

OHHA NEWS

August 2016

Summer Events Underway for OHHA

by Regina Mayhugh

The Ohio Harness Horsemen's Association (OHHA) has had a busy summer as we plan our events and promote harness racing over the summer months. It is hard to believe that the summer is almost over and school will be starting soon. Horsemen have been out enjoying the summer months racing their horses throughout Ohio either at Scioto Downs, Northfield Park or the 65 Ohio county fairs. The OHHA staff has been busy too at these events exciting the fans and promoting awareness of the sport!

Hunter Holton, OHHA intern and Susan Schroeder, OHHA Projects Coordinator, have been traveling the fairs with the "Racing with the Stars" tent, interacting with fans, speed committee members and horsemen and sharing the opportunity about harness racing. "The tent is eye catching and draws people in to see what it is all about. "People love spinning the wheel to win prizes", says Holton.

To complement the Racing with the Stars Tour traveling display, OHHA designed t shirts that have the tour name on the front and lists every county fair that races on the back. OHHA offered the shirts to all fairs at a nominal fee and many fairs took advantage of that. Fairs have been tossing them to the fans in the stands, handing them out to grooms that work with the horses and giving them to their fair volunteers. These shirts become walking advertising for all the racing county fairs in Ohio. At Jackson County Fair (Wellston) the workers were also wearing the shirts.

Hunter and Susan have done a great job of giving harness racing more of a presence on social media with interviews, fans of the day and of course racing photos and videos. We have two Facebook

pages, Ohio Harness Horsemen's Association and Ohio Harness Racing Fans. Be sure to check out the pages and share them with friends and family!

The Ladies Pace gals have kept the crowds on their toes at Ohio fairs with the excitement in their ladies only races and the interaction they have with the fans. The ladies have had some excited kids when they handed out back to school bags and fans of all ages have enjoyed the freeze pops they received. These gals do a great job of keeping the fans entertained and excited to see more. Anything that fairs, horsemen and others can do to keep the fans entertained and excited about harness racing will only strengthen the harness racing industry!

The OHHA is promoting harness racing at the Ohio State Fair again this year in the Nationwide and Ohio Farm Bureau Land and Living building. The booth is an educational exhibit to promote awareness of the harness racing industry. The booth is open all day to fair visitors who can stop in and play a Plinko type trivia game, play horse shoes, ask questions about racing and there are crafts for the children. Some of the banners from Racing with the Stars are also part of the booth along with some photo opportunities. OHHA's new mascot Willhewinit is also at the booth. The booth has been well attended. A special Thank you to those who have volunteered their time to work in the booth.

As we move into August, join OHHA Wednesday, August 17th for Charity Night at the Races at Eldorado Scioto Downs! This year the event has been expanded and OHHA will be able to help more Ohio charities by expanding to two races this year, Race 6 and 8. The layout of the

evening will be a little different and we are looking forward to it. OHHA would like to thank Eldorado Scioto Downs for allowing OHHA to host the event and for their assistance in the planning and OHHA Board members for hosting charities! OHHA is looking forward to expanding this event at more Ohio tracks! Stay tuned!

OHHA has also been busy creating more opportunities in Ohio. The July OHHA Board Quarterly Board meeting resulted in the acceptance of a new Ohio Breeder's Awards program. This program will help strengthen Ohio's program by rewarding the breeders for their hard work and high quality horses. This program has been a goal of the horsemen for a long time and an exciting that the goal that is now a reality. Another opportunity coming in 2017 is a Second Tier Sires Stakes Series. You can learn more about both of these programs on the OHHA website soon as well as in the next issue of the Buckeye Harness Horseman.

It is hard to believe that the summer is almost coming to a close and that school is just around the corner. Thinking of school, have you ever thought about what we can do to get more youth in the sport? Many schools in Ohio, especially career centers, vocational agricultural programs and colleges have equine studies. How can harness racing become part of their lessons? Something to think about as another school year approaches.

