

MEETING
STATE OF CALIFORNIA
HORSE RACING BOARD

In the Matter of:)
)
Regular Meeting)
_____)

SANTA ANITA RACE TRACK PARK
BALDWIN TERRACE ROOM
285 WEST HUNTINGTON DRIVE
ARCADIA, CALIFORNIA

THURSDAY, MARCH 28, 2019

9:30 A.M.

Reported by:
Martha Nelson

APPEARANCES

COMMITTEE MEMBERS

Chuck Winner, Chair
Madeline Auerbach, Vice Chair
Fred Maas, Commissioner
Alex Solis, Commissioner
Dennis Alfieri, Commissioner

STAFF

Rick Baedeker, Executive Director
Jacqueline Wagner, Assistant Executive Director
John McDonough, Chief Counsel
Robert Brodnick, Staff Counsel
Mike Marten, Associate Analyst
Rick Arthur, Equine Medical Director
Darrel McHargue, Chief Steward

ALSO PRESENT

Boone McCanna, Down the Stretch Ranch
John Valenzuela, Pari-Mutual Guild Local 280
Doug Burge, California Thoroughbred Breeders Association
Jamil Brown, Racing Media
Pavla McGaard, Thor-Bred Stables LLC

APPEARANCES

ALSO PRESENT

Denny Boultinghouse

Larry Swartzlander, California Authority of Racing Fairs

Eric Sindler, Golden Gate Fields

George Haines, Southern California Off-Track Wagering, Inc.

Tim Ritvo, Stronach Group

Mike Rogers, Stronach Group

Matt Iuliano, Jockey Club

Terry Meyocks, Jockeys' Guild

Kathy Guillermo, PETA

Belinda Stronach, Stronach Group

Dionne Benson, Racing Medication and Testing Consortium

Susan Branch

Greg Avioli, Thoroughbred Owners of California

Craig Fravel

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14. Closed Session: For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code. 3
- A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
 - B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary

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matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).

- C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).

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P R O C E E D I N G S

9:29 A.M.

ARCADIA, CALIFORNIA, THURSDAY, MARCH 28, 2019

CHAIR WINNER: Ladies and gentlemen, this meeting of the California Horse Racing Board will please come to order. Please take your seats. This is the regular noticed meeting of the California Horse Racing Board on Thursday, March 28, 2019 at Santa Anita Race Track, 285 West Huntington Drive, Arcadia, California.

Present at today's meeting are: myself, Chairman Chuck Winner, Chairman; Vice Chairman Madeline Auerbach; Dennis Alfieri, Commissioner; Fred Maas, Commissioner; and Alex Solis, Commissioner.

Is that everybody? Yeah.

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 not appearing on the agenda during a public comment period if the matter concerns horse racing in California.

In order to ensure all individuals have an opportunity to speak and the meeting proceeds in a timely fashion, I'll strictly enforce the three-minute time limit rule for each speaker. The three-minute time limit rule

1 will be enforced during discussion of all matters as stated
2 on the agenda, as well as during the public comment period.

3 There's a public comment sign-in sheet for each
4 agenda matter on which the Board invites comments. Also,
5 there's a sign-in sheet for those wishing to speak during
6 the public comment period for matters not appearing on the
7 Board's agenda if it concerns horse racing in California.
8 Please print your name legibly on the public comment sign-in
9 sheet.

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

15 For those of you who haven't done it before, go
16 see this gentleman right here, Mike Marten, and he will give
17 you a card to fill out and we'll call your name when we get
18 to that agenda item.

19 When your three minutes are up I'll ask you to
20 return to your seat so others can be heard.

21 When all the names have been called, I'll ask if
22 there's anyone else who would like to speak on the matter
23 before the Board. Also, the Board may ask questions of the
24 individuals who speak. If a speaker repeats herself or
25 himself, I will ask if the speaker has any new comments to

1 make. If there are none, the speaker will be asked to let
2 others make comments to the Board.

3 Okay, now with that, as we had indicated in a memo
4 to those who we knew were coming today and to the media, we
5 are now going to move to an Executive Session. Our guess is
6 that it will be somewhere around 30 to 45 minutes. And then
7 the meeting will convene at approximately 10:15.

8 Thank you all very much.

9 (Whereupon the Board convened an Executive Session from
10 9:32 a.m., until 10:19 a.m.)

11 CHAIR WINNER: Good morning. We'll start with the
12 approval of the minutes from the November 29th meeting. And
13 only those people who were at the meeting can approve those
14 minutes, so let's see if we have enough here. No, we don't.

15 VICE CHAIR AUERBACH: I was there.

16 CHAIR WINNER: No, we can't. We have to move that
17 to the next. We don't have four votes.

18 MR. BRODNIK: Okay.

19 CHAIR WINNER: Okay. Moving on to item two,
20 approval of the minutes from the February 21st meeting. And
21 there, we are in good shape.

22 Are there any additions, corrections, changes to
23 the minutes? These are the minutes from the meeting of
24 February 21st.

25 VICE CHAIR AUERBACH: So moved.

1 CHAIR WINNER: Moved by Vice Chair Auerbach.

2 COMMISSIONER MAAS: Second.

3 CHAIR WINNER: Seconded by Commissioner Maas to
4 approve the minutes.

5 Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 COMMISSIONER MAAS: Yes.

8 CHAIR WINNER: Commissioner Solis?

9 COMMISSIONER SOLIS: Yes.

10 CHAIR WINNER: Chairman votes yes.

11 Vice Chair?

12 VICE CHAIR AUERBACH: Yes.

13 CHAIR WINNER: Okay. The minutes are approved.

14 We'll move on to item number three which is the
15 Executive Director's Report.

16 EXECUTIVE DIRECTOR BAEDEKER: Thank you, Mr.
17 Chairman.

18 Chairman Winner has asked the Medication and
19 Safety Committee to conduct a meeting on April 17th. That
20 will be the day before the next scheduled Board meeting.

21 Among the topics that the Chair of the Committee,
22 Commissioner Auerbach and Commissioner Solis are considering
23 for the agenda include: discussion regarding the use of
24 bisphosphonates in racehorses; a discussion of the
25 regulation of permitted medications during workouts to

1 establish threshold restrictions on permitted medications,
2 to limit the anti-inflammatory medications further than what
3 might be discussed by the Board, same thing with the limit
4 of one anti-inflammatory, same thing for corticosteroids;
5 also a discussion about requiring trainers to maintain full
6 and accurate records of all treatments given to a horse, in
7 addition, of course, to the medical records that are get by
8 the veterinarian and make those records available for
9 inspection by representatives of the CHRB in their official
10 duties; also to change what is now a voluntary necropsy
11 review with the owner-trainer veterinarian associated with
12 any horse that is lost to make that mandatory.

13 And also, this is more of an operational item, but
14 to mandate that all of these records are moved to a digital
15 format, the recordkeeping to a digital format, to allow
16 better use of that information by all the parties. That
17 will, of course, allow Staff working with all of the
18 stakeholders to expedite electronic reporting.

19 Again, that Medication Committee meeting will be
20 on the 17th.

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

22 CHAIR WINNER: Thank you very much, Mr. Baedeker.

23 All right, let's move on them to public comment.

24 I have several cards and I'm just going to take them in
25 order.

1 Boone -- and I hope I pronounce these names
2 correctly, I apologize if I don't -- Boone McCanna.

3 Please introduce yourself and state your
4 organization.

5 MR. MCCANNA: Okay. Hello. I'm Boone McCanna and
6 I cofounded Down the Stretch Ranch a little over four years
7 ago with Jerry and Janet Hollendorfer. And over the last
8 couple years a lot of people in the room here have helped
9 out a ton.

10 We currently have 30 retired thoroughbreds, all
11 raced in California. And we use those horses to do equine
12 therapy with military veterans, at-risk and homeless
13 children. And I've seen firsthand over these years that
14 these horses are saving lives and positively effecting the
15 lives of a lot of kids.

16 I think what some people in this room need to know
17 about our industry is that from the time these horses are
18 born, throughout their careers and into their retirement,
19 they receive excellent care. They're bred to race and they
20 love to race and I witness it when I see 20 horses from the
21 age of 5 to 20 smoking across 100-acre field.

22 When I was working at Golden Gate some years ago I
23 came to the track on a Sunday. And you know, I get up to
24 the track and there's a picket line, people saying, stop
25 horse racing, cruelty to animals. So I kind of went up to

1 the rough-looking guy that was a loud mouth and I said,
2 "Give me five minutes."

3 I took him over to my brother's barn and I was
4 like, "You know, look at these horses. Do they look abused
5 or like they're not well treated?" And I said, "You had to
6 drive by those homeless people on the way to the track,
7 didn't you?"

8 And he kind of looked at me and he goes, "You
9 know, you're 100 percent right. You know, I live in that
10 homeless camp and somebody came by and gave me \$25.00 to
11 hold this sign and raise hell against your industry."

12 And to me, that's wrong.

13 When people say to me, oh, you run that horse
14 rescue, I'm like, no, it's not a rescue, it's a continuation
15 of a great life that these horses have had.

16 And so I just feel that, you know, we could spend
17 a little more time focusing on our fellow man and ways to
18 make things better for him, rather than try to hurt an
19 industry that actually is using their horses to do a lot of
20 good.

21 (Applause.)

22 CHAIR WINNER: Thank you very much.

23 Any questions?

24 Thank you.

25 Commissioner Solis?

1 COMMISSIONER SOLIS: I just want to add up what
2 this gentleman just --

3 CHAIR WINNER: Did you have a question or were you
4 just --

5 COMMISSIONER SOLIS: No, I just want --

6 CHAIR WINNER: Okay. Thank you.

7 COMMISSIONER SOLIS: -- I want to thank you for
8 that.

9 And just for people that don't know how well we
10 take care of our horses, I would like for them to go to the
11 website of CalRacingCares.com and you will see how much we
12 care for our horses and how we treat them.

13 Thank you.

14 CHAIR WINNER: Thank you.

15 John Valenzuela? John, where are you? John,
16 please introduce yourself and your organization.

17 MR. VALENZUELA: Good morning, CHRB Chair and
18 Commissioners. My name is John Valenzuela and I am the
19 President of the Pari-Mutuel Employees Guild of California,
20 Local 280. We are SEIU affiliates.

21 All members of the SEIU Local 280 support the
22 investigation relating to issues at Santa Anita Race Track.

23 Like the many horse racing fans in California, we are eager
24 to see horse racing resume safely. We support continuing
25 efforts to improve the safety across the industry for the

1 horse. Again, we are eager to see horse racing resume
2 safely during this investigation.

3 The racetrack closure has had a tragic economic
4 impact on all members, all our members and other union labor
5 employees, as well as all employees and owners, trainers,
6 vendors -- is this working -- okay, I'm sorry -- as well as
7 all employees and owners, trainers, vendors, and entities
8 involved in our industry. The reopening of the track will
9 benefit the industry and its fans.

10 We support a reopening of the track under the
11 close supervision of the California Horse Racing Board and
12 we would like to make a suggestion. Local 280 suggested
13 that all lost days be replaced at every opportunity going
14 forward.

15 Thank you.

16 CHAIR WINNER: Thank you, John.

17 Any questions for John?

18 Thank you.

19 MR. VALENZUELA: Before I leave, I just wanted to
20 state --

21 CHAIR WINNER: Yeah, please.

22 MR. VALENZUELA: -- Local 280 is out with the CTT
23 and all the backside employees and they're out, down in
24 Clocker's Corner and outside, out in front. And we
25 basically want to state that I am -- these are the signs

1 that are being posted out there, "I am Thoroughbred Racing",
2 "Horses are Our Lives".

3 California thoroughbred racing provides over
4 17,000 jobs, including mine. Thoroughbred racing means
5 \$2.47 billion for California, state and local. We love
6 thoroughbreds. California thoroughbred racing, \$2.47
7 billion, that's 17,000 jobs directly impacted in California.

8 Thank you.

9 CHAIR WINNER: Thank you.

10 (Applause.)

11 CHAIR WINNER: So when you think -- when we -- as
12 we go through our efforts here, and all of us are, as you
13 know, are very, very concerned about the safety of -- the
14 health and safety of the horses and their riders. Any of
15 you have been to any of our meetings knows that that is our
16 first priority at all times, the health and safety of the
17 riders.

18 But also keep in mind, as John just said, there
19 are thousands of people who depend on this industry. We're
20 talking about people who are working on the backstretch,
21 vendors working in the stands, people working, tellers
22 working at the counters. We're talking about the valets who
23 work with the jockeys and the van drivers who carry the
24 horses, and the people who work on the farms. These people
25 are dependent on this industry and they feed their families

1 based on this industry.

2 And they're not -- they're here today, some of
3 them, with their signs but the point is that they can't
4 speak as loud as some of the rest of can speak because
5 they're not a part of the sort of lobbying process. But
6 indeed, their lives depend on this industry and I think it's
7 really important to keep all of that in mind.

8 Doug Burge.

9 Good morning, Doug.

10 MR. BURGE: Good morning. Doug Burge with the
11 California Thoroughbred Breeders.

12 Besides representing the breeders in the state, we
13 also represent all the horse farms. These farms employ
14 thousands and thousands of people, as was just mentioned.
15 They're with these horses from the day they're born to their
16 early development and training to when they go to a sale or
17 a track, or when they come home to be a brood mare or a
18 stallion prospect or retrained as a riding horse, or simply
19 pensioned and live the rest of their life in a grass
20 paddock. But thousands and thousands of people care for an
21 handle these horses and are employed and work these animals,
22 not only at the track level but at the farm level.

23 These California breds, you know, they make up
24 roughly 50 percent of our fields right now, north and south,
25 so we're obviously very concerned with their welfare and we

1 encourage whatever safety measure we need to put into place
2 to take care of them.

3 Thank you.

4 CHAIR WINNER: Thank you, Doug.

5 Any questions for Doug?

6 Thank you, Doug.

7 Is this four?

8 (Colloquy)

9 CHAIR WINNER: Jamil Brown did not put an agenda
10 item. Did you want to speak on this?

11 MR. BROWN: I did.

12 CHAIR WINNER: Okay. Would you come on up please?

13 MR. BROWN: Good morning everybody. My name is
14 Jamil Brown. I'm just speaking on behalf for Doug O'Neill.

15 I actually have a show, The Prime Time Angles Radio Show.

16 It has a lot to do with horse racing and things like that.

17 I want to just go ahead and say a few words and everything.

18 Horse racing is a beautiful sport that has
19 unforeseen situations, like anything in life. The issue
20 that arised this year has everybody concerned but one thing
21 I know is the care and safety of the horses is top priority.

22 Owners, trainers, workers go to great lengths to make sure
23 that these horses are taken care of and love doing it. The
24 relationships they make with them are timeless.

25 Horses love to run. If they didn't want to run,

1 they wouldn't. We've seen this plenty of times at the
2 starting gate on a Friday.

3 Injuries in all sports happen, some minor, some
4 major. When a major injury happens in horse racing the last
5 thing any trainer or owner wants to do is euthanize a horse.

6 All measures to avoid that are taken before the decision
7 can be made by the vet.

8 The safety of horses is high priority. There are
9 employees who spend every moment with the horse when they
10 aren't practicing or running a race. These great people
11 make sure the horses are fed properly, groomed accordingly.

12 They care for these animals as if they are their children,
13 making sure they are comfortable at all times.

14 So the naysayers, the protestors, they've been
15 educated time and time again by the horse racing industry
16 about the safety measures and they still seem to misguide
17 the public when these situations arise. I've seen this
18 industry always ablige to their requests and make the
19 necessary changes that were asked of it.

20 Racing insiders will continue to make sure the
21 safety of these great athletes is top priority, ensuring
22 that when horses are done racing they have great homes and
23 jobs. Aftercare is very important to everybody in this
24 industry. The trainers and owners want to reward horses for
25 their service to the industry, even if they have to pay for

1 it themselves; that's all horses, from the low claimers to
2 the stakes' winners. The industry has gone through a lot
3 but the love for the horses keeps everybody involved in this
4 business.

5 And that's all I got to say. Thank you very much
6 for your time.

7 CHAIR WINNER: Thank you very much. Any
8 questions?

9 (Applause.)

10 CHAIR WINNER: Let's hold -- it would be helpful
11 if we hold our applause. Appreciate it, all. I know
12 everybody feels strongly one way or another on this issue
13 but it would be best if we don't express that during the
14 course of these, of the testimony.

15 Pavla McGaard.

16 MS. MCGAARD: Good morning. When I came to this
17 meeting, I did not expect to speak so I don't have prepared
18 remarks.

19 I am the breeder of Battle of Midway, therefore I
20 feel very strongly about what has been happening here, of
21 course. I was fortunate enough to -- well, I think it was a
22 privilege and a burden at the same time to have known him
23 probably for the longest time that anyone did. I first saw
24 him when he was six weeks old. I last saw him a week before
25 he passed away.

1 Since then, I have been speaking to a number of
2 people in the industry, owners, vets, trainers. And just
3 like so many people here, I love the industry, I love the
4 horse, and I think that there are many, many people, many
5 stakeholders who depend on the industry to continue to
6 thrive. And I believe that we need to go from that
7 foundation.

8 That being said, in my conversations, when I have
9 asked people a simple question, you know, if you're working
10 for the day, what would you change in the industry? What
11 would you change about what you do? Are there things that
12 we could change? Are there things that we could do better?

13 I believe that if all of us are perhaps not
14 looking for the magic bullet, the one magic bullet that will
15 change, but if each one of us, anywhere from the breeders to
16 the grooms to the trainers to the owners to the track
17 owners, as well as the media and any spectators. If we can
18 do just one percent better, whatever we already do, I
19 believe that we could make a giant change overall.

20 And I believe that each of the stakeholders that I
21 have been speaking to has some ideas about what that could
22 be. There are -- I believe that it would be good to have
23 focus groups that include all of those stakeholders, not
24 just people who run the show, as it may be, or on the other
25 hand the people who are on the outside, standing with the

1 signs.

2 There's a lot of work that can be done and I
3 believe that there are some things that can be done better,
4 anywhere from understanding better diagnostics, timing of
5 diagnostics, how we repair injuries when they do happen, how
6 information can be shared, medication rules, how much racing
7 is good on any particular -- in any particular race meet,
8 whether it is good for having schedules for horses to have
9 time out in one way, shape or form, et cetera, et cetera?
10 There are a number of things and, again, a very complicated
11 industry of many, many stakeholders.

12 And as an owner, breeder, owner of a farm where we
13 understand track issues are important, surface issues are
14 important, I believe that there is a lot that we can do if
15 we only try. And meetings like these are important, not in
16 order to cause hysteria and panic but in order for us to put
17 our heads together and see how we can do better by the horse
18 and by the people who serve the horses.

19 CHAIR WINNER: Thank you very much. And again,
20 our -- I want to express our sorrow for the loss of your
21 wonderful horse.

