

NEBRASKA RACING & GAMING COMMISSION  
MINUTES OF MEETING

DATE: OCTOBER 21, 2022  
TIME: 1:30 pm  
LOCATION: Nebraska East Union  
Prairie Suite  
1705 Arbor Drive  
Lincoln, NE 68503

PRESENT COMMISSIONERS:

Dennis Lee	Chairman
Janell Beveridge	Vice Chair
Jeffrey Galyen	Commissioner
Shane Greckel	Commissioner
Shelby Bakenhus	Commissioner
Tony Fulton	Commissioner
Trent Loos	Commissioner

ABSENT COMMISSIONERS:

Chm. Lee convened the meeting at 1:37pm in compliance with the provision of Neb. Re. Stat. 84-1411. Notice of the meeting was published in the Lincoln Journal Star on October 14, 2022. In addition, copies of such notice were sent to those on the Racing and Gaming Commission agenda mailing list. Notification was given to the public of the open meetings law and notification to its location for public view.

Chm. Lee then introduced Trent Loos who was newly appointed to the commission the week prior. Lee and Galyen were reappointed by the Governor.

PUBLIC HEARING FOR PROPOSED RULE CHANGES ADMINISTRATIVE TITLE 296

Notice of this second hearing was posted in the Lincoln Journal Star September 19, 2022. Lynne McNally on behalf of the Nebraska HBPA and Warhorse Gaming LLC showed their support on these rule changes and additions, as not only does it contain sports betting but also contains regulations regarding compulsive gaming. Galyen moved and Beveridge seconded to send these rules to the Attorney General for approval. Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried. Public Hearing for Rule Changes closed.

APPROVAL OF MEETING MINUTES AND FINANCIAL REPORTS

Galyen moved to approve the August meeting minutes with the amendment under Public Comments to reflect the commission's position on HISA and willingness to follow the Attorney General's recommendation on joining the lawsuit against HISA, Fulton seconded. Voting Aye: Lee, Beveridge, Galyen, Fulton. Voting Abstain: Greckel, Beveridge, Loos. Motion carried. For the September meeting minutes, Galyen moved to approve with Greckel seconding, with the amendment that under Authorized Gaming Operator to state "authorized gaming operator" instead of "games of chance". Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton. Voting Abstain: Loos. Motion carried.

Fulton motioned and Beveridge seconded to approve the August and September 2022 Financial reports. Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried.

SIMULCAST APPLICATIONS RECEIVED SINCE JULY 14, 2022

No applications were received. No action was necessary.

HEARING 2023 LIVE RACE DATE APPLICATIONS

Greckel moved and Bakenhus seconded to approve the following live horse race dates:

**Fonner Park – Grand Island**  
February 10, 2023 – May 6, 2023  
37 Days of Live Racing

**Horsemen’s Park – Omaha**  
TBD, 2023  
1 Day of Live Racing

**Columbus Exp & Racing - Columbus**  
September 30, 2023 – October 29, 2023  
11 Days of Live Racing

**Legacy Downs- Lincoln**  
May 13, 2023 – June 4, 2023  
8 Days of Live Racing

**Atokad – South Sioux City**  
September 23, 24 2023  
2 Days Live Racing

**Hastings Exp. & Racing – Hastings**  
TBD, 2023  
1 Day of Live Racing

Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried.

HEARING 2023 SIMULCASTING APPLICATIONS

Greckel moved and Beveridge seconded to approve the simulcast applications for Fonner Park if they amended their application to reflect their name of Hall County Livestock Improvement Association, Legacy Downs, Horsemen’s Park, Columbus Exposition and Racing for thoroughbred racing and Fairplay Park if they amended their application to reflect their name of Hastings Exposition and Racing for quarter horse racing. Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried.

DISCUSSION OF RACETRACK IMPROVEMENTS AND CONSTRUCTION

The commission held a conversation with the industry concerning association expectations regarding submitting plans and material that require review by the construction committee. No action needed.

CONSTRUCTION COMMITTEE RECOMMENDATION: FONNER PARK

Galyen’s motion is to recommend approval of Fonner Park’s request to remodel and improve the existing building at Fonner Park pursuant to the plans and materials submitted. Subject to the condition that all necessary permits are obtained, and the construction comply with municipal, state, federal codes, laws, rules, and regulations. In addition, the Commission includes this caveat by approving this request, the Commission makes no representation as to whether the applicant or an affiliate of the applicant is eligible to or may receive a Gaming Operator License.

An amendment to the motion was added, “Any material changes, Fonner Park will be required to submit an additional request exposé facto.” Bakenhus seconded. Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried.

#### HARRAH’S NEBRASKA, LLC AND COLUMBUS EXPOSITION AND RACING

Lee motioned that the item of an Intra-County Transfer of a Gaming License Associated with an Intra-Country Transfer of a Racing License be referred to the Attorney General, their construction plans be referred to the construction committee, and the remaining items to lay over to the next commission meeting. Galyen seconded. Voting Aye: Lee, Beveridge, Galyen, Greckel, Bakenhus, Fulton, Loos. Motion carried.

#### DIRECTOR’S UPDATE

Executive Director Sage said that an IT Manager has been hired and will start soon. The Director of Compliance position has also been filled. More Investigators will be hired along with Clerical staff. The day prior to the meeting, Director Sage had a video call with HISA about the assessment fees which the commission has already determined not to pay. These fees would only affect the tracks that choose to simulcast.

#### MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders’ Association – None

Nebraska Horsemen’s Benevolent and Protective Association – Lynne McNally thanked the Commission for fighting against HISA. She also mentioned that Lincoln will not have Australia or New Zealand for simulcast.

Nebraska Quarter Horse Racing Association – None

Nebraska Quarter Horse Breeders Association – None

#### PUBLIC COMMENTS

Chris Kotulak, CEO of Fonner Park noted to the commission the hesitation that Fonner would have if they decided not to export their simulcast signal. While they would not need to pay the HISA fees, their signal does create generous value to the purse structure.

#### EXECUTIVE SESSION

The Commission held an executive session with Director Sage starting at 3:42pm that ended at 4:00pm where they discussed security and investigation issues. No votes were taken.

#### ADJOURNMENT

Chm. Lee adjourned the meeting at 4:01pm.