

NEBRASKA STATE RACING COMMISSION
MINUTES OF MEETING

DATE: January 16, 2019

TIME: 10:00 a.m.

LOCATION: Fonner Park Café
700 E Stolley Park Rd
Grand Island NE

PRESENT COMMISSIONERS:

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

ABSENT:

Chm. Lee convened the meeting at 10:09 am 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.

ELECTION OF RACING COMMISSION OFFICERS

Galyen nominated to re-elect Dennis P. Lee as the Chairman of the Commission and Janell Beveridge as Vice-Chairperson, seconded by Feller. There were no other nominations. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

APPROVAL OF COMMISSION STAFF FOR 2019

Chm. Lee moved, seconded by Feller to approve the staff of 2019. An announcement was made to inform the industry that Ann Shea has retired and she will be helping out for a couple more months in Omaha but she will not be working at Fonner Park. Ann will be dearly missed. Voting aye: Lee, Beveridge, Galyen, Feller, Patterson. Motion carried.

APPROVAL OF MEETING MINUTES AND FINANCIAL REPORTS – Feller moved, seconded by Patterson to approve the minutes from October 29, 2018. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

Chm. Lee moved, seconded by Beveridge to approve the October, November and December 2018 financial reports. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Abstain: Galyen. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS SINCE OCTOBER 29, 2018 – Galyen moved, seconded by Beveridge to approve the simulcast applications received up to and through February 21, 2019. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

LICENSE APPLICATION REVIEW – GILBERT W. ECOFFEY – Mr. Ecoffey appeared via telephone. All exhibits were presented and accepted. Director of Investigations, Rodger Williams reported on behalf of the Racing Commission. Chm. Lee moved, seconded by Beveridge to approve the Owner/Trainer license application on a probationary basis for 2019 with three conditions: Prior to awarding the license, Mr. Ecoffey must subject himself to and pass a drug test. For all of 2019, Mr. Ecoffey must agree to random drug and alcohol testing as may be directed by the Commission or its staff. If Mr. Ecoffey has any arrests or criminal violations in any state the Board of Stewards at any race track in Nebraska has the opportunity to consider that and may take action to suspend or penalize the license. Mr. Tom Sage with the Racing Commission also requested that Mr. Ecoffey be fingerprinted in Nebraska in 2019 and that his license be conditional. Voting aye: Lee, Beveridge. Voting Nay: Galyen, Feller and Patterson. Motion failed. The application is denied and not approved at this time.

ANNOUNCE AND APPROVE HORSEMEN’S BOOKKEEPER – Lynn Schuller and Barry Lake with the HBPA reported that the previous bookkeeper, Carolyn Legenza is unable to continue as the bookkeeper due to significant health issues. Chm. Lee moved, seconded by Feller to approve Deborah Moss as the bookkeeper for the HBPA. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

FONNER PARK – APPROVAL OF 2019 RACING OFFICIALS & TAKEOUT RATES Chm. Lee moved, seconded by Feller to approve the 2019 Racing Officials. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried. Beveridge moved, seconded by Patterson to approve the 2019 Takeout Rates. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

DIRECTIVES – Galyen moved, seconded by Chm. Lee to amend directive 20-19 to include rule 9.001.16A. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried. Chm. Lee moved, seconded by Beveridge to approve directives 01-19 – 19-19 as presented. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

LINCOLN RACE COURSE – TRACK IMPROVEMENTS – RULE 3.001.14 – Barry Lake and Lynn Schuller with the HBPA appeared and requested that this item remain open for 24 hours to have a chance to complete the final record since documents arrived late. Chm. Lee allowed this item to remain open until 1/18/2019 at 4:00pm.

STATUS OF BREEDERS AWARDS HELD BY OER – BILL VONSEGGERN – Mr. Vonseggern, Attorney for NTBA, Mike Newlin, OER Vice President, Barry Lake, HBPA and Zach Mader, NTBA and Dan Waters, Attorney for Fonner Park reported regarding this issue.

