

NORTH DAKOTA RACING COMMISSION
State Capitol Building, Fort Union Room
600 East Boulevard Avenue, Bismarck, ND
Thursday, September 16, 2021 – 10:30 a.m., Central Time

Minutes - Amended

Present: Commissioner Jessica Benson, Commissioner Tracy Hanson, Commissioner Richard LaFromboise, Legal Counsel Carl Karpinski, Director Jack Schulz, Administrative Officer Gail Allensworth, and Safety Steward/Investigator Brian Burkett

By Phone: Chairman John Hanson and Commissioner Tim Kreidt

Others Present: Wendy Reuer, Leon Glasser, LJ Harsche, Doug DeMontigny, Joyce DeMontigny, Terry Davis, Jamie Herman, John Bubel, Scott Horst, Randy Schwartz, and Avery Erfle

Others by Phone: Mallory Norton, Jay Alsop, and Trish Enger

Call to Order: Chairman Hanson called the meeting to order at 10:30 a.m.

AGENDA

1. **Introduction of Assistant Attorney General Carl Karpinski**
2. **Approval of Minutes – June 3, 2021 Meeting**
3. **Fiscal Year Report 2019-2021**
4. **2020 Breed Fund Audit Report**
5. **2021 Race Meet Reports**
6. **Internship Program Update**
7. **Government Administration Committee Hearing/Testimony**
8. **Grant Recipient Reports**
 - a. Horse Race North Dakota (HRND)
 - b. Outdoor Recreation Development Association (ORDA)
 - c. North Dakota Thoroughbred Association (NDTA)
9. **Promotion Fund Request**
 - a. HRND General Manager Grant Request
10. **Hearings**
 - a. Mallory Norton 2-counts: Trainer Responsibility Violation and a Late Scratch Violation

11. **Administrative Rules Updates, Changes, and Additions**
12. **Next Meeting Date Change**
13. **Any other business which may properly come before the Commission**
14. **Adjournment**

1. **Introduction of Assistant Attorney General Carl Karpinski**

Director Schulz introduced the new Legal Counsel for the Racing Commission, Carl Karpinski. Mr. Karpinski provided a brief history.

Director Schulz introduced the three new Racing Commissioners: Tracy Hanson, Jessica Benson, and Richard LaFromboise. The Commissioners provided a brief history of themselves.

2. **Approval of Minutes – June 3, 2021 Meeting**

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

A motion was made by Commissioner LaFromboise and seconded by Commissioner Benson to accept the minutes of June 3, 2021, as presented. All Commissioners voted aye and hearing no negative vote, the motion passed.

The Commissioners moved to re-schedule the Pete Davis issue from the June 3, 2021 meeting at the next scheduled meeting.

3. **Fiscal Year Report 2019-2021**

Director Schulz provided an update to the Commissioners on all the Racing Commission funds.

No motions needed.

Director Schulz asked to amend the agenda as there might be a need for an Executive Session before the hearing.

A motion was made by Commissioner Hanson and seconded by Chairman Hanson to amend the agenda to include an Executive Session before the hearing, if needed. Hanson – Y, Hanson – Y, Benson – Y, LaFromboise – Y, and Kreidt – Y. Motion passed.

4. **2020 Breed Fund Audit Report**

Director Schulz presented the results of the 2020 Breed Fund Audit to the Commissioners.

No motions needed.

5. **2021 Race Meet Reports**

Director Schulz introduced Doug DeMontigny, Chairman of ORDA, who provided a report on the racing at Chippewa Downs.

There was not a representative of Horse Race North Dakota to provide a report for the racing at the North Dakota Horse Park.

Director Schulz provided a summary of the racing at Chippewa Downs and North Dakota Horse Park.

No motions needed.

6. **Internship Program Update**

Director Schulz provided a summary of the Internship program to the Commissioners.

No motions needed.

7. Government Administration Committee Hearing/Testimony

Director Schulz provided a summary of the Government Administration Committee hearing. Commissioners asked questions which Director Schulz answered.

No motions needed.