Summer may be coming to an end but the Ohio harness racing industry continues to strive on throughout the year! As the next season begins more events and racing will continue onward keeping harness racing in Ohio a strong sport all year long!



Ohio Harness Horsemen's Association

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2016 Racing Dates

Northfield Park
Jan. 1 - Dec. 30
(221 Live Days)

Miami Valley Gaming
Jan. 9 - May 8
(86 live days)

Scioto Downs
May 10 - Sept. 10
(90 live days)

Hollywood at
Dayton Raceway
Sept. 12 - Dec. 30
(75 live days)

Important Dates

OSRC Monthly Meeting
August 29, 10:00 a.m.
Columbus Riffe Center
77 S. High St.,
Columbus, Ohio
Room 1952

OHHA Board Meeting
October 25
Embassy Suites Dublin
5100 Upper Metro Place
Dublin, OH 43017

Cover Photo by
Susan Schroeder, Union
County Fair

From Your Executive Director

Renée Mancino



Report to Horsemen Regarding: Filing of Lawsuit Against Northfield Park

On July 12, 2016 OHHA filed a lawsuit against Northfield Park in federal district court in Akron seeking to protect the livelihood of its horsemen and sustainability of harness horse racing at Northfield Park. This communication is to provide Ohio harness horsemen and horsewomen with a summary of the lawsuit. The fact that OHHA filed this lawsuit does not mean that OHHA is unwilling to negotiate with Northfield Park to try and reach a resolution. It has been communicated clearly and repeatedly to Northfield Park that OHHA remains ready, willing, and able to negotiate by and through its leadership and legal counsel, but to date Northfield Park has not accepted.

Background

- The Northfield Park Purse Account
 - There exists an approximately \$8.8 million surplus in the Northfield Park Purse Account that Northfield Park is failing to pay out in purses as required by law.
 - Northfield Park is also mishandling the Northfield Park Purse Account by failing to invest or earn interest on the surplus, and using the horsemen's monies to pay Northfield Park's own taxes.
- Interstate Horseracing Act
 - Under a federal law called the Interstate Horseracing Act, Northfield Park cannot simulcast for interstate off-track wagering purposes unless it obtains OHHA's consent. However, OHHA reasonably believes that Northfield Park has exported simulcasts to some sites without its consent since January 1, 2016. Full compliance with this Act requires Northfield Park to fully disclose and produce copies of contracts with all sites so that OHHA can know to what extent Northfield Park has been, and may still be, simulcasting in violation of the Act.
- Northfield Park's Retaliatory Threats
 - Rather than negotiate or consult with OHHA to resolve this dispute as required by law, Northfield Park has responded by threatening to:
 - alter the barn area and convert it into a ship-in only facility,
 - effectively close the backside dorms,
 - eliminate an earlier promised purse increase despite the unprecedented surplus in the purse account, and
 - shut down export simulcasting by refusing to accept OHHA's consent to simulcast.
 - Northfield Park's threatened actions are likely to lead to decreased racing both in quantity of races and quality of races with less competition at Northfield Park, and will effectively dislocate or evict many horsemen, their employees, and horses.

The Lawsuit

In order to protect the livelihood of its horsemen and the Ohio harness horse racing at large, OHHA was faced with no option other than to file suit against Northfield Park. The lawsuit seeks to:

- Protect OHHA's federally protected right of consent to simulcasting for off-track wagering purposes,
- Prevent further underpayments in purses from the Northfield Park Purse Account, and
- Prevent Northfield Park from carrying out its threatened retaliatory actions.

If successful, OHHA hopes to:

- Eliminate the unprecedented underpayments from, and increase the size of Northfield Park's purses, which in turn will lead to better and fairer racing at Northfield Park;
- Require appropriate controls over Northfield Park with respect to the Purse Account or remove it altogether from controlling the Purse Account;
- Stabilize the bargaining power of horsemen under Ohio law and the Interstate Horseracing Act; and
- Solidify the Ohio harness horsemen's position as "equal partners" in racing and export simulcasting with Northfield Park, as is required by the Interstate Horseracing Act.

