



TEXAS RACING COMMISSION

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Texas Racing Commission
Tuesday, December 15, 2015
10:30 a.m.
John H. Reagan Building
105 W. 15th Street
Austin, Texas 78701

AGENDA

I. CALL TO ORDER

Roll Call

II. CEREMONIAL ITEMS

Recognition of former Commissioner Michael Martin, DVM

III. PUBLIC COMMENT

IV. GENERAL BUSINESS

Discussion and consideration of the following matters:

A. Reports by the Executive Director and Staff regarding Administrative Matters

- 1) Budget and Finance Update
- 2) Report on Wagering Statistics
- 3) Inspection and Enforcement Reports

B. Discussion of Process for Election of the Vice Chair

Discussion, consideration, and possible action on the following matters:

C. Approval of the Internal Audit Plan for Fiscal Year 2016

V. PROCEEDINGS ON RACETRACKS

Discussion and consideration of the following matter:

- A. Discussion of Live Race Dates and the Privilege of Conducting Simulcasting

Discussion, consideration and possible action on the following matters:

- B. Allocation of Live Race Dates for Greyhound Racetracks under Commission Rule 303.41 for the Period beginning January 1, 2016, and ending August 31, 2018
- C. Allocation by the Texas Greyhound Association of Interstate Cross-Species Purse Money
- D. Allocation of funds for the Texas Bred Incentive Program as provided under Commission Rule 321.505(b)
- E. Allocation of Purses as provided under Commission Rule 321.505(a)
- F. Distribution of Funds in the Escrowed Purse Account among the Various Breeds of Horses under Commission Rule 321.509
- G. Request by Lone Star Park for Approval of Totalisator Contract with Sportech Racing, LLC

VI. PROCEEDINGS ON OCCUPATIONAL LICENSES

Discussion, consideration and possible action on the following matters:

- A. The Proposal for Decision in SOAH No. 476-15-4140; *In Re: The Appeal of Judd Kearn from Stewards' Ruling Nos. LSP3039, LSP3040, LSP3042, LSP3043, LSP3044, LSP3045, LSP3046, and LSP3047*
- B. The Proposal for Decision in SOAH No. 476-15-4141; *In Re: The Appeal of Dee Allen Keener from Stewards' Ruling Nos. LSP3049, LSP3050, LSP3051, and LSP3052*
- C. The Proposal for Decision in SOAH No. 476-15-4142; *In Re: The Appeal of John Stinebaugh from Stewards' Ruling No. LSP3041*

VII. PROCEEDINGS ON RULEMAKING

Discussion, consideration and possible action on the following matters:

- A. Rule Proposals. If approved by the Commission, these proposals will be published in the *Texas Register* for public comment.
 - 1) Proposal to Amend Rule 307.62, Disciplinary Action
 - 2) Proposal to Amend Rule 309.126, Videotape Equipment
 - 3) Proposal to Amend Rule 309.127, Maintenance of Negatives and Videotapes
 - 4) Proposal to Amend Rule 311.2, Application Procedure
 - 5) Proposal to Amend Rule 313.310, Restrictions on Claims

- B. Adoption of Amendments and Adoption of Repeals of Rules Related to Historical Racing as published in the June 26, 2015, edition of the *Texas Register*.
 - 1) Adoption of Amendment to Rule 301.1, Definitions
 - 2) Adoption of Amendment to Rule 303.31, Regulation of Racing
 - 3) Adoption of Amendment to Rule 303.42, Approval of Charity Race Days
 - 4) Adoption of Amendment to Rule 309.297, Purse Accounts
 - 5) Adoption of Amendment to Rule 309.299, Horsemen's Representative
 - 6) Adoption of Amendment to Rule 309.361, Greyhound Purse Account and Kennel Account
 - 7) Adoption of Amendment to Rule 321.5, Pari-Mutuel Auditor
 - 8) Adoption of Amendment to Rule 321.12, Time Synchronization
 - 9) Adoption of Amendment to Rule 321.13, Pari-Mutuel Track Report
 - 10) Adoption of Amendment to Rule 321.23, Wagering Explanations
 - 11) Adoption of Amendment to Rule 321.25, Wagering Information
 - 12) Adoption of Amendment to Rule 321.27, Posting of Race Results
 - 13) Adoption of Repeal of Subchapter F, Regulation of Historical Racing, including the Repeal of the Following Rules:
 - a) Rule 321.701, Purpose
 - b) Rule 321.703, Historical Racing
 - c) Rule 321.705, Request to Conduct Historical Racing
 - d) Rule 321.707, Requirements for Operating a Historical Racing Totalisator System
 - e) Rule 321.709, Types of Pari-Mutuel Wagers for Historical Racing
 - f) Rule 321.711, Historical Racing Pools; Seed Pools
 - g) Rule 321.713, Deductions from Pari-Mutuel Pools

- h) Rule 321.715, Contract Retention, Pari-Mutuel Wagering Record Retention
- i) Rule 321.717, Effect of Conflict
- j) Rule 321.719, Severability

C. Withdrawal of Proposed Amendments and Withdrawal of Proposed Repeals of Rules Related to Historical Racing as published in the June 26, 2015, edition of the *Texas Register*.