At 12:08 pm Chm. Lee moved, seconded by Beveridge to recess for a one hour lunch break until 1:15 pm. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

At 1:21 pm Chm. Lee reconvened the meeting.

CONSIDERSATION ASKING THE NE ATTORNEY GENERAL'S OFFICE TO REPRESENT THE RACING COMMISSION IN THE APPEAL FILED WITH THE LANCASTER COUNTY DISTRICT COURT CASE CI18-373 – Laura Nigro appeared on behalf of the Attorney General's office. Chm. Lee moved, seconded by Feller to request the Attorney General's office to represent the Commission on that Appeal. Voting Aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

FAIRPLAY PARK – REQUEST FOR PRELIMINARY APPROVAL TO BEGIN SIMULCASTING WHEN FACILITY IS REMODELED – Breann Becker and Brian Becker were present. Approval of simulcasting in the clubhouse only depends on if the live race date and simulcast facility applications are approved. This will be covered in item 17.

ACKNOWLEDGE RECEIPT OF AN 11 PAGE LETTER FROM THE NE ATTORNEY GENERAL'S OFFICE DATED 11/15/2018 – Chm. Lee briefly mentioned some points in the letter.

RESCIND THE FINDINGS FROM THE OCTOBER 29, 2018 RACING COMMISSION MEETING AGENDA ITEM #12 PERTAINING TO FONNER PARK'S REQUEST TO APPROVE AN ADDITIONAL PARI-MUTUEL WAGER – Based upon the recommendation of the Attorney General's opinion Chm. Lee moved, seconded by Patterson to rescind. Voting Aye: Lee, Beveridge, Feller, Patterson. Voting Nay: Galyen. Motion carried.

RESCIND THE APPROVAL OF 2019 LIVE RACE DATE AND SIMULCAST FACILITY APPLICATIONS – Chm. Lee moved, seconded by Feller to rescind. Voting aye: Lee, Beveridge, Feller, Patterson. Abstain: Galyen. Motion carried.

HEARING FOR 2019 LIVE RACE DATE AND 2019 SIMULCAST FACILITY APPLICATIONS – Beveridge moved, seconded by Galyen to approve the Live Race Dates for 2019 to be:

Fonner Park - Grand Island
February 22, 2019 – May 4, 2019
31 Days of Live Racing

Horsemen's Park - Omaha
May 11, 17, 18, 25, 26, 31, 2019
June 1, 7, 8, 2019
9 Days of Live Racing

Lincoln Race Course – Lincoln
September 6, 7 and 8, 2019
3 Days of Live Racing

Columbus Exp. & Racing – Columbus
August 2 – September 2, 2019
14 Days of Live Racing

Atokad – South Sioux City
September 7, 2019
1 Day of Live Racing

Hastings Exp. & Racing - Hastings
TBD, 2019
1 Day of Live Racing

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

Recess at 3:38 pm for about 10 minutes. Reconvened at 3:49 pm.

Chm. Lee moved, seconded by Galyen to also approve the simulcast applications for 2019. The application for Hastings is for quarter horse simulcasting only and in the clubhouse only. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

PUBLIC HEARING ON FONNER PARK'S REQUEST TO HAVE A NEW FORM OF WAGERING APPROVED – HISTORIC HORSE RACING – A live presentation was given on the PariMax pari-mutuel wagering machine by representatives from Amtote International. All exhibits were submitted and accepted. Proponents, opponents and those wanting to testify in a neutral capacity were heard. This matter is being taken under advisement and the parties and the public have until February 1, 2019 to submit anything additional in writing to the Commission. The Commission will then reconvene this hearing at its next Commission meeting in Grand Island.

Meetings with Associations

- a. Nebraska Thoroughbred Breeders' Association –None
- b. NE Horsemen's Benevolent and Protective Association - None

ADJOURNMENT

Chm. Lee moved, seconded by Beveridge to adjourn the meeting at 4:37 pm with the exception of Item 18 that is in recess. Voting aye: Lee, Beveridge, Galyen, Feller and Patterson. Motion carried.

Respectfully submitted,
Tom Sage
Executive Secretary