



1 APPEARANCES

2 COMMISSIONERS

3 Chuck Winner, Chairman

4 Richard Rosenberg, Vice Chairman

5 Madeline Auerbach, Commissioner

6 Rick Baedeker, Executive Director

7 Steve Beneto, Commissioner

8 George Krikorian, Commissioner

9 Jesse H. Choper, Commissioner

10 Alex Solis, Commissioner

11

12 STAFF

13 Robert Browning Miller, General Counsel

14 Jacqueline Wagner, Regulations/Legislation Manager

15 Mike Marten, Associate Analyst

16 Phil Laird

17

18 ALSO PRESENT

19 Joanne Nor

20 Luis Jauregui

21 Kim Jacobson

22 Larry Swartzlander, Oak Tree Meet at Pleasanton

23 Kim Lloyd

24 Scott Daruty, Golden Gate Fields

25 Cal Rainey

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APPEARANCES (CONT'D)

ALSO PRESENT

Joe Morris, Golden Gate Fields

Nick Coukos

Alan Balch, CTT

Don Lockwood

Greg Avioli, TOC

Dan Schiffer, PCQHRA

Tom Robbins, Del Mar Race Track

Drew Couto, Los Alamitos Quarter Horse Racing

Bob Fletcher, Winners Foundation

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4	1. Approval of the minutes of June 16, 2016.	10
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6	2. Executive Director's Report.	10
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9	requests for future actions of the Board.	
10	Note: Persons addressing the Board under	
11	this item will be restricted to three (3)	
12	minutes for their presentations.	
13		
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15	Application for License to Conduct a Horse	
16	Racing Meeting of the Los Angeles County	
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18	September 7, 2016 through September 27, 2016,	
19	inclusive.	
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18	for authorization of these sales, pursuant	
19	to CHRB Rule 1807, Authorized Horse Sales.	
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17	Medication, Drugs and Other Substances, to	
18	the Office of Administrative Law, in response	
19	to the Los Angeles Superior Court's Order	
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7	condition eligibility to participate	
8	in the race meeting on the	
9	nonpresence of Clenbuterol, Albuterol,	
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11	test samples obtained by the Association,	
12	conditioned on the Office of Administrative	
13	Law granting approval of the emergency	
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15	and 1843.	
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17	12. Closed session.	
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PROCEEDINGS

DEL MAR, CALIFORNIA, THURSDAY, JULY 14, 2016

9:32 A.M.

CHAIRMAN WINNER: Okay. This meeting of the California Horse Racing Board will come to order.

This is the regular noticed meeting of the California Horse Racing Board on Thursday, July 14, 2016, at the Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California.

Present at today's meeting are myself, Chairman Winner; Richard Rosenberg, Vice Chairman; Madeline Auerbach, Commissioner; Steve Beneto, Commissioner; George Krikorian, Commissioner; and Alex Solis, Commissioner. Commissioner Choper will not be joining us today.

Before we go on to the business of the meeting, I need to make a few comments. The Board invites public comment on the matters appearing on the meeting agenda. The Board also invites comments from those present today on matters that are not appearing on the agenda during a public comment period if the matter concerns horseracing in California.

In order to ensure all individuals have an opportunity to speak and the meeting proceeds in a timely

1 fashion, I will strongly enforce the three-minute time  
2 limit rule for each speaker. The three-minute time limit  
3 rule will be enforced during discussion of all matters as  
4 stated on the agenda as well as during the public comment  
5 period.

6 There is a public comment sign-in sheet for each  
7 agenda matter on which the Board invites comments. Also,  
8 there is a sign-in sheet for those wishing to speak during  
9 the public comment period for matters not on the Board's  
10 agenda if it concerns horseracing in California.

11 Please print your name legibly on the public  
12 comment sign-in sheet. When a matter is open for public  
13 comment, your name will be called. Please come to the  
14 podium and introduce yourself by stating your name and  
15 organization clearly. This is necessary for the court  
16 reporter to have a clear record of all who speak.

17 When your three minutes are up, I will ask you  
18 to return to your seat so others can be heard. When all  
19 the names have been called, I will ask is there anyone  
20 else who would like to speak on the matters before the  
21 Board.

22 Also, the Board may ask questions of individuals  
23 who speak on any matter. If a speaker repeats himself or  
24 herself, I will ask if the speaker has any comments -- any  
25 further comments to make. If there are none, the speaker

1 will be asked to let others make comments to the Board.

2 Now, the first item on the agenda is the  
3 minutes from the June 16th meeting.

4 Are there any additions or corrections to the  
5 minutes from the June 16th meeting? Is a motion to  
6 approve?

7 COMMISSIONER ROSENBERG: Yes.

8 CHAIRMAN WINNER: Commissioner Rosenberg moves  
9 to approve; Commissioner Beneto seconds.

10 How do you vote, Commissioner Krikorian?

11 COMMISSIONER KRIKORIAN: Yes.

12 CHAIRMAN WINNER: Commissioner Solis?

13 COMMISSIONER SOLIS: Yes.

14 CHAIRMAN WINNER: Commissioner Auerbach?

15 COMMISSIONER AUERBACH: Yes.

16 CHAIRMAN WINNER: Chairman votes yes.

17 Commissioner Rosenberg?

18 COMMISSIONER ROSENBERG: Yes.

19 Commissioner Beneto?

20 COMMISSIONER BENETO: Yes.

21 CHAIRMAN WINNER: Okay. The minutes are  
22 approved by a six to nothing vote.

23 Now we go to the Executive Director's report.

24 Mr. Baedeker.

25 EXECUTIVE DIRECTOR BAEDEKER: Thank you,

1 Mr. Chairman.

2 We will be sending out a notice, as we always  
3 do, but just FYI, there will be two committee meetings  
4 prior to our full board meeting in August. It will be the  
5 day before, one in the morning, one in the afternoon, the  
6 legislative committee and the medication committee in the  
7 afternoon. So more to come on that, but please plan on  
8 it.

9 There will be a Race Dates Committee meeting as  
10 well within two or three weeks, and we will also be  
11 sending out a notice on that.

12 Just a couple of brief notes. One is that staff  
13 has been working on a concussion protocol for the state of  
14 California, and our goal is to the bring rough draft  
15 language to the Medication Committee prior to the next  
16 full board meeting in August. And what we're trying to  
17 determine is the best protocol, and then our goal is to  
18 achieve uniformity and consistency throughout the state to  
19 protect the riders that may be injured as a result of the  
20 fall, may refuse treatment, and as a matter of fact, may  
21 in fact have suffered a concussion and not know it. And  
22 so we will be working on this over the next several  
23 months.

24 The Welfare & Safety Summit of the Horse was --  
25 the Welfare & Safety of the Horse Summit was conducted in

1 Lexington a couple of weeks ago. I was able to attend it,  
2 and just as was the case last year, which was the first  
3 time I had attended, in my opinion, it's the single best  
4 day of its kind in our industry. And the only frustration  
5 is that so much valuable information, which is a result  
6 of -- mostly of science and study, is presented for the  
7 industry, not only for the benefit of the horse, but the  
8 benefit of the rider and other participants in the sport.  
9 The only frustration is that it's a one-day deal in  
10 Lexington; so I would certainly encourage any and  
11 everybody that could attend to do so next year.

12           We have also encouraged the different entities  
13 that put it on to consider a road show to bring this  
14 important day to the West Coast and anywhere else they  
15 want to take it. For instance, one of the things that was  
16 surprisingly informative and one which I, of course, you  
17 know, being in my bureaucratic role, I wouldn't have  
18 anything -- necessarily any base of knowledge for the  
19 day-to-day care of the racehorse, but one of the topics  
20 was when it comes to health and performance, don't --  
21 don't discount the influence of dust.

22           And Bill Kern from WinStar Farm made a  
23 presentation about dealing with mostly respiratory  
24 problems that he was experiencing primarily in his -- in  
25 his operation in Texas, and it was an annual occurrence.

1 After most of the horses were shipped in, there would be  
2 an influenza that would go through the -- through the  
3 entire stable area, and three years ago they implemented a  
4 dust control protocol. That entails a lot of technology,  
5 and they haven't had a single case of respiratory illness  
6 since that protocol was introduced. It's a very simple  
7 thing. Much of it can be applied to any of our stable  
8 areas, and I couldn't help but think that would be a great  
9 thing for all of our California participants to learn  
10 about. That's just a simple example of what this day is  
11 like. It's all practical information based on study, and  
12 so it is reliable and can be used almost immediately.

13 So that's the Welfare & Safety of the Horse  
14 Summit. Hopefully, next year they will bring it out here.

15 Before I get to the financials, I want to  
16 mention that I have asked Luis Jauregui and Kim Jacobson  
17 to come up during public session and talk about the  
18 multi-agency emergency drill that was performed here at  
19 Del Mar a few days ago; so you will be hearing more about  
20 that in just a few minutes.

21 The financials for the month -- for the month of  
22 June, we're still in a bit of a slump. We had daytime  
23 business was off 8.7, nighttime business down 10.3  
24 percent, total business down 8.8 percent, and that's with  
25 the same number of race days this year versus last.

1 Again, we're hoping that the month of July gives us a  
2 lift.

3 The recently concluded Pleasanton meeting also  
4 struggled. Even though the average starters per event  
5 actually slightly increased from 6.63 to 6.79, nonetheless  
6 overall handle was down 6.2 percent for the meet; so a  
7 little bit of an economic slump year to date, but  
8 hopefully we can turn that around here in July.

9 And that's my report, Mr. Chairman.

10 CHAIRMAN WINNER: Thank you very much,  
11 Mr. Baedeker.

12 Let me note before we proceed that items No. 4  
13 and 6 have been removed from the agenda because the  
14 documents and agreements that are required in a certain  
15 period of time in advance of the meeting were not  
16 received, and the parties have requested that those items  
17 be removed from the agenda, which are the license to  
18 conduct a racing meeting at L.A. Turf Club at Santa Anita,  
19 and the license to conduct a Horse Racing Meeting at the  
20 Los Angeles County Fair at Los Alamitos; so we will be  
21 hearing those applications at the -- in the August  
22 meeting.

23 So let's go on then to the public comment  
24 period. I have a number of cards.

25 Joanne Nor.

1 MS. NOR: Also, is this on?

2 EXECUTIVE DIRECTOR BAEDEKER: It's on.

3 MS. NOR: Also, further to Mr. Baedeker's  
4 report, the seventh annual Welfare & Safety Summit was  
5 held at Keeneland, and the headlines on the news reporting  
6 was titled "Big Data Driving Tangible Results."

7 And I guess there's 2.5 million races reported.  
8 These figures included bone breakdown fatalities only, and  
9 fatalities from organ failures, such as heart attack, were  
10 not included.

11 And Dr. Tim Parkin, who is the force behind this  
12 database, stated that, and I quote, "We could do this with  
13 individual tracks or groups of tracks and we can get  
14 agreement from individual trainers and veterinarians to  
15 include medical records and see whether or not the reports  
16 help improve predictability to these fatal incidents and  
17 of the models produced.

18 The herbicide glyphosate trade name is Roundup.  
19 It has officially been banned or warning labeled in 64  
20 different countries, including Mexico, Canada, most of  
21 Western Europe. The manufacturer is not just any  
22 agricultural corporation but the same manufacturer  
23 responsible for bringing us the atomic bomb and Agent  
24 Orange. Presently on trial in the Hague in Germany for  
25 crimes against humanity, this manufacturer, FYI.

1           Glyphosate is poisoning our food chain and is a  
2 known carcinogen causing cancer and is connected to over  
3 40 diseases. I have provided your CHRB board with studies  
4 and documents that outline and verify the connection  
5 between glyphosate and cardiac arrhythmia by Mr. Seralini,  
6 or Dr. Seralini.

7           I have for your board MIT study excerpts. The  
8 entire study may be viewed online plus the recent Seralini  
9 study providing in its entirety and others. There is a  
10 Russian study, a French study. There's quite a few  
11 studies that have already been done internationally.

12           I am proposing that we unit with and for the  
13 welfare and safety of racing and make sure we include the  
14 fatality rates of heart failure and attacks on the  
15 racetrack and set a precedent with testing the occurrence  
16 of glyphosate levels within the national database. I am  
17 proposing it's a feed contamination which is up 75 to 100  
18 percent of daily horse ration intake with a combination of  
19 any environmental or pharmaceutical toxin has the ability  
20 to cause the aorta and the right ventricle of the heart to  
21 malfunction.

22           CHAIRMAN WINNER: Joanne, excuse me. Your time  
23 is -- how long -- how much longer do you think you are  
24 going to take?

25           MS. NOR: About a minute or two.

1           The aorta and the ventricle of the heart to  
2 malfunction. In all fairness, an animal who has no voice  
3 who is forced to exercise at maximum capacity while being  
4 fed poisonous materials is not our industry's original  
5 intention of horseracing as a sport. I am sure you share  
6 in those sentiments.

7           I do not think we intended to compromise the  
8 health, well-being, safety, performance, and also  
9 reproduction of our thoroughbreds. But this chemical  
10 glyphosate is threatening our horses' health, safety, and  
11 ability to perform and the future of the thoroughbred  
12 breed and all breeds who are consuming it.

13           It is our right to know what is in our horses  
14 and our feed and should be shared by owners, breeders,  
15 trainers, and veterinarians for the betterment of the  
16 horse and the horse industry. And I hope you all will get  
17 around to reading what I have given you, because there's  
18 very -- very much facts and testing that's already been  
19 done that's totally proven to 65 other countries to the  
20 point that they banned it and --

21           CHAIRMAN WINNER: Thank you.

22           MS. NOR: Thank you.

23           CHAIRMAN WINNER: Bob Fletcher.

24           MR. FLETCHER: Mr. Chairman --

25           DR. ARTHUR: Dr. Arthur --

1 CHAIRMAN WINNER: Yes.

2 DR. ARTHUR: -- Equine Medical Director.

3 I would like to make one correction. The equine  
4 industry database does include all racing fatalities of  
5 whatever --

6 CHAIRMAN WINNER: Yes. There were a lot of  
7 things I would like to correct in what Ms. Nor said, but  
8 obviously we have different views on that but that is a  
9 factual correction and I appreciate it.

10 Mr. Fletcher.

11 MR. FLETCHER: Good morning. Bob Fletcher,  
12 Winners Foundation.

13 Last year at this time I reported to you and the  
14 industry the diminishing financial position of the Winners  
15 Foundation, and I would like to let you know that that  
16 status has not changed.

17 In February of this year, we were compelled to  
18 reduce our statewide staff of full-time employees  
19 numbering five to three. And so one of our employees up  
20 North, our case manager in the Northern area, has now been  
21 reduced to 12 hours a week and we have a part-time  
22 administrative assistant at our main office at Santa  
23 Anita. We don't foresee any funding changes through the  
24 course of the year, and we are now prepared to reduce our  
25 part time -- our full-time case manager at Santa Anita

1 racetrack for the Southern area to a part-time status  
2 beginning January 1, 2017.

3 I ask that the CHRB track management horsemen  
4 and other industry entities please be patient with us  
5 because our response time will be diminished.

6 Thank you.

7 CHAIRMAN WINNER: Questions for Mr. Fletcher?  
8 Comments?

9 Commissioner Krikorian.

10 COMMISSIONER KRIKORIAN: Going back to Joanne  
11 Nor for a moment, I think she had another comment she  
12 wanted to make, and I would like to hear it.

13 MS. NOR: I would told by --

14 CHAIRMAN WINNER: Come up to the microphone,  
15 Joanne.

16 MS. NOR: I had just spoken yesterday or the day  
17 before with Ed Bowen, who heads up the database, and the  
18 heart attacks are not included, sir. Per -- he's at the  
19 Jockey Club. He runs the database, okay?

20 CHAIRMAN WINNER: Rick, that comment is to you.  
21 Do you want to respond to it?

22 DR. ARTHUR: You know, I don't want to waste a  
23 lot of the Board's time because, you know, most comments  
24 were -- anyway, that's factually incorrect. I actually am  
25 on the committee that reviews the data; Ed Bowen is not.

1 He may be an advisory there, but he is mistaken. It  
2 includes all fatalities of any kind while racing.

3 CHAIRMAN WINNER: You don't want to get into a  
4 debate.

5 MS. NOR: And who -- where do -- where do the  
6 fatality information go, depending on which track, and  
7 they are sent where?

8 CHAIRMAN WINNER: Go ahead. You want to just  
9 answer this one question and then we'll move on.

10 DR. ARTHUR: Yeah. You can look at the Jockey  
11 Club website under Equine Entry database, and it will give  
12 you the information you are looking for.

13 MS. NOR: I have.

14 CHAIRMAN WINNER: Thank you.

15 Commissioner Krikorian, anything more?

16 COMMISSIONER KRIKORIAN: No. That's it.

17 CHAIRMAN WINNER: Thank you.

18 Yes, please.

19 EXECUTIVE DIRECTOR BAEDEKER: I just would like  
20 to add to what Bob Fletcher said. I presume all of the  
21 commissioners know how much our stewards rely on the good  
22 work of the Winners Foundation to help our licensees that  
23 have a drug, alcohol, or gambling problems. I know of no  
24 other organization in the game that, at least in  
25 California, that is so taken for granted as the Winners

1 Foundation, because it has been doing this work -- I don't  
2 know -- for at least 20 years, and it's good work and  
3 vital work. And I would hope that people in the room that  
4 have the ability to fund it properly would recognize the  
5 importance of it.

6 CHAIRMAN WINNER: I couldn't agree more. Thank  
7 you.

8 Kim Jacobson.

9 Luis, you are going to speak together?

10 MR. JAUREGUI: Yes.

11 CHAIRMAN WINNER: And Luis Jauregui.

12 Since you are both going to speak, why don't you  
13 come up to the table where you can both have mikes.

14 MR. JAUREGUI: Good morning, Board.

15 I want to discuss about the multiple rider --

16 EXECUTIVE DIRECTOR BAEDEKER: You're going to  
17 have to identify yourselves.

18 MR. JAUREGUI: Okay. Safety Steward

19 Luis Jauregui, CHRB.

20 A few years ago we did a training. We met with  
21 the local fire departments at Santa Anita racetrack, and  
22 we had a multi-rider drill. We wanted to make sure that  
23 we go over through the process once and understand what to  
24 do in case these horrific injury -- accidents occur.

25 So when I came to Kim a couple years ago, we

1 decided to actually step up another level and do the drill  
2 on the track and go through the process. So this year we  
3 have been discussing it throughout the year, and she  
4 planned --

5 CHAIRMAN WINNER: One moment, Luis. We're  
6 having -- I think everybody is having a tough time hearing  
7 you.

8 MR. JAUREGUI: I'm sorry.

9 CHAIRMAN WINNER: Yeah. Can you increase the  
10 sound of the mikes? Thank you.

11 MR. JAUREGUI: Okay. So a few years ago I went  
12 to Kim Jacobson, and we decided to pursue a multi-rider  
13 injury here at Del Mar racetrack. Last year, we performed  
14 it with the ambulance services here on the track. We did  
15 the drill. We didn't have riders down, but we just wanted  
16 to go through the process.

17 This year we decided to step up even more. Kim  
18 asked the local agencies to participate in it, and it was  
19 a huge turnout. We probably had 40, 50 people here  
20 around, working it. What we did is -- what we decided to  
21 do is start the process like it was a race. The stewards  
22 would call, there was a spill and how many riders down.  
23 The ambulance service that are following the field  
24 stopped. They went through the process as we went, you  
25 know, calling for their backup ambulance to come from the

1 first aide, and then we also called Dispatch and then they  
2 contacted the outside agencies to go through the whole  
3 process.

4 We even went through -- stepped up an extra  
5 level. Kim went through the extra the extra level to  
6 contact Medevac to go through the process if we needed to  
7 airlift a rider.

8 It's pretty amazing that when the call came  
9 through from the agencies here that it took six minutes  
10 from the call to land on our racetrack to get service for  
11 the rider. And the foreman --

12 EXECUTIVE DIRECTOR BAEDEKER: That's the Medevac  
13 helicopter. Six minutes from call to land on the  
14 racetrack.

15 MR. JAUREGUI: To landing. It took four minutes  
16 from our racetrack to land on La Jolla's grips. So it is  
17 pretty amazing how the service and how fast the response  
18 were.

19 Kim can talk about more how exactly how she got  
20 the process started.

21 MS. JACOBSON: Fortunately, we at Del Mar have a  
22 really good --

23 CHAIRMAN WINNER: Identify --

24 MS. JACOBSON: I'm sorry. Kim Jacobson,  
25 Director of Risk Management for the Del Mar Thoroughbred

1 Club.

2 CHAIRMAN WINNER: Thank you.

3 MS. JACOBSON: We have a really super good  
4 working relationship with our outside agencies here close  
5 to the track. We have worked through the years of  
6 developing protocols for them to respond, working with our  
7 on-site medics. And so I went to them this year and I  
8 asked if there was any possibility that we could enhance  
9 our multi-rider drill because we wanted to take a look at  
10 it, make sure we weren't missing anything and that all  
11 agencies knew when and where we needed them to respond  
12 because it's a little bit different than it is during the  
13 normal race coming the first day.

14 So we set up a scenario of five riders down, a  
15 six furlong race. As Luis said, we started the ambulance  
16 at the beginning and came through. We were fortunate  
17 enough to get Solano Beach, which is our second responder  
18 from outside, which is just up the hill, Del Mar, which is  
19 the fire station here on-site. We had two battalion  
20 chiefs who responded, and we had multiple outside agencies  
21 from AMR, which is our -- the ambulance company that has  
22 the contract for this area, which is considered CSA, and  
23 they work through the fire stations.

24 Mercy Air, who is one of the major Medevac  
25 helicopter companies here in San Diego, they volunteered

1 their time and came. They actually landed a helicopter  
2 on the track with four personnel. We were -- it was  
3 fortunate because we were able to bring in even some of  
4 our staff that would be responsible for escorting the  
5 outside agencies to Gate 11 so that they knew what their  
6 role was and what they were supposed to do as well.

