



Ohio State Racing Commission

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Mike DeWine
Governor

Scott Borgemenke
Chairman

Minutes of the Ohio State Racing Commission Meeting held on October 20, 2021

1. The Ohio State Racing Commission (“Commission”) held its’ monthly meeting October 20, 2021, Room 1948, Vern Riffe Center, beginning at 10:02 am.
2. Commission Chairman Scott Borgemenke 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 in a non-voting capacity. Four (4) commissioners fulfilled the quorum requirements.
3. Commissioner Simpson moved to approve the September 8, 2021, Commission meeting minutes. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote.
4. Commissioner Winters moved to ratify the Executive Director’s approvals. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
5. Executive Director’s Report
 - A) Chairman Borgemenke discussed the 2022 meet request for Northfield Park and recommended an amendment to withhold approval of the officials until satisfactory employee training is achieved. Chairman Borgemenke moved to amend the three meet approvals. Commissioner Winters seconded the motion. The motion was unanimously approved by roll call vote. Commissioner Winters moved to approve Northfield Park’s amended meet request. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
 - B) Commissioner Winters moved to approve Miami Valley’s amended meet request. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.
 - C) Commissioner Winters moved to approve Miami Valley’s amended meet request. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote.

6. Chairman Borgemenke asked for a motion to consider approval of Resolution 2021-09, Casino Revenue Distribution. Commissioner Simpson made a motion to approve Resolution 2021-09. Commissioner Hansen seconded the motion. Chairman Borgemenke opened the discussion about the distribution of Casino Revenue. He requested to have the spreadsheet calculations included in the future. He mentioned that in the current distribution letter (e.), Scioto operations will go into escrow while awaiting updates on the progression of the construction project. He also introduced that the Commission would be asking for legislative change in order to increase the Commission portion of the casino revenue from 5% to 10% in order to better regulate horse racing. Chairman Borgemenke also stated that he would withdraw the request if there was opposition. Chairman Winters pointed out that the amount would only affect the commercial operations fund and not purses. The motion to approve Resolution 2021-09, Casino Revenue Distribution was unanimously approved by roll call vote.
7. Scioto Downs management, represented by Joseph Morris and Anthony Corrano, presented an update on the progress of the new grandstand project. The design has been updated for 2021; funding of \$6M has occurred; contracts have been signed; abatement has commenced and projected to be finished by November 12; procurement is in process. The total project is expected to be finished by the end of 2022. Mr. Morris also offered the intention to move up post time for the 2022 meet in order to be finished before dark. Chairman Borgemenke asked for continuing updates on any supply change issues.
8. Chairman Borgemenke opened discussion of 2022 racing dates by asking if there was any interest in holding approval of dates. He would like to meet with each permit holder and discuss various issues affecting the tracks and the time frames in which issues are addressed throughout the year. Belterra Park representative, Chris Corrado asked if we would like to be notified of ongoing projects at the tracks. The answer was affirmative. No motion was made concerning the 2022 racing dates.
9. Chairman Borgemenke asked for a motion to consider approval of Resolution 2021-10, Executive Director's Approvals. Commissioner Simpson made a motion to approve Resolution 2021-10. Commissioner Hansen seconded the motion. The motion to approve Resolution 2021-10, Executive Director's Approvals was unanimously approved by roll call vote.
10. Chairman Borgemenke asked for a motion to consider approval of the collection and settlement agents for 2022. Commissioner Winters made a motion to approve the collection and settlement agents for each track. Commissioner Simpson seconded the motion. The motion to approve collection and settlement agents was unanimously approved by roll call vote.
11. Chairman Borgemenke opened discussion of the pending acquisition of MGM Properties by VICI Properties. A representative of MGM gave an explanation of it being a sale by MGM Growth Properties to VICI Properties. It was noted that after the sale Northfield Park would no longer receive operating funds from Casino Revenue Tax distribution.

12. Commission veterinarian, Dr. James Robertson, updated the Commission on horse fatalities in Ohio. Through October 20, 2021, there have been 36 fatalities from the thoroughbreds and 5 fatalities from the standardbreds.
13. Sherry White, Commission Fiscal Officer, gave her monthly financial report. September showed the Commission had a loss of \$71,000 due to paying off the Attorney General's expense for last fiscal year. Expenses are up due to a return to a full racing schedule and payroll is up 14%. The Chairman made a request for a separate financial meeting to help understand the money in vs. the money out.
14. Committee Reports-Chairman Borgemenke noted the need to add 'c' to the Committee Reports and add the Standardbred Committee.
 - a. Medication Committee – Commissioner Hansen gave a summation of the Medication Committee meeting on September 29. Recommendations were made to discontinue the use of race day Amicar and to have race day Lasix administered only at the tracks. Questions arose warranting future discussion about Lasix and horses that race where prohibited and then return. The decision was made to make no changes to Ohio Lasix regulations at this time due to the imminence of the Horse Racing Integrity Act (HISA) coming into effect.
 - b. Safety Committee – Commissioner Simpson stated there would be a meeting scheduled in the near future. He also mentioned the desire to address safety at both the commercial and fair venues.
15. Chairman Borgemenke asked for a motion to uphold the recommendations of the hearing office for David Ward-Case 2020-21. Commissioner Simpson made a motion to adopt the hearing officer's recommendations. Commissioner Winters seconded the motion. The Commission heard a summation of the hearing officer's recommendations from assistant attorney general Todd DeBoe. The recommendation was in favor of the Commission. There was no representative in attendance for Mr. Ward. The motion was unanimously approved by roll call vote.
16. Chairman Borgemenke asked for a motion to consider approval of Resolution 2021-11, Proposed Riding Crop Rule. Commissioner Winters made a motion to approve Resolution 2021-11. Commissioner Simpson seconded the motion. The motion to approve Resolution 2021-11 Proposed Riding Crop Rule was unanimously approved by roll call vote.
17. Chairman's Comments – Chairman Borgemenke said he had made several comments earlier and brought up a few more items of interest including the need to hire vet tech and veterinarians. He said we would start putting these items in writing, not to alarm anyone but to help keep track of the requests/items. He also brought a request from the previous meeting for information on the tracks' marketing budgets as well as an interest in events the tracks are holding. The Chairman had some questions for Thistledown Director of

Racing, Patrick Ellsworth regarding response to a bad spill. Mr. Ellsworth gave a summation of the incident and what they are planning to help improve response to such incidents.

18. Public comments included a follow up to last month by Nancy Adams. She shared that due to her complaint she had been targeted on social media and threatened by Carlos Ruben (Perez). She was asked to stay and speak with Commission Deputy Director Michael Rzymek.
19. Chairman Borgemenke asked for a motion to move to executive session . Commissioner Winters made a motion to go to Executive Session. The motion was seconded by Commissioner Simpson. The motion was unanimously approved by roll call vote. Commissioner Winters made a motion to come out of executive session. The motion was seconded by Commissioner Hansen.
20. Commissioner Winters made a motion to adjourn the meeting. Commissioner Simpson seconded the motion. The motion was unanimously approved by roll call vote. The public meeting adjourned at 1:30pm.

Date, Time & Place of Next Meeting
Wednesday, November 17, 2021 @ 10 am Room 1948 Riffe Center

Scott Borgemenke, Chairman

Christopher Dragone, Executive Director