22 VICE CHAIR AUERBACH: As someone who didn't
23 prepare any comments --

24 CHAIR WINNER: You did great.

25 VICE CHAIR AUERBACH: -- you did a wonderful job.

1 And thank you for reminding me about being there when these
2 horses are born, about having our whole lives with them,
3 about what they mean to us. And it's your kind of passion
4 and it's your kind of commitment that make this worthwhile.

5 And I hope you will continue because we need good, strong
6 people like you with good, strong ideas to make us all
7 better. And thank you for sharing.

8 MS. MCGAARD: Thank you for giving me the time.
9 And I am more than happy to participate in any focus group,
10 help. Anything that I can do to improve, I'm all for it.

11 CHAIR WINNER: Thank you very, very much.

12 Denny Boultinghouse.

13 MR. BOULTINGHOUSE: Good morning everybody at the
14 meeting, including the Board.

15 CHAIR WINNER: Introduce yourself, Denny.

16 MR. BOULTINGHOUSE: I'm Denny Boultinghouse and
17 I'm an owner and a breeder and a thoroughbred consultant and
18 delighted to be here.

19 I have -- (clears throat) excuse me -- two
20 questions for the Board.

21 One is I'm not sure if this is the case but I
22 understand, and you would probably know this, that years ago
23 Santa Anita entered into a joint venture with a major
24 company, and I -- to my memory, it was Dupont. Again, I'm
25 not sure whether this was the case. And they dug up the

1 track and they poured a prepared mixture underneath, which I
2 believe included gravel and whatever. And then they poured
3 it all around the track and then the dirt was put back on
4 the track, and I just wonder if that's the case. And
5 obviously, my dedication and feeling is that if the track is
6 not safe, and I don't know that it is or it isn't, that
7 might be an area to be explored relative to the drainage.

8 The other question I have is -- oh, I got a blank
9 here. Oh, brother, I should have made some notes. I'll
10 think of it in a minute.

11 But I just want to end this comment -- the one
12 question I have by saying that I hope everybody realizes how
13 fortunate we are to have Chuck Winner as the head of the
14 CHRB. The time, the expertise, the love of our business
15 that he has displayed over the years is beyond anything that
16 we could ask for. And we're just so blessed to have him in
17 a position of leadership and I'm confident we'll get through
18 this.

19 If I think of the question, I'd like to come back
20 later and ask it, so thank you very much for allowing me to
21 speak.

22 CHAIR WINNER: Thank you for those comments,
23 Denny. And believe me, no one person at all can do and work
24 through these issues on a daily basis, weekly basis, monthly
25 basis without my fellow Commissioners and a fabulous staff

1 that we have led by Rick and Jackie. It's incredible the
2 amount of work that they put in and what they do and their
3 dedication and their concern, again, about the very things
4 we've been talking about, the health and safety of the
5 horses and the riders, and the concern for all of the people
6 who work to make this industry go.

7 All right, I have no other cards filled out for
8 people who want to speak during this public comment period,
9 so I'll ask one more time, is there anyone else who would
10 like to speak on item number four, public comment?

11 Okay, then we're going to move on to agenda item
12 number five, discussion and action by the Board on the
13 request from the California Authority of Racing Fairs, CARF,
14 to designate the following 2019 allocated race dates as a
15 combined fair horse racing meeting, pursuant to Business and
16 Professions Code section 19549.1: Alameda County Fair at
17 Pleasanton, June 13 through 2019 -- I'm sorry, June 13th,
18 2019 through July 7th, 2019; California Exposition and State
19 Fair, July 12th, 2019 through July 28th, 2019; Humboldt
20 County Fair at Ferndale, August 16th, 2019 through August
21 25th, 2019; and the Big Fresno Fair,
22 October 4th, 2019 through October 14th, 2019.

23 Go.

24 MR. SWARTZLANDER: Larry Swartzlander, the
25 Executive Director of the California Authority of Racing

1 Fairs. Chairman, Vice Chair, Commissioners, this is an item
2 that's been brought to the Board for the last four years.

3 In the industry at this point, several years ago,
4 we all remember the Rainbow Pick 6, it was called the first
5 jackpot wager. It was a wager that sort of emphasized what
6 goes on in the lottery. It was a wager where one person had
7 to win and the pools grew exponentially. It became very
8 attractive and raised the handle on the tracks.

9 Then several years ago the CARF fairs considered
10 it and they put in their Gold Strike Pick 6 and they have a
11 pentafecta wager, the same thing, where there's one winner.

12 The drawback on the fairs is that we're small meets, two,
13 three and four weeks. And to build a large carryover under
14 the current code, every fair would have to pay it out, so
15 you don't build the big pools, you don't create the
16 activity, the interest and the large handle. So the
17 consolidated fair meet allows us to take these two pools or
18 any -- it could be a Pick 5 pool, also, and carry them over
19 from one fair to the other.

20 So, for example, last year the pentafecta wager
21 carried all the way from Pleasanton until the end of Fresno.

22 And in the last race in Fresno there was \$1.8 million bet
23 on that wager. It's huge for the fairs, it's huge for
24 handle, and it created a great increase in commissions and
25 purse generation.

1 I would simply request that the Board approve the
2 request.

3 CHAIR WINNER: And the request, Larry, is to
4 combine the fairs for the purpose of wagering only; is that
5 --

6 MR. SWARTZLANDER: Yes.

7 CHAIR WINNER: -- the request?

8 MR. SWARTZLANDER: Yes.

9 CHAIR WINNER: Okay.

10 Eric, did you want to speak on this?

11 Thank you, Larry.

12 Any -- before I do that, Eric, any other questions
13 for Larry? Okay.

14 Stay handy, Larry.

15 MR. SWARTZLANDER: I'm here.

16 CHAIR WINNER: Thank you.

17 Eric?

18 MR. SINDLER: Eric Sindler on behalf of Golden
19 Gate Fields. Good morning.

20 A few weeks ago we submitted written comments that
21 outlines our view as to why CARF's request did not comply
22 with California law. We have nothing substantively to add,
23 other than what's in the letter, just happy to answer any
24 questions you may have.

25 CHAIR WINNER: Did you want to --

1 EXECUTIVE DIRECTOR BAEDEKER: Eric, I think these
2 are the same issues that you raised a year ago when this was
3 on the agenda; is that correct?

4 MR. SINDLER: Yes, it is correct.

5 EXECUTIVE DIRECTOR BAEDEKER: And legal staff at
6 that time responded to those, to the issues submitted by The
7 Stronach Group and the Board discussed them at that time and
8 there was a distinction made between the broader authority
9 questions and this specific request to combine the fairs for
10 purposes of this -- solely for the purpose of passing this
11 wager from one fair to the next, no other application of the
12 rule in question.

13 MR. SINDLER: Okay. I'm just happy any questions.

14 CHAIR WINNER: Any questions? Yes, Commissioner
15 Auerbach?

16 VICE CHAIR AUERBACH: Was this not -- not for Eric
17 but for Larry.

18 Sorry, Eric.

19 Larry, was this for the combination of the purse
20 too --

21 MR. SWARTZLANDER: Yes.

22 VICE CHAIR AUERBACH: -- or just for the wager?

23 MR. SWARTZLANDER: It's simply the -- what's
24 wagered on the bets, the pentafecta or the Pick 6, 50
25 percent of it goes to, you know, purses and 50 percent goes

1 to commissions.

2 VICE CHAIR AUERBACH: No, no, no, no, that's not
3 my question.

4 My question is: Do you -- is this for -- you have
5 a combined purse account?

6 MR. SWARTZLANDER: Yes, we also have a combined
7 purse account.

8 VICE CHAIR AUERBACH: So it's actually two?

9 MR. SWARTZLANDER: Yes.

10 VICE CHAIR AUERBACH: It's two item. It's the
11 purse account, so you offer the same purses at each --

12 MR. SWARTZLANDER: Correct.

13 VICE CHAIR AUERBACH: -- of the meets.

14 MR. SWARTZLANDER: Right.

15 VICE CHAIR AUERBACH: So it's a twopronged
16 approach; right?

17 MR. SWARTZLANDER: Yeah. And our overpayment --

18 VICE CHAIR AUERBACH: I just wanted to make sure.

19 Okay. Thank you.

20 CHAIR WINNER: Any other questions? All right.

21 The language from last year --

22 (Colloquy)

23 VICE CHAIR AUERBACH: All right, this is the
24 language for item five.

25 I move to approve the request by CARF to combine

1 the currently allocated race dates of Alameda County Fair,
2 California State Fair, Humboldt County Fair, and the Big
3 Fresno Fair as the combined fair pursuant to California
4 Business and Professions Code section 19549.1 for the
5 express and sole purpose of allowing a combination of
6 wagering and for no other purpose. That's what it says.

7 CHAIR WINNER: This is what we did last time.
8 That doesn't mean that's what we have to do this time.

9 VICE CHAIR AUERBACH: Well, it really probably
10 should say something about the combination of the purse
11 account, that these are comingled funds, this is all
12 comingled. I guess they did it that way anyway last year;
13 right?

14 MR. SWARTZLANDER: Yes. It's been done that way
15 for the last six or seven years.

16 VICE CHAIR AUERBACH: Okay. I don't know if you
17 want to adjust the language or not.

18 MR. SWARTZLANDER: We've never had that language
19 in there, Chairman.

20 CHAIR WINNER: Rob, do we need to adjust the
21 language?

22 MR. BRODNIK: Robert Brodник, California Horse
23 Racing Board.

24 No, I believe the language you have is sufficient

25 --

1 VICE CHAIR AUERBACH: It will suffice? Okay.

2 MR. BRODNIK: -- to approve this request.

3 CHAIR WINNER: Was that a motion?

4 VICE CHAIR AUERBACH: It's a motion. I just moved
5 it.

6 CHAIR WINNER: Okay. Is there a second?

7 COMMISSIONER SOLIS: Second.

8 CHAIR WINNER: Okay. Vice Chair Auerbach moves,
9 Commissioner Solis seconds. Any discussion?

10 Commissioner Auerbach, how do you vote?

11 VICE CHAIR AUERBACH: Yes.

12 CHAIR WINNER: The Chair votes yes.

13 Commissioner Solis?

14 COMMISSIONER SOLIS: Yes.

15 CHAIR WINNER: Commissioner Maas?

16 COMMISSIONER MAAS: Yes.

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR WINNER: Thank you.

19 MR. SWARTZLANDER: Thank you.

20 CHAIR WINNER: Motion carries. Thank you.

21 Okay, moving right along, item number six,

22 discussion and action by the Board on the Renewal

23 Application for License to Operate a Minisatellite Wagering

24 Facility from the Firehouse Bar and Restaurant in

25 Bakersfield, California for a period of up to five years.

1 George.

2 MR. HAINES: George Haines, Southern -- are we on?
3 Southern California Off-Track Wagering.

4 There are no outstanding items on this license
5 renewal for the Bakersfield satellite.

6 CHAIR WINNER: Correct, Jackie?

7 MS. WAGNER: That's correct.

8 CHAIR WINNER: Okay.

9 VICE CHAIR AUERBACH: What were you -- why was
10 this carried over; do you remember, George?

11 CHAIR WINNER: Because we didn't have the meeting.

12 VICE CHAIR AUERBACH: That's no excuse.

13 MR. HAINES: We did have some outstanding items --

14 CHAIR WINNER: Yeah.

15 MR. HAINES: -- that have been corrected.

16 VICE CHAIR AUERBACH: Okay. All right. Thank
17 you.

18 CHAIR WINNER: But they're in now?

19 MS. WAGNER: They're in now. Everything that was
20 missing the last time at last month's meeting has been
21 received.

22 CHAIR WINNER: Right. And then we carried it
23 since we canceled the Golden Gate meeting and moved it --

24 MR. HAINES: Yes.

25 CHAIR WINNER: -- moved it here.

1 Is there a motion to approve?
2 COMMISSIONER ALFIERI: So moved.
3 CHAIR WINNER: It's been moved.
4 Seconded?
5 COMMISSIONER MAAS: Second.
6 CHAIR WINNER: Seconded.
7 Commissioner Auerbach?
8 VICE CHAIR AUERBACH: Yes.
9 CHAIR WINNER: Chairman votes yes.
10 Commissioner Alfieri?
11 COMMISSIONER ALFIERI: Yes.
12 CHAIR WINNER: Commissioner Maas?
13 COMMISSIONER MAAS: Yes.
14 CHAIR WINNER: Commissioner Solis?
15 COMMISSIONER SOLIS: Yes.
16 CHAIR WINNER: The motion carries unanimously.
17 Thank you, George.
18 MR. HAINES: Thank you.
19 (Colloquy)
20 CHAIR WINNER: Item number seven, Discussion by
21 the Board on a report from Los Angeles Turf Club, LATC,
22 regarding actions taken to address equine fatalities at
23 Santa Anita Park.
24 Tim, Belinda, who's going to speak?
25 MR. RITVO: Chairman, Vice Chairman, Members,

1 Directors, good morning. Tim Ritvo, Chief Operating Officer
2 of The Stronach Group. I've been in horse racing almost 40
3 years. Nearly everything I have in my life is because of
4 the horse.

5 What has happened here at Santa Anita this winter
6 has been very difficult for all of us, the horsemen, the
7 fans, the public, each of us at Santa Anita, and The
8 Stronach Group. Over the next few minutes, I have prepared
9 a brief summary of the events and the response of our
10 company. At the end of the day, we know nothing will bring
11 back the horses lost. But it is our responsibility to look
12 at each event separately and use collective knowledge gained
13 to move the sport forward together as a whole.

14 The horse must always come first. We have an
15 overall population of about 4,000 thoroughbred horses in
16 Southern California. Of those 4,000, it's been well
17 documented that 22 have suffered fatal injuries at Santa
18 Anita since our opening meet: 5 were on the turf; seven were
19 on the main track during racing; nine occurred during
20 morning training; and one horse suffered a cardiac event.

21 It is important to know that while the higher the
22 numbers got the attention of the media and public grew. We
23 started to pay attention at the beginning; it became our
24 primary focus.

25 Throughout the winter our outside experts have

1 continued to tell us that the cause of these injuries is
2 multifactorial. Horsemen are responsible for their horses
3 and we are responsible for the racetracks. One of the
4 largest departments in our annual budget is track
5 maintenance with millions of dollars spent annually on the
6 surface.

7 Santa Anita has experienced record rainfall in
8 2019. Nearly a foot of rain fell the first two months of
9 the year, versus an inch over the same period last year.
10 Despite the record rainfall and the near-record cold
11 temperatures, the team was confident that the track was in
12 good condition and safe.

13 After two training fatalities happened during the
14 morning of February 23rd, we spoke with our team, and after
15 discussions with others, felt the track was safe to run that
16 afternoon. The races were held without incident.

17 The following day, 173 horses worked on the main
18 track and the races ran that afternoon without incident as
19 well.

20 That afternoon, we made a decision to utilize the
21 generally-slower training days, Monday and Tuesday, to
22 extensively evaluate the track's surface. After informing
23 members of the CHRB, the horsemen and numerous trainers at
24 that time contacted me and asked us to reconsider the timing
25 and keep the track open for Monday, so they could work some

1 of their top horses. It was their firm belief that the
2 track was in good condition and their riders backed up their
3 opinion. My team was also confident and we siding on
4 caution to examine all possible scenarios.

5 Given the two days of safe racing and training, we
6 hoped that -- we honored their requests and adjusted the
7 time table and moved back the closure to Tuesday and
8 Wednesday.

9 That Monday, 125 horses worked over the main
10 track, including Kentucky Derby favorites Game Winner,
11 Implorable, Instagrand, as well as Big Cap favorite,
12 McKinzie. Sadly and unfortunately, one horse suffered a
13 catastrophic injury while working and was euthanized and it
14 was a very long night for me.

15 We closed the track after the injury and remained
16 closed Tuesday and Wednesday to conduct a comprehensive
17 review of the track.

18 Dr. Mick Peterson from the University of Kentucky,
19 who is the nation's foremost expert on track surfaces and
20 who has been working with Santa Anita for many years, flew
21 out to Arcadia to perform extensive onsite evaluation
22 testing, including ground-penetrating radar. The top
23 cushion of the track was peeled back to thorough examination
24 of the base.

25 After two full days of testing, Dr. Peterson said

1 he was not seeing any problems. And after consulting with
2 the industry stakeholders, he gave us the approval to reopen
3 the main track on Thursday, February 28th and resume
4 training.

5 Concurrently, Santa Anita formed a committee of
6 various industry stakeholders to evaluate track condition
7 and provide feedback from those riders over it and
8 maintaining it. This was done in an abundance of both
9 caution and collaboration and in conjunction with Dr.
10 Peterson's onsite testing. This committee, which includes
11 Commissioner Alex Solis, Santa Anita officials, horsemen,
12 and veterinarians meet weekly and audit the surfaces and how
13 they're performing.

14 On March 5th, another horse suffered a
15 catastrophic injury while training and was euthanized. We
16 announced that we were closing both Santa Anita's main track
17 and the training track indefinitely as we looked at all
18 possibilities and reasons for the spike in these injuries.
19 Both tracks were analyzed from the base to the cushion. And
20 because none of the injuries occurred on the training track,
21 that was reopened 48 hours later. The main track remained
22 closed to continue to analyze. Among the days lost was the
23 Santa Anita Handicap Day on March 9th, one of our biggest
24 days of the year but, again, the horses had to come first.

25 Santa Anita brought in Dennis Moore, a veteran

1 track man with over 40 years of experience and the
2 confidence of the Santa Anita horsemen, to evaluate the
3 maintenance procedures on the track. Dennis had retired
4 from Santa Anita last fall. Before Dennis left, he
5 consulted with me and recommended Andy LaRocco as Track
6 Superintendent. Andy has over 37 years of experience at
7 Santa Anita and worked alongside Dennis for many years.
8 Dennis's son, Rob Moore, who has 25 years of experience in
9 maintaining tracks in California, filled Andy's spot on the
10 maintenance crew. Andy lives just minutes away from the
11 track and had handled day-to-day track operations for
12 virtually all of Santa Anita's past track superintendents
13 for most of the last three decades.

14 At the same time Dennis and Mick were examining
15 the track, we were continuing to look at other possible
16 factors. As I said earlier, experts were telling us that
17 these were multifactorial injuries. We knew from the CHRB
18 postmortem exam last year, the program, that 87 percent of
19 the horses that had catastrophic muscular fatalities had
20 preexisting conditions. The vast majority of those
21 preexisting conditions were virtually clinically
22 undetectable. You literally had to see inside.

23 One of the measures we we're putting in place is a
24 commitment by The Stronach Group to invest in the purchase
25 of technology to do that. MRI machine, PET scan machine,

1 and CAT scans will give the trainers and the veterinarians
2 the best information they need to back up their decisions to
3 do right by the horse.

4 The majority of the breakdowns occurred in horses
5 that were very lightly raced, three-year-olds and four-year-
6 olds. These were not less inexpensive claiming horses.
7 It's extremely important to do everything we can do to help
8 protect and detect the preexisting conditions before these
9 become injuries.

