



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 May 17, 2023.

- 1) The Ohio State Racing Commission ("OSRC") held its monthly meeting at 10:00 a.m. on May 17, 2023, at Eldorado Scioto Downs, 6000 South High Street, Columbus, OH 43207.
- 2) Call to Order and Roll Call: The Commission Chairman called the meeting to order. Chairman Scott Borgemenke, Commissioners Beth Hansen, Tom Winters, and Greg Simpson were present. Commissioner Bill Patmon was present via a phone link. It was noted Commissioner Patmon would be unable to vote, as he was not in attendance.
- 3) Commissioner Simpson moved to approve the April 19, 2023, commission meeting minutes. Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.
- 4) Executive Director Dragone discussed the Executive Director's Approvals. Commissioner Simpson moved to approve the ratification of the approvals, and Commissioner Hansen seconded the motion. The Executive Director commented about uncoupling same owner/same trainer entries and Simulcast designations. Executive Director Dragone mentioned the need for larger betting interests with small fields, and planned to send a letter to all stakeholders clarifying what the rule says. Chairman Borgemenke and Executive Director Dragone both mentioned that notice to the public of a commonality between separate betting interests is paramount. There should be a scroll on the TV, the announcer should announce it, and it should be notated in the program. Regarding Simulcast designations Commissioner Winters asked for clarification on the codes, and HBPA president Dave Basler explained it. Chairman Borgemenke asked if there was anyone in attendance from Thistledown. There was not. The Chairman reminded everyone that export signals must be signed off by the Horsemen and the Commission prior to the exporting of unapproved signals. The motion was unanimously approved by roll call vote.
- 5) Resolution 2023-01 Vet Tech: Revision to rule 3769-8-01 and 3769-18-01 which would allow for veterinarian technicians to draw blood in the test barn. Commissioner Thomas Winters moved to approve the resolution, and Commissioner Simpson seconded. Executive Director Dragone mentioned the critical need for large animal vets within the equine industry in the entire country, and the difficulty of finding them. Comments were made by Executive Director Dragone that one of the difficulties of

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finding test barn veterinarians is the tendency of horsemen to behave unprofessionally toward them. He reminded everyone that if there is no test barn vet, there is no racing. Having the option of using licensed veterinary technicians would assist in keeping racing going should there be no veterinarians available. HBPA President Basler commented that he has been having ongoing discussions with his horsemen about the need to act professionally with everyone. Executive Director Dragone mentioned that the Commission intends to hold licensees accountable if they are not. He also mentioned that it may become necessary to have cameras in every test barn, along with a security guard to sign people in and out. The motion was unanimously approved by roll call vote.

- 6) Adjudications – Chairman Borgemenke reminded all present that there have already been two hearing about any appeal that comes before the commission: The Steward/Judges hearing, and the Hearing Officers hearing. Commissioner Winters also commented that the decision to uphold, deny, or modify the hearing officers report is the purpose of this process. This is not a de novo hearing.
 - a) Alejandro Murrillo-Rodriguez. Murrillo-Rodriguez was represented by attorney Sergey Katz. Commissioner Winters moved to uphold the hearing officers report and recommendation. Commissioner Simpson seconded. The motion was unanimously approved by roll call vote.
 - b) Jessica Millner: No one appeared on behalf of Jessica Millner. Commissioner Winters moved to uphold the hearing officers report and recommendation. Commissioner Simpson seconded. The motion was unanimously approved by roll call vote.
 - c) David Wilson: Mr. Wilson appeared on his own behalf. Commissioner Winters moved to uphold the hearing officers report and recommendation. Commissioner Simpson seconded. The motion was unanimously approved by roll call vote.
- 7) Update on Horse Fatalities: Dr. James Robertson reported there were three thoroughbred fatalities in May. This brings the total for the year to 10 – three training, and seven racing. He noted that in the Jockey Club Equine Injury Database, only horses that die within 72 hours of a race are put into their system, and we use the same criteria. There were no standardbred fatalities.
- 8) Monthly Financial Report: Fiscal officer Sherry White noted that revenues are down from Casino and Taxes approximately \$500,000 this year, yet due to about a 4% decrease in expenses the Commission is about 12% higher for the year than projected. She noted that all budget testimony for the house and senate has been done and will be starting the bi-annual audit for the years 2022-2023.
- 9) Update on HISA: Chairman Borgemenke commented that effective Monday May 22, 2023, HISA would be taking over all testing for Thoroughbred racing. He emphasized that the Commission still has a role in regulating thoroughbred racing. Commissioner Winters noted his concerns that on the standardbred side there is increasing chatter regarding HISA. The Jockey Club issued a statement criticizing the USTA, and the

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USTA responded to that. In addition, the owner of the Meadowlands (in New Jersey) is in favor of HISA.

