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**Minutes**  
**Oregon Racing Commission**  
**March 21, 2024**

**Meeting Detail**

The Oregon Racing Commission (ORC) met at 1:30 p.m. Thursday, March 21<sup>st</sup>, 2024, via Zoom videoconference.

**Call to Order and Roll Call**

Chair Margaret Doherty called the meeting to order at 1:32 p.m. and Karen Parkman conducted roll call.

**In Attendance**

**Commissioners:** Margaret Doherty, Diego Conde, and Quinn Berry.

**Staff:** Executive Director Connie Winn; Karen Parkman, Program and Administrative Coordinator; Kelly Routt, Assistant Attorney General (AAG)

**Excused**

Commissioner Lindsay Fowler

**Absent**

Commissioner Scott Beckstead

**Approvals:**

**Meeting Agenda**

**Action:** Approval of the March agenda with a spelling correction to Micah Lloyd's name.  
**Approved by Chair Doherty. A formal vote was not conducted.**

**Meeting Minutes**

**Action:** Approval of the February minutes.  
**Approved by Chair Doherty as there were no comments. A formal vote was not conducted.**

## **OLD BUSINESS:**

### **Executive Director's report**

Executive Director Winn reported that the deadline for the Statement of Economic Interest (SEI) Report, which is required by the Oregon Ethic's Commission, is due on April 15<sup>th</sup>, 2024. All commissioners should have received correspondence for the matter. Director Winn reported that no legislation was passed during the 2024 short session that would negatively impact operations of the ORC. Preparations are already being made for the 2025 session. Two positions are currently in the process of being filled within the ORC. Former Chief Investigator Chris Adams has resigned to pursue a law degree and the ORC wishes him the best, and several qualified candidates have applied. The position should be filled by the end of the month. She thanked investigator Mike Gentile for stepping into the position in the interim. The second position is a test barn worker. Due to relocation constraints, former test barn worker Michelle Shirey is unable to continue in the position. She will be sincerely missed. There are several candidates under consideration for this position as well.

Director Winn reminded that the April ORC meeting will be held in person in Portland, OR. Lastly, effective July 1, 2024, the ORC will be transitioning to Microsoft Teams for all meetings. Teams offers more compatibility with current technology and increased features compared to Zoom. A download link for the software has been added to the ORC homepage.

### **Budget Committee Report**

Chair Doherty reported that the committee met to look over the current budget forecast and legislative impact. She reported that greyhound racing was not banned, however the ORC will not retain the 25% that is currently paid to the general fund. One ADW has departed from the ORC, which is approximately a \$40,000 loss, but the others remain stable. As it is the beginning of the 2-year biennium, no budget cuts are required currently, however consideration for the 2025 long session is paramount.

There was a hub fund request from the Oregon Quarter Horse Racing Association (OQHRA). While the commission is thankful to the OQHRA for their support, and recognizes how important their contribution is, it was decided it would be unwise to release addition funds without knowing the full financial impact of losing an ADW and the upcoming long session.

### **Best Practices and Strategic Planning (BPSP) Committee Report**

In Commissioner Beckstead's absence, Director Winn reported that the BPSP committee met to discuss aftercare for equine athletes. It was decided this is an issue the ORC cannot have direct

involvement with but can support efforts made by individuals and associations who have an interest. The committee also reviewed and discussed the ORC Strategic Plan.

**Further Discussion on Rule Amendments:**

A. OAR 462-160-0130 – Medications and Prohibited Substances

Director Winn reported that a one-page summary of changes and the recommendations was created and is included in the meeting packet. The ORC reached out to other Veterinarians, including former commissioner Palmer. It is felt that it is too close to the Spring race season to make changes to the rule on Bute. However, Dr. Everman has ideas to communicate an upcoming change to the horsemen over the summer for potential implementation for the fall. The ORC recommends changing the minimum time Lasix can be given prior to racing from 4 hours to 3 hours. This change will increase the effectiveness of the drug during the races and may decrease needed doses. The ORC also recommends changing the maximum allowed dose of Lasix to 300mg/ml.

Dr. Everman reported that no changes should be made concerning the fair meets, as fair personnel are not always available to communicate changes to. He stated that after the fair meets is a good time to communicate to the trainers and horsemen that an upcoming rule change is coming, either for the fall commercial meet, or beginning by the 2025 race season. In either case, consultations will continue, and ample time will be provided to communicate upcoming changes in person and on the ORC website. These changes will align the ORC closer to surrounding jurisdictions. Dr. Everman also reported he had recently attended the regulatory veterinarian meeting in Santa Anita, and that he learned that 61 Thoroughbred tracks exist in the U.S. and 55 of the 61 are HISA accredited. Therefore, Oregon is a select group and needs to keep in mind how rules can be made to be similar to them even if Oregon remains outside HISA.