10 To look further at horse racing and training, on
11 March 8th, Santa Anita instituted several new enhanced
12 protocols and procedures to help ensure the safety with the
13 goals of establishing a culture focused on putting the
14 health of the horse first. These protocols included: change
15 the morning training schedule so the first 15 minutes after
16 each break is reserved exclusively for horses working;
17 training mostly applied to the work -- and trainers must
18 apply to work in advance, giving the association an
19 opportunity to evaluate any horse who might pose a higher-
20 than-normal risk, for example, a horse that hasn't run in a
21 while; additional veterinarian observations in the morning
22 and at the entrance gaps; creation of a new position of a
23 Director of Equine Welfare to lead a rapid response team for
24 injuries.

25 We also took a hard look at our racing program.

1 There's been a lot of talk that we've been running a
2 different program here this year and we won't debate that.
3 But we tell -- but what I will do here is tell the facts.
4 Yes, we've been running more races, 19 more than last year,
5 but overall we actually ran less horses than we did last
6 year. We've been trying to spread out the purse money so
7 that 80 percent of it doesn't keep going to 20 percent of
8 the same owners. We were trying to spread it around to grow
9 the business.

10 An example is when we have a maiden race with 16
11 horses entered on a Saturday program. We might have split
12 that race eight and eight so that those two races would
13 outperform handle what the one race would have done itself.

14 And it has also created an additional race for an owner to
15 get in the Winner's Circle.

16 Continuing with our timeline, on March 11th and in
17 consultation with the industry stakeholders and independent
18 industry experts, both tracks were reopened with the
19 workouts remaining on the main track on Wednesday the 13th.

20 The same day, executives of The Stronach Group reorganized,
21 that the business as usual was just bad business.

22 On March 14th, we brought together industry
23 stakeholders to discuss the need for sweeping changes to
24 define a pathway to adopt strict International Federation
25 Horse Racing Authority standards, IFHA, which includes the

1 complete day -- ban of race-day medication. It is well
2 known that horses running under the IFHA Rules have
3 catastrophic breakdown rates of five times less than those
4 who don't. Those who don't includes every single racetrack
5 in America.

6 At this meeting all of the stakeholders agreed
7 that implementation of the IFHA Rules was a collective goal.

8 The only question was: Where and how do we reach that goal?

9 The following day the question of when was
10 answered. That morning, tragically, a filly broke down at
11 the finish line during a work. It's never easy when a horse
12 breaks down but the one -- this one was horrible. It
13 created a lot of anguish and outcry that no statement of
14 sympathy was going to quell and we all shared in that
15 anguish. This time the time to discuss change had expired.

16
17 The Stronach Group decided to take the lead,
18 knowing that many of the changes would be disruptive and the
19 path to putting them into effect would not be smooth.

20 Later that afternoon, our Chairman and President,
21 Belinda Stronach, published an open letter on the Future of
22 Thoroughbred Racing Industry in California. In the letter
23 she said, "We will wait no longer for the industry to come
24 together as one institution of these changes, nor will we
25 wait for the legislation required to undertake this paradigm

1 shift. The time to discuss why these events must take place
2 is over.”

3 Two days later after much debate and negotiations
4 and compromise the Thoroughbred Owners of California and The
5 Stronach Group reached a historical agreement that will
6 result in a systematic shift in how we do business and
7 evaluation as to how we care for the health and safety of
8 these animals.

9 The collective mandate enacted, the most stringent
10 medication policies in North America, the highlights are:
11 strict limitation on use of any pain or anti-inflammatory
12 medication treatment; the reduction of race-day usage of
13 lasix, known as lasix, to 50 percent of the current level;
14 and a complete elimination of all race-day medications with
15 the foal crop of 2018. It is our hope that the use of the
16 riding crop will be subject to the strickest rules of any
17 jurisdiction in the world.

18 With these changes in place and many more still to
19 be discussed, Santa Anita and the TOC agreed to reopen Santa
20 Anita on March 22nd. But due to the State of California’s
21 rules and in order to bring it before the CHRB, we had to
22 give a ten-day public notice. This brings us today.

23 We respectfully ask to continue with live racing
24 at Santa Anita tomorrow with the new rules and safety
25 protocols agreed upon with the TOC on March 16th.

1 I'm willing to answer any more questions at this
2 time.

3 CHAIR WINNER: Thank you, Tim.

4 Let me just begin by saying that regardless of how
5 one feels about the items on our agenda and the issues that
6 Tim raised, I can tell you, at least from my experience,
7 that Belinda Stronach, Tim and the whole Stronach Group team
8 has been working tirelessly in an effort to try to achieve
9 the objectives of what Belinda outlined in her letter. And
10 there is absolutely no doubt in my mind, regardless of how
11 one feels about the current situation, that there has been a
12 total and complete commitment on the part of Belinda and her
13 team, Belinda Stronach and her team, to do the right -- to
14 try to do the right thing.

15 Now again, I'm not commenting on any of the items
16 that we'll be voting on here today. I'm simply making that
17 point because I think they deserve thanks, at least from us,
18 for making the effort that they have been making.

19 Are there any other comments or questions?

20 VICE CHAIR AUERBACH: I did want to know one thing
21 that I think maybe -- I don't even know it was an oversight
22 or if you discussed it, about maybe having some kind of a
23 ban on running on a sealed track.

24 CHAIR WINNER: That's going to come up on the nine
25 item.

1 VICE CHAIR AUERBACH: Oh, is it?

2 CHAIR WINNER: Yeah.

3 VICE CHAIR AUERBACH: I'm sorry.

4 CHAIR WINNER: And what I'm going to do --

5 VICE CHAIR AUERBACH: I'm sorry.

6 CHAIR WINNER: -- you're absolutely right, what
7 I'm going to do is I'm going to move item number nine ahead
8 of item number eight so we can discuss the various issues
9 that are included in item number nine --

10 VICE CHAIR AUERBACH: I didn't realize --

11 CHAIR WINNER: -- which includes --

12 VICE CHAIR AUERBACH: -- it was here.

13 CHAIR WINNER: -- what you just raised.

14 VICE CHAIR AUERBACH: Sorry.

15 CHAIR WINNER: That's okay.

16 Okay, so any other questions for Tim Ritvo? Any
17 comments?

18 Okay, I'm going to move on then to item number
19 nine. Item number nine is a discussion -- and we'll come
20 back to eight. Item number nine is -- Mike, please.

21 MR. ROGERS: Can I just add something to item
22 seven?

23 CHAIR WINNER: Can you identify yourself?

24 MR. ROGERS: Yeah. Mike Rogers with The Stronach
25 Group.

1 After Timmy's comments here, if the Board doesn't
2 mind, I'd like to read into the record some of the comments
3 that we got from various stakeholders in the country
4 regarding these reforms we adopted. Is that okay for this
5 Board for me to read them?

6 CHAIR WINNER: Sure.

7 MR. ROGERS: So I'll start reading a couple that
8 we received.

9 The first one is, "We applaud The Stronach Group
10 for this announcement today to effect sweeping changes at
11 Santa Anita which will bring them on par with the strict
12 standards seen in major international jurisdictions around
13 the world." That was from Stuart Janney, the Chairman of
14 the Jockey Club.

15 Next one, "The IFHA, composed of racing
16 authorities and racing organizations from around all major
17 jurisdictions across more than 50 countries, has at its
18 correct mission to protect the safety of horses and riders
19 and ensure the integrity of our sport. An unwavering
20 antidoping policy in both training and during competition is
21 of the utmost importance to the safety and the welfare of
22 racehorses and the fairness of racing.

23 "I am in complete support of the actions and
24 decisions made by The Stronach Group to bring its medication
25 policies inline with international standards, notably, those

1 outlined in Article 6 of the IFHA International Agreement on
2 Breeding, Racing, and Wagering. Article 6 was drafted with
3 the input of racing regulators, veterinarians, chemists, and
4 administrators from around the world and has served as the
5 basis for medication regulation, enforcement, and testing
6 for racing authorities as the British Horse Racing
7 Authority, the French Gallop, the Hong Kong Jockey Club, the
8 Irish Horseracing Regulatory, the Japan Racing Association,
9 and racing in Australia, among others." Louis Romanet,
10 Chairman of the International Federation of Horse Racing
11 Authorities.

12 "It's about time. Congratulations to The Stronach
13 Group for doing something about the subject that many of us
14 have been talking about for a very long time. Hopefully all
15 other jurisdictions will come onboard to enable our industry
16 to gain the respect it deserves. I believe the horse and
17 the sport, much loved by all connected, will again be
18 embraced and loved by many. We must have uniformity and
19 integrity." Roger Attfield, Hall of Fame Trainer.

20 "It is about time racing in America catches up
21 with the rest of the world. I applaud The Stronach Group
22 for taking the lead." Jon Kelly, Director of Del Mar
23 Thoroughbred Club.

24 "Santa Anita has taken a courageous step. I hope
25 that this is the impetus for others to follow." Ted Basset,

1 Keeneland Trustee.

2 "This could be a defining moment for racing, long
3 overdue. Congratulations to Belinda Stronach. A much
4 overdue fearless move." Barry Swartz, Owner/Breeder.

5 "I applaud The Stronach Group's proactive decision
6 to ban race-day medication. It is a quantum leap in doing
7 what is right for our horses and the future of our
8 industry." Bill Casner, Owner/Breeder, WinStar.

9 "Belinda Stronach is to be commended for taking a
10 definitive lead and role in protecting the most valuable
11 asset, the thoroughbred racehorse, by boldly announcing the
12 plan to eliminate drugs in racing. Bravo." Barry Irwin,
13 Team Valor.

14 "It is 51 years since Dancer's Image was
15 disqualified from his 1968 Kentucky Derby win because of his
16 tactics of bute were found in the post-race analysis, which
17 has literally let the genie out of the bottle. As someone
18 who has covered international racing and breeding for 45
19 years, I totally support the efforts of The Stronach Group,
20 WHOA (phonetic) representative Bart Tonkel (phonetic), and
21 others to restore American racing to the international IFHA
22 standards prohibiting race-day medication." Bill Oppenheim,
23 Columnist.

24 "I am quite adamant about American racing no
25 longer having no drugs, no bute practice in racing. We can

1 do better." Neil Drysdale, Hall of Fame Trainer.

2 "I applaud The Stronach Group and Santa Anita for
3 taking such a strong stance against racing medication,
4 including lasix. I hope more racetracks around the country
5 follow suit for the good of the game." Chris McCarron, Hall
6 of Fame Jockey.

7 Just a couple more.

8 "I applaud The Stronach Group for keeping -- for
9 taking the first critical steps for the preservation of our
10 sport." Arthur Hancock, Claiborne Farms.

11 "We applaud horse racing integrity act and The
12 Stronach Group's plan 100 percent. It is the only way
13 forward. This is the first step we will need to change."
14 Michael Dickerson, Hall of Fame Trainer.

15 And there are many more.

16 CHAIR WINNER: Thank you, Mike.

17 Any questions for Mike?

18 Thank you.

19 I would be remiss if I didn't also thank, among
20 others, the Thoroughbred Owners, TOC, and their leadership
21 for working through this very difficult issue with The
22 Stronach Group. And I know the hours that Greg and the
23 leadership of the Thoroughbred Owners put in to reaching an
24 agreement that was not easy for them, and so I want to also
25 thank them.

1 Again, without taking a particular position, it's
2 just the point is I'm thanking them for the work that
3 they've done to try to do what's in the best interest of
4 racing. That's true of all the stakeholders that we've been
5 -- who have been involved in all of these discussions. But
6 certainly The Stronach Group and the TOC, who reached these
7 agreements that we'll be voting on shortly, deserve a
8 special thanks for their efforts.

9 Okay, I'm going to move on then to item number
10 nine, discussion by the Board regarding safety-related issues
11 and race meetings, including: weather-related track
12 maintenance procedures; maximum number of races allowed;
13 changes to medication regulations, which we've been
14 discussing; enhanced pre-race examinations; and staffing
15 requirement for track veterinarians.

16 This is for discussion only. There's no vote on
17 this item.

18 Tim, do you want to lead it off?

19 MR. RITVO: Yes. Thank you again, Chairman.

20 We've looked at all of these hard. We wanted to
21 look at ourselves as much as we looked at everything else in
22 the industry, to try to tie together. Everybody would love
23 a silver bullet on exactly what happened and why it
24 happened. And you know, when you look at the mixed mash of
25 different horses in different areas, the turf course and the

1 dirt course in the morning, we really struggled to try to
2 find one commonality. And we'd love to sit here and say,
3 well, this is what it was and it will never happen again.

4 But we've learned, definitely through the heavy
5 rains that we've had, that sealing the track and even for a
6 couple of days in a row where we've tightened it up, our
7 experts have told us the track is safe at two-and-a-half
8 inches and you should be fine to train over it. But you
9 know, we know that a five-and-a-half cushion harrowed is
10 probably better than a two-and-a-half inch.

11 So we're definitely considering plans in the
12 future on these rain days of almost being like the northeast
13 where they become snow days and we take a day off and we
14 really side on caution.

15 We're also looking at opportunities where maybe
16 where we seal the track for two days for rain and then all
17 of a sudden we open it up and we have 253 horses work the
18 next day, we may say, well, there's no breezing this day; we
19 have to wait an extra day for breezing.

20 So for sure from a track maintenance perspective,
21 those things are looked at.

22 But we continue to, you know, weigh in with our
23 experts, you know, Andy, Dennis, Mick Peterson on
24 composition mixture, testing and procedures, so those are
25 important to us.

1 Again, we look at our racing program; right? Do
2 we -- are we running too many races? Are we draining the
3 horse population too much? Those things will be looked at
4 very hard. But you know, once again, like I said a lot of
5 times earlier in my presentation is that we look at,
6 sometimes, a maiden special race on a Saturday with 16
7 horses in it and if we split it and have 8 and 8 and it's 11
8 races, we actually have the same amount of horses running
9 and giving more opportunity.

10 But we'll rethink those and look at those. We
11 take this all very serious to see how we can become better
12 and do things better for the best interest of the horse, the
13 horsemen and the game.

14 CHAIR WINNER: Tim, have you thought about -- one
15 of the things that's come up a lot to us, including some of
16 our meetings in Sacramento, have you thought not sealing the
17 track during rain conditions and just, as you said, calling
18 it, you know, a rain out and maybe making up those days at a
19 later time?

20 MR. RITVO: Yeah. I think, you know, I'd err to
21 the experts but, I mean, the idea of sealing it is so the
22 water can run off and not run of it, yes. Now they're
23 telling me, right, sealed is different than floated.
24 Floated is just, it's got a little bit more cushion. Where
25 they seal it, they really tighten it up. So we'd really

1 look at not training on sealed tracks anymore. Maybe
2 possibly running on floated tracks, maybe, depending on the
3 situation and how long that weather has persisted.

4 But you know, we've really got to continue to work
5 with the committee we've put together to be able to
6 diagnosis and look at conditions of talking to the people
7 that are on the horses, and the trainers, listening to them,
8 in cooperation with our entire track crew.

9 CHAIR WINNER: I have a number of cards here but
10 let me tell you that at the end of this discussion, I'm
11 going to refer this item with all of these issues to
12 Committee, which will be your Committee, Track Safety, the
13 Medication and Track Safety Committee, which is Vice Chair
14 Auerbach and Commissioner Solis. I'm going to refer these
15 items to that Committee. And then it will come up again,
16 probably at the next meeting or the meeting after that, or
17 there may be some issues whether or not the Committee wishes
18 to advise and recommend certain changes. That will come out
19 of that Committee, out of the Medication and Track Safety
20 Committee.

21 VICE CHAIR AUERBACH: I have a question for Tim,
22 if I might --

23 CHAIR WINNER: Yeah.

24 VICE CHAIR AUERBACH: -- before you get started.

25 CHAIR WINNER: Please do. Yeah. And that's why

1 (indiscernible).

2 VICE CHAIR AUERBACH: Okay.

3 CHAIR WINNER: Go ahead, please.

4 VICE CHAIR AUERBACH: I wanted to know, you made
5 mention of hiring someone to have the position of equine
6 medical director or whatever.

7 MR. RITVO: Welfare and Safety, yeah.

8 VICE CHAIR AUERBACH: Have you done anything in
9 that regard yet? Are you looking for somebody? Do you have
10 an outline of what you're looking for, what you need, what
11 you want?

12 MR. RITVO: We have a talented group of people
13 that we're looking at now and we're actually pretty close to
14 hiring one. We can't say at this time because these people
15 are employed in other areas but we have been talking. And
16 it's a really serious position that Belinda feels really
17 strongly about and it's a super-talented person in our --

18 VICE CHAIR AUERBACH: Are you looking for somebody
19 with a veterinary background, whether it's a vet or not a
20 vet but someone with that background?

21 MR. RITVO: These people all do have veterinarian
22 backgrounds.

23 MR. ROGERS: Equine veterinarian.

24 MR. RITVO: Yes.

25 VICE CHAIR AUERBACH: Yeah.

1 MR. RITVO: Yes.

2 VICE CHAIR AUERBACH: Well, we don't need a dog
3 veterinarian.

4 CHAIR WINNER: Right.

5 MR. RITVO: Yeah.

6 CHAIR WINNER: We need --

7 VICE CHAIR AUERBACH: Thank you.

8 CHAIR WINNER: -- dog veterinarians, but maybe not
9 for this purpose.

10 VICE CHAIR AUERBACH: Well, have you seen the
11 number of dogs out here at Clocker's? I mean --

12 CHAIR WINNER: Any other questions?

13 Rick, you wanted to make a comment?

14 EXECUTIVE DIRECTOR BAEDEKER: I just wanted to
15 remind the Board that whereas today we have three items that
16 either relate to the Board's authority under our current
17 rules to suspend medications which are coming up, also
18 authority to begin a rule changing process. But the Board
19 also has authority relative to some of these issues to
20 address them when an applicant comes to a Board to operate a
21 race meet, things like track maintenance, things like number
22 of races that will be run, types of races and so forth are
23 all matters that are included in a race meet application.

24 So as the Board continues its dialogue with the
25 stakeholders and each other, these winter meets, obviously,

1 will come back before the Board in the fall and some
2 decisions could have been made by that time for best
3 practices. And the Board has the ability then to condition
4 a race meet, approval of a race meet, on certain things.

5 Just wanted to make the simple point that not
6 everything involves starting a rulemaking process and having
7 to follow it through that rather lengthy bureaucratic
8 process.

9 CHAIR WINNER: Okay. That's understood, I think,
10 by all of the associations involved and the fairs.

11 Okay. Thank you, guys.

12 MR. RITVO: Thank you.

13 CHAIR WINNER: Matt Iuliano. Matt?

14 MR. IULIANO: On behalf of the stewards, members -
15 -

16 CHAIR WINNER: Could you introduce yourself, Matt,
17 please?

18 MR. IULIANO: Oh, I'm sorry. Matt Iuliano with
19 the Jockey Club. I'm the Executive Vice President and
20 Executive Director. And on behalf of the stewards, members
21 and management of the Jockey Club, I want to thank you for
22 this opportunity to address the CHRB today at this critical
23 time on these very critical matters.