7           At the conclusion of it, we all did kind of a  
8 debrief. We talked about what worked, what maybe didn't  
9 work, what maybe we could do a little bit better. The  
10 outside agencies were, again, way more than supportive.  
11 They were thrilled with the opportunity to participate in  
12 this drill. And the helicopter was thrilled to actually  
13 have the opportunity to come in, come over the  
14 grandstands, land on the track, realized what the  
15 conditions were on the track. They said it's one of the  
16 best landing areas they can do.

17           So it was an absolute wonderful experience and  
18 it went great, and we learned a lot and hopefully we can  
19 do it again in the future, and they were more than willing  
20 to come back and do it again and said anytime we need them  
21 they will come in.

22           And I think, from our perspective, getting  
23 people who need assistance to the hospitals and making it  
24 all work will just make it better if we do, unfortunately,  
25 have an accident.

1           Of course, the horses are going to add a whole  
2 other element to it, but it is something that we discussed  
3 and we actually talked to the Medevac pilots. Their  
4 number one thing is in a real situation, we have horses on  
5 the track. They will not land until the horses are  
6 cleared from the track; so it's something we talked about  
7 as far as getting that done very quickly. They don't want  
8 to endanger anybody anymore with loose horses, but they  
9 will hover overhead. They will still respond and they  
10 will wait to just put it down until we are ready for them.

11           So in addition to the medical personnel, we also  
12 involved our horse ambulance driver and Camacho, our head  
13 outrider, who rides in the afternoon for the races to  
14 observe the drill so they could kind of see what we would  
15 do from a medical standpoint should this incident occur,  
16 which hopefully would help them if a real situation was  
17 ever to occur.

18           CHAIRMAN WINNER: Thank you very much.

19           COMMISSIONER AUERBACH: I have a comment.

20           CHAIRMAN WINNER: Please.

21           COMMISSIONER AUERBACH: It occurs to me that it  
22 might be time in our history -- hello. Want me to yell?

23           It occurs to me that it might be time in our  
24 development and history that we might want to think about  
25 including this in -- especially for the big venues like

1 Del Mar and Santa Anita that would require maybe an annual  
2 drill of this nature so we know what we're doing.

3 I mean, unless you both think that's a little  
4 too aggressive, I'm thinking that personnel changes,  
5 protocols change, equipment changes, and I am wondering if  
6 we made it part of the requirements for licensing that  
7 we -- that we conduct an annual event of this, and I want  
8 to stick to the major venues.

9 Do you -- do you see that as impractical? I'm  
10 asking both of you.

11 MR. JAUREGUI: No, I think it's important. I  
12 think even if you met with the local fire department and  
13 our ambulance service and the security staff at every  
14 racetrack just to go through the process and understand  
15 the process is important.

16 MS. JACOBSON: I think from my perspective it's  
17 very important. We go through our protocols all the time.  
18 Even if there's an accident on the track or a situation in  
19 the backside or even in the stands, once the event's over,  
20 my staff and the responders, the medical responders,  
21 whether it be those on-site and/or those off-site, we take  
22 a look at the situation, go back, review it, what  
23 happened, what didn't, but I agree with the changes,  
24 Staff, because there's always different drivers in the  
25 ambulance rigs, there's always different captains coming

1 in to the fire stations. And I think part of what makes  
2 any emergency protocol work is that the people who are  
3 expected to respond know when, where, and how they are  
4 supposed to respond, and sometimes if you just put it on  
5 paper, they don't read it or --

6 COMMISSIONER AUERBACH: They do it, and it  
7 doesn't resonate.

8 MS. JACOBSON: Yeah. You can -- you can put it  
9 on paper, but is what you put on paper really going to  
10 work? And that's what we looked at the other day, and we  
11 realized it did. And yeah, there were some things that I  
12 want to change and some things that maybe could speed up a  
13 little bit as far as medics calling in for outside  
14 transport and that type of stuff, but that's something  
15 that is easy to do and easy to fix. But had we not gone  
16 through the drill, we wouldn't have done that. We  
17 wouldn't have realized that.

18 CHAIRMAN WINNER: I think the recommendation of  
19 Commissioner Auerbach is very a good one, and I understand  
20 from Mr. Baedeker we can do it as a policy or as a rule,  
21 actually? Create a rule.

22 EXECUTIVE DIRECTOR BAEDEKER: We can do both.  
23 We can start just by establishing a policy as described  
24 with the associations. And by the way, I think just about  
25 every one of them does something similar, not nearly to

1 this extent. And, of course, if this is done again,  
2 either here or elsewhere, it would be good to invite the  
3 other industry folks in to witness it and participate in  
4 it.

5 But I can tell you it's -- it's a real threat.  
6 We experienced it just in the last two years with the  
7 major accident at Cal Expo with four drivers down on the  
8 racetrack. The fire equipment couldn't get onto the  
9 racetrack. The gaps were blocked, and the communication  
10 was terrible.

11 Now, since then they have done -- not a drill to  
12 this extent but they have communicated well with the  
13 outside agency and hopefully that won't happen again, but  
14 it's vitally important, and congratulations for that work.

15 CHAIRMAN WINNER: I agree. Congratulations.  
16 Thank you. And we will -- yes, Commissioner Krikorian.

17 COMMISSIONER KRIKORIAN: For clarity, are you  
18 suggesting that they have a drill; correct?

19 EXECUTIVE DIRECTOR BAEDEKER: Right.

20 COMMISSIONER KRIKORIAN: Actual drill so that  
21 each facility --

22 CHAIRMAN WINNER: I think that's what  
23 Commissioner Auerbach --

24 COMMISSIONER KRIKORIAN: No. I agree --

25 COMMISSIONER AUERBACH: Suggesting because

1 there's no -- you can't replicate something if you have  
2 never done it.

3 CHAIRMAN WINNER: That's what drills are for.

4 COMMISSIONER KRIKORIAN: Sure.

5 COMMISSIONER AUERBACH: Yeah. I can remember  
6 dropping --

7 EXECUTIVE DIRECTOR BAEDEKER: If you all want  
8 to. I mean, this could be part of a race meet application  
9 where they describe --

10 CHAIRMAN WINNER: Yeah.

11 EXECUTIVE DIRECTOR BAEDEKER: -- what the  
12 process will be.

13 COMMISSIONER AUERBACH: I would like -- I would  
14 to see us made that change:

15 MR. JAUREGUI: Just for the record also, jockey  
16 Kent Desormeaux showed up and participated in the drill as  
17 well; so to get his input and some of the riders' input is  
18 important.

19 COMMISSIONER AUERBACH: And I thank Del Mar for  
20 doing that.

21 CHAIRMAN WINNER: Yes.

22 MR. JAUREGUI: Yes.

23 CHAIRMAN WINNER: Thank you very much.

24 COMMISSIONER BENETO: I got a question.

25 CHAIRMAN WINNER: Yes, I'm sorry.

1                   Please, Commissioner Beneto.

2                   COMMISSIONER BENETO: You have exit signs marked  
3 on the rail -- outside rail in your -- so when -- when the  
4 outside agencies come in, they know where the break is?

5                   MR. JAUREGUI: No. We had security there.

6                   MS. JACOBSON: We provide all of the outside  
7 agencies with maps, directions, apparatus arrival, and  
8 then we have a protocol in place that anytime we call for  
9 outside agencies or a 9-1-1 call comes in to this  
10 facility, which comes to my cell phone, unfortunately, at  
11 all hours of the day, but either our backside security or  
12 our front-side security escorts the outside agencies from  
13 the gate that they are instructed to come into to the  
14 incident so that they actually have an escort through the  
15 area and there's not any confusion.

16                  COMMISSIONER BENETO: Would it be wise to make  
17 that rail they have to go through, paint it red or  
18 something?

19                  MS. JACOBSON: We actually bring them in through  
20 some of our gates, not on the rail. So in this particular  
21 incident, Gate 11, which is a wide enough gate to get any  
22 of the rigs through, we actually bring them through that  
23 gate, and all of the gates are marked; so they are all  
24 numbered here on the facility.

25                  We maintain the same numbers that the fair

1 maintains through the years so they know which gates they  
2 are able to get through with their ambulances and their  
3 rigs to actually get on the racetrack.

4 CHAIRMAN WINNER: Any other questions?

5 Thank you very much.

6 MS. JACOBSON: Thank you.

7 CHAIRMAN WINNER: Mr. Chillingworth.

8 Good morning, Chilli.

9 MR. CHILLINGWORTH: Good morning. Sherwood  
10 Chillingworth with Oak Tree Racing Association.

11 Hope you will pardon my voice the last couple  
12 days. I got out of bed yesterday to come down here and my  
13 doctor isn't too happy, by the way, but --

14 CHAIRMAN WINNER: But we were all happy to see  
15 you.

16 MR. CHILLINGWORTH: Thank you. I will stay  
17 longer.

18 In response to the Winners Foundation, we gave  
19 them \$50,000 this year and pledged another \$50,000 for  
20 four years. It's very difficult these days in this  
21 industry to get amounts of that size -- I mean, amounts  
22 that has an endpoint. And one thing is we can't continue  
23 doing this unless we have places where we can run our  
24 meets and make some money to do this.

25 And as you know -- I know you heard us about

1 35,000 times, but since our beginning 40 years ago, we  
2 have given away \$38 million, and I don't think anybody  
3 around here is going to contest that one.

4 My point is that we are trying to help  
5 significant large organizations, particularly, but the  
6 whole industry -- the whole industry is doing great work  
7 and support them, but unless we have support for  
8 ourselves, it's not going to be possible to continue this  
9 forever.

10 And this brings up our issue yesterday, which  
11 you may not want to deal with now, but, for example, the  
12 dates we have been talking about that were given up by  
13 San Joaquin County Fair, Commissioner Beneto suggested  
14 that we wait until we have had a chance to have our -- our  
15 meet there and compare it with what anybody else might do.

16 I mean, I know you and I disagree on this,  
17 Chairman, that you have to have a three-year calendar out  
18 in two weeks -- or in a month or six weeks. And, of  
19 course, that would not give us a chance to demonstrate our  
20 ability to conduct that meet.

21 Anyway, my point is this came up at a very  
22 propitious time as we had -- very supportive of a lot of  
23 major entities, and we can't continue doing that unless we  
24 have some means of making that money ourselves.

25 Thank you.

1                   CHAIRMAN WINNER: Change you, Chilli, and thank  
2 you for all your support to the Winners Circle.  
3 Obviously, we can't discuss dates here. It's not up  
4 for -- ongoing dates 2017 on here at this meeting is not  
5 agendaed.

6                   I will say that my recollection is that when we  
7 discussed this issue yesterday, we agreed that it would be  
8 a good idea for the stakeholders to get together and come  
9 up with a plan that possibly included the ability to see  
10 how the meet went, the Stockton meet at Pleasanton before  
11 making a decision, if you could all come back with a plan  
12 to be able to do that.

13                   So we all -- I think we all -- all of us that  
14 were at the meeting understood your concerns and your  
15 request, and we think that should be taken into  
16 consideration and we're looking forward to hearing how you  
17 guys resolve this issue when we have our next dates  
18 meeting.

19                   MR. CHILLINGWORTH: All we want is a basic  
20 objective review. Thank you for it.

21                   CHAIRMAN WINNER: Thank you.

22                   All right. Anything else? Any other comments  
23 from the public? I think we have had them all.

24                   Let's move on then to item No. 5.

25                   Discussion and action by the Board on the

1 Application for License to Conduct a Horse Racing Meeting  
2 of the California Authority of Racing Fairs (CARF), at  
3 Pleasanton, race meeting to be called "Oak Tree at  
4 Pleasanton" -- something we have just been discussing --  
5 commencing September 21, 2016, through October 4, 2016,  
6 inclusive.

7 Larry.

8 MR. SWARTZLANDER: Good morning, Chairman and  
9 Commissioners. Larry Swartzlander, the Director of Racing  
10 at Oak Tree meet at Pleasanton for the fall meet.

11 First, I would like to go over on the horse  
12 side, we do expect to have a good population. In the  
13 past, Stockton being located in a valley, some of the  
14 trainers were hesitate to leave Golden Gate and come over;  
15 so I think we will be doing fine in that capacity.

16 We have been giving away approximately \$600,000  
17 in overnight purses. That is, the purse -- overnight  
18 purse schedule is the same schedule that we have in the  
19 summer meet. We have a stakes race for two-year-olds,  
20 \$50,000 added overnight two-year-olds going one mile.

21 We have the same incentive program that we have  
22 had: Five starts, \$500, ten starts, \$1000, ship in 350  
23 for the first start, 150 for the second.

24 We have also added this year cash machines, tote  
25 machines where you can use voucher or cash. We have one

1 runabout, and we're still working -- hopefully, we'll have  
2 the app in place for the fall meet.

3 Switching to the media side, all -- all days  
4 will be free, free admission. We still have the VIP  
5 program in place. And just let me go quickly through the  
6 days that we're going to provide -- I won't call it fair  
7 atmosphere but something that gets the people involved  
8 other than just horseracing.

9 The first Friday, September 23rd, is calls Flex  
10 Friday. All-day happy hour, \$2.00 beers, and it's called  
11 the single days. There are several organizations within  
12 Pleasanton that are singles oriented and they're doing an  
13 extensive outreach to these to, you know, come into the  
14 track that day.

15 The second first Saturday is September 24th. We  
16 have the Wine Stroll on the first floor. It's a wine  
17 competition dinner at the Trackside Terrace.

18 On Sunday will be Family Fun Day, Latino Day.  
19 First floor will be dedicated for kids zone.

20 The second weekend on Friday, we will have Flex  
21 Friday all day. Happy Hour again, \$2.00 beers.

22 Also, we're partnered up with the track -- or  
23 the taxi organization that provides transportation. Just  
24 call them up, and they are going to be taking care of a  
25 lot of the fans that might not make it home.

1           And Saturday will be the Craft Oktoberfest with  
2 a barbecue. We will have a Craft Brew Event at the  
3 Trackside Terrace, and what we will be doing then is we  
4 will be selling samples to all the patrons so that they  
5 can -- they will get a token that they can provide to us  
6 to see which one is the best barbecue or the best brew for  
7 that particular day.

8           COMMISSIONER AUERBACH: Did you bring us some  
9 samples of the barbecue?

10          MR. SWARTZLANDER: No, I didn't.

11          Yes?

12          COMMISSIONER BENETO: You said "free admission."  
13 How about -- does that include parking too?

14          MR. SWARTZLANDER: Parking will be \$10.00.

15          And the last day is Sunday. That will be Family  
16 Fun Day. Hippity Hop contest. We're bringing in a video  
17 game truck which it is kind of unique. If you have never  
18 seen it, it has large video screens, and then there are 16  
19 positions where kids can all sit down and compete against  
20 each other and then watch it on the video screen.

21          That's all I have.

22          Any questions, please?

23          CHAIRMAN WINNER: Thank you.

24          Commissioner Rosenberg has a question.

25          Thank you, Larry.

1 COMMISSIONER ROSENBERG: You described the  
2 Pick 6 bet on page five-one -- five-two.

3 MR. SWARTZLANDER: Yes.

4 COMMISSIONER ROSENBERG: -- as the type of, you  
5 know, Golden -- what do they call it?

6 MR. SWARTZLANDER: Golden --

7 COMMISSIONER ROSENBERG: The jackpot. The  
8 jackpot type.

9 Because you are part of the CARF -- CARF is  
10 operating this meeting, is that going to be paid out only  
11 at the end of the -- all the CARF fairs?

12 MR. SWARTZLANDER: Yes. Under the consolidated  
13 concept, it could go to the end of the Fresno Fair.

14 COMMISSIONER ROSENBERG: End of the Fresno Fair.

15 Because I read an article that was circulated --  
16 one of the newspapers complaining about the fact that it  
17 is unfair to the bettors because there are small fields  
18 and also that wasn't advertised. In fact, it's not even  
19 mentioned here, which is interesting, on your application.

20 How are you going to advertise that to the  
21 public so they know that there's not a payout when the  
22 meeting closes?

23 MR. SWARTZLANDER: One of the issues that  
24 developed after the Alameda County Fair was that Equibase  
25 was set up -- their software was set up that everyone in

1 the association puts -- goes into the system. The  
2 software -- you have to pay out the wagers at the end of  
3 the association meet.

4 When the fairs went in as a consolidated fair  
5 meet, that they looked at the Alameda County Fair as an  
6 association, they looked at Cal Expo as an association; so  
7 the software did not pick it up.

8 Now, that has been changed. And what happens  
9 when Equibase doesn't pick it up, Cal Racing doesn't pick  
10 it up, ADW sites don't pick it up, and that's where the  
11 major glitch was, and that's all been corrected.

12 COMMISSIONER ROSENBERG: I wasn't referring to  
13 that. I was referring to the mere fact that the bettor  
14 who is betting is used to a pattern of Pick 6 payouts  
15 being paid out when a meeting ends. That's no carryover.

16 And the complaint I read about was that -- one  
17 of the complaints was that it's unfair because the bettor  
18 is betting, and then he realizes after he has bet that --  
19 when he finds out after, he thinks he has won or not won  
20 or just didn't have an opportunity to win until it's over.

21 MR. SWARTZLANDER: Well --

22 COMMISSIONER ROSENBERG: Do you advertise it in  
23 any way is my point. Do you advertise the terms and  
24 conditions of the Pick 6 bet?

25 MR. SWARTZLANDER: Yes, we advertise it, but

1 what you're getting, I think, is that there was a mindset  
2 at the end of the fair meets that these would pay out.

3 COMMISSIONER ROSENBERG: Yes.

4 MR. SWARTZLANDER: And I agree with you. We did  
5 not do a good enough job of, you know, pounding the public  
6 to say that you got to understand this is different this  
7 year. And we will -- we are doing that.

8 We have run it on our video monitor. We run  
9 it -- the announcement talks about it every day. We will  
10 have it up on Cal Racing, and we're going to put an  
11 article out in the Daily Racing Form to make sure that the  
12 Cal Expo meet does not end that way.

13 COMMISSIONER ROSENBERG: Okay. Thank you.

14 COMMISSIONER AUERBACH: You know, it --

15 CHAIRMAN WINNER: I think that was the question,  
16 and I think --

17 COMMISSIONER ROSENBERG: Yeah. That's a good  
18 answer.

19 CHAIRMAN WINNER: -- that's a good answer.

20 Thank you, Larry.

21 COMMISSIONER AUERBACH: If I am not mistaken,  
22 Larry, wasn't it the same last year? Didn't we start this  
23 last year?

24 MR. SWARTZLANDER: No. We were consolidated in  
25 purses but not in the payout.

1 COMMISSIONER AUERBACH: You didn't have -- you  
2 didn't have the jackpot going that way?

3 MR. SWARTZLANDER: We did not have all the fair  
4 members signing up for that.

5 COMMISSIONER AUERBACH: Okay. Thank you.

6 CHAIRMAN WINNER: Any other questions?

7 Is there a motion?

8 COMMISSIONER BENETO: I will make a motion.

9 Commissioner Beneto moves. Commissioner  
10 Auerbach seconds. We'll start this way.

11 Commissioner Beneto, how do you vote?

12 COMMISSIONER BENETO: Yes.

13 CHAIRMAN WINNER: Commissioner Rosenberg?

14 COMMISSIONER ROSENBERG: Yes.

15 CHAIRMAN WINNER: Chairman votes yes.

16 Commissioner Auerbach?

17 COMMISSIONER AUERBACH: Yes.

18 CHAIRMAN WINNER: Commissioner Solis?

19 COMMISSIONER SOLIS: Yes.

20 CHAIRMAN WINNER: Commissioner Krikorian?

21 COMMISSIONER KRIKORIAN: Yes.

22 CHAIRMAN WINNER: Carries six to nothing.

23 Have a great meet.

24 Thank you very much, Larry.

25 CHAIRMAN WINNER: Moving along.

1           Discussion and action by the Board regarding an  
2 update from Barretts on the upcoming sales remaining for  
3 the balance of the calendar year and its request for  
4 authorization of these sales, pursuant to CHRB Rule 1807,  
5 Authorized Horse Sales.

6           EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman and  
7 Commissioners, I asked Kim Lloyd to be here today to go  
8 through this process with us, because the rule that you  
9 referenced calls for the sales company to apply to the  
10 Board to put on the sales and that I think, just as a  
11 matter of practice over the last few years, that hasn't  
12 been the case.

13           And if we were to have a situation where we  
14 wanted to act on something that happened within our  
15 enclosure at one of the sales in reference to this rule,  
16 it would reference the fact that the sales had been  
17 approved. So we are starting a process here where the  
18 sales company will come before this Board and lay out the  
19 calendar and so that you can get the details and approve  
20 the upcoming sales.

21           CHAIRMAN WINNER: Thank you very much.

22           Kim.

23           MR. LLOYD: I'm Kim Lloyd, General Manager of  
24 Barretts. I am here to present the remaining sales  
25 schedule for 2015.

1 COMMISSIONER AUERBACH: '16.

2 MR. LLOYD: I'm sorry. It is '16.

3 First and foremost is our paddock sale coming up  
4 next week. We present it on Saturday after the races,  
5 about a half hour after the races. This year we have a  
6 preview after training on Friday for unraced two-year-olds  
7 that are participating in the sale to show their race  
8 readiness to the buying public.

9 Our next sale would be August yearling sale,  
10 August the 30th on Tuesday. This is for select yearlings.  
11 There are 72 stalls available and spots available. We  
12 will have 81 cataloged for that sale. We're excited about  
13 this. Our second sale here, we think, will go very well.

14 And last is our October yearling and horses of  
15 all ages sale. This will have yearlings and horses of  
16 racing age, and there will be some selected brood mares in  
17 the sale also.

18 That's the calendar for 2016. Any questions?

19 CHAIRMAN WINNER: Any questions by any member of  
20 the Board?

21 COMMISSIONER AUERBACH: How many horses do we  
22 have in the paddock sale?

23 MS. JACOBSON: So far, 18. We went there 30 to  
24 13 and now we're up to 18.

25 COMMISSIONER AUERBACH: Do we have anything

1 coming in from outside that can generate some interest,  
2 like -- liked you do -- like you have had in the past?

