

APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman
Oscar Gonzalez, Vice Chairman
Dennis Alfieri, Commissioner
Wendy Mitchell, Commissioner

STAFF

Rick Baedeker, Executive Director
Rick Arthur, Equine Medical Director
Robert Brodnik, Staff Counsel
John McDonough, Chief Counsel
Darrel McHargue, Chief Steward
Amanda Drummond, Policy and Regulations Manager
Mike Marten

ALSO PRESENT

Martha Sullivan
Josh Rubenstein, SCOTWINC
Tweed Conrad
Cliff Goodrich, California Thoroughbred Horsemen's
Foundation
Ramon Dominguez
Shane Gussman, Jockeys' Guild
Mindy Coleman, Jockeys' Guild
Darrell Haire, Jockeys' Guild

APPEARANCES

ALSO PRESENT

Denise Bolbol, Humanity Through Education

Pat CuvIELLO

Janet Locke

Susan Magliano

Mike Sage

Jody Hanson

Staci Sanders

Syed Rizvi

J. Fitzgerald

Lindsay Vurek

Carol Gage

April Montgomery

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13. Closed Session: For the purpose of receiving 122

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.

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

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- 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

9:38 A.M.

SACRAMENTO, CALIFORNIA, WEDNESDAY, JANUARY 23, 2020

CHAIRMAN FERRARO: Can I have your attention please? Before we begin the meeting, please take a minute to silence your cell phones. We'd certainly appreciate it.

And as a start to the meeting, I'm going to ask Commissioner Alfieri to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance is recited.)

CHAIRMAN FERRARO: Thank you, Commissioner.

The meeting will now begin. This is the regular noticed meeting of the California Horse Racing Board on Wednesday, January 22, 2020 at the Department of Consumer Affairs, 1625 North Market Boulevard, First Floor Hearing Room, Sacramento, California.

Present at today's meeting are: myself, Chairman; Mr. Oscar Gonzalez, Vice Chairman; Dennis Alfieri, Commissioner; Wendy Mitchell, Commissioner. Alex Solis is not here at this meeting.

UNIDENTIFIED FEMALE: Can you speak a little louder please?

CHAIRMAN FERRARO: Are we working?

I need to make a few comments before we get started with the business of the meeting.

1 The Board invites public comment on the matters
2 appearing on the meeting agenda. The Board also invites
3 comments from those present today on matters not appearing
4 on the agenda during the public comment period if the
5 matter concerns horse racing in California.

6 In order to ensure all individuals have an
7 opportunity to speak and the meeting proceeds in a timely
8 fashion, I will strictly enforce the three-minute time
9 limit rule for each speaker. The three-minute time limit
10 will be enforced during the discussion of all matters as
11 stated on the agenda, as well as during the public comment
12 period.

13 There are public comment sign-in cards for each
14 agenda matter on which the Board invites comments. Also,
15 there are sign-in cards for those wishing to speak during
16 the public comment period for matters not on the Board's
17 agenda if it concerns horse racing in California. The
18 cards are available from Mr. Marten. Please print your
19 name legibly on the public comment sign-in card and return
20 it to Mr. Marten.

21 When a matter is opened for public comment, your
22 name will be called. Please come to the podium and
23 introduce yourself by stating your name and organization
24 clearly. This is necessary for the Court Reporter to have
25 a clear record of all those who speak. When your three

1 minutes are up the Chairperson will ask you to return to
2 your seat so others can be heard.

3 When all the names have been called, I will ask
4 if there is anyone else who would like to speak on the
5 matter before the Board. Also, the Board may ask questions
6 of individuals who speak. If a speaker repeats himself or
7 herself, I will ask if the speaker has any new comments to
8 make. If there are none, the speaker will be asked to let
9 others make comments to the Board.

10 Please note: This is an official meeting of a
11 state agency. It requires a certain amount of decorum and
12 respect for the Board's authority. Consequently, the Board
13 will not tolerate disruptive behavior. Do not applaud or
14 cheer or make other comments during people's talks unless
15 you have been called to the podium. Disruptive individuals
16 may be asked to leave the room. If order cannot be
17 restored, the Board has the authority to order the room
18 cleared. Thank you for your cooperation.

19 And before we start, there's been some erroneous
20 reports on the local news this morning that this meeting
21 was organized to discuss the possibility of shutting racing
22 down in California. That is a spurious comment. It's
23 untrue. It's not on the agenda for this meeting. So
24 anything in that regard will not be discussed by the Board.
25 We will stick to our agenda.

1 So item number one is approval of the minutes of
2 November 21st, 2019.

3 COMMISSIONER ALFIERI: So move.

4 COMMISSIONER MITCHELL: Second.

5 CHAIRMAN FERRARO: Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIRMAN FERRARO: Commissioner Mitchell?

8 COMMISSIONER MITCHELL: Yes.

9 CHAIRMAN FERRARO: Gonzales?

10 VICE CHAIRMAN GONZALES: Yes.

11 CHAIRMAN FERRARO: Yes. So moved.

12 Approval of the minutes of December 12th, 2019.

13 I move to accept.

14 COMMISSIONER ALFIERI: Second.

15 CHAIRMAN FERRARO: Commissioner Alfieri?

16 COMMISSIONER ALFIERI: Yes.

17 CHAIRMAN FERRARO: Commissioner Mitchell?

18 COMMISSIONER MITCHELL: Yes.

19 CHAIRMAN FERRARO: Commissioner Gonzales?

20 VICE CHAIRMAN GONZALES: Yes.

21 CHAIRMAN FERRARO: Yes. So moved.

22 Item number three is Executive Director's Report.

23 EXECUTIVE DIRECTOR BAEDEKER: Thank you, Mr.

24 Chairman.

25 Looking at the financials for the month of

1 December and the year-end for 2019, the month of December
2 was impacted by the cancellation of racing, as decided by
3 Santa Anita, for their opening day, and also the second day
4 of the meet, so as a result the comparison year-to-date is
5 difficult. However, everything in, daytime racing, as a
6 result of those cancellations, was down 25 percent,
7 nighttime down 14.6, and all together, down 24.6.

8 Looking at the year, through the end of December,
9 daytime racing was down 5.6 percent, nighttime racing down
10 8.8 percent, and together the year-end number was down 5.97
11 percent for all wagering.

12 The only note that I have is that the summary
13 report that the CHRB has been working on for many months
14 relative to the fatalities that were suffered last winter
15 at Santa Anita will be released in two parts. The first
16 part, if everything goes right, will be released on January
17 31st. The follow-up report, which will be mostly files and
18 addendums, will be released within a couple of weeks after
19 that. The summary will be included in the report that's
20 issued on the 31st.

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

22 CHAIRMAN FERRARO: Thank you.

23 Any comments from the Board?

24 I move to accept the Executive Report.

25 MS. SULLIVAN: I submitted a comment card.

1 CHAIRMAN FERRARO: We don't have it here yet.

2 Sorry.

3 EXECUTIVE DIRECTOR BAEDEKER: If you submitted a
4 comment card on the Executive Director's Report, it's not
5 on the agenda, so --

6 MS. SULLIVAN: It's an agenda item. Look at your
7 agenda. It's a numbered item.

8 CHAIRMAN FERRARO: Dr. Arthur, do you want to go
9 ahead?

10 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Dr.
11 Arthur, Equine Medical Director.

12 This last December we had five necropsy
13 submissions, three racing, one training, and one non-
14 exercise. And the first half of Fiscal Year '19-20 we had,
15 statewide, 62 fatalities versus 78 for the same time period
16 in Fiscal Year '18-19.

17 UNIDENTIFIED FEMALE: Doctor, could you speak
18 into the microphone.

19 EQUINE MEDICAL DIRECTOR ARTHUR: I am speaking
20 into the microphone.

21 (Off mike colloquy)

22 EQUINE MEDICAL DIRECTOR ARTHUR: Okay. Let me
23 start over.

24 In December we had five necropsy submissions,
25 three racing, one training, and one non-exercise. For the

1 first half of Fiscal Year '19-20 we had, statewide, 62
2 fatalities versus 78 in Fiscal Year '18-19 at the same
3 time.

4 Just a reminder, we have anywhere between 4,000
5 to 5,000 horses at CHRB racetracks at any one time, and
6 closer to 5,000 during the summer.

7 I want to mention the start of January. We've
8 had 11 submissions, including a colic submission from
9 Golden Gate Fields yesterday, a strangulated small
10 intestine. We had a volvulus and other small intestinal
11 colic at Los Alamitos, a freak surgical recovery fracture,
12 and a collision at Santa Anita, including the additional
13 racing and training fatalities across the state.

14 We avoided two other serious injuries when a
15 horse jumped the inside rail at Santa Anita. And another
16 horse ran into the barn area right next to my office and
17 actually stuck his head through a window in a tack room.
18 And both of those horses just had minor injuries, so that's
19 the good news.

20 We served six positive test notices in December,
21 five post-race, one post-work for working off the vet's
22 list. All those cases are under investigation or the
23 complaints have been filed or will be filed shortly.

24 On a more positive note, the PET scan is up and
25 operating at Santa Anita. The early results could not be

1 more exciting. The otherwise clinically silent and
2 unimageable lesion on the abaxial surface of the medial
3 proximal sesamoid bone that figures so prominently in so
4 many biaxial proximal sesamoid bone fractures are the
5 number one fatal injury by far. It shows up very well with
6 the PET scan. We may want to have Dr. Spriet give a
7 presentation at the Medication Committee that's at UC Davis
8 in February as to how that's progressing.

9 I want to remind everyone that Dr. Spriet
10 received a Grayson-Jockey Club Research Foundation Grant to
11 prove the clinical application of standing PET scan. That
12 study enrolls 25 horses for longitudinal study using the
13 PET scan and several horses have already been enrolled in
14 that study. There are specific inclusion criteria that
15 have been communicated to the attending veterinarians. And
16 trainers can -- also will have that information if they
17 want to participate.

18 In addition, the MRI unit was delivered last
19 week. It's undergoing calibration this week. And that MRI
20 unit could be operational before the end of the month.
21 Doctors Dowd and Spriet are already discussing
22 incorporating the MRI unit into the aforementioned PET scan
23 Grayson-Jockey Club Research Foundation project.

24 Speaking of Grayson-Jockey Club Research
25 Foundation, the Scientific Advisory Committee met in Fort

1 Worth last weekend and evaluated 67 grants. They will
2 award nearly \$1.5 million, a record, this year. And
3 several have direct impact on racing and racing safety and
4 racing integrity. Dr. Knych, Dr. Blea and I are all on the
5 Grayson-Jockey Club Scientific Advisory Committee meeting.
6 And those grants will be awarded next month. Dr. Knych,
7 Dr. Finno, Dr. Stover, myself, Dr. Blea, all had grants
8 submitted that were evaluated there.

9 These programs are essentially to making racing
10 safer. You can't fix what you don't understand.

11 Finally, I have been on the panel now for six
12 months and, currently, with Dr. Grande, Chief Steward
13 Darrel McHargue, Safety Steward Cal Rainey, conduct the
14 panel.

15 Going through this process, the Santa Anita
16 fatality review and investigations and, bluntly, the 3,000
17 necropsies I've reviewed in the 13-plus years I've been
18 Equine Medical Director tells me that racing needs to
19 change its culture and it has to develop a culture of
20 safety. Racing will always be dangerous and that will
21 never change but we can make racing safer.

22 The fact is safety and integrity costs money.
23 Everyone is aware that the last year has cost this industry
24 millions, maybe tens of millions of dollars. But the fact
25 is, if we don't invest in racing and integrity now there

1 may not be a tomorrow.

2 Thank you.

3 CHAIRMAN FERRARO: Questions from the Board?

4 VICE CHAIRMAN GONZALES: Well, I do. Thank you
5 for that report.

6 Do you have -- oh, how do you turn it on? Okay.

7 Yeah, Dr. Arthur, just any thoughts or reactions
8 from the Breeders' Cup report that was issued a couple
9 weeks ago in the aftermath of the fatality of Mongolian
10 Groom, just, you know, just broad thoughts, reactions?

11 EQUINE MEDICAL DIRECTOR ARTHUR: No. I certainly
12 consulted and was interviewed by Dr. Bramlage and gave him
13 my perspective. I thought it was a very well done
14 evaluation.

15 One of the issues that found is we have started
16 the process of monitoring horses during training, which is
17 relatively new. And, traditionally, we have evaluated
18 horses in the barn on the shank at the jog. And what's
19 clear is how horses move on the track and how they move in
20 the stable area are entirely different. And I thought Dr.
21 Bramlage's recommendations were right on.

22 We have -- going to be discussing, going forward,
23 an increase in a number of official veterinarians that
24 could be doing examinations in a different sort of a way.
25 And I think that will give us an opportunity to better

1 examine horses under different circumstances. And I think
2 some of the recommendations that will come out of the Santa
3 Anita fatality review will address some of those issue as
4 well. We need to do a better job of record keeping. We
5 need to do a better job of communication. And we need
6 better transparency of records, actually, between trainers,
7 practicing veterinarians and official veterinarians, very
8 similar to what they do in Hong Kong.

9 CHAIRMAN FERRARO: Anyone else?

10 Thank you, Dr. Arthur.

11 Martha?

12 MS. SULLIVAN: Yes?

13 CHAIRMAN FERRARO: Your turn now.

14 MS. SULLIVAN: Thank you. Thank you very much.
15 I appreciate it.

16 I traveled here. I flew here yesterday from San
17 Diego because it was that important for me to be here once
18 again. I'm not going to spend a lot of time on that
19 because I want to use my time on something that's really
20 important, which is three horses were killed in three
21 consecutive days just this last weekend at Santa Anita, two
22 of them in races, one of them during training.

23 I have a reply from Mr. Baedeker to an email that
24 I sent him saying that he should be filing a petition of
25 this Board to suspend the license of Santa Anita. It says

1 in Rule 1435 that you can do that if there are an above-
2 average number of deaths, maybe it even just says injuries.

3 Mr. Baedeker's reply was that there haven't been more
4 deaths during this first three weeks of the Santa Anita
5 racing license this year as there were last year. I
6 believe, maybe, it's one less.

7 But the rule also says this Board has the
8 discretion to set the time period for which above average
9 is considered. Now unless you want to say that three
10 killings of horses in three consecutive days on the same
11 track is average, I think you had better use this rule that
12 was passed unanimously by the legislature last year and
13 signed by the governor to give this Board the power that
14 you said you didn't have.

15 It's been reported that all of the conditions of
16 Santa Anita's license have not been put into practice yet
17 and until they are, you should suspend that license to
18 prevent this from further occurring. When are there going
19 to be enough deaths? When is it going to be enough?
20 You've got to use the power that's been given to you. You
21 need to exercise the responsibility that's been given to
22 you, to act on the behalf of the people of this state and
23 not on behalf of the racing industry.

24 I just want to read the six horses that have died
25 in these three weeks.

1 On 12/26, Truest Reward died on the training
2 track at Santa Anita, even though the race had been
3 postponed due to rain.

4 On January 1st, Golden Birthday died on the
5 racetrack.

6 On January 7th, Buckstopper Kit died of
7 undisclosed causes according to your agency.

8 On January 17th, Harless died on the racetrack.

9 On January 18th, Uncontainable died on the
10 racetrack.

11 And on January 19th, Tikkun Olam died on the
12 training track.

13 You need to do the right thing by these horses
14 and you need to do the right thing by the people of
15 California.

16 CHAIRMAN FERRARO: Thank you, Martha.

17 We'll move on to agenda number five, discussion
18 and action by the Board regarding the request from Southern
19 California Off-Track Wagering, Incorporated to modify the
20 distribution of market access fees from advance deposit
21 wagering as permitted under Business and Professions Code
22 Section 19604(f)(5)(E) for wagering conducted by
23 Thoroughbred Associations in the Central and Southern zones
24 from February 1, 2020 through December 31, 2020.

25 Josh?

1 MR. RUBENSTEIN: Good morning. Josh Rubenstein
2 on behalf of SCOTWINC is the industry's instate simulcast
3 wagering network, 25 locations. In 2019, SCOTWINC handled
4 over \$495 million; \$25 million of that was distributed to
5 purses, \$22 million to tracks, and over \$14 million to
6 support critical funding for stabling and vanning and CHRB
7 expenses.

8 As we have done since 2009, industry stakeholders
9 are requesting that a portion of instate ADW revenue is
10 redirected, and this is money that otherwise would be going
11 to purses or track commissions, is redirected to assist in
12 SCOTWINC expenses. And the reason we're doing this is by
13 statute, 2.5 percent of SCOTWINC is capped to cover
14 SCOTWINC expenses. So, like I say, we've been doing this
15 since 2009.

16 The request for 2020 is 2.9 percent of instate
17 ADW handle from Del Mar, 2.9 percent in-state ADW handle
18 from Los Alamitos, and 2 percent of ADW instate handle from
19 Santa Anita be redirected to assist the SCOTWINC expense
20 fund. And any money that's not used would be redistributed
21 back to the stakeholders.

22 Happy to answer any questions.

23 CHAIRMAN FERRARO: Why the difference between the
24 percentage of each track?

25 MR. RUBENSTEIN: Just because Santa Anita has

1 more dates than Los Al and Del Mar. And we didn't think it
2 was fair to them to hold the money for a full year. So the
3 controllers got together and felt that two percent was a
4 fair number for The Stronach Group's portion of SCOTWINC
5 funding.

6 CHAIRMAN FERRARO: Okay. And it says in here
7 that any funding in excess of simulcast costs would be
8 split between the track and purse commissions.