In normal business the Executive Director's Approval Items were discussed and ratified. No documents were provided or disclosed to the public. There was no comment on items provided to the Commissioners contained in the Executive Director's Report. The Racing Commission unanimously ratified the Executive Director's Report items.

In normal business the Executive Director's Report was offered. It was a request from the Delaware Agricultural Society to conduct future wagering on the Little Brown Jug, simulcast all races, require quarantine at 11 a.m. two days prior to the Jug and Jugette respectively, waive 3769-15-31 permitting application of preferences, and approval of the wagering format. No documents were disclosed or discussed in conjunction with the request. No public comment was taken. The Racing Commission unanimously ratified the Executive Director's Report items.

In new business, proposed rules 3769-2-43 and 3769-12-43, "Commission to determine distribution percentage of video lottery terminal income". The Commission presented their proposed draft of the Rule required under R.C. 3769.087(C) setting the rate of 9-11% on the net revenue share if a racetrack permit holder and Association cannot agree to the rate. The proposed draft rule provides for a "hearing", "and consideration of "relevant factors, including but not limited to capital expenditures" to be considered. In addition to a "hearing" the Proposed Rule permits consideration of factors not specifically enumerated under the Statute. The only factor permitted under 3769.087(C) to be considered is, "capital expenditures necessary to build". The Proposed Rule expands the definition of "capital expenditures" beyond, "necessary to build" to factors "including but not limited to capital expenditures". Enabling the use of any capital expenditures beyond those "necessary to build" or any factors other than specifically enumerated expands the original Statute's scope. The Proposed Rule further provides that the lottery funds be paid and "distribute[d] consistent with industry practices in a manner approved by the Commission". Prior to the Commission Meeting the HBPA and OHHA had provided the Racing Commission with commentary and a joint revision to the proposed draft rule, providing significant changes to the proposed rule.

The joint revision was not offered, discussed, or considered. The Racing Commission commented during hearing that if any party had commentary on the draft Rule they would have an opportunity to be heard during the Agency hearing. With no public comment or discussion The Racing Commission unanimously ratified the draft rule for submission to the Common Sense Initiative.

In the May Monthly Racing Commission financial report, May 2016 showed an increase in revenue over May 2015 by 3% despite tax revenue declines linked to fingerprinting and licensing and testing costs being higher. The monthly revenue decline is also due to higher than normal expenses, which are up 13% in IT for software development, personnel payroll, legal costs, transportation (mandatory upgrade on four vehicles), and office IT equipment. Commissioner Book asked what legal costs were associated with the additional legal expenses. The costs for hearing officers, their contract rate with the Attorney General's office increasing, and paid legal costs associated with 2015 were the basis for the uptick in legal expenses. Overall the Commission continues to hold steady with revenue of just over \$1.6 million in the operating fund.

There was no monthly status update on Permit Holder and Horsemen's Agreement Negotiations between Belterra Park and the Ohio Horsemen's Benevolent and Protective Association (OHBPA).

A recap on the horse racing fatalities was provided for 2016. May had two thoroughbred fatalities, one at Belterra Park and one at ThistleDowns with no standardbred fatalities. To date there have been twenty total fatalities statewide, fifteen thoroughbred fatalities and five standardbred fatalities.

There was discussion on continuing track condition problems at Belterra Park. Belterra Park set forth further expert review and resurface work. They further represented that the horsemen were generally speaking, "happy with the work that has been done", with the leading jockey shaking the general manager's hand over his satisfaction with the surface. When questioned, the HBPA commentary provided a slightly different view, that to say they were "happy was an overstatement", that there were days that they had 6-inch ruts in the stretch and a broken float. So the surface

repair continues to be a "work in progress" on a continuing basis.