3 MS. JACOBSON: We have a couple -- we have a  
4 stake filly in there that will generate some interest, and  
5 then we have a new horse that we're discussing right now  
6 that has -- that will create a lot of interest. So we  
7 keep working on it until the last minute.

8 COMMISSIONER SOLIS: That July sale, the 23rd,  
9 are all those two-year-olds are going to be stabled here?

10 MR. LLOYD: Yes, sir.

11 CHAIRMAN WINNER: Any other questions?

12 Comments? Is there a motion? A motion to approve.

13 Commissioner Beneto moves.

14 MR. LLOYD: I do have one question --

15 CHAIRMAN WINNER: Oh, I'm sorry, Kim. I'm  
16 sorry. Go ahead.

17 MR. LLOYD: For next year's schedule, what would  
18 the Board -- what is our protocol for our approval, and  
19 how does that work? Do we do it quarterly or yearly? How  
20 does that work?

21 EXECUTIVE DIRECTOR BAEDEKER: I would propose,  
22 if the Board agrees, that you do it on an annual basis so  
23 that you don't have to keep coming back here --

24 MR. LLOYD: Okay.

25 EXECUTIVE DIRECTOR BAEDEKER: -- to go through

1 the drill.

2 MR. LLOYD: So in December we would go -- would  
3 that would be --

4 EXECUTIVE DIRECTOR BAEDEKER: Yeah. And if  
5 there is a change, you can come back and -- and bring that  
6 to the attention of the Board.

7 MR. LLOYD: Very good. Okay. Thank you.

8 CHAIRMAN WINNER: Commissioner Beneto moves,  
9 Commissioner Solis seconds.

10 Do you second, Commissioner Solis?

11 COMMISSIONER SOLIS: I'm sorry. I have --

12 COMMISSIONER AUERBACH: He has a question.

13 CHAIRMAN WINNER: Okay. We have another  
14 question. Please.

15 COMMISSIONER SOLIS: My concern is -- well, my  
16 question is going to be are all these babies that just  
17 came from the farm, or they been here for a --

18 MR. LLOYD: Oh, no, no, no. They have been  
19 training and are very well prepared and --

20 COMMISSIONER SOLIS: Have they -- have they been  
21 in the grounds or at Del Mar? For how long?

22 MR. LLOYD: Well, the track just opened, Alex;  
23 so they got here whenever they shipped in. For instance,  
24 Sean McCarthy has -- or Kim McCarthy has three that  
25 shipped in that will be here with Sean until the sale.

1                   COMMISSIONER SOLIS: My concern -- my concern  
2 with that is a lot of these babies, when they come from  
3 the farms, you know, that a lot of them they come sick and  
4 so on. And my concern is getting the rest of the horses  
5 here the same way, and I just wanted to make sure that  
6 there's somehow we can make sure that they are in good  
7 health and so on because --

8                   COMMISSIONER AUERBACH: I think, Kim -- I think  
9 what Commissioner Solis is referring to is we want to know  
10 is have these horses been at a racing venue for "X" period  
11 of time.

12                   None of them are coming off the farm, are they?  
13 That's his concern.

14                   MR. LLOYD: No. They have been at the racetrack  
15 or at a training facility, would you say, an authorized  
16 training facility --

17                   COMMISSIONER AUERBACH: I think that's --

18                   MR. LLOYD: Whether they come out of OBS and  
19 O Cal O (phonetic), from San Luis Rey or Los Alamitos --

20                   COMMISSIONER AUERBACH: They have been with --  
21 they have been with the community, I think that --

22                   MR. LLOYD: Right.

23                   COMMISSIONER AUERBACH: -- that's his concern.

24                   COMMISSIONER SOLIS: Yeah. That's my concern.

25                   MR. LLOYD: Right.

1                   COMMISSIONER SOLIS: Coming off the farm, you  
2 know, a lot of those baby, they come sick, and my concern  
3 is getting the other horses sick too so --

4                   MR. LLOYD: Right. No. They're --

5                   CHAIRMAN WINNER: That's a legitimate concern.  
6 So the fact is they are all -- they are all coming from  
7 authorized facilities?

8                   MR. LLOYD: Right. Yes.

9                   COMMISSIONER AUERBACH: Okay.

10                  COMMISSIONER SOLIS: Thank you.

11                  MR. LLOYD: You're welcome.

12                  CHAIRMAN WINNER: Any other questions? Any  
13 other comments?

14                  Okay. Now, Commissioner Beneto moved.

15                  Commissioner Solis, did you second?

16                  COMMISSIONER SOLIS: Yes.

17                  CHAIRMAN WINNER: Commissioner Solis seconds.

18                  Commissioner Krikorian?

19                  COMMISSIONER KRIKORIAN: Yes.

20                  CHAIRMAN WINNER: Commissioner Solis?

21                  COMMISSIONER SOLIS: Yes.

22                  CHAIRMAN WINNER: Commissioner Auerbach?

23                  COMMISSIONER AUERBACH: Yes.

24                  CHAIRMAN WINNER: Chairman votes yes.

25                  Vice Chairman?

1 COMMISSIONER ROSENBERG: Yes.

2 CHAIRMAN WINNER: Commissioner Beneto?

3 COMMISSIONER BENETO: Yes.

4 CHAIRMAN WINNER: Thank you very much, Kim.

5 MR. LLOYD: Thank you.

6 CHAIRMAN WINNER: Discussion and action by the  
7 Board regarding the proposed new plan for stabling,  
8 vanning in Northern California -- stabling and vanning in  
9 Northern California for 2016 thoroughbred races held at  
10 Golden Gate Fields.

11 You're in charge. I'm going to get coffee.

12 MR. DARUTY: Good morning. Scott Daruty on  
13 behalf of Golden Gate Fields. I'm joined by Cal Rainey  
14 and Joe Morris.

15 We asked for this item to be considered by the  
16 Board this morning in advance of our racing application,  
17 which you will be hearing next month. And I am talking  
18 specifically about the racing application for our fall  
19 meet at Golden Gate Fields, which opens in the middle of  
20 October and runs through the Christmastime.

21 We have kept good track of and studied the  
22 inventory of racehorses in Northern California, and we  
23 believe the realistic number of horses that will be  
24 available in Northern California for racing this fall is  
25 somewhere between 1300 and 1350 horses. We wish it were

1 more, but the reality is that's sort of what we expect  
2 based on what we have seen in past years.

3           We're going to build some additional stalls at  
4 Golden Gate Fields so that we'll have 1500 on-site stalls  
5 available for thoroughbred racehorses at Golden Gate. We  
6 have had discussions with the TOC who has asked us to have  
7 a 10 percent cushion in terms of the number of stalls  
8 available over and above how many racehorses we expect.  
9 We're not sure that 10 percent is exactly the right  
10 number, but there's really no point to debate that with  
11 them, because the reality is with about 1340 is kind of  
12 what we are expecting, a 10 percent cushion, 1500 stalls  
13 is enough stalls to take care of all of our needs there  
14 on-track.

15           For that reason, when we submit our application  
16 next month for this Golden Gate fall meeting, we do not  
17 intend to list any auxiliary stabling facilities as part  
18 of our race meet application. We believe we will have  
19 enough stalls on-site to accommodate all the racehorses in  
20 Northern California.

21           We're not commenting on whether Pleasanton  
22 should or should not stay open or if folks want to stable  
23 their horses at Pleasanton and want to make other  
24 arrangements to do so, that is certainly fine with us.  
25 Our point in bringing this to you today is to say that we,

1 Golden Gate Fields, don't believe it is necessary for  
2 running our race meet and will not be requesting it as an  
3 auxiliary facility and therefor will not be paying for  
4 that facility to remain open.

5 Last item I will mention is you might be  
6 wondering why we're here talking about this today, why  
7 didn't we just talk about it next month when our  
8 application is before you. We wanted to try to be  
9 responsible and we wanted to try to give the people whose  
10 horses are stabled at Pleasanton as much advance notice as  
11 possible so that they can make other arrangements.  
12 Hearing about this today gives them roughly 90 days before  
13 the facility would no longer be an auxiliary facility; so  
14 hopefully that is enough time for them to make other  
15 plans.

16 CHAIRMAN WINNER: Thank you, Scott.

17 Joe, anybody else commenting? Are there  
18 questions?

19 There are a couple of other speakers who want to  
20 speak on this issue as one would have expected.

21 Do we have any questions from the Board?

22 Hold on one second.

23 COMMISSIONER ROSENBERG: Yeah. I just --

24 CHAIRMAN WINNER: I think everybody does.

25 Madeline, let's start with you.

1                   COMMISSIONER AUERBACH: Okay. I am a little  
2 curious. Is it because the inventory now is lower than it  
3 has been in recent history? Is that -- is that the point?

4                   COMMISSIONER BENETO: Madeline, use the mike. I  
5 can't hear you.

6                   COMMISSIONER AUERBACH: Oh, I'm sorry. I'll  
7 just scoot up here.

8                   Is it because our inventory is so much lower at  
9 this point in our history, or --

10                  MR. DARUTY: It's really --

11                  COMMISSIONER AUERBACH: -- or is it -- I mean,  
12 tell me.

13                  MR. DARUTY: Why now?

14                  COMMISSIONER AUERBACH: Yeah. Why now?

15                  MR. DARUTY: It's a very good question. I think  
16 it's a combination of factors. I think the inventory has  
17 been trending downward. And, again, that's not a fact  
18 that anybody likes but that is just the reality.

19                  In addition, as the industry continues to come  
20 under financial strain, I mean nobody is doing as well as  
21 we would hope or as we have in the past. We've had to  
22 examine the Stabling and Vanning Committee, Golden Gate  
23 Fields, you know, TOC. Everybody has had to examine the  
24 way stabling is operating. And the reality is we have not  
25 been very efficient at operating our auxiliary stabling.

1 In other words, there have been horses there but they have  
2 not been horses that have been racing at our race meets.

3 I will give one example, and if you need more,  
4 Joe and Cal can speak to the specifics, but after the  
5 yearlings sale last year, there were 30 yearlings that  
6 were purchased that stayed in their stalls at Pleasanton  
7 and that were paid for by the industry with free stabling  
8 for horses that clearly were not racehorses.

9 There are many additional examples of that. And  
10 we as an industry -- and I say not just Golden Gate Fields  
11 but we have had these discussions with the whole Stabling  
12 and Vanning Committee in Northern California -- we just  
13 can't afford to keep spending all that money. We have to  
14 limit the paid stabling to actual racehorses.

15 COMMISSIONER AUERBACH: Well, I -- the reason  
16 I'm curious about this is because I was on the TOC when it  
17 was time to close Pomona, and the hue and cry, I am sure,  
18 will be as great at Pleasanton as it was at Pomona. I  
19 don't doubt that. And I understand from all standpoints.

20 My question is to you now, do you have the  
21 support of other factions of the industry to do it at this  
22 point in time? If I read the rules correctly, it is your  
23 responsibility, meaning Golden Gate, because it is your  
24 meet, to make sure that there's places for people to  
25 stable their horses. So -- and I know that it is in your

1 best interest to make sure that you have the inventory to  
2 have the fields that you need to generate the income that  
3 you need; so my question to you is, do you have -- have  
4 you garnered the support of your industry partners to get  
5 this done at this time?

6 MR. DARUTY: Well, I don't mean to dodge the  
7 question, but let me answer it this way. We have had  
8 ample meetings with the TOC, we have had meetings with  
9 CARF, we have met at Pleasanton. I think everybody at CTT  
10 as well. I think everybody is here, and rather than try  
11 to --

12 COMMISSIONER AUERBACH: Put words in their  
13 mouths.

14 MR. DARUTY: -- have me answer what I think they  
15 are going to say --

16 COMMISSIONER AUERBACH: Okay.

17 MR. DARUTY: -- we will let them speak.

18 COMMISSIONER AUERBACH: Well, the other thing  
19 too is if my understanding is correct, this isn't about  
20 closing Pleasanton. This is about the industry not paying  
21 for it anymore at this -- for this juncture; is that  
22 correct?

23 MR. DARUTY: That is -- that is absolutely  
24 correct.

25 COMMISSIONER AUERBACH: Okay.

1 MR. DARUTY: We would -- we would welcome --

2 COMMISSIONER AUERBACH: So the -- the --

3 MR. DARUTY: -- Pleasanton to remain --

4 COMMISSIONER AUERBACH: -- the rhetoric is not  
5 we're going to close Pleasanton. The rhetoric is we're  
6 going to save a little bit of money here and not  
7 financially support a facility where there is inventory  
8 that we can't utilize.

9 Is that a fair statement?

10 MR. DARUTY: That is correct. And let me also  
11 add, I neglected in my initial remarks to make one point,  
12 which I think is important.

13 We have looked at the natural ebb and flow of  
14 the racehorse inventory, and it is our belief that comes  
15 springtime, and whether that is April 1 or April 15 or,  
16 you know, March 15, I don't know, but in the springtime  
17 the population swells. And we have had discussions with  
18 Pleasanton and with others in the industry that we would  
19 like to reopen Pleasanton as an auxiliary stabling  
20 facility, and I'm getting ahead of myself because this  
21 would be part of our next application for our next race  
22 meet.

23 COMMISSIONER AUERBACH: Well, I am just trying  
24 to get an overall picture --

25 MR. DARUTY: Right. So overall, we would expect

1 that, let's say, next April Pleasanton would open back up,  
2 Golden Gate Fields would pay for, through stabling and  
3 vanning, for Pleasanton to be open. That obviously leads  
4 naturally into Pleasanton's summer race meet. And what we  
5 think is that from, say, October to April that's the time  
6 period where it really doesn't make sense to have that  
7 facility open and pay for it.

8 COMMISSIONER AUERBACH: I think what I am trying  
9 to do is clarify the language. I don't like the open and  
10 closed, because as far as I'm concerned they are always  
11 open. What we are talking about is financial support from  
12 the industry.

13 And I just want the nuances, I want people to  
14 understand that nobody is saying close Pleasanton. You  
15 are saying we just can't give them the financial support  
16 for this period of time.

17 Is that -- I would like to put it in context  
18 because I don't want to see headlines or people standing  
19 up and yelling you are trying to close Pleasanton because  
20 I don't think you're trying to close Pleasanton. I think  
21 you are trying to manage the financial aspect of it.

22 MR. DARUTY: You are a hundred percent correct,  
23 and I appreciate the clarification.

24 COMMISSIONER AUERBACH: Well, just not so much  
25 for me but for everybody because I can already hear what I

1 think I'm going to hear so --

2 CHAIRMAN WINNER: But we also have to hear from  
3 Pleasanton whether or not --

4 COMMISSIONER AUERBACH: Right.

5 CHAIRMAN WINNER: -- from a financial standpoint  
6 they can afford to --

7 COMMISSIONER AUERBACH: Absolute -- absolutely,  
8 but that is really the issue.

9 CHAIRMAN WINNER: Right.

10 COMMISSIONER AUERBACH: It's -- it's -- that's  
11 what I want to hear.

12 CHAIRMAN WINNER: Yes. Commissioner Rosenberg  
13 and then Commissioner Beneto.

14 COMMISSIONER ROSENBERG: Before we get to the  
15 others -- the other -- for Pleasanton and others, there is  
16 legislation pending, as I understand it, that is supposed  
17 to have been an agreement that was reached among the  
18 parties to change the stabling and vanning rules in terms  
19 of how much paid is to the various -- how much is paid for  
20 stabling and vanning and where it comes from; correct?  
21 Additional funding of sorts; correct?

22 MR. DARUTY: That is correct.

23 COMMISSIONER ROSENBERG: Okay. How does this  
24 impact what you are trying to do?

25 MR. DARUTY: Well, the new legislation, which

1 has not passed yet, but which is broadly supported by the  
2 industry and we expect that it will pass when the  
3 legislature comes back into session in August, that new  
4 legislation allows more flexibility for the industry in  
5 how we treat the stabling; so it's not directly related.  
6 Our decision to no longer pay for Pleasanton as an  
7 auxilliary facility is not directly related to that new  
8 legislation.

9           But ultimately, we believe that legislation  
10 which does a couple of things; one of which is increase  
11 the amount of money that can be funded into the Stabling  
12 and Vanning Fund; and two, it provides the industry  
13 participants with the flexibility, for example, when we --  
14 when we are not using Pleasanton as an auxiliary facility,  
15 under existing law, we have to still pay into the Stabling  
16 and Vanning Fund. And that is not just Golden Gate's  
17 money; 50 percent of it is purse money as well and that  
18 money is required to continue to go into this fund.

19           Now, that legislation hasn't passed yet. We are  
20 still contributing. That's not a problem because, guess  
21 what, we have a huge deficit for stabling we have already  
22 used that we haven't paid for yet; so it's going to take  
23 time to pay that deficit off. But ultimately, if we look  
24 down the road, let's say, a year from now, if in the fall  
25 of '17 we don't pay as an industry for Pleasanton's

1 stabling, that would mean that the purses and the track  
2 commissions wouldn't be funded into the fund during that  
3 fall period. It's complicated. I don't know if I  
4 explained it properly.

5 But do you understand the point?

6 COMMISSIONER ROSENBERG: Yeah. Basically it  
7 doesn't affect this. Your decision here is really  
8 unrelated to that.

9 MR. DARUTY: It is for this year, but we believe  
10 we are starting the process that in the future is going to  
11 the bottom line, put more money into purses to help the  
12 industry.

13 COMMISSIONER ROSENBERG: Have you considered --  
14 have you considered the fact that it is possible that by  
15 doing this you may actually be having an impact on  
16 reducing the actual horse population for the small  
17 trainers and owners who decide to get out of the business  
18 who have always trained and had -- owned horses -- I use  
19 Pleasanton.

20 MR. DARUTY: Yes. We have considered that. And  
21 ultimately, we don't want to take any material risk that  
22 we're going to drive horses way from California, because  
23 ultimately, we do need the inventory. But at the same  
24 time, we look at, in the last 12 months, spending as an  
25 industry roughly \$2 million on Pleasanton as a stabling

1 facility.

2           And by the way, I said this before and I just  
3 want to reiterate, that is not a knock on Pleasanton.  
4 They do a great job. It is a wonderful facility. It's  
5 just the reality is it is expensive to keep these  
6 facilities open. So to spend \$2 million to keep  
7 Pleasanton open for 12 months when, you know, oftentimes  
8 of the year there's only a couple hundred horses there,  
9 and of those, you know, maybe 250 horses a significant  
10 portion of them aren't racehorses. It just doesn't make  
11 economic sense.

12           CHAIRMAN WINNER: I don't want to interrupt, but  
13 just on that one point, if I may.

14           When you say a significant number are not  
15 racehorses, are there also horses stabled at Pleasanton  
16 that don't race in California?

17           MR. DARUTY: I will let Joe and Cal speak to the  
18 specifics of that.

19           MR. MORRIS: Inventory from --

20           CHAIRMAN WINNER: Introduce yourself, Joe.

21           MR. MORRIS: Joe Morris from Golden Gate.

22           Inventory management, North and South, hasn't  
23 been one of our strong points for the racing offices and  
24 that is something we're trying to address up there. I can  
25 tell you that in 2012 when I was there we started a

1 process -- we being Golden Gate, CARF, and the TOC on  
2 maybe looking at a way where the horses could contribute,  
3 and then if they didn't -- if they did race within a  
4 period of time, they would get the money back.

5 At that time Golden Gate was getting just under  
6 12 starters a day out of -- out of Pleasanton. That was  
7 probably October of '12. In March of '13, when we finally  
8 voted it, that additional spotlight and pressure that just  
9 under 12 was 14 starters a day; so we got the numbers.

10 From October of last year through our meet that  
11 just ended in June, that number is now 7.1 starters a day.  
12 There's generally 250 to 300, maybe 350 horses there, and  
13 they don't all race at Golden Gate Fields.

14 You know, some of them -- some of them -- Fresno  
15 will end and some of the horses will go back to there and  
16 that's kind of where they sit back for a while and then  
17 they filter back to Phoenix or New Mexico. They don't  
18 come in to our Northern California circuit so --

19 COMMISSIONER ROSENBERG: Joe, that is true about  
20 Golden Gate too. All horses at Golden Gate don't race  
21 there either.

22 MR. MORRIS: And as part of the inventory  
23 management at Golden Gate, we will be addressing that  
24 issue also.

25 COMMISSIONER ROSENBERG: But on those numbers

1 you just cited, it comes down to 7.2 in the last meeting?

2 MR. MORRIS: Thereabouts.

3 COMMISSIONER ROSENBERG: So my question, which  
4 was if people decide to get out of the business,  
5 especially in a lower claiming horse, what -- what  
6 percent --

7 MR. MORRIS: We're not looking to drive anybody  
8 out of the --

9 COMMISSIONER ROSENBERG: No. But I know you're  
10 not, but it may result in that.

11 MR. MORRIS: But we -- well, but we have -- we  
12 will have ample stalls at Golden Gate for them to move  
13 into and that is actually the closest auxiliary training  
14 facility to a track that we have in the state. I mean,  
15 that --

16 COMMISSIONER ROSENBERG: What kind of --

17 MR. MORRIS: Pleasanton is closer to Golden Gate  
18 than Los Al is or Hollywood was to Santa Anita.

19 COMMISSIONER ROSENBERG: But you're building  
20 temporary stalls, not regular stalls; correct?

21 MR. MORRIS: At Golden Gate?

22 COMMISSIONER ROSENBERG: Yeah. What kind of  
23 stalls are you building?

24 MR. MORRIS: Well, they are 12 by 12  
25 prefabricated temporary, but they are nice stalls.

1           MR. RAINEY: This is Cal Rainey from Golden Gate  
2 Fields. We are constructing some stalls now that are  
3 portable in nature. However, not like the portable stalls  
4 in Southern California, because the weather is so nice  
5 here. We get a lot of weather up north and a lot of rain  
6 this year we had; so our stalls are going to have  
7 roofs over them so it's a little more complicated. They  
8 won't look as portable as the ones down here do. They are  
9 very robust and they will be kind of year round for our  
10 guys but they are -- they are portable --

11           COMMISSIONER ROSENBERG: Can you give us -- give  
12 us an idea of how much --

13           MR. DARUTY: Wood construction?

14           MR. RAINEY: Yeah. Wood and steel construction.

15           COMMISSIONER ROSENBERG: How much do they cost  
16 per stall? I'm just curious? Approximately.

17           MR. RAINEY: The cost right now is -- with the  
18 installation and everything it's probably over 4000 per  
19 stall that we are looking at.