9 MR. RUBENSTEIN: Correct.

10 CHAIRMAN FERRARO: How is that determination
11 made?

12 MR. RUBENSTEIN: Correct.

13 CHAIRMAN FERRARO: Who makes that?

14 MR. RUBENSTEIN: So this is an estimate. At the
15 end of the year the money that is left over, that hopefully
16 will be a decent amount, will go back to the tracks and
17 back to purses.

18 CHAIRMAN FERRARO: And who determines how that's
19 been? In other words, does it all go to purse commissions
20 or does some of it go to track expenses or what?

21 MR. RUBENSTEIN: It would be the proportionate
22 share that you put in; right? So in Del Mar's case, if
23 we're 23 percent of state handle in California, that's what
24 we would put in, our share, we would put into the SCOTWINC
25 expense fund. And then any money that's leftover, we would

1 get our share back, again, half of it to the track, half of
2 it to purses.

3 CHAIRMAN FERRARO: Right. But once you get your
4 share back, what percentage? Does it all go into purses or
5 do you have the discretion to use it however you see fit?

6 MR. RUBENSTEIN: No, it's a 50-50. So half of it
7 goes to purses. Actually, a little more than half goes to
8 purses, about 51 percent, and then 49 percent goes back to
9 the track.

10 CHAIRMAN FERRARO: Okay. Any other questions
11 from the Board?

12 COMMISSIONER ALFIERI: I think there's a typo.
13 On the agreement that Santa Anita -- or Los Angeles Turf
14 Club signed, it says 2.9. I think it should be, as you
15 said, 2.0 percent.

16 MR. RUBENSTEIN: Correct, 2.0. It's actually --

17 COMMISSIONER ALFIERI: The others were 2.9 but --

18 MR. RUBENSTEIN: Right. We're 2.9. They're
19 actually, I want to say, I said 2.7.

20 CHAIRMAN FERRARO: It think it's 2.7.

21 MR. RUBENSTEIN: Yeah, 2.7.

22 COMMISSIONER ALFIERI: Oh, that's incorrect then
23 on our -- the one that was signed by the Los Angeles Turf
24 Club. Just pointing in out.

25 MR. RUBENSTEIN: It's actual 2.27 -- I'm sorry,

1 2.7.

2 COMMISSIONER ALFIERI: I'm just pointing that
3 out.

4 MR. RUBENSTEIN: Okay. All right. We'll make
5 the correction. Thank you.

6 CHAIRMAN FERRARO: You want to move to adopt?
7 Motion to adopt?

8 VICE CHAIRMAN GONZALES: I will move to adopt the
9 motion.

10 CHAIRMAN FERRARO: Second?

11 COMMISSIONER MITCHELL: Second.

12 CHAIRMAN FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIRMAN FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIRMAN FERRARO: Commissioner Gonzales?

17 VICE CHAIRMAN GONZALES: Yes.

18 CHAIRMAN FERRARO: Yes. The motion passes.

19 We move on to item number six, public hearing and
20 action by the Board regarding the proposed addition of CHRB
21 Rule 1846.6, Postmortem Examination Review, to require a
22 postmortem examination review of each equine fatality
23 within a CHRB inclosure.

24 Dr. Arthur, can you address that please?

25 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Dr.

1 Arthur, Equine Medical Director.

2 This was actually first proposed in 2012. And
3 this is probably the third, fourth or fifth iteration of
4 this particular proposal and it is one that I think is
5 workable. I think we have to start this process. I will
6 tell you, the voluntary fatality review for those people
7 that have participated has been very good, it's been a very
8 educational experience for the trainers, but there's two
9 aspects of this. We want to use it to educate the
10 trainers. We also want to understand what happened so we
11 can avoid these going forward.

12 I think this is very important to pass and move
13 forward.

14 I will say that as we go through this process, we
15 are very likely going to amend it and change the way it's
16 done. I think this gives us enough flexibility to get this
17 process started, to go through it and figure out the
18 logistical problems and, sometime in the future, probably
19 change it around.

20 But it is very important to get this on the books
21 and move forward so that we can do this in a regular
22 fashion and make it more efficient for everybody.

23 CHAIRMAN FERRARO: Well, you've been doing these
24 interviews for quite some time already, have you not?

25 EQUINE MEDICAL DIRECTOR ARTHUR: Yes, we have.

1 CHAIRMAN FERRARO: So this rule adopted, how does
2 it change what you're doing now?

3 EQUINE MEDICAL DIRECTOR ARTHUR: It's no longer
4 voluntary.

5 CHAIRMAN FERRARO: Okay. It becomes an active --

6 EQUINE MEDICAL DIRECTOR ARTHUR: I mean, we
7 certainly have gone through in the Santa Anita case and
8 other cases since then, we have been, in terms of the
9 gathering the information, we use a subpoena power. But
10 what this actually does is sit down and, with the trainer
11 and, if necessary, the veterinarian, we go over the case.
12 We use it, not only to gather information, but to impart
13 information on the trainer.

14 I will tell you, the trainers that have sat
15 through these have found it very informative. One of my
16 major disappointments in these interviews has been that
17 this very robust world-model necropsy program, many of the
18 trainers have never looked at the necropsy. And this
19 allows us to go through it, explain exactly what happened
20 and, hopefully, understand ways to avoid these in the
21 future.

22 CHAIRMAN FERRARO: These interview processes are
23 convened by a panel. What's the makeup of the panel?

24 EQUINE MEDICAL DIRECTOR ARTHUR: The panel has
25 the Safety Steward, the Equine Medical Director, a member

1 of the stewards, and those are the people who do the
2 interview. Sometimes the official veterinarian sits in for
3 the Equine Medical Director, depending how it is, how it
4 works.

5 CHAIRMAN FERRARO: Okay.

6 EQUINE MEDICAL DIRECTOR ARTHUR: It's usually the
7 veterinarian that leads the discussion and the others have
8 questions.

9 But, primarily, I think the greatest value for it
10 is that it's really an educational experience for the
11 trainer. And we learn how trainers are misinterpreting
12 some of the signs that their horses are giving them. I
13 mean, that's the goal.

14 CHAIRMAN FERRARO: And the major effect of this
15 rule, though, is that it makes these interviews mandatory
16 rather than voluntary --

17 EQUINE MEDICAL DIRECTOR ARTHUR: It makes it --

18 CHAIRMAN FERRARO: -- is that correct?

19 EQUINE MEDICAL DIRECTOR ARTHUR: -- it makes it
20 mandatory. And, you know, there has been, and I don't want
21 to be disrespectful to trainers, but there has been a
22 little bit of an attitude, well, that horse isn't here
23 anymore, I want to move on. And it presents a little bit
24 of accountability that has been, I think, avoided sometimes
25 in the past over some management decisions, not only the

1 veterinarian or the trainer but the veterinary care as
2 well.

3 CHAIRMAN FERRARO: Okay. Any other questions
4 from the Board?

5 VICE CHAIRMAN GONZALES: Yes, I do. Thanks.
6 Thanks for that.

7 I noticed that additional licensees may be
8 required to appear. Under what scenario would you see
9 other licensees appearing or engaging in the process?

10 EQUINE MEDICAL DIRECTOR ARTHUR: Well, you may
11 want to talk to the assistant trainer. You may want to
12 talk to the veterinarian. You may want to talk to the
13 shoer. You might even want to talk to the starter. You
14 know, it kind of depends on what the circumstances are for
15 that individual case.

16 You know, accidents happen and circumstances are
17 all different and sometimes are very complicated.

18 VICE CHAIRMAN GONZALES: Great. I appreciate
19 that.

20 And in your opinion, Dr. Arthur, the involvement
21 of owners, I believe that owners want to be engaged, I know
22 they care, what do you see as a greater role that they can
23 play, both -- you know, just in the process that we're
24 hearing here?

25 EQUINE MEDICAL DIRECTOR ARTHUR: I think,

1 ultimately, the owner is responsible for their horses.
2 They're the people who are hiring the people to care for
3 their horses. They really have the responsibility to the
4 horse to hire people that are competent. And, you know,
5 the necropsy report is available to the attending
6 veterinarian, the trainer and the owner. And owners do
7 call and ask for the necropsy report to be forwarded to
8 them and have questions about it.

9 But, you know, owners are certainly welcome to
10 participate if they want to.

11 VICE CHAIRMAN GONZALES: Good deal. And, by all
12 means, include --

13 EQUINE MEDICAL DIRECTOR ARTHUR: And in some
14 instances, by the way, you know, as we found in the Santa
15 Anita fatality review, the owner is a key element in, you
16 know, the management of the horse.

17 VICE CHAIRMAN GONZALES: Good deal.

18 You know, in the Breeders' Cup report, it was
19 great to see that they listed in order of licensees who
20 would know the most about a horse. And it was good to see
21 that grooms were at the front of that order. And, you
22 know, as a former backstretch worker and a longtime groom,
23 it was really good to see that.

24 So, by all means, if you ever feel appropriate,
25 you know, they're just such a talented group, very

1 experienced and committed, and they love the horses just as
2 much as others.

3 But I do appreciate this including the licensees
4 beyond just a trainer being required to appear on at-need
5 basis, so thanks to Staff for writing that in.

6 CHAIRMAN FERRARO: Yeah.

7 VICE CHAIRMAN GONZALES: That's all I have.

8 CHAIRMAN FERRARO: Anyone else? Motion to adopt
9 the report?

10 COMMISSIONER ALFIERI: So move.

11 CHAIRMAN FERRARO: Second?

12 COMMISSIONER MITCHELL: Second.

13 CHAIRMAN FERRARO: Commissioner Alfieri?

14 COMMISSIONER ALFIERI: Yes.

15 CHAIRMAN FERRARO: Commissioner Mitchell?

16 COMMISSIONER MITCHELL: Yes.

17 CHAIRMAN FERRARO: Commissioner Gonzales?

18 VICE CHAIRMAN GONZALES: Yes.

19 CHAIRMAN FERRARO: Motion passes.

20 We move on to item number seven, public hearing
21 and action by the Board regarding the proposed addition of
22 CHRB Rule 1868, Authorized Medication During Workouts, to
23 establish threshold limits for the presence of certain drug
24 substances and medication in official test samples taken
25 from horses after they complete a timed workout.

1 Dr. Arthur.

2 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. This is
3 another proposal that we proposed -- or amendment that we
4 proposed many years ago, probably five, six years ago, and
5 that is to regulate drugs during training, particularly the
6 nonsteroidal anti-inflammatories. This particular proposal
7 was actually put in place before the current Chairman was
8 appointed to the Board. It does have thresholds. They are
9 very similar to how we administer nonsteroidal anti-
10 inflammatory regulations today in racing. It's just that
11 we're using thresholds, which is the traditional standard,
12 rather than screening limits as we do when we don't have a
13 threshold.

14 I will say that I am aware that there is a no-
15 medication bent for this Board and I agree with that.

16 I will say that there is a difference between
17 workouts and races, simply because races, somebody knows
18 that a horse is going to be racing on a particular day
19 several days in advance. Often times, with horses working,
20 it's a lot shorter than that.

21 But in terms of monitoring this, we have been
22 monitoring nonsteroidal anti-inflammatories and other drugs
23 during works. And I will tell you, at Santa Anita,
24 compliance has been very, very good. But the bottom line
25 is that when we find somebody who would have been in

1 violation, you know, our results are confidential, all we
2 can do is go to that individual and say, hey, you're not in
3 compliance. And most people have come around when, you
4 know, we've pulled them up on it. This actually gives us
5 some teeth and ability to actually sanction people for
6 violation.

7 Other tracks, this has not been as well followed.
8 Golden Gate Fields is not as compliant as Santa Anita. And
9 some of that may be, simply, because we haven't been as
10 aggressive with the out-of-competition testing up there as
11 we have here, but Dr. Franklin has been doing a good job
12 with that. That's our official veterinarian there.

13 But the bottom line is we need a regulation that
14 allows us to sanction trainers who are in violation of
15 using nonsteroidal anti-inflammatories during works.

16 CHAIRMAN FERRARO: Well, I'm in favor of the
17 regulations. I am concerned that you're allowing a higher
18 level of nonsteroidals or other drugs in workouts than you
19 are in races under this proposal; is that correct?

20 EQUINE MEDICAL DIRECTOR ARTHUR: It is mostly in
21 semantics. This is very close to what our screening limits
22 are. I will say, when you have a threshold, you have to
23 apply a measurement of uncertainty in those other
24 laboratory processes. And, you know, that does give a
25 little bit more leeway to somebody who may have a

1 violation. But I think it's quite workable and I think
2 it's a big step forward.

3 If there is a desire by the Board -- this is
4 after a 45-day notice; right? Yeah. Okay.

5 I think it's important for us to get this on the
6 books so we can start sanctioning people who have
7 violations. And I think we have to work through the
8 logistics of doing this. We've been doing that for the
9 last six months, almost nine months now, and I would
10 encourage the Board to approve this as is. And if they
11 think it's necessary to change it, you know, take that into
12 consideration going forward. It's not substantially
13 different than what we're doing. It's a little bit more
14 liberal but there's a little bit different circumstances.

15 CHAIRMAN FERRARO: The only concern we have or I
16 have is that if the horse can't work without the
17 medications, he certainly can't run without the
18 medications --

19 EQUINE MEDICAL DIRECTOR ARTHUR: Right.

20 CHAIRMAN FERRARO: -- which is what he has to do
21 in the afternoon.

22 Secondly, there is an impact on the handicapper;
23 correct? If he's running on a certain level with
24 medication, his performance and his workouts may be better
25 than they actually would be when he had no medication in

1 him, which means his form is not reflective of the way he
2 may run in the afternoon. That's the concerns I have. Can
3 you address those?

4 EQUINE MEDICAL DIRECTOR ARTHUR: Well, you know,
5 certainly, for example, in Hong Kong, they don't let horses
6 work on medication or work with Lasix, simply for that very
7 reason.

8 I will say, in this particular circumstance, what
9 we're looking at, if you have a 300 nanogram threshold, for
10 example, for phenylbutazone, what we typically see is,
11 really, most of those horses are well below 300, below
12 level of detection, because you can't titrate to 300, it's
13 just too low to do. In fact, we're seeing more and more of
14 our horsemen race with no medication at all. We don't have
15 any -- we can't even see it, any nonsteroidal anti-
16 inflammatory, even at the very low levels.

17 So, you know, because it's 300, don't expect
18 people to try to get to 300 because you can't titrate it.
19 It's not like when you and I started practicing. I think
20 they had 165 micrograms in urine. I mean, you just can't
21 mess around it with it. It's just too tight of a level.

22 But, you know, I understand where you're coming
23 from on this. You know, I think it's a point well taken.
24 But I think it's more important to get this rule in place,
25 go through and understand the logistics and if you feel

1 it's necessary to modify it, do it after we get some
2 experience with it. I think it's a step forward and I
3 think it's too important to go back.

4 CHAIRMAN FERRARO: Any other comments from the
5 Board?

6 VICE CHAIRMAN GONZALES: No. The only comment I
7 have, Dr. Arthur, is what kind of feedback are you getting
8 from the veterinarian community about this?

9 EQUINE MEDICAL DIRECTOR ARTHUR: They've
10 actually, I mean, most trainers, I certainly wouldn't say
11 all, but most trainers and most veterinarians that I've
12 talked to think that we're going in the right direction.
13 The trainer are using less and less medication, certainly,
14 what we see in our testing, and I think that's all good.

15 VICE CHAIRMAN GONZALES: Okay. Thanks.

16 CHAIRMAN FERRARO: Anybody else?

17 Well, my thought is this, that I would make a
18 motion to approve but I would stipulate that we want to
19 review this in six months to see how it's working and to,
20 if there's any need, to change the level, permitted levels,
21 we can talk about it at that time. Is that agreeable?

22 EQUINE MEDICAL DIRECTOR ARTHUR: Oh, that's fine
23 with me. I mean, you're --

24 CHAIRMAN FERRARO: Is that motion agreeable --

25 EQUINE MEDICAL DIRECTOR ARTHUR: -- you're in

1 charge.

2 CHAIRMAN FERRARO: -- to the Board?

3 VICE CHAIRMAN GONZALES: Move.

4 CHAIRMAN FERRARO: Can I have a second for it?

5 COMMISSIONER MITCHELL: Second.

6 CHAIRMAN FERRARO: Commissioner Alfieri?

7 COMMISSIONER ALFIERI: Yes.

8 CHAIRMAN FERRARO: Commissioner Mitchell?

9 COMMISSIONER MITCHELL: Yes.

10 CHAIRMAN FERRARO: Commissioner Gonzales?

11 VICE CHAIRMAN GONZALES: Yes.

12 CHAIRMAN FERRARO: Yes. Thank you.

13 Well, we have a public comment card. Tweed

14 Conrad, is that right?

15 MS. CONRAD: Yes, it is. Thank you very much for
16 the opportunity for the comments. And I appreciate the
17 attention that you all are giving to this very important
18 issue.

19 So I would like to speak on the drugging.

20 CHAIRMAN FERRARO: You need to get a little
21 closer to the mike there.

22 MS. CONRAD: I would like to speak on the
23 drugging issue. And I did hand out an article to you all.
24 I hope that you received it. It contains a lot of
25 information.

1 And so horse racing has, for decades, wrestled
2 with drug and safety issues. Lasix has been a common drug
3 used to stop pulmonary bleeding that occurs for horses when
4 small capillaries in the airways leak blood during workouts
5 and racing. Lasix is also a diuretic. It causes horses to
6 urinate a few extra pounds of fluid off before the race so
7 that the horse becomes lighter and, as a result, faster.
8 Other drugs include anti-inflammatory medications,
9 painkillers, anabolic steroids, and shockwave therapy which
10 numb a horse to pain, making it more willing to race on
11 painful weakness of injury. Take away pain and you take
12 away the bodies warning signal.

