

NEBRASKA STATE RACING COMMISSION
MINUTES OF MEETING

DATE: February 13, 2014

TIME: 1:30 p.m.

LOCATION: Nebraska Racing Commission
Conference Room
5903 Walker Avenue
Lincoln NE

PRESENT COMMISSIONERS:

Dennis P. Lee Chairman
Janell Beveridge Vice Chairperson
Helen Abbott Feller Commissioner
Jeffrey Galyen Commissioner
Kristopher Covi Commissioner

ABSENT:

Chm. Lee convened the meeting at 1:39 pm in compliance with the provision of Neb. Rev. Stat. 84-1411. Notice of the meeting was published in the Lincoln Journal Star. In addition, copies of such notice were sent to those on the Racing Commission agenda mailing list. Notification was given to the public of the open meetings law and notification to its location for public view.

APPROVAL OF THE MINUTES/REVENUE/EXPENDITURE REPORTS

Beveridge moved, seconded by Galyen to approve the minutes from the October 22, 2013 as amended. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

Abbott Feller moved, seconded by Galyen to approve the October, November, December, 2013 and January 2014 Financial Reports. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

ELECTION OF RACING COMMISSION OFFICERS

Galyen moved, seconded by Abbott Feller to nominate Dennis P. Lee as the Chairman and Janell Beveridge as Vice Chairman of the Commission for 2014. There were no other nominations. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

APPROVAL OF COMMISSION STAFF FOR 2014

Chm. Lee moved, seconded by Beveridge to approve the staff of 2014 as submitted and also to add a few part time investigators. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS RECEIVED SINCE OCTOBER 22, 2013

Covi moved, seconded by Beveridge to approve the Simulcast applications received. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

APPROVAL OF FONNER PARK RACING OFFICIALS OF 2014

Abbott Feller moved, seconded by Beveridge to approve Fonner Park officials as amended for 2014. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

JAN AND PAT MCDONNELL APPEAL OF HEARING OFFICERS
RECOMMENDATIONS – FINANCIAL – CONTINUED FROM OCTOBER 22, 2013
MEETING

Jan McDonnell was present. Kelly Martinez was present. Chm. Lee recommended that both parties take some time in another room to try to resolve this amicably. Both parties did as recommended. This item will be laid over until later in the meeting.

G.W. ECOFFEY – FINANCIAL – RESTORE TO GOOD STANDING
ANNE WARNER – FINANCIAL – RESTORE TO GOOD STANDING
JOE THOMAS – FINANCIAL – RESTORE TO GOOD STANDING

Beveridge moved, seconded by Galyen to reinstate G.W. Ecoffey, Anne Warner and Joe Thomas. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

FONNER PARK – REQUEST FOR TEMPORARY EXCEPTION OF NSRC RULE
9.001.16 AND 9.001.16A

Covi moved, seconded by Abbott Feller to grant the request as stated in the letter dated December 30, 2013 from Bruce Swihart on behalf of Fonner Park, Hall County Livestock Approval Association. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

FONNER PARK –REQUEST TO OFFER PICK 5 JACKPOT WAGERS –
COMMISSION APPROVED VIA EMAIL

Beveridge moved, seconded by Galyen to approve the Pick 5 Wager and the action of the Commission on this item as it relates to the previous Commissions approval by email. All Emails are a part of the original record.

DIRECTIVES1-12 FOR 2014

Abbott Feller moved, seconded by Beveridge to approve the Directives for 2014. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

JAN AND PAT MCDONNELL APPEAL OF HEARING OFFICERS
RECOMMENDATIONS – FINANCIAL – CONTINUED FROM OCTOBER 22, 2013
MEETING

Lynn Schuller mitigated between the parties. She reported that there is no room for agreement with Jan McDonnell or Kelly Martinez. The Commission has received Exhibits 1-6 from October 22, 2013's meeting and also the additional exhibits submitted today. With the additional exhibits that were submitted, the Commission will discuss this item in Executive Session. Covi moved, seconded by Lee to table this matter for Executive Session. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

FINANCIAL RESPONSIBILITY POLICY

Covi moved, seconded by Abbott Feller to adopt the Financial Responsibility Policy as submitted. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

DISCUSSION ITEMS – RULE MAKING PROCESS and DRUG TESTING

MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders' Association - None

NE Horsemen's Benevolent and Protective Association – Lynn Schuller reports they are excited about Fonner.

Chm. Lee wanted the meeting to reflect that the Commission received some sad news this past week that Don Everett passed away. Don was a friend of Nebraska Racing. The Commission is extending sympathies to Don's family and acknowledging his great support over his lifetime for Nebraska Racing.

EXECUTIVE SESSION

Beveridge moved, seconded by Abbott Feller to go into Executive Session at 2:45 pm.

Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

At 3:00 pm Chm. Lee moved, seconded by Beveridge to come out of Executive Session and return to the agenda. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

During the course of Executive session Chm. Lee reports that the Commission had an opportunity to review the exhibits that were previously received at the October 22, 2013 Appeal of the Hearing Officers Recommendation as well as the additional exhibits that were received today. Galyen moved, seconded by Covi that they accept the recommended order of the Hearing Officer and that Pat McDonnell is responsible for \$2,640.00 in a past due training bill due to trainer Kelli Martinez and that Mr. McDonnell will be suspended until such time that amount is paid. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

Lynn Schuller expressed sympathies to Chm. Lee for the passing of his mother recently. Janell Beveridge expressed birthday wishes to Chm. Lee for his birthday on February 12th.

ADJOURNMENT

Chm. Lee moved, seconded by Covi to adjourn the meeting at 3:05 pm. Voting aye: Lee, Beveridge, Abbott Feller, Galyen, Covi. Motion carried.

Respectfully submitted,
Tom Sage
Executive Secretary