20           MR. MORRIS: The actual stalls themselves,  
21 there's a long-term relationship I have had with the  
22 person, but they build the stalls at Gulf Stream, the same  
23 ones they build them at Laurel and Pimlico, they have done  
24 stalls at the Meadowlands. These are nice stalls.

25           COMMISSIONER ROSENBERG: So basically, you are

1 putting up roughly \$600,000 of Golden Gate's money --  
2 correct? -- to pay for the stalls? Who is paying for the  
3 stalls?

4 MR. MORRIS: Golden Gate is paying for the  
5 stalls.

6 COMMISSIONER ROSENBERG: That's what I said.  
7 \$600,000 in exchange for recouping over a period of years.  
8 How much -- how much is that calculation?

9 MR. MORRIS: To have Pleasanton open on a month  
10 is a little over \$200,000 a month. Half of that is purse  
11 money and half of that when we're paying is Golden Gate's  
12 contribution. So in five, six months you have them paid.

13 COMMISSIONER ROSENBERG: Well, if it was the  
14 proper thing to do or if it is the proper thing to do, it  
15 is a hell of an investment.

16 MR. MORRIS: It is, yeah.

17 COMMISSIONER AUERBACH: I have --

18 CHAIRMAN WINNER: I think Commissioner Beneto, I  
19 think, had a comment or --

20 COMMISSIONER BENETO: My question is, if you  
21 don't get people to move to Golden Gate and they choose to  
22 stay at Pleasanton, is it on their nickel? I guess it  
23 would be, wouldn't it?

24 MR. DARUTY: That is correct.

25 COMMISSIONER BENETO: Would you have a clocker

1 there a couple times a week if they need work horses?

2 MR. RAINEY: Cal Rainey at Golden Gate Fields.

3 Currently the clocker is part of the stabling  
4 auxilliary setup; so it's part of our cost at this time.  
5 I'm not sure if Pleasanton would want to put their own  
6 clocker there certain days of the week or how that would  
7 happen.

8 COMMISSIONER BENETO: I -- I didn't get that,  
9 Cal.

10 MR. DARUTY: Well, it is a question that I  
11 don't -- I don't think we have addressed yet. Our -- you  
12 know, our issue is not whether there's a clocker there or  
13 not. We would welcome there to be a clocker. It's a  
14 question of who -- who would be paying for that.

15 COMMISSIONER BENETO: Because I'm sure that some  
16 people might bite the bullet and stay at Pleasanton and  
17 run out of there.

18 COMMISSIONER AUERBACH: I had another question.  
19 Your numbers were interesting because you said the  
20 participation from the stabling at Pleasanton was  
21 approximately 7.1. That's a race. That's a race a day.

22 So my question was, do you think that you have  
23 that 7.1 in wasted space at Golden Gate?

24 You know what I'm saying? Is it -- is it going  
25 to be a fair tradeoff?

1 MR. MORRIS: Yeah, I do.

2 Joe Morris again, golden Gate.

3 And I do want -- on the 7.1, that does  
4 include -- we put anybody who was stabled at Pleasanton  
5 into that number. Some of those guys also have stalls at  
6 Golden Gate. So we didn't back the Golden Gate stalls out  
7 on that already, but they --

8 COMMISSIONER AUERBACH: Okay.

9 MR. MORRIS: -- have temporary stalls, you  
10 know, as like we have in the South, where if you're  
11 stabled at Los Al, you also probably have a few stalls at  
12 Santa Anita.

13 COMMISSIONER AUERBACH: Okay.

14 COMMISSIONER BENETO: Excuse me. I guess the  
15 last meeting Jerome made the statement that they weren't  
16 going to close Pleasanton down; it was still going to go.

17 What -- does he -- does he know that your plan?  
18 Did you discuss that with him?

19 MR. MORRIS: We -- Joe Morris again.

20 We met a month ago with CARF, Jerome. CTT had  
21 representatives there, TOC had representatives there. And  
22 as Scott said earlier, that's why we wanted to get this  
23 meeting an the agenda today.

24 But at that point, I don't know if Pleasanton  
25 will stay open or not, but they were very open to being

1 open when we needed them. So when we -- in that  
2 conversation we were talking about opening them again in  
3 April when more two-year-olds came in and as they built up  
4 for their fair circuit.

5 So I'm not sure, you know, whether they're going  
6 to stay open privately or not through that period, but the  
7 plan is in April, we'd have that facility open again as  
8 auxiliary stabling for the Golden Gate meeting.

9 COMMISSIONER SOLIS: I have a question.

10 CHAIRMAN WINNER: Yes, please.

11 COMMISSIONER SOLIS: How many stalls you say you  
12 going to build? Four hundred, I think?

13 MR. MORRIS: No. We -- we have -- we have 1431  
14 stalls right now. We have 24 in the process of being  
15 built this week. That brings us to 1455. And we're going  
16 to cap it off around 1500.

17 COMMISSIONER SOLIS: Fifteen hundred. Okay.

18 One of the things that concerned me is what we  
19 went through last year with training for so long and so  
20 much traffic and the track. And I know -- I know  
21 Golden Gate don't have a training track; right?

22 MR. MORRIS: Correct.

23 COMMISSIONER SOLIS: And my concern is all that  
24 traffic and the wear and tear on the track when you train  
25 in one place. I mean, it really give us a lot of problems

1 last year, and now we really need to look into that.

2 Or if you have an idea how you're going to  
3 prepare yourself for all the traffic that, really, the one  
4 that suffer the most are the horses being so crowded.

5 MR. RAINEY: Cal Rainey from Golden Gate.

6 We're actually only talking about less than a  
7 hundred horses additional at Golden Gate. This year, in  
8 the spring, each month that we race live from January  
9 through June, we had at least 250 empty stalls at  
10 Golden Gate Fields. So we know we have empty stalls.  
11 We're adding some more for a little cushion there so we'll  
12 have 1500.

13 But in recent years we haven't had a full barn  
14 area. And we've additionally had Pleasanton with more  
15 horses. Now they're down to a lower number of horses as  
16 well and less thoroughbreds that are racing at Golden Gate  
17 Fields.

18 We think we can get the horses on the track. We  
19 have a very safe track record. We have the Tapeta track  
20 that we put in in 2007, and we've had very good results  
21 with the track and the safety record of the track. And I  
22 think that the additional horses can be handled by that.

23 MR. DARUTY: Yes. If I could just add to that  
24 to give a little bit of context, it's not like we're  
25 taking two similarly sized training facilities and adding

1 them together so that Golden Gate is, for example,  
2 doubling in the number of horses that will be out training  
3 in the morning.

4 Really, what we're talking about is probably  
5 less than a 10 percent increase in the number of horses on  
6 any given day that would be -- be training there.

7 CHAIRMAN WINNER: Are there any other questions?  
8 I know Mr. -- I'm sorry. Commissioner Krikorian?

9 COMMISSIONER KRIKORIAN: Well, I'd like to just  
10 comment on -- we keep talking about the inventory. And  
11 it's frustrating to me because we never really get down to  
12 a definition of what's a qualified horse that should be on  
13 the track, number one.

14 And I have a program that's comprehensive to  
15 identify someone who is an outside third party, perhaps  
16 that could go out and count this inventory so that know  
17 exactly what we're dealing with. We should know exactly  
18 what we are dealing with.

19 COMMISSIONER AUERBACH: You'll get that when you  
20 get the microchips.

21 COMMISSIONER KRIKORIAN: Well, you'll get that  
22 when you get the microchips. But why wait? I mean, why  
23 can't someone be out there counting heads and signing a  
24 form, a third party, so we know how many horses are  
25 qualified and we know what the numbers really are? We

1 don't know what the numbers really out.

2 COMMISSIONER ROSENBERG: That's true throughout  
3 the entire state. The InCompass system we've had, there's  
4 enough testimony before us indicating that the racetracks  
5 in Southern California, at least, and Northern California,  
6 most of them have not been keeping up the information  
7 properly.

8 COMMISSIONER KRIKORIAN: The cost of over  
9 eight million dollars a year for stabling and vanning, it  
10 can't cost that much money to have somebody work for a  
11 couple hours a day, counting heads of horses.

12 COMMISSIONER AUERBACH: And then what they do  
13 is --

14 CHAIRMAN WINNER: Hold on. Speak into the  
15 microphone. We should be communicating with everybody.  
16 So if you have a question or a comment...

17 COMMISSIONER AUERBACH: I think, Joe, could you  
18 explain how, when I -- only because I've been through this  
19 for years, talking to Joe, and he was doing just that.  
20 And I'd like to hear if that's changed any. I know you  
21 talk about people moving horses around, misidentifying  
22 them, things of that nature; so I don't know if that's  
23 gotten any better.

24 MR. MORRIS: Joe Morris from Golden Gate.

25 One thing I'd point out is we are aware the

1 pilot program is happening with the microchips, and I  
2 don't know the exact number we have microchipped, but it's  
3 in the hundreds.

4 EXECUTIVE DIRECTOR BAEDEKER: More than 800 at  
5 this point. And even though the rule that is before this  
6 Board won't become effective until January 1st of 2018,  
7 our goal for 2017 is to have the -- every horse chipped in  
8 the North, and to have -- to work the program, and to get  
9 the results that you're asking for, Commissioner  
10 Krikorian, as part of the pilot project, and then of  
11 course to expand that statewide by 2018.

12 MR. MORRIS: So that's a project we embrace and  
13 are working to get to that.

14 We do use InCompass and we do keep it up to date  
15 up there. In the North, we count every month. And we've  
16 had two groups, two big groups go out and count twice this  
17 year, somewhere around December or January. CARF, TOC,  
18 CTT, and Golden Gate counted as a part -- this is a  
19 conversation that's been going on for quite a long time up  
20 there. We did it again last month and had everybody go  
21 out and count.

22 So I continue to count every month, but only the  
23 Stronach Group tracks now because that's where I work.  
24 But the TOC does go out and count still, and that data is  
25 there going back to January of '14.

1                   COMMISSIONER ROSENBERG: I think that  
2 Mr. Krikorian's talked about a more expanded system,  
3 whether it would be either an outside company or person or  
4 an employee of the Stabling and Vanning Fund that actually  
5 is responsible for not just identifying the name of the  
6 horse and its age, but whether the horse is actually there  
7 being basically trained or it's laid up, et cetera,  
8 et cetera. That's the issue that I think he's talking  
9 about.

10                   MR. MORRIS: I would contend that is the racing  
11 office's job, and it has been lax. And I can tell you if  
12 the Stronach Group tracks, it's not going to be lax  
13 anymore.

14                   COMMISSIONER KRIKORIAN: It's been going on for  
15 forever, okay? And you don't have any numbers that are  
16 posted that we see on a regular basis. So why don't we  
17 just do it another way and take all the guesswork out.  
18 Let's have an outside third party --

19                   MR. MORRIS: We go to my office, I can provide  
20 you --

21                   CHAIRMAN WINNER: Hold on, Joe. Let him finish.

22                   COMMISSIONER KRIKORIAN: -- and then -- and let  
23 an outside third party do the counting.

24                   First identify what's going to be a qualified  
25 horse is supposed to even be on the track so people are

1 aware and know what they -- that the horses are qualified.  
2 Keep the numbers, and as these new -- when the chips come  
3 in and we don't need to do it anymore manually, then we go  
4 to that program.

5 CHAIRMAN WINNER: You're talking -- as I  
6 understand it, you're talking about either the track or  
7 the training facility, are these horses actually  
8 racehorses and how many are they and what are their  
9 qualifications?

10 COMMISSIONER KRIKORIAN: We really -- we really  
11 don't know. We've never been really provided with any,  
12 you know, comprehensive numbers on any kind of a regular  
13 basis.

14 MR. MORRIS: That may just be a communication  
15 issue. For the two years the Stronach Group tracks, I  
16 have an InCompass report every single month backed up by a  
17 count. Del Mar, I know, uses InCompass, and they keep  
18 theirs completely up to date. Golden Gate and Santa Anita  
19 do. And those are in files, the numbers are done, and  
20 there's charts that back them up. So that information is  
21 there. We may not pass it on to you but it's there.

22 COMMISSIONER KRIKORIAN: Right. If you take  
23 numbers and you put it in your back pocket, it doesn't  
24 mean anything to the industry. It only tells you what you  
25 want to know --

1 MR. MORRIS: Well, we're responsible for  
2 managing our back stable areas and we've done that.

3 COMMISSIONER ROSENBERG: Joe, when you were  
4 wearing a different hat -- I remember talking to you about  
5 this -- and you -- that there were some tracks that were  
6 not doing this. If the Stronach Group is doing it at a  
7 hundred percent efficiency, are there tracks doing it that  
8 way, the training facilities?

9 MR. MORRIS: That's -- we can ask them directly.  
10 They're all in the room.

11 MR. DARUTY: Well, and just to clarify, while  
12 we've identified this as an issue that needs to be  
13 addressed, I wouldn't say that the Stronach Group tracks  
14 are operating at a hundred percent efficiency today.

15 If what you mean is we're only allowing horses  
16 in our stable areas that are really going to be racing,  
17 that's not the case. We -- as Joe mentioned earlier, we  
18 need to get better at that inventory management, and  
19 that's something we're going to start working on.

20 CHAIRMAN WINNER: Obviously, it's not just  
21 racehorses but there are -- also, there are stalls for  
22 ponies that are required.

23 But I think what we're all getting at is to  
24 determine independently, if possible, whether all these  
25 horses that the industry is paying for are in any way

1 returning that to the industry by racing, or are they just  
2 being laid up there, are they just yearlings, are they  
3 nonracing two-year-olds, are they horses that are going to  
4 be going up to Portland and racing, or -- how are they  
5 benefiting racing in California? That's what we really  
6 want to know.

7 And I'm not sure -- and what Commissioner  
8 Krikorian is suggesting, as I understand it, is that it  
9 doesn't cost that much to have some independent --  
10 independent source go out and do that kind of analysis.

11 COMMISSIONER KRIKORIAN: I think we're more  
12 concerned that there's a reluctance to do it.

13 CHAIRMAN WINNER: Why is there a reluctance? I  
14 mean, is it a cost? How much could it cost to do this?  
15 What's the other reluctance?

16 MR. DARUTY: Scott Daruty.

17 I'm not sure there is a reluctance. I don't  
18 know that I've ever heard anybody in any of the meetings  
19 we've had, be it CARF, TOC, CTT, or others, disagree with  
20 the statement that there are currently horses in  
21 California stables on the sort of public payroll, so to  
22 speak, the Stabling and Vanning payroll, that are not  
23 racehorses.

24 Again, I cited an example of 30 yearlings that  
25 were being -- were having their stalls paid for by the

1 industry.

2 So I guess there's not a reluctance. And if  
3 this Board, you know, says, "This is something we need to  
4 do," then we will follow that instruction and go do it.

5 I think our position is we know there is a  
6 problem. We know the problem needs to be solved. And  
7 whether the problem is 30 horses, or 300 horses, either  
8 way, it needs to be solved; so let's solve the problem.

9 COMMISSIONER BENETO: Scott --

10 CHAIRMAN WINNER: Go ahead.

11 COMMISSIONER BENETO: -- what worries me on  
12 closing Pleasanton is the two-year-olds that are coming in  
13 in the fall, start breaking for racing.

14 COMMISSIONER AUERBACH: In the fall.

15 COMMISSIONER BENETO: What -- there's no outside  
16 facility, training facility that I know of in Northern  
17 California that can handle something like that.

18 COMMISSIONER AUERBACH: Commissioner Beneto,  
19 they're not supposed to be coming in in the fall. We're  
20 not supposed to be paying for them. And that's the point.  
21 The two -- when are the two-year-olds allowed to come in?

22 MR. MORRIS: For auxiliary, they're allowed to  
23 come in on Jan 1, and for the racetracks, February 15.

24 COMMISSIONER AUERBACH: So that's part of the  
25 problem --

1                   COMMISSIONER BENETO:  Yeah.  But you've got  
2 six -- six, seven months of training if they come in 1st  
3 of January.  Usually, it's at least --

4                   COMMISSIONER AUERBACH:  But we're not -- but  
5 that's what's happened to us over the years is that we've  
6 had a lot of -- and this is part -- was part of the  
7 problem with Pomona.  We had a lot of abuse of system and  
8 that was what the problem was.

9                   People -- and I'm not accusing anybody.  People  
10 in general were bringing in horses that weren't ready.  
11 People like me were -- were playing the system the way I  
12 was supposed to, keeping my horses at the farm, getting  
13 them trained at the farm, paying my own bills.

14                   Other people were bringing in very, very young  
15 horses that we're not supposed to be paying for.  And this  
16 has been going on forever, and it is part of the problem.  
17 Those horses we are not supposed to be paying for, and  
18 that's the point.  That's what we're struggling with.

19                   And I understand Commissioner Krikorian's  
20 frustration.  I'm frustrated.  We're supposed to bring the  
21 horses in, I think February, 1st or 2nd or 15th or  
22 whatever the date is.  And I would see people at the  
23 racetrack say, "Oh, look at, my baby's here."

24                   And I'd say, "That's nice."

25                   Oh, it's a January baby.  Well, how come that

1 person gets to bring that baby in on my dime to be trained  
2 there while I have to pay a training rate at a farm?

3 And that's, I think, we're getting to the  
4 culmination of this going on for a long time and we're  
5 trying to solve it now, if I'm -- if I'm correct.

6 COMMISSIONER BENETO: I go along with what  
7 you're saying --

8 CHAIRMAN WINNER: Hold on.

9 Go ahead, Commissioner.

10 COMMISSIONER BENETO: I go along with what  
11 you're saying. I didn't realize that there was a time  
12 zone that you had to -- you say February 1st,  
13 two-year-olds come in. Before that, they stay at the  
14 farm?

15 MR. MORRIS: January 1 on the auxiliary sites  
16 and February 15th at the racetracks.

17 COMMISSIONER BENETO: That's fair.

18 COMMISSIONER KRIKORIAN: So part of the problem  
19 is, is that we need to actually qualify in writing what  
20 horses belong on the track. Define and qualify, and then  
21 have an accurate inventory, monitored by an outside third  
22 party, and then we all know where we stand and know how  
23 many horses are at the track. That's the information we  
24 should all be sharing.

25 CHAIRMAN WINNER: Commissioner Rosenberg?

1                   COMMISSIONER ROSENBERG: The January 1st date at  
2 the auxiliary sites, you mean to say there are no  
3 yearlings being brought into San Luis Rey in October,  
4 November to be broken until January 1st?

5                   COMMISSIONER AUERBACH: They're not supposed to  
6 be.

7                   MR. MORRIS: That's when they're supposed to  
8 come in, on January 1st. We've caught them there earlier  
9 and we have dealt with that.

10                  COMMISSIONER ROSENBERG: Okay.

11                  CHAIRMAN WINNER: Same with Galway?

12                  MR. MORRIS: Same with Galway. Now, Galway is a  
13 split site so they can be part --

14                  CHAIRMAN WINNER: If they're paying for it.

15                  MR. MORRIS: And then they can pay for it; so  
16 they could be there early.

17                  CHAIRMAN WINNER: Let me ask this, Commissioner  
18 Krikorian: What if we assign this issue to the  
19 Legislative Committee, which is going to be meeting prior  
20 to the next meeting, to come up with a recommendation as  
21 to how to pursue what your is suggesting and how to pay  
22 for it, or how it should be of -- what the oversight  
23 should be?

24                  Are you -- would you be comfortable with that?

25                  COMMISSIONER KRIKORIAN: Well, that's fine, if

1 that's the process we have to go through. I don't know,  
2 you know, what we have to do to get to that point. But  
3 any way that we could impose that type of a regulation on  
4 the industry, I think, would be important and would be  
5 helpful. And it would just clear -- there'd be  
6 transparency in what's being done, and that's all we're  
7 trying to get to.

8 CHAIRMAN WINNER: Correct.

9 I think we all have the same objective.

10 COMMISSIONER KRIKORIAN: I don't know what the  
11 road path is but the quickest road path that gets us to  
12 that is the road to take.

13 MR. DARUTY: A suggestion. We are doing monthly  
14 counts, and when I say we, it's not just Golden Gate.  
15 It's an industry -- TOC, CTT are involved. Apparently,  
16 we've not been doing a good job sharing that with this  
17 Board. So we'll commit to send that once a month to the  
18 CHRB staff for them to distribute, as you direct them to,  
19 and at least that's a first step to get you information  
20 right away.

21 EXECUTIVE DIRECTOR BAEDEKER: I've heard from  
22 various commissioners that it's not just the count. It's  
23 the characterization of that count, you know, how many are  
24 race ready and where they fit and so forth. I presume you  
25 have that in InCompass.

1 Is that something you look at monthly?

2 MR. DARUTY: We can include that in the -- in  
3 the report that we send.

4 Now, again, to the -- there's a little bit of  
5 discretion here because we've been talking about the easy  
6 example of when should a two-year-old come. But what if  
7 we're talking about a four-year-old, you know. We  
8 certainly understand that, you know, a horse needs to be  
9 laid up from time to time, if that's a 30-day layup versus  
10 a 120-day layup, at which point do you draw the line that  
11 says "Okay. You need to go to an off-site facility as  
12 opposed to staying on industry money"?

13 So there is some, I guess I would say,  
14 discretion in the description, but we could include that  
15 in what we send. And if you disagree with our designating  
16 something, then that's -- we can talk about it.