13 What I don't hear talked about as far as drugs go
14 here or very often in the horse racing industry is
15 bisphosphonates, including OSPHOS and TILDREN, which are
16 bone mineralization drugs that are a hidden killer. These
17 drugs also mask pain but, moreover, have the potential to
18 hide bony defects in young horses at yearling sales where
19 they are traded for enormous amount of money. Their
20 natural bone immaturities, weaknesses and defects will be
21 masked on x-rays while taking these drugs, and they're sold
22 as-is. This is because the drugs falsely improve the look
23 of certain bones on radiographs for potential buyers who
24 spend millions. However, the weaknesses inevitably emerge
25 while training and racing.

1 And I might add that these drugs are only
2 apparent in the system for one month. So all of the tests
3 are not going to be conclusive if they've been given them
4 before they were sold.

5 These medications were approved five years ago
6 for use on horses four years or older to treat a bone
7 disease called navicular. However, racing vets can legally
8 prescribe it for soreness in younger horses, so it leaves a
9 very large loophole.

10 Ed Martin, President and CEO of the Association
11 of Racing Commissioners International has expressed
12 concerns about bisphosphonates, saying, "We're concerned
13 about the science that shows when it is given to young
14 mammals, it can cause stress fractures."

15 Renowned Equine Orthopedic Surgeon, Dr. Larry
16 Bramlage, adds that, "Horses take months to heal from
17 longer -- from routine injuries as a result of these
18 drugs."

19 Dr. Mary Scollay, a veterinarian, also suspects
20 that, "These drugs could be masking vulnerability in horses
21 bones, thereby contributing to a large number of racetrack
22 deaths."

23 I believe this to be one of the main problems
24 that we're facing here, not the track level or anything
25 else. This is why horses' bones are breaking on the track.

1 And because of the fact that juvenile horses, yearlings,
2 are sold and juvenile horses are made to race before their
3 skeletons are fully developed. They start racing at 21 to
4 24 months, when they still have their baby teeth, and their
5 skeleton system, their skeletal system is still soft in
6 developing.

7 Imagine 1,100 pounds of weight pounding on four
8 porous Coke-bottle-sized ankles. They are forced to race
9 on a manmade course and surface in unnatural fits and
10 starts to the behest of the jockey who is using whips,
11 prods and electrical shocks to inflict pain and frighten
12 them into running faster, no matter what their natural
13 instincts are telling them. Injuries are guaranteed.

14 Thank you.

15 CHAIRMAN FERRARO: Just -- and I know Dr. Arthur
16 is going to address these issues, but I can tell you that
17 last month we passed a rule banning bisphosphonates in
18 California. It will become effective April 1. Most of the
19 other drugs that you've talked about and shockwave therapy,
20 they're in the process of being eliminated from California
21 racing.

22 In terms of young horses training, there's
23 adequate scientific studies that show that horses that
24 train as two-year-olds remain sound longer than horses that
25 don't train as two-year-olds because it builds up the bone

1 in response to the stress. It builds up the bone to take
2 racing. And those horses that don't train or race as two-
3 year-olds have more soundness problems than those that do.

4 And I'll let Dr. Arthur answer the more specific
5 question.

6 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Certainly,
7 we're well aware of all the issues with bisphosphonates.
8 In fact, on the CHRB website there is a video we put
9 together with Dr. Bramlage. It's a video version of a
10 continuing education program that is available on the
11 Jockey Club Welfare and Safety Summit website.

12 Certainly, in terms of the bisphosphonate use, in
13 fact, at Grayson-Jockey Club there was a particular --
14 there was a special call for bisphosphonate research
15 projects. We had nearly ten projects, including one from
16 UC Davis that we hope will get funded. We've certainly
17 been working on ability to find bisphosphonates in bone and
18 necropsy samples, as well as in live horses.

19 So we're well aware of the issue and it's very
20 well explained on the video. But it's something that the
21 industry, I think, has taken in hand. And, frankly,
22 California's rule is the most stringent in the world.

23 CHAIRMAN FERRARO: I can also tell you now that
24 at the Keeneland Fasig-Tipton Yearling Sales for
25 Thoroughbreds, you can request a test for bisphosphonates

1 on any horse you buy. If they're positive, the purchase
2 gets voided.

3 MS. CONRAD: Well, thank you for all the work
4 that's being done it on it. I really appreciate it.

5 I do have a concern about the horses being able
6 to build bone strength. As an older woman, myself, I've
7 been told that I have to do weight bearing exercise to
8 strengthen my bones. And if a horse if in their stable for
9 23 hours out of the day and they're only being trained one
10 hour, it doesn't give a young horse the exercise properly
11 that it needs. Of course, it's being exercised in the
12 racing but --

13 CHAIRMAN FERRARO: I understand your concerns but
14 we really don't have time to discuss it now. If you,
15 maybe, ask Dr. Arthur, he could probably forward you some
16 research papers that address what you're talking about --

17 MS. CONRAD: Thank you.

18 CHAIRMAN FERRARO: -- if that's good for you?
19 Thank you very much.

20 We move on to item number eight, public hearing
21 and action by the Board regarding the proposed amendment to
22 CHRB Rule 2049, Designation and Approval of Horsemen's
23 Welfare Fund, to: one, increase the maximum number of
24 directors or trustees from nine to eleven; two, eliminate
25 the requirement that directors or trustees have no

1 financial interest in horse racing as a licensed owner,
2 trainer, or assistant trainer, and are not a current member
3 of the horsemen's organization if the directors or trustees
4 are also common directors of the horsemen's organization;
5 and three, increase the term for directors and trustees
6 from two to three years.

7 Cliff, can you explain why these measures are
8 necessary?

9 MR. GOODRICH: I will attempt to. Mr. Chairman,
10 Commissioners, my name is Cliff Goodrich. I'm Executive
11 Director of the California Thoroughbred Horsemen's
12 Foundation, better known by the moniker CTHF. For those in
13 the audience and Commissioners who need to be reminded, we
14 provide the vast majority of healthcare for the people who
15 love the horses and take care of them, literally, the
16 backstretch workers. We are clearly the primary source for
17 healthcare for a majority of those workers because many
18 don't have insurance.

19 We're requesting this for several reasons. One,
20 we're a charitable nonprofit foundation who is projected to
21 lose over a million dollars in the next five years in an
22 industry, healthcare, where we have not projected one dime
23 of increased expenses over that period of time when double-
24 digit increases are the norm, so we've got some challenges
25 that we face.

1 Unfortunately, we're subject to a broken revenue
2 model, largely dependent, statutorily, on on-track and
3 local satellite handle. We are supported by the tracks,
4 the owners, the trainers, the fairs. But about half of our
5 revenue comes from on-track and satellite handle which is
6 down precipitously. And it's a little difficult for us to
7 turn around and go to our stakeholders and say, guys, we
8 need some help, when they're hurting themselves.

9 And so we're going to have to start looking to go
10 outside this industry for fundraising activities in order
11 to generate more revenue to be able to continue the good
12 services we do. In order to do that, we want to have a
13 larger board, 9 to 11, but we don't want to dismiss present
14 board members. Right now we have two owner
15 representatives, two trainer representatives, two racetrack
16 representatives, statutorily, a labor union representation,
17 and a retired physician. We're going to probably need to
18 add somebody with a clinician background, and also somebody
19 with fundraising expertise, because that's not personally
20 in my wheelhouse, let alone we're going to have to find
21 somebody to replace me sometime in the relatively near
22 future.

23 So we're asking for these changes to give our
24 Board more flexibility, more expertise. The amendments are
25 supported by Staff. I don't think any comments were

1 received. But I think, with confidence, the amendments,
2 I'm sure, are supported by the industry. It will make us a
3 broader, stronger organization, better able to deal with
4 the challenges of the future.

5 CHAIRMAN FERRARO: Any questions from the Board?

6 VICE CHAIRMAN GONZALES: I do, just two quick
7 questions.

8 I noticed that you also have an Advisory Board.
9 Can you describe their role?

10 MR. GOODRICH: I will. Right now we have three
11 Advisory Board members. That's a little less than usual.
12 And what we typically do, there are exceptions, is when
13 somebody expresses an interest in becoming a member of our
14 Board and helping the backstretch workers, the Advisory
15 Board is there for them to get acquainted with our board
16 and what we do to see if they maintain that interest
17 through at least a year of being on the Advisory Board.
18 And it gives our board a chance to look at those
19 individuals to see, do we really want that individual on
20 our board?

21 So it's a stepping stone to full board
22 membership. They don't have a vote but they sit in all the
23 meetings. And I think it's a good warmup and, a lot of
24 times, they will eventually become board members.

25 VICE CHAIRMAN GONZALES: Sure. Thank you.

1 My second question is when I looked at the makeup
2 of the board, Cliff, I noticed that it's overwhelmingly
3 male. I noticed, of the eight board members, that three --
4 you have 11 slots and you only have one woman, Angie, one
5 of the best leaders and committed professionals we have on
6 the backside. My concern about expanding the board is if
7 we go to the Advisory Board and they're, let's just say,
8 they're in the bullpen and we create two slots, you're just
9 going to have two more guys on it.

10 What can we do to make sure -- because I really
11 believe that if we're going to do the soul searching that's
12 needed as an industry, if we're going to really step up the
13 way that the public is expecting us, it has to be a well-
14 balanced approach. And there is nothing like diversity
15 from all walks of life, gender, cultural. And I just want
16 just to get your thoughts about that because I really
17 believe that as you go beyond the inclosure, you go into
18 the fundraising world, there are people who ask those
19 questions and I just would hate for it to be male-
20 dominated.

21 MR. GOODRICH: I couldn't agree more. And the
22 way to take a first step is to bring such a subject up in a
23 public meeting, as you have. It puts us on notice.
24 Couldn't agree more. Couldn't agree more. We just have
25 not had a lot of interest from the other gender. But I

1 think in this day and age, we need more diversity. And
2 hopefully you can look forward and this Commission can look
3 forward if they have the same interest in seeing a more
4 diverse board.

5 So I can't stand here and say it will absolutely
6 happen. But I can stand here and say we've been put on
7 notice and we better start thinking about it.

8 VICE CHAIRMAN GONZALES: Well, thank you. Well,
9 you can count on me, and the rest of the Commissioners, to
10 help you identify. And let the Advisory Board members know
11 that this has nothing to do with what they bring or don't
12 bring but it's just simply, again, just really going above
13 and beyond what we're all expected as professionals.

14 So I am inclined to support this but I need your
15 commitment, Cliff, that you're going to just pull out all
16 stops to make sure that we identify key women leaders in
17 the industry and those that are really passionate about
18 what we do, and especially the backstretch. You know,
19 again, I'll repeat, I'm a former backstretch worker, was
20 brought into the services many, many times, as was my
21 grandfather, my dad, from dental to medical to many of the
22 other services, so I very am much a supporter. But I know
23 in that area that I just described we will be able to meet
24 that goal, so we'll work on this together Cliff.

25 MR. GOODRICH: Comment well taken. We'll work on

1 it together. And I think you can look forward to seeing
2 more diversity on our board.

3 CHAIRMAN FERRARO: Do we have a motion to adopt?

4 VICE CHAIRMAN GONZALES: I move to adopt this
5 measure.

6 CHAIRMAN FERRARO: Second?

7 COMMISSIONER ALFIERI: Second.

8 CHAIRMAN FERRARO: Commissioner Alfieri?

9 COMMISSIONER ALFIERI: Yes.

10 CHAIRMAN FERRARO: Commissioner Mitchell?

11 COMMISSIONER MITCHELL: Yes.

12 CHAIRMAN FERRARO: Commissioner Gonzales?

13 VICE CHAIRMAN GONZALES: Yes.

14 CHAIRMAN FERRARO: Yes.

15 MR. GOODRICH: Thank you.

16 CHAIRMAN FERRARO: Thanks Cliff.

17 Next item is item number nine. Just as a preface
18 to this item, as most of you probably know or have heard,
19 last month this Board adopted the most restrictive crop use
20 rule in North America. To complete our goals for the
21 humane treatment of the horse, we have, now have, an item
22 on the agenda to discuss what type of crop is going to be
23 permitted under the rule that we passed last month. And
24 our current focus is on a riding crop design called a 360
25 Gentle Touch, 360 GT.

1 So, to start the discussion, Mr. Dominguez?

2 VICE CHAIRMAN GONZALES: If I may, I want to ask
3 what I asked of you that I asked of Chief Steward when --
4 McHargue when he testified?

5 If you could just give us your background career
6 highlights? It's very much of an honor to have you here,
7 Mr. Dominguez, but please start off by, you know, what
8 you've done for the industry and what you do now.

9 I hope that's okay, Dr. Ferraro?

10 CHAIRMAN FERRARO: Yes.

11 MR. DOMINGUEZ: Thank you.

12 CHAIRMAN FERRARO: Perfect.

13 MR. DOMINGUEZ: Good morning and thank you so
14 much for inviting me to be here. And for those of you who
15 don't know me, my professional background is in horse
16 racing. I was a professional jockey for 17 years here in
17 the United States. Throughout those years, I was able to
18 participate in so many different racetracks and racing in
19 different racing jurisdictions. And I was very fortunate
20 to do very well. I was, in fact, probably in 2016,
21 indoctrinated into a Horse Racing Museum Hall of Fame.

22 To get into the background of the story about the
23 360 GT that Mr. Gregory mentioned, I was, in 2008, riding
24 at Delaware Park. And there was the year that the racing
25 officials brought to the jockeys or the jockey colony the

1 soft crop. And it was replacing what we previously were
2 using, which was a crop that the upper part, as we call
3 this, the popper was made out of materials that were very,
4 very hard. So I was very pleased with the different things
5 that the new soft crop of the different dimensions that it
6 was offering in terms of protecting the horse.

7 At the same time, after using it, I realized that
8 there were a couple things that needed to change. One of
9 them was that the material, the surface of the material on
10 the popper, was very soft but, also, it was getting
11 deteriorated quickly, therefore, the water was penetrating
12 and it was getting heavier, changing the way the horse --
13 that the jockeys felt when they were maneuvering the crop
14 but, more importantly, the increase in the impact on the
15 horse.

16 And, secondly, the other thing was that because
17 the materials were sewn together, as I will show you here,
18 the two pieces of material are sewn together, this
19 stitching around the outside created an edge. And that's
20 the still the case with the current crops, that they are
21 stitched together like this. So, as a jockey, you have no
22 control over how you're impacting or hitting the horse.
23 And if the edge is the first thing that has contact with
24 the horse, obviously, it could harm the horses skin or
25 potentially cut the horse.

1 So with that in mind, I started thinking about a
2 way that I could protect the horses by creating something
3 that was, number one, waterproof and, two, a way to
4 eliminate these edges. So one day I thought about how
5 about something that is in the cylindrical shape? And that
6 led to my first prototype, which actually came from an
7 innertube for a bicycle. I put inside insulation that they
8 use for piping in the winter months, especially in New York
9 and Maryland and Delaware. And I liked it enough where,
10 because, obviously, it was waterproof but, also, it didn't
11 have any edges, that I went ahead, and in 2011, I ended up
12 filing my first patent.

13 Now the difference between the current riding
14 crops that have these poppers and the 360 GT is that in the
15 beginning of the race the crops are being carried in a
16 backhand position or the down position, the popper, and
17 then the last part of the race the jockeys go from the down
18 position to the up position or forehand position and there
19 is no way, it is impossible, for the jockey to determine
20 how the popper is positioned, whether it is on the flat
21 side, which is ideal, or if it is with the edge. So,
22 clearly, if you have the impact with the edge, it's not
23 ideal and we all understand that.

24 So unlike the conventional poppers, the 360
25 GT offers consistent, very smooth surface, regardless of

1 how you hit it. And in addition to that, you have the
2 shock absorption that this type of foam offers.

3 Another great attribute from the 360 GT is that
4 when it's being used, it makes a lot of noise. And horses
5 respond very well to sound, so that's yet another great
6 source of encouragement that is very safe.

7 I have a couple of these dual poppers if you guys
8 want to pass it around for you to see and feel the
9 difference between them. So, obviously, the one that is
10 folded here is the one being currently used and the round
11 one is the 360 GT.

12 So in May, I submitted proposed language to the
13 California Horse Racing Board. Since then, we have made a
14 couple changes that includes the material itself and how
15 it's put together so that it can also include this. I'll
16 be happy to provide this to you guys.

17 And at this point if anyone has any questions,
18 I'll be happy to answer them.

19 CHAIRMAN FERRARO: I know that you did some --
20 had some testing by your laboratory about the compression
21 of the foam compared to the other crop. Have you done any
22 additional testing since then? I know the lab is not
23 certified to do that but the testing is pretty
24 straightforward. Have you done any more than that or are
25 you relying on that?

1 MR. DOMINGUEZ: Yeah. So the first set of tests
2 was done by the New York Institute of Technology, which I'm
3 on the Advisory Board. We are actually simultaneously
4 working to create a safer helmet for the jockeys. So, as
5 you said, they are not considered a certified lab.
6 However, I went ahead and got a second set of testing by a
7 third-party certified lab in New York City that had nothing
8 to do, really, with racing but they conducted the studies,
9 which I have with me. And it proved that this has much
10 greater shock absorption than anything out there.

11 CHAIRMAN FERRARO: Okay. Anybody else have
12 questions about it?

13 VICE CHAIRMAN GONZALES: Yes. Mr. Dominguez, a
14 question, what is currently being proposed in terms of
15 dimension, texture, stitching, is what is being proposed,
16 will that allow for products like yours and possibly others
17 to fit into that? I mean, we want to be as restrictive.
18 As the public knows, at our last meeting we took a close,
19 hard look. And to use Dr. Ferraro's phrase, California
20 will have the most restrictive, toughest riding crop rules,
21 and so we know we've addressed that.