24 The list of reforms proposed by The Stronach Group
25 receives the full support of the Jockey Club. The Jockey

1 Club has long advocated for dramatic reforms necessary in
2 our sport for the health and safety of athletes and for the
3 confidence of our audiences that the competitions are clean
4 and the sport is fair. These tenants are at the core values
5 of everything we do. The health and safety of the athlete
6 is nonnegotiable and horses should only be allowed to race
7 when free from the influence of medications or other
8 substances.

9 We believe that the health and safety and
10 medication rules are linked issues; improvement in one will
11 lead to better understanding and improvement in the other.

12 We commend The Stronach Group and its leadership
13 for their proposals which exactly reflect these principles
14 and reaffirm the critical importance they play in guiding
15 thoroughbred racing today but thoroughbred racing and
16 breeding well into the future.

17 Take care of the horse first and the rest will
18 follow suit. The Stronach Group's recommendations do
19 exactly that. These proposals are an important starting
20 point for a blueprint for national reform and we would
21 strongly encourage all other states that have authorized
22 pari-mutuel wagering to follow this bold leadership example.

23 These concepts are not foreign to the 125-year-old
24 company that I represent and are precisely at the heart of
25 our support of the Coalition for Horseracing Integrity and

1 their mission to reform on a national basis drug testing and
2 enforcement to a singular national standard that is on par
3 with international rules of racing, which are what you're
4 contemplating today.

5 This Board has a very rich history of regulatory
6 leadership and a very impressive list of nations first that
7 always places the horse first. This will be an important
8 vital step towards increasing transparency into the horse,
9 so this Board has better knowledge of the horses you're
10 charged with regulating.

11 As leaders, you are again being called upon today
12 to thoughtfully and with deliberation reset the bar to new
13 standards of excellence in regulation as reflected in these
14 proposals before you today. We support you in this effort.

15 These aims are entirely consistent with the reforms we seek
16 nationally and we welcome any opportunity to assist you.

17 Thank you.

18 CHAIR WINNER: Thank you very, very much.

19 Comments? Questions?

20 Thank you very much, Matt.

21 Moving on, Larry Swartzlander.

22 You have to introduce yourself again, Larry.

23 MR. SWARTZLANDER: Larry Swartzlander, Executive
24 Director of CARF.

25 I just wanted to make some general comments across

1 the board here, whether it's lasix, the riding crop,
2 racetrack maintenance. And what we've done on the fairs --
3 I've been with CARF since 1999. The first thing that I
4 observed when I walked in was racetrack maintenance. I
5 remember seeing the fairs on tv where you saw dust fly,
6 water on the track. And being an old farm boy, it's like
7 this has got to change.

8 And there's three ingredients that has made, at
9 least, the fairs successful in what we've done for racetrack
10 safety and maintenance.

11 Number one, we have \$3 million worth of equipment.
12 We put in over three-quarters-of-a-million dollars every
13 year for racetrack maintenance.

14 We have a Racetrack Supervisor, Steve Wood, who's
15 been with us for 19 years. Steve Wood is a consultant for
16 New Zealand, Australia, Canada, all over the world, Abu
17 Dhabi, Dubai. It's important to have a supervisor who's
18 been there for years. It's important to put amendments on
19 these tracks, sand, organics.

20 I remember years ago when they first introduced
21 Dupeta (phonetic) up at Golden Gate and they had the
22 individual up there talking about how Dupeta was going to
23 change dirt tracks. And it was very -- you know, he talked
24 about the sand and the sand had to come from Ohio, et
25 cetera.

1 And I just asked a simple question, "If I put in a
2 new racetrack, put in a French drain system, put in the
3 finest organics and we wanted to run over that track, how
4 would it compare to Dupeta?"

5 His comment was, "That's a good question?"

6 It takes the people. It takes interest. You have
7 to be -- persevere, constantly do that. We can impose all
8 the new regulations we want to.

9 Let's talk about fitness. I make sure that I am
10 very close to Dr. Spore (phonetic), Dr. Frosty Franklin, Dr.
11 Dooley (phonetic). These people are dedicated, they're
12 sincere of the horse safety. Those screenings had to be
13 done. The track has to be maintained. You can't cut costs.
14 You can't do anything in those areas.

15 And I think I applaud everything that's being
16 recognized here and move on. But again, it's the people,
17 too, at the tracks that implement these programs and
18 supervision and management, like myself. I can't say, well,
19 that's not important. There are certain things that are
20 important; race track maintenance, the procedures, the
21 screening of these horses.

22 There's not too much more I can say but, you know,
23 CARF, we haven't had a formal board meeting but we certainly
24 applaud everything that's being recommended here. We would
25 simply ask that, you know, the fairs, again, 40 percent of

1 our horses come from out of state. And these horses have
2 been in training, using the whip and lasix, and just a
3 drastic change would be drastic for the fairs.

4 A phased-in implementation of all these and
5 increased, I applaud, if you want more veterinarians on the
6 track, but I think that what we have there now is quite
7 sufficient. The state vets and the fitness vets, they do
8 their jobs.

9 But I'll agree with Mr. Ritvo about, you know, 80
10 percent of these injuries, you know, you can't see, the vet
11 can't see. Do we need to have some additional technology
12 employed here so that we can see these injuries that are
13 being masked?

14 That's all I have.

15 CHAIR WINNER: Thank you.

16 Questions?

17 All right, I'm going to ask for a five-minute
18 recess and then we'll reconvene and go to item number eight.

19 (Off the record at 11:25 a.m.)

20 (On the record at 11:40 a.m.)

21 CHAIR WINNER: Okay, we're going to get started
22 again.

23 The next item is item number eight. And let me
24 begin by saying, as we go through some of these items with
25 respect to the crop, the riding crop and medication, there's

1 been a lot of discussion, both at the track and in the media
2 and in conversation, about how house rules versus our rules,
3 versus the CHRB Rules. What we're dealing with today are
4 CHRB Rules; they're not house rules. Whatever The Stronach
5 Group wants to do or any other association does with respect
6 to house rules, that's for them to oversee and to enforce
7 should they choose to do that. But our rules are the actual
8 rules that will be followed by the CHRB, our stewards, our
9 vets, et cetera, just to clarify.

10 Okay, item number eight, discussion and action by
11 the Board regarding the proposed amendment to CHRB Rule
12 1688, Use of the Riding Crop, to limit the use of the riding
13 crop to protect the safety of the horse and rider.

14 Rob, are you going to speak on this?

15 MR. BRODNIK: Yes, thank you, Chairman. Good
16 morning. Robert Brodник, Staff Counsel, California Horse
17 Racing Board.

18 Item number eight addresses a proposal to change
19 our current Rule 1688 which provides for the use of the
20 riding crop. The proposed text would prohibit the use of
21 the riding crop in racing or training except when necessary
22 to control the horse for the safety of the horse or rider.
23 The punishment for riding contrary to this rule would be the
24 possible suspensions, fine, or forfeiture of the jockey's
25 purse.

1 CHAIR WINNER: The jockey's share of the purse?

2 MR. BRODNIK: Correct.

3 CHAIR WINNER: Correct language.

4 Okay, I'm going to call -- I have a number of
5 cards on this, obviously, so I'm going to just take them in
6 order and then the Board will discuss it. The Board,
7 obviously, will have the opportunity to ask questions of
8 anyone who speaks on the issue. And then the Board will
9 discuss it and then we'll eventually take a vote.

10 So let's start with Ruben Moreno.

11 Ruben, where are you?

12 MR. MORENO: Ladies and gentleman, my name is
13 Ruben Moreno. I'd like to address the Chairman here and all
14 the good Commissioners and all of you good folks that are
15 here. I want to take you back in time. I've got three
16 minutes to do this. We're going to do it real fast.

17 I'm 70 years old. In 1958, I was ten years old,
18 there was a futurity that was going to be run at Los
19 Alamitos racetrack and we had a participant in it. She was
20 really a big, pretty Quarter horse mare. Actually, she was
21 a Quarter horse filly, she was a two-year-old. She a little
22 bit on the lazy side and the way that we got her to do
23 things was just, we tried to entice her the best way we
24 could to get down that racetrack as fast as she could.

25 Well, consequently, as we trained this filly, now

1 I'm telling you, I'm ten years old but my father was the
2 actual trainer but I thought I was the trainer. And we
3 visited a lot and had a lot of discussions on the mare, on
4 the filly. And he would tell me, he says, "You know, she'll
5 run when that rider hand rides her but she'll give a little
6 bit extra when he goes ahead and catches her with that
7 stick." So I'm sitting there and I'm saying, okay, that's
8 part of the deal.

9 Well, they get to the finish line, they're going
10 350 yards, there's \$15,000 up, she prevails. She wins by a
11 scant nose. Well, I'm standing there with my father right
12 at the finish line, he's hollering at this good rider, he
13 says, "Get into her lefthanded just a little bit. Just get
14 into her a little bit lefthanded." The boy got into her a
15 little bit lefthanded, she won the race. She became a
16 wonderful mare. I mean, from there, she went straight up.
17 Our whole being, our whole livelihood changed that day with
18 just that tap of the stick on that good filly. She picked
19 up black type. She was just a wonderful brood mare. We
20 just -- our whole life changed with that one tap of the
21 stick.

22 So I just want you folks to know that these
23 horses, they're wonderful animals. They mean the world to
24 all of us. I've heard everybody, you know, tell everybody
25 how much they mean to us. But I can only tell you that I'm

1 70 years old and they have taken care of me all my life.

2 And I just want you to know that we have the greatest
3 appreciation for horses and we've done it all our lives.

4 And I just want you to know that we have the greatest
5 appreciation for horses and we've done it all our lives.

6 And I just want you to know from the bottom of our
7 heart that we need to -- when we start changing these rules,
8 these good Commissioner that we've got here, they need to do
9 me a big favor and they need to do the industry a big favor
10 and they need to get some of these good riders that are out
11 there, these good trainers that are out there, consult with
12 them, visit with them, talk to them. Don't just take
13 matters into your own hands and change rules. Visit with
14 these gentlemen. They're making a livelihood with these
15 horses. I've made a livelihood with these horses all my
16 life.

17 So please, just keep that in mind when we're
18 changing these rules and that's pretty much what I -- I
19 never dreamt that I would come up here and speak to you
20 folks but here I am. So know that the industry is taking
21 care of me and now I have to take care of the industry.

22 So everybody, please keep that in mind today when
23 we're visiting with these good Commissioners, okay?

24 So that's all I have to really say today, so best
25 of luck to everybody.

1 CHAIR WINNER: Any questions for Ruben? Okay.

2 Thank you, Ruben.

3 Shane Gusman.

4 MR. GUSMAN: Mr. Chairman, Shane Gusman on behalf
5 of the Jockeys' Guild. I'm going to defer my going first
6 with Tom Kennedy of the Jockeys' Guild. He's like to
7 present first.

8 CHAIR WINNER: Okay.

9 Tom, please. Do you want to come and sit at the
10 table?

11 MR. GUSMAN: Yeah. Can we sit there?

12 CHAIR WINNER: Yeah. Why don't you do that?

13 MR. KENNEDY: Good morning --

14 CHAIR WINNER: Good morning. Good morning, Tom.

15 MR. KENNEDY: -- Mr. Chairman and the Board
16 Members, my name is Tom Kennedy. I'm the General Counsel of
17 the Jockeys' Guild. With me today is Shane Gusman, our
18 California lobbyist, and Terry Meyocks, President and CEO of
19 the Guild. We obviously are here before you today with
20 regard to the proposed new rule on the use of the riding
21 crop.

22 First, let me say that the Jockeys' Guild Board of
23 Directors and all of its members fully understand the
24 gravity of the situation at Santa Anita and the need for
25 many of the reforms that have been discussed today.

1 Since its inception in 1940 the Jockeys' Guild has
2 been a tireless advocate for enhanced safety issues for both
3 the human and equine athletes. We were actively involved in
4 the refinements and adoption of the current Riding Crop
5 Rule, 1688, to reduce the impact of the use of the crop on
6 the horse.

7 It is important that the CHRB understand that
8 jockey lives, both literally and figuratively, are dependent
9 on the health and welfare of the equine athletes.

10 Today's cushioned riding crop is considered an
11 acceptable aid to horsemanship, to be used as a mechanism
12 for communication, encouragement to the horse, and to ensure
13 horse and rider safety without causing harm. The riders
14 believe that today's crop is safer for the horse and does
15 not compromise the horse's welfare.

16 When the current riding crop was introduced it was
17 strongly encouraged that the horses be subject to inspection
18 by a racing or official veterinarian looking for cuts, welts
19 or bruises on the skin and an adverse finding reported to
20 the stewards. And for the last ten years since the current
21 type of crop have been introduced the welts and cuts to the
22 horses that did occur with the prior crops have been
23 completely eliminated.

24 Unfortunately, at the time and since the current
25 riding crops were instituted, we as an industry did not put

1 forth our best efforts in educating the general public about
2 the modifications and the enhancements to the crop with the
3 energy-shock-absorbing padding. The Jockeys' Guild is
4 willing to continue the work with the CHRB and the industry
5 on public perception and to educate the public on the riding
6 crop safety for the horses.

7 The current CHRB rule has some of the most
8 stringent rules in the United States today. As it stands
9 now, you are a jurisdiction have promulgated what is the
10 most international-like rule with respect to the use of the
11 crop in the United States.

12 And what's interesting is that as we sit here
13 today the one thing we know is that the riding crop or any
14 use of the riding crop was not implicated in any of the
15 circumstances under which horses, unfortunately, died at
16 Santa Anita, so that we may be looking, as we sit here with
17 this package of improvements, that many of them are
18 implicated, we believe, or could have been implicated in
19 connection with these horses but the riding crop was not, so
20 that we are sweeping what we think is an issue that
21 shouldn't be linked with the medication and other matters
22 that may have caused problems together with the riding crop
23 and we're concerned about that.

24 And the proposed change to Rule 1688 is a very
25 drastic change in the manner in which racing has been

1 conducted, not only here in the U.S. for decades but
2 throughout the world. And that's especially significant
3 since once again the Breeders' Cup will take place at Santa
4 Anita in 2019 involving leading international horsemen and
5 jockeys.

6 And we are particularly concerned that the
7 extremely significant change that is being suggested in
8 connection with the crop has almost no factual support in
9 the materials that were provided to the CHRB Board Member
10 packet. If you look, we don't think that an adequate job
11 was done to review other findings that are important to
12 understand in connection with any decisions on the crop.

13 For instance, in 2011 the British Horse Racing
14 Authority had a responsible regulation, a review of the use
15 of the whip in horse racing. There was a substantial amount
16 of research went into this document and the brief
17 conclusion, one of the parts summarizing the study is that
18 the guide describes the acceptable use of the whip to be for
19 safety, correction and encouragement. And that is the
20 position of the Guild, that correction and encouragement are
21 equally important aspects of why the crop is an important
22 element of the racing equipment. And none of that is
23 included in the materials before you.

24 There was a lot of talk earlier today about the
25 IFHA and its rules with respect to medication and those are

1 beyond our particular spot as representatives of the
2 jockeys. But they also have promulgated in 2017. The IFHA
3 promulgated what it called Principles of Good Practice for
4 the Use of the Whip in Horseracing. And its preamble
5 reads, quote, "Used appropriately, the jockey's whip is
6 considered an appropriate aid to horsemanship and therefore
7 plays a role to in ensuring horse and rider safety as a
8 communication, corrective and encouragement aid."

9 So there is a lot of evidence out there suggesting
10 that limiting the crop to purely safety purposes is not
11 consistent with the rest of the world, not required as a
12 result of anything that's happened in California, and in our
13 view, primarily an issue of public perception.

14 We have a concern, also, that as I believe we've
15 communicated to the Chairman, several of our leading
16 California riders, including Mike Smith, Flavien Pratt, Joel
17 Rosario and Joe Talamo are not able to participate in this
18 hearing because they are riding at internationally-
19 significant races in Dubai.

20 We have not had an opportunity, given the speed
21 with which this has been brought on, to develop scientific
22 evidence that we wish to put before you in connection with
23 our position that the crop must be available to encourage
24 and communicate with a horse during a race.

25 And we ask you not to even start the process of

1 imposing a crop rule more restrictive of the current rule
2 without giving us a chance to present evidence to you in the
3 following areas.

4 First, the lack of any harm to the horse based
5 upon the current softer crops and crops that are being
6 developed that would be even less material with respect to
7 the horse.

8 Second is the need to utilize the current softer
9 crop to obtain a horse's maximum placing in a race. The
10 gentleman who spoke earlier was quite eloquent describing
11 that this is a tool that is important to ensure that a
12 horse's maximum placing occurs and that is something of very
13 much importance to the racing community, all of it
14 including, of course, to the betters that ultimately support
15 us.

16 Third would be the increased danger to the horse
17 and rider if crops are unreasonably restricted.

18 And the fourth is the interest of the betting
19 public in ensuring maximum and focused effort by each horse
20 in each race.

21 And the fifth is the effective means of educating
22 the public about these reasons for allowing the current
23 softer crops and even more horse-friendly crops that are
24 being developed to be part of racing.

25 We want to work with the industry to confront the

1 misperception of some members of the general public that the
2 proper use of crops harms horses. And we encourage the CHRB
3 to require the inspection of every horse after every race in
4 every race in California. That will provide a factual basis
5 for determining whether there is any need to adopt the
6 changes that are being proposed for Rule 1688.

7 We believe the CHRB needs to consider the interest
8 of all segments of the industry before starting down the
9 road to this major change in our rules. And any regulation
10 that is adopted must be, of course, in the interest of the
11 horse, enhance the perception of our industry, and protect
12 the interest of the owners, betting public, horsemen,
13 jockeys and tracks.

14 We need careful and thoughtful consideration for
15 the equine athlete that addresses how the use of the crop is
16 perceived by the general public. But in our view, this
17 proposed regulation does not reflect the level of research
18 or factual investigation that would need to be a predicate
19 before the process could be begun. And we note that in
20 several of the instances, especially on item nine, the
21 determination of the Board was that the issue would be
22 referred to a Committee. And we believe that is a sounder,
23 more appropriate, resolution of this issue.

24 We're not suggesting that it isn't always
25 appropriate to look at the way the crop is being used, both

1 for perception reasons, and because we do have to make sure
2 they're used properly. But to suddenly begin a process that
3 would severely limit the ability of a rider to use a crop,
4 we think, is unwarranted on the basis of the evidence now
5 before the Commission.

6 CHAIR WINNER: Thank you. Let me just respond to
7 a couple of things that you said.

8 First of all, you said that you know for sure that
9 the crop had nothing to do with any of the fatalities at
10 Santa Anita. Well, we don't know that for sure. If you
11 watch some of the tapes, the horses could have been -- the
12 horses that went down, in some cases the crop was, in the
13 morning, the crop was being, in my view, overused and could
14 have contributed to. I'm not saying it did, I'm saying it
15 could have. You took the position that none of them could
16 have been and I believe that's not an accurate statement.