17 EXECUTIVE DIRECTOR BAEDEKER: Save time.

18 COMMISSIONER KRIKORIAN: Are you speaking for  
19 Santa Anita or are you speaking for stabling and vanning  
20 when you say this --

21 MR. MORRIS: Santa Anita --

22 COMMISSIONER KRIKORIAN: -- number one?

23 MR. MORRIS: -- and Golden Gate.

24 MR. DARUTY: Santa Anita and -- and Golden Gate.

25 And, you know, again, the facts will speak for

1 themselves. If there's a horse on the inventory list that  
2 ran last month, that will be apparent, and if there's a  
3 horse on the inventory list that hasn't run for 12 months,  
4 that will also be apparent.

5 COMMISSIONER KRIKORIAN: Well, what about the  
6 industry getting together and defining what horses are  
7 qualified to be stabled at the tracks? Why don't we  
8 define that?

9 CHAIRMAN WINNER: To get at your point, Scott, I  
10 think the question is, is it two months? Is it six  
11 months? What is it that qualifies a horse to be stabled  
12 that the industry is paying for?

13 MR. DARUTY: That would be a difficult  
14 definition to come up with. I think we know --

15 CHAIRMAN WINNER: But what Commissioner  
16 Krikorian is suggesting is that maybe the industry can get  
17 together with the trainers and the owners and you folks to  
18 try to come up with something that people can agree to and  
19 then come back and make a recommendation -- the racing  
20 secretary.

21 MR. DARUTY: We would be happy to do that and it  
22 would not just be Golden Gate. It would be us working  
23 with the TOC and the CTT and CARF and the whole industry.

24 I just want to make sure, though, at some point,  
25 you know, we are going to make a decision about Golden

1 Gate Fields and --

2 CHAIRMAN WINNER: Yeah.

3 MR. DARUTY: -- our need for an auxiliary  
4 training facility, and we do not believe it's necessary  
5 for the fall meet.

6 CHAIRMAN WINNER: Yeah. We understand that's  
7 the issue.

8 COMMISSIONER AUERBACH: One other thing I'd  
9 like -- I'd really like to clarify this.

10 Whose job is it to say to Pleasanton, for  
11 example, when they had those 30 horses that were  
12 walked over from the yearling sale and left there -- whose  
13 job is it to tell them they can't be there?

14 This is -- I think this is part of the problem.  
15 We have -- when we have horses that come in and they're  
16 not supposed to be in, whose job is it to be the policeman  
17 and monitor and stay stop?

18 CHAIRMAN WINNER: Isn't that stabling and  
19 vanning since they're the ones paying for it?

20 COMMISSIONER AUERBACH: Well, I don't know.  
21 That's why I'm asking.

22 MR. MORRIS: It's -- stabling and vanning would  
23 be the broad answer, but the racing office of who's ever  
24 running at that time should have the say.

25 COMMISSIONER AUERBACH: So as part of this whole

1 thing, if we're going to have an outside independent or  
2 what -- however we do this, if we're going to have a  
3 monitor, then I would like to see something established  
4 that says when these horses show up in these stalls and  
5 they are a yearling, or whatever they are, and they're not  
6 supposed to be there, someone should have the authority to  
7 say, "You need to move this horse off the property."

8 I think that's where all the frustration comes  
9 in. We have absolutely no control -- not we, but none of  
10 us seem to have the -- either the authority or the control  
11 to do it, and I think that's where we struggle. Because I  
12 know that a lot of these horses that come in are with  
13 ownership that is either not aware, or whatever, that  
14 their horses are not supposed to be there.

15 COMMISSIONER KRIKORIAN: Well, we want to make  
16 sure that the industry is not paying --

17 CHAIRMAN WINNER: Hold on.

18 COMMISSIONER KRIKORIAN: We want to make sure  
19 that the industry is not paying for --

20 COMMISSIONER AUERBACH: They are.

21 COMMISSIONER KRIKORIAN: -- for nonindustry  
22 expenses.

23 COMMISSIONER AUERBACH: But we have been for  
24 years. That's the problem.

25 CHAIRMAN WINNER: What we're talking about, all

1 of us are talking about here is in everybody's interest  
2 except those people who are cheating a little bit. What  
3 we want to do is stop that.

4 Commissioner Beneto, you had a comment?

5 COMMISSIONER BENETO: Yeah. I think Golden Gate  
6 is trying to clean up the mess.

7 CHAIRMAN WINNER: Right.

8 COMMISSIONER BENETO: I mean, I go along with  
9 what you're doing. You're providing more stalls at your  
10 track and you're getting more control on your horses. You  
11 got two facilities to worry about. It's a pain in the  
12 butt.

13 MR. DARUTY: Exactly right.

14 CHAIRMAN WINNER: Okay. So, look --

15 COMMISSIONER BENETO: So wait a minute. We  
16 shouldn't be running your business. You guys should be  
17 running your own business, keep track of horses, who  
18 belongs there and who doesn't belong there. And I  
19 think --

20 COMMISSIONER ROSENBERG: We have oversight  
21 over the Stabling and Vanning Fund; so we have to worry  
22 about where that money goes --

23 COMMISSIONER BENETO: Well, they're trying to  
24 clean that up.

25 CHAIRMAN WINNER: We know. We know. We're all

1 in agreement on what --

2 COMMISSIONER BENETO: But we're sitting here  
3 keep massaging this thing.

4 CHAIRMAN WINNER: No. No, we're not. We're  
5 looking for -- in my view, what we're trying to do is to  
6 find -- I mean, there have been a number of different  
7 suggestions here.

8 My recommendation continues to be that we give  
9 it to -- that we do two things.

10 Number one, we accept your proposal, Scott, to  
11 keep us more informed and to continue to do what you're  
12 doing, maybe expand it so that we have more information on  
13 the horses that you're monitoring or that you're  
14 accounting for and auditing.

15 And that, number two, we assign a legislative  
16 committee to review this at its next meeting, which is  
17 prior to the next Board meeting, to see if the Legislative  
18 Committee can come to the full Board with a recommendation  
19 of whether or not, and if so, how to proceed with an  
20 independent -- some form of independent audit, as  
21 suggested by Commissioner Krikorian, and how that might be  
22 paid for.

23 COMMISSIONER KRIKORIAN: And what about adding  
24 to that, that we get a copy of the list that you're  
25 talking about --

1           CHAIRMAN WINNER: I think that's what -- I tink  
2 that's what Scott was suggesting.

3           COMMISSIONER KRIKORIAN: All we're looking for  
4 is transparency here, and making sure that all things are,  
5 you know, above board.

6           CHAIRMAN WINNER: I think we're all in agreement  
7 in terms of the objective. There's no question that  
8 racing in general can be more careful and therefore save  
9 the industry money if we do this appropriately.

10           And I agree with Commissioner Beneto. That's  
11 what you're trying to do, and that's, I think, what we're  
12 trying to do.

13           I think -- Mr. Baedeker, did you have a  
14 question?

15           EXECUTIVE DIRECTOR BAEDEKER: I did, and then a  
16 point for the Board members.

17           I've been asked -- we've received a lot of  
18 feedback from owners that have opinions about this. One  
19 of the questions that comes up is -- maybe it's not a  
20 question but scepticism that you have the ability, in  
21 fact, to put up the stalls that you've talked about  
22 because the thinking goes that you won't be permitted for  
23 those, not just the structures themselves, but the  
24 electric and the water and so forth.

25           So could you address that issue?

1           MR. DARUTY: Some of them are being built right  
2 now. The skeptics, I think, by what, the end of the week  
3 or next week can go out and touch them and see them and  
4 feel them themselves --

5           EXECUTIVE DIRECTOR BAEDEKER: What about the  
6 rest of them, the other 50 or whatever that are going out  
7 later?

8           MR. MORRIS: We're planning on next Wednesday  
9 pulling together the representatives from the stabling and  
10 vanning up there to look at what we've done, and if  
11 they -- anything needs to be tweaked, it will be tweaked,  
12 and then we're going to go forward with the other 45.

13          CHAIRMAN WINNER: What about permitting --

14          EXECUTIVE DIRECTOR BAEDEKER: The permitting  
15 with the city.

16          MR. MORRIS: They're portable stalls.

17          EXECUTIVE DIRECTOR BAEDEKER: And what about  
18 electric and water? That was specifically asked.

19          MR. RAINEY: So the stalls are going to be put  
20 together and have the covers over them. And at that point  
21 we can add electricity, if we want to, and get the permits  
22 at that time.

23          MR. MORRIS: The 24 we have are going on the end  
24 of current barns. So they're connected, you know, right  
25 on the end of the barns that are already there with

1 electric and water.

2 EXECUTIVE DIRECTOR BAEDEKER: So to be clear,  
3 you're going to need to get permits for those --

4 MR. DARUTY: To be clear, our -- to be clear,  
5 our request, which is going to come next month, is that we  
6 will have 1500 stalls up and operating at Golden Gate  
7 Fields.

8 And, you know, it would certainly be your right  
9 to say, if we say that and it doesn't come true, then we  
10 haven't met the condition in our license, and we would be  
11 required to keep Pleasanton open. I think that's the  
12 simplest way to address it.

13 We're not here saying we're going to have 1500,  
14 ha, ha, you know, at the opening of our meet. We're not.  
15 But we will have tricked them.

16 If that's anybody's concern or that's the  
17 skeptic's concern, build it in as a condition of our  
18 license application and we'll have them and meet the  
19 condition and we'll all be fine.

20 COMMISSIONER SOLIS: What about housing for the  
21 grooms?

22 MR. RAINEY: We have tack rooms now that we have  
23 some empties at the track that we can use some of those,  
24 and we also will have some at the end of the new stalls  
25 that we put up.

1 CHAIRMAN WINNER: And that would be new?

2 MR. RAINEY: Yes. There will be some additional  
3 ones.

4 CHAIRMAN WINNER: Okay.

5 EXECUTIVE DIRECTOR BAEDEKER: The other point I  
6 was going to make, Mr. Chairman, is the process here, I  
7 don't know that we've made that clear at the outset.

8 So as has been stated, next month you're going  
9 to be considering the race meet application that will  
10 include the number of stalls to be provided at Golden Gate  
11 Fields. And it is the responsibility of the Board to  
12 judge whether or not that is sufficient to operate the  
13 race meet. That will be the specific question that's put  
14 before you.

15 And so the purpose of bringing this up today was  
16 to preface that discussion and get a lot of these  
17 questions answered ahead of time.

18 CHAIRMAN WINNER: And there are several people  
19 who want to speak on this issue. So if there are no  
20 other -- if there are no further questions for the  
21 Golden Gate folks --

22 COMMISSIONER AUERBACH: One more point. I hate  
23 to keep harping on this, but it is really a sore point for  
24 me.

25 How are we going to monitor those horses that

1 come in early? Who is going to take care of that?

2 COMMISSIONER BENETO: They are. That's their  
3 job. That's not our job.

4 COMMISSIONER AUERBACH: But I guess what I'm  
5 saying is are you guys -- not you guys -- but San Luis Rey  
6 and Pleasanton and -- are you now going to say, "Hey,  
7 look, you cannot have those horses in there," or do we  
8 need a directive from the Board that says that you have to  
9 follow those instructions?

10 Now, I'm not -- I'm talking about the everybody  
11 you, not you.

12 MR. DARUTY: Well, we're going to monitor it,  
13 and we're going to have an incentive to monitor.

14 I guess the point is in prior years, Pleasanton  
15 was available, and there was horses there, and we are  
16 paying for the facility, not on a per horse basis but on a  
17 here's how much the facility is.

18 And Golden Gate was being operated, and as we  
19 said earlier, because Pleasanton was open, we had several  
20 hundred stalls available at Golden Gate. So it really  
21 wasn't an issue. In other words, there was no reason to  
22 kick somebody out when we had 150 empty stalls here and,  
23 you know, several hundred there.

24 So have we been less diligent than we should  
25 have? Yeah, we have. But there was also really no point

1 up until we -- we stopped paying for Pleasanton. Now  
2 there is a point. Now we are incentivized to make sure  
3 because we now don't have unlimited stalls. That's the  
4 point. If we could pay for and afford unlimited stalls,  
5 that would be wonderful, but we can't.

6 Does that address your issue? The bottom line  
7 is, yes, we are going to be incentivized to make sure the  
8 horses at Golden Gate using those now less -- you know,  
9 now limited number of stalls, not unlimited as it used to  
10 be, we have an incentive to make sure they're racehorses,  
11 and we will make sure they're racehorses.

12 COMMISSIONER AUERBACH: Same thing needs to  
13 apply, though, to your other facility, to San Luis Rey.

14 MR. MORRIS: The fundamental change --

15 COMMISSIONER AUERBACH: -- because it's just not  
16 fair.

17 MR. MORRIS: The fundamental change we need to  
18 put in, historically, we've allotted stalls to trainers.  
19 So the trainer gets a block of stalls, and then we  
20 don't -- we don't monitor real close on what they're  
21 bringing in or taking out within those stalls.

22 And the change is going to be there's going to a  
23 stall application for every horse that comes in, and  
24 stalls are going to go to horses. And we're going to have  
25 to go one-by-one as they bring them in and look at the

1 qualities and the qualifications of the horse and decide  
2 stall by stall as we go along.

3 And that's for the initial set when we open up a  
4 barn area, but that's also for the ongoing flow of horses  
5 coming in and out.

6 COMMISSIONER BENETO: That's the way it used to  
7 be, Joe, years ago.

8 MR. MORRIS: I know. And we got away from it  
9 somewhere along the line.

10 COMMISSIONER BENETO: I remember the racing  
11 secretary had to say on -- if you want to bring a horse in  
12 or out. I mean, that was -- that was -- they monitored  
13 that at Golden Gate. I mean, I've hauled in there, I've  
14 hauled into Santa Anita, and it was the tight inventory  
15 control.

16 MR. MORRIS: That needs to go back into place  
17 and that's what we're going to do.

18 CHAIRMAN WINNER: Okay. Thank you very much,  
19 gentlemen. There is no action on this.

20 We do have three other speakers.

21 Thank you very much. If something comes up,  
22 don't go away.

23 Alan, you're up.

24 Okay. Nick Coukos, he's up.

25 MR. BALCH: I defer to him.

1                   CHAIRMAN WINNER:  What is this?  Alfonse and  
2  Gaston?

3                   MR. BALCH:  He's the official horsemen's  
4  organization so he can go first.

5                   CHAIRMAN WINNER:  Okay.  Nick, you're up.

6                   We also have Larry from CARF who wants to speak.  
7  So we have three speakers on this issue.

8                   So we will start with Nick from TOC.

9                   MR. COUKOS:  First of all, good morning,  
10  everyone.  I know we've had a very long discussion on this  
11  topic.

12                   And just to Commissioner Krikorian's point, in  
13  January we did a count that included TOC, CTT, Golden  
14  Gate, and Pleasanton, and CARF as well, and we went  
15  through the horses that were on the grounds at that time,  
16  Commissioner Krikorian.

17                   And I had determined unilaterally to come up  
18  with a number to say whether I thought a horse was -- a  
19  horse that was actively in training.  And we can argue  
20  about the number I came up with, but I came up with  
21  90 days.  And it was 90 days on whether a horse had raced  
22  or had breezed.  So if a horse hadn't raced in  
23  90 days or hadn't breezed in 90 days, it was a horse to me  
24  that brought up a red flag.

25                   So after we had done the count, and it was

1 curious that just by visually looking at the horses -- and  
2 we looked at every single horse that was on the grounds.  
3 I know Larry walked around with me and so did Bill from  
4 the CTT. You could probably tell by visually looking at a  
5 horse, a horse that is really not in training. I mean,  
6 there are just a lot of signs that sort of -- when you  
7 look at their legs or you look at their body, you can sort  
8 of tell that.

9           And I had noted that about 20 percent of these  
10 horses that we looked at were not in training, excluding  
11 the two-year-olds. And at that time we had -- I'll give  
12 you the exact number of the count at Pleasanton was 1308;  
13 36 of those horses were two-year-olds. So if we back out  
14 the two-year-olds, we come down to about 1260-odd horses.

15           UNIDENTIFIED SPEAKER: Golden Gate, not  
16 Pleasanton.

17           MR. COUKOS: I'm sorry. Thank you. Thank you  
18 very much.

19           Three hundred at Pleasanton, I'm sorry.  
20 Thirty-six of those horses were two-year-olds. So we come  
21 down to about 270 horses at Pleasanton.

22           When we -- after we did the count, the racing  
23 secretary, Patrick Mackey, went back to Equibase and did  
24 the check on how many of these horses had that 90-day  
25 either breeze or race. And it was, interestingly enough,

1 20 percent of them had not. So that was the determination  
2 we had made at that time. So it's just further to your  
3 point on that issue.

4 COMMISSIONER KRIKORIAN: That's about 260  
5 horses; right?

6 MR. COUKOS: Correct. In January. This is in  
7 January. Okay?

8 And I think it's something that's a basis that  
9 we can consider in the future. Because I think it's very  
10 important to determine some sort of guideline and what  
11 that guideline is on whether that horse is a racehorse or  
12 seriously in training. I mean, they're all racehorses.  
13 It's just a matter of when they're going to come back into  
14 the system.

15 TOC position -- the current TOC position is that  
16 we take the peak horse population throughout the year, and  
17 then we add 10 percent to that. And we have some  
18 rationale behind that. And let me explain that to you.

19 The peak horse population in the North in 2015  
20 was in April. It was 1,478 horses. That was April 15.

21 In January 15, just to put that in perspective,  
22 the number was 1,474 horses.

23 So we're looking at about 14- -- almost 1480  
24 horses in January of last year.

25 If we use our formula and apply 10 percent to

1 that, we come up to a number of 1,625 stalls that are  
2 required up North in order for us to consider not  
3 subsidizing another stabling facility.

4 We did a stall count last week, as Mr. Morris  
5 mentioned. We did count 1,431 stalls. And as they  
6 mentioned, they have a plan of building about another  
7 70 stalls. That would bring us up to the 1500 mark. That  
8 still falls sort of what the TOC requires up North.

9 You may ask why are you taking the peak number  
10 versus the number at any other time, which is a very good  
11 question.

12 One thing we want to do is we want to ensure  
13 that we promote growth in the horse population and not  
14 limit horse population. And I think if we say all we've  
15 got is 1500 stalls, that's all we've got, and once we take  
16 ponies out of the equation and other things out of the  
17 equation, we're just not promoting growth. And we need to  
18 promote growth up North. Our average field size is just  
19 not where it needs to be, and we need to increase that.  
20 So we don't want to limit any of that. That's the TOC  
21 position.

22 COMMISSIONER KRIKORIAN: I have a question.

23 When you take these numbers, and you said  
24 roughly 1500, what happens if you take the 20 percent out  
25 that are nonracing?

1 MR. COUKOS: Well, that would have an effect on  
2 that. But that's not something we've all agreed to.

3 COMMISSIONER KRIKORIAN: No. I'm not saying it  
4 is but -- that we agreed to anything. I'm just saying if  
5 you take --

6 CHAIRMAN WINNER: First, if you take fifty --  
7 fifty horses --

8 COMMISSIONER KRIKORIAN: You take the 20  
9 percent, no, that's still 250.

10 CHAIRMAN WINNER: Yeah, 250.

11 MR. COUKOS: Well, I'm only talking about  
12 Pleasanton now. I'm not talking about -- that's -- that's  
13 based on the 300 horses.

14 CHAIRMAN WINNER: Let me, just to clarify, I  
15 thought your 20 percent figure was based on Pleasanton,  
16 which would be about 50; is that correct?

17 MR. COUKOS: That's correct.

18 CHAIRMAN WINNER: Okay.

19 MR. COUKOS: That's correct.

20 COMMISSIONER KRIKORIAN: I thought he had them  
21 commingled here.

22 CHAIRMAN WINNER: I don't know what --

23 MR. COUKOS: And, again, maybe 90 days may not  
24 be the number. Maybe it's 120 days. You know, that's  
25 something that we need to talk about.

1                   COMMISSIONER KRIKORIAN: Okay. But what you're  
2 saying is there's a potential problem here when  
3 potentially 20 percent of the horses that are stabled in  
4 the barn area potentially don't belong there. That's a  
5 big -- that's a huge expense.

6                   MR. COUKOS: Well, if you -- if you determine  
7 that -- if you haven't raced or breezed in 90 days is the  
8 criteria for you not belonging there, yes. I'm sure if we  
9 bump that number up to 120 days, obviously that percentage  
10 will go down. And if we go even higher than that, it will  
11 go down even further.

12                   CHAIRMAN WINNER: Well, I mean, it depends where  
13 you set the criteria. You can set it --

14                   MR. COUKOS: Exactly.

15                   CHAIRMAN WINNER: -- at 60 days. You can --

16                   MR. COUKOS: Absolutely.

17                   CHAIRMAN WINNER: You can set it at 90 days and  
18 not include breezing, that they have to run within --

19                   MR. COUKOS: Correct.

20                   CHAIRMAN WINNER: I mean, there are all kinds of  
21 possibilities, permutations that would have to be agreed  
22 upon.

23                   But I think, again, Commissioner Krikorian's  
24 point is that that's why we want to do an audit and have  
25 some -- some definition as to what is acceptable to be at

1 a facility that the industry is paying for.

2 COMMISSIONER KRIKORIAN: Well, any horse that  
3 hasn't breezed for 90 days --

4 CHAIRMAN WINNER: Yeah.

5 COMMISSIONER KRIKORIAN: -- it's going to be a  
6 long time before they run again.

7 CHAIRMAN WINNER: That's exactly right. That's  
8 why we're suggesting --

9 MR. COUKOS: No question.

10 CHAIRMAN WINNER: -- that we can set a different  
11 criteria and that has to be -- that has to be  
12 pre-determined.

13 You didn't do the same analysis at Golden  
14 Gate -- when you talked about the 20 percent at  
15 Pleasanton, you didn't do the same analysis at Golden Gate  
16 using that 90-day criteria?

17 MR. COUKOS: No, we didn't.

18 CHAIRMAN WINNER: Okay.

19 MR. COUKOS: We didn't. But I think we should  
20 be doing it, and I fully support.

21 Just one last thing. I think Commissioner Solis  
22 also brought up a good point on the traffic and the  
23 potential for traffic.

