

NEBRASKA STATE RACING COMMISSION
MINUTES OF MEETING

DATE: October 25, 2017
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
Thomas Patterson Commissioner

ABSENT:

Chm. Lee convened the meeting at 1:37 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 MEETING MINUTES AND FINANCIAL REPORTS

Galyen moved, seconded by Feller to approve the minutes from July 20, 2017. Voting aye: Lee, Galyen, Feller, Patterson. Abstain: Beveridge. Motion carried. Feller moved, seconded by Patterson to approve the July, August and September, 2017 Financial Reports. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS RECEIVED SINCE JULY 20, 2017

All applications have been submitted with a few additions or changes. Beveridge moved, seconded by Galyen to approve. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

HEARING: 2018 LIVE RACE DATE AND SIMULCAST FACILITY APPLICATIONS

A. Feller moved, seconded by Beveridge to approve the following live race dates for 2018:

Fonner Park - Grand Island
February 23, 2018 – May 5, 2018
31 days of live racing

Horsemen's Park – Omaha
May 12, 18, 19, 26, 27, 2018 and June 1, 2, 8 and 9, 2018
9 days of live racing

Columbus Exposition & Racing – Columbus
August 3 – September 3, 2018
14 days of live racing

Lincoln Race Course – Lincoln
September TBD, 2018
2 days of live racing

South Sioux City Racing & Events Center – South Sioux City
September 8, 2018 (September 9, 2018 backup date)
1 day of live racing

Hastings Exposition and Racing – Hastings
August TBD, 2018
1 day of live quarter horse racing

Thoroughbred = 57 days of live racing

Quarter horse = 1 day of live racing

Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

B. Chm. Lee moved, seconded by Beveridge to approve the 2018 Simulcast Facility Applications that were submitted for Fonner Park, Horsemen's Park, Lincoln Race Course and Hastings. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

SOUTH SIOUX CITY RACING & EVENTS INC

The waiving of Rules 3.003.04 and 3.003.08 and the Racing Officials were approved prior to the meeting by the Commission via email. One error, the spelling of a name, was mentioned and the Commission approved the changes by Chm. Lee moving and Feller seconding. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

NTBA REQUEST DISCUSSION OF PAYING BREED FUNDS – CONTINUED FROM JULY 20, 2017 MEETING

Chm. Lee moved, seconded by Feller to continue this until the next Commission meeting which will be in December. Chm. Lee asks that the parties that have submitted briefs that if they would consider, and he would encourage, they submit supplemental briefs by Friday, December 1, 2017. In the briefs the Commission is specifically interested in the legal position that's supported by statute or case law as it relates to who should be the custodian of the NTBA funds and also the distribution of those funds. If the parties also want to submit affidavits as to who is or has been and continues to be the custodian of each of the tracks' NTBA funds, that would be very helpful. Chm. Lee also would like the methodology implemented by those licensees and their controlling entities related to distribution and the process. In regards to the briefs and any affidavits, these will need to be submitted to Tom at the Commission office and also shared with the other parties' that made an appearance at the Commission meeting of July 20, 2017 which was the Breeders' and their council, the HBPA and its council and Fonner Park and its council. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

BRENDA ENSMINGER – FINANCIAL – DR. DIANE SIMMONS

Brenda Ensminger was not present. Dr. Diane Simmons was present. All exhibits were presented and accepted. Chm. Lee moved, seconded by Beveridge that pursuant to Rules 2.002.01 and 10.004 that the license of Brenda Ensminger be suspended due to financial responsibility and that she be denied access to all grounds under the jurisdiction of the Commission until she pays Dr. Diane Simmons the amount of \$1,108.75. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders' Association

NE Horsemen's Benevolent and Protective Association – Barry Lake informed the Commission that they are working on the development of a mile race track in Lincoln.

The Commission went into recess at 2:29 pm to review a pending investigation.

The Commission reconvened at 2:38 pm. In executive session the Commission reviewed a pending investigation. Beveridge moved, seconded by Feller to adjourn the meeting. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

ADJOURNMENT

The meeting adjourned at 2:39 pm.

Respectfully submitted,
Tom Sage
Executive Secretary