17 The second point I want to make is that with
18 respect to the crop itself, just to be clear, at a prior
19 meeting, at a prior meeting of this Board, when the issue of
20 360 GT, which is the new whip that Mr. Dominguez -- the new
21 crop that Mr. Dominguez has put forward, your Guild
22 Chairman, Guild leader in California, who I think has done a
23 great job and I have the greatest admiration for, Darrel
24 Haire, said, but this is regarding the current crop, he
25 said, "But if you whip the horse with the side of the riding

1 crop, it could hurt, or even cut, the horse." He was
2 talking about the current cushioned crop. So he said that
3 if it's not used appropriately by the rider, and you know
4 that in a race a rider could use it improperly, so he
5 himself said that that could happen.

6 Furthermore, I want to make the point that
7 whatever we do here today, if we do pass a motion it goes
8 out, under state law, it goes out for 45-day public hearing.

9 We are restricted by state law to do certain things. And
10 one of the things that we must do is send out the motion, if
11 passed today, for a 45-day public comment, whatever motion
12 it is that's passed today, and then it goes through a
13 process with the administrative -- Office of Administrative
14 Law and so forth.

15 So all the things that you say were not considered
16 that you would like considered, those will all be -- you can
17 submit all of those things and you can come back and testify
18 and submit any information you want, scientific information
19 or otherwise, during that public comment period. The Board
20 will then have to vote again to accept whatever has been
21 recommended, to accept the rule as passed in the first
22 place, or amend the rule that was passed at that time.

23 So it isn't as though whatever we do, if we do
24 anything, is going to take effect immediately. Under state
25 law, it can't, that is that's statutory, under state law it

1 can't. It goes through a process. That process will allow
2 you and everyone else in this room and everyone else in the
3 public to submit whatever points they want to make, pro, con
4 or otherwise with respect to this rule during that period of
5 time.

6 And the only other thing I want to say, and you
7 mentioned it yourself, is that public perception is part of
8 what we're trying to deal with. It's very important to the
9 future of this industry, so we're talking about the safety
10 of the horse, the safety of the jockey, but among other
11 things, we're talking about public perception. You're
12 absolutely right, it's important, it's critical. It's
13 critical to the future of this industry in California and
14 that's what we have to be concerned about.

15 Other comments?

16 COMMISSIONER SOLIS: I do. I feel for all -- for
17 my peers but we're at a very critical time in horse racing
18 here in California and it breaks my heart.

19 One thing, if we don't have racing, what are we
20 going to do with the whips, if we don't have racing in
21 California? And we're talking about the future of
22 California racing, so I feel like we have to compromise one
23 way or another.

24 MR. MEYOCKS: Mr. Chairman, Terry Meyocks. I'm
25 the President of the Jockeys' Guild --

1 CHAIR WINNER: Yeah, Terry, go ahead.

2 MR. MEYOCKS: -- and we agree, and we're talking
3 about perception. We want to work with you all on the
4 perception, the optics, but also we want to, you know,
5 consider, you know, and we talked about maybe going to the
6 Committee or subcommittee of you all, and bring in the
7 horsemen, bring in the betting public and have that
8 discussion. We want to make sure the perception is taken
9 care of. We also want to be fair to the owners, to the
10 betting public, to the tracks, to the horsemen, and to the
11 riders and we want to come to like a fair conclusion.

12 CHAIR WINNER: Yeah. Again, there's a 45-day
13 period and we'll go -- that will happen. We can -- at the
14 end of the 45 days we could again refer it to Committee if
15 we chose to do it. It's a 45-day period. We may take
16 action today or we may not but the -- first of all, the
17 reason we referred the other items to Committee was because
18 they weren't agendaed for a vote today; this is. The other
19 items were not agendaed for a vote. You can only vote for
20 those things that are on the agenda to be voted -- for the
21 Board to take action on.

22 Commissioner Auerbach?

23 VICE CHAIR AUERBACH: Well, what I have a problem
24 with, and I'll be direct with you, is your approach. Your
25 approach is to come in here and tell us how to conduct our

1 business. And I find that a little offensive and I'll tell
2 you why.

3 If you think that we haven't had many, many
4 discussions and have done all of our due diligence, then you
5 are quite mistaken. We have done our due diligence.

6 And, oh, by the way, I was standing by the side of
7 the track when one of those unfortunate things happened and
8 watching someone who was perhaps not as skilled as they
9 should be, and I'm going to use terminology and I don't know
10 if it's appropriate or not, but going after a horse with a
11 whip when it was obvious that the horse in question had
12 nothing left to give, is something that I never want to see
13 again because it was inappropriate. And exuberance of
14 youth, for whatever reason, we don't want to see that. And
15 I know you don't either, I get that.

16 But to suggest that we address this nation which
17 loves dogs and cats and horses without addressing their view
18 on what goes on would be to not do what we are appointed
19 Commissioners to do. We are appointed to take care of
20 racing in California. And if we ignore the view of the
21 people of this state, we will all pay a very big price. We
22 won't be arguing about whips. And I know what Alex was
23 trying to say: we will not have the ability to have whips
24 because there will be no need for them because we will have
25 destroyed the industry by being viewed as not taking care of

1 our horses.

2 This is all about the horse. And when we take
3 care of the horse, we take care of the jockey. And when we
4 take care of the jockey, we take care of the horse, the
5 jockey, and the industry.

6 So please don't come before us and even hint that
7 we are not being thoughtful, that we are not being thorough,
8 that we are not being careful; we are doing all of those
9 things. And whether we pass this, don't pass this,
10 whatever, this is not going away. And we need to fix our
11 industry. And remember, what happens here will eventually
12 happen elsewhere.

13 So we are the forefront of trying to save racing.
14 And we would appreciate it if all of the members of the
15 community joined us in our efforts to make racing healthy
16 and modern and survivable in the current era. That's all
17 we're seeing.

18 MR. MEYOCKS: Can I mention, that's the reason
19 we're here for --

20 VICE CHAIR AUERBACH: Please.

21 MR. MEYOCKS: -- to work with you all to --

22 VICE CHAIR AUERBACH: Well, good because, Terry, I
23 just didn't --

24 MR. MEYOCKS: -- for the better of our industry.

25 VICE CHAIR AUERBACH: -- I just didn't get that

1 from that first statement. I got, well, let's obtiscate
2 (phonetic), let's put it off. No, we're not going to do
3 that. Whatever we do we're not going to put it off. We're
4 going to address head on and tell the People of the State of
5 California and the rest of this country that we care about
6 our horses. And we are not going to allow any perception
7 that says that we don't treat them in the very most careful
8 and most loving fashion and that's the message.

9 MR. MEYOCKS: On thing --

10 CHAIR WINNER: Can I just add to that, that we
11 have an obligation, also, to the elected officials of this
12 state. We are appointees. We represent the state. We
13 represent, among other things, the elected officials, the
14 officials that the voters voted for. And I can assure you
15 that there is a very strong feeling about this issue, more
16 than any other, among elected officials.

17 MR. MEYOCKS: But, Mr. Chairman, as many calls as
18 we've had the last two weeks with us and yourself and The
19 Stronach Group, and the members of the jockey colony here
20 have talked to The Stronach Group, and we were on the phone
21 with, whether it be Tim Ritvo or Mike Rogers, for the last
22 two weeks. We're trying to work out something in the best
23 interest of racing, you know --

24 VICE CHAIR AUERBACH: Then join us.

25 MR. MEYOCKS: -- and worldwide.

1 CHAIR WINNER: We know you are.

2 VICE CHAIR AUERBACH: Then help us.

3 CHAIR WINNER: We know you are.

4 MR. MEYOCKS: No. And we are but we'd like to see
5 what comes out of it a universal -- we can take this riding
6 crop policy throughout the world.

7 CHAIR WINNER: It can't be. Terry, let's be
8 honest, it can't be universal.

9 MR. MEYOCKS: I would agree with you --

10 CHAIR WINNER: Okay. It can't be universal.

11 MR. MEYOCKS: -- but why can't we try to be it?

12 CHAIR WINNER: Right.

13 MR. MEYOCKS: We've got people in the room that
14 could help, Matt Uiliano with the Jockey Club and IFHA
15 Guidelines we've developed.

16 CHAIR WINNER: Yeah.

17 MR. MEYOCKS: This world is so smaller today, we
18 could do something to make a difference.

19 VICE CHAIR AUERBACH: Well, then, I expect to see
20 you at my next Committee meeting with all this proof.

21 MR. MEYOCKS: I'll be more than happy to.

22 VICE CHAIR AUERBACH: Good.

23 CHAIR WINNER: All right, any other -- yes?

24 COMMISSIONER MAAS: I'd like to ask a question, if
25 I might? Because I, like many of my other Commissioners,

1 we've been bombarded with members of the public, political
2 officials, others, people who really don't care about
3 racing.

4 And to put this perception issue into focus, I'd
5 like to suppose to you something that's been posed to me
6 which is if your child was hit by a riding crop in school
7 and you went in to see the principal and you asked the
8 principal what happened and he said, well, it was a rounded
9 crop and it was soft and there were no welts and there was
10 no bruises but we needed it for control or discipline, who
11 would you feel? Would you want to establish a committee of
12 teachers or principals and take some time?

13 I mean, explain how I respond to someone who
14 approaches me with that question?

15 MR. KENNEDY: I don't think it's a well-drawn
16 parallel between children in school and horses. And the
17 reality is that the crop has been --

18 COMMISSIONER MAAS: I believe the public does
19 though.

20 MR. KENNEDY: Pardon? I'm sorry?

21 COMMISSIONER MAAS: I believe the public does.

22 MR. KENNEDY: Well, obviously, this is an issue
23 that has to be addressed. And the Guild position is that,
24 used properly, the crops should continue to be part of the
25 game and that it should be all of our mission to explain to

1 the public why that is not an inappropriate usage of the
2 crop.

3 CHAIR WINNER: Well, even if you could do that,
4 you don't have the resources to do it. Explaining to the
5 public in a state like California costs more money than this
6 industry is willing to spend, for sure, to try to persuade
7 the public on an issue like this. It's not possible. You
8 can't do it one on one. You can't do it through people who
9 come to the races. You can't do it with people who watch
10 TVG. They're not the people who count. It's not the people
11 inside the cocoon, it's the people outside of the cocoon
12 that count here in terms of the future of racing in this
13 state.

14 And it's just, everybody would love to do that. I
15 mean, we talked about this so long ago where we said at
16 every racetrack, let's have the new cushion crop up on the
17 wall and let people use it and see how it feels and so
18 forth. The fact of the matter is when people do use it and
19 see how it feels they don't feel the same way you do about
20 it and that's a fact. It's a hell of a lot better than the
21 one -- than the prior crop but it's not cotton. And even if
22 it was, when the rider is swinging away at the horse, it
23 doesn't even matter if it's cotton, it just looks bad.

24 So, all right, any other -- all right, I'm going
25 to call on some other people.

1 You can remain available and we'll -- you're
2 certainly welcome to come back and speak again, if you'd
3 like.

4 Terry, go ahead.

5 MR. MEYOCKS: Thank you very much. I appreciate
6 it.

7 CHAIR WINNER: And by the way, I just want to say
8 that I understand that, you know, Mike Smith and Joel and
9 Flavien and the riders who were in Dubai and couldn't be
10 here, I understand that, I appreciate that. I think we know
11 what they're view is but they're certainly welcome to weigh
12 in during the 45-day period and when this comes back before
13 the Board, if it does pass out of the Board today, and we're
14 always happy to hear from them. I think they know that.

15 We've made a real effort to always involve the
16 jockeys in the decisions that we've made, including inviting
17 them to the Stewards Committee meetings and having them
18 constantly have a role and a voice in what we do. We may
19 disagree on this, or maybe on other things, but we certainly
20 appreciate their voice and appreciate what they do and
21 appreciate the hazards that they go through to make this
22 race -- this industry work.

23 MR. MEYOCKS: We would appreciate that, as well
24 as, you know, from the thoroughbred riders but, also, we
25 can't forget the Quarter horse jockeys as well.

1 CHAIR WINNER: Yeah.

2 VICE CHAIR AUERBACH: That's right.

3 CHAIR WINNER: Yeah, we can't.

4 Shane Gusman?

5 VICE CHAIR AUERBACH: There you go.

6 CHAIR WINNER: Oh, Shane, sorry.

7 MR. GUSMAN: I don't have any more to add.

8 (Indiscernible) pressure that you all are under the whole
9 industry is under and want to help, we really do. And that
10 was -- whether it was expressed appropriately or not, we are
11 here to participate in the process. We want to come up with
12 the best rule possible. We offer our services with Mr.
13 Baedeker or whoever wants to reach out. We will work with
14 you with language as this process moves along.

15 CHAIR WINNER: Thank you. And I know you always
16 have. Thank you very much.

17 Kathy Guillermo?

18 MS. GUILLERMO: Thank you. Is that on? Thank you
19 very much. My name is Kathy Guillermo. I'm with PETA,
20 People for the Ethical Treatment of Animals.

21 There's been a certain amount of talk here today
22 about us and them, about the perception of racing, about
23 people in racing and people outside of racing. I grew up
24 going to racetracks. But more importantly, in the last ten
25 years, I've been educated by people in your industry. I

1 thank you all here today for your leadership in discussing
2 these issues.

3 Every video investigation we have ever done has
4 been prompted by credible information from whistleblowers. I
5 take five and six phone calls a day from people on the
6 tracks and from people who have left racing as trainers or
7 owners disenchanted with what they've found.

8 People inside racing might think that not striking
9 a horse is a radical move but the public, as you've just
10 been discussing, sees it as visible and obvious cruelty.
11 The public may not follow the ins and outs of lasix use but
12 they see horses dying and they see horses being hit.

13 The 2018 McKinsey Report, which analyzed
14 thoroughbred racing, found that 50 percent of casual fans
15 would stop betting if they knew horses were mistreated and
16 new fans specifically objected to the use of the whip. Only
17 22 percent of the public has a positive impression of
18 racing. The racing industry is constantly talking about
19 improving its image to the public. Well, you can't do that
20 if you keep whipping horses who supposedly love to run.

21 There's already been a compromise in allowing the
22 jockeys to carry the whip and to use it as a safety device
23 and a correctional device. Sanctioning obvious physical
24 abuse should not be a compromise.

25 PETA has 700,000 supporters in California. We've

1 never paid anybody to come to a protest. In fact, we've
2 asked people not to protest when we've seen the racing
3 industry moving in the right direction.

4 How many people in California would defend
5 whipping? Not many.

6 Racing will adapt to a whipping ban; the betters
7 will factor it in, the jockeys will adjust. And the irony
8 here for me is that I'm giving the industry advice that may
9 help it to survive in a world that has just become
10 intolerant of abuse. And I take calls every single day, as
11 I said, from your industry from people who hate the drugs,
12 they hate the exploitation, and they hate the whip.

13 Whipping is the most visible sign of that abuse
14 that I hear about from people every day. It's the most
15 obvious proof that horses aren't willing participants.

16 So again, I thank you for allowing me this moment
17 to speak, for talking about these very important measures,
18 and I thank you The Stronach Group for proposing them.

19 CHAIR WINNER: Thank you.

20 Questions? Comments?

21 Alex, did you?

22 COMMISSIONER SOLIS: Yeah, I have a question.

23 If these rules passes will PETA support our
24 industry on their websites?

25 MS. GUILLERMO: Well, I don't think PETA will

1 every support any industry that uses animals to make money.

2

3 But I will tell you something. I've been working
4 for ten years and I haven't said, end racing. What I have
5 said is get rid of the drugs, get rid of the whipping, get
6 rid of the abuse.

7 We never wanted to have a campaign against horse
8 racing. I started working for PETA because I don't think
9 animals should be experimented on. We got pulled into this
10 industry because we couldn't ignore the phone calls from the
11 public and the phone calls from the people inside racing.

12 So you'll have -- your enemies will be fewer if
13 you adopt these rules.

14 CHAIR WINNER: Any other questions or comments?

15 Thank you.

16 MS. GUILLERMO: Thank you very much.

17 CHAIR WINNER: Belinda Stronach.

18 MS. STRONACH: Good morning everyone, Mr.

19 Chairman, the Board, and to the team members or staff that
20 have proposed this progressive reform to the crop rule.

21 It's a great honor to be here on behalf of my family as the
22 owner of this great racing company, this great racing
23 platform, but it's also a great responsibility to stand
24 here.

25 In some ways, I am -- you know many of my other

1 family members much better and I've always been in the
2 background when it comes to the horse racing business. When
3 I grew up as a kid, I went with my father to the track and
4 he did his thing, I did my thing with a couple of the other
5 daughters from some of the trainers. And we roamed around
6 the track and ate lousy hot dogs and I really got turned off
7 by witnessing the breakdowns. I didn't want to go anymore.

8 And the rest of my family continued on at the
9 dinner table, looking at the pedigree books, talking about
10 the horses, and eventually I went in another direction; I
11 went the automotive route, a different kind of horsepower.
12 And then eventually when things progressed and the family
13 got out of automotive, I stepped out of that business, as
14 well, and got involved in racing.

15 And I first got involved more so alongside the
16 team and the former CEO, Alon Ossip, and I said, look, in
17 order to get new people interested in our sport, this
18 platform has to modernize. We have to engage people in a
19 different way and that means we have to look at our venues
20 differently, we have to curate them in the right way that
21 people all right interested in coming, we have to look after
22 the guest experience, we have to invest in modern technology
23 so we can communicate with the people in the way that they
24 wish to be communicated, and we have to offer a compelling
25 and competitive experience. And we are very privileged and

1 fortunate to have great racing content and wagering licenses
2 to accompany that experience.

3 So that has been my focus in the past couple of
4 years working together with a very committed and excellent
5 team at The Stronach Group. As these unfortunately and
6 heartbreaking events evolved in the recent weeks, obviously,
7 my focus turned and it became solely here at Santa Anita and
8 I've been working here with the team in the recent couple of
9 weeks.

10 After the first series of breakdowns and during
11 the initial closure we started meeting with stakeholder
12 groups because, as all of you know, our sport revolves
13 around an ecosystem, and it's a stakeholders' sport. So we
14 started discussing the issues with all of the stakeholders
15 to look at every single aspect, and that is with the owners,
16 with the trainers, with the veterinarians, with the jockeys,
17 and those that are involved in our sport and care deeply
18 about it.

19 As these discussions continued and there was
20 another, a very unfortunate, and even more heartbreaking
21 moment when Princess Lili B was training. Fox television
22 was here filming that incident. Bob Baffert was on the
23 camera being interviewed about the track being open and
24 ready and in great condition. And then we all witnessed
25 that breakdown and we all felt like we got punched in the

1 gut. We literally felt sick to our stomachs.

2 We went back into the office and we said we have
3 to demonstrate now to the public and to our customers, to
4 our fans, that we are serious about horse welfare, jockey
5 welfare, and creating the right foundation for this sport to
6 exist and thrive in the future. That is why we pulled
7 together and advanced the reforms that we had been talking
8 about in an open letter to the public to demonstrate our
9 commitment.

