



## **NORTH DAKOTA RACING COMMISSION**

www.ndracingcommission.com

**Gunner laCour**  
Director

**NORTH DAKOTA RACING COMMISSION**  
**NDRC Meeting**  
**State Capitol Building, Fort Union Room**  
**600 East Boulevard Avenue, Bismarck, ND**  
**Thursday, April 21, 2016 – 10:30 a.m. (Central Time)**

### **Minutes**

**Call to Order:** Chairman Jim Ozbun called the meeting to order at 10:30 a.m.

**Present:** Chairman Jim Ozbun, Commissioner Mary Ann Durick, Commissioner Ray Trottier, Commissioner David Piepkorn, Commissioner John Hanson, Legal Counsel Edward Erickson, Director Gunner laCour, and Administrative Assistant Gail Allensworth

**Others Present:** Darrel Smith, McKay Smith, Wayne Slater, Mike Schmitz, John Bubel, Avery Erfle, Leigh Backhaus, Leon Glasser, Sally Dasinger, and Ron Klein

### **AGENDA**

1. **Approval of Minutes – February 25, 2016 Meeting**
2. **New Service Provider & Account Deposit Wagering – License Application** - Bet Twice Consulting, LLC
3. **Breeders Fund**
4. **Promotion Fund Grant to Breed Associations**
5. **Drug Testing**
6. **Cobalt Variance**
7. **Any other business which may properly come before the Commission**
8. **Adjournment**

\*\*\*\*

1. **Approval of Minutes – February 25, 2016 Meeting**

Previously, all Commissioners had received a copy of the minutes to review.

**A motion was made** by Commissioner Piepkorn and seconded by Commissioner Durick to accept the minutes of February 25, 2016 as presented. All Commissioners voted aye and hearing no negative vote the motion passed.

Director laCour introduced Mike Schmitz of the ND Horse Park who provided an update on the progress of the OTB's. The Bismarck and Jamestown OTB sites are to be up and running by Derby time. They are looking for a new site for the Fargo OTB location.

2. **New Service Provider & Account Deposit Wagering – License Application** - Bet Twice Consulting, LLC

Director laCour introduced McKay Smith of Bet Twice Consulting, LLC. Mr. Smith gave a brief history of Bet Twice Consulting. Director laCour and the Commissioners asked questions which Mr. Smith answered.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Durick to approve licensing Bet Twice Consulting, LLC, as a Service Provider & Account Deposit Wagering under the conditions that the rules and regulations be updated. Hanson –Y, Durick –Y, Ozbun –Y, Trottier –Y, and Piepkorn –Y. Motion passed.

3. **Breeders Fund**

Director laCour asked the Commissioners to approve the additional adjusted payout of the Breeders Fund for race 5 on July 26, 2015. When Sally Dasinger made the previous adjustments they were not calculated for Triple Breed Fund Points. The additional amount needed is \$1,512.62.

**A motion was made** by Chairman Ozbun and seconded by Commissioner Piepkorn to approve the additional adjusted payout of the Breeders Fund for race 5 on July 15, 2015 in the amount of \$1,512.62. Ozbun –Y, Piepkorn –Y, Trottier –Y, Hanson –Y, and Durick –Y. Motion passed.

4. **Promotion Fund Grant to Associations**

Director laCour asked the Commissioners to approve a \$5,000 Grant from the Promotion Fund to the ND Quarter Horse Racing Association and a \$5,000 Promotion Fund Grant to the ND Thoroughbred Association.

**A motion was made** by Commissioner Durick and seconded by Commissioner Trottier to a \$5,000 Grant from the Promotion Fund to the ND Quarter Horse Racing Association and a \$5,000 Promotion Fund Grant to the ND Thoroughbred Association. Durick –Y, Trottier –Y, Ozbun –Y, Hanson –Y, and Piepkorn –Y. Motion passed.

5. **Cobalt Variance**

Director laCour asked for a variance to the medication rules to provide for Cobalt testing and the applicable thresholds found in the ARCI model rules on a random basis for the upcoming races. This is the same as what was done in 2015.

**A motion was made** by Commissioner Trottier and seconded by Commissioner Piepkorn to approve a variance to the medication rules to provide for Cobalt testing and the applicable thresholds found in the ARCI model rules on a random basis for the upcoming races. Trottier –Y, Piepkorn –Y, Ozbun –Y, Hanson –Y, and Durick –Y. Motion passed.

Director laCour informed every one of the cut-off date for the out-of-state racing is October 31. This is because of the statute (NDCC 53-06.2-11(6)) which states that Breed Fund checks for the current year need to be paid during the current year and Sally needs time to process the awards. Director laCour may go to the Legislature next year to address the change for out-of-state racing to add two additional months to pay out.

No motions needed.

Director laCour made a recommendation to go back to what is in the original statute for registration fees of foals. The fee is \$10 if paid by December 31 of the foaling year and \$1,000 after December 31 of the foaling year. This would be effective January 1, 2017. There was discussion between the Commissioners and the horsemen regarding this change.

**A motion was made** by Commissioner Piepkorn and seconded by Commissioner Durick to reinstate to what is in the original statute regarding the registration fees of foals. The fee is \$10 if paid by December 31 of the foaling year and \$1,000 after December 31 of the foaling year. This is effective January 1, 2017. Piepkorn –Y, Durick –Y, Ozbun –Y, Hanson –Y, and Trottier –Y. Motion passed.

**6. Drug Testing**

Director laCour provided an update regarding human drug testing at the tracks. Our rule states that it is based upon reasonable cause. There was discussion among the Commissioners and the horsemen.

No motions needed.

Director laCour reminded everyone present about the outbreak of EHV and the seriousness of the disease. He indicated that there would be increased security with additional cost involved in addressing this issue.

No motions need at this point.

Director laCour stated the Chippewa Downs has a shortage of material needed for the racetrack. The cost is \$31,000 which is for materials only. He recommended splitting the cost equally between the track and the Commission. The cost would be \$15,500 from the Promotion Fund

**A motion was made** by Chairman Ozbun and seconded by Commissioner Durick to award \$15,500 from the Promotion Fund to Chippewa Downs to split the cost equally for the materials needed for the racetrack for the upcoming meet. Ozbun –Y, Durick –Y, Hanson –Y, Piepkorn –Y, and Trottier –Y. Motion passed.

**7. Any other business which may properly come before the Commission**

Director laCour stated that there would be additional measures taken at the track and that procedures would be put in place because of the EHV outbreak.

No motions needed.

Leigh Backhaus indicated that the weight of the jockeys is sometimes listed incorrectly in the racing program which in turns showing up incorrectly in Equibase. Director laCour will contact the Racing Secretary to make sure that this does not happen.

No motions needed.

**8. Adjournment**

Chairman Ozbun requested the meeting be adjourned.

**A motion was made** by Commissioner Piepkorn and seconded by Commissioner Hanson. All Commissioners voted aye and hearing no negative vote the motion passed.

The meeting was adjourned at 12:08 p.m.