In the public comment portion of the Racing Commission meeting Milstein Entertainment's Vice-Chairman, Tom Aldrich and consulting attorney C. Luther Heckman appeared unscheduled with prepared testimony regarding ongoing discord with the OHHA. The issues is mainly whether Northfield Park must disclose to horsemen simulcasting contracts with off-track betting outlets located outside of Ohio. Under federal law, the Ohio harness horsemen are "equal partners" in racing with Northfield Park. As such, horsemen are entitled to know, and give their informed consent to the terms of sale of the Northfield Park simulcast signal to off-track betting outlets. Northfield Park has resisted full disclosure to the OHHA, and thwarted horsemen from being "equal partners" in racing. On June 20, 2016, the OHHA provided conditional consent to Northfield Park for simulcast racing through the end of 2016.

In response to providing consent June 20th, Northfield Park provided the Racing Commission with a packet of over 200 pages of communications between the OHHA and Milstein Entertainment CEO Brock Milstein from January 2016 to date. The documents provided also included Northfield Park's Memorandum and Letter dated June 15, 2016 that had previously been provided to the Northfield Park Horsemen and OHHA. In the Memorandum Northfield Park set forth their intent, (1) to alter the Northfield Park barn area and convert it into a ship-in only facility effective August 1, 2016; (2) to close the backside dormitories where many horsemen and their employees who race at Northfield Park live; and (3) to eliminate an increase in purses promised to the Ohio Harness Horsemen's Association ("OHHA") earlier this year, and instead to reduce purses even further after the August 1st conversion to a ship-in facility.

Among the claims made Northfield Park representatives opined that the OHHA wanted to renegotiate a 10-year agreement, ignore the fact that the Ohio State Racing Commission was the sole regulatory body in Ohio, and prevent them from freely operating their business within the rules and regulations in Ohio. They refuted the efficacy of the OHHA's June 20, 2016 Consent Agreement referring to it as,

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"their latest manifesto disguised as a consent letter," which was "totally unprecedented and unacceptable", that "arbitrarily shifts nearly \$1,100,000 of statutorily prescribed revenue from the permit holder to OHHA, leaving us [Northfield] with just two tasks: paying the bills for racing operation they would essentially be running and depositing money into their accounts."

In response the OHHA clarified the dispute as having started in April 2015 with several issues, (1) Northfield maintaining a large year-round aggregate purse pool balance and not implementing standard purse increases across-the-board, (2) entry box preferences in drawing horses into the races pursuant to a contractually agreed-to formula, which applies preference to Ohio Sired, Ohio Resident Trainer, and Ohio Owned horses in overnight events, (3) refusing to pay a drivers' flat fee commission for finishes outside of fifth place out of the Horsemen's Purse Pool, and (4) writing conditions on races for available horses. maiden, n/w-1, 2, younger horse straight condition races are not written. Meetings throughout 2015 resulted in little progress. Late in 2015 disclosure on import and export host sites, fee rates, and an adequate breakdown of the resulting revenue that flows into the Horsemen's Purse Pool via commission was added to the list. Further, the OHHA continued to repeat that the door was open for meetings, however it was clear at this time that any meetings were not productive unless Milstein Entertainment's CEO was present, because to date the Horsemen cannot, "negotiate with themselves".

The Racing Commission listened intently, repeatedly encouraged the parties to sit down, and asked several pointed questions, ultimately questioning, "what they were being asked to do"? With no answer forthcoming from initiating party Northfield Park, the public comment portion of the Racing Commission meeting was concluded.

In the matter of Hearing Officer's reports the Commission considered the cases of Trent Tharps and Jimmy Salerno. Mr. Tharps appeared on his own behalf to oppose the Hearing Officer's second denial of licensure due to a 2011 Warren County Common Pleas felony conviction. Mr. Salerno appeared with an attorney he had hired a day prior to dispute Mr. Salerno's search and seizure on February 9, 2016 when a bottle designed for hypodermic administration (an injectable) was discovered in his possession.