10 The days that followed, and I have to commend Nick
11 Alexander and Greg Avioli from the TOC, we had some tough
12 discussions and I appreciated the frank discussions we had,
13 but we all came together and we formed an agreement
14 regarding the very progressive reforms around no race-day
15 medication to adopt and be consistent with the IFHA
16 standards.

17 So I commend the relationship and the way we
18 worked together to be able to achieve that. And I commend
19 the Board and Chuck Winner for working alongside with us and
20 being a great soundingboard to where we wanted to go during
21 a very short period of time, in a very short period of time.

22 The next step is perhaps an even more sensitive
23 subject but it is one that we hear the most about and that
24 is the use of the crop. And we call it a crop because a
25 whip sounds more -- it sounds worse, so we call it a crop.

1 After we announced the adopted reforms, together
2 with the TOC, our team, Tim Ritvo and myself, we went to
3 Sacramento to meet with various legislators to explain what
4 is going on at Santa Anita and what we intended to do about
5 it. We met with the Attorney General and about eight
6 legislators that day, and including the staff from the
7 Governor's Office. And we had a lot of explaining to do.

8 But we also stated that we're very committed to
9 these reforms, we're very committed to -- we're in this for
10 the long haul to make racing in California at our two
11 racetracks the best in the world, and we are committing to
12 doing that. We're committing to -- we're committed to
13 working together with all the stakeholders to demonstrate
14 that we do have the best racing in the world. We care for
15 horses and we're going to do the right thing on behalf of
16 the horses and the jockeys.

17 Change can be scary, I get it, and I really do
18 respect the various comments made from the various
19 stakeholder groups. I know change is difficult but I also
20 believe when you take a principled stand and you make change
21 for the better and for the right reasons, and demonstrate
22 that we're committed to doing the right thing and regain
23 public confidence, that we will end up in a better position.

24 Maybe I can turn for a moment to Jerry Bailey sent
25 us a letter. He couldn't be here today. And I won't read

1 the whole thing but we'll submit the whole thing for the
2 record. And Jerry wanted us to read the letter but I'm only
3 going to read a portion because it's very lengthy. So if
4 you'll permit me, I will do that now.

5 And Jerry says,

6 "To The Stronach Group, by way of introduction, my name is
7 Jerry Bailey. I was a thoroughbred jockey for 31 years.
8 I'm a member of the Racing Hall of Fame and since my
9 retirement from active racing in 2006 have been a Television
10 Racing Analyst for ESPN and, currently, NBC Sports.

11 "One of the reforms -- one of the new reforms proposed by
12 TSG is limiting the use of the riding crop solely for
13 corrective safety measures. I firmly believe that the use
14 of the riding crop had absolutely nothing to do with the
15 equine catastrophic injury problem at Santa Anita. I do not
16 believe that limiting the use of the riding crop as proposed
17 will do anything to prevent such occurrences in the future.

18 "Nevertheless, I do feel that the time has come to accept
19 such changes. The optics to the general viewing public of
20 jockeys violently striking their mounts is surely not what
21 our sport wants to promote and the time has likely come to
22 change that.

23 "So as not to sound hypocritical, I will be the first to
24 admit that during my career I overused the whip on many
25 occasions and would likely have been against these changes

1 if I was still an active rider. But viewing the sport from
2 a different seat and with the understanding that our culture
3 has changed dramatical
4 "I will concede the point that some horses will not put
5 forward their best effort without being forced to. But I
6 also believe racing, without the use of the whip, will still
7 be competitive and race times will be very similar to what
8 they are understand current conditions. I believe the
9 benefit to the public perception of our sport will outweigh
10 the concerns a jockey would have when riding under the new
11 proposed constraints.

12 "Having ridden over 31,000 races, I do not recall needing
13 the whip to control my mount for safety reasons more than a
14 few times. I certainly believe it was less than one percent
15 of the time. I wouldn't totally disagree if jockeys wanted
16 to keep the whip for safety reasons but the reigns are the
17 best tool for control.

18 "Also keep in mind that some jockeys could be tempted to go
19 beyond that in order to win, so there's also the additional
20 option of taking the whip away entirely.

21 "As I stated, times have changed.

22 "Sincerely, Jerry Baily."

23 I would like to conclude by thanking Chairman
24 Chuck Winner, the Board, and the team at the CHRB for
25 writing this progressive rule change. We at The Stronach

1 Group and I myself, I am committed to helping to see that we
2 can get this rule implemented as soon as possible and put
3 into regulation.

4 Thank you.

5 CHAIR WINNER: Thank you very much, Belinda.

6 Comments? Questions?

7 Yes, please, Commissioner Maas.

8 COMMISSIONER MAAS: So --

9 CHAIR WINNER: Hold on. Hold on.

10 COMMISSIONER MAAS: I'd just like to ask a
11 question, if I might, before we start the motion. Mr.
12 Chair, can I ask just a question of our stewards, just out
13 of curiosity, on the whip rule?

14 CHAIR WINNER: The stewards? You want Darrel
15 McHargue?

16 COMMISSIONER MAAS: Darrel. Darrel. I'm sorry.

17 And I've just been curious about this as somebody
18 who likes exotic bets and is always upset at jockeys that
19 don't prosecute a race in the Superfecta for fourth, and you
20 take the whip away, I'm just curious from a steward's
21 perspective, how do you supervise a jockey who is not
22 prosecuting a race, and how do you intend to do that?

23 MR. MCHARGUE: Darrel McHargue, Chief Steward for
24 the California Horse Racing Board.

25 It is possible to encourage a horse without ever

1 touching a horse. You can flag a horse, which is showing
2 him the whip. There are going to be horses that aren't
3 going to perform their utmost and if they're not, they're
4 struck with a whip. However, we're all stewards of the
5 game. And we've heard loud and clear today, the game is
6 changing, and that perception is one of the biggest things
7 that we face now.

8 So the stewards will enforce whatever rule is on
9 the books. And there is a way to encourage a horse without
10 ever striking him with a whip --

11 COMMISSIONER MAAS: Thank you very much.

12 MR. MCHARGUE: -- or a cop.

13 CHAIR WINNER: Yeah, crop.

14 COMMISSIONER MAAS: Correct.

15 CHAIR WINNER: All right, is there -- do you want
16 to read the motion? Does Staff recommend a motion as
17 amended?

18 EXECUTIVE DIRECTOR BAEDEKER: Well, Mr. Chairman,
19 I'll read the proposed language that you had submitted that
20 is a little different than what is in the Board book. This
21 is a change, if you're looking at the proposed language on
22 page 8-3, this is a change to the bottom of it where it
23 eliminates Paragraph C, then it begins, "If a jockey rides
24 in a manner contrary to this rule" and is replaced by a new
25 Paragraph C that says -- let me read what that says, first

1 of all, the original language.

2 It says, "If a jockey rides in a manner contrary
3 to this rule the mount may be disqualified and the jockey
4 may be suspended or otherwise disciplined by the stewards,"
5 and we gave you subsequent language that said, "If in the
6 opinion of the stewards the misuse of the crop resulted in
7 the horse achieving a better placing," and that would relate
8 to that disqualification language.

9 There is new proposed language that the Chairman
10 has submitted that replaces that. It says, "If a jockey
11 rides in a manner contrary to this rule: number one, the
12 jockey may be suspended or fined by the stewards; number
13 two, the jockey's share of the purse shall be forfeited if
14 in the opinion of the stewards the unauthorized use of the
15 crop caused it to achieve a better placing."

16 Commissioners, we're talking about a situation
17 that can be looked at, obviously, from the perspective of
18 the rider but also the owner, trainer, and the player. And
19 if, as a matter of fact, a jockey decided, or even
20 accidentally, to ride contrary to these restrictions and the
21 horse responded and had an advantage because of that, it
22 would be no different than what the stewards look at now
23 when there is interference in a race and a horse achieves a
24 better placing or another horse is cost a better placing, so
25 that's the purpose of that alternative language.

1 COMMISSIONER MAAS: I'll make a motion to move the
2 alternative language.

3 CHAIR WINNER: Okay, there's a motion. Is there a
4 second?

5 VICE CHAIR AUERBACH: I'll second it.

6 CHAIR WINNER: Okay. Moved by Commissioner Maas,
7 seconded by Vice Chair Auerbach. Is there discussion? Any
8 discussion?

9 VICE CHAIR AUERBACH: I'm just, I'm a little
10 confused about what you said, Rick. I mean, we've moved it
11 and seconded it but you didn't get down to what that
12 actually would mean in terms of the better and in terms of
13 the rider.

14 So can we take a minute and talk about that?
15 Because I think we should.

16 EXECUTIVE DIRECTOR BAEDEKER: So the first version
17 basically said if a jockey rides in a manner contrary to the
18 rule and uses the riding crop, say at a critical time in the
19 race, the example I use is you have three horses head-and-
20 head at the 16th pole and one of the riders decides to use
21 the crop and his horse inches clear of the others, the
22 stewards then would make a decision if the use -- the misuse
23 of the crop, in this case, the unauthorized use, caused that
24 horse, his horse, to achieve a better placing? And if they
25 decided that that was the case, the original language says

1 that that horse can be disqualified.

2 VICE CHAIR AUERBACH: And this, the new, the
3 language that we just approved, says that the horse would
4 not --

5 CHAIR WINNER: We didn't approve it; there's a
6 motion.

7 VICE CHAIR AUERBACH: -- or that we're -- the
8 motion that was made and that I seconded would refer to the
9 fact that if that particular instance occurred you would to
10 disqualify the horse?

11 CHAIR WINNER: Right.

12 VICE CHAIR AUERBACH: You would -- it would mean
13 that the horse and the ownership and the betters who bet on
14 that particular horse would still benefit from what
15 happened? The person who would be held responsible would be
16 the rider?

17 EXECUTIVE DIRECTOR BAEDEKER: Correct.

18 VICE CHAIR AUERBACH: Okay. I want to make sure
19 that people get the difference --

20 CHAIR WINNER: That is the --

21 CHAIR WINNER: -- in what we're talking about.

22 CHAIR WINNER: That is the motion.

23 All right, is there any more discussion? Okay.

24 COMMISSIONER ALFIERI: Commissioner Alfieri?

25 COMMISSIONER ALFIERI: This is a vote?

1 CHAIR WINNER: This is a vote.

2 COMMISSIONER ALFIERI: Aye.

3 CHAIR WINNER: Commissioner Maas?

4 COMMISSIONER MAAS: Yes.

5 CHAIR WINNER: Commissioner Solis?

6 COMMISSIONER SOLIS: Yes.

7 CHAIR WINNER: Chairman votes yes.

8 Commissioner Auerbach?

9 VICE CHAIR AUERBACH: Yes.

10 CHAIR WINNER: Motion carries unanimously.

11 Again, I want to make the point that under state

12 law, under statute, this matter now goes out for 45 days for

13 public comment and it has to go through the process.

14 What I am going to do is I'm going to ask Staff to

15 move this item to the top of the list of what they're

16 working on so that it can go to the Office of Administrative

17 Law more rapidly, at least to expedite the process, but

18 there is still a process which we have no control over, it's

19 statutory.

20 So if you, you know, if you go to the races in the

21 next few days or next week or next month, this law will not

22 be in effect because it can't be under state law. It will be

23 in effect as soon as it can be if it is again voted upon

24 when it comes back to the Board and the Board again votes on

25 it or amends it, that's when it will become law,

1 essentially, but not now.

2 VICE CHAIR AUERBACH: And I --

3 CHAIR WINNER: We'll move it as quickly we can.

4 VICE CHAIR AUERBACH: And I really want to
5 encourage the riders. I really want to encourage them to
6 join us in working with this and seeing how -- I don't know
7 what we can do but I think that we really need to figure it
8 out together, I don't want there to ever be a perception
9 that we're not listening because we are, and see if we can
10 figure it out a way that everybody is more comfortable with
11 what's going on. And really hope you will.

12 CHAIR WINNER: And I just want to say one other
13 thing and just out of respect and fairness.

14 The leadership of the Jockeys' Guild is about as
15 good as it gets. I mean, these are people who are totally
16 dedicated. They're dedicated to the safety of the horses.
17 They're absolutely dedicated to the health and safety of the
18 jockeys. We all know what these riders go through and how
19 difficult it is for them. And every day, they put their
20 life in their hands to benefit the rest of us who enjoy the
21 sport.

22 So this is not a reflection on the Guild. It's
23 not a reflection on the jockeys. I can't tell you how much
24 I respect what they do and how well they do it.

25 We work every day with Darrel here; he's

1 fantastic. He represents his members incredibly well. And
2 there's nobody -- I mean, Darrel will come to us more often
3 than not with ways to improve safety of the horse.

4 So we're not -- I know this is a difficult time,
5 especially for the riders, but I agree with Madeline. I
6 agree with Vice Chair Auerbach, we want to work with you,
7 you want to work with us, let's do the right thing going
8 forward. And I know we have a difference of view on that
9 but maybe we can work it out.

10 EXECUTIVE DIRECTOR BAEDEKER: Just to follow up,
11 Mr. Chairman, on what you said, just to be absolutely clear,
12 this proposed rule is now going to go through the regulatory
13 process. Therefore, for the owners, the trainers, and
14 particularly the riders, at this point, nothing has changed.

15 The rule that has been on the books will still be enforced
16 by the stewards, the rule that says that the crop cannot be
17 used more than three times in succession without giving the
18 horse a chance to respond, no change at this point in that
19 rule.

20 CHAIR WINNER: Okay.

21 We're going to move on. Item number ten,
22 discussion and action by the Board regarding the Board's
23 authority to transfer a race meeting or a portion of a race
24 meeting to another track if necessary as authorized pursuant
25 to Business and Professions Code Section 19489.

1 Rob, is this -- are you going to speak on this,
2 Rob?

3 MR. BRODNIK: Yes, Chairman. Thank you. Robert
4 Brodnik, California Horse Racing Board.

5 Chairman, Commissioners, item number ten addresses
6 the Board's absolute authority under the California Business
7 and Professions Code to authorize the transfer of the race
8 meeting to another track in situations where the current
9 track has become unsuitable for racing because of certain
10 situations, such as a catastrophe. This authority, under
11 the law, does require the consent from both the licensed
12 track and the track where the meet would relocate to.

13 Staff placed this item on the agenda to provide
14 the Board the authority to act today to give the parties the
15 ability to act quickly in the future should such a need
16 arise.

17 CHAIR WINNER: Is there any discussion on -- I
18 don't have any cards on this item.

19 Does anybody want to comment on this item?

20 Is there any discussion?

21 COMMISSIONER ALFIERI: I think it's a great option
22 to have --

23 CHAIR WINNER: Would you like to move it?

24 COMMISSIONER ALFIERI: -- without going through
25 the whole process --

1 CHAIR WINNER: Right.

2 COMMISSIONER ALFIERI: -- or the ability to do it
3 immediately.

4 CHAIR WINNER: Would you like to move?

5 COMMISSIONER ALFIERI: I'll move to approve item
6 number ten.

7 CHAIR WINNER: Second?

8 COMMISSIONER MAAS: Second.

9 CHAIR WINNER: Commissioner Maas.

10 VICE CHAIR AUERBACH: I knew you -- I could see by
11 your face, you didn't know --

12 CHAIR WINNER: Oh.

13 VICE CHAIR AUERBACH: -- what we were --

14 CHAIR WINNER: I'm sorry, Eric.

15 VICE CHAIR AUERBACH: -- talking about, so --

16 MR. SINDLER: Eric Sindler on behalf of The
17 Stronach Group.

18 Our question is: What is being moved? If the
19 statute is already enacted by the legislature, I'm not sure
20 what is being voted on.

21 EXECUTIVE DIRECTOR BAEDEKER: What's being voted
22 on is the statute gives the Board the authority to move a
23 race meet from one track to another with the approval of the
24 licensed race meet and the approval of the racetrack that
25 would then accept the race meet to be run there, so the

1 sending track and the receiving track.

2 Here's the thought on this. If that situation
3 arose, as everybody is, by this time, well aware, notice
4 would have to be given by this Board of a meeting to be held
5 ten days in advance, and that's presuming that all the Board
6 members could be there. So rather than be faced with an
7 industry that wanted to do this, the existing licensed rate
8 meet agreed that it wanted to move its race meet to another
9 location and the other location agreed to take it, if the
10 parties agreed then the motion today would be to approve
11 such a move, conditioned upon the approval of those two
12 parties.

13 And the law is clear that the race meet can be
14 moved to another location in the same area. In this case
15 Staff's interpretation of that would be either Los Alamitos
16 or Del Mar in the central and southern zone.

17 MR. SINDLER: Okay, so just to be clear, the only
18 thing that's being approved is in the future if there's a
19 situation and if the track that would lose its license
20 agrees --

21 CHAIR WINNER: Absolutely.

22 MR. SINDLER: -- then only if? Okay.

23 CHAIR WINNER: It basically prevents the problem
24 of, if everybody agreed but we couldn't do it because of the
25 regulations that require ten days public notice and getting

1 a quorum for a meeting, even though you want -- let's assume
2 it was your track that wanted to do it or wanted to receive
3 it and the other track wanted to do it or receive it, it
4 couldn't happen because of the sort of regulatory problems,
5 the hurdle that we'd have to face. This eliminates that
6 hurdle.

7 MR. SINDLER: Got you.

8 CHAIR WINNER: Okay? Thank you.

9 COMMISSIONER ALFIERI: Mr. Chairman, I have a
10 question.

11 CHAIR WINNER: Yes.

12 COMMISSIONER ALFIERI: This applies, also, to the
13 fairs? It applies to any race course?

14 CHAIR WINNER: It applies to any race meet.

15 COMMISSIONER ALFIERI: Right.

16 CHAIR WINNER: Yeah.

17 COMMISSIONER ALFIERI: Any meet. Any meet.

18 CHAIR WINNER: Anyone who has the dates.

19 COMMISSIONER ALFIERI: Right.

20 CHAIR WINNER: Yeah.

21 COMMISSIONER ALFIERI: That's what I thought.

22 CHAIR WINNER: Okay. It's your motion.

23 COMMISSIONER ALFIERI: Yes.

24 CHAIR WINNER: It's been seconded.

25 Yes, Rob, did you want to say something?

1 EXECUTIVE DIRECTOR BAEDEKER: You might want to
2 make it specific.

3 MR. BRODNIK: I just wanted to be clear, is the
4 motion to limit just to this race meet, not to every race
5 meet in the future but just to this?

