



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 June 21, 2023.

1. The Ohio State Racing Commission ("OSRC") held its monthly meeting at 10:00 a.m. on June 21, 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 Scott Borgemenke called the meeting to order. Commissioners Beth Hansen, Greg Simpson, and Dan McCarthy were present. Commissioner Tom Winters was present via phone link. There was a quorum, and it was noted Commissioner Winters would be unable to vote.
3. Commissioner Simpson moved to approve the May 17th Commission meeting minutes. Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.
4. Ratification of Executive Director Approvals: Commissioner Simpson moved to approve the ratification of the Executive Director's approvals. Commissioner Hansen seconded the motion. Chairman Borgemenke mentioned reviewing what happens with fine monies. The motion was unanimously approved by roll call vote.
5. Executive Director Report: Delaware County Agricultural Society 2023 Meet request: Commissioner Simpson moved to approve the Delaware County Meet request. Commissioner Hansen seconded the motion. Chairman Borgemenke noted the packet was incomplete as it did not have the export rates that the OHHA has to approve. OHHA Executive Director Renee Mancino mentioned the OHHA had no objections on a conditional approval. The Commission unanimously approved the meet request, contingent upon receiving the rates, and those rates being approved by the OHHA.
6. Thistledown/Churchill Simulcasting: Angela Matthews, General Manager at Thistledown and Patrick Ellsworth, Director of Racing at Thistledown appeared. Thistledown did not have all simulcast approvals signed off on by the HBPA. Thistledown sent the packet to the Commission and the HBPA hours prior to their first race. The HBPA did not approve the rates from 3 ADW's. Apparently, Thistledown has NYRA handle the negotiations on the rates, and NYRA did not give the information to Thistledown in a timely manner. Racetracks are responsible for securing the approvals needed. The Commission is proposing that all paperwork for all meet requests are complete and submitted to the Commission at least 30 days before the start of the respective meet. Dave Basler of the HBPA spoke on not

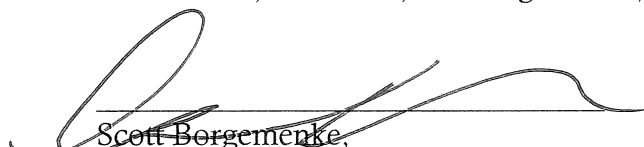
approving 3 of the sites, and there was not enough time for him to properly review the entire packet.

7. Analytical Toxicology Laboratory Annual Report Presentation: Jared Parko, one of the Deputy Directors of the Ohio Department of Agriculture and Soobeng Tan, Director of the Analytical Toxicology Lab were present to speak about the annual report and the proposed increase in testing fees. Soobeng Tan spoke about the statistics of all positive tests from 2022, the numbers and categories that positive tests were reported on. He also mentioned that ATL maintained its' ARCI accreditation, passed an on-site inspection, and ATL was one of only five labs that scored 100% on the Association Official Racing Chemists testing. The ATL also identified for the first time in Ohio 3 class A substances. Jared Parko spoke about the increase in costs. He said they were covering the costs of testing, which includes cost of supplies, personnel, and depreciation/amortization of equipment which range in price from \$10,000 to \$600,000. He declined to answer when asked by the Chairman if the OSRC prices are equal to what HISA is being charged. Dr. Robertson gave a brief explanation about the differences in effect and penalties between classes A, B, C, and D. Executive Director Christopher Dragone noted that the Commission would be unable to sign the new contract due to not receiving the new prices in a timely manner.
8. Resolution 2023-06 Rule Revisions: Commissioner Simpson made a motion to approve Resolution 2023-06, and Commissioner Hansen seconded the motion. Deputy Director Tanya Boulmetis spoke to the particulars of the rule revisions, which were to combine Chapters 1 and 11 into a new chapter 1 in order to comply with SB 9. Chapters 8-01 and 18-01 were being revised to eliminate the differing penalties of NSAIDs from all other Class C substances and make all Class C substances be treated equally. The wording within this chapter which required the averaging of testing costs from what the horsemen pay is being removed. The motion was unanimously approved by roll call vote.
9. Resolution 2023-07 Drug testing costs: The Executive Director recommended this resolution be tabled as the new contract with ODA has not been signed. Commissioner Simpson made a motion to table resolution 2023-07, and Commissioner Hansen seconded. The motion was unanimously approved by roll call vote.
10. Update on Horse Fatalities: Dr. Robertson noted there were three thoroughbred fatalities in May, and as of June 22 there had been four thoroughbred fatalities. These brought the 2023 thoroughbred totals to fourteen; nine were racing and five were training. There have been no Standardbred fatalities.
11. Monthly Financial Report: Sherry White, the OSRC Fiscal Officer reported that there is still one month left to go in the fiscal year. She noted that expenses are down mostly due to a decrease in FTEs. There has also been a decrease in revenues from tax on handles. She noted that this decline has been increasing in recent years and is an unreliable income source. Chairman Borgemenke mentioned that increased casino revenues were used to offset the reduction in pari-mutuel taxes, but no longer do so and there is a structural imbalance. Most fee-based costs such as fingerprints and licenses tend to pay for themselves, and as the Racing Commission is not general-revenue funded, the Commission cannot ask for more funding.

12. Cost of living for Unclassified Exempt Employees: Chairman Borgemenke noted that Union and Classified employees across the state receive an automatic cost of living increase. Unclassified employees must be voted on to have parity. There were no objections by any Commissioners, and this resolution was passed.
13. Adjudication for Rebecca Zubkoff: Chairman Borgemenke noted that Zubkoff did not file an objection to the Hearing Officers report and recommendation, was not in attendance, nor was anyone representing her. Todd DeBoe spoke on behalf of the Ohio State Racing Commission. The Commissioners voted unanimously to adopt the Hearing Officers Report and Recommendation.
14. Update on HISA: Executive Director Dragone spoke to a disparity in the post-race test barn void claims at Thistledown compared to Belterra and the rest of the county. Belterra and most of the county is less than 10%, but at Thistledown the claims declared void at the test barn are around 28%. Dr. Robertson commented there has been no standard given by HISA for the post-race observations and some Veterinarians may be doing them differently. Chairman Borgemenke asked about pre-race exams and why the post-race rate is so high after all the horses were examined before the race. Dave Basler noted failing the pre-race exam at Thistledown is consistent with the rest of the country, it is only the post-race percentages that are an outlier.
15. Committee Reports: There were none.
16. Commissioners Comments: Executive Director Dragone thanked Scioto Downs for how well the 3-light warning system is going. It has been used twice there and everything went seamlessly.
17. Public Comments: Renee Mancino of the OHHA asked Jared Parko (ODA) about the new cost proposals, and how they are allocated. She was concerned that the cost could be unevenly allocated to Standardbreds.
18. Executive session: There was no Executive Session.
19. Adjournment: Commissioner Simpson moved to adjourn the meeting, and Commissioner Hansen seconded the motion. The meeting was adjourned at approximately 11:30.


Date, Time, and Place of Next Meeting

Wednesday July 12, 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

SCOTT
BORGEMENKE



Christopher Dragone
Executive Director