

NEBRASKA STATE RACING COMMISSION  
MINUTES OF MEETING

DATE: February 13, 2013

TIME: 1:30 p.m.

LOCATION: Nebraska Racing Commission  
Conference Room  
5903 Walker Avenue  
Lincoln NE

PRESENT COMMISSIONERS:

Dennis P. Lee Chairman  
Janell Beveridge Vice Chairperson (appeared via telephone)  
Jeffrey Galyen Commissioner  
Kristopher Covi Commissioner

ABSENT:

Helen Abbott Feller Commissioner

Chm. Lee convened the meeting at 1:36 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 THE MINUTES/REVENUE/EXPENDITURE REPORTS

Comm. Covi moved, seconded by Galyen to approve the corrected minutes of the November 7, 2012 Commission Meeting. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

Galyen moved, seconded by Covi to approve the November and December Financial Reports. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

ELECTION OF RACING COMMISSION OFFICERS FOR 2013

Beveridge moved, seconded by Covi to re-elect Dennis P. Lee as the Chairman of the Commission. There were no other nominations. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

Chm. Lee moved, seconded by Galyen to appoint Janelle Beveridge as Vice-Chairperson of the Commission. There were no other nominations. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

APPROVAL OF COMMISSION STAFF FOR 2013

Covi moved, seconded by Galyen to approve the staff of 2013. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS RECEIVED SINCE NOVEMBER 7, 2012

Galyen moved, seconded by Beveridge to approve all simulcast applications as presented from Fonner Park since November 7, 2012. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

Covi moved, seconded by Galyen to approve all simulcast applications as presented from Lincoln Race Course since November 7, 2012. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

Galyen moved, seconded by Covi to approve all simulcast applications as presented from Horsemen's Park since November 7, 2012. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

Beveridge moved, seconded by Galyen to approve all simulcast applications as presented through February 21, 2013 from Columbus Races since November 7, 2012. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

APPROVAL OF LINCOLN RACE COURSE RACING OFFICIALS OF 2013

Covi moved, seconded by Lee to approve Lincoln Race Course officials as amended for 2013. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

APPROVAL OF FONNER PARK RACING OFFICIALS OF 2013

Beveridge moved, seconded by Covi to approve Fonner Park officials as amended for 2013. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

JAMES COMPTON – APPEAL OF COLUMBUS STEWARDS RULING #13

Mr. Compton along with owner Mr. and Mrs. Peter Loriaux were present. The Commission marked and received all exhibits. Chm. Lee moved to affirm the Steward's decision of the \$500.00 fine for Mr. Compton and the re-order of the purse structure for the race. The motion died due to lack of second.

Covi moved to table this matter until the next meeting. The motion died due to lack of second.

Chm. Lee moved, seconded by Beveridge to affirm Columbus steward's ruling #13. Voting aye: Lee, Beveridge, Galyen. Voting nay: Covi. Motion carried 3 to 1.

ROBERT HAAR - APPEAL OF COLUMBUS STEWARDS RULING #7

Mr. Haar was not present. The Commission marked all exhibits. Covi moved to affirm the Steward's decision for failure to appear. The motion died due to lack of second.

Galyen moved, seconded by Lee to affirm the steward's ruling but add to it a suspension of thirty days for each positive for a combined suspension of 60 days effective today.

Covi stated his concerns about adding more suspension. Lee withdrew his second. Covi moved, seconded by Lee to affirm the Steward's decision for failure to appear. Voting aye: Lee, Beveridge, Covi. Voting nay: Galyen. Motion carried 3 to 1.

A recess was requested by Commissioner Galyen. The Commission granted a recess.

The Commission reconvened at 3:29 pm.

#### NICHOLAS SCARBOROUGH-APPEAL OF COLUMBUS STEWARDS RULING #10

Mr. Scarborough was present. The Commission marked and received all exhibits. Chm. Lee moved, seconded by Beveridge to affirm the Steward's decision. Voting aye: Lee, Beveridge, Covi. Voting nay: Galyen. Motion carried 3 to 1.

#### KELLY BALLHAGAN – LICENSE REFERRAL

Mr. Ballhagan was present. The Commission marked and received all exhibits. Galyen moved, seconded by Beveridge to deny the application at this time. Voting aye: Lee, Beveridge, Galyen, Covi. Motion carried.

#### DISCUSSION ITEMS

Janelle Beveridge left the meeting via telephone at 4:50 pm.

A discussion was held regarding loading horses in order at the gate – NSRC Rule 13.010.08 with the outcome being the State Steward will work with the starter.

A discussion was held on saddling horses on the go in the paddock. Chm. Lee suggested that Tom work with the State Steward and Veterinarian along with the HBPA for a “test directive” during the Fonner meet with the understanding that at the next meeting they can issue a report including objections, thoughts, etc.

Mr. Sage updated the Commission on the small track fund. Mr. Sage advised the Commission that staff is no longer sending small track fund money to Platte County Ag Society as they are not licensed to run live racing in 2013. Mr. Sage also advised the Commission that Platte County Ag Society agreed to return \$51,534.89 in small track fund money that has not been used for purses.

Lynn Schuller with the HBPA was included in a discussion about what happens to the funds in the Small Track Fund if there are no small tracks left in the state that fit the statutory requirements. It was decided to have Tom make an informal request to the Attorney General's office.

Shelly Hosch with the HBPA discussed that there was an overpayment of \$24,594.37 in the purse account at Columbus and was requesting July 2012 (\$10,709.95) and August 2012 (\$9,962.02) from the unused small track fund money from Columbus be paid into the purse account to cover part of the overpayment. The Commission agreed to Shelly's request.

Larry Staroscik discussed his concerns with horses that may be tied up in an appeal due to weight and eligibility issues. Chm. Lee stated that he would look into it.

#### REQUEST FOR A TEMPORARY EXCEPTION OF NSRC RULE 9.001.16 AND 9.001.16A

Covi moved, seconded by Lee to approve the request by Fonner Park and Omaha Exposition and Racing to deviate from the rule in NSRC Rule 9.001.16 and 9.001.16A

and allow maidens over 5 years of age to start in 2013. Voting aye: Lee, Galyen, Covi. Motion carried.

KIM VEERHUSEN – REFERRAL OF STEWARDS RULING #5, DATED 8/4/2012

Mr. Veerhusen was not present. The Commission marked and received all exhibits. Chm. Lee moved, seconded by Galyen to accept Mr. Sage's penalty proposal of a two year suspension of Mr. Veerhusen's license up through and including August 3, 2014 with the term of suspension being retroactive to August 4, 2012. Mr. Veerhusen has already paid the \$1500.00 fine assessed by the steward's and a final resolution would be an additional fine of \$1,000.00 to be paid prior to August 3, 2014. Voting aye: Lee, Galyen, Covi. Motion carried.

CHAD OLSON – JOCKEY AGENT/OWNER LICENSE

This item has been postponed to the next meeting.

DIRECTIVES

Covi moved, seconded by Lee to approve Directives A through H, as presented and Directives J through N as presented. Directive I was not included in this motion due to the objection by the HBPA. Voting aye: Lee, Galyen, Covi. Motion carried.

MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders' Association – An invitation was extended to the Commissioners and the Director of the Commission to the annual dinner.  
NE Horsemen's Benevolent and Protective Association

ADJOURNMENT

Chm. Lee moved, seconded by Covi to adjourn the meeting at 5:47 pm. Voting aye: Lee, Galyen, Covi. Motion carried.

Respectfully submitted,  
Tom Sage  
Executive Secretary