



## Ohio State Racing Commission

77 South High Street • 18<sup>th</sup> Floor  
Columbus, OH 43215-6108  
(614) 466-2757 FAX (614) 466-1900  
www.racing.ohio.gov

**John Kasich**  
Governor

**Robert K. Schmitz**  
Chairman

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### **Minutes of the OSRC Meeting held September 26, 2017**

1-The Ohio State Racing Commission (OSRC) held its monthly meeting September 26, 2017 at the Riffe Center, 77 South High Street, Columbus, Ohio, Room 1948, at 10 am.

2-OSRC Chairman Robert K. Schmitz called the meeting to order. Commissioners Gary Koch, Todd Book, Greg Simpson and Thomas Winters were present.

3-Commissioner Book moved to approve the minutes of the meeting held on August 29, 2017. Commissioner Simpson seconded the motion and the motion was unanimously approved.

4-Commissioner Winters moved to approve the ratification of the Executive Director's approvals. Commissioner Simpson seconded the motion and the motion was unanimously approved.

5-Overview of the proposed 2018 race dates.

5a-Commissioner Koch moved to approve the 2018 racing dates for Hollywood Gaming at Mahoning Valley. Commissioner Simpson seconded the motion and the motion was unanimously approved.

5b-Commissioner Winters moved to bring up the matter of the 2018 racing dates for Thistledown. Commissioner Book seconded the motion and the motion was unanimously approved.

5c-Commissioner Winters moved to approve the 2018 racing dates for Miami Valley Gaming. Commissioner Book seconded the motion and the motion was unanimously approved.

5d- Commissioner Winters moved to reconsider the vote by which the OSRC approved the 2018 dates for Hollywood Gaming at Dayton Raceway. Commissioner Koch seconded the motion and the motion was unanimously approved. Commissioner Winters then moved to informally pass the 2018 dates for Hollywood Gaming at Dayton Raceway. Commissioner Book seconded the motion and the motion was unanimously approved.

5e-Commissioner Book moved to informally pass the 2018 dates for Scioto Downs. Commissioner Winters seconded the motion and the motion was unanimously approved.

6-Commissioner Winters moved to deny the Ohio Harness Horsemen's Association's request to appoint Hugh Beatty Jr., as a trustee for the Harness Horsemen's Health & Retirement Plan. Commissioner Koch seconded the motion and the motion was unanimously approved.

7- Dr. James Robertson, OSRC consulting veterinarian, gave an update on catastrophic horse fatalities from September 1, 2017 through September 19, 2017 stating there were a total of three catastrophic breakdowns during that time period: two Thoroughbred and one Standardbred, bringing the 2017 total to 37—32 Thoroughbred and five Standardbred.

8-Fiscal Officer Sherry White said that the OSRC had a very routine August, financially speaking.

9-Chairman Schmitz asked Bill Crawford to explain the current Ohio Department of Agriculture testing procedures. Mr. Crawford explained that texting costs were up 20% in 2016 and were projected to be up 28% in 2017, at an actual cost of \$400,000 to \$500,000. Chairman Schmitz added that to cover these additional costs that the monies would have to come out of the general operating fund.

10-Chairman Schmitz discussed the Ohio Sires Stakes Championships at Scioto Downs on Sept. 2 and also the Little Brown Jug on Sept. 21 at the Delaware County Fair Grounds. As well, he informed the group of the upcoming five, \$150,000 Best of Ohio races at Belterra Park on Oct. 7.

11-There were no public comments.

12—In the matter of the settlement agreement for Curtis Rice, Attorney General Michael Rzymek explained that syringes were found both in the tack room and on the person of Mr. Rice on April 19, and since that time, an agreement has been reached which gives Mr. Rice a five-month suspension commencing Oct. 1, 2017, through Feb. 27, 2018. Commissioner Book moved to approved Mr. Rice's settlement agreement. Commissioner Winters seconded the motion and the motion was unanimously approved.

13-Commissioner Book moved for a ten minute recess prior to the Medication Forum. Commissioner Koch seconded the motion and the motion was unanimously approved.

14-The Medication Forum began with Dr. John Reichert, a 1990 graduate of The Ohio State University who is licensed in 11 states but primarily works in Ohio on Standardbreds at the racetracks, and at his Grove City facility, Woodland Run Equine Clinic. He talked about medication thresholds, the sophistication of the tests, and external contamination in regards to very low levels that have no effect on a horse's performance and how to deal with that in regards to penalties, as well as how similar situations are handled when humans are drug tested for jobs. He spoke about the bronchodilator Clenbuteral as an aid to treat inflammatory airway diseases. Lastly, he spoke on the use of Amicar and its effect on racehorses, explaining that it aids in not having to increase Lasix dosages.