Mr. Tharps' case was presented by the Commission's Attorney General, Charles Febus. Mr. Febus set forth that Mr. Tharps had been denied licensure last year, but failed to appear at an appeals hearing on his own behalf. This was the second attempt at licensure, which the Hearing Officer was also recommending denial. Mr. Febus set forth that the Racing Commission has discretion to refuse to license any person with a felony conviction, which was the basis of the Hearing Officer's recommendation. Mr. Tharps provided factors in opposition of denial. He had

served his time and was released judicially to a probation program that he successfully completed, he hadn't had any issues or difficulties since 2011, not even a speeding ticket, he has a family with minor children in Ohio and didn't want to leave the state and be away from them, and had been fully licensed in California and Kentucky by their Racing Commissions. Commissioner Monroe asked Attorney Febus' opinion on probationary licensure. Attorney Febus set out that the Racing Commission has full discretion to do so. The Commissioners tabled their final consideration of the matter to the next Racing Commission hearing pending Mr. Tharps supplying them with documentation in support of the factors in support of the denial he provided orally in hearing.

Mr. Salerno appeared with his attorney who objected to the Hearing Officer's consideration of factors outside the scope of the charge of a horse that died, which was unrelated to Mr. Salerno's case. He also objected to the search and seizure used in obtaining the case evidence. Mr. Salerno's attorney likened the search and seizure procedure used on Mr. Salerno's dormitory room, vehicle, and person without him or a horsemen's representative present as, "akin to ransacking a prison cell". Attorney Febus reiterated the hearing as having provided Mr. Salerno the opportunity to defend himself, however he admitted to the possession. Commissioner Monroe moved to ratify the Hearing Officer's Report and Recommendation and the Racing Commission ratified the Hearing Officer's Recommendation of a \$500 fine and a full suspension from February 11, 2016 through August 8, 2016.

There was discussion on there being no Commission meeting scheduled for the month of July. The Commission unanimously voted to have the Executive Director distribute the third quarter's 3% gross Casino Commission with that action ratified by the Racing Commission in the August Racing Commission meeting.

The Racing Commission adjourned into Executive Session. There was no further business to be conducted after the Executive Session so the Motion and Vote was taken to adjourn into Executive Session and conclude the meeting.

For a transcript of the meeting contact the State Racing Commission. The next scheduled Racing Commission meeting date is August 30, 2016 at 10:00 a.m. in room 1960. The meeting will be held at the Riffe Center, 77 S. High St., Columbus, Ohio.

**Congratulations to
Robin Miller for scoring his
2,000th driving
victory at Northfield Park
on July 9th!**



Ohio County Fair Updates

by Hunter Holton



Madison County Fair (London)

The pacing track record at the Madison County Fair was last broken in 2000 when Heavenly Sahbra paced a mile in 1:57.2. Since 2000, two others have tied that mark, but that record fell on the second day of racing when Bourbon St Hanover finished his mile in a blistering 1:57.1 for Driver Jeff Lieberman.

He was sent to the front right off the gate and never turned back as he opened up his lead to as much as 5 lengths by the finish. This record was broken during Sunday's feature race, the William "Doc" McMillen Memorial, which was 4YO & Up Open pace that had a purse of \$4,000. Saturday's racing was highlighted by Devan Miller with A J Corbelli winning the Ohio Ladies Pace in 1:57.4 in a very competitive race. 2nd place was taken by Always A Tiger, driven by Tabatha Canarr.

During both days of racing fans were involved in a big way as pari-mutuels were more than doubled from last year to this year at the Madison County Fair. Those in attendance also received many opportunities to win prizes such as free T-shirts, Little Brown Jug Tickets, and the Racing with the Stars exhibit. Other grandstand highlights include teenager Erica Edmonds who was the "Fan of the Day." She was interviewed and received other prizes for her passionate display of excitement for the horse races. Special thanks out to Rob Mason and crew in getting the London track in such great shape to get fast miles on both days of racing

Logan County Fair (Bellefontaine)

Drivers Pierce Henry and Jack Dailey highlighted racing at the Logan County fair each winning five races between the two days. Jack Dailey had a huge night during the second day of racing when he won four races! However, the drivers weren't the only ones to steal the show. Aged trotter Rompaway Beau broke the trotting track record after he timed his mile in 2:01.3. Rompaway Beau also broke the trotting track record at the Putnam County Fair earlier in the year.

