

APPEARANCES

COMMITTEE MEMBERS

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

STAFF

Rick Baedeker, Executive Director
Jacqueline Wagner, Assistant Executive Director
John McDonough, Chief Counsel
Mike Marten, Associate Analyst
Robert Brodnik

ALSO PRESENT

Dino Perez, PCQHRA
Cliff Goodrich