

NEBRASKA STATE RACING COMMISSION
MINUTES OF MEETING

DATE: May 5, 2016

TIME: 1:00 p.m.

LOCATION: NTBA Meeting Room
Fonner Park
700 E Stolley Park Rd
Grand Island, Nebraska

PRESENT COMMISSIONERS:

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

ABSENT:

Kristopher Covi Commissioner

Chm. Lee convened the meeting at 1:03 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

Chm. Lee moved, seconded by Galyen to approve the March 8th minutes with one correction to the top of the second page to say: considers the application for a one day license for racing. Voting aye: Lee, Feller, Galyen. Beveridge abstained. Motion carried.

Galyen moved, seconded by Feller to approve the April 13th minutes as presented. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

Beveridge moved, seconded by Feller to approve the March and April 2016 Financial Reports. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS RECEIVED SINCE MARCH 8, 2016 Feller moved, seconded by Beveridge to approve the Simulcast applications received with a few changes. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

HASTINGS EXPOSITION AND RACING INC. dba FAIRPLAY PARK: A, B AND C

Galyen moved, seconded by Beveridge to approve Item A - May 10th at 4:00pm or a date of May 12th at 4:00pm as a secondary backup date/time, Item B – racing officials with the changes noted. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

Chm. Lee moved, seconded by Feller to approve Item C – request for temporary exception of NSRC Rules. The Commission also approved via email. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

SOUTH SIOUX CITY RACING AND EVENT CENTER

Galyen moved, seconded by Feller to approve the application and the license to run one race day on September 10, 2016 at 5:00 pm subject to conditions that are statutory and those expressed conditions in 2-1205 in the Nebraska Revised Statutes. The bond requirement in 2-1206 in the Nebraska Revised Statutes. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

Chm. Lee moved, seconded by Beveridge to approve the plans that have been submitted with its design, construction and engineering for the racing facility in South Sioux City and to approve the amended articles of incorporation that have been submitted to the Secretary of State. Galyen amended that this is contingent upon any changes being made to those plans being approved by the Commission. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

OMAHA EXPOSITION AND RACING INC. dba HORSEMEN'S PARK: A, B AND C

Feller moved, seconded by Beveridge to approve the Horsemen's Park racing officials. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

Feller moved, seconded by Beveridge to approve the request for temporary exception of NSRC Rules and also the postdate and times of May 20th at 6:00pm, May 21 at 5:00pm and May 22 at 2:00pm and the July post times to be determined. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

OMAHA EXPOSITION AND RACING INC. dba HORSEMEN'S PARK: REQUEST THE APPROVAL TO LOWER ITS TAKEOUT RATE

Chm. Lee moved, seconded by Feller to approve the request for Horsemen's Park to reduce its takeout rate as reflected in Mike Newlin's letter dated March 29, 2016. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

OMAHA EXPOSITION AND RACING INC. dba LINCOLN RACE COURSE

Beveridge moved, seconded by Galyen to approve September 8, 2016 at 4:00pm to be the race date and post time for their 2016 live race meet. The backup date will be September 11, 2016. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

JASON WISE – PROTEST OF STEWARDS DECISION CONCERNING FONNER PARK RACE #6 FROM MARCH 26, 2016

All exhibits were received and accepted. Chm. Lee moved, seconded by Galyen to deny the protest and to affirm the decision of the stewards. Voting aye: Lee, Beveridge, Galyen. Voting Nay: Feller. Motion carried.

DAVID ANDERSON – APPEAL OF FONNER PARK STEWARDS RULING

Mr. Galyen recused himself from this matter. All exhibits were received and accepted. Chm. Lee moved, seconded by Beveridge to vacate the 250.00 fine but the order of finish set forth by the Board of Stewards in Ruling #10 be affirmed. Voting aye: Lee, Beveridge, Voting Nay: Feller. Motion carried.

MARISSA BLACK – APPEAL OF FONNER PARK STEWARDS RULING

All exhibits were received and accepted. Galyen moved, seconded by Feller to modify the Stewards ruling #14 to reverse the disqualification from first to last and have the original order of finish reinstated. In addition, the fine of 250.00 by the Board of Stewards be sustained. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

MARISSA BLACK – HEARING REGARDING OMEPRAZOLE SULFIDE POSITIVE

All exhibits were received and accepted. Galyen moved, seconded by Beveridge to find a violation and issue a written warning. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

The Commission went into recess.

The Commission reconvened at 3:51pm.

JOE HAWLEY – HEARING REGARDING METHYLPREDNISOLONE POSITIVE

This matter is continued until the split sample is received. This is continued until the next meeting.

COMBINED HEARINGS OF MILTON GAEDE, KELLI MARTINEZ, M.A. JOHNSON, MEREL MOORE AND JAMES CHRISTIANSON

All exhibits were received and accepted. Galyen moved, seconded by Chm. Lee to treat the positive tests as a violation and extend a written warning to each of the trainers involved. Voting aye: Lee, Beveridge, Feller, Galyen. Motion carried.

STETSON RUSHTON – HEARING REGARDING METHYLPREDNISOLONE POSITIVE

All exhibits were received and accepted. Galyen moved, seconded by Feller to treat the positive test as a violation and extend a written warning to the trainer.

DAVID ANDERSON – HEARING REGARDING METHYLPREDNISOLONE POSITIVE

Mr. Galyen recused himself from this matter and has left the meeting. All exhibits were received and accepted. Chm. Lee moved, seconded by Feller to treat this as a violation and extend a written warning consistent with items 14, 15, 16, 19 and 20. Voting aye: Lee, Beveridge, Feller. Motion carried.

Chm. Lee reconsidered Item 11 David Anderson's appeal. Chm. Lee moved, seconded by Feller to vacate its previous order and instead order a 250.00 fine and to reinstate the purse. Voting aye: Lee, Beveridge, Feller. Motion carried.

MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders' Association

NE Horsemen's Benevolent and Protective Association – Lynn Schuller commented that the quarantine will be lifted Tuesday if there are no more positives.

ADJOURNMENT

The meeting was adjourned at 4:45pm.

Respectfully submitted,
Tom Sage
Executive Secretary