Jackson County Fair (Wellston)

On night one of racing, fans stuck through a large storm to watch the nine races at the Jackson County Fair. After an hour and a half rain delay, racing resumed on a sloppy track in what turned out to be a great night of racing. Driver Ryan Holton won three of the nine races on Friday night and David Myers won three on Saturday night. Driver Bill Long Jr. made his return to the track at the Jackson County Fair after being out with an injury that he suffered last year and he got his first win of the year on Saturday night.

Ottawa County Fair (Oak Harbor)

The Ottawa County Fair had two beautiful nights of racing with perfect conditions that set the stage for many track records being broken. Five of the eight individual track records were broken, including the overall trotting track record. The trotting track record was broken by three-year-old filly trotter, Lady

Edith, with a time of 1:58.3. Other highlights in Oak Harbor were also on the track, but it wasn't with the horses. After the races were over, kids came down on the track and had stick horse races. Each participant enjoyed free ice cream after their race. Hopefully these children hang on to that memory and become lifelong harness racing fans.

Warren County Fair (Lebanon)

The Warren County Fair had one day of racing which featured two full cards of nine races each. Drivers Jeff Nisonger and Hunter Myers each had four wins in one day and Trainer Steve Carter had three wins from his stable. The fastest mile of the day was by 3-year-old colt pacer, Canadia's Bakin, who was driven to victory by Ryan Holton for Trainer Steve Carter. He paced his mile in 1:57.4 with a blistering last quarter

(Trainer Steve Carter warming up Canadia's Bakin)

Union County Fair (Marysville)

The Union County Fair had two days of racing in which there were many outstanding performances. Driver Chris Page had four wins on Sunday's card in some thrilling finishes. However, the most outstanding performance came in the Ohio Ladies Pace. Northwesterndreams driven by Tabatha Canarr blew away the old track record of 1:58.4 when they crossed the line in 1:57.0. The last quarter was completed in 27.2 seconds as Canarr opened up by twenty lengths on the rest of the field.

Ohio Ladies Pace Compete at County Fairs

by Emily Hay

The Ohio Lady Pace has been traveling to fairs throughout Ohio, stopping at Paulding, Ottawa, London, Wilmington, Wellston, Hilliard, Oak Harbor, Washington CH, Marysville, and Tiffin as of July 25, 2016.

I have had lots of positive feedback from the hosting fairs expressing their enjoyment of these races and that they can't wait to have them return in 2017.

The ladies go into the crowd for a "meet and greet" with the fans as they sign autographs and have photos taken as they have fun with the crowd. A common question we are always asked is "who is going WIN?"

There are still several fairs left to go for the lady pace race series until the final, which is what the ladies are working towards gaining points to get to the final. The highest 9 point earners will go to the final at Delaware Jug Week.

Anyone can enter a horse for the lady pace as long as it fits the condition N/W16,000 in 2016 AE 5 claimer. Thankfully we have had some enter that needed drivers. With 28 fairs hosting this race it's been fun trying to get every race filled, but the ladies have been awesome and so far and have been able to have at least four horses per race. I want to thank everyone for helping make this race a great event for fairs! I've also heard it's been a great betting race!



Ohio Harness Horsemen's Association
850 Michigan Avenue, Suite 100
Columbus, Ohio 43215-1920



Thank You to our 2016 P.A.C.E.R. Contributors

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Include employer information and type of business.

All P.A.C.E.R. donations go to a candidate's campaign funds. The OHHA offices receive calls every week from state legislators asking for campaign donations as they attempt to raise campaign financing throughout the year.

A special Thank You to those who donate!

(*Corporate checks are not acceptable for PAC donations-LLC checks only are acceptable for PAC donations)