6 CHAIR WINNER: Yeah, that's a good point.

7 EXECUTIVE DIRECTOR BAEDEKER: Yeah. Yeah.

8 CHAIR WINNER: Well, yeah, let's be clear.

9 COMMISSIONER ALFIERI: Well, for this year.

10 CHAIR WINNER: This particular motion, this
11 particular item, relates only to this race meet. Other race
12 meets will be presented --

13 COMMISSIONER ALFIERI: Okay.

14 CHAIR WINNER: -- at future times but this relates
15 to this race meet.

16 COMMISSIONER ALFIERI: Got it.

17 CHAIR WINNER: So we're only talking about if
18 something should happen between now and whatever it is, June
19 25th or whatever, the end date is of this meet. And if The
20 Stronach Group agreed and Del Mar and Los Alamitos,
21 whatever, agreed --

22 COMMISSIONER ALFIERI: Got it.

23 CHAIR WINNER: -- then we could act immediately.

24 COMMISSIONER ALFIERI: I got it.

25 CHAIR WINNER: That's really what we're talking

1 about here. Okay?

2 The motion is on the floor.

3 COMMISSIONER ALFIERI: Yes.

4 CHAIR WINNER: Seconded.

5 Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR WINNER: Commissioner Maas?

8 COMMISSIONER MAAS: Yes.

9 CHAIR WINNER: Commissioner Solis?

10 COMMISSIONER SOLIS: Yes.

11 CHAIR WINNER: Chair votes yes.

12 Vice Chair?

13 VICE CHAIR AUERBACH: Yes.

14 CHAIR WINNER: Okay. The motion carries

15 unanimously. Thank you.

16 Moving on then to item number 11.

17 And by the way, for you folks that were wondering

18 what issues the public cares about, you might notice that

19 all the cameras or most of the cameras have packed up and

20 left because the discussion of the crop rule is over.

21 That's what the public cares about. Hopefully they care

22 about some of these other things that we're working on, as

23 well, but that one is the one that the media knows they care

24 about the most.

25 VICE CHAIR AUERBACH: It's amazing because we

1 haven't even taken a vote on getting racing started and they
2 just disappeared, so that's really unique.

3 CHAIR WINNER: Okay, let's go on to item number
4 11, discussion and action by the Board regarding the
5 proposal to suspend one or more medications authorized in
6 CHRB Rule 1844, Authorized Medication, for all horses
7 participating in a horse race meeting at Santa Anita Park
8 and/or Golden Gate Fields pursuant to CHRB Rule 1844.1,
9 suspension of Authorized Medication.

10 Dr. Arthur, are you going to speak on this?

11 EQUINE MEDICAL DIRECTOR ARTHUR: Yes, I am, Mr.
12 Chairman. I'm Dr. Rick Arthur, Equine Medical Director.

13 1844.1, Suspension of Authorized Medication,
14 allows the Board to suspend authorized thresholds for those
15 medications or endogenous substances authorized in Rule
16 1844. The goal moving forward is to be consistent with IFHA
17 International Rules as expressed in Article 6 in the IFHA
18 International Agreement.

19 Dr. Benson, who is with me here today, and I both
20 sit on the IFHA Prohibited Substance -- or Advisory Council
21 on Prohibited Substances at the IFHA. We're very familiar
22 with the IFHA rules. And, as I think most people in the
23 industry know, I have supported international rules for a
24 long time.

25 Our review of CHRB 1844, which is consistent with

1 the National Uniform Medication Program, is that with the
2 exception of nonsteroidal anti-inflammatory drugs and
3 steroidal anti-inflammatory drugs, also known as
4 corticosteroids or cortisones, 1844 is consistent enough
5 with IFHA Article 6 relative to the corresponding screening
6 limits published by the IFHA that we only need to address
7 those two very important classes of drugs, that's the
8 nonsteroidal anti-inflammatories and the corticosteroids.

9 To be clear, the other major outlier between the
10 CHRB and IFHA Article 6 is race-day furosemide. Furosemide
11 is not authorized in Rule 1844 and therefore cannot be
12 suspended under 1844.1. The furosemide issue will be
13 addressed later with other actions that are similarly --
14 that similarly cannot be addressed using 1844.1 but I'll let
15 Staff Counsel explain those when we get to them.

16 I will list the currently authorized threshold
17 medications for which authorization will be suspended for
18 the Golden Gate Fields -- the remainder of the Golden Gate
19 Fields and Santa Anita meets if the Board agrees.

20 For steroidal anti-inflammatories: 1844(c)(1),
21 phenylbutazone; 1844(c)(2), flunixin; 1844(c)(3),
22 ketoprofen; 1844(f)(5), diclofenac; 1844(f)(7), virocoxine
23 (phonetic). For steroidal anti-inflammatories, or the
24 corticosteroids, that will be -- authorization will be
25 suspended, that's: 1844(f)(1), betamethasone; 1844(f)(4),

1 dexamethasone; 1844(f)(10), methylprednisolone; 1844(f)(12),
2 prednisolone; 1844(f)(13), triamcinolone acetonide;
3 1844(f)(16), isoflupredone.

4 These are the medications for which we need to
5 suspend authorized threshold levels to be consistent with
6 IFHA Article 6. All are anti-inflammatories, either
7 steroidal or nonsteroidal.

8 The other authorized levels, we believe, are
9 consistent with IFHA screening limits. Those remaining
10 could be considered drug residues or horse health-related
11 issues, such as the anti-ulcer medications.

12 I'm here for any questions. And I've asked Dr.
13 Benson to join me. She just headed up a Regulatory
14 Veterinarians Conference just six weeks ago where we
15 actually compared and contrasted the IFHA and National
16 Uniform Medication Policy Regulations. So if you have any
17 questions, either one of us can answer.

18 And I don't know if Dr. Benson has anything to
19 add?

20 DR. BENSON: The only thing I would add is from
21 our --

22 CHAIR WINNER: Can you just --

23 DR. BENSON: I'm sorry.

24 CHAIR WINNER: Yeah.

25 DR. BENSON: Dr. Dionne Benson from the Racing

1 Medication Testing Consortium.

2 The only thing I would add is that these changes
3 really do put us in step with the international community.
4 It will make the interchange of horses internationally
5 easier. You will be much closer to all of their
6 international regulations. And truly, these two areas are
7 areas that can have an impact on the appearance and the
8 ability of trainers and veterinarians to observe horses and
9 make sure that they are appropriately ready to run. So
10 these certainly, while they may not have prevented any
11 breakdowns that have occurred, they certainly will allow us
12 to better judge the horses as we look at them.

13 CHAIR WINNER: Thank you.

14 Rick?

15 EQUINE MEDICAL DIRECTOR ARTHUR: We've had this
16 discussion many times before. Horses don't talk to us, so
17 it's really incumbent upon us to be able to evaluate the
18 soundness of those horses.

19 CHAIR WINNER: Maybe your horses don't talk to
20 you.

21 EQUINE MEDICAL DIRECTOR ARTHUR: But anti-
22 inflammatories, the key sign is you look for signs of
23 inflammation. And both nonsteroidal and steroidal anti-
24 inflammatories really make it difficult for not only the
25 examining veterinarians but the trainers of those horses and

1 the jockeys to know what the real condition of the horse is.

2 And that's why we've been working to lower these for the
3 last several years.

4 So you know, these are certainly reasonable steps.
5 We've met with trainers, we've met with veterinarians here
6 at Santa Anita. I think we're as prepared as we can be.
7 I've consulted with Dr. Knych and Dr. Muller at the
8 laboratory. We think we're in a position to properly apply
9 the changes that we're proposing here.

10 CHAIR WINNER: I'm sure that everyone in the room
11 is very familiar with every one of the drugs that you
12 mentioned listed there, so we'd be prepared to vote on them
13 as you mentioned them.

14 Is there any discussion?

15 VICE CHAIR AUERBACH: I have a question --

16 CHAIR WINNER: Yes.

17 VICE CHAIR AUERBACH: -- for Dr. Benson.

18 Please tell everybody where you're from and what
19 you do. And by the way, thank you for helping during time.
20 We've really -- we've needed you and thank you very much.
21 I see you out here every morning. I know how hard you've
22 worked and I think that everybody out here should know that.
23 So please share with us.

24 DR. BENSON: Thank you. It is truly my pleasure
25 to be able to help, really. That is one of the things that

1 the organization I work for does.

2 The Racing Medication Testing Consortium is a
3 nonprofit (microphone feedback) -- excuse me -- that's
4 located in Lexington, Kentucky. We deal with
5 recommendations on the usage and policies of medication, as
6 well as the testing that's done in the laboratories. We
7 accredit your lab at University of California Davis, among
8 eight others in the United States. We also help to develop
9 many policies. Some of the policies that you're going to be
10 discussing at your meeting, your Medication Meeting,
11 including the trainer recordkeeping rule, those are policies
12 we've developed.

13 So really, our overall arching goal is to protect
14 the horse, meaning we put the horse first, the integrity of
15 the sport, and the safe of the jockeys are really our three
16 goals in racing. And because I'm a vet, I put the horse
17 first.

18 So thank you.

19 CHAIR WINNER: Thank you.

20 By the way, I also want to thank, for their help
21 in understanding and working with all of those people
22 involved in these difficult issues and changes, I want to
23 thank Alan Balch and Jim Cassidy and the trainers at CTT for
24 everything that they've done with respect to all of these
25 issues.

1 All right, there are other speakers who would like
2 to speak, so if you'd like to stay there so you can answer
3 these questions, perhaps better than any of us can, if there
4 are questions that arise.

5 Susan Branch?

6 I also have an Allen Branch. Is that -- are you
7 guys related or are they totally separate?

8 MS. BRANCH: He's my husband. We're --

9 MR. BRANCH: I know her vaguely.

10 MS. BRANCH: But we don't always agree on every
11 subject, so I think he should be allowed to speak for
12 himself.

13 My name is Susan Branch. I'm a resident of
14 California and I've been a licensed horse owner for almost
15 20 years. In addition to racing, my husband and I breed
16 horses in California and in Kentucky.

17 I wrote a letter to the CHRB last week when I
18 looked at the notice of meeting. I don't know if you've had
19 a chance to read it but I know Mr. McDonough has copies of
20 it. And it outlines some of my issues and concerns, maybe
21 better than I can articulate them here.

22 My first concern is the process that is being used
23 to bring items 11, 12 and 13 to you for action. I can say
24 with a fair amount of confidence, having practiced law for
25 18 years as a government attorney, that California law does

1 not really contemplate what has happened here.

2 A corporate owner of a track threatens licensed
3 participants, horse owners, and trainers that if they do not
4 agree to change existing rules and regulations it will close
5 the track and they would not be permitted to earn an living.

6 And then when it took some time for a notice, they closed
7 the track, even though it had been pronounced safe.

8 California law requires that public policy be
9 enacted in public, not behind closed doors, and with fair
10 notice of the new policies and a significant opportunity for
11 the public to comment, as you noted in the prior item when
12 you adopted a rule that would be -- allow for a 45-day
13 comment period.

14 Before this hearing, Ms. Stronach is quoted in the
15 Blood Horse as saying, "This is a complete revision of the
16 current medication policy for thoroughbred racing. We have
17 worked through the implementation of this groundbreaking
18 model with our stakeholders and the California Horse Racing
19 Board."

20 My immediate question is: Is this hearing just for
21 show?

22 The public has only had ten days of notice that
23 changes to these regulations will be enacted. And I must
24 say, I was confused at reading what kind of action you were
25 going to take with item 11. It does not mention any

1 medications. It doesn't mention the new standards. So how
2 can we meaningfully comment to you? Because we don't know
3 or we didn't know until today what the changes would be.

4 It seems to me that doesn't meet the process
5 requirements of California law, which I think are
6 thoughtful. It doesn't want us to rush to decisions to make
7 regulations, or remove them, without taking some time to
8 listen, to listen to people who own horses, who have
9 experiences that may effect the decisions that you make,
10 giving opportunity for experts to weigh in on the issues.

11 And so I think this is too soon. You haven't
12 allowed a fair opportunity.

13 I know that TOC met with the management but they
14 didn't talk to their owners before they made the decision
15 and made the agreement, so they don't really know what we
16 think.

17 Because I understand from Dr. Arthur that this
18 does not -- this particular item does not address lasix,
19 I'll save some of my comments for later if that's
20 approximately, or I can move on to my other comments if you
21 don't want to hear from me again.

22 CHAIR WINNER: It would be best if your lasix
23 comments come at item 13 which is the lasix issue on the
24 agenda.

25 MS. BRANCH: Okay. Lasix wouldn't be involved in

1 item 12?

2 EXECUTIVE DIRECTOR BAEDEKER: No.

3 CHAIR WINNER: No, it is not.

4 MS. BRANCH: Okay. Thank you. I really would
5 urge you to take time --

6 CHAIR WINNER: Thank you.

7 MS. BRANCH: -- greater time before you consider
8 this item.

9 CHAIR WINNER: Thank you.

10 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, if you
11 think it's appropriate, I'll read the authorization, the
12 authorizing language in our --

13 CHAIR WINNER: Yeah, please do.

14 EXECUTIVE DIRECTOR BAEDEKER: -- Rule 1844.1,
15 which is Suspension of Authorized Medication. "After a
16 public meeting that has been noticed in accordance with
17 Government Code section 11125(a)," which is this meeting,
18 "the Board may, for cause, temporarily suspend the
19 authorized administration to a horse entered," (clears
20 throat) excuse me, "the authorized administration to a horse
21 entered to race of any drug, substance, or medication that
22 is otherwise permitted under Rule 1844, Authorized
23 Medication."

24 I think the authority of the Board to act in this
25 instance couldn't be more clear.

1 CHAIR WINNER: Rob, did you want to --

2 MS. BRANCH: The only comment I would say is that,
3 and I don't want to argue, I'll certainly not do that, is
4 that it was not clear from your notice what medications you
5 were talking about. It wasn't. I reread it three times
6 while I was sitting here this morning. It didn't list
7 anything so how would we know what the changes were? I
8 think that's the part that's the problem.

9 MR. BRODNIK: And I'll just -- Robert Brodник,
10 California Horse Racing Board, just to make a comment on the
11 validity of the notice. We believe the notice was pursuant
12 to our requirements.

13 The notice did clearly state that the Board has
14 the authority to suspend any medication listed in 1844. And
15 as Dr. Arthur delineated, all those medications are spelled
16 out in 1844. So it's only limited to those medications and
17 that's the authority of the Board.

18 EQUINE MEDICAL DIRECTOR ARTHUR: And certainly the
19 Board, the way it's noticed, could suspend all 33 --
20 authorization for thresholds for all 33 of the drugs listed
21 under 1844. You don't have to take my recommendation on
22 just limiting the suspension to the 11 drugs I've
23 identified. So I'm just, certainly, making this
24 recommendation based on my evaluation of IFHA Article 6 and
25 where there's compatibility between IFHA screening limits

1 and our thresholds. So it's up to the Board whether to take
2 that recommendation.

3 I think Dr. Benson has come to the same
4 conclusion. I've certainly consulted with her on this.

5 But again, the way it's proposed, you can suspend
6 authorization for all of those substances. But I think
7 limiting it to the 11 that we've identified, the anti-
8 inflammatories, makes it simpler. It certainly allows the
9 horsemen, the trainers and the veterinarians an
10 understanding to treat horses with, which are really
11 residues for the most part with the other drugs, except for
12 maybe some anti-ulcer medications, to not change all of the
13 processes at this particular time.

14 The key are the anti-inflammatories. Those are
15 the big differences.

16 CHAIR WINNER: And this only applies to this meet?

17 EQUINE MEDICAL DIRECTOR ARTHUR: This only applies
18 to Santa Anita and --

19 CHAIR WINNER: Golden Gate.

20 EQUINE MEDICAL DIRECTOR ARTHUR: -- Golden Gate
21 for this meet. And the next, you know, item is a different
22 issue.

23 CHAIR WINNER: Okay. Any further discussion? Is
24 there a motion?

25 VICE CHAIR AUERBACH: So moved.

1 MR. BRODNIK: Hold on.

2 VICE CHAIR AUERBACH: Oh, wait.

3 CHAIR WINNER: Yeah, that's what I thought.

4 VICE CHAIR AUERBACH: We have to -- writing the
5 motion as we speak. Oh, you've got to do something with
6 your handwriting.

7 I move to suspend the authorized administration of
8 1844(c) (1), 1844(c) (2), 1844(c) (3), 1844(f) (1), 1844(f) (4),
9 1844(f) (5), 1844(f) (7), 1844(f) (10), 1844(f) (12),
10 1844(f) (13), 1844(f) (16 for the remainder of the Santa Anita
11 and Golden Gate Fields race meet to begin immediately.

12 CHAIR WINNER: Okay, I second that motion.

13 Any discussion?

14 Commissioner Alfieri?

15 COMMISSIONER ALFIERI: Yes.

16 CHAIR WINNER: Commissioner Maas?

17 COMMISSIONER MAAS: Yes.

18 CHAIR WINNER: Commissioner Solis?

19 COMMISSIONER SOLIS: YES.

20 CHAIR WINNER: Chairman votes yes.

21 Vice Chair?

22 VICE CHAIR AUERBACH: Yes.

23 CHAIR WINNER: Motion carries unanimously.

24 Going on then to item number 12, maybe a little
25 more controversial, discussion and action by the Board

1 regarding the proposal to suspend one or more medications
2 authorized in CHRB Rule 1844, Authorized Medication, for all
3 horses participating in all licensed horse race meetings for
4 12 months pursuant to CHRB Rule 1844.1, Suspension of
5 Authorized Medication.

6 Rick?

7 EXECUTIVE DIRECTOR BAEDEKER: So we're really
8 talking about the same issue here. The question now is --
9 the Board has already acted relative to the current meets
10 here at Santa Anita and Golden Gate Fields. Now the
11 question before the Board is whether or not to apply these
12 same suspensions to any other breeds, any other race meets
13 in the state, and including up to the permitted 12 months.

14 CHAIR WINNER: And also let me add to that that
15 any motion on this would require, in my view, a probably
16 two-week period in which the horsemen the veterinarians at
17 other tracks, other than this one, could be informed about
18 the changes in the rules, because there's no way -- they
19 don't know about them like the people at Santa Anita and
20 Golden Gate do, in order for these rules to be, if passed,
21 in order for them to be implemented?

22 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah, if the
23 Board wants to move forward, I would actually suggest that
24 you limit it until December 25th of this year for all the
25 other meets, if you want to do that.

1 The only -- the other issue would be we only have
2 in harness racing, I can't remember, I think there's only 7
3 to 12 more race days, if that; I would exclude those. We
4 haven't had a fatality in racing for musculoskeletal injury
5 in harness racing in four or five years. But we do need to
6 give the horse men at Los Alamitos fair warning. We've
7 certainly communicated with the veterinarians and trainers
8 at Santa Anita and Golden Gate as best as we could but we
9 would need time to apprise them.

10 VICE CHAIR AUERBACH: And what is the appropriate
11 timeframe?

12 EQUINE MEDICAL DIRECTOR ARTHUR: Well, we have
13 told them that some of these drugs can stick around for over
14 two weeks, so we need to give them at least 14 or 15 days
15 notice on it. So I think if you -- if you wanted to start
16 in 15 days, I think that would be fine. But to give them --
17 I don't know if they really understood that they were under
18 -- you know, they may be subjected to this. Just remember,
19 our next Board meeting is April 18th, so we're talking about
20 four or five days' difference if you wanted to hold this
21 over. I'm fine either way.

