



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, October 19, 2022

1. The Ohio State Racing Commission ("Commission") held its monthly meeting at 10:00 a.m. on October 19, 2022, in room 1948 at 77 South High Street, 19th Floor, Columbus, OH 43215.
2. The Commission Chairman called the meeting to order. Chairman Borgemenke and Commissioners Beth Hansen, Greg Simpson, and Thomas Winters were present. Commissioner Bill Patmon was present via a phone link.
3. Commissioner Winters noted that there was a correction regarding point 15, which needs to state the reason for going into the Executive Session. The August 31, 2022 Minutes were amended to specify that the reason for going into Executive Session was to discuss pending cases and personnel matters. In lieu of the amendment, Commissioner Winters moved to approve the minutes, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
4. Chairman Borgemenke moved for the approval and a second for the ratification of Executive Director's approvals. Commissioner Hansen moved to approve the ratification of the Executive Director's approvals, and Commissioner Simpson seconded the motion. Executive Director, Chris Dragone, noted that all racing officials need to be approved by the Commission. The motion was unanimously approved by roll call vote.
5. Resolution 2022-11 Casino Distribution:
Chairman Borgemenke stated that they would be releasing funds and holding funds as it has been done before. Commissioner Winters moved to approve the resolution, and Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

6. Adjudications:

(A) Mark Tomczak:

The Chairman and Commissioners heard testimony from Mark Tomczak and his son Jason Tomczak, Chairman Borgemenke called for a motion to table the adjudication for Mark Tomczak for thirty (30) days. Commissioner Winters moved to table the adjudication, and Commissioner Hansen seconded the motion. The motion was unanimously approved by roll call vote.

(B) Ricardo Bailey:

The Chairman and Commissioners heard testimony from Ricardo Bailey and statements from his counsel. Commissioner Winters asked if they were tabling the adjudication for Ricardo Bailey for thirty (30) days. Chairman Borgemenke stated if it was the will of the Commission; Ricardo Bailey's adjudication would be tabled for thirty (30) days. Commissioner Winters moved to table the Bailey case until the next meeting, and Commissioner Hansen second the motion. The motion was unanimously approved by roll call vote.

(C) Keith Kash:

Keith Kash was not present for his adjudication and he was not represented by counsel. The Assistant Attorney General, Todd DeBoe, presented a summary of the facts of the case. Todd DeBoe recommended adopting the Report and Recommendations of the Hearing Officer. Commissioner Winters moved to proceed with the Hearing Officer's recommendation of a fine of \$350 and move the horse to 8th place. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

7. Commission veterinarian, Dr. James Robertson, updated the Commission on horse fatalities in Ohio. To date, there have been forty-eight (48) total fatalities from racing and training. There have been Thirty-nine (39) fatalities from the thoroughbreds – thirty-one (31) racing and eight (8) training, and nine (9) fatalities from the standardbreds. Dr. James Robertson commented that Belterra Park should be recognized for their accomplishment of the recently concluded Belterra Meet; that the racing fatality rate on dirt was 0.96 per thousand start which is well below the national average on dirt of 1.52 per thousand starts.
8. Sherry White, Commission Fiscal Officer, gave her monthly financial report. Ms. White reported that there was a \$130,000 loss for the month of September due to huge testing fees for the month which were actually \$246,000. Ms. White also pointed out that September reflected five days from August due to the timing of the invoices. She pointed out that August had moderate fees of \$159,000. Ms. White concluded that overall; the Commission's losses for the fiscal year to date is \$5,300. In comparison to this time last year, the Commission had a reported loss of \$92,000.

9. Mahoning Valley Race course 2022 Meet Request:

(A) List of Officials

Commissioner Winters moved that the Mahoning Valley Race Course 2022 meet requests regarding the list of officials be approved. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

10. Resolution 2022-12 Request to HISA to Allow Furosemide for Thoroughbred Horses after January 1, 2023:

Commissioner Hansen moved to approve Resolution 2022-12 to request that HISA allow furosemide for thoroughbred horses racing in Ohio after January 1, 2023. Commissioner Simpson second the motion. Commissioner Hansen reported that it was her understanding that this came at the request of the HBPA to ask the Racing Commission to formally request the HISA authority to get a three-year exemption. The motion was unanimously approved by roll call vote.

11. Update on HISA:

Chairman Borgemenke summarized that HISA is asking the State Racing Commission to help them implement and/or assume some responsibility using our employees, using our money, and basically become a liaison to HISA. The cost of HISA's agreement would cost \$4.4 million dollars and would wipe out the Commission's whole budget. More importantly, Chairman Borgemenke stated that we cannot move forward and be a HISA state, due to staying compliant with Ohio's open records law. The Commission cannot comply with HISA's confidentiality and non-disclosure clause. Chairman Borgemenke clarified that the Commission will be ceding to the law of the Federal Government if the FTC adopts HISA Rules; which means the Ohio State Racing Commission will no longer be conducting the lab testing for thoroughbreds in the state of Ohio starting on January 1, 2023. In regard to the testing and personnel; those employees will not be part of the Ohio Racing commission. HISA or HIWU will have that responsibility. The President of the Ohio HBPA, Dave Basler, was in agreement that the Ohio State Racing Commission should not enter into any agreements with HISA due to its lack of transparency.

12. Committee Reports

A. Medication Committee – Commissioner Hansen stated that the process that we went through for the Lasix rule took some time, but part of that rule also eliminated the use of Amicar, and since the implementation of that rule on October 1, we've had no Amicar positives.

B. Safety Committee – The Chairman addressed that a proper review of the Belterra Park ambulance investigation has been completed and is closed. Commissioner Simpson congratulated Belterra on their safety record.

C. Standardbred Committee – Commissioner Winters reported that there are talks regarding a series of rules that keep getting pushed back, however, negotiations are continuing. Commissioner Hansen stated that the county fairs are doing well.

13. There were no public comments.

14. Chairman's Comments – Chairman Borgemenke requested a motion to go into an Executive Session. Commissioner Winters moved that the Commission go into Executive Session to discuss pending and potential legal matters. Commissioner Simpson second the motion. The motion was unanimously approved by roll call vote. The Commission came out of executive session and at 11:29 a.m., the meeting adjourned.

Date, Time, & Place of Next Meeting
Wednesday, November 16, 2022 @ 10 a.m. Room 1932 Riffe Center,
77 South High St, Columbus, OH 43215



Scott Borgemenke,
Chairman



Christopher Dragone,
Executive Director