

**North Dakota Racing Commission Meeting**  
**Expressway Suites Meeting Room**  
**4303 17th Avenue South, Fargo, ND**  
**Friday, July 29, 2022 – 1:30 pm, Central Time**

**Minutes**

**Call to Order:** Chairman John Hanson called the meeting to order at 1:30 p.m.

**Present:** Chairman John Hanson, Commissioner Richard LaFromboise, Commissioner Michael Nason, Commissioner Tracy Hanson, Legal Counsel Carl Karpinski, Executive Director Jack Schulz, Administrative Officer Gail Allensworth, Safety Steward/Investigator Brian Burkett, Interns Morgan Dutton, Faye Stanton, and Garret Schaeftbauer

**On the Phone:** Commissioner Jessica Benson

**Others Present:** Jeremy Samuel, Stephen Oliver, Tuck Miller, Robin Miller, Lloyd Just, Janelle Mitzel, Hugh Drexler, Scott Horst, Robby Wilson, James Pettie, Leigh Backhaus, Junior Dolphus, Jamie Herman, Carol Sivak, and Wendy Reuer

**Others on the Phone:** Joe Hasson, David Marshall, and Katherine Paisley

Chairman Hanson introduced the new Commissioner Michael Nason.

**AGENDA**

1. **Approval of Minutes – May 12, 2022 Meeting**
2. **New Service Provider/ADW – License Applications**
  - a. Apple iSports, Inc.
  - b. Game Play Network, Inc.
3. **New Totalizator Provider – License Application** – Exacta Systems, LLC
4. **Fiscal Year Report 2021-2022**
5. **Administrative Rules Updates**
6. **2023 Race Meet Dates & Locations**
7. **Pete Davis/Steward Complaints**
8. **Trish Enger Complaint**
9. **Next Meeting Date** – Thursday, November 17 at 10:30 am (Central Time)
10. **Any other business which may properly come before the Commission**
11. **Adjournment**

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**1. Approval of Minutes – May 12, 2022 Meeting**

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

**A motion was made** by Commissioner Hanson and seconded by Commissioner Nason to accept the minutes of May 12, 2022, as presented. All Commissioners voted aye and hearing no negative vote, the motion passed.

**2. New Service Provider/ADW – License Applications**

a. Apple iSports, Inc.

Executive Director Schulz introduced Stephen Oliver, COO, and Jeremy Samuel, CEO, of Apple iSports, Inc., who provided additional information about their Service Provider/ADW license application. The Commissioners asked questions which Mr. Oliver and Mr. Samuel answered.

Executive Director Schulz recommended approval of the Apple iSports application upon approval of the Attorney General's office and a completed limited scope background check from the Thoroughbred Racing Protective Bureau.

**A motion was made** by Commissioner LaFromboise and seconded by Commissioner Nason to approve the Service Provider/ADW license application from Apple iSports upon approval of the Attorney General's office and a completed limited scope background check from the TRPB. LaFromboise – Y, Nason – Y, J. Hanson – Y, T. Hanson, and Benson – Y. Motion passed.

b. Game Play Network, Inc.

Executive Director Schulz introduced Joe Hasson, SVP Racing & Regulatory Affairs, and David Marshall, Chairman and CEO of Game Play Network, who provided additional information about their history and their Service Provider/ADW license application. The Commissioners asked questions which Mr. Hasson and Mr. Marshall answered.

Executive Director Schulz recommended approval of the Game Play Network application upon approval of the Attorney General's office and a completed limited scope background check from the TRPB.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Nason to approve the Service Provider/ADW license application from Game Play Network upon approval of the Attorney General's office and a completed limited scope background check from the TRPB. T. Hanson – Y, Nason – Y, J. Hanson – Y, Benson – Y, and LaFromboise – Y. Motion passed.

**3. New Totalizator Provider – License Application – Exacta Systems, LLC**

Executive Director introduced Katherine Paisley, General Counsel of Exacta Systems, who provided additional information about their Totalizator Provider license application. The Commissioners asked questions which Ms. Paisley answered.

Executive Director Schulz recommended approval of the Exacta Systems application upon approval of the Attorney General's office.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Nason to approve the Totalizator Provider license application from Exacta Systems upon approval of the Attorney General's office. T. Hanson – Y, Nason – Y, J. Hanson – Y, LaFromboise – Y, and Benson – Y. Motion passed.

**4. Fiscal Year Report 2021-2022**

Executive Director Schulz provided a review of the 2021/2022 fiscal year.

No motions needed.

**5. Administrative Rules Updates**

Legal Counsel Carl Karpinski provided an update on the changes to the Administrative Rules submitted to the AG's office for review before submission to the Legislative Council Administrative Rules committee.

No motions needed.