22 Now that we're addressing this, I'm just wanting
23 to make sure that we can continue to explore innovation,
24 that whatever dimensions are in place are not restrictive.
25 In fact, I will go out on a limb to say I think we will see

1 the day where technology is even more integrated to the
2 point where, perhaps, there's some kind of sensors or
3 something that will even allow for stewards to make their
4 job easier to see the number of times, perhaps even the
5 velocity of them. I don't think that we're all that far
6 off. I mean I, you know, work in Silicon Valley, I work in
7 technology, and I know that where there is a need there are
8 innovators.

9 And so my question, again, is the way that things
10 are currently written, will this allow for your product,
11 and even others, to fit into that or is there something we
12 need to do?

13 MR. DOMINGUEZ: Excellent question. And, yeah,
14 so while I went over the proposed language that is current,
15 the two things that I feel like are necessary in order for
16 this tool, so be included, is the current rule, and perhaps
17 it's reading with the belief that is similar to the popper
18 that is currently being used, is that it talks about, when
19 it comes to dimensions, it talks about the width. And
20 given that this is a cylinder and the way to measure this
21 will be, I'm sorry, a diameter versus a width, that's one.

22 And two is that, again, I feel like given that
23 the current poppers, it is made of, basically, two
24 materials. There is some shock absorption inside and then
25 on the outside it's the synthetic leather that they use,

1 they talk about two components. And here, this is one
2 unified type of foam that has great shock absorption, and
3 also durability, and it's chemical resistant, waterproof
4 and so on. But there is no need for two types of material.
5 It's just one.

6 VICE CHAIRMAN GONZALES: Thank you.

7 CHAIRMAN FERRARO: Any other questions?

8 Can we see one of those?

9 COMMISSIONER MITCHELL: Yeah.

10 MR. DOMINGUEZ: Yes.

11 VICE CHAIRMAN GONZALES: You know, and Dr.
12 Baedeker, if I can -- I'm sorry, Rick. My apologies, Rick.
13 Can we get your thoughts about, if Mr. Dominguez feels that
14 the way that things are currently written may be too
15 limiting, what advice do you have for us to make sure that
16 we're allowing for there to, again, continue to be some
17 innovation without being ultra-restrictive but, of course,
18 meeting our ultimate goal which is keeping the safety or
19 horses and jockey in mind?

20 EXECUTIVE DIRECTOR BAEDEKER: The challenge for
21 the Board is writing a rule that allows for not only the
22 Mr. Dominguez crop to be used but any crop that meets the
23 specifications. So, in other words, the Board can't
24 dictate that, a certain vendor's, so that's the challenge.

25 We've noted the two changes that Mr. Dominguez

1 has already mentioned that can be easily incorporated. The
2 process here is that if you send it out for 45-day public
3 comment, then those comments, any others that are received,
4 will come back to you. At the end of that process, you can
5 decide whether or not to change the proposed rule, to edit
6 it slightly. If you make kind of a non-substantial change
7 when it comes back, I would consider both of these
8 recommendations to be non-substantial, then it would go out
9 for 15-days' public notice.

10 So that's a good method for the Board to hear
11 opinions, comments, observations from all sorts of folks,
12 bring it back to you, you analyze it again, and then you
13 move the rule that you're satisfied with, or if you want to
14 direct Staff to go back, incorporate those changes, we
15 could bring it back to you again, or you could ask Mr.
16 Brodnik to write some language right now, responsive to
17 what Mr. Dominguez said, incorporate it into a motion that
18 would, on the fly, edit this language, so you have those
19 three options.

20 VICE CHAIRMAN GONZALES: If I could, I like that
21 last option and, Rob, I know you're pretty quick on your
22 feet, so that way we're just saving time. I mean, we're
23 trying to really move as many of these along as possible.

24 So what would be a phrase that would be -- that
25 would meet our objectives that I can incorporate into a

1 motion that we could consider?

2 MR. BRODNIK: Just in light of the -- Robert
3 Brodnik, California Horse Racing Board.

4 In light of the conversations --

5 EXECUTIVE DIRECTOR BAEDEKER: (Off mike.)

6 (Indiscernible.)

7 MR. BRODNIK: My apologies. Robert Brodnik,
8 California Horse Racing Board.

9 In light of the comments of Mr. Dominguez, if I
10 could just have a couple minutes to make sure that I'm
11 capturing what he's talking about, then perhaps I can come
12 back with some proposed language.

13 CHAIRMAN FERRARO: Comments. We have a lot of
14 comments.

15 VICE CHAIRMAN GONZALES: Yeah, you have a little
16 time there.

17 MR. BRODNIK: Perfect.

18 CHAIRMAN FERRARO: So we have time.

19 VICE CHAIRMAN GONZALES: That's fine. Thank you
20 for that.

21 CHAIRMAN FERRARO: The one thing I want to
22 mention up front here is now in this rule it is written
23 that the crops will be the property of the racing
24 association, not the jockeys, and the crop will be handed
25 out to the jockey as he goes out to get his mount in the

1 race, and it will be collected when he comes back from the
2 race. This is designed to make -- to ensure that no
3 alterations of the crop occur. There will be no personal
4 crops allowed in a race, so that everybody is using the
5 same piece of equipment and no chance to alter it. So I
6 want that understood, it will be part of the rule.

7 COMMISSIONER ALFIERI: How do you deal with
8 training?

9 CHAIRMAN FERRARO: Well, you know, they're not
10 allowed to use the crop for anything but safety in the
11 morning. And, certainly, the next step we could make is to
12 make that crop the Dominguez type, the 360 crop the only
13 crop that could be used on a racing inclosure. That
14 certainly could be done in a separate motion.

15 EXECUTIVE DIRECTOR BAEDEKER: Actually, Mr.
16 Chairman, passing these specifications will affect both
17 training and racing.

18 CHAIRMAN FERRARO: Oh, good.

19 EXECUTIVE DIRECTOR BAEDEKER: But as you point
20 out, the rule that you all moved last month that restricts
21 the use of the crop says that you can't use it in the
22 morning. You can carry it for safety purposes. But you
23 will still need to meet these specifications with the crop
24 carried in the morning.

25 CHAIRMAN FERRARO: That's fine.

1 COMMISSIONER ALFIERI: So when the trainers
2 purchase those items, they'll keep them for their --

3 CHAIRMAN FERRARO: Or the riders themselves.

4 COMMISSIONER ALFIERI: -- for the riders?

5 CHAIRMAN FERRARO: Yeah.

6 COMMISSIONER MITCHELL: So the way it works right
7 now is every rider has their own crop --

8 COMMISSIONER ALFIERI: Yeah.

9 COMMISSIONER MITCHELL: -- and this is changing.

10 COMMISSIONER ALFIERI: Yeah.

11 COMMISSIONER MITCHELL: And why? So we're
12 changing that because we've had situated where people have
13 altered their crops or what is the --

14 CHAIRMAN FERRARO: Yes. Basically, yes.

15 EXECUTIVE DIRECTOR BAEDEKER: One of the
16 responsibilities of the Safety Steward is to inspect the
17 crops on a regular basis. So they'll go in unannounced
18 into the jocks' room, make sure that they meet these specs
19 that you see in front of you that have been lined out to
20 make these changes. But we've had specs for a long time,
21 so they have to meet those specs, and the Safety Stewards
22 do, unannounced go into the jockeys' room and make sure
23 they haven't altered them.

24 COMMISSIONER MITCHELL: So this is just to avoid
25 that step and they can just go into one area now? Okay.

1 CHAIRMAN FERRARO: To ensure that there are no
2 alterations, yes.

3 COMMISSIONER MITCHELL: All right.

4 CHAIRMAN FERRARO: Thanks, Mr. Dominguez.

5 Can we ask if there's any jockeys in the room?
6 I'd like to hear any comments from them.

7 And let's make sure we get your equipment back to
8 you, huh?

9 VICE CHAIRMAN GONZALES: Oh, yeah. Yeah. Good
10 idea.

11 CHAIRMAN FERRARO: Good morning, Darrell.

12 MR. HAIRE: Good morning, Mr. Chairman, Members
13 of the Board.

14 MR. GUSSMAN: Mr. Chairman, Members of the Board,
15 Shane Gussman on behalf of the Jockeys' Guild. I have with
16 me Darrell Haire, a representative of the Jockeys' Guild,
17 and Mindy Coleman, who is counsel for the Jockeys' Guild,
18 to provide specific perspectives from the Guild on this
19 issue.

20 I would say, generally speaking, the Guild can't
21 endorse one product over another. We are very supportive
22 of innovations in equipment that protect the riders and the
23 horses. And so we don't come to this as, oh, my god, don't
24 do anything. We think innovation here is a good thing.

25 We do have some concerns with the way this is

1 being rolled out. I appreciate the Board's need to do
2 something but writing language in the middle of the meeting
3 and language that we haven't even seen I think is
4 problematic from a public perspective in terms of, you
5 know, getting to participate in what the government does.
6 Usually, you have language, the public gets to review it
7 before we're voting on something, and here we're kind of
8 doing it on the fly. I'm a little bit concerned about
9 that. And I think the Guild is concerned about that. We
10 want to get this right.

11 I think we would, respectfully, urge the Board,
12 when they look at this rule, whether you're doing it right
13 now or you take it back and consider it, to avoid adopting
14 a one-size-fits-all policy here with the specifications. I
15 think Board Member Gonzalez mentioned that we don't want to
16 stifle innovation and we agree with that. We think that
17 there may be innovations down the road that protect the
18 horse even more and we should be open to that.

19 Another huge reason for us that we want to avoid
20 one-size-fits-all is that not all jockeys are the same.
21 They're people that are physically different from each
22 other in lots of different ways. And a one-size-fits-all
23 policy for the crop could prevent the jockey from being
24 able to utilize the crop properly.

25 And, for instance, a jockey's hands might be

1 smaller than another jockeys. And the way they switch crop
2 from hand to hand could be interfered with a popper that's
3 too big, for instance. And so that's why jockeys have
4 different size crops. Quarter Horse racers use shorter
5 crops than thoroughbred racers. So we'd urge the Board to
6 keep in mind those differences and consider that.

7 The proposal to have the tracks provide crops to
8 the jockeys is problematic for that very reason. That is a
9 one-size-fits-all. And each jockey currently has their own
10 crop because they are different. They have different
11 riding styles, they have different strengths, they have
12 different balances, and that needs to be kept in mind. And
13 if you have a situation where Santa Anita is providing one
14 crop, one brand to every single rider, one size, that's
15 problematic and we would urge the Board to look at a
16 different rule on that.

17 And with that, I would turn it over to Mindy and
18 Darrell.

19 MS. COLEMAN: Good morning, Chairman,
20 Commissioners. Mindy -- excuse me, Board Members, I
21 apologize. Mindy Coleman on behalf of the Jockeys' Guild.

22 We appreciate you guys -- it's on? Okay.
23 Apologize. Again, Mindy Coleman on behalf of the Jockeys'
24 Guild.

25 First and foremost, we would like to reiterate

1 again, as we've said, the safety and the welfare of both
2 our equine and our human athletes are of the utmost
3 importance to the Guild and our members. It's the jockeys'
4 lives and wellbeing that are risk when there's any risk to
5 a horse.

6 With that being said, the Guild and our members
7 are adamantly opposed to any abuse to any animal. And any
8 person who abuses a horse should be fully punished for such
9 occurrences. The reason I say that is we do not think that
10 the improper use of a riding crop should be allowed.

11 With that being said, we do believe that the
12 current riding crop is not abusive to the horse and is
13 humane to the equine athletes. However, we have been and
14 will continue to be supportive of any improvements that can
15 benefit the wellbeing of the horse, including the
16 improvements to the riding crop.

17 We will reiterate that the riding crop is
18 necessary for communication, control and encouragement. As
19 such, the changes that are made cannot delineate from that
20 necessity. It should be emphasized that the riding crop
21 should only be used for those purposes and it should be
22 appropriate, professional, proportionate, and taking into
23 account the rules of racing as determined by your Board.

24 The stimulus provided by the use of the riding
25 crop shall be also monitored to not compromise the welfare

1 of the horse, this includes any new improvements that are
2 being proposed. Therefore, any research and development in
3 these proposed improvements shall be thoroughly inspected
4 and reviewed before implementing changes.

5 The -- excuse me. With regards to the
6 development and the improvement of the riding crop, whether
7 it be the material used or the design, the Guild is fully
8 supportive, however, it must be done in a thoughtful manner
9 after the research is fully vetted and there is input and
10 consideration from the jockeys, as those are the
11 professional athletes who are required to use this tool for
12 our sport.

13 Without specifically endorsing a particular
14 product, we greatly commend Ramon Dominguez for the
15 (indiscernible) of 360 GT, who has put forth the tireless
16 efforts in coming up with a new design, as well as any
17 other jockeys that have come up with other ways to see how
18 to improve the riding crop.

19 For example, fellow jockey and most recent George
20 Woolf recipient, Scott Stevens of the Stevens racing family
21 and older brother of Gary Stevens, has been experiencing
22 with different materials that he's found, simply on the
23 internet, of what we can do and how the horses then respond
24 to that. Darrel will discuss both of these proposals,
25 along with variations in the riding crop that is necessary

1 for individual jockeys, when he speaks to you about the
2 comparisons of the existing riding crop and the design by
3 Mr. Dominguez.

4 However, to provide a background, when the
5 current riding crop that is now being used was implemented
6 it was done based on the recommendation and the support of
7 the Jockeys' Guild working with others in the industry. At
8 that time the new riding crop essentially mirrored what was
9 already being done in Great Britain with the ProCush design
10 after they had vetted the changes in the material being
11 used on the popper.

12 However, before it was fully adopted here in the
13 United States, there was considerable amount of testing
14 done in the real world, if you will, meaning several
15 colonies, including in California, Delaware, as Mr.
16 Dominguez, New York and Kentucky all tried this different
17 style of riding crop to see how it worked. When that was
18 done there were changes that had to be done to the
19 production, making sure the standards of quality were also
20 met so as to prevent the poppers from coming off or from
21 breaking, the sticks breaking while they were using, which
22 could actually cause further harm to the horse. So all of
23 that had to be done before this was fully incorporated into
24 rule changes.

25 The other issue that must be considered here in

1 this case that was considered previously is the changes
2 that are adopted must be fully considerate of Quarter Horse
3 jockeys, as well as thoroughbred jockeys, because while the
4 material is the same the design and style varies for those
5 two different breeds.

6 The one thing that we need to do with regards to
7 the presentation today, we'd respectfully request that any
8 change that is adopted and put forth by your Board be done
9 precisely and done in a careful and thoughtful manner.
10 There are very -- there are many factors that must be
11 considered and evaluated before these changes can be
12 implemented and made mandatory to the jockeys.

13 Furthermore, any changes shall be evaluated in
14 the real world in order to determine the performance and
15 effectiveness, as I said we had done in the past.

16 The one concern that I have with what was just
17 discussed here is requiring that every jockey use the same
18 riding crop or that the riding crop be provided when they
19 leave the room and upon returning. The problem I have with
20 that is you are going to have -- if you have three of a
21 certain size and you have four jockeys in that race that
22 regularly use that size, you're not going to be able to
23 make that determination.

24 The other issue we have is jockeys are
25 professional athletes, just like all other professional

1 athletes. In those situations, you don't change -- while
2 they all meet -- for example, in hockey, the sticks meet a
3 specific standard and the material that is used. However,
4 each stick is based on that individual's height, the
5 different variations and considerations where it is for
6 that individual, same with a tennis racket, same with a
7 baseball -- or with a bat. There are all these items.
8 Jockeys are no different than any other professional
9 athletes and they should not be treated differently.

10 Please note, the Guild has not been provided a
11 copy of the proposed changes you may be taking into those
12 considerations.

13 The other thing, any regulations with regards to
14 the rule change and the specifications must contain --
15 while it contains the humane specifications and dimensions,
16 it still must be broad enough to allow for varying
17 products. It cannot be one specific product because there
18 are, again, individual preferences.

19 We would respectfully request that the Board also
20 take into consideration the discussions that the California
21 Horse Racing Board and proposals that you put through are
22 being closely monitored by not only other jurisdictions
23 here in the United States but throughout the world. An
24 example of this is what we had where there was previous
25 discussion about the riding crop being eliminated but for

1 safety purposes.

2 After the Board has made the decision that it did
3 last month and made those changes, there are still other
4 jurisdictions that have now gone full board with
5 eliminating but for safety purposes. We cannot have that
6 situation happen again where we're now trying to go
7 retroactively back to what is being reviewed.

8 The other thing, while we applaud the
9 discussions, the changes must be done thoroughly and
10 thoughtfully as it will have an impact on the wellbeing of
11 not only the jockeys but also the horses. It needs to be
12 stressed, as we've continually said, without the existing
13 riding crop the industry must make the effort to further
14 educate the public regarding the use of the riding crop,
15 including the necessity, the shock absorbing materials in
16 the popper, the method of use by the jockeys, as well as
17 the sound that Mr. Dominguez alluded to.

18 One of the major issues that is brought up in
19 matters with public perception is the loud sound, thinking
20 that it is going to injure the horse. We need to explain
21 that that sound, again, uses a method of encouragement and
22 is do the material shock absorbing -- or absorbing the
23 impact, deflecting it away from the horse.

24 The ultimate goal is to establish a standard in
25 the riding crop which is in the best interest of the

1 welfare of the horse while taking into consideration the
2 differences of riding style and the preferences of the
3 professional athletes who are the other necessary component
4 of our sport.

5 As said, it would be our hope to establish a
6 specification of the riding crop that would still allow for
7 variances, as necessary, for the individual jockey's riding
8 styles.