22 I certainly can communicate as best I can with the
23 veterinarians and trainers at Los Alamitos, go down there
24 and have a meeting, if that's what the Board wants to do.
25 But you know, it's probably easier for the laboratory to

1 have one rule for all tracks or one procedure for all tracks
2 going forward, so the sooner we can get this moving the
3 better.

4 CHAIR WINNER: Okay.

5 Now, there's a motion on the floor and a second.
6 In order to have other people speak on it, and I know now
7 there are a number of other people who may want to speak on
8 it, I'll withdraw the second so that we'll be able to hear
9 from public -- hear from the public before we go back to
10 having a discussion.

11 EXECUTIVE DIRECTOR BAEDEKER: You didn't make a
12 motion on 12, did you?

13 CHAIR WINNER: Oh, I'm sorry, that was on 11.

14 VICE CHAIR AUERBACH: Yeah.

15 CHAIR WINNER: You're correct.

16 EXECUTIVE DIRECTOR BAEDEKER: We finished 11.

17 CHAIR WINNER: My error.

18 EXECUTIVE DIRECTOR BAEDEKER: Yeah.

19 CHAIR WINNER: We didn't make a motion on 12 yet;
20 it was only 11.

21 VICE CHAIR AUERBACH: It's been a long meeting.

22 CHAIR WINNER: It's a long meeting. All right.
23 Greg Avioli?

24 MR. AVIOLI: Greg Avioli, TOC.

25 We're not in the position to support the expansion

1 of this rule for the full year period. And (indiscernible),
2 maybe it's my bad, I didn't really understand that was going
3 to be the process today. It was agendaed. I thought it was
4 going to be an either/or with the last motion.

5 The reason we can't support is that we haven't
6 talked about it yet with either -- with any of the effected
7 racetracks. So one of the reasons that we were able to get
8 up and support item number 11 is we had detailed
9 conversations with Belinda and her management team and we
10 were in agreement. We haven't had the first conversation
11 about this with Los Alamitos, with CARF, or with Del Mar.

12 So I expect in time, I would agree with Dr.
13 Arthur, that will be the right procedure to get everybody on
14 the same rules in California. I just think timing-wise,
15 today, we're not prepared to support it.

16 CHAIR WINNER: Mr. Avioli and Mr. Liebau, who
17 wants to speak on it, let me just do this to cut this short,
18 I'm going to move this agenda item to the April 18th
19 meeting.

20 MR. AVIOLI: Okay.

21 CHAIR WINNER: And that will give you time to do
22 exactly what you're talking about.

23 MR. AVIOLI: Thank you, Mr. Chairman.

24 CHAIR WINNER: Thank you.

25 Going on to item number 13, discussion and action

1 by the Board regarding approval of an agreement, pursuant to
2 CHRB Rule 1581, Racing Secretary to Establish Conditions,
3 between the -- this is an agreement between The Stronach
4 Group, TSG, and the Thoroughbred Owners of California, TOC,
5 regarding entry conditions involving medication to be
6 implemented by Los Angeles Turf Club, LATC, and Pacific
7 Racing Association, PRA, at Santa Anita Park and Golden Gate
8 Fields, respectively.

9 Who's going to speak on this? Do we have -- Eric,
10 are you going to speak on this? Maybe, Greg, also, if you'd
11 like?

12 What we're voting on here is the approval of an
13 agreement between the parties.

14 EXECUTIVE DIRECTOR BAEDEKER: That's right, Mr.
15 Chairman.

16 So the association, with the approval of the
17 horsemen, can come before the Board and request to insert
18 language into the conditions of a race, and that's what
19 they're here to discuss with the Board. Their approval
20 brought to the Board then requires your approval for them to
21 stipulate different medication restrictions within their
22 conditions.

23 CHAIR WINNER: Eric, go ahead.

24 MR. SINDLER: Good morning. Eric Sindler on
25 behalf of The Stronach Group.

1 CHAIR WINNER: It's not morning anymore, Eric. Go
2 ahead.

3 MR. SINDLER: Oh, wow, it is -- yes, it is good
4 afternoon at this point.

5 So, yes, Mr. Baedeker accurately addressed the
6 issue. A lot of the medication reforms that was agreed to
7 in agreement with the TOC has been addressed in the previous
8 agenda item. All that is now left is a condition of the
9 race that a horse will enter with five CCs or less of lasix
10 and would not have had, and I'm going to butcher the word,
11 but interarticular something --

12 MR. AVIOLI: Interarticular.

13 MR. SINDLER: -- thank you, injection for the
14 previous 14 days.

15 CHAIR WINNER: Okay. And again, just for
16 clarification, this only involves this year. It does not
17 involve -- I mean, you might have read in various
18 publications or heard on television or had discussions
19 around the racetrack or with others about the future of the
20 use of lasix. This only involves going from ten CCs to five
21 CCs. That's really all we're dealing with here; correct,
22 Greg?

23 MR. AVIOLI: That's out understanding, yes, sir.

24 CHAIR WINNER: Okay. Do you want to introduce
25 yourself and --

1 MR. AVIOLI: Yeah.

2 MR. BRODNIK: Mr. Chairman, if I may really
3 quickly? Robert Brodnick, California Horse Racing Board.
4 It's through the end of their race meet.

5 CHAIR WINNER: Yeah, through the end of their race
6 meet. That's all I mean.

7 MR. AVIOLI: Yeah. This is Greg Avioli, TOC.
8 That's accurate. That's --

9 CHAIR WINNER: Race meets, both race meets.

10 MR. AVIOLI: Both meets Golden Gate --

11 MR. BRODNIK: Yes, Golden Gate Fields and Santa
12 Anita's race meets.

13 CHAIR WINNER: Yeah.

14 MR. AVIOLI: So we have entered into the
15 agreement. A copy of it's right here and it's accurate and
16 we support it.

17 CHAIR WINNER: Okay. Any discussion amongst the
18 Board? All right.

19 There are others who want to speak on this issue.
20 Craig Fravel, Breeders' Cup.

21 Hi, Craig, again.

22 MR. FRAVEL: Mr. Chairman, Craig Fravel, Breeders'
23 Cup Limited. I love coming to California. I don't so much
24 coming out for occasions like this one when I know my
25 friends here in California have had a very difficult time

1 over the last few months.

2 So I think it's vitally important for an organization
3 like mine to express our support for California in general.

4 This is one of the great racing venues in the world, one of
5 the great race states in the world. And for somebody who
6 has one foot sometimes in California and another foot
7 frequently in Kentucky, I'm a constant advocate for
8 California racing and the importance of it, as well as for
9 our partners at The Stronach Group who have been amazing
10 partners. If you just walk outside, you'll see how many
11 capital improvements they have made in this facility. So I
12 know what a very tough time this is for all of you.

13 And anything that we can do organizationally to
14 help, including speaking in favor of these international
15 rules and compliance with international rules on medication,
16 is hugely important.

17 And so we have stated for a long time, as you may
18 recall, the Breeders' Cup ran for two years here at Santa
19 Anita without lasix in two-year-olds. Those races, as far
20 as I am concerned, were enormously successful. And I would
21 say, as somebody who travels around the world going to races
22 every single month practically, there's nothing to be afraid
23 of here. People run horses under these rules on an
24 international basis every single day. The horses come back
25 in great shape. And there's really nothing to fear. I

1 think this is going to go over quite well. It will get a
2 lot of support.

3 And I can't encourage people around this country
4 and around the world to be more supportive of California
5 racing. It's vitally important that this state thrive,
6 prosper, and that you get back open for racing again this
7 week.

8 So as part of the industry, as a long-time
9 California guy, I hope you make it through tomorrow, through
10 this weekend, and through the rest of this meet in flying --
11 with flying colors.

12 And I want to thank, again, The Stronach Group for
13 all their help and all their communication. One thing on
14 this particular rule, it's important for us - as you know,
15 the Breeders' Cup is to be here on November 1st and 2nd of
16 this year - we need to know what the rules are so we can
17 communicate those clearly to horsemen. That's one of the
18 most important functions we have, is to make sure that folks
19 that are coming here from England, Ireland, elsewhere are
20 well aware of what rules they have to comply
21 to and what kind of timeframes they have to do that.

22 So it's very easy for all us to be a critic. It's
23 easy to sit back in California, or wherever, and just watch
24 someone else struggle here. But I'm here to tell you,
25 whatever we can do to help, we are more than anxious to that

1 and we give you our very best in terms of proceeding with
2 this and moving forward on these IFHA rules.

3 Thank you.

4 CHAIR WINNER: Thank you. Thank you, my friend.
5 And thank you for all that you have done and are doing for
6 racing over all these years.

7 I think, Ms. Branch, you wanted to speak again on
8 this issue, or both of you do.

9 Allen?

10 MR. BRANCH: Yeah, I'm going to speak, and then
11 she can speak or not. You passed me over on 11 so I'm going
12 to jump in here. And I'll be brief.

13 I'm Allen Branch, as Susan said. We've -- 20
14 years, we've bred in Kentucky and California. And we race
15 mostly in California.

16 I just have to speak on lasix; what are we doing?

17 You have accidents. You look at the track and you
18 come up with a big diversion from that in lasix. Lasix is
19 the elephant in the room. These trainers are beside
20 themselves.

21 Did TOC agree? Did the CTT agree? Sure they did.

22 They're desperate to go to work again. They've got
23 mortgages to pay. They've got to feed their family. We've
24 got to race again, so we'll agree to anything. You've got
25 your foot on their throat.

1 But lasix is not the cause of these accidents.
2 What are we doing? And this perception is our problem.

3 The PETA lady says whips and lasix. It's like
4 lasix is not doping. Medication to help the horse; why
5 would you ban a medication to help the horse and then say,
6 see, we may do no race-day medication? It has become --
7 race-day medication has become lasix. The other drugs, if
8 they're necessary, if they meet international standards,
9 that's no problem, but lasix is going to kill this industry.
10 I'm telling you, we've got bleeders. We control it with
11 lasix.

12 CHAIR WINNER: We're talking about going from ten
13 to five CCs.

14 MR. BRANCH: There's horses that already run on
15 eight; what about them?

16 CHAIR WINNER: Pardon me? Pardon me?

17 MR. BRANCH: Horses that need eight CCs, not five,
18 what do we do with them?

19 CHAIR WINNER: I'm just telling you that we're
20 talking about going from ten to five.

21 MR. BRANCH: I understand that. I know what's
22 coming downstream.

23 CHAIR WINNER: Well --

24 MR. BRANCH: Okay.

25 CHAIR WINNER: -- you can come and discuss it if

1 there is something coming downstream.

2 MR. BRANCH: Right. So what about a horse that
3 needs eight CCs, to hell with it? What's going to happen to
4 it?

5 But it's helping the horses. It's not hurting the
6 horses. Why do we want to do this?

7 Thank you.

8 CHAIR WINNER: Thank you.

9 Did you want to speak also?

10 MS. BRANCH: Sure.

11 CHAIR WINNER: Please do.

12 MS. BRANCH: And we agree pretty much on this
13 issue.

14 CHAIR WINNER: Pretty much?

15 MS. BRANCH: I agree in that I think we're taking
16 the issue of the fatalities, which was tragic -- and having
17 had a horse die as a result of an injury, I know, it's a
18 terrible event for an owner. But I feel very strongly about
19 lasix and I think the public is not properly informed.

20 We have a population of thoroughbreds, whether
21 it's our history of breeding practices or not, that's very
22 predisposed to bleeding when they exercise. And everything
23 I've read, and I've read a lot because it's a national
24 debate, indicates that this is the only medication we have
25 available that controls that. And to take it away subjects

1 the population of horses we currently have to injury. And
2 the more times they bleed, even if it's microscopically, the
3 more potential there is for injury, permanent injury. And
4 sometimes there will be very significant bleeding. Do you
5 want that on your track? I don't think so.

6 And I've also read statements from a number of
7 noted veterinarians who say lasix could not have contributed
8 to the catastrophic injuries we had here at this track.
9 And, in fact, it's beneficial to the horses.

10 I complement the Board for having implemented an
11 administrative regulation for handling race-day
12 administration of lasix. I thought that was very
13 appropriate. I think the section in the regulation that
14 talks about dosage and how an increased dosage may be
15 handled by virtue of a meeting between the private vet and
16 the racetrack vet, that's what you should continue to do. If
17 you arbitrarily set a limit of five CCs there will be horses
18 that will be injured because they have had incidents of
19 bleeding and five CCs does not control that.

20 And I would say that TOC and TSG, in coming to
21 this very quick agreement, didn't find out how many horses
22 would have a problem at that low level. And they haven't
23 include a procedure to accommodate those horses. And I
24 think it's unfair to owners to have their horses injured
25 because you adopted an arbitrary rule.

1 CHAIR WINNER: Okay. Are you -- I'm sorry, were
2 you --

3 MS. BRANCH: I have one more comment --

4 CHAIR WINNER: Go ahead, please.

5 MS. BRANCH: -- and that is with regard to section
6 1581, which is cited as the authority here.

7 It seems to me strange that that section could be
8 used to essentially eviscerate an existing regulation. That
9 seems to me to be giving away the authority the Board has.
10 And if they want to do something about lasix, since it's
11 such a controversial issue and has been strongly supported
12 by California owners, it ought to be done in a more lengthy
13 process that would allow owners and trainers to speak to you
14 about it more fully.

15 CHAIR WINNER: Thank you.

16 Doctor --

17 EQUINE MEDICAL DIRECTOR ARTHUR: Mister --

18 CHAIR WINNER: Yeah.

19 EQUINE MEDICAL DIRECTOR ARTHUR: Mr. Chairman, Dr.
20 Arthur, Equine Medical Director.

21 I think some people may forget that we actually
22 had a maximum does of five CCs, 250 milligrams, for lasix in
23 California for almost a 10- to 12-year period. We allowed
24 it to be increased so we would be uniform with national
25 policy. And my review of, when handling the Breeders' Cup

1 lasix for I think four or five years in California, 90
2 percent of the dosages were five or less.

3 So we -- it's -- you know, I'm not necessarily
4 arguing one way or the other but just so people understand
5 that we did have this five CC limit for almost 10 to 12
6 years and we still had a winner in every race and there were
7 no negative consequences that were apparent.

8 CHAIR WINNER: Let me say one other thing, if I
9 may, and that is that I understand the concern about how all
10 owners, all breeders, all trainers feel that they should
11 have a voice and that's why we have public meetings but all
12 of them are represented by associations. We can't talk to
13 every owner. We can't talk to every trainer. That's why
14 you have associations.

15 The TOC is represented by its President, Mr.
16 Avioli. Mr. Alexander, I think, is the Chairman.

17 So we deal with your organization. It's an
18 organization that represents the owners. I'm a member of
19 the organization. I own horses. The same thing is true
20 with the trainers.

21 So I recognize that you say that you weren't
22 consulted with that individually. We can't deal with that.
23 We have to deal with the representatives of the
24 organization.

25 MR. AVIOLI: So just -- Greg Avioli. Just one

1 final --

2 CHAIR WINNER: Wait. Wait.

3 Can you turn the mike on?

4 MR. AVIOLI: Greg Avioli. Just one final point
5 with Mrs. Branch's testimony, that The Stronach Group and
6 the TOC got together and did this on our own. This specific
7 10 CCs to five CCs was approved by the CTT who were in the
8 discussions all day long with both Jim Cassidy and Alan
9 Balch. So this was trainer-authorized, as well as owners.

10 CHAIR WINNER: Thank you. All right, there is a
11 motion. Is there any other discussion?

12 COMMISSIONER MAAS: Mr. Chair, can I ask a
13 question?

14 CHAIR WINNER: Please.

15 COMMISSIONER MAAS: Dr. Arthur, there's no race-
16 day lasix in Europe, is there?

17 EQUINE MEDICAL DIRECTOR ARTHUR: No. IFHA rules
18 do not allow the administration of any medication on race
19 day.

20 COMMISSIONER MAAS: And so has there ever been a
21 study of how many horses actually bleed; what are we talking
22 about?

23 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. The horses
24 that -- there's been a number of studies. In fact, a few
25 years ago I looked it for a paper and there were over 200

1 published papers on the IPH in horses. And typically, in
2 the very famous South African study, 80 percent of the
3 horses bled.

4 COMMISSIONER MAAS: Eight?

5 EQUINE MEDICAL DIRECTOR ARTHUR: 80 --

6 COMMISSIONER MAAS: All right.

7 EQUINE MEDICAL DIRECTOR ARTHUR: -- 80 bled
8 endoscopically without lasix and with lasix, 60 percent of
9 them bled.

10 COMMISSIONER MAAS: And a horse that excessively
11 bleeds, even after lasix, should they be running?

12 EQUINE MEDICAL DIRECTOR ARTHUR: We're getting
13 into a very, very detailed discussion. There is in Hong
14 Kong, where if a horse bleeds three times they're ruled off,
15 they lose about three percent of their horses a year, most
16 of them not before they bleed three times but because the
17 owners retire them voluntarily because the bleeding can't be
18 controlled.

19 CHAIR WINNER: I mean, I have a horse --

20 EQUINE MEDICAL DIRECTOR ARTHUR: That's a no-lasix
21 area.

22 CHAIR WINNER: -- on a personal level, I had a
23 horse, a very -- a graded stake's winner, who bled through
24 the lasix twice. I retired the horse. I mean, you don't
25 have to --

1 COMMISSIONER MAAS: Right.

2 CHAIR WINNER: -- but it's just, it's a matter of
3 personal choice.

4 Okay, the measure that we're voting on is to
5 approve the contract, the agreement, between The Stronach
6 Group and the TOC. We either approve it or we don't approve
7 it. That's the measure.

8 I move approval.

9 Is there a second?

10 VICE CHAIR AUERBACH: Second.

11 CHAIR WINNER: Seconded by Vice Chair Auerbach.

12 Is there discussion?

13 COMMISSIONER ALFIERI: Yes, if we're taking a
14 vote.

15 CHAIR WINNER: Is that discussion, yes, or are you
16 voting yes?

17 COMMISSIONER ALFIERI: I don't have any
18 discussion.

19 CHAIR WINNER: Commissioner Alfieri --

20 COMMISSIONER MAAS: No discussion.

21 CHAIR WINNER: -- votes yes.

22 COMMISSIONER MAAS: Yes.

23 CHAIR WINNER: Commissioner Maas votes yes.

24 Commissioner Solis?

25 COMMISSIONER SOLIS: Yes.

1 CHAIR WINNER: Chairman votes yes.

2 VICE CHAIR AUERBACH: Yes.

3 CHAIR WINNER: Vice Chair votes yes.

4 VICE CHAIR AUERBACH: Yes. Let's race again now.

5 CHAIR WINNER: Good luck at the races, folks.

6 Good luck tomorrow. Thank you for everything.

7 And this meeting stands adjourned.

8 (The meeting of the California Horse Racing Board

9 adjourned at 1:23 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of April, 2019.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

April 2, 2019