Director Winn clarified that the Lasix change could occur now, but that the changes to Bute should wait. Dr. Everman confirmed that statement.

Director Winn reminded Chair Doherty that the commission would wait to take public comment until the end of the meeting, unless she chose otherwise, which Director Winn did not advise doing at this time based on the amount of public comment the commission had already received on this issue.

Chair Doherty asked for clarity, stating the recommendation in the packet was to educate the horsemen/women over the summer/fall meet, run quantitative analysis on the horses, and file rules after the fall race meet in October as a rule change now would be untimely. Director Winn replied that the Bute rule should be filed in October, but since Lasix is administered by

the attending veterinarian an advanced notice was not necessary. Dr. Everman added that the change to the Lasix rule doesn't really impact current practices other than allowing administration closer to the race time, which gives the attending vet a larger window to administer it. When he looked over the Lasix programs from the administering vets, he only saw one horse receiving more than 300 mg, which was 350 mg (7 cc), so the dosage change is not a functional change for the vets or horses. He clarified the horses must get at least 150 mg (3 cc) to be detectable, and the maximum will now be 300mg (6 cc), so the window is smaller, but already being implemented.

Director Winn asked Dr. Everman to talk about testing offered for the summer and clarified to Chair Doherty that a motion would be required to go forward with the rule making process for Lasix. Commissioner Conde stated he agreed with the timing change, which is consistent with the peer reviewed literature he has read but was confused about the dosage. He asked for clarity about 300 mg versus 3cc's which are not the same, and wanted to know what was allowed. Dr. Everman clarified that there are several formulations of Furosemide (Lasix), but the commercially available one is 50 mg/cc. The minimum dosage for reliable laboratory detection is 150 mg. If a person claims a horse has received the medication, the laboratory must be able to detect it. The maximum dosage allowed will be 300 mg, or 6 cc's. Dr. Everman stated that the attending vets wrote the administered doses in their programs as cc's rather than milligrams, however because other concentrations exist or can be created, it is import for the rule to clarify milligrams (amount of actual drug received) rather than relying on cc's (cubic centimeter; the volume of drug measured for administration) always being consistent. Commissioner Conde thanked Dr. Everman for the clarification and he feels surer about the change.

**Action:** Approval to begin the rule making process for the amendment to the Lasix rule.

**Moved by:** Commissioner Berry

**Seconded:** Commissioner Conde

**Vote:** Commissioners Doherty, Conde, and Berry voted AYE, and the motion was carried unanimously (3:0).

### **NEW BUSINESS:**

#### **Review and discuss approval of the ORC Strategic Plan**

Chair Doherty asked that because two commissioners are absent, she would like further discussion of the Strategic Plan in April.

Director Winn presented the Strategic Plan reporting that the plan will need to be approved by April, as it must be included in the budget packet. Director Winn recommended discussing the smart goals section during the April meeting. She reported there has been a lot of feedback from

industry partners, committees, other government agencies, the ORC's I.T. unit, and the horseman groups. Attempts were made to consult the tribes, but no feedback was received. She thanked everyone who took the time to comment and the staff who worked on it. She reminded the commissioners that as a regulatory body, there must be a degree of separation from the industry before reading the vision statement (included in the meeting packet). Commissioner Conde agreed with the vision statement. She then read the agency mission statement. There were no questions. Commissioner Berry stated that he reviewed the document and was very happy with it. Director Winn covered the agency's core values.

Commissioner Conde asked for certainty that tribal communication policies are being followed and that receipts are being kept showing communication was attempted. Micah Lloyd, the agency Tribal Liaison responded that he reached out to the governing agency for government-to-tribes communication and received updated instructions on tribal communication which he followed. These instructions included who to contact, who to cc, etc. and he has kept all the receipts.

Commissioner Berry stated he appreciated the values, though he might add "fun" as a value if appropriate.

Chair Doherty commented that she appreciated the Strategic Plan, and especially liked that transparency and communication are core values.

### **Spring Meeting Report – Micah Lloyd**

Micah Lloyd reported that he attended the Association of Racing Commissioners International (ARCI) annual conference in Columbus, Ohio March 6-8<sup>th</sup>. The meetings were well attended and there were several key takeaways.