8. Grant Recipient Reports

- a. Horse Race North Dakota (HRND)

Jay Alsop, President of HRND, provided a summary of how the Grant funds were spent at SideStreet Grille and Pub in Fargo.

Trish Enger of HRND provided a report on the race meet at the North Dakota Horse Park.

- b. Outdoor Recreation Development Association (ORDA)

Doug DeMontigny of ORDA provided a race meet report earlier in the meeting.

- c. North Dakota Thoroughbred Association (NDTA)

Director Schulz introduced Scott Horst, President of the ND Thoroughbred Association, who provided a review of the Horsemen's Banquet.

No motions needed.

9. Promotion Fund Request

- a. HRND General Manager Grant Request

Director Schulz introduced Jay Alsop who provided information regarding the Promotion Fund request to fund the position of a General Manager for the North Dakota Horse Park. Mr. Alsop asked for a 50/50 split with the Commission to help fund this position. Mr. Alsop requested up to \$80,000 per year (\$40,000 with the split), for both years in the current biennium. Director Schulz recommended approving the request. The Commissioners asked questions which Mr. Alsop answered.

A motion was made by Commissioner Hanson and seconded by Commissioner LaFromboise to approve the Promotion Fund request to Horse Race North Dakota up to \$40,000 per year for a total of \$80,000 in the current biennium to fund a General Manager position for the ND Horse Park with the following conditions: a) see the job description for the position, b) see a game plan, c) see the short-term goals and d) limiting this to the current biennium. Hanson – Y, LaFromboise – Y, Hanson – Y, Benson – Y, and Kreidt – Y. Motion passed.

Recess

10. Hearings

- a. Mallory Norton 2-counts: Trainer Responsibility Violation and a Late Scratch Violation

Director Schulz stated the reasons behind the hearing being held. Legal Counsel Carl Karpinski presented the procedures for the hearing.

Brian Burkett, Safety Steward/Investigator presented the violations of Mallory Norton before the Commissioners. Mallory Norton presented her case. Director Schulz and the Commissioners asked questions which Ms. Norton answered.

A motion was made by Commissioner LaFromboise and seconded by Commissioner Kreidt to impose a \$500 fine for the Trainer Responsibility violation and a \$200 fine for the Late Scratch violation for Mallory Norton. LaFromboise – Y, Kreidt – Y, Hanson – Y, Benson – Y, and Hanson – Y. Motion passed.

Legal Counsel Carl Karpinski advised Ms. Norton about the process in which she will receive written notification of the hearing results.

11. Administrative Rules Updates, Changes, and Additions

Director Schulz gave an update from the Horsemen's Advisory Council meeting where all the updates/changes/additions to the Administrative Rule were discussed. Director Schulz asked for approval to move forward with the Administrative Rule changes process.

A motion was made by Commissioner Benson and seconded by Commissioner Hanson to approve Director Schulz to move forward with the Administrative Rule changes process. Benson – Y, Hanson – Y, LaFromboise – Y, and Kreidt – Y. Chairman Hanson - not available. Motion passed.

12. Next Meeting Date Change

The November 18 meeting has been changed to Tuesday, November 9.

13. Any other business which may properly come before the Commission

Director Schulz advised the Commissioners and others present at the meeting that the Racing Commission will be having an Open House on October 5 from 10 am – 2 pm at the new Racing Commission office.

Director Schulz advised about HISA (Horsereading Integrity and Safety Act) and asked Legal Counsel Carl Karpinski to provide insight on HISA. Mr. Karpinski asked the Commissioners if the Racing Commission would like to support the Amicus Brief. Director Schulz recommended supporting the Amicus Brief.

Questions were asked by the Commissioners which Director Schulz and Mr. Karpinski answered.

A motion was made by Commissioner Hanson and seconded by Commissioner Benson to support the Amicus Brief. Hanson – Y, Benson – Y, Hanson – Y, LaFromboise – Y, and Kreidt – Y. Motion passed.

14. Adjournment

A motion was made by Commissioner Benson and seconded by Commissioner Hanson to adjourn the meeting. All voted aye and hearing no negative vote the motion passed.

Meeting was adjourned at 1:45 p.m.