9 We look forward to working with you as the
10 regulators, as well as any innovators, and those proposing
11 improvements to the existing riding crop with the ultimate
12 goal of being what's best in the interest of the horse and
13 the rider.

14 Thank you.

15 CHAIRMAN FERRARO: Thank you. I'll just remind
16 you before you go on that anything, any motion we pass, any
17 rule we pass today goes out for a 45-day comment period and
18 comes back to this Board. So there would be adequate time,
19 anything we pass, to get input from the rest of the
20 industry and make alterations at the end.

21 Go ahead, Darrell.

22 MR. HAIRE: Thanks, Mr. Chairman.

23 We've, over the years, as you know, we've worked
24 close with the Commission, starting probably eight years
25 ago with these riding crops. And we want to continue to do

1 that, to do the right thing, because as Mindy stated, the
2 whole industry is looking at what we're doing in
3 California.

4 We've -- just like with the safety helmets that
5 meet the ASTM standards, or the safety vests, it's taken
6 years to perfect those, the material, the fit, even though
7 they meet the standards, whether it's the ASTM or the
8 European standard. Each rider, they have their preference,
9 how the fit is for their helmet, or the vests. Some riders
10 like the vests with the tail. And now, with the material,
11 it's softer, it's more conforming to their body. So it's
12 been a process. And it's, you know, now a lot of riders
13 are adapting and it's more comfortable and it's safer,
14 which was meant to be.

15 With the riding crops, with the ProCush,
16 initially, this is -- and this has been perfected too.
17 It's just because riders have their own preference, some
18 riders like a riding crop to be stiff, some like it with
19 more flexibility. Some riders have longer arms. It's just
20 their preference. It's so important because this is such a
21 valuable tool.

22 And now -- and it all goes to where, you know,
23 riders sometimes have to wear gloves in cold weather or
24 they wear gloves, switching sticks, it's all -- you have to
25 take this all into consideration, what we're doing here,

1 just because of the field.

2 And now, with Ramon's riding crop -- and he's
3 done a great job and a lot of the riders like it, and he's
4 still now getting to where the riders are more comfortable
5 with it. The Quarter Horse riders, their riding crops are
6 smaller or shorter, and this has to be taken into
7 consideration. I don't -- Ramon is in the process of
8 making riding crops for the Quarter Horse riders, also, but
9 it's all in the material, the foam. Scott Stevens has been
10 using this for about a year and he likes it.

11 So it's just a process as we go along. It's
12 just -- but, again, I guess I can't stress that one riding
13 crop doesn't fit all.

14 The main objective here from the get-go is for it
15 not to be abusive, to be equine-friendly, and I think we've
16 achieved that because very seldom do you see a rider being
17 fined now for leaving welts or cutting a horse, so we're
18 getting there. And these riders care about these horses
19 and they're using this riding crop, as I've seen now,
20 they're more aware of how they use it. And I believe we're
21 going in the right direction.

22 But whatever we do here, I think we -- it's just
23 so important that we make the right decisions here for the
24 future.

25 CHAIRMAN FERRARO: Thank you very much.

1 Any questions from the Board?

2 COMMISSIONER MITCHELL: I do.

3 So I agree with your comments about not endorsing
4 one particular brand over another. And I think we need to
5 be sure that whatever amendments, if we do move amendments
6 today to this reg, that we don't -- that it doesn't, you
7 know, completely askew because want to keep innovation
8 obviously.

9 And, also, your comments about the passing out
10 the riding crops at the tracks, I agree with you. When I
11 read that, I was like this doesn't make any sense. Maybe
12 they do this all the time. I'm new to this but -- so I'm
13 with you on that. I think the process, I mean, that's why
14 I asked the question on the process, existing process for
15 inspection, unless there's something else more egregious
16 that has happened that I'm unaware of, seems like it's
17 working.

18 And then, Mindy, do you want to be in the Horse
19 Welfare Fund for the --

20 MS. COLEMAN: What?

21 COMMISSIONER MITCHELL: Do you want to be in the
22 Horsemen's Welfare Fund? Because we're looking for good
23 woman.

24 MS. COLEMAN: I am a Kentucky resident. It might
25 be a little bit challenging --

1 COMMISSIONER MITCHELL: Oh, well.

2 MS. COLEMAN: -- because the Guild might not
3 allow me to travel. But, yeah, thank you for the offer.

4 COMMISSIONER MITCHELL: Whatever. I mean, you
5 know, we'll take you.

6 MS. COLEMAN: Well, thank you.

7 CHAIRMAN FERRARO: Dennis, do you have any
8 comments?

9 Oscar?

10 COMMISSIONER ALFIERI: Well, I want to commend
11 Ramon. You know, I saw this back in 2018. He's been
12 working on this a long time. He's been trying to perfect
13 it.

14 I do not like the current crop. And,
15 respectfully, you know, it still have edges. It bothers
16 me. It bothered me ever since -- I mean, I know you've,
17 over, you know, iterations of changing it over the years,
18 have had seams. This is much better. And the noise, I
19 think, is important for the jockey. I understand, jockeys
20 have -- you know, some are taller, some are shorter, some
21 are fatter -- no, they're not fatter, that's for sure, and,
22 you know, we can get over that. So you make several that
23 are certain lengths and whatever.

24 I just think we need to quit screwing around with
25 this and get something, whether it's Ramon's product, if

1 he's ready to sell it now, god bless him. Get it out
2 there. And, you know, and if there's several other
3 companies, I agree with Wendy, I'm not sure we want to
4 endorse one product. But I do like the popper. I think it
5 makes 1,000 percent -- it's 1,000 percent better than
6 having ones with seams and edges. That still has edges and
7 that's what hurts the horse.

8 So we've got to make a change. And we keep
9 talking about it and studying it and talking about it and
10 studying it. We'll do this for the next several years.

11 CHAIRMAN FERRARO: Oscar, do you have anything
12 you want to say?

13 VICE CHAIRMAN GONZALES: Yeah. The only point --
14 and, Shane, I do appreciate your comment, and we are about
15 transparency. We want to, you know, be methodical,
16 thoughtful, but also be transparent. I just wanted to make
17 sure that whatever we agree to do, that it is not limiting,
18 that if the dimensions require a flat whip, that nobody is
19 left out. That's really all I'm going with. I'm perfectly
20 okay with, you know, going through the proper steps. I
21 just know that we've got, and to the spirit of what
22 Commission Alfieri is saying, to really try to expediate as
23 many of these rulemakings that are going on because it is
24 in the interest of the rider and horse.

25 So I do appreciate you bringing that up, Shane,

1 and I'm just wanting, again, there to be, you know, the
2 flexibility for innovation, for creativity, but just not
3 limited to any particular dimension as in flat versus
4 round.

5 CHAIRMAN FERRARO: I'd like to thank the three of
6 you.

7 I'd like to get some comments from some other
8 people.

9 MS. COLEMAN: Thank you.

10 CHAIRMAN FERRARO: Is there anybody from the
11 racetracks that would like to make a comment about this?
12 I'm not -- you don't have to but if you'd like to say
13 something, we'd like to hear it. No?

14 Darrell McHargue, could you answer a couple of
15 questions for me?

16 CHIEF STEWARD MCHARGUE: Sure.

17 CHAIRMAN FERRARO: The Guild members talked a
18 about --

19 CHIEF STEWARD MCHARGUE: Darrel McHargue, CHRB,
20 Chief Steward.

21 CHAIRMAN FERRARO: -- talked about the jockeys
22 using different styles, different needs, different, you
23 know, different crop dimensions, depending on what they do.
24 Can you comment about that, how important that is?

25 CHIEF STEWARD MCHARGUE: As previously mentioned,

1 there are jockeys that are longer armed, shorter armed. It
2 does make a difference in what they prefer.

3 Stiffness, flexibility, you know, that's a
4 preference. It's a personal preference. There is
5 something to that. Some of the riders that I have talked
6 to, I haven't talked to a lot, but there's very few riders
7 that are using the 360 right now in California, and that
8 surprised me. There's a reason for that. And some of this
9 could be, from what I heard, the width of the actual handle
10 of the crop, and that varies. Some riders like a thick
11 handle. Some like a more narrow handle. I don't think
12 there's anything that can't be overcome with a good rule.
13 You might have a variation of a selection to where a jockey
14 goes outside.

15 I have heard, and this is what I heard, was the
16 Quarter Horse riders are now selecting their whips from a
17 box, so I think that surprised me. I would like to check
18 into that but that's what I heard. I heard that Los
19 Alamitos, they may already be doing this to a degree.

20 And, you know, I don't think there's anything
21 that's unsurmountable to overcome here to where Mr.
22 Dominguez could make whips a little more flexible. He
23 could make crops a little more on the stiff side if he
24 needed it, depending on a preference. This does not open
25 it up a lot but it still would give the riders what they

1 want as well. You could make it where it's a little
2 narrower at the handle if that a preference or whatever.
3 But, you know, you just have, you know, three or four of
4 each in the box.

5 And I do believe that you would need, to the
6 process of handing them out at the door, I think it would
7 work. I think that's the only way you're going to be able
8 to monitor them until they become kind of an everyday
9 commodity at the track because very few people have these
10 right now.

11 You know, so I also, on the other part that I've
12 heard that I have concern is are there variations, besides
13 Mr. Dominguez, for something that fits into that model?
14 Then keep it open. And I think Mr. Baedeker has already
15 addressed that in some of his prior comments, to where if
16 the Board decides that the popper is a round, cylindrical
17 object that absorbs cushion, I think that that's thing that
18 could actually go into the process of what kind of crop
19 you're going to approve.

20 CHAIRMAN FERRARO: So if the Board specified the
21 type of popper, which is basically the 360 GT popper, and
22 allowed variations on the length, flexibility, handle size
23 of the crop but it had to meet the standard of the popper,
24 would that be adequate in terms of protecting the horse?

25 CHIEF STEWARD MCHARGUE: You know, Mr. Dominguez

1 has done some compressions tests. I mean, I haven't seen
2 those but from the way it feels, that it's shock absorbing,
3 I think that, you know, it may be, that if you had an
4 individual whip that had that cushion popper at the end,
5 that may satisfy the requirement where you're getting away
6 from the flat popper. I mean, that's -- you know, I'm just
7 kind of thinking about things but that's basically what you
8 are changing, is the popper on these things.

9 CHAIRMAN FERRARO: Yeah. So what about the issue
10 of the track handing out the crops, owning the crops and
11 handing out, versus letting the jocks have their own? Do
12 you have a comment on that?

13 CHIEF STEWARD MCHARGUE: I think that that's one
14 way you can ensure that the correct or the Board-approved
15 crop, that's about the only way you can monitor right now
16 because it's just not a readily available thing. You would
17 need to see it going out if you're going to get away from
18 the flap on the popper. That way you would be ensured that
19 everybody is using it on the track.

20 CHAIRMAN FERRARO: Any questions from the Board?
21 Thanks Darrel.

22 VICE CHAIRMAN GONZALES: Thank you, Darrel.

23 CHAIRMAN FERRARO: Is Rob going to make a
24 comment?

25 (Colloquy between Chairman Ferraro and Executive

1 Director Baedeker)

2 MR. HAIRE: Darrell Haire.

3 I just want to reiterate that we're not opposed
4 to any new innovation or what is being proposed here.

5 And as far as what Mr. McHargue had said with the
6 riders having their own, the Quarter Horses, I saw that in
7 the box over the years and that's near the door when the
8 riders go out at Los Alamitos, but they still have their
9 individual, own riding crops that they take when they go
10 out the door.

11 And I think it's easy to be able, for a Safety
12 Steward or someone, to watch it. That's, you know, that's
13 pretty easily done, so they all have their own individual
14 preference to their own riding crops. I think we can
15 regulate that. That's pretty easily done. In other
16 countries, I believe they have, even in one country, chips
17 in their riding crop, so they know what is being used. So
18 there's ways we can do this.

19 CHAIRMAN FERRARO: All right. Thank you.

20 We have some public comments now. Denise Bolbol.
21 Is that -- am I pronouncing that correctly?

22 MS. BOLBOL: No, you did a really good job. Most
23 people have more trouble with it than you did, so thank
24 you. My name is Denise Bolbol and I'm a Peninsula
25 resident.

1 And, you know, you're trying to figure out how to
2 standardize the whips that you call crops. And I think the
3 way you standardize it is you get rid of them. If you have
4 to keep hitting the horse to make the horse go as fast as
5 possible, maybe we just need to get rid of the crop and now
6 everybody's going to go the fastest they can without being
7 constantly hit. I think that, you know, you're just trying
8 to take this weapon -- it's a weapon. To hit someone with
9 something repeatedly, it's a violent thing. If someone
10 came up to me and kept hitting me with something, that's
11 violence. And I think that trying to fix that is the wrong
12 approach.

13 Get rid of it and see. And it's going to make
14 everybody -- the playing field will be easy because nobody
15 can use it; right?

16 So that's my recommendation here because --

17 CHAIRMAN FERRARO: Okay. Thank you very much.

18 Pat CuvIELLO; is that correct?

19 MR. CUVIELLO: Correct. Thank you. Good
20 morning, Board Members.

21 Yeah, I agree with Denise. I'm assuming the crop
22 is -- you're trying to modify the crop because it hurts the
23 horse, is what I heard from Board Member -- or Commissioner
24 Alfieri. And I heard something, I think, from you, too,
25 Mr. Ferraro about that. So this crop, it's whole purpose

1 is to cause pain to the horse. It's like a bullhook on an
2 elephant. And I can tell you if -- and this is the most
3 overt cruelty in the horse racing industry, this is what
4 people can see, I mean, outside of the deaths. I mean, the
5 drugging and all that, that's behind the scenes, we can't
6 see that but we hear about it. But this is the most overt
7 cruelty.

8 And I can tell you, I worked on the circus issue
9 for 30 years. And if somebody, even with the size of the
10 crops they have there, hit an elephant out in front of the
11 public like that, that would have been the end of it right
12 there. They did it behind the scenes because people knew
13 it was cruelty, just by hitting the elephant.

14 And I can tell you this, too, California is
15 changing and you know this. And if you guys don't do
16 something about this crop, like ban it, it's going to
17 happen legislatively. You know that. They banned the
18 bullhook in California. They banned exotic animals in
19 California. They banned fur in California. It's going to
20 happen whether this Board does it or not. You guys can be
21 progressive and change this and change it for the rest of
22 the nation as California is progressive. But if you don't
23 do it, it's going to happen legislatively. I can guarantee
24 you that.

25 CHAIRMAN FERRARO: Thank you.

1 Janet Locke.

2 MS. LOCKE: I'm Janet Locke from Marin County and
3 they stole my thunder. I was going to say exactly what
4 they said, that the crop is abusive and that horses like to
5 run. There should not be a need for a crop or any other
6 abusive device that causes them to run faster.

7 CHAIRMAN FERRARO: Thank you.

8 Where are we now, Rob, with the --

9 MR. BRODNIK: Are you done with comments?

10 CHAIRMAN FERRARO: Yeah.

11 MR. BRODNIK: Yeah.

12 EXECUTIVE DIRECTOR BAEDEKER: Rob, based on the
13 earlier comments, I think you have some revised language
14 that the Board could use?

15 MR. BRODNIK: Yeah, if you could pass it down.

16 EXECUTIVE DIRECTOR BAEDEKER: Oh, I'm sorry. I
17 have it.

18 MR. BRODNIK: Robert Brodник, California Horse
19 Racing Board. I had a very good -- sorry. Robert Brodник,
20 California Horse Racing Board.

21 I had a great conversation with Mr. Dominguez. I
22 learned two things that require amendments in order to
23 comply with the requests.

24 One is Mr. Dominguez's crop is one solid
25 material, so the way the language is right now actually

1 would not allow his crop. So we've revised that to take
2 out the word layers so that Mr. Dominguez's crop, which is
3 one solid piece of foam, would comply.

4 The other thing is Mr. Dominguez explained that
5 in situations where there's rain a crop that is not
6 waterproof can absorb the water and become heavier, which
7 would not be ideal. So he suggested inserting the word
8 waterproof into the specifications, as well, which made
9 some sense.

10 So I took those two recommendations. He was fine
11 with the measurements as his crop would comply with those.
12 So took those recommendations and drafted some language for
13 Vice Chairman Gonzales.

14 CHAIRMAN FERRARO: So just discussion to the
15 Board, we've been talking --

16 EXECUTIVE DIRECTOR BAEDEKER: Microphone.

17 CHAIRMAN FERRARO: -- we've been talking about
18 the crop, the whole crop, and specifying the dimensions of
19 the entire crop. Could we, instead of taking that
20 approach, talk about the popper and specify what needs to
21 be on the end of that crop to allow some variation in
22 handle size, length, stiffness, something like that, and
23 allow, you know, certain specifications or certain types of
24 whips to be allowed but they all have to conform to the
25 Dominguez-style popper, like the 360 GT popper? Is that

1 something that -- approach that --

2 COMMISSIONER ALFIERI: Well, item one says a
3 cylindrical soft foam popper.

4 COMMISSIONER MITCHELL: Yeah.

5 CHAIRMAN FERRARO: Yeah.

6 COMMISSIONER MITCHELL: So that should be
7 sufficient.

8 COMMISSIONER ALFIERI: Just leave that language.

9 VICE CHAIRMAN GONZALES: Right.

10 CHAIRMAN FERRARO: And --

11 COMMISSIONER ALFIERI: Then anyone, it doesn't --

12 COMMISSIONER MITCHELL: Yeah.

13 COMMISSIONER ALFIERI: -- specify his --

14 CHAIRMAN FERRARO: Okay.

15 COMMISSIONER ALFIERI: -- 360 GT.

16 CHAIRMAN FERRARO: Right. And different styles
17 of crops could be made, lengths, whatever; correct?

18 COMMISSIONER ALFIERI: Right.

19 CHAIRMAN FERRARO: Okay. And the second --

20 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman,
21 you're still going to need to specify minimums and maximums
22 for length --

23 CHAIRMAN FERRARO: Yeah.

24 EXECUTIVE DIRECTOR BAEDEKER: -- and different
25 things because, otherwise, somebody could come in.

1 CHAIRMAN FERRARO: Yeah.

2 EXECUTIVE DIRECTOR BAEDEKER: So the language
3 right now does talk about some minimums, some maximums.
4 Perhaps there ought to be a broader range, you know, within
5 which there would be some flexibility.