The American Quarter Horse Racing committee (AQHR) presented their proposed rule regarding toe grabs, a rule currently undergoing changes by the ORC. They polled other jurisdictions and tracks, including Oregon, and came to the recommendation that front toe grabs should be shorter than rears, but were less restrictive than the new proposal for Oregon, which is restricted to 2mm in the front and 4mm in the rear. Effective January 1, 2024 the AQHA has begun enforcing the use of microchips to identify racing Quarter Horses instead of tattoos.

The Safe Horses First briefing included a presentation on animal welfare, current research, and industry challenges. Their focus is on new technology, specifically proposals for wearable protection devices that may detect problems with the equine athletes when they occur. Representatives from Standardbred, Thoroughbred, and Quarter Horse aftercare organizations shared inspiring stories about post racing careers for equine athletes and initiatives and commitments to ensure successful transitions post racing. A representative from the National

Thoroughbred Alliance (NTA) shared their goal of further engaging owners and trainers rather than regulators.

The ARCI Rules Committee meeting discussed a modification to the Steward Accreditation Rule, expanding it to allow for an ARCI approved accreditation program in addition to the Racing Officials Accreditation Program (ROAP). The current ORC rule states that the steward “may be” required to be accredited and current with ROAP.

The Racing Integrity and Investigations Committee was a source of information from other jurisdictions regarding tip lines. Mr. Lloyd took notes on how anonymous reporting with freedom of information and public records requests are handled and learned vendor options to follow up on.

A panel on the Marriage of Horse Racing and Sports Betting provided useful information regarding auditing for the ADW’s, which have expressed interest in wallet integrations either with parent companies or third-party agreements. Ensuring ORC auditing requirements are met is paramount.

The Drug Testing Standards and Practices Committee discussed environmental contamination, namely trace contaminations from humans and how additional testing of barn and racing staff may be necessary to find sources. This is regarding someone touching a horse after doing drugs themselves, which may be detected by the lab in post-race testing.

Mr. Lloyd reported that the commissioners from the Indiana Horse Racing Association came to him to extend him their gratitude for how the ORC continues to monitor and regulate the ADW’s who hold primary licenses in Oregon.

Commissioner Conde stated that following the information Mr. Lloyd gathered in the meeting that a future ADW committee meeting may be appropriate. He asked if Mr. Lloyd could have a full report and recommendations by April or if it should be tabled for May. Mr. Lloyd responded that he could have that together for an April meeting. Director Winn agreed and stated a report on the annual review could be done then as well.

Chair Doherty thanked Mr. Lloyd for his report and agreed that an April ADW meeting would be a good idea.

**Request permission to begin the rule making process for the following rule filings:**

**A. 462-210-0040 (1) – Amends funding**

**B. 462-160-0150 – Necropsy**

Director Winn reported that there was a lot of industry feedback on the necropsy rule, and this should work for all. She thanked the industry and Dr. Lombard for their assistance, and Dr. Everman for taking the lead on it. The other rule requires ADW’s so request permission before

changing any funding operations, which is already assumed under their plan of operations, but should be formally made into rule for clarification. There is no need for a hearing on the funding rule, but a hearing on the necropsy rule should be conducted.

**Action:** Approve beginning the rule making process for 462-210-0040 (1) and 462-160-0150.

**Moved by:** Commissioner Berry

**Seconded:** Commissioner Conde

**Vote:** Commissioners Doherty, Conde, and Berry voted AYE, and the motion was carried unanimously (3:0).

**Discussion and possible adoption of the proposed rule filings:**

**A. 462-150-0060 (k) – Plate Amendment**

Director Winn reported that the attorney reported the letter k was missing to one part and was added. A minor language change for clarification was made. The final language states, “Racing plates must be a type and design approved by the board of stewards and the commission veterinarian. No traction devices are allowed on the forelimbs other than mud nails or toe grabs measuring 2mm or less. Toe grabs in the hind limbs shall not exceed 4mm. Traction devices include but are not limited to bends, jars, cocks, and stickers.”

**B. 462-140-0250 (a) – Starting Gate**

Director Winn reported there was no public comment prior to the hearing. A minor language change was made to clarify the use of the tail bar and now reads, “The starter shall ensure all assistants are properly trained in the safe and appropriate handling of horses including but not limited to; leading, packing, heading, and tailing procedures. The starter shall also ensure the use of tailing bars for wrapping tails (if equipped) is strictly prohibited.”

**C. 462-160-0110 (6) – Intra Articular Injections**

Director Winn reported there were no comments or additional requests. This rule was filed a while ago and changes the restriction to 30 days prior to a race.