24 Now, we're going from a facility where  
25 historically we've been sitting around the 1100 mark. If

1 we're going to bump that up by three or four -- 400 horses  
2 at Golden Gate, I think a lot of things need to be taken  
3 into consideration with traffic in the morning, as far as  
4 training is concerned.

5 Thank you.

6 COMMISSIONER KRIKORIAN: Are you supportive of  
7 what Santa Anita is proposing for Golden Gate?

8 MR. COUKOS: As far as?

9 COMMISSIONER KRIKORIAN: To close -- to close  
10 down stabling at Pleasanton.

11 MR. COUKOS: We --

12 COMMISSIONER KRIKORIAN: For that meet?

13 MR. COUKOS: Right now, the TOC position is we  
14 need 1625 stalls in the North in order for us to take that  
15 into consideration.

16 COMMISSIONER KRIKORIAN: So that's a no?

17 MR. COUKOS: That's correct.

18 CHAIRMAN WINNER: Alan, you're on. Thank you.

19 MR. BALCH: Alan Balch, California Thoroughbred  
20 Trainers.

21 We also -- we join with TOC in opposing the  
22 closure of Pleasanton. I want to, I hope, add a little  
23 bit, not just repeat what Mr. Coukos said.

24 Remember that we're talking about stalls, not  
25 horses. That's the point I've made repeatedly to this

1 Board. Because, first of all, within that, say,  
2 10 percent contingency, whatever that is, you do need the  
3 ability to shift horses in and out; so there needs to be  
4 some flexibility.

5 One of the -- one of the most difficult things  
6 to come to terms with in getting the inventory straight is  
7 even if you use the first of the month and have every  
8 single horse identified, named, and what he is, what  
9 category he is, and so forth, that's going to change the  
10 next day and the next day and the next day. That's why we  
11 agree with you, we need really great inventory control.

12 And we need not just the operating track but all  
13 the auxiliaries thoroughly on InCompass. I really think  
14 the system is in place to do that. But even InCompass  
15 only works if the gate controls at each stable area  
16 properly identify the horses in and out.

17 I know we're talking about in the future  
18 microchips and so forth, but this was done in the past  
19 before we even had InCompass. Now we have InCompass and  
20 InCompass does take some work to set up and keep up, but  
21 it only works if it's kept up rigorously for all stable  
22 areas.

23 There's a lot of commerce in the breed. We want  
24 to encourage commerce amongst racing, racetracks here and  
25 elsewhere within North and South of California. We want

1 to know where every horse is at all times.

2 So we agree that the number probably is 1600 or  
3 greater. We are tired -- that's not the right word. We  
4 don't like to hear tracks saying, "We can't recruit new  
5 horses because we don't have anyplace to put them."

6 We have certain people in the North who say  
7 that, well, if Pleasanton closes, they'll move South.  
8 Well, we don't exactly have room in the South either.

9 One point that I think is critically important  
10 to answer Commissioner Auerbach's concern, now that she's  
11 back, how can there be yearlings at places?

12 Well, if the stable area is open anyway, the  
13 marginal incremental cost of having a yearling occupying a  
14 stall is almost nothing, whether it's San Luis Rey or  
15 Los Alamitos or even Santa Anita or Pleasanton. It  
16 shouldn't be --

17 COMMISSIONER AUERBACH: May I respond to that  
18 point, please?

19 MR. BALCH: Well, let me finish, if I could,  
20 please.

21 COMMISSIONER AUERBACH: Okay. Sure.

22 MR. BALCH: Now, that's -- I'm talking marginal  
23 incremental cost.

24 Now, when you have a different pricing model,  
25 for example, Galway Downs, where horses are approved

1 individually, and the approved horses are reimbursed at  
2 850 a stall a day, and you have nonapproved horses having  
3 to pay on their own 850 a stall a day, that makes a lot  
4 more sense. Now -- and it gives an incentive to the  
5 operator of the off-track stabling facility to -- if it's  
6 working in conjunction with the racetrack on approved  
7 horses, to have only approved horses being reimbursed.

8           But once you get into a situation, which we've  
9 had at Pomona, and which we do have at San Luis Rey and we  
10 do have at Los Alamitos and we have had at Pleasanton,  
11 which is there's a flat rate per day for the stable area  
12 to be open, that's a disincentive to having these  
13 incremental horses unapproved.

14           Ma'am.

15           COMMISSIONER AUERBACH: My point, Alan -- and --  
16 and I'm not arguing that it doesn't cost anybody any extra  
17 money. It doesn't cost the industry any extra money  
18 because, after all, those stalls are available.

19           I'm talking about a fairness issue. If you have  
20 an owner who has his horses there, and they are being  
21 trained there, that particular owner is -- is gaming the  
22 system, in my opinion, because the rest of the owners have  
23 to have their horses somewhere else to train.

24           And there is a huge cost factor to breeding and  
25 owning, and it isn't fair for those associations to allow

1 those horses in and not charge them because the rest of  
2 the folks have to pay for those horses.

3 So either everybody gets in or nobody gets in.  
4 And that's just a fairness issue.

5 MR. BALCH: And I agree with that, of course,  
6 because -- and then we have to go to the next question of  
7 why has that happened?

8 And the Stabling and Vanning Fund, when it was  
9 developed in 1992 or so, had the unintentional consequence  
10 of being an economic disincentive for farms who operate  
11 training. So there are far fewer places for horses to be  
12 gotten race ready now than there were 20 years ago or  
13 25 years ago. It's closer to 25 years ago now. And --  
14 but that's a fact of life.

15 I do agree with you on the fairness issue;  
16 what's good for one should be good for the other. And I  
17 think that's why contrary to some of what you've yesterday  
18 need, I think Galway has a very important place in the  
19 system and probably will.

20 Now, back to the agenda item. That's a key  
21 point for Pleasanton also, because we do have to realize  
22 that we're talking about a statewide situation of horse  
23 population, and there's one auxiliary training facility,  
24 one improved training facility in Northern California,  
25 beyond the operating track and the fairs, and that is

1 Pleasanton. And that is a key, key asset, training asset.  
2 It's the only dirt training.

3 Our constituency, the California Thoroughbred  
4 Trainers, we had a board meeting, a new board just seated,  
5 and we unanimously opposed the closing of Pleasanton at  
6 this time.

7 Now, there are other financial models, however,  
8 that might need to be applied. And I think if we all got  
9 together and talked about it, maybe we could move in that  
10 direction but maybe not.

11 We certainly don't deny the figures that  
12 Golden Gate has put forward, as far as the funding of the  
13 stabling and vanning, but I think that's something we have  
14 to grapple with, whether it's purses or funding for  
15 stabling and vanning, because it's all coming out of the  
16 same pockets, the racing associations and the purse fund,  
17 and it's extremely difficult to do all these things and  
18 run at a deficit.

19 CHAIRMAN WINNER: Alan, with respect to the  
20 yearlings and with respect to other horses who are being  
21 stabled at the Pleasanton facility or any facility, would  
22 you agree -- I mean, you're talking -- you've raised the  
23 issue of we have to prepare for growth.

24 Does it make sense to set -- to set the  
25 criteria, whether there's room or not room, and say this

1 just isn't permitted now and it won't be permitted later;  
2 that if -- the yearlings are not permitted to be in these  
3 facilities, even if there is space available, for all the  
4 fairness reasons that Commissioner Auerbach talked about,  
5 but also because you have to set criteria. You can't just  
6 say, well, there happens to be space available now so  
7 we'll allow it.

8 MR. BALCH: Well, as a policy judgment, that's  
9 attractive. But let's remember, the two-year-olds are the  
10 easiest group to look at. But all two-year-olds are not  
11 born on the same day, even though they become  
12 two-year-olds on the same day.

13 CHAIRMAN WINNER: I think we're aware of that.

14 MR. BALCH: So you start to get into a real  
15 problem. And two-year-olds in particular -- for example,  
16 if anyone wants to say, "Well, if a two-year-old hasn't  
17 breezed in 90 days," well, a two-year-old is different  
18 than a three, and a three is a four. And a lot of you are  
19 owners, you know, and different times of the year,  
20 different racing schedules make lots of different reasons.

21 This sounds like I am representing, you know,  
22 the trainers who are trying to game the system. But if  
23 you had racing secretaries standing here, I think you'd  
24 hear the same thing, because the racing secretaries have  
25 to deal with that inventory.

1                   CHAIRMAN WINNER: But there is some criteria  
2 that could be determined?

3                   MR. BALCH: In my opinion, yes, but on a  
4 time-of-year basis, meaning --

5                   CHAIRMAN WINNER: Even if it's on a time-of-year  
6 basis, that's --

7                   MR. BALCH: Yeah. Sure.

8                   CHAIRMAN WINNER: -- part of the criteria.

9                   MR. BALCH: I absolutely agree. That would be a  
10 great thing to do, and I think we could achieve that  
11 because, let's face it, with two-year-olds taking them as  
12 an example, you just heard the January 1st-February 15, I  
13 think Joe said, timelines. And that's a start and --

14                   But there's another point I haven't made that I  
15 think is critically important. When you're in the  
16 situation of year-round racing North and South, which we  
17 have, you have to remember that many horses are being  
18 prepared for the next meeting during an existing meeting.

19                   It's very frustrating when a racing secretary in  
20 April says, "Well, I can't approve your horse. He's not  
21 going to run here."

22                   Well, but if we have year-round training and  
23 stabling and vanning, he's getting ready for the next  
24 meet.

25                   Del Mar has approved a lot of horses

1 intentionally that won't run at Del Mar because they're  
2 doing their duty within stabling and vanning for horses  
3 that will start in September at Los Alamitos or October at  
4 Santa Anita and become next year's three-year-olds which  
5 are going to help everybody. It all work together.

6 It --

7 COMMISSIONER AUERBACH: We're aware of that.

8 I think what we're talking about, Alan, is the  
9 abuse of the system that hasn't been corrected over time.

10 MR. BALCH: I'm not arguing that.

11 COMMISSIONER AUERBACH: I think that's all we're  
12 talking about.

13 MR. BALCH: I'm not arguing that. I'm  
14 suggesting there's a way to give a financial disincentive  
15 for that behavior, though.

16 COMMISSIONER ROSENBERG: Alan, you mentioned one  
17 thing that was interesting to me in terms of coming up  
18 with a plan.

19 MR. BALCH: Only one?

20 COMMISSIONER ROSENBERG: Only one.

21 MR. BALCH: Okay.

22 COMMISSIONER ROSENBERG: And that is, what is  
23 the system? There's a system at Galway of approval and  
24 nonapproval. That doesn't -- that doesn't appear at any  
25 other locations.

1 CHAIRMAN WINNER: Because it's a --

2 MR. BALCH: Well, I -- don't say it doesn't  
3 appear at all because I think it depends on who's doing  
4 the approving. But go ahead.

5 COMMISSIONER ROSENBERG: No. But to the  
6 charging for stall --

7 MR. BALCH: In terms of charging, that is  
8 correct.

9 COMMISSIONER ROSENBERG: Right. Both things, in  
10 my opinion.

11 Who controls -- who makes that decision? The  
12 Stabling and Vanning Fund or Galway?

13 MR. BALCH: There -- no, no, no. Galway cannot.  
14 That's a conflict of interest.

15 COMMISSIONER ROSENBERG: So who makes the  
16 decision?

17 MR. BALCH: It's the racing secretaries  
18 approving the horses and then providing the approval to  
19 the Stabling and Vanning Committee.

20 We've had a situation where someone wanted  
21 retroactive approval, and Mr. Coukos, as chairman of the  
22 Stabling and Vanning Committee, had to go all the way back  
23 through all these horses' histories and decide what was  
24 fair.

25 COMMISSIONER ROSENBERG: It's interesting that

1 the industry came up with a plan to hand -- to do it for  
2 Galway. Galway has a system in place. But there's no  
3 system in place for other places, including San Luis Rey  
4 Downs as an auxiliary, or for the racetracks.

5 MR. BALCH: Well, it's because of the --

6 COMMISSIONER ROSENBERG: So we can't set up a  
7 system is the point.

8 MR. BALCH: Well, it's because of the historical  
9 approval, a custom and practice that a track said, "Well,  
10 we're going to charge an incremental rate under the law  
11 for what it cost us to be open."

12 And that's what led to it. It wasn't done in  
13 bad faith. It was just done in a certain way. Because  
14 let's remember, when this started, the auxiliaries were  
15 full.

16 CHAIRMAN WINNER: Right.

17 MR. BALCH: So that was a big difference back  
18 then.

19 COMMISSIONER ROSENBERG: So identify who would  
20 be responsible to do this. It seems to me -- didn't  
21 someone say the stabling and vanning budget is set at  
22 seven million dollars a year; is that correct?

23 MR. BALCH: Well, it used to be --

24 COMMISSIONER ROSENBERG: Roughly?

25 MR. BALCH: -- twelve or more --

1 COMMISSIONER ROSENBERG: How much is it now?

2 MR. BALCH: -- but it's declining. I don't know  
3 what it is now.

4 COMMISSIONER ROSENBERG: Somebody mentioned it  
5 earlier.

6 Scott, do you know how much the budget is for  
7 the year, roughly?

8 MR. DARUTY: Eight million and change.

9 COMMISSIONER ROSENBERG: Eight million and  
10 change. For the whole state; correct?

11 MR. DARUTY: I believe so.

12 MR. BALCH: That's the South.

13 COMMISSIONER ROSENBERG: So it wouldn't seem --

14 CHAIRMAN WINNER: Wait, wait. If you're going  
15 to speak on the record, you've gotta come up here so that  
16 the --

17 MR. DARUTY: Scott Daruty.

18 The total budget for stabling and vanning in the  
19 South is a bit over eight million dollars.

20 For North --

21 COMMISSIONER ROSENBERG: South.

22 MR. DARUTY: South.

23 For Northern California, it's about two and a  
24 half million dollars.

25 COMMISSIONER ROSENBERG: So it's over a

1 10 million dollar budget for operating stabling and  
2 vanning. It doesn't seem to me like it would be a big  
3 expense, as Mr. Krikorian suggested, to have someone --  
4 either get a full-time employee for a reasonable amount of  
5 money to do this at various locations or part-time  
6 employee for a very small amount of money to do what  
7 Mr. Coukos is doing as the chairman of the Stabling and  
8 Vanning Fund.

9 But we'll discuss -- we'll discuss this at the  
10 next --

11 MR. BALCH: Right. And --

12 COMMISSIONER ROSENBERG: -- committee -- the  
13 Legislative Committee.

14 MR. BALCH: Within the Stabling and Vanning  
15 Committee, they should discuss it.

16 In my opinion, it's really even easier than  
17 that, if everyone would get on and administer InCompass  
18 properly, because they should be able to provide a daily  
19 report of what's in the inventory.

20 CHAIRMAN WINNER: What is the current deficit of  
21 stabling and vanning?

22 MR. BALCH: A lot.

23 MR. DARUTY: Scott Daruty.

24 It's a big number. It's probably three million  
25 in Southern California and about a half a million --

1 it's -- yeah. It's zero right now in Northern California,  
2 but by the time we finish this summer, it's projected to  
3 be about 800,000.

4           You know, there is an economic solution to all  
5 of this. It would never be acceptable, in my opinion, to  
6 certain constituents. But it is something that is done in  
7 other states, and that is if we decide that a racehorse  
8 that should be reimbursed for its stabling by the industry  
9 would run once every -- and pick a number. Once every  
10 five weeks, once every six weeks. In some states it's  
11 once every four weeks. You decide what the number is.

12           Let's assume for this argument a horse should  
13 run once every five weeks, if it's going to be on the  
14 industry dole as far as stabling is concerned. Charge  
15 \$15.00 a day to every horse that's in a stall, and every  
16 time you get a start, you get a starter, you know,  
17 allowance back, that it pays for your stabling over that  
18 five-week period. And those horses that run, it's revenue  
19 neutral to them, and the horses that don't, end up paying  
20 for their stabling.

21           That's a system that we could support and that  
22 we would certainly keep Pleasanton open, if that sort of  
23 system was in place.

24           And, by the way, I'm not suggesting that the  
25 revenue that was generated from this would go to the

1 racetrack. It would go into the Stabling and Vanning Fund  
2 to help pay for all this.

3 That's a circumstance under which we would keep  
4 Pleasanton open, absent that --

5 CHAIRMAN WINNER: Is that based on horse or  
6 based on trainer or how would you do that?

7 MR. DARUTY: Well, you would do it based on  
8 trainers. So if a trainer was given, you know, 10 stalls,  
9 that would be -- and, again, I'm making numbers up -- but  
10 that would be \$150 a day. But those 10 stalls are  
11 supposed to have, you know, 10 starts over a five-week  
12 period, and they would get that money book.

13 CHAIRMAN WINNER: What if they had more than  
14 that?

15 MR. DARUTY: Then they would make money.

16 COMMISSIONER AUERBACH: The fallacy in that,  
17 though, Scott, is I had a horse that we tried to enter at  
18 your esteemed track for several weeks, and through the  
19 machinations of the racing office, could never get the  
20 horse in.

21 I didn't want my horse to sit out for eight  
22 weeks. My horse sat out for eight friggin' weeks, and it  
23 wasn't my fault and it wasn't the horse's fault and it  
24 wasn't the trainer's fault, and probably wasn't even the  
25 racing office fault. We didn't get the opportunity.

1           So as well as we come up with these, you know,  
2 systems that we want to put in, there's always a  
3 quid pro quo. There's always something.

4           CHAIRMAN WINNER: You know, frankly, we probably  
5 ought not get into a whole discussion over this new plan  
6 that has been brought up by Mr. Daruty, although I think  
7 that that plan and others should be discussed as we go  
8 forward, even in committee or by the Board. I don't think  
9 it's appropriate to discuss it here at this meeting.

10           But, you know, I think creativity is a good  
11 thing. And I think what Scott is trying to do is to be  
12 creative and he's using examples from other parts of the  
13 country, and I see no objection, personally, to creativity  
14 and to various different options being put on the table.

15           This is a big problem. We have a big problem  
16 here. We're paying for something we're not getting. The  
17 industry is paying for something we're not getting.

18           And as Commissioner Auerbach has pointed out,  
19 some folks are gaming the system, and we need to remedy  
20 that. I think everybody agrees with that. So it's just a  
21 question of trying to figure out what the best process is.

22           As Commissioner Krikorian has suggested, at  
23 least one solution that we could do immediately is somehow  
24 find a way to hire an independent auditor to, No. 1, set  
25 up criteria, and No. 2, go out and do the audit

1 independently.

2           COMMISSIONER KRIKORIAN: I would also suggest  
3 that, what Scott said, you know, it has merit. And  
4 stabling and vanning should look at something like that  
5 and come back and give us a more concrete, you know,  
6 proposal or plan that they think might work and so we can  
7 evaluate it and discuss it together, for everybody's  
8 benefit.

9           CHAIRMAN WINNER: I mean, we can all see  
10 advantages and disadvantages to what Scott suggested, and  
11 I'm sure there are others who will see disadvantages, as  
12 well as advantages. But the point is we're looking for  
13 some creative suggestion or various creative suggestions  
14 that we can all together try to solve this problem.

15           But I agree, again, with Commissioner Krikorian  
16 that Stabling and Vanning ought to evaluate this and  
17 hopefully come back with some suggestion.

18           MR. BALCH: Alan Balch again.

19           I just want to wrap up by saying we are all for  
20 accountability, as long as it's fair, and we'd like to  
21 participate in the solution. Thank you.

22           CHAIRMAN WINNER: Thank you.

23           Mr. Coukos, are you now -- are you done?

24           MR. COUKOS: I'm done.

25           CHAIRMAN WINNER: You're done. Okay.

1 Larry.

2 MR. SWARTZLANDER: Larry Swartzlander. I'll put  
3 on my CARF hat and Pleasanton both.

4 I like the Galway Downs model.

5 Back in 2012, Joe Morris talked about -- I was  
6 part of a subcommittee with Richard Scheidt and the TOC,  
7 and we were tasked to go out and do just what we've been  
8 talking about for the last hour, accountability of horses  
9 at Golden Gate and Pleasanton.

10 Bottom line to our search, garbage in, garbage  
11 out. So for the last four years, I think we've moved a  
12 long way. Nick's already talked about, I think we have a  
13 good accountability of doing inventories every month. But  
14 InCompass cannot give you the information you want.

15 I was tasked at the last NOTWINC meeting to go  
16 to InCompass and ask all the questions: How many horses  
17 haven't ran in the last three months, how many have not  
18 worked out in the last six months? All the questions --  
19 how many nonracing horses? There's a list of 12 of them,  
20 and I can certainly provide them to the CHRB staff.

21 I got the work order back from InCompass this  
22 morning. It's only \$1875 to fix it. So I think this is a  
23 big step. But, again, the information put into the system  
24 was what you get out of it.

25 COMMISSIONER ROSENBERG: Say that again, slowly.

1 The last part of what you got back from the InCompass, the  
2 report and somebody about --

3 MR. SWARTZLANDER: The issue, Commissioner, was  
4 garbage in, garbage out. And I think we've come a long  
5 way with that.

6 But InCompass itself --

7 COMMISSIONER ROSENBERG: Yeah.

8 MR. SWARTZLANDER: -- was never built to answer  
9 all your questions, like, how many horses have not worked  
10 out in the last three months, how many haven't raced in  
11 the last three months --

12 CHAIRMAN WINNER: They do at some point.

13 MR. SWARTZLANDER: Well, there's a list of  
14 12 questions I gave them, and they've now come up with a  
15 work order that says that they can add all these  
16 questions -- answer all questions.

17 COMMISSIONER KRIKORIAN: So you're saying they  
18 answered your questions?

19 MR. SWARTZLANDER: I'm saying they gave me a  
20 price on how to fix it.

21 COMMISSIONER KRIKORIAN: Oh, they gave you a  
22 price.

23 MR. SWARTZLANDER: Yes.

24 COMMISSIONER KRIKORIAN: Would you buy it?

25 MR. SWARTZLANDER: I'd buy it. I'm going to

1 recommend to the NOT- --

2 COMMISSIONER ROSENBERG: How much was it,  
3 \$18.75?

4 MR. SWARTZLANDER: \$1875.

5 COMMISSIONER ROSENBERG: To write -- to write a  
6 new program that would change InCompass to include those  
7 things?