6 And, again, these things, you do have options.
7 You can go ahead and leave the language the way it is. Mr.
8 Brodrik can correct me if I'm wrong on this but I believe
9 if it came back and you made those kinds of changes to
10 modify maybe a maximum or a minimum, our past experience
11 has indicated that the Office of Administrative Law would
12 consider that a minor change, most likely; is that correct,
13 Rob?

14 MR. BRODNIK: Yes.

15 EXECUTIVE DIRECTOR BAEDEKER: And so then it
16 wouldn't really delay the process. You wouldn't have to
17 start all over again.

18 MR. DOMINGUEZ: Excuse me, Mr. Baedeker.

19 CHAIRMAN FERRARO: Go ahead.

20 MR. DOMINGUEZ: I want to say something with
21 regards to that and it is that we are currently making any
22 other sizes that are approved. So I know there was the
23 concern that certain jockeys, maybe they're taller or
24 shorter, we can definitely accommodate to them. It's the
25 same thing to be said with the flexibility.

1 And, also, we have, like this crop, as you can
2 see it's much shorter than the one that the thoroughbred
3 jockeys use. This is for Quarter Horse racing.

4 And lastly, we have been listening to the
5 feedback coming from the jockeys and we realize that the
6 one thing that needed to change, it was this is the initial
7 prototype that is too round here. So the problem with that
8 is that when the jockey was going to switch it from the
9 backhand or down position to the up-hand or forehand, like
10 this, it was getting stuck in their hands. So we made a
11 modification to make it more tapered, like these two. So
12 the feedback that we received in the studies are perfect
13 like that. So we have been taking into consideration all
14 the comments that were raised before.

15 But going back to your point, we can make them
16 any dimension that is needed.

17 COMMISSIONER ALFIERI: How about the size of the
18 handle too?

19 MR. DOMINGUEZ: The size of the handle,
20 absolutely. So the one thing, like you have jockeys who,
21 really, their hands are very small and other jockeys are
22 big. And besides the hand, they have to hold both reins.
23 And we can and have been making them as thick or as thin as
24 jockey wants. That's not a problem at all.

25 CHAIRMAN FERRARO: Thank you.

1 COMMISSIONER MITCHELL: I think that this whole
2 conversation leads to we should -- the regs should deal
3 with the popper with the parameters, as Executive Director
4 Baedeker suggested, and not -- but not too narrow. And
5 then -- and not allow -- and allow the jockeys to have
6 their own crops. Because otherwise, you know, they're
7 going to be -- I mean, obviously, he can accommodate
8 whatever the needs of the jockey in size, et cetera, but we
9 can't be -- we shouldn't be regulating that, A, and B, we
10 should allow them the flexibility to decide what sort of
11 tools they want to use.

12 So I think having them passed out by the fairs or
13 the tracks doesn't seem to make sense to me.

14 CHAIRMAN FERRARO: I have a suggestion to make.
15 The wording of this and the dimensions, we have to specify
16 a lot of things which we don't have the information for at
17 the moment.

18 We have a Medication Committee hearing coming up
19 before the next Board meeting. I would suggest, if the
20 Board is so inclined, that we postpone a vote on this. We
21 take it up in the Medication meeting and try and get our
22 facts and specific specs for the crops, what's permissible,
23 what isn't, you know, the variation that is involved, get
24 those things together, write a rule that gives us the
25 flexibility if something changes, like get a better thing

1 than the 360, you know, we can continue to adopt that, so
2 we have a rule that's fairly permanent.

3 And so if we work that out in the Medication
4 Committee and bring it back to the Board in February, is
5 that acceptable to everybody here?

6 COMMISSIONER MITCHELL: Well, that's -- I mean, I
7 think several people spoke -- several Commissioners spoke
8 about expediting this rule and I think that doesn't do
9 that. That delays it 30 days --

10 CHAIRMAN FERRARO: Yes.

11 COMMISSIONER MITCHELL: -- plus then another 45.

12 CHAIRMAN FERRARO: Forty-five, yes.

13 COMMISSIONER MITCHELL: So, I mean, I would argue
14 that we could pass this and then the Medication Board [sic]
15 could hear amendments, proposed amendments or, you know,
16 thoughtful input.

17 COMMISSIONER ALFIERI: Then we're in the 45 days.

18 COMMISSIONER MITCHELL: Yeah, then we're in the
19 45-day.

20 CHAIRMAN FERRARO: You want to do it that way?

21 COMMISSIONER MITCHELL: No, we can't?

22 CHAIRMAN FERRARO: Can we do it that way?

23 COMMISSIONER MITCHELL: I'm getting a shake.

24 EXECUTIVE DIRECTOR BAEDEKER: No, that's common
25 sense, but it doesn't apply here because it takes about --

1 COMMISSIONER ALFIERI: It's government.

2 EXECUTIVE DIRECTOR BAEDEKER: -- it takes about
3 30 to 60 days to actually get it to 45 days. There's a lot
4 of hoops to jump through before we can actually notice it
5 to the public, so it wouldn't be in time. And, as a matter
6 of fact, comments that are received prior to that time
7 cannot be included in the 45-day public comment packet, so
8 it's a problem. You, of course, could still discuss it --

9 CHAIRMAN FERRARO: Right.

10 EXECUTIVE DIRECTOR BAEDEKER: -- at the
11 Medication Committee meeting. And then Board Members could
12 bring it back, when the item comes back down the road, they
13 could bring up additional items at that time.

14 VICE CHAIRMAN GONZALES: Well, Rick, could we
15 take action on items, for example, whether jockeys should
16 be allowed to have their own riding crop versus it being
17 issued? Is that something -- that way we can, if --
18 because I don't know where my -- we have not talked about
19 this and that's the reason we have these meetings. That
20 way whatever is going to be taken up at the Committee
21 meeting of the Safety and Medication, they're having to
22 deal with less of these bigger issues.

23 Because if we could do that -- and I just want to
24 just say, and we've never spoken about this, but I would
25 be, actually, with you on this one where I believe, just

1 for safety reasons only -- I'm sorry, just for -- yeah, out
2 of the interest of the jockeys, allow them to pick their
3 own instruments. Because I do reflect on the last month's
4 meeting and it was very restrictive. And I know it was a
5 very, very tough conversation, especially for the jockeys
6 to now be limited in how they use the crop.

7 And so I just, I would rather, if we can, at
8 least take care of a couple of these things, and then flush
9 out some of the details at the Committee level.

10 CHAIRMAN FERRARO: If we allowed the jocks to
11 have their own crop, then should we include some
12 specification that there's periodic inspections of that
13 crop?

14 COMMISSIONER MITCHELL: Oh, I think --

15 VICE CHAIRMAN GONZALES: That would be great.

16 COMMISSIONER MITCHELL: -- yeah, definitely.

17 VICE CHAIRMAN GONZALES: Absolutely.

18 COMMISSIONER MITCHELL: Absolutely. I mean, no
19 one's -- I think we're -- my suggestion was that we go with
20 the existing protocols of inspections and just allow them
21 to have their own.

22 CHAIRMAN FERRARO: We have one person that would
23 like to comment. Susan McClain [sic], is it?

24 MS. MAGLIANO: Yes. My name is Susan Magliano.

25 CHAIRMAN FERRARO: Sorry for the

1 mispronunciation.

2 MS. MAGLIANO: I'm just really surprised in this
3 day and age that you're even thinking about more abuse to
4 these animals.

5 I was raised, since nine years old, showing
6 hunters and jumpers. And there wasn't any use -- you learn
7 to use your legs and your feet for communication with the
8 horse. You didn't need whips to brutalize them. We'd jump
9 five-foot, six-foot fences. We didn't need whips to
10 brutalize them. And you're talking about getting these
11 horses to get the last ounce out of them.

12 I worked at the University of California at Davis
13 for 12-and-a-half years at the Vet Med Teaching Hospital in
14 the Intensive Care Unit and I got these horses in that had
15 been broken legs and abused and we had to try to treat them
16 or euthanize them. And then on December 31st every year,
17 because of the \$100,000 tax write-off, they'd bring in all
18 these babies that they'd abused, put them in a research
19 program, and then kill them afterwards. Some of us,
20 luckily, were able to get them out of there before they
21 were killed. I happened to rescue 15 of them. Some of the
22 other staff members rescued much more.

23 But the idea of you talking about these whips and
24 what kind of material they're going to be made out of, they
25 use their legs and their hands and the training of the

1 horse. They need to work on the training of the horse, not
2 more whips and brutalizing the animals. I'm so tired of
3 people that haven't been working on animals that have been
4 abused making decisions. And I don't think you're being --
5 it's so archaic. You don't need that.

6 It's all about money. If you take -- if you
7 knock out the tax deductible for taking the \$100,000 tax
8 write-off for an animal that you've abused and raced at too
9 young of an age, it's just outrageous to me. I'm sorry, I
10 get upset about this, but I've seen this all my life. I'm
11 71 years old and I'm tired of the abuse of these
12 thoroughbreds. Either just ride them and wait until
13 they're old enough to have developed. But it's all about
14 money, isn't it? It's all about money. Who can make more
15 and more money?

16 I just wish you'd reconsider and think about what
17 you're doing in this whole thing. The crops, they're
18 brutal. Would you beat your kids with them? Would you
19 even think about touching your kids to discipline them or
20 make them move? No. But you're doing it with animals that
21 don't have any say about it. It's brutal.

22 CHAIRMAN FERRARO: Sorry. Your time is up,
23 Susan.

24 MS. MAGLIANO: Thank you.

25 CHAIRMAN FERRARO: Thank you.

1 So are you prepared to make any kind of a motion
2 or what do you want to do?

3 COMMISSIONER ALFIERI: Well, I'm going to
4 reiterate, I think we've studied this a long time. I think
5 we -- the quicker we can get rid of the current crop the
6 way it's stitched and with the edges to a cylindrical soft
7 popper, at least it's going the right direction and I think
8 we need to do it. I just -- you know, all these other
9 points about length and size and handle size and all that,
10 weight and, you know, flexibility, that can all be --
11 that's easy to fix. That's a no-brainer.

12 CHAIRMAN FERRARO: Okay. Do we want to abandon
13 the idea of the tracks owning the crop, them taking --
14 that's kind of what you're thinking is going?

15 COMMISSIONER MITCHELL: Yeah. So I would move
16 the proposed regulation with taking out the language that
17 says -- subsection (e), that says, "All riding crops used
18 in a race shall be the property of the association, no
19 personal crops will be allowed," delete that.

20 And then as far as the more specific parameters,
21 I think the -- who's on the Medication Committee?

22 VICE CHAIRMAN GONZALES: Solis and Ferraro.

23 CHAIRMAN FERRARO: Solis and myself.

24 COMMISSIONER MITCHELL: Okay. Well, then the
25 Medication Committee, well, you can ask people to give you

1 input and then bring that back when we have this
2 conversation after the 45-day. And we'll obviously be
3 getting input on the 45 days, as well, so --

4 CHAIRMAN FERRARO: Is that right?

5 COMMISSIONER MITCHELL: -- I think that that --

6 EXECUTIVE DIRECTOR BAEDEKER: So, really, you're
7 suggesting elimination of subsection (e)?

8 COMMISSIONER MITCHELL: Yeah.

9 EXECUTIVE DIRECTOR BAEDEKER: That's the change
10 that would be in the motion?

11 COMMISSIONER MITCHELL: That's the only change
12 that I'm making, yes.

13 EXECUTIVE DIRECTOR BAEDEKER: Okay.

14 COMMISSIONER MITCHELL: And to say that we
15 should -- my motion is to move the regulation so we start
16 the clock ticking. And then whatever input is given in the
17 45 days and at Medication, we just -- you know, that is
18 brought back to the full Board and we have that as a part
19 of the conversation when we're --

20 CHAIRMAN FERRARO: Do we have a second to that
21 motion?

22 COMMISSIONER ALFIERI: Second.

23 CHAIRMAN FERRARO: Okay. Commissioner Alfieri?
24 No, Rob, sorry.

25 MR. BRODNIK: Sorry. Robert Brodник, California

1 Horse Racing Board.

2 Just one quick question on your motion,
3 Commissioner Mitchell. Is it also including the amendments
4 that Vice Chairman Gonzales was interested in?

5 VICE CHAIRMAN GONZALES: Yeah. We're just going
6 to do one at a time. Yeah, we're going to do one at a
7 time. So we're voting on the amendment on whether it's the
8 property of the riders or the property of the racetracks or
9 fairs. Is that correct? That's what we're voting on?

10 COMMISSIONER MITCHELL: Yes.

11 VICE CHAIRMAN GONZALES: Okay.

12 CHAIRMAN FERRARO: Okay. Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIRMAN FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIRMAN FERRARO: Commissioner Gonzales?

17 VICE CHAIRMAN GONZALES: Yes.

18 CHAIRMAN FERRARO: Yes. Okay.

19 Do you have a motion, Oscar?

20 VICE CHAIRMAN GONZALES: Well, I do.

21 And, Rob, the point that I was referring to in
22 terms of clarification is it's the -- it's just the
23 dimensions is all I want. I just want to make sure that
24 there's nothing too restrictive, that they're as soft as
25 possible, that they allow for the jockey to have the

1 finesse that they need but also to be able to, for their
2 own safety reasons and the safety of the horse, to be able
3 to navigate properly. And so I just wanted just to make it
4 so that it's not too restrictive, that's all. I mean --

5 COMMISSIONER MITCHELL: But that will be the
6 input you'll get at the Medication meeting.

7 VICE CHAIRMAN GONZALES: Right. And then we --
8 so we can -- and this is per your idea, Dr. Ferraro, that
9 can be worked out at the Medication --

10 CHAIRMAN FERRARO: Right. Okay.

11 VICE CHAIRMAN GONZALES: -- Committee meeting.

12 So I will go ahead and just not --

13 CHAIRMAN FERRARO: So how do we keep what Oscar
14 is talking about open enough so that if there comes an
15 improvement we can adapt it into the use without having to
16 go through a whole new rule? Can we get some wording as to
17 that?

18 MR. BRODNIK: So what I'm -- Robert Brodник,
19 California Horse Racing Board.

20 What I'm hearing is that the Board is adopting
21 the proposed text as it's written on -- as it was noticed
22 without subsection (e) and asking that to go out for 45
23 days with no other amendments, other than a removal of (e).

24 EXECUTIVE DIRECTOR BAEDEKER: So then the
25 question is the Board is interested in broadening some of

1 the specifications. And even if it's heard at the
2 Medication Committee meeting, the only thing that's going
3 to be included in the packet that comes back to the Board
4 is any comments that are submitted during the 45-day public
5 comment period.

6 So I guess the Board could submit its own
7 comments based on the Medication Committee once that window
8 opens, correct, for 45 days?

9 MR. BRODNIK: The Board could -- I'm not sure.
10 I've never been asked that question.

11 EXECUTIVE DIRECTOR BAEDEKER: Well, yeah, so in
12 other words the timing is what we're talking about. If the
13 Board has a discussion at the Medication Committee meeting
14 on February 12th, that won't be within the window of the
15 45-day public comment. And I think it's the desire of the
16 Board to get these recommendations back before them, all of
17 them, back before them when it comes back following that
18 45-day public comment period.

19 I guess the specific question is if the Board
20 hears testimony during the Medication Committee meeting, is
21 that testimony going to be included in the comments that
22 are received -- along with the comments that are received
23 during the 45-day public comment period?

24 MR. BRODNIK: If the Board would like to include
25 those comments, I don't see any reason why they couldn't

1 include them.

2 I will just flag, the current language without
3 the amendment, though, would not incorporate, as Mr.
4 Dominguez has now informed me, his popper because his
5 popper is made of only one material and this talks about
6 layering two materials. So I just wanted to --

7 COMMISSIONER MITCHELL: Yeah.

8 VICE CHAIRMAN GONZALES: And that's my concern --

9 COMMISSIONER MITCHELL: Yeah.

10 VICE CHAIRMAN GONZALES: -- is that we adopt the
11 overall measure that includes some details and nuances that
12 could end up being restrictive and then we're just having
13 to undo that.

14 COMMISSIONER MITCHELL: So maybe I'm confused.
15 The 45 days -- and my motion probably further messed it
16 up -- the 45 days won't start until after the hearing --
17 after the Medication Committee hearing. So if we have
18 Medication on February 12th, then we come back at the
19 February meeting of the Board, we can get the input from
20 that; is that what you're saying?

21 EXECUTIVE DIRECTOR BAEDEKER: If you did not take
22 any action on this today and you wanted to move the item to
23 the agenda for the Medication Committee meeting --

24 COMMISSIONER MITCHELL: Right.

25 EXECUTIVE DIRECTOR BAEDEKER: -- then you could

1 bring any revised language based on those -- on that
2 discussion back to this Board in February and move it at
3 that point.

4 COMMISSIONER MITCHELL: And it won't delay? That
5 was my question.

6 EXECUTIVE DIRECTOR BAEDEKER: If we start now as
7 opposed to February, it will delay it one month. But,
8 honestly, I mean, it sounds to me like there are multiple
9 concerns here. I would think Staff has a concern about
10 painting the Board into a corner when these specific
11 specifications might preclude something better and
12 desirable by the Board.