**6. 2023 Race Meet Dates & Locations**

Executive Director Schulz introduced Hugh Drexler, GM of the ND Horse Park, and Jamie Herman with the ORDA Board/Chippewa Downs. Both Mr. Drexler and Mr. Herman expressed interest in swapping race dates in 2023. ND Horse Park would run in June and Chippewa Downs would run in July.

There will be further meetings to discuss the race dates for 2023.

No motions needed.

**7. Pete Davis/Steward Complaints**

Executive Director Schulz stated that Pete Davis was unable to attend as he was having mechanical issues with his vehicle.

Legal Counsel Carl Karpinski provided the procedural information options regarding the Pete Davis complaint.

Executive Director Schulz outlined to the Commissioners the items that Pete Davis submitted in his complaint. The Commissioners asked questions of Stewards Tuck Miller and James Pettie, which they answered.

Executive Director Schulz explained what the Administrative Rule is regarding the issues in the complaint. Safety Steward/Investigator Brian Burkett addressed the procedures for breathalyzer and drug testing that is done at the racetracks.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Nason to dismiss the Pete Davis complaint. T. Hanson – Y, Nason – Y, J. Hanson – Y, LaFromboise – abstained, and Benson – Y. Motion passed.

Steward Tuck Miller addressed the issue of Pete Davis being late to the paddock on the day of the race. The Commissioners asked questions which Mr. Miller answered. Chairman Hanson asked Mr. Miller if he had any recommendations.

Steward Tuck Miller recommended a \$1,000 fine and a suspension of 180 days beginning the next race season in 2023 for Pete Davis.

Steward Lloyd Just addressed the Commissioners. The Commissioners asked questions which Mr. Just answered.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Benson to accept the Steward recommendation of a \$1,000 fine and a suspension of 180 days beginning the next race season in 2023 for Pete Davis. T. Hanson – Y, Benson – Y, J. Hanson – Y, Nason – Y, and LaFromboise – abstained. Motion passed.

**8. Trish Enger Complaint**

Legal Counsel Carl Karpinski stated that Trish Enger made a complaint against Executive Director Schulz. Mr. Karpinski explained what the complaint was and the options available for the Commissioners.

Chairman Hanson noted that he received an email complaint from Trish Enger and that he passed the information along to Legal Counsel Carl Karpinski. There was discussion amongst the Commissioners and Mr. Karpinski.

**A motion was made** by Commissioner Hanson and seconded by Commissioner Nason to dismiss the Trish Enger complaint. T. Hanson – Y, Nason – Y, J. Hanson – Y, LaFromboise – Y, and Benson – Y. Motion passed.

**9. Next Meeting Date** – Thursday, November 17 at 10:30 am (Central Time) at the State Capitol

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

- Executive Director Schulz stated that there will be a new OTB opening in Williston under the Site Operator, Development Homes. Exec. Director Schulz introduced Janelle Mitzel, Gaming Director of Development Homes, who provided an update. No motions needed.

- Executive Director Schulz gave an update on the need for a new Breed Fund database and presented the quote from NDIT. Director Schulz asked for approval for the IT upgrade.

**A motion was made** by Commissioner Nason and seconded by Commissioner Hanson to approve the Breed Fund database upgrade to be completed by NDIT. Nason – Y, T. Hanson – Y, J. Hanson – Y, LaFromboise – Y, and Benson – Y. Motion passed.

- James Pettie asked for a Promotion Fund request in the amount of \$1,500 to attend the ROAP Accreditation School for Stewards at Los Alamitos, September 11-18. Mr. Pettie provided a brief bio and explained that HRND and ORDA would assist with the cost and that it would be divided amongst the three organizations.

**A motion was made by** Commissioner Nason and seconded by Commissioner Hanson to approve the Promotion Fund request from James Pettie in the amount of \$1,500 to attend the ROAP Accreditation School for Stewards. Nason – Y, T. Hanson – Y, J. Hanson – Y, LaFromboise – Y, and Benson – Y. Motion passed.

- Executive Director Schulz stated that we would be receiving a Promotion Fund request from the chaplain at the racetracks. No motions needed.
- Executive Director Schulz said that he would like to draft a couple of Legislative bills for next session and would like to engage KK Bold as a lobbyist to assist in the drafting of the bills. The bills would address 1) getting rid of breakage for the ADWs; to raise the tax cap to \$520,000 to make up for the loss of breakage in the Promotion Fund; and increase the percentage amount to the Promotion Fund, and 2) Expand the definition of pari-mutuel in North Dakota beyond horse and dog racing. Exec. Director Schulz asked for approval and authorization up to \$15,000 for planning legislative relations.

**A motion was made** by Commissioner LaFromboise and seconded by Commissioner Hanson to authorize up to \$15,000 from the Promotion Fund for planning Legislative relations. LaFromboise – Y, T. Hanson – Y, J. Hanson – Y, Nason – Y, and Benson – Y. Motion passed.

## **11. Adjournment**

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

Meeting was adjourned at 4:23 p.m.