8 MR. SWARTZLANDER: Yes.

9 COMMISSIONER ROSENBERG: Doesn't sound like a  
10 lot of money.

11 COMMISSIONER AUERBACH: That's cheap.

12 MR. SWARTZLANDER: I think it's a big step.

13 COMMISSIONER AUERBACH: That's cheap.

14 CHAIRMAN WINNER: Especially if it's \$18.75.  
15 That's really cheap.

16 COMMISSIONER ROSENBERG: No. Even --

17 COMMISSIONER KRIKORIAN: So the question is if  
18 that's the cost --

19 MR. SWARTZLANDER: Yeah.

20 COMMISSIONER KRIKORIAN: -- why isn't Stabling  
21 and Vanning taking advantage of something like that now?

22 MR. SWARTZLANDER: We'll do that at the next  
23 meeting.

24 COMMISSIONER KRIKORIAN: Pardon?

25 MR. SWARTZLANDER: I said we'll do that at the

1 meeting.

2 COMMISSIONER ROSENBERG: When you come back next  
3 month for the legislative regulation meeting, you should  
4 maybe tell us exactly what your plan is.

5 MR. SWARTZLANDER: Okay. I will do that,  
6 Commissioner.

7 CHAIRMAN WINNER: Any other questions for Larry?  
8 Thank you.  
9 Don Lockwood?

10 COMMISSIONER KRIKORIAN: Should we ask  
11 Pleasanton what their opinion is on the --

12 CHAIRMAN WINNER: I haven't got a card from  
13 Pleasanton. I'd be really interested in hearing their  
14 position.

15 Let me call on Mr. Lockwood. Let's hear from  
16 him and then...

17 MR. LOCKWOOD: Hello. I'm Don Lockwood. I run  
18 a van service --

19 CHAIRMAN WINNER: Okay. We're not hearing you,  
20 for some reason.

21 MR. LOCKWOOD: Hello.

22 CHAIRMAN WINNER: Yes.

23 MR. LOCKWOOD: I run a van service. And I've  
24 been listening to what's going on here. A lot of the  
25 stabling's been touched on, but none of the vaning has.

1 And I'm aware that the vanning is not reaching the  
2 credentialed van companies going back and forth from fairs  
3 and other racetracks to racetracks, training centers to  
4 racetracks, and so on and so forth.

5 Some of this vanning is being paid for by the  
6 industry. And we've approached the Federal Motor Carrier  
7 Safety Administration, and they've asked us to voice our  
8 opinions here.

9 A lot of these guys that are moving these horses  
10 don't even have insurance.

11 COMMISSIONER ROSENBERG: Where do you operate?

12 MR. LOCKWOOD: We have a nationwide --

13 COMMISSIONER ROSENBERG: So you're talking about  
14 all throughout the state, you're referring to this; right?

15 MR. LOCKWOOD: Yes. There's -- there's horses  
16 that go back and forth from Golden Gate, Pleasanton, to  
17 the fair meets, and the people that are moving these  
18 horses have no credentials.

19 COMMISSIONER ROSENBERG: Yeah. But -- so who's  
20 the contract with between the racetrack and the -- who  
21 pays for -- is it the Stabling and Vanning Fund that pays  
22 for it? And who contracts with you to pay for your  
23 services?

24 MR. LOCKWOOD: The individuals pay.

25 CHAIRMAN WINNER: What -- Mr. Lockwood, what is

1 it that -- I mean, are you reporting this to us as a  
2 report or is there some question that you have or  
3 recommendation?

4 MR. LOCKWOOD: I'm asking why these people are  
5 being paid out of a fund and they don't have proper  
6 credentials to be on the highway.

7 CHAIRMAN WINNER: Well, that's not on our  
8 agenda; so it's really not an issue we can -- we can  
9 address at this point. And besides, as far as insurance  
10 and highway is concerned, that's not even in our  
11 portfolio.

12 The issue on the agenda is Pleasanton and  
13 Golden Gate and the stabling facility, not the vanning.

14 COMMISSIONER BENETO: I can answer that  
15 question, Mr. Chairman.

16 CHAIRMAN WINNER: Please.

17 COMMISSIONER BENETO: Being in the trucking  
18 business for all my life, what should be done, to answer  
19 your question, the hauler that's hauling the cargo, the  
20 racehorse, should have a certificate of insurance with the  
21 racetrack.

22 Now, we shouldn't be letting any van man come  
23 into the racetrack without a certificate of insurance --

24 CHAIRMAN WINNER: That's not for us to decide.

25 COMMISSIONER BENETO: And that's the way the

1 trucking business works. So that's the first thing that  
2 needs to be done, the racetrack should demand a  
3 certificate before they let him in the gate.

4 CHAIRMAN WINNER: Commissioner Beneto, that's up  
5 to the racetrack. I totally agree with you. We don't  
6 want people on the road that don't have insurance hauling  
7 these horses. I totally agree. But it's not germane to  
8 our meeting.

9 COMMISSIONER BENETO: I know that. It's not our  
10 problem. It's the racetrack should demand that, not the  
11 Board.

12 EXECUTIVE DIRECTOR BAEDEKER: By us; correct?  
13 Race haulers are licensed by us, are they not?

14 MR. SWARTZLANDER: Yes.

15 EXECUTIVE DIRECTOR BAEDEKER: Yeah. So this  
16 would be fine for the Board to deal with, but it has to be  
17 put on an agenda and -- in order for the Board to do so.

18 CHAIRMAN WINNER: And we'd be happy to do that.  
19 In other words, the point is it's not germane to this  
20 meeting. And -- because these meetings are public -- are  
21 agendaed so that the public knows what we're going to be  
22 discussing.

23 And your point is a valid point. We're not  
24 disagreeing with that at all. We're just saying we  
25 can't -- we can't discuss it at this meeting or make a

1 decision at this meeting since it wasn't agendaed for this  
2 meeting.

3 MR. LOCKWOOD: Please accept my apologies.

4 CHAIRMAN WINNER: No, no, no. No apology. We  
5 appreciate what you're raising and the point that you're  
6 making. And as Commissioner Beneto said, clearly this is  
7 an issue that we have a great concern about. We just  
8 can't do it at this particular meeting.

9 MR. LOCKWOOD: And Commissioner Beneto hit the  
10 nail on the head. They're not insured.

11 EXECUTIVE DIRECTOR BAEDEKER: Again, we can  
12 discuss it in great detail --

13 COMMISSIONER BENETO: Regulation which happened  
14 back in 1981, the trucking business is out of control. So  
15 before that, you had to have a certificate with the PUC.  
16 Before that, you had to get a PUC permit or interstate  
17 permit.

18 But this could be handled -- if you guys get  
19 together and talk to the management of the racetrack,  
20 maybe, to make sure that -- this is to their benefit too,  
21 for them to have a certificate of insurance. If a guy  
22 comes in and starts a fire or does some damage that hurts  
23 a horse or whatever, while he's loading and unloading,  
24 there should be some liability there on the trucker,  
25 some -- should be all liability until he leaves the gate.

1           CHAIRMAN WINNER: Okay. Let's -- again, we can  
2 definitely put this on the agenda for a future meeting,  
3 maybe in August, and have a full discussion on it, because  
4 it's clearly an issue. Or perhaps it can be resolved, as  
5 Commissioner Beneto is saying, between -- with the  
6 racetracks, as suggested, that they can't be allowed on  
7 the facility unless they have insurance. But that's --  
8 again, that's between them and the vanning company.

9           Thank you, Mr. Lockwood. Thank you.

10          MR. LOCKWOOD: Thank you for your time.

11          COMMISSIONER KRIKORIAN: Is this something that  
12 can be brought up in a Stabling and Vanning Committee  
13 meeting?

14          CHAIRMAN WINNER: As far as I'm concerned, yes.

15          COMMISSIONER KRIKORIAN: Okay.

16          CHAIRMAN WINNER: Okay. Let's move on to item  
17 No. 9. "Discussion and action by the Board regarding the  
18 order by the Los Angeles Superior Court in the matter of  
19 Gustavo De La Torre versus California Horse Racing Board,  
20 et al., BS154412, to set aside court-determined approval  
21 of Los Alamitos Quarter Horse Racing Association's House  
22 Rule.

23                 We have -- Phil is going to open up the  
24 discussion. I think Items, 9, 10, and 11 are sort of  
25 connected. But Phil Laird will open the discussion and

1 then we have a number of people who want to speak on these  
2 various different items on the agenda.

3 Phil.

4 MR. LAIRD: Phil Laird, CHRB staff.

5 I think the Staff analysis that was provided in  
6 your package pretty well sums up sort of why this item is  
7 on the agenda. Specifically, in that case of De La Torre  
8 v. CHRB and Los Alamitos Quarter Horse Racing Association,  
9 due to -- well, essentially the judge, first of all, found  
10 that the Court -- that this Board approved that Los  
11 Alamitos house rule at issue in that case.

12 I know Chief Counsel Robert Miller and I take  
13 issue with that characterization. But that said, that's  
14 the Court's ruling and at this point has ordered the Board  
15 to set aside such approval. And they've made it clear in  
16 the most recent hearing that to do so this Board needed to  
17 make a noticed agendaed item today and retract approval by  
18 the way of a vote this morning.

19 CHAIRMAN WINNER: Okay. So essentially before  
20 the Board is whether we abide by the Court requirement, in  
21 essence, to retract?

22 MR. LAIRD: Exactly.

23 CHAIRMAN WINNER: Okay. There is one speaker on  
24 Item No. 9. Apparently there's more than one speaker.  
25 Mr. Martin is on his way up here.

1           But Daniel Schiffer, I think wanted to speak an  
2 this item before we vote.

3           MR. SCHIFFER: I'm deferring until later items.

4           CHAIRMAN WINNER: Okay. So we will not hear  
5 from Mr. Schiffer on this item.

6           However, Greg Avioli wants to speak on all these  
7 three items 9, 10, and 11.

8           Greg representing TOC.

9           MR. AVIOLI: Greg Avioli, TOC.

10           I'm not sure which item is going to be exactly  
11 that, 10 or 11, as we kind of combined them all, but we --  
12 can you hear me?

13           COMMISSIONER BENETO: No.

14           MR. AVIOLI: Greg Avioli --

15           CHAIRMAN WINNER: Greg, just so we make it  
16 clear, because this is something that the Court has  
17 required --

18           MR. AVIOLI: Right.

19           CHAIRMAN WINNER: -- your comment at this moment  
20 ought to be just on 9. And then we can have a vote on 9,  
21 and then we can go on to 10 and 11.

22           MR. AVIOLI: I'll come back when you get after  
23 this one --

24           CHAIRMAN WINNER: Okay. So what I'd like to do  
25 is hear a motion with respect to item No. 9, which is to

1 abide by the Court requirement that we rescind what we did  
2 earlier.

3 COMMISSIONER AUERBACH: I will so move.

4 CHAIRMAN WINNER: So Commissioner Auerbach has  
5 moved and Commissioner Solis seconds.

6 Commissioner Krikorian, how do you vote?

7 COMMISSIONER KRIKORIAN: Yes.

8 CHAIRMAN WINNER: Commissioner Solis?

9 COMMISSIONER SOLIS: Yes.

10 CHAIRMAN WINNER: Commissioner Auerbach?

11 COMMISSIONER AUERBACH: Yes.

12 CHAIRMAN WINNER: Chairman votes yes.

13 Vice Chairman?

14 COMMISSIONER ROSENBERG: Yes.

15 CHAIRMAN WINNER: Vice Chairman votes yes.

16 Commissioner Beneto?

17 COMMISSIONER BENETO: Yes.

18 CHAIRMAN WINNER: Commissioner Beneto votes yes.

19 So Item No. 9 is carried by a six to nothing  
20 unanimous vote.

21 Let's go on then to Item No. 10 and let me read  
22 that for the record.

23 Item No. 10, Discussion and action by the Board  
24 regarding the submission of proposed emergency amendments  
25 to CHRB Rule 1581, racing secretary to establish

1 conditions in CHRB Rule 1842, Medication, Drugs, and Other  
2 Substances to the Office of Administrative Law, in  
3 response to the Los Angeles Superior Court's order that  
4 the CHRB set aside approval of Los Alamitos Quarter Horse  
5 Racing Association's House Rule.

6 Mr. Laird.

7 MR. LAIRD: Again, Phil Laird, CHRB Staff.

8 This item also kind of sprouts from the  
9 De La Torre decision.

10 By -- what the Board essentially just did by  
11 removing their approval is removed approval of a house  
12 rule that essentially allowed Los Alamitos to operate a  
13 testing program that allowed for eligibility for certain  
14 horses to participate in certain races.

15 By removing that approval, essentially, without  
16 that house rule, we believe that there is a reduced -- to  
17 phrase it differently, let me put it this way.

18 I think everybody here agrees that at  
19 Los Alamitos, their hair-testing program for eligibility  
20 in certain races did enhance the integrity of those races,  
21 has leveled the playing field, and has also increased  
22 safety for those participants.

23 By not allowing that to continue, by order of  
24 the Court, we believe that added safety component, that  
25 added integrity component is now forcefully being removed

1 by the Court, and we think that's not sufficient. We  
2 think that's created this emergency situation that's  
3 reduced the level of safety and integrity that's been  
4 established until this point.

5 So what we have before you is a proposed  
6 emergency regulation.

7 The race, specifically it amends two rules,  
8 Rule 1581 and Rule 1843. And what it does is it clarifies  
9 the intent of this Board. 'Cause to explain what the  
10 judge ultimately found in the De La Torre decision was the  
11 Board has set certain threshold limits for medications as  
12 well as of what can't be detected by an official test  
13 sample, which means only collected by CHRB after a race.

14 Essentially the judge concluded that anything  
15 lower than those thresholds is not permitted and is in  
16 conflict with our rules.

17 I know from the beginning, Chief Counsel Miller  
18 and I have disagreed with that. Again, though, the  
19 Court's made a decision. And so what the Court has  
20 actually recommended, which Judge Chalfant in that case  
21 has recommended, is that a rule gets established that  
22 clarifies the Board's intent, that explains that the  
23 Board, with certain permissions, will allow a racing  
24 association.

25 And pursuant to this rule, I want to emphasize

1 it would be only with the agreement of the recognized  
2 horsemen's organization or organizations, depending on of  
3 it's thoroughbred or not, to have approved such a -- such  
4 a testing procedure.

5 We believe these regulations will remove that  
6 conflict, will allow Los Alamitos to continue with their  
7 program, will allow a program that I know has been widely  
8 supported by the AQHA and is something they want  
9 implemented as part -- as part of their challenge  
10 championship this October.

11 And ultimately, we think it's a rule that  
12 furthers the intent of why we regulate medication in  
13 horseracing and why we oversee it. It encourages further  
14 testing, it encourages ultimately, we think, safer riding  
15 and safer kind of ground rules.

16 So anyways, I'm happy to answer direct  
17 questions, and maybe it will get better facilitated as the  
18 discussion continues. But it's kind of an introduction.  
19 That's why this is here before the Board today.

20 CHAIRMAN WINNER: All right. Are there  
21 questions for Mr. Laird? If not, we have a number of  
22 speakers on this issue then.

23 So let me start then with Mr. Schiffer, who I  
24 think yielded on No. 9, to be able to speak on No. 10 and  
25 11.

1 MR. SCHIFFER: Mr. Chairman, members of the  
2 Board, Dan Schiffer on behalf of the Pacific Coast Quarter  
3 Horse Racing Association, the authorized representative of  
4 the quarter horses at Los Alamitos and throughout the  
5 state.

6 And I asked to speak on the first issue because  
7 that case has kind of given us a framework that we would  
8 go forward with in working through what both Los Alamitos  
9 and the PCQHRA believes is good for both the horsemen, the  
10 game, and the people.

11 Since it was -- this program was started, we've  
12 had one positive and no further positives after that. And  
13 at this point, what we're doing is working out the details  
14 that the Court and the public and everybody can live with.  
15 And hopefully this step is a step to a full rule that will  
16 permanently enable this kind of testing to go forward in  
17 the future and oversee our industry.

18 But what I really want to emphasize is, and I  
19 hear from my client, the fact that this is happening is  
20 having a very large effect on the horsemen and the way  
21 they are doing their jobs getting horses ready to run.  
22 And that's a positive -- a positive thing.

23 So just to emphasize, probably obvious, we want  
24 you to pass these two rules. And we concur, we're working  
25 with Los Alamitos to determine between us how that rule --

1 the rules will be implemented within our contract with  
2 each other.

3 Thank you.

4 CHAIRMAN WINNER: Any questions for  
5 Mr. Schiffer?

6 Thank you, Mr. Schiffer.

7 Greg Avioli.

8 MR. AVIOLI: Greg Avioli from the TOC.

9 We were asked by Mr. Baedeker to give our  
10 position on this, and the TOC supports the proposed  
11 amended regulation. That's all.

12 CHAIRMAN WINNER: Any questions for Greg Avioli?

13 MR. AVIOLI: Thank you.

14 CHAIRMAN WINNER: Thank you.

15 Tom Robbins. Tommy.

16 MR. ROBBINS: Tom Robbins, Vice President of  
17 Racing, Del Mar Thoroughbred Club. I'm here to talk about  
18 stabling. I'm kidding. Am I too late?

19 A little levity. Sorry.

20 I'm sure the -- when the original authors wrote  
21 up this rule, this regulation, I don't think they  
22 anticipated words like biological test samples to be part  
23 of this, but here we are today.

24 I've stood before this Board and other  
25 committees to talk about this particular rule as it

1 relates to anything that racing secretaries or racetracks,  
2 racing associations do, regarding the development of their  
3 condition books, programs, purse levels, all has to be  
4 done with the prior approval of the Thoroughbred Owners of  
5 California.

6 This language provides for that. The  
7 modifications to the existing rule provides for that. So  
8 for that reason, Del Mar Thoroughbred Club is okay with  
9 this proposed modification to Rule 1581.

10 Thank you.

11 CHAIRMAN WINNER: Thank you.

12 Any questions for Mr. Robbins?

13 Drew Couto.

14 MR. COUTO: Good morning. Drew Couto, on behalf  
15 of Los Alamitos Quarter Horse Racing Association.

16 I'd just like to emphasize one point that I  
17 think Phillip touched on briefly, and that is in the  
18 course of the court matter, Judge Chalfant made it very  
19 clear that he was supportive and sympathetic to what the  
20 Quarter Horse Association was attempting with the quarter  
21 horsemen and the Racing Association were attempting to do,  
22 but wanted to make certain that it occurred under the  
23 context of a regulation that authorized this. Because as  
24 Phillip pointed out, he determined -- the judge was of the  
25 opinion he believed that a conflict existed between the

1 two rules, and if we provided a regulation, that he would  
2 be sufficiently satisfied that the parties could go  
3 forward.

4 And, again, he is not opposed to what the  
5 association is doing, the quarter horsemen are doing.  
6 Simply he is concerned that procedurally it might not be  
7 the best way to do it.

8 And that's why we made this request to the Horse  
9 Racing Board. The Horse Racing Board participated in the  
10 matter and came to the same conclusion that what the judge  
11 wanted is exactly what you're doing.

12 So we're supportive of it and we hope that it's  
13 approved by the Board today. Thank you.

14 CHAIRMAN WINNER: Thank very much.

15 Any questions for Mr. Couto?

16 Alan Balch.

17 MR. BALCH: Alan Balch, California Thoroughbred  
18 Trainers.

19 I think the Board and Staff are in receipt of a  
20 letter from California Thoroughbred Trainers. We oppose  
21 this for the reasons stated in the letter.

22 Thank you.

23 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, if I  
24 may, I want to address something that was contained in  
25 that letter, and that was a reference, towards the end of

1 it, that referred to the Staff analysis as "exaggerated  
2 and pernicious."

3 And I wanted to make sure that I correctly  
4 understood the meaning of the word "pernicious," so I went  
5 to Mr. Webster's Dictionary, and it says, quote,  
6 "Pernicious implies irreparable harm done through evil or  
7 insidious corrupting or undermining means."

8 To refer to the Staff analysis in such a way, I  
9 believe is terribly unfair. I greatly dispute that  
10 characterization and personally resent it.

11 And since your letter is on the record, I wanted  
12 to get that comment on the record as well.

13 MR. BALCH: I think I said it was possibly  
14 pernicious and I --

15 EXECUTIVE DIRECTOR BAEDEKER: You said --

16 MR. BALCH: And I --

17 EXECUTIVE DIRECTOR BAEDEKER: You said "even  
18 pernicious."

19 MR. BALCH: And "even pernicion" --  
20 "pernicious." And I refer in particular to the paragraph  
21 at the top of the staff analysis 10.3, which I think is  
22 greatly exaggerated, and I think calls into question the  
23 medication testing that we all do and we rely on to keep  
24 racing clean.

25 And I think the implication by how broadly this

1 rule is written is very problematic.

2 CHAIRMAN WINNER: Well, problematic is one word.  
3 Pernicious is a different word with a different meaning.

4 MR. BALCH: Right.

5 CHAIRMAN WINNER: And I think, Alan, I would  
6 hope that you agree that the staff of the CHRB does an  
7 enormously difficult and thorough job, and certainly is  
8 not pernicious. And perhaps on the record you'd like to  
9 make it clear that the intent was not to -- I think it's  
10 Ms. Webster, not Mr. Webster.

11 MR. BALCH: Merriam.

12 CHAIRMAN WINNER: Yeah.

13 -- was not to --

14 MR. BALCH: I do apologize if that was offensive  
15 to the staff. I was referring to the staff analysis. And  
16 I think I made it very clear that I felt that there were  
17 unintentional consequences here and that I believe that  
18 the staff analysis was not correct. And I was very  
19 concerned about the ultimate unintended consequences of  
20 passing this rule, as broadly as it is written.

21 Again, my letter speaks for itself. And I do  
22 apologize if there -- if that was taken personally by any  
23 member of the staff.