13 So you have lots of -- I think you can accomplish
14 it either way. I think you can do what I just described --

15 COMMISSIONER MITCHELL: Right.

16 EXECUTIVE DIRECTOR BAEDEKER: -- or you can go
17 ahead and take all of the comments received during 45-day,
18 amend it, if you so choose, when it comes back to you. And
19 provided that those are not contradictory and substantially
20 consistent with the language that you originally moved,
21 then you can quickly move to an additional 15-day, which is
22 quick, and get it sooner than later.

23 It might be easier for Staff to take this, all of
24 the comments that were made today, and bring revised
25 language to the Medication Committee and then back to you

1 at the next month's meeting.

2 VICE CHAIRMAN GONZALES: And that was your
3 original --

4 COMMISSIONER MITCHELL: Yeah.

5 VICE CHAIRMAN GONZALES: -- recommendation, Dr.
6 Ferraro; correct?

7 CHAIRMAN FERRARO: Yeah.

8 VICE CHAIRMAN GONZALES: Yes.

9 CHAIRMAN FERRARO: Correct.

10 VICE CHAIRMAN GONZALES: Yes. Do we need to
11 take -- make a motion and vote on that?

12 EXECUTIVE DIRECTOR BAEDEKER: No.

13 CHAIRMAN FERRARO: You agree?

14 VICE CHAIRMAN GONZALES: Okay.

15 COMMISSIONER MITCHELL: Yeah, that's fine.

16 VICE CHAIRMAN GONZALES: We're going to just --

17 CHAIRMAN FERRARO: Well, do that.

18 VICE CHAIRMAN GONZALES: -- postpone this.

19 MR. BRODNIK: They did make a motion.

20 COMMISSIONER MITCHELL: Yeah.

21 MR. BRODNIK: So I assume the motion that was
22 approved by --

23 COMMISSIONER ALFIERI: We'll table it.

24 EXECUTIVE DIRECTOR BAEDEKER: So you can withdraw
25 that.

1 MR. BRODNIK: The language.

2 COMMISSIONER MITCHELL: Yes.

3 MR. BRODNIK: Okay.

4 CHAIRMAN FERRARO: Okay. Okay.

5 MR. BRODNIK: Thank you.

6 CHAIRMAN FERRARO: All right. Let's move on.

7 Item number ten, discussion and action by the
8 Board regarding the proposed emergency amendments of CHRB
9 Rule 1843.5, Medication, Drugs, and Other Substances
10 Permitted After Entry in a Race and CHRB Rule 1844,
11 Authorized Medication, to address the Board's prior
12 temporary suspension of authorized medication for all
13 horses participating in all licensed horse racing meetings
14 which expires on March 12th [sic], 2020.

15 Dr. Arthur?

16 EQUINE MEDICAL DIRECTOR ARTHUR: Mr. Chairman,
17 I'll let Amanda Drummond start off here and explain why
18 we're here.

19 MS. DRUMMOND: Yeah. Good morning, Board
20 Members. I'm Amanda Drummond, the Policy and Regulations
21 Manager with the California Horse Racing Board.

22 So in March of 2019 the Board suspended 11
23 medications pursuant to Board Rule 1844.1 and that rule
24 allows for medications to be suspended for up to a 12-month
25 period.

1 Following that meeting, in June of 2019 the Board
2 directed Staff to initiate a rulemaking package and that
3 consisted of Rule 1843.3, 43.5 and 44, which would codify
4 those suspensions of those 11 medications.

5 Now where we are in that process, that package is
6 currently in the 45-day comment period. It's scheduled to
7 close on February 17th, and so you will be hearing that at
8 the public hearing at the February meeting, the problem
9 with that being is once we finish that, we then have to put
10 together the final package, submit it to OAL, and then they
11 have 30 days to then approve it. So that does not leave us
12 enough time for that 12-month period from the original
13 suspension. There will be a lapse in that suspension of
14 those medications.

15 In order to avoid that, what we are proposing is
16 to adopt an emergency regulation of those two rules, so it
17 is the 1843.5 and 1844. That would just provide those
18 safeguards, so once that 12-month suspension lapse, that
19 emergency reg will be in place and allow the additional
20 time for the rulemaking currently going through the process
21 to finish.

22 And then Dr. Arthur did have some amendments to
23 the language as well.

24 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. If you
25 look at 1843.5, particularly (g), in the process of

1 developing this, one of the major changes, and this is a
2 major-major change, is if you look at 1843.5(a), entry was
3 defined as 48 hours. And back when you and I started, Dr.
4 Ferraro, 48 hours was the standard. Nowadays, we have 72
5 hours, we have 96, 120, even in some instances, 144 hours.

6 So what happens is, is that these horses, at 48
7 hours before their race, they get Robaxin, they get DMSO,
8 they get all sorts of different concoctions. And what
9 we're trying to do is move that back so that, frankly,
10 giving a Robaxin shot at 96 hours, you might as well put it
11 on the floor. So we're trying to discourage this pre-race
12 treatment with that particular provision.

13 And at the same time, what we had done is we had
14 added this (g) provision which basically said you can only
15 have one corticosteroid. Well, what we want is no
16 corticosteroids after injection.

17 So what I'm suggesting here is that we delete (g)
18 before you vote on this provision. And that was just an
19 oversight because we were working on two different parts of
20 this regulation at the same time.

21 I hope I didn't confuse you.

22 CHAIRMAN FERRARO: (G) states that, "Only water
23 may be used to wash a horse's mouth." Is that what you're
24 talking about to eliminate?

25 EQUINE MEDICAL DIRECTOR ARTHUR: That's the only

1 thing that can be administered. And I'll tell you, we get
2 into problems with all the time. Obviously, we had the
3 alkalizing agent issue at Santa Anita this last year.
4 We've made it very strict.

5 The only thing, if we're going to regulate this,
6 we can't let them use anything but water on a race day
7 because there's a lot of, obviously, milk-shaking. In
8 fact, when that was a problem before we started TCO2
9 testing, they weren't tubing those horses, they were dosing
10 them with bicarbonate.

11 CHAIRMAN FERRARO: Okay, but -- and then you have
12 (g) which allowed for the administration of bute, Flu-Nix
13 and ketoprofen until 24 hours? You want to eliminate that?

14 EQUINE MEDICAL DIRECTOR ARTHUR: Those are
15 eliminated, yes --

16 CHAIRMAN FERRARO: Okay.

17 EQUINE MEDICAL DIRECTOR ARTHUR: -- because we --
18 if you look at 1844, those are no longer authorized.

19 CHAIRMAN FERRARO: Yeah.

20 EQUINE MEDICAL DIRECTOR ARTHUR: Those -- that
21 particular provision was -- you know, what you have crossed
22 out was in the regulation that's currently in the books.
23 And because we've changed 1844, we have to change 1843.5 to
24 be consistent with the new approach on no medication.

25 CHAIRMAN FERRARO: Okay. So kind of where we're

1 trying to get to or the two lines that I'm kind of looking
2 at, it says,

3 "This means that phenylbutazone, Flu-Nix and
4 ketoprofen or metabolized or analogs of nonsteroidal
5 anti-inflammatory drugs may no longer be present in
6 post-race samples."

7 That's no medication; right?

8 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

9 CHAIRMAN FERRARO: Okay. And the other line is,
10 "DPC Section 19581 provides that no substance of any
11 kind shall be administered by any means to a horse
12 after it has been entered in a race."

13 EQUINE MEDICAL DIRECTOR ARTHUR: Right.

14 CHAIRMAN FERRARO: Is that correct?

15 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

16 CHAIRMAN FERRARO: So no drugs, no substances --

17 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

18 CHAIRMAN FERRARO: -- no excuses? Okay.

19 Any comments from the Board?

20 COMMISSIONER MITCHELL: No.

21 CHAIRMAN FERRARO: I move we adopt this rule.

22 COMMISSIONER GONZALES: I'll second that.

23 CHAIRMAN FERRARO: Commissioner Alfieri?

24 COMMISSIONER ALFIERI: Yes.

25 CHAIRMAN FERRARO: Commissioner Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIRMAN FERRARO: Commissioner Gonzales?

3 COMMISSIONER GONZALES: Yes.

4 CHAIRMAN FERRARO: Yes. Thank you very much.

5 We move to item number 11 which is a report from
6 the Stewards Committee.

7 Mr. McHargue, do you have comments on that?

8 CHIEF STEWARD MCHARGUE: Darrel McHargue, Chief
9 Steward for the California Horse Racing Board.

10 Yesterday we had a meeting with all the stewards
11 in the state at the Board office. And Commissioner Ferraro
12 and Commissioner Alfieri were the Stewards Commissioners.
13 Mr. Baedeker was also very much involved in the meeting.

14 We meet yearly and we exchange experiences and
15 talk over cases that have come up through the year. There
16 are times that we may actually have races that we review at
17 times. Yesterday wasn't one of those but we discussed,
18 yesterday, conditions and house rules and where they are
19 enforceable. We've had a lot of house rules this year
20 through Santa Anita and Del Mar and it keeps all the
21 stewards current on the house rules.

22 We discussed a rule, animal welfare. That's
23 becoming very -- it's always been important but it's
24 becoming more of a front now to where it's front and
25 center.

1 We discussed the current authorized medications,
2 1844, and where those are headed. And they're becoming
3 nonexistent now to be in a racehorse during a race.

4 We went over protocols for the Entry Review
5 Panel. This is a new process. It's known more in the
6 south than it is in the north. We had a lot of questions
7 from the stewards about what the panel reviews, what they
8 look for, and whether they were going to be having a panel
9 review in the north or different parts to the state.

10 We went over the veterinary list. What is the
11 veterinary's list? Are horses going to be allowed to enter
12 when they're on the list? Which is, no. That was changed.
13 That's going to be a policy change.

14 We discussed the intra-articular injections.
15 That's something that is really at the forefront right now
16 to where you have different intra-articular injections and
17 where the intra-articular injection was being administered.

18 We talked about the crop rule and what the Board
19 proposed last month on the crop rule to get the stewards'
20 input on what their opinion was on ways that we can make
21 the crop rule better or just what their general opinion on
22 the rule was.

23 We also have had a lot of incidents of program
24 training. This is where a trainer will actually allow
25 their name to be used for paper only on the official

1 program. This has been a problem over the years. And, in
2 the stewards' opinion, that needs to be broadened to where
3 it takes in -- right now it's really restrictive to
4 Workman's Comp Insurance, avoiding purchasing Workman's
5 Comp Insurance. But we discussed that yesterday and I
6 think there is going to be a Board proposal on the agenda
7 in the near future which will help address that.

8 And lastly, we talked about some provisional
9 exercise riders and what the stewards go through on
10 provisional exercise riders and some concerns from
11 Workman's Comp in those areas.

12 As I said, all the stewards, we had a healthy
13 exchange of ideas. It also gives a chance for the older,
14 experienced stewards to exchange their ideas and the
15 younger stewards to actually hear them. It also brings an
16 accumulation of communication and that's very important in
17 this job. Sometimes board of stewards, they get kind of in
18 their own world. And it's good that another board of
19 stewards see what the other stewards are doing. And when
20 you exchange ideas at a Stewards Committee meeting, it's
21 invaluable. It's invaluable.

22 I think it also let the Commissioners see the
23 side that most people don't see and that's the stewards
24 world and what we go through in trying to enforce the
25 rules. And I think that it's always a learning experience

1 for everybody in the room.

2 If you have any questions, I'd be glad to answer
3 anything that you may have a question.

4 VICE CHAIRMAN GONZALES: Yeah, Chief Steward, I
5 realize that you guys are independent contractors, 1099. I
6 mean, are we doing a good enough job as a Board, as, you
7 know, one of the smaller agencies to provide the necessary
8 support? I mean, I know there's -- as it relates to the
9 employee, the H.R. part of it, is there anything that we
10 could be doing more to support your stewards?

11 CHIEF STEWARD MCHARGUE: As you mentioned, the
12 stewards are independent contractors. We do work at the
13 pleasure of the Board. Stewards are responsible to
14 everything that happens at a meet. They're on the front
15 line. They're in the firing line. And anytime that the
16 Board gives their support, I think it's very much
17 appreciated and it also helps these stewards do a better
18 job.

19 VICE CHAIRMAN GONZALES: Okay. Well, thank you.
20 And if there's ever anything that comes up on the, again,
21 the personnel, H.R., overall support, because I'm with you.
22 I've gotten to know a number of them and, more recently,
23 out in Golden Gate Fields, I met a nice crew that you
24 helped facilitate, so keep that in mind. Never be, you
25 know, reluctant to bring any issues, whether it's in this

1 format or, you know, internally, just about what will make
2 them even better at what they do.

3 CHIEF STEWARD MCHARGUE: Thank you.

4 COMMISSIONER MITCHELL: I was just going to say,
5 I'm interested in those meetings, as well, because I think
6 the stewards are so key to the safety of the animals, the
7 safety of the jockeys, et cetera, so I'd love to
8 participate in the future going forward.

9 CHIEF STEWARD MCHARGUE: Okay. Very good.

10 CHAIRMAN FERRARO: Thank you, Darrel.

11 Martha, you've got a card on this one.

12 MS. SULLIVAN: I do.

13 CHAIRMAN FERRARO: You've got an issue with the
14 stewards? You should talk to --

15 MS. SULLIVAN: No. I have a question I would
16 like to raise.

17 So earlier we were talking about Rule 1435 which
18 refers to injuries. And in my search through your website
19 and the stewards minutes and so forth, I don't -- I can't
20 find any tally of injuries. So how are we evaluating
21 whether the number of injuries is above average or not if
22 there's no readily available record of the number of
23 injuries at these tracks.

24 I also would like to point out that in looking
25 a few of the Santa Anita Stewards Minutes for the weekend

1 of -- the last weekend of December a fatality is listed at
2 the end of the minutes but there's no discussion of it at
3 all in the minutes. That, to me, is pretty indicative.

4 EXECUTIVE DIRECTOR BAEDEKER: The only thing I
5 can say about the data on the injuries is many injuries are
6 unknown to anybody but the practicing vet.

7 MS. SULLIVAN: So how is that the same as --

8 EXECUTIVE DIRECTOR BAEDEKER: If you'd let me
9 answer --

10 MS. SULLIVAN: -- Rule 1435?

11 EXECUTIVE DIRECTOR BAEDEKER: -- if you'd let me
12 answer, Martha, the information is gathered by the official
13 veterinarian through the overnight confidentials. Every
14 treatment given to any horse has to be reported to the
15 Board within 24 hours. That information is available to
16 the official veterinarian who reports to the Equine Medical
17 Director. But it's not as easy as pushing a button and
18 tabulating all of those on a real-time basis. So we do the
19 best we can with what we've got.

20 MS. SULLIVAN: So this is a new responsibility
21 this Board has been given by unanimous vote of the
22 legislature and by the governor signing a bill putting it
23 into effect on an emergency basis. And --

24 EXECUTIVE DIRECTOR BAEDEKER: Really what the --

25 MS. SULLIVAN: -- it sounds like, to me, that you

1 need to change your practices so that you're collecting the
2 standard of measurement that is specified in this rule that
3 you need to assess in order to determine whether the Board
4 should use this power or not; correct?

5 EXECUTIVE DIRECTOR BAEDEKER: The law gives the
6 Board the authority to act on an emergency basis.

7 MS. SULLIVAN: Yeah.

8 EXECUTIVE DIRECTOR BAEDEKER: Right.

9 MS. SULLIVAN: And you're supposed to base it on
10 the number of injuries.

11 EXECUTIVE DIRECTOR BAEDEKER: Right. Thank you.

12 MS. SULLIVAN: So how do you collect that
13 information, and how quickly do you do it, and how does the
14 public have access to it?

15 EXECUTIVE DIRECTOR BAEDEKER: See, this is a
16 Board meeting where we ask the questions, so it doesn't
17 work the other way.

18 MS. SULLIVAN: Okay. I suggest you put it on
19 your agenda.

20 CHAIRMAN FERRARO: Thank you, Martha.

21 We're going to have a public comment period but
22 before we do I need to take a ten-minute break. So we'll
23 take a ten-minute break and then we'll take up the public
24 comment period.

25 (Off the record at 11:57 a.m.)

1 (On the record at 12:12 p.m.)

2 CHAIRMAN FERRARO: We're going to reconvene and
3 start with our public comment section. And we'll begin
4 with Mike Sage. Michael Sage? Yeah.

5 MR. SAGE: Hi. I'm Mike Sage. I live in Santa
6 Clara. I'm here in support of the efforts of the
7 organization called Humanity Through Education.

8 Californians are clear we are against animal
9 abuse, especially abusing animals for entertainment. We
10 Californians ended using weapons on elephants, such as the
11 bullhook, and we ended the use of all exotic animals in
12 circuses, yet the suffering and the deaths inflicted on
13 horses by the racing industry go unchecked. Horse racing
14 is animal abuse and it's inexcusable. There is no reform
15 that can address the inherent cruelty of this exploitative
16 industry.

17 As a taxpaying Californian, I call on this Board,
18 which has authority to regulate horse racing and betting at
19 California racetracks, to be responsive to the majority of
20 Californians who do not support the racing of horses. We
21 call on you to end horse racing on state properties.

22 As governor appointees, you need to be responsive
23 to the citizens of our state. By utilizing our publicly
24 owned state properties for horse racing, we, the taxpayers,
25 are unwillingly subsidizing this industry that tortures and

1 kills horses.

2 Show us that you're listening and agendize for
3 your next meeting the prohibition of horse racing from
4 state properties.

5 Thank you.

6 CHAIRMAN FERRARO: Thank you.

7 Jody Hanson.

8 MS. HANSON: Hi. My name is Jody Hanson. I'm
9 from Grass Valley. And I'm also here to encourage the
10 Board to ban horse racing throughout the state property.