10) Committee Reports:

- a) Medication:** Commissioner Hansen spoke about the well-attended Medication committee meeting and thanked all who had input. She emphasized that the meeting was to revise the single NSAID rule and did not have anything to do with revising threshold substances. Dr. Robertson commented on the leniency of our current rule, and that it is inconsistent with all other Category C substances. Parity to all other Class C substances requires the loss of purse. The penalty to the trainer would be discretionary by the Stewards/Judges depending on the mitigating and aggravating factors.
- b) Safety:** Commissioner Simpson spoke about the requirement that all ponds are to be fenced in by the beginning of their meet. He commended Belterra for an excellent response to an incident that occurred on May 12. Chairman Borgemenke noted there would not be approvals for tracks who are not in compliance with a fence around their pond(s).
- c) Standardbred:** Commissioner Winters had no comments.

11) Commissioners' Comment: Chairman Borgemenke talked about the miraculous recovery of a jockey who had been injured at Thistledown, and commended Thistledown and their accident protocols.

12) Public Comments- Attorney Brian Munce, legal counsel for the Ohio Quarter Horse Association and Jim Bratton, vice-president of the OQHA spoke about the funding for purses they receive. They requested \$350,000 toward their purses. Currently they receive \$50,000 from the OSRC, and the HBPA contributes \$35,000. Munce noted that since July 2022, there has been \$10 million dollars distributed by the OSRC from gross casino revenue. The OQHA receives less than half a percentage of those funds. They also mentioned the Quarter Horse Congress (which is held in Columbus); that more than 600,000 people attend and it brings \$409 million to the central Ohio economy. Commissioner Simpson noted that he was on the State Fair Board, and in the six years that he served, Congress never requested to promote Quarter Horse racing in Ohio. Commissioner Hansen noted that the \$50,000 has been in place for at least as long as the past four years. Executive Director Dragone mentioned the HBPA contributes \$35,000 to assist the OQHA to promote their sport, and of the \$85,000 from last year, the OQHA did not use up their purse allocation. He also mentioned that by rule, the OSRC is obligated to pay 12% of the tax revenue from the previous year's amount, which would entitle the OQHA to \$700 this year. Commissioner Hansen noted that there should be a strategic plan showing what projected outcomes would be. Executive Director Dragone mentioned that the OQHA failed to fill all the races that were offered to them; in one instance where a race did not go only three horsemen entered five horses. That left the track with only three betting interests. The OQUA inferred that horsemen do not want to run in Ohio due to Ohio not conducting hair tests for Quarter Horse prohibited substances. Deputy Director Tanya Boulmetis noted that the AQHA currently

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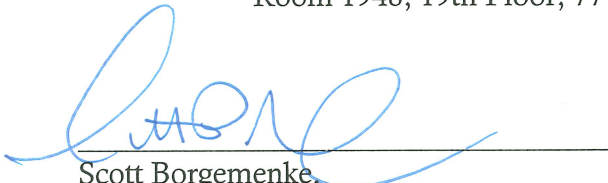
prohibits many substances and conducts hair testing both in and out of competition, which any racing Quarter Horse is subject to no matter where the horse is racing.

13) Executive Session: Tabled by Chairman Borgemenke.

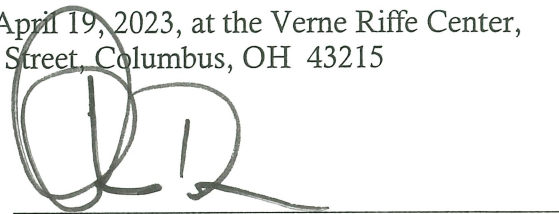
14) Adjournment: This meeting was adjourned at approximately 11:10 a.m.

Date, Time, and Place of Next Meeting

Wednesday, June 21, 2023, at 10:00 a.m. on April 19, 2023, at the Verne Riffe Center,
Room 1948, 19th Floor, 77 S High Street, Columbus, OH 43215



Scott Borgemenke,
Chairman



Christopher Dragone
Executive Director