24 CHAIRMAN WINNER: I'm not sure it's a question  
25 of taking it personally. It's a question of what the

1 intent was. But we accept your -- on behalf of staff, we  
2 accept your apology.

3 MR. BALCH: Thank you.

4 CHAIRMAN WINNER: Any other questions for --  
5 Mr. Krikorian?

6 Let's start -- let's start with --

7 COMMISSIONER KRIKORIAN: If you took issue with  
8 what was being recommended, did the CTT come back with any  
9 proposed language they would recommend?

10 MR. BALCH: I'm -- I'm very glad that you asked  
11 that, because I think the letter also makes clear that we  
12 said in its present form.

13 This -- this is -- although the issue that has  
14 been raised for today's meeting relates to quarter horse  
15 racing and it is intended to remedy a situation that has  
16 arisen in quarter horse racing, the rule is written very  
17 broadly. It applies to all racing and all racing  
18 secretaries, with the approval of the horsemen's  
19 organization.

20 CHAIRMAN WINNER: That's the key, though, isn't  
21 it, with the approval of the horseman's organization?

22 MR. BALCH: Correct. But as my letter made  
23 clear, horsemen's organizations can evolve and develop,  
24 and there are lots of other things that can influence the  
25 decision of a horsemen's organization, whether it's the

1 horsemen's organization that I represent, which is not the  
2 official horsemen's organization, or the Quarter Horse  
3 Racing Association, or the Thoroughbred Racing  
4 Association. That's why we have a racing board.

5 I don't think it's prudent to develop medication  
6 rules, standards, methods of testing, and so forth, that  
7 are decided upon or developed by a subset of the Racing  
8 Board, even though they're then subject to the approval of  
9 the Racing Board, because that goes around the processes  
10 that is set in law for everyone, and to participate in and  
11 come up with the objective standards.

12 But I -- so to answer your question directly, if  
13 this were to apply to quarter horse racing by itself,  
14 even though there's a principle involved, we don't have  
15 standing -- my organization does not have standing on  
16 quarter horse racing.

17 So we're concerned primarily with the potential  
18 application of this type of thing in the future to  
19 thoroughbred racing.

20 CHAIRMAN WINNER: Which you do have standing.

21 MR. BALCH: Where we do have standing.

22 CHAIRMAN WINNER: Right.

23 MR. BALCH: And that's why we oppose --

24 CHAIRMAN WINNER: That would be subject to your  
25 approval.

1 MR. BALCH: Well, no. The way this is written,  
2 this is not subject to our approval.

3 CHAIRMAN WINNER: I understand.

4 MR. BALCH: But --

5 CHAIRMAN WINNER: If it went to --

6 MR. BALCH: Because we're not the horsemen's  
7 organization.

8 CHAIRMAN WINNER: Yeah. I understand. It's  
9 subject to the Thoroughbred Horse Association.

10 MR. BALCH: Correct.

11 MR. LAIRD: I would actually interject there  
12 because under CHRB Rule 2040, it defines what the  
13 acknowledged horsemen's organization is in the context of  
14 thoroughbred. And it says that there are two separate  
15 acknowledged horsemen's organizations: The owners and the  
16 trainers. Both are referred to as the acknowledged  
17 horsemen's organization.

18 So it's our interpretation that under this  
19 proposed emergency regulation, it would in fact require  
20 both CTT and TOC's --

21 CHAIRMAN WINNER: That's what I was  
22 suggesting --

23 MR. LAIRD: -- approval.

24 CHAIRMAN WINNER: -- you're saying and Alan  
25 disagrees but --

1 MR. BALCH: Well, I'm extremely happy to have  
2 that on the record. I hope it applies to Mr. Robbins and  
3 his stabling comment too.

4 CHAIRMAN WINNER: Off the --

5 MR. BALCH: But I know it's -- all kidding  
6 aside, the horsemen's organization, the two trainers --  
7 the two organizations, the owners and the trainers, their  
8 responsibilities are divided.

9 And I have never heard this interpretation  
10 before because we've been restricted from being the  
11 horsemen's organization, and I think that language in the  
12 past is referred only to the official horsemen's  
13 organization. But if for purposes of this it includes  
14 California Thoroughbred Trainers, I'm very interested to  
15 hear that.

16 CHAIRMAN WINNER: Thank you.

17 Any other -- did you have a question, Madeline?

18 COMMISSIONER AUERBACH: I kind of think you  
19 answered it. I just -- I don't understand what your  
20 problem is with us trying to resolve a situation that  
21 we've been basically ordered by the Court to resolve. I  
22 don't see where we are overreaching in this at all.

23 MR. BALCH: Well, obviously, you're going to  
24 make the decision that you're going to make. I --  
25 whatever you're going to make. I --

1 COMMISSIONER AUERBACH: Tell us specifically  
2 where this is overreaching.

3 MR. BALCH: Well, the -- I think my letter  
4 speaks for itself. Maybe my letter is pernicious.

5 COMMISSIONER AUERBACH: Well, it didn't speak to  
6 me and maybe because I'm not Merriam Webster, but I don't  
7 understand where you --

8 MR. BALCH: Well, I made -- I made --

9 COMMISSIONER AUERBACH: If you could tell me  
10 something, Alan, that says this is where it's  
11 overreaching.

12 MR. BALCH: Because it's -- it applies to all  
13 racing in California and the existing medication rules.

14 Let me -- let me read -- because some people in  
15 the -- that are listening to this here, or elsewhere,  
16 don't understand the primary paragraph and the analysis  
17 that we have a problem with.

18 Quote, the top of page 10.3, "Official testing  
19 by the CHRB is conducted largely after races are run" --

20 COMMISSIONER AUERBACH: Right.

21 MR. BALCH: -- "and such tests are only used to  
22 punish those licensees responsible for medication  
23 violations after the fact. For the wagering public,  
24 however, there is no protection. Those who wager on a  
25 winning horse that has been administered unauthorized

1 medications, which often includes the horse's owners and  
2 trainers, obtain an unfair benefit, while those who bet on  
3 a losing horse, not administered unauthorized medications,  
4 become victims of an unlawful performance enhancing  
5 scheme."

6 Now, where I emphasized, there is no protection,  
7 that paragraph says, I think, that our entire existing  
8 method of deterring this behavior provides the public no  
9 protection, because unauthorized medications are only  
10 determined after the testing is done and after the race is  
11 run, and I disagree with that.

12 COMMISSIONER AUERBACH: But that's the way the  
13 business operates --

14 MR. BALCH: I understand.

15 COMMISSIONER AUERBACH: -- now.

16 This isn't changing anything. This isn't  
17 broadening our abilities to do anything. The protection  
18 that the gambling public and the owners and trainers and  
19 we all have operates exactly the same way.

20 I do not understand the objection to this  
21 language and to what we're doing to get out of a court  
22 case where we've been instructed to do it, and I -- I  
23 think your objection is pernicious.

24 How does that grab you?

25 MR. BALCH: Okay. Tit for tat. Well --

1           CHAIRMAN WINNER: I just want to know, did you  
2 write the letter?

3           MR. BALCH: Absolutely, every word of it. And  
4 Mr. Cassidy actually assisted me. And he's a signatory to  
5 it.

6           Listen, we -- we --

7           COMMISSIONER AUERBACH: I don't understand --

8           MR. BALCH: -- we have -- obviously we have a  
9 serious disagreement with this. And because it's --  
10 because we believe that what you're doing -- and I think  
11 it's apparently unintentionally -- is opening the door to  
12 enabling subsets of this sport in California to develop an  
13 entirely different method, which we believe to be  
14 completely impractical, of pre-race medication testing,  
15 hair testing, which has never been subject to any scrutiny  
16 whatsoever --

17           COMMISSIONER AUERBACH: You know what, I read  
18 this very carefully. I don't see that.

19           MR. BALCH: Well, here's -- here's what the  
20 language in the rule says.

21           "Any conditions" -- this is for the racing  
22 secretary to establish conditions. "Any conditions that  
23 are based on a participating horse's use or nonuse of a  
24 drug substance or medication, or the presence or lack of  
25 presence of a drug, substance, or medication in a

1 biological test sample taken from a participating horse  
2 shall be agreed to in advance by the acknowledged  
3 horsemen's organization" -- acknowledged horsemen's  
4 organization -- "and approved by the Board before entries  
5 are taken for the race.

6 "If such conditions are based on the results of  
7 a biological test sample, other than an official test  
8 sample collected by the CHRB, a description of the testing  
9 methods and procedures the Racing Association or fair will  
10 use to collect and analyze the biological test samples  
11 shall be submitted to the Board for approval.

12 "For purposes of this section, biological test  
13 sample refers to any biological sample, including but not  
14 limited to blood, urine, hair, tissue, or saliva that is  
15 taken from a horse."

16 And apparently that's what you intend to do.  
17 But there has been, what, four days of notice, or ten  
18 days, or something -- when did -- when was this notice  
19 done? On Friday? Thursday or Friday?

20 MR. LAIRD: Last Friday.

21 MR. BALCH: Right. So last Friday.

22 There has been -- we don't even know what that  
23 means, what -- what "Including but not limited to."  
24 Genomes? Who knows what's going to come down the pike in  
25 the future.

1                   COMMISSIONER AUERBACH: Exactly why you probably  
2 need to acknowledge the possibility of something else  
3 happening, which is why your horsemen's associations need  
4 to be a party to whatever would be instituted.

5                   CHAIRMAN WINNER: And the Board approves. It's  
6 in the language, approval of the Board.

7                   COMMISSIONER ROSENBERG: This is a temporary --  
8 this is a temporary measure.

9                   MR. BALCH: Well, it's temp- -- Commissioner,  
10 with respect, it's a temporary measure that's intended to  
11 become a permanent measure, if I read the analysis  
12 properly, which it seems to me is going to be completely  
13 outside -- if OAL approves it, assuming OAL approves it,  
14 it's going to be -- it's going to change how medication  
15 testing is done in this state.

16                   CHAIRMAN WINNER: Then it won't --

17                   MR. BALCH: Then it won't. I understand.

18                   But here, again, that's -- that's another part  
19 of Pandora's box.

20                   CHAIRMAN WINNER: We need to move on here.

21                   Are there any other questions for Mr. Balch?

22                   MR. MILLER: Yes. Robert Miller, Counsel and  
23 CHRB staff.

24                   This is an emergency regulation only, and it  
25 must be re-adopted by the Board within six months to a

1 year.

2 MR. LAIRD: Yeah. It can last for up to a year  
3 with proper re-adoption, but otherwise after a year, this  
4 is no longer on the books, unless this Board adopts it on  
5 a permanent basis.

6 CHAIRMAN WINNER: Sunsets after a year.

7 MR. MILLER: The second point is --

8 MR. BALCH: And I made that point in my letter  
9 too.

10 MR. MILLER: I didn't receive your letter.

11 MR. BALCH: It was sent to --

12 MR. MILLER: Commissioner Krikorian asked you if  
13 the CTT proposed any language for this type of rule. And  
14 I don't believe you ever answered that question.

15 MR. BALCH: Well, I tried to. We just -- we --  
16 we don't -- we haven't had a chance to develop  
17 alternative --

18 MR. MILLER: So the answer is no?

19 MR. BALCH: That is correct. The --

20 MR. MILLER: Thank you.

21 MR. BALCH: -- answer is no at this time. But  
22 that's why we thought there should be more time.

23 COMMISSIONER KRIKORIAN: But the question is we  
24 don't have that opportunity moving --

25 MR. BALCH: Well, I hope --

1 COMMISSIONER KRIKORIAN: -- forward.

2 MR. BALCH: Yes.

3 COMMISSIONER KRIKORIAN: And for clarification,  
4 you can't have one rule for thoroughbreds and another rule  
5 for quarter horses, can you, Counsel?

6 MR. BALCH: With respect, we already do. That's  
7 part of the reason we're here.

8 MR. LAIRD: We can, but in this instance, I  
9 would strongly advise against it for the reason that then  
10 we're operating with, you know, a completely different set  
11 of abilities, conditions, different racing secretaries can  
12 write. I think it would be chaos for the industry  
13 personally.

14 CHAIRMAN WINNER: We're also dealing with what  
15 the Court's suggesting.

16 All right. Let us move --

17 Go ahead, Mr. Rosenberg.

18 COMMISSIONER ROSENBERG: Somewhat covered that  
19 point. I believe Mr. Schiffer made reference to the fact  
20 that this was part of the temporary regulation and that  
21 they were going to be working -- the horsemen's  
22 organization would be working with others to come up with  
23 the new language or any changed languages, if there are  
24 any, for the permanent regulation.

25 MR. LAIRD: That's correct.

1 COMMISSIONER ROSENBERG: Is that correct?

2 MR. LAIRD: And we're happy to engage all  
3 stakeholders in that discussion.

4 CHAIRMAN WINNER: Okay. Mr. Couto --

5 MR. BALCH: Thank you.

6 CHAIRMAN WINNER: -- do you want to comment  
7 again?

8 Thank you, Alan.

9 MR. COUTO: Yes. Drew Couto on behalf of  
10 Los Alamitos.

11 Just -- just to remind the Board of something  
12 that occurred in the past, I think you might remember  
13 years ago we had a problem with bicarb loading in the  
14 thoroughbred industry. And the industry came together,  
15 the racing associations and the horsemen, which was both  
16 TOC and CTT at the time, to develop a private program  
17 where we tested the horses outside of the CHRB official  
18 testing, determined what positives existed, and then  
19 implemented a security measure.

20 The horses had to enter into a surveillance and  
21 security barn for a period of time, 30 days for the first  
22 offense, 60 days, and 90 days. And that was completely  
23 done by agreement of the parties and it eradicated the  
24 use -- or minimized the use of bicarb loading until the  
25 Horse Racing Board could come up with final regulations

1 for that.

2 At the time, I want to say that the CTT was  
3 actively involved with TOC and the racing associations in  
4 coming up with that program outside of the official test  
5 program, but by agreement of the parties.

6 So I just want to remind that in the past, as  
7 Mr. Balch alluded to, organizations change, their  
8 positions evolve, but in regard to the thoroughbred  
9 industry and which CTT represents at the time, they  
10 supported those efforts and participated in those efforts.

11 Thank you.

12 MR. BALCH: Mr. Chairman, if I may, Alan Balch  
13 again.

14 I agree with that. And the way that came up, I  
15 wasn't here then -- but the way that came up was with a  
16 much more involved collective, collaborative process than  
17 what we're facing today. But I understand, we will have  
18 time to comment, and we are an acknowledged horsemen's  
19 organization.

20 CHAIRMAN WINNER: Is there a motion?

21 COMMISSIONER AUERBACH: So moved.

22 CHAIRMAN WINNER: Commissioner Auerbach moves.

23 Commissioner Krikorian seconds.

24 Commissioner Beneto, how do you vote on

25 Item No. 10?

1 COMMISSIONER BENETO: Yes.

2 CHAIRMAN WINNER: Commissioner Rosenberg?

3 COMMISSIONER ROSENBERG: Yes.

4 CHAIRMAN WINNER: Chairman votes yes.

5 Commissioner Auerbach?

6 COMMISSIONER AUERBACH: Yes.

7 CHAIRMAN WINNER: Commissioner Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIRMAN WINNER: And Commissioner Krikorian?

10 COMMISSIONER KRIKORIAN: Yes.

11 CHAIRMAN WINNER: So it passes unanimously by a  
12 six to nothing vote. Thank you. And we'll move on then  
13 to No. 11.

14 Number 11 is: Discussion and action by the  
15 Board regarding a request from Los Alamitos Quarter Horse  
16 Racing Association to write race conditions for its  
17 current quarter horse race meeting, which condition  
18 eligibility to participate in the race meeting on the  
19 nonpresence of Clenbuterol, Albuterol, Zilplaterol, and  
20 Racto- -- you say it.

21 MR. LAIRD: Ractopamine.

22 CHAIRMAN WINNER: That one.

23 -- Ractopamine in biological test samples  
24 obtained by the Association, conditioned on the Office of  
25 Administrative Law granting approval of the emergency

1 regulatory amendments to the CHRB Rules 1581 and 1843.

2 Phil.

3 MR. LAIRD: Phil Laird, CHRB staff.

4 This is the final of our three-part saga here.

5 And essentially pursuant to the emergency regulation

6 that's been now adopted to be submitted to the Office of

7 Administrative Law, this would approve Los Alamitos to

8 continue with a hair testing program they've been

9 implementing.

10 It's my understanding, though, that the written

11 agreement now required by the emergency regulation entails

12 more detail at this point than it did before, between the

13 horsemen's organization and the racing association.

14 To that extent, I think I'll let Dan Schiffer

15 and Drew Couto resolve any questions or anything about

16 that agreement that's been entered into.

17 Furthermore, I just want to say, though,

18 pursuant -- procedurally how this works is we'll submit

19 the emergency regulatory language and within 10 days we'll

20 know whether or not OAL has approved it.

21 So what the Board is voting on today is that if

22 that language is approved, it would be then voting to

23 approve Los Alamitos's house rule. And I guess we want to

24 get away from the term house rule. It would really be a

25 condition for eligibility for certain races.

1           But -- so my point being, this vote would be  
2 contingent on those emergency regulations going into  
3 effect.

4           CHAIRMAN WINNER: Mr. Couto.

5           MR. COUTO: Thank you, Mr. Chairman.

6           Drew Couto on behalf of Los Alamitos.

7           As Dan alluded to, and I'm sure he'll come up  
8 and echo, the parties have been exchanging a protocol,  
9 testing protocol and procedures document, which will  
10 outline all of the details of how the testing program  
11 occurs, and it will reflect the views of the horsemen's  
12 association and the racing association, which will control  
13 this.

14           And we've provided the first portion of that to  
15 the Board, which is the protocol, and we've also provided  
16 a copy of the draft agreement right now.

17           So I also want to clarify that we're not talking  
18 about a house rule. That's very -- that term,  
19 unfortunately, creates a lot of angst for those of us  
20 who've had to go to Court. But we're talking about a  
21 contractual process between the parties, authorized under  
22 the CHRB regulations that will be limited to the  
23 conditions for eligibility for certain stakes races.

24           And if Mr. Schiffer wants to echo or add  
25 anything.

1 MR. SCHIFFER: Dan Schiffer on behalf of the  
2 PCQHRA.

3 I just want to let the Board know that, you  
4 know, we are really thinking through at this point of the  
5 nuts and bolts of what's going to happen, assuming the  
6 Board approves us and the OAL agrees with it.

7 We're optimistic it's going to form the basis of  
8 a permanent prototype for this type of problem, and  
9 therefore we think we should go forward with it.

10 Thank you.

11 CHAIRMAN WINNER: Thank you.

12 Mr. Avioli, do you -- are you still here? Where  
13 are you?

14 MR. AVIOLI: Yes, sir, I'm here.

15 CHAIRMAN WINNER: Did you want to speak on this?  
16 Are you -- you had said 9, 10, and 11.

17 MR. AVIOLI: When you combined them --

18 CHAIRMAN WINNER: Okay. So also, Mr. Balch, did  
19 you want to speak on this?

20 MR. BALCH: No.

21 CHAIRMAN WINNER: Okay. Are there any other  
22 speakers on Item No. 11?

23 Is there any discussion on Item No. 11?

24 Is there a motion on Item No. 11?

25 COMMISSIONER AUERBACH: Yes.

1 CHAIRMAN WINNER: Commissioner Auerbach moves.

2 Commissioner Krikorian seconds.

3 Let's start over there.

4 Commissioner Krikorian?

5 COMMISSIONER KRIKORIAN: Yes.

6 CHAIRMAN WINNER: Commissioner Solis?

7 COMMISSIONER SOLIS: Yes.

8 CHAIRMAN WINNER: Commissioner Auerbach?

9 COMMISSIONER AUERBACH: Yes.

10 CHAIRMAN WINNER: Chairman votes yes.

11 Commissioner Rosenberg?

12 COMMISSIONER ROSENBERG: Yes.

13 CHAIRMAN WINNER: Commissioner Beneto?

14 COMMISSIONER BENETO: Yes.

15 CHAIRMAN WINNER: Motion carries six to nothing

16 unanimously. Thank you very much.

17 Is there a motion to adjourn?

18 COMMISSIONER AUERBACH: Yes.

19 CHAIRMAN WINNER: Commissioner Auerbach moves.

20 Commissioner Beneto seconds.

21 How do you vote, Mr. -- I mean Commissioner

22 Krikorian seconds.

23 How do you vote, Mr. Krikorian?

24 COMMISSIONER KRIKORIAN: I abstain.

25 CHAIRMAN WINNER: Commissioner Krikorian

1 abstains.

2 Commissioner Solis, how do you vote?

3 COMMISSIONER SOLIS: I vote yes.

4 CHAIRMAN WINNER: Commissioner Auerbach?

5 COMMISSIONER AUERBACH: Uh-huh. Yes.

6 CHAIRMAN WINNER: Commissioner Winner votes yes.

7 Commissioner Rosenberg votes yes.

8 COMMISSIONER ROSENBERG: Yes.

9 CHAIRMAN WINNER: Commissioner Beneto votes yes.

10 Commissioner Krikorian changes his vote from

11 abstain to yes.

12 By a six-to-nothing vote, the motion to adjourn

13 carries. Thank you all very much for attending. We now

14 will go into executive session.

15 (At 12:24 p.m., the proceeding was concluded.)

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1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF LOS ANGELES )  
3

4 I, ANN BONNETTE, C.S.R. No. 6108, do hereby  
5 certify:

6 That the foregoing meeting of the California Horse  
7 Racing Board was taken before me at the time and place  
8 therein set forth and was taken down by me in shorthand  
9 and transcribed into computer-generated text under my  
10 direction and supervision; and I hereby certify the  
11 foregoing transcript of my shorthand notes so taken.

12 I further certify that I am neither counsel for nor  
13 related to any party to said meeting nor in any way  
14 interested in the outcome thereof.

15 IN WITNESS WHEREOF, I have hereunto subscribed my  
16 name this 21st day of July, 2016.

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ANN BONNETTE, CSR NO. 6108



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ANN BONNETTE, CSR NO. 6108

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