11 Thank you.

12 CHAIRMAN FERRARO: Staci Sanders.

13 MS. SANDERS: My name is Staci Sanders. I'm a
14 private citizen here in California. And I'd like to urge
15 you to ban horse racing. It is cruel to horses. You
16 wouldn't hit your dog with a whip. You wouldn't hit -- you
17 know, we outlawed the bullhook for the elephants. I
18 suggest you outlaw horse racing and make California ahead
19 of the game as far as banning all cruelty to animals.

20 Thank you.

21 CHAIRMAN FERRARO: Tweed Conrad.

22 MS. CONRAD: Thank you again for hearing us. My
23 name is Tweed Conrad, a Californian, native Californian.

24 So the veterinarian today referred to the
25 cocktail drugs given to racehorses. I need to do the

1 research on this but are there any other sports that allow
2 the equivalent of this cocktail to be administered to or
3 taken by the athlete? I'm guessing, no. Are there any
4 other sports that allow the whipping of an athlete? Again,
5 I do not think so.

6 In daily life, is taking a cocktail of drugs or
7 whipping another individual, animal or human, acceptable or
8 even legal? The answer to this one is, no.

9 So why are we still trying to convince ourselves
10 that what is illegal, grossly illegal and unethical in
11 daily life, becomes legal and somewhat okay to do to
12 horses?

13 Together we can all end this. And I encourage us
14 to work together to do so.

15 Thank you.

16 CHAIRMAN FERRARO: Thank you.

17 I apologize for the pronunciation ahead of time.
18 Syed Rizvi. Am I even close?

19 MR. RIZVI: I am Syed Rizvi from San Jose.

20 You are all appointed by Governor Newsom.

21 CHAIRMAN FERRARO: Can you get a little closer to
22 the microphone for us? Thank you.

23 MR. RIZVI: I'm Syed Rizvi from San Jose,
24 California.

25 You are all appointed by Governor Newsom. As

1 such, you should be responsive to public opinions. Due to
2 the public sentiments, which does not support the horse
3 racing industry, this Board needs to restrict the horse
4 racing to private properties only. The State of California
5 can no longer look the other way. The horses are tortured
6 and abused and many suffer death, all in the name of
7 entertainment and greed.

8 Horses are naturally very social animals. In
9 fact, wild horses are known to have some of the most
10 complex socially-structured wildlife in North America.
11 Horses cherish family and freedom, two treasures the racing
12 industry steals from them, from the horses they insulate.
13 You cannot possibly love horses if you are only utilizing
14 them for your own gain.

15 This Board has routinely ignored the public
16 outcry for change. Show us that you are listening and
17 address removing horse racing from the state property
18 immediately.

19 Thank you.

20 CHAIRMAN FERRARO: Thank you.

21 Pat CuvIELLO.

22 MR. CUVIELLO: Hello everyone. I also support
23 agendizing for the future the prohibition of horse racing
24 on state property. I'm not a horse racing fan and I'd like
25 it banned in California but I think banning it on state

1 property, so the taxpayers aren't involved in it at all,
2 would be a good step.

3 Also, just one last comment on the riding crop.
4 There are people in Sacramento here who use horses for
5 carriage rides. And if one them ever used a riding crop on
6 their horse, like they do in horse racing, the public
7 standing around would be outraged because it wouldn't be
8 considered acceptable. Because it's not considered
9 acceptable in that context it should not be considered
10 acceptable in any context, including hr.

11 Thank you.

12 CHAIRMAN FERRARO: Thank you.

13 Susan Magliano.

14 MS. MAGLIANO: Susan Magliano. Thank you.

15 I oppose horse racing because Governor Newsom
16 appointed you and you need to not only represent the racing
17 industry but listen to the Californians please.

18 I urge you to agendize the prohibition of racing
19 and betting on state properties, so no more racing on state
20 properties.

21 Thank you.

22 CHAIRMAN FERRARO: Thank you.

23 Denise Bolbol.

24 MS. BOLBOL: My name is Denise Bolbol and I'm
25 with Humanity Through Education.

1 And you heard the vet say it will always be
2 dangerous. It's always going to be dangerous. And the
3 horses aren't athletes. Horses are victims here because
4 the people who are -- if you look up the definition, it's a
5 person who competes, so people are willing participants.

6 So this Board has the authority to regulate
7 racing of horses in California. And, unfortunately,
8 Governor Newsom thinks that by getting your more power,
9 you're going to make a difference. But what you did today
10 with the whip is indicative that you guys don't care about
11 really doing what's right for the horses. All you're
12 trying to do is preserve this industry for a little bit
13 longer. And so we're going to show the Governor and the
14 legislature that you are nonresponsive to the people.

15 We're asking you today, please, agendize, put it
16 on the agenda, prohibiting racing on state properties. You
17 like to brag that the racing industry in California is not
18 subsidized by taxpayers, it is. You have five properties
19 in California that are owned by Californians that are being
20 utilized for promoting this industry. Get them off those
21 five properties and then you can claim taxpayer subsidies
22 aren't going to this industry. Right now we're subsidizing
23 this abuse.

24 There's no denying racing causes suffering and
25 deaths to horses. Race racing [sic] is animal abuse. I

1 know you're conditioned to think it's not. It is animal
2 abuse. If you take it and you look at how these animals
3 are kept and how they're trained, at premature ages forced
4 to race, and then they suffer all these health ailments.
5 And all you're trying to do is do window dressing on how
6 the whips are.

7 Tongue ties, what a god-awful thing. You allow
8 tongue ties on these horses to allow the air to get down
9 their airways or whatever you're reasoning is, that is just
10 disgusting. Put a tongue tie on yourself and see how it
11 feels when you're running full speed.

12 Californians do not support animal abuse and
13 you're hearing it here. It's going to grow, I promise you.
14 Come to Sacramento. We welcome you to have your meetings
15 up here. And we are going to get this to grow and you're
16 going to hear from more and more Californians, and so is
17 the Governor. And so then he gets to look at who he's
18 appointing. Is he appointing people who are just
19 interested in the industry or do you care at all about the
20 public?

21 I would just say that the vast majority of
22 Californians do not support horse racing. The vast
23 majority do not participate in it. And therefore, as a
24 Governor appointee, you need to be responsive to all the
25 public. I know you're here to promote your industry but

1 you need to be responsive to the entire public. And by
2 ignoring us, you will prove our point that you are a
3 whitewashed Commission, that you care nothing about these
4 animals, and you care nothing about public opinion.

5 You know, you guys need to moving with public
6 sentiment. You proved today you didn't care at all about
7 the whip. So now are you going to ignore this call, too,
8 about state properties or are you going to consider it and
9 put it on the agenda?

10 And I think that's it. Thank you.

11 CHAIRMAN FERRARO: Thank you.

12 Janet Locke.

13 MS. LOCKE: Janet Locke. I live in Marin County.

14 When Dr. Arthur was speaking he stated plainly
15 that horse racing is dangerous. He further stated that
16 there should be standards to make it safer but racing will,
17 by its nature, still be dangerous.

18 The poor horses who are racing start at age -- I
19 thought they started at age two and thought that was bad. I
20 hear they start at age one. Their legs are not fully
21 developed and, as a result, they break easily. And, in
22 fact, last year or the year before a famous racehorse broke
23 her leg running down the track. She didn't hit anything.
24 She didn't run into a fence. She didn't hit another horse,
25 nothing, her leg break.

1 Additionally, racehorse owners breed their horses
2 excessively in hopes of producing a winner. We know that
3 most horses are not winners. All those horses who lose are
4 excess and likely to wind up in Mexico, going to inhumane
5 slaughter houses to be turned into meat. This is a cruel,
6 dangerous industry.

7 The female jockey who raced in Kentucky mentioned
8 that jockeys care about horses. I would submit that
9 jockeys care about winning and that's why all this
10 discussion is about what crop to use, so they can hit the
11 horses and make them go faster.

12 Tweaking the standards is not going to make it
13 safe for horses or riders or -- safe for riders or kind to
14 horses. We live in animal-sensitive California. Please
15 stop allowing the abuse of racehorses in state owned
16 fairgrounds.

17 Thank you.

18 CHAIRMAN FERRARO: Thank you.

19 J. Fitzgerald.

20 MS. FITZGERALD: Good afternoon. I'm a taxpaying
21 citizen of the state of California and I oppose horse
22 racing because it is cruel and inhumane and contributes to
23 the heartache of gambling addiction.

24 I'm calling on this Board to end state
25 subsidizing of the racing industry by prohibiting betting

1 and racing on all state properties. State funds should not
2 be used to fund the misery brought on children and other
3 family members when an adult has a gambling addiction.

4 Further, there have been far too many horses
5 dying from abuse they suffer in this industry. Horses are
6 sentient beings and they feel pain. They should be allowed
7 to live a natural life in a natural setting and not
8 commodified.

9 Californians do not approve of animal abuse, not
10 for profit of a small group and not for entertainment.

11 Over time, many things that were once legal have
12 come to be recognized as wrong and are no longer legal.
13 Examples include but are not limited to slavery,
14 discrimination for race, religion, sexual orientation or
15 disability. More and more, people are waking up to the
16 wrongness of animals being abused.

17 The high number of deaths and injury to horses in
18 racing indicates the state must put an end to the
19 subsidizing of the racing industry. Horses do not
20 participate by their choice.

21 CHAIRMAN FERRARO: Thank you.

22 Again, I apologize ahead of time for the
23 pronunciation. Lindsay Vurek; is that correct?

24 MR. VUREK: Yes.

25 CHAIRMAN FERRARO: Close anyway?

1 MR. VUREK: Yeah, very close. Very good. Thank
2 you.

3 So as somebody -- a number of people have
4 mentioned the state property, so I'm just going to read
5 what they are. I didn't even realize, I think, except for
6 in one case, that they even had racing. Probably, as far
7 as revenue for California, it's much smaller potatoes than
8 the big ones, like Golden Gate Fields and Santa Anita, et
9 cetera. So -- and these are, in essence, being subsidized
10 by the taxpayer.

11 So there's -- I'm both a resident of Alameda
12 County and Marin County. I'm a taxpayer in both.

13 So Alameda County Fairgrounds in Pleasanton is
14 one. California Exposition in Sacramento is the other.
15 Big Fresno Fair in Fresno. And Humboldt County Fair in
16 Ferndale. And Sonoma County Fair in Santa Rosa. So these,
17 if you -- it would be great if you would agendize this and
18 at least discuss the idea of banning, on these state
19 properties, horse racing and gambling.

20 Thank you.

21 CHAIRMAN FERRARO: Thank you.

22 Carol Gage.

23 MS. GAGE: Carol Gage, a taxpayer and horse
24 owner.

25 Horse racing kills and injures countless horses

1 each year, both in California and elsewhere, and both on
2 and off the tracks. On California tracks alone the equine
3 casualty numbers are jaw dropping and they only seem to get
4 worse with every passing week. In short, horses are
5 literally being run into the ground for money.

6 The vast majority of Californians aren't involved
7 in any aspect of horse racing. Most know little, if
8 anything, of what happens to horses on the racetrack and
9 behind the scenes, yet all Californians, including the
10 countless opponents of this so-called sport, are
11 unwittingly supporting the enterprise because they
12 subsidize the state properties where thoroughbred horse
13 racing takes place. And I believe Lindsay just read you
14 those, the names of those properties.

15 As a California taxpayer and recent adopter of a
16 once-abused and totally used up former racehorse, I'd
17 personally like to see the demise of all horse racing in
18 California. There's simply no way to fix everything that's
19 wrong with it. But until that day comes, I think ending
20 horse racing on all state owned properties would be a good
21 place to start. And I'd like to request that you put this
22 issue on an upcoming agenda for consideration.

23 Thank you.

24 CHAIRMAN FERRARO: Thank you.

25 April Montgomery.

1 MS. MONTGOMERY: Good afternoon. April
2 Montgomery, banhorseracing.com.

3 For the record today, I am submitting a public
4 records request to this Board under the California Public
5 Records Act seeking records of all training and racing
6 deaths at every California racetrack for the past five
7 years. Let the record show that I obtained my numbers from
8 this Board, Equibase, Racetrack Insiders and media reports.

9 Dr. Ferraro, you recently gave an in-depth
10 interview to the Press Box's Gene McLean. I have to say
11 that I listened to this interview at least ten times
12 because it was so damning. You not only made our case to
13 ban horse racing but you indicted this industry on every
14 topic that was discussed. What is highly disturbing about
15 this interview is that even an industry veteran like you
16 can't defend racehorse deaths. In fact, you said that the
17 industry will never reduce these breakdowns to zero but
18 your goal would be prevention. With all due respect, you
19 are not curing cancer.

20 The answer is simple, stop putting horses at risk
21 by racing them in the first place and there will be zero
22 breakdowns.

23 You say that racing is in crisis mode. I
24 disagree. California horse racing is in exposure mode.
25 For far too long this industry has escaped scrutiny for the

1 brutality in horse racing. But for the sake of argument,
2 let's say crisis. Your industry created this crisis by
3 playing god and genetically manipulating horses in the
4 breeding shed. Then, for decades, you promote permissive
5 medication to mask injury and pain and to prevent bleeding
6 in the lungs. When this doesn't work, illegal drugs are
7 used for injury and pain and to enhance performance.

8 The truth is that racehorses will always need
9 medication for injury and pain because horses were never
10 meant to race. Horse racing is manmade, not Mother Nature.
11 Racing horses up to speeds of 40 miles per hour on
12 undeveloped skeletal systems at two, three, four and five
13 years old create an unreasonable risk of injury and death.
14 This is legalized animal abuse. In fact, it is an
15 addiction to legalized animal abuse.

16 The average lifespan of a horse is 20 to 30
17 years, yet racehorses are dying between 2 to 6 years old
18 these are unnatural deaths.

19 Your interview discusses whipping, ambulances,
20 equine hospitals, surgical facilities, increased
21 surveillance, out-of-competition testing, slab fractures of
22 the third carpal bone, catastrophic injuries, increased
23 scrutiny and lesions, this sounds like a freak show but
24 it's horse racing.

25 After nine months this Board refuses to disclose

1 its report on the Santa Anita deaths since December 2018.
2 After seven months this Board refuses to enforce the law
3 under Senate Bill 469 which gives you the power to shut
4 down tracks, like Santa Anita, that continue to kill horses
5 for profit-based entertainment. This Board faces a lawsuit
6 now over the justified drug scandal. The industry has
7 spiraled out of control because it has been exposed.

8 You know you can't reform what's fundamentally
9 flawed at its core, racing animals to win a deadly game.
10 For 87 years, California sacrificed thousands of racehorses
11 under the guise of sport for gambling. It's time to ban
12 the race and California voters are ready.

13 CHAIRMAN FERRARO: Thank you.

14 Martha Sullivan.

15 MS. SULLIVAN: I really want to go over, you
16 know, as somebody who worked for a state agency for 20
17 years, for the State Public Utilities Commission, I want to
18 go over what I've observed coming to your meetings the last
19 several months.

20 I think that this agency, you know, as other
21 speakers have said, you've been able to fly under the radar
22 for a long-long time due to very low public attention paid
23 to you. And this last year has brought very searing public
24 attention to you and you're not quite up to that test
25 because you don't have, you know, the public information

1 mechanisms in place to address that attention. You don't
2 have -- you know, you're not implementing legislation the
3 way it needs to be implemented in order for it to function
4 the way that the legislators and the Governor intended it
5 to.

6 And examples of this are that you've once more
7 delayed the release of your report on the Santa Anita horse
8 deaths. You know, it was due in December, postponed to,
9 you know, this month, and now it's postponed to the end of
10 the month, and then all the details of it will come
11 sometime after the end of the month.

12 Your annual report, which runs on a fiscal year
13 basis, July 1st to June 30th, is still not available, and
14 there's not even a definite date for when it's going to be
15 available, sometime, you know, after this month is what I
16 get when I ask.

17 Having to be reminded at every meeting that
18 members of the public have put in speaker slips and making
19 us demand that we be allowed to speak is a real show of
20 amateur hour.

21 So I suggest, you know, you really need to hunker
22 down and get your act together because this attention isn't
23 going away. It's going to heighten and you need to get
24 your A game going. You need to get the injury reports set
25 up in a way that you can implement the law that was passed

1 last year and be able to carry it out because, right now,
2 you're failing in that.

3 CHAIRMAN FERRARO: Thank you, Martha. Have a
4 good trip home.

5 A motion for adjournment?

6 COMMISSIONER MITCHELL: Moved.

7 COMMISSIONER ALFIERI: Second.

8 CHAIRMAN FERRARO: Mitchell?

9 VICE CHAIRMAN GONZALES: In favor.

10 COMMISSIONER MITCHELL: Yeah.

11 VICE CHAIRMAN GONZALES: In favor, yes.

12 CHAIRMAN FERRARO: Yes.

13 COMMISSIONER ALFIERI: Yes.

14 CHAIRMAN FERRARO: Meeting is adjourned. Thank
15 you all.

16 EXECUTIVE DIRECTOR BAEDEKER: We do have an
17 executive session.

18 You have a question?

19 UNIDENTIFIED FEMALE 1: (Off mike.)

20 (Indiscernible.)

21 CHAIRMAN FERRARO: No card, not talk. I'm sorry.

22 EXECUTIVE DIRECTOR BAEDEKER: Yeah. If we could
23 ask you to step to the outside, we do have to close the
24 room for an executive session. Thank you.

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(The regular meeting of the California Horse Racing Board
concluded at 12:37 p.m.)

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 27th day of January, 2020.



ELISE HICKS, IAPRT CERT**2176

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

January 27, 2020