Dr. Scott Shell, who works on Thoroughbreds in the Cleveland area, primarily at Thistledown and Mahoning Valley Race Course, said Ohio is a leader in regards to medication and testing procedures and other states should be focusing on what Ohio is doing—not the other way around. He questioned the RMTC measures which he believes are not working effectively. Dr. Shell explained the benefits of using steroidal anti-inflammatory medications for osteoarthritic joints to reduce inflammation in specific areas—such as the back or sacroiliac, stating that over 53% of racehorses experience some type of soreness issues during their careers. Dr. Shell suggested that removing corticosteroids from the racetrack veterinarian's arsenal would have a negative impact upon the thoroughbred racing community, and added that the judicious use of corticosteroids such as Depo-Medrol are essential for the practicing racetrack veterinarian.

Dr. Dan Wilson, a Standardbred veterinary practitioner who has worked at racetracks in northeastern Ohio for 42 years, specifically at Northfield Park, said he believes that a one-size-fits-all medication policy discriminates against the harness horse industry. Eliminating the use of Clenbuterol, intra-articular injections and shockwave therapy would severely damage the Standardbred industry, Dr. Wilson noted, and struck comparisons between the use and efficacy of Vetalog and Depo-Medrol. He stressed that he believes the rash of atenolol and naproxen positives are the result of external contamination. He stated that Standardbreds would not benefit from using shockwave therapy ten days before a race.

Dr. Clara Fenger, a 1988 University of California at Davis and Ohio State University graduate in equine exercise physiology, serves as the secretary of the North American Association of Racetrack Veterinarians (NAARV) and for the Equine Health and Welfare Alliance (EHWA). Dr. Fenger emphasized the understanding of the long- and short-term pharmacodynamics effects of Xyalzine on horses, and of contamination circumstances surrounding the racehorse industry and that certain medications never dissipate from a stall and can be picked up by a grazing horse, causing that horse to incur a positive test. She stressed the differences of using Depo-Medrol in the ankles or knees of a Thoroughbred versus using the same therapeutic medication in the ankles or knees of a Standardbreds.

Dr. Thomas Tobin has an MVB from Dublin, Ireland, 1964 and a PhD in Pharmacology from the University of Toronto Medical Center and taught antibiotics at Michigan State University. Dr. Tobin stressed that he prefers to refer to external contamination as external “substances,” and added that he worked closely with The Ohio State University’s Dr. Al Gabel on Lasix research in the 1970s, creating a threshold that was adopted by the racing community. As well, Dr. Tobin was responsible for the ELISA Test, and works at the University of Kentucky in both toxicology and equine research. Trace levels of substances are now much easier to spot due to the sensitivity of modern testing procedures, he stressed. Dr. Tobin added that regulators must get estimates from the chemist of the concentrations in the blood and urine to know whether a found medication is a parent drug or metabolite. Studying the concentration levels is paramount, he said.

Dr. Alicia Bertone, a veterinarian and professor from The Ohio State University and a Cornell University graduate discussed the levels and testing procedures of the FEI (The International Federation for Equestrian Sports) and USET (United States Equestrian Team). She stressed that the focus of testing has to be for the benefit of the horse and to protect the honest and legitimate horsemen with science and established levels.

Renee Mancino, Executive Director, Ohio Harness Horsemen’s Association said that from the horsemen’s standpoint, they are mostly happy with the current testing procedures and that there is no reason to remove therapeutic tools such as Amicar, shockwave therapy, corticosteroids and bronchodilators. If testing needs to be modified for both breeds, then it could be refined with regards to breed distinctions, durability and racing styles.

Dave Basler, HBPA Executive Director spoke about the Scientific Advisory Committee of the RMTC (Racing Medication Testing Consortium), and said horsemen will usually take a penalty because they do not have the necessary funds to hire a lawyer in an attempt to prove their innocence in the wake of a positive test.

15-There being no further business, Commissioner Winters moved to go into executive session to consider the hiring, promotion or compensation of public employees. Commissioner Simpson seconded the motion and the motion was approved via roll call vote: Chairman Schmitz voted Yes; Commissioner Winters voted Yes; Commissioner Book voted Yes; Commissioner Koch voted Yes; Commissioner Simpson voted Yes. The public meeting adjourned at 1:34 p.m.