- 1) Withdrawal of Proposed Amendment to Rule 301.1, Definitions
- 2) Withdrawal of Proposed Amendment to Rule 303.31, Regulation of Racing
- 3) Withdrawal of Proposed Amendment to Rule 303.42, Approval of Charity Race Days
- 4) Withdrawal of Proposed Amendment to Rule 309.297, Purse Accounts
- 5) Withdrawal of Proposed Amendment to Rule 309.299, Horsemen's Representative
- 6) Withdrawal of Proposed Amendment to Rule 309.361, Greyhound Purse Account and Kennel Account
- 7) Withdrawal of Proposed Amendment to Rule 321.5, Pari-Mutuel Auditor
- 8) Withdrawal of Proposed Amendment to Rule 321.12, Time Synchronization
- 9) Withdrawal of Proposed Amendment to Rule 321.13, Pari-Mutuel Track Report
- 10) Withdrawal of Proposed Amendment to Rule 321.23, Wagering Explanations
- 11) Withdrawal of Proposed Amendment to Rule 321.25, Wagering Information
- 12) Withdrawal of Proposed Amendment to Rule 321.27, Posting of Race Results
- 13) Withdrawal of Proposed Repeal of Subchapter F, Regulation of Historical Racing, including the Withdrawal of the Proposed Repeal of the Following Rules:
 - a) Rule 321.701, Purpose
 - b) Rule 321.703, Historical Racing
 - c) Rule 321.705, Request to Conduct Historical Racing
 - d) Rule 321.707, Requirements for Operating a Historical Racing Totalisator System
 - e) Rule 321.709, Types of Pari-Mutuel Wagers for Historical Racing
 - f) Rule 321.711, Historical Racing Pools; Seed Pools

- g) Rule 321.713, Deductions from Pari-Mutuel Pools
- h) Rule 321.715, Contract Retention, Pari-Mutuel Wagering Record Retention
- i) Rule 321.717, Effect of Conflict
- j) Rule 321.719, Severability

D. Proposals to Amend and Repeal Rules Related to Historical Racing. If approved by the Commission, these proposals will be published in the *Texas Register* for public comment.

- 1) Proposal to Amend Rule 301.1, Definitions
- 2) Proposal to Amend Rule 303.31, Regulation of Racing
- 3) Proposal to Amend Rule 303.42, Approval of Charity Race Days
- 4) Proposal to Amend Rule 309.8, Racetrack License Fees
- 5) Proposal to Amend Rule 309.297, Purse Accounts
- 6) Proposal to Amend Rule 309.299, Horsemen's Representative
- 7) Proposal to Amend Rule 309.361, Greyhound Purse Account and Kennel Account
- 8) Proposal to Amend Rule 321.5, Pari-Mutuel Auditor
- 9) Proposal to Amend Rule 321.12, Time Synchronization
- 10) Proposal to Amend Rule 321.13, Pari-Mutuel Track Report
- 11) Proposal to Amend Rule 321.23, Wagering Explanations
- 12) Proposal to Amend Rule 321.25, Wagering Information
- 13) Proposal to Amend Rule 321.27, Posting of Race Results
- 14) Proposal to Repeal Subchapter F, Regulation of Historical Racing, including the Repeal of the Following Rules:
 - a) Rule 321.701, Purpose
 - b) Rule 321.703, Historical Racing
 - c) Rule 321.705, Request to Conduct Historical Racing
 - d) Rule 321.707, Requirements for Operating a Historical Racing Totalisator System
 - e) Rule 321.709, Types of Pari-Mutuel Wagers for Historical Racing
 - f) Rule 321.711, Historical Racing Pools; Seed Pools
 - g) Rule 321.713, Deductions from Pari-Mutuel Pools
 - h) Rule 321.715, Contract Retention, Pari-Mutuel Wagering Record Retention
 - i) Rule 321.717, Effect of Conflict
 - j) Rule 321.719, Severability

E. Closing of Rule Reviews

- 1) Chapter 307, Proceedings before the Commission
- 2) Chapter 323, Disciplinary Action and Enforcement

F. Opening of Rule Reviews

- 1) Chapter 301, Definitions
- 2) Chapter 303, General Provisions
- 3) Chapter 319, Veterinary Practices and Drug Testing
- 4) Chapter 321, Pari-mutuel Wagering, Subchapters A through E

VIII. EXECUTIVE SESSION

The following items may be discussed and considered in executive session or open meeting and have action taken in the open meeting:

- A. Under Government Code Sec. 551.071(1), the Commission may open an executive session to seek the advice of its attorney regarding pending or contemplated litigation, or regarding a settlement offer.
- B. Under Government Code Sec. 551.071(2), the Commission may open an executive session to discuss all matters identified in this agenda where the Commission seeks the advice of its attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. This may include, but is not limited to, legal advice regarding the Open Meetings Act, the Administrative Procedures Act, and the Texas Racing Act.
- C. Under Texas Racing Act, Tex. Rev. Civ. Stat. Ann. art. 179e, Sec. 6.03, the Commission may open an executive session to review security plans and management, concession, and totalisator contracts.

IX. SCHEDULING OF NEXT COMMISSION MEETING

X. ADJOURN