



Ohio State Racing Commission
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Mike DeWine
Governor

Scott Borgemenke
Chair

Minutes of the Ohio State Racing Commission Meeting held on Tuesday, January 16, 2024

1) The Ohio State Racing Commission ("OSRC") held its monthly meeting at 10:05 a.m. on January 16, 2024, at the Verne Riffe Center, Room 1948, 19th floor, 77 S High Street, Columbus, OH 43215.

2) Call to Order and Roll Call: The Commission Chair called the meeting to order. Chair Scott Borgemenke, Commissioners Beth Hansen, Greg Simpson, Tom Winters, and Dan McCarthy were present.

3) Executive Session: Commissioner Winters moved to go into executive session to discuss pending legal actions and personnel matters and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

Commissioner Simpson moved to leave Executive Session, and Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote. The commission returned to regular session at 10:50

4) Approval of Minutes from December 13th Commission Meeting: Commissioner Simpson moved to approve the December 13, 2023, Commission meeting minutes. Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.

5) Ratification of Executive Director Approvals: Commissioner Simpson moved to ratify the Executive Director's approvals and Commissioner Hansen seconded the motion. The ratification was unanimously approved by roll call vote.

6) Resolution 2024-01 – Casino Distribution: After listening to the financial report from fiscal officer Sherry White, Chair Scott Borgemenke reminded everyone that the commission is evaluating using more of the percentage the commission is allowed to receive to be able to regulate properly. He noted that the commission has about half of the Full Time Employees that the commission had a few years ago. The Chair asked OHHA Executive Director, Renee Macino and HBPA Executive Director, Dave Basler to explain the history of the Casino Distribution Revenues and why the reduction to two harness racetracks (Miami Valley and Scioto Downs) remain part of the Casino Distribution from the original four. It was explained that Belterra and Northfield converted into a REIT and lost their casino distribution funding. Chris McErlean reiterated the history and explained that Miami Valley and Scioto Downs are the last two racetracks which are owned by an entity that do not have ownerships that are involved with commercial casinos, while the other Ohio tracks are not owned by the entity, but by a REIT. Commissioner Winters moved to approve Resolution 2024-01 – Casino Distribution and Commissioner Simpson seconded the motion. The Resolution was unanimously approved by roll call vote.

- 7) Resolution 2024-02 – Rule Review: Commissioner Winters motioned to split the resolution into two parts, and Commissioner Simpson seconded the motion.
- a) Amending Chapter 1 – Language in Foreign Substance and Vet/Vet Assistant: Commissioner Winters moved to table this until the next meeting and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
 - b) 5 Year Rule Review Chapter 14 – Permit Holders and Officials. Commissioner Winters moved to approve the filing of the no-change 5-Year Rule Review of Chapter 14 and Commissioner Simpson seconded the approval. The motion was unanimously approved by roll call vote. The resolution as adopted reads as follows:

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, The Commission desires no change to Chapter 14 Rules 3769-14-31-01 through and including 3769-14-54, and 3769-14-99

NOW, THEREFORE, BE IT RESOLVED, by the Commission to have “no change” Chapter 14 Rules 3769-14-31-01 through and including 3769-14-54, and 3769-14-99 APPROVED for submission and filing with the Committee on Agency Rule Review upon the Common-Sense Initiative Offices’ recommendation.

- 8) Update on Rules Status:

- a) SB9 Compliance
- b) 5-Year Rule Review

Chair Borgemenke combined rules for the SB9 Compliance and 5-Year Rule Review. OSRC Deputy Director Tanya Boulmetis gave the updates that Resolution 2023-10 was final filed on January 15th, 2024, and will be effective in 10 days. Resolution 2023-10 will result in the commission being over the SB-9 10% required compliance. Chair Borgemenke asked Ms. Boulmetis to send a notice to JCARR that the Commission believes they are currently compliant with SB-9.

- 9) Update on Horse Fatalities: Dr. James Robertson updated the Commission on horse fatalities in Ohio during the year 2023. 2023 had a total of 35 Equine deaths which includes racing, training, and sudden deaths. There were 34 Thoroughbreds and 1 Standardbred death in 2023. For Standardbreds: There were ten fewer deaths in 2023 than in 2024. Dr. Robertson was impressed that there were no Standardbred fatalities out of 57,744 starts in 2023. The thoroughbred racing season had a total of 14,797 starts on dirt and 1,332 starts on turf. 2023 Ohio racing fatality rate on dirt was 1.55/1000 starts which is slightly higher than 2022. The turf fatality rate was 0.75/1000 starts which was lower than the 2022 national average. Dr. James Robertson informed the Commission that there were no horse fatalities in December 2023 and thus far into January 2024 there have not been any horse fatalities. Chair Borgemenke asked Dr. Robertson to prepare an email to be sent to the Governor on the updated horse fatality statistics in Ohio.

- 10) Monthly Financial Report: This item was taken out of order and heard before item 6. Fiscal Officer Sherry White informed the Commission that 2023 ended much worse than 2022 by \$15,000. Mrs. White said that our usual income increases are not helping improve revenues. Revenues are down 20% and licensing is down 17% for the first month of 2024. Chair Borgemenke mentioned actively regulating funds for OSRC.
- 11) Adjudication Case Nos 2021 – 45, 46, 52, 53, 54: Attorney Kevin Shook appeared in front of the Commission to represent Ake Svanstedt, Julie Miller, Bret Swartz, Brian Brown, and Doyle Bross. Commissioner Winters moved to reject the hearing officer's recommendation and to send this decision for the Judge's review and Commissioner Simpson seconded the motion.
- 12) Update on HISA: Removed from the Agenda by the Chair.
- 13) Committee Reports:
- a) Medication – No report.
 - b) Safety – Commissioner Simpson informed the Commission of the successful Miami Valley safety meeting on January 3, which was also attended by Renee Mancino and Commissioner Simpson.
 - c) Standardbred – Commissioner Winters informed the Commission on the status of approval of the racing schedule for the 2024 season by OSDF and that the new dates will be sent to the print shop to become public. OSDF is working on minor issues regarding registration eligibility and breeding season.
- 14) Commissioners Comments: The Chair gave a general notice that the Commission needs more funding to properly service Ohio in the 2024 year and will be opening a public meeting to discuss more funding for OSRC.
- 15) Public Comments: No public comments.
- 16) Adjournment: The Commission meeting was adjourned at 12:05 p.m. Commissioner Simpson motioned to adjourn the meeting and Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.

Date, Time, and Place of Next Meeting

Tuesday, February 20, 2024, at 10:00 a.m. in Room 1948 Riffe Center



Scott Borgemenke,
Chair
Ohio State Racing Commission



Christopher Dragone
Executive Director
Ohio State Racing Commission