



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 July 12, 2023.**

1. The Ohio State Racing Commission (“OSRC”) held its monthly meeting at 10:00 a.m. on July 12, 2023, 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 Chairman called the meeting to order. Chairman Scott Borgemenke, Commissioners Beth Hansen, Tom Winters, Greg Simpson, and Dan McCarthy were present. It was noted there were five members present, and any vote would require 3 votes to pass.
3. Approval of Minutes from June 21, 2023, Commission Meeting. Commissioner Simpson moved to approve the June commission meeting minutes. Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.
4. Ratification of Executive Directors approvals: Executive Director Dragone discussed the Executive Director’s approvals. Commissioner Hansen moved to ratify the approvals, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
5. Analytical Toxicology Laboratory Contract: Executive Director Dragone discussed conversations with the laboratory regarding the new charges the lab suggested. The lab has proposed a 6% – 9% increase in their fees. OHHA Executive Director Renee Mancino stated the OHHA was assessed an approximately a 20% increase since 2015. She also noted the fees charged to the OSRC have not changed since 2017. In addition, she mentioned her concerns that the OHHA could potentially be charged for HISA lab expenses. Executive Director Dragone mentioned that there had been discussions with the lab that the OSRC is not expecting to pick up the tab for any HISA expenses, extra equipment, and the like.
6. Resolution 2023-07 Drug Test Cost: This item was removed from the agenda due to not having a contract with the laboratory.
7. Resolution 2023-08 Casino Tax Distribution: Commissioner Winters move to consider resolution 2023-08. Commissioner Simpson seconded the motion. Chairman Borgemenke explained that some quarters we are able to have the exact numbers, then sometimes due to timing, we only have the percentages for the time of the Commission meeting. Once the actual numbers are received, exact number as referenced by the percentage is appropriated. The motion was unanimously approved by roll call vote.

8. Update on Horse Fatalities: Dr. Robertson gave his update on horse fatalities. There has been a total of 17 Thoroughbred fatalities. There were 12 racing deaths and 5 sudden deaths. There have been no Standardbred fatalities. Chairman Borgemenke asked if the most recent sudden death was under HISA. Dr. Robertson reported that it was under HISA, but before HIWU. The horse went for necropsy per HISA rules and was reported to have died due to Exercised-Induced Pulmonary Hemorrhage (EIPH).
9. Monthly Financial Report: Sherry White gave the financial report. Revenues decreased 1% from last year, but expenses were down 3%, which gave the Commission a \$152,000 gain for the fiscal year. This was within 5% of the expectations predicted at the end of the last fiscal year. Tax revenues were down 13% from fiscal year 2022. Casino revenues were strong, as they were only down 1% overall. Expenses are down, especially payroll. IT services, legal fees, and equipment were also reduced. Chairman Borgemenke asked if revenues would continue to be flat, and Sherry agreed. Chairman Borgemenke noted that Casino revenues seem to have flattened and may have possibly declined somewhat. There is now a saturated Casino market. He also mentioned that the license fees pay for the licensing expenses. He stated the Commission has flat revenues and increased expenses.
10. Adjudication – David Bryan: This item was pulled from the agenda.
11. HISA update: There was a discussion on start fees/mount fees being discussed at HISA to instruct the racetracks to institute a start fee and when to enact it. Patrick Ellsworth from Thistledown confirmed this was his understanding also. Ashley Holliday and Justin Remschneider from Belterra both indicated this was their understanding and they had concerns on how this fee would be implemented. Elizabeth Rogers indicated HISA did a credit-back on overpayments from last year, but she wasn't sure how that would be applied going forward. Dave Basler indicate there were many issues concerning this proposed fee such as whether it would be retroactive or not. All stakeholders expressed concerns about a potential loss of horses entering in Ohio due to the proposed start fees. This would have a negative impact on thoroughbred racing in Ohio.
12. Committee Reports:
 - A. Medication – This was pulled from the agenda.
 - B. Safety – This was pulled from the agenda.
 - C. Standardbred– This was pulled from the agenda.
13. Commissioners' Comments: There were two discussion points: the strangles outbreak at Thistledown and air quality issues due to the smoke from the fires in Canada. Executive Director Dragone commented on the lack of cooperation and communication from HISA representatives. He mentioned that although they are HISA/HIWU representatives, they are still licensed by the OSRC, and are required to answer questions. Dragone acknowledged there are non-disclosures concerning positive tests and some other things, but when it concerns a strangles outbreak on a property the OSRC regulates, he expects full cooperation from the veterinarians involved. Chairman Borgemenke requested the commission contact the Board of Veterinary Medicine and request they ask the question on our behalf. Chairman Borgemenke mentioned the commission has a responsibility to


investigate and could potentially close the backside entirely if the commission feels it is warranted to protect the racing population. Dave Basler of the HBPA spoke and gave an update on the timeline of what had occurred. Basler also mentioned that the HBPA is covering the costs of all the testing. Dr. Robertson spoke and commended Dr. Summers for always being available for consultation. Dr. Robertson reiterated that strangles is a “disease of concern” and is not a reportable disease in Ohio. The ODA does not step in and run the quarantine for a disease of concern as it would for a reportable disease.

Air Quality (Air Quality Index or AQI) was the next topic in the Commissioners’ comments. The fires in Canada created a widespread area of very poor air quality all over the State. Dr. Robertson had prepared a report illustrating the meaning of the numbers, and the potential effects relating to small particulate air pollution on the lungs. There is a dose effect, and an exposure effect. Dr. Robertson recommended once the AQI exceeds 175 to cancel racing. There was discussion about which site to use, and it was decided to use the closest location to the track using Airnow.gov which is under the umbrella of the EPA. When the air quality is poor but not over 175, it is communicated to horsemen that they may scratch without penalty due to air quality. After much discussion between all Commissioners and all stakeholders in attendance, it was decided to use Airnow.gov as the official site and cancel racing if the reading is 175 or above. Chairman Borgemenke motioned to have the Executive Director issue a directive to this extent. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.

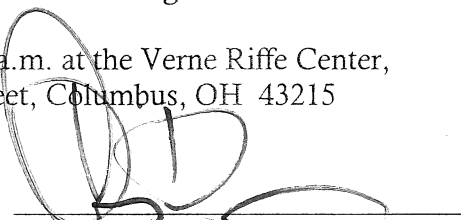
14. Public Comments: Greg Luther, an Ohio licensed owner spoke to the commission regarding regulatory issues at Scioto. The Commissioners listened to his concerns and ordered an investigation into the allegations.
15. Executive session: There was a 15-minute executive session to discuss pending legal matters.
16. Adjournment: The meeting was adjourned at approximately 12:20 p.m.

Date, Time, and Place of Next Meeting

Wednesday September 13, 2023, at 10:00 a.m. at the Verne Riffe Center,
Room 1948, 19th Floor, 77 S High Street, Columbus, OH 43215



Scott Borgemenke,
Chairman



Christopher Dragone
Executive Director