**D. 462-160-1120 (3) (a) – Shock Wave Therapy**

Director Winn reported this rule changes the restriction from 10 days to 30 days prior to racing. There was no comment or changes prior to the hearing.

**E. 462-220-0020 – Geo Location**

Director Winn reported there were a couple of minor requests. The first was to remove the word “and” and add “or”, to remove “geo location”, which is very specific, and replace it

with “technology” or “methodology” and add the words “confirms the wages are placed from jurisdictions”.

**F. 462-160-0140 – Testing Amendment**

Director Winn reported that there was an extra period that needed to be removed.

Commissioner Berry reported that he feels the staff have written sensible and uncontroversial language and that there was no public comment during any of the hearings.

Commissioner Conde commented that he supports the rules and is glad there wasn't any push back. He did notice that and cautions the commission regarding the shock wave rule that one reason for adopting this rule was communicated to be alignment with HISA. He expressed admiration for the spirit and intention of HISA, but he feels that HISA's implementation is abhorrent and a threat to horse racing. His issue is not with what they want to do, but how they are doing it. He strongly urges the commission against stating to be with HISA in any way as regulatory changes and attacks on HISA are seen daily in the courts. From a legal standpoint, he wants it to be in the record that commission is not adopting the policy of simply mirroring HISA or coming into alignment with HISA, but rather if they have a good rule the ORC will adopt it because it is a good rule.

Chair Doherty appreciated commissioner Conde's comment. Rod Lowe added that he would like to add on the plate amendment that in light of the report Micah gave on the AQHR plate rule changes which are not in alignment with the ORC recommendations, if there was consideration to have a separate recommendation for Quarter Horses. Director Winn responded that as the comment period has ended it may not be appropriate to discuss it any further. Kelly Routt, DOJ, responded that ultimately it is up to the commission to take further comment and put into the rule making period. Director Winn added that this was not the time for public comment, and he had been called on when others had been passed over prior in the report. That said, she felt steward Mike Twiggs did a very good job with this rule and she feels good about it and that Indiana, which also runs Quarter Horses, has an almost identical rule. She asked Micah if he had any additions from the meeting and stated that it could be held off for another month, but she was not aware of anyone using higher toe grabs that would necessitate further change. She asked Dave and Leah Nelson if they were aware of any since public comment had been opened. Rod Lowe added he just came from a Quarter Horse conference and the issue seems to be relevant if AQHA is holding a different standard. Chair Doherty called on Micah Lloyd. Mr. Lloyd stated that his notes stated that after polling different jurisdictions the recommendation was that Quarter Horse toe grabs on front shoes should not exceed 4mm and hind shoe toe grabs should not exceed ¼ of an inch. They did not they would change inches to mm in the final



language for consistency, but he believed ¼ of an inch to be about 6mm. Chair Doherty recommended holding this rule until April for further review.

**Action:** Approve the adoption of the above rules, excluding 462-150-0060 (k).

**Moved by:** Commissioner Conde

**Seconded:** Commissioner Berry

**Vote:** Commissioners Doherty, Conde, and Berry voted AYE, and the motion was carried unanimously (3:0).

**PUBLIC COMMENT:**

Dr. Alice Lombard, DVM, thanked all those who worked on the medication rules. She emphasized that not only should the horsemen/women receive education on medication changes, but also the attending and treating vets as they are the ones administering a lot of the medications and the go to for the horsemen for information and not all are racetrack vets normally.

Leah Nelson commented that she, Dave Nelson, and Rod Lowe all attended the AQHA annual meeting last week. The microchipping of horses is a big thing, and they are actively working to get horses microchipped before the races in Union. She wanted the commission to also know that the funding request wasn't really a hub fund request, but a back fill that could probably be sourced from other funds than hub funds.

Dave Nelson commented that he agrees with Dr. Lombard regarding the medication rules. He also urges the commission to be very attentive to changes ARCI are actively making and not to get too far ahead or behind them. Regarding toe grabs, he commented that they are more of a black art than a science and that there were studies regarding plate vibrations and breakdowns. He stated that track conditions and footing type also play a big role in toe grab types so further research may be needed into that.

**CONTESTED CASES:**

**None.**

**CONFIRMATION OF NEXT COMMISSION MEETING:**

The next commission meeting is scheduled for April 18th, 2024, at 1:30 P.M. in person in Room 1A of the Portland State Building located at 800 NE Oregon St., Portland, OR 97232 and remotely via Zoom.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 2:32 p.m.