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Date, Time & Place of Next Meeting

October 27, 2017 @ 10 am

77 South High Street, Room 1948

Columbus, Ohio 43215

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Robert K. Schmitz, Chairman

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William Crawford, Executive Director

# Ohio State Racing Commission Resolution 2017-05

**WHEREAS**, Article 15.06 of the Ohio Constitution establishes that three percent of the tax on gross casino revenue shall be distributed to the Ohio State Racing Commission (“Commission”) to support purses, breeding programs, and operations at all existing commercial horse racetracks permitted as of January 1, 2009;

**WHEREAS**, Ohio Revised Code section 3769.03 grants the Commission general authority to act in the best interest of the state and take discretionary action;

**WHEREAS**, Ohio Revised Code section 5753.03 grants the Commission appropriation authority to distribute casino tax revenue;

**WHEREAS**, the Commission has solicited and received public comments on the potential distribution of casino tax revenue;

**WHEREAS**, the Commission has received a distribution of casino tax revenue on October 15, 2017, in the amount of **one million nine hundred eighty-nine thousand sixteen dollars and ninety-five cents (\$1,989,016.95)**;

**WHEREAS**, the Commission desires to make distributions of casino tax revenue in the amount of **one million nine hundred eighty-nine thousand sixteen dollars and ninety-five cents (\$1,989,016.95)**;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that casino tax revenue received by the Commission be distributed as follows, for the purposes specified:

- (A) Three hundred seventy-seven thousand nine hundred thirteen dollars and twenty-two cents (\$377,913.22) to the **Ohio Thoroughbred Race Fund** to be used to fund purses and/or support the breeding of thoroughbred horses in Ohio;
- (B) Three hundred seventy-seven thousand nine hundred thirteen dollars and twenty-two cents (\$377,913.22) to the **Ohio Standardbred Development Fund** to be used to fund purses and/or support the breeding of harness horses in Ohio;
- (C) Seventy-four thousand five hundred eighty-eight dollars and fourteen cents (\$74,588.14) to **Miami Valley Gaming & Racing** to be used to support commercial operations;
- (D) Seventy-four thousand five hundred eighty-eight dollars and fourteen cents (\$74,588.14) to **Northfield Park** to be used to support commercial operations;
- (E) Seventy-four thousand five hundred eighty-eight dollars and fourteen cents (\$74,588.14) to **Belterra Park** to be used to support commercial operations;

(continued)

## Ohio State Racing Commission Resolution 2017-05

- (F) Seventy-four thousand five hundred eighty-eight dollars and fourteen cents (\$74,588.14) to **Scioto Downs** to be used to support commercial operations;
- (G) Ninety-nine thousand four hundred fifty dollars and eighty-two cents (\$99,450.82) to the operating fund of the **Ohio State Racing Commission** to be used to provide compensation to administrative staff that support the Ohio Standardbred Development Fund and the Ohio Thoroughbred Race Fund; and for costs and fees associated with the commercial operations of racing at Miami Valley Gaming & Racing, Northfield Park, Belterra Park, and Scioto Downs;
- (H) Seventy-five thousand six hundred eighty-two dollars and twenty-six cents (\$75,682.26) to **Hollywood Gaming at Mahoning Valley Race Course** to be used to support the thoroughbred purse pool;
- (I) Seventy thousand ten dollars and seventy-four cents (\$70,010.74) to **Belterra Park** to be used to support the thoroughbred purse pool;
- (J) Seventy-three thousand eight hundred twenty-two dollars and seventy-five cents (\$73,822.75) to **JACK Thistledown** to be used to support the thoroughbred purse pool;
- (K) One hundred twelve thousand three hundred fourteen dollars and seventy-one cents (\$112,314.71) to **Miami Valley Gaming & Racing** to be used to support the harness racing purse pool;
- (L) Three hundred six thousand nine hundred twelve dollars and ninety-five cents (\$306,912.95) to **Northfield Park** to be used to support the harness racing purse pool;
- (M) Eighty-eight thousand eight hundred eighty-four dollars and eighty-two cents (\$88,884.82) to **Hollywood Gaming at Dayton Raceway** to be used to support the harness racing purse pool; and
- (N) One hundred seven thousand seven hundred fifty-eight dollars and eighty-two cents (\$107,758.90) to **Scioto Downs** to be used to support the harness racing purse pool.

Adopted: **October 27, 2017**