pg/ml	plasma or serum
Omeprazole	10 ng/ml Omeprazole Sulfide	plasma or serum

Substance	Threshold	Matrix
Phenylbutazone	2 ug/ml	plasma or serum
Prednisolone	1 ng/ml	plasma or serum
Procaine Penicillin	25 ng/ml Procaine	plasma or serum
Ranitidine	40 ng/ml	plasma or serum
Triamcinolone Acetonide	100 pg/ml	plasma or serum
Xylazine	200 pg/ml	plasma or serum

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Commission that the following substances are removed from the Commission's Regulatory Thresholds for Prohibited Substances and are now prohibited substances:

Substance	Threshold	Matrix
Pentazocine	50 ng/ml	urine
Promazine	50 ng/ml 3-OH promazine	urine
Pyrilamine	100 ng/ml O-desmethylpyrilamine	plasma or serum

Stanozolol

1 ng/ml

urine

16 B-hydroxystanozolol

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Commission that the effective implementation date of the above Orders is February 28, 2020.

Adopted: February 27, 2020

OHIO STATE RACING COMMISSION

RESOLUTION 2020-07

WHEREAS, Chapter 3769 of the Revised Code authorizes the Ohio State Racing Commission (“Commission”) to regulate and preserve the integrity of horse racing in Ohio;

WHEREAS, Revised Code 3769.03 authorizes the Commission to issue, deny, suspend, diminish or revoke permits to conduct horse racing;

WHEREAS, the Commission has issued permits for calendar year 2020 to PNK Ohio LLC, (Boyd) to conduct horse racing meetings at 6301 Kellogg Avenue, Cincinnati, Ohio 45230 also known as Belterra Park;

NOW, THEREFORE, BE IT RESOLVED the Commission approves the PNK Ohio amendment to its racing permit application for 2020 to include Gaming and Leisure Properties (GLPI) as the owner of real estate known as Belterra Park under the following conditions:

1. Boyd will continue to conduct horse racing meetings at Belterra Park;
2. The Commission’s approval of the amendment to Boyd’s racing permit application to include GLPI as the owner of the real estate known as Belterra Park is contingent and will become effective upon GLPI acquiring all real estate interests in Belterra Park including but not limited to all facilities used to conduct horse racing meetings by April 30, 2020;
3. Boyd shall send a copy of all transactional documents to the Commission within three business days of the closing of this transaction;
4. Boyd shall continue to notify the Commission regarding changes in its horse racing operations, employees or internal controls at Belterra Park;
5. Boyd shall continue to keep the Commission informed regarding material financial or operational changes at Belterra Park;
6. The existing Boyd permits shall remain in effect until the change of real estate interests at Belterra Park. The Commission will then issue new permits to conduct horse racing meetings.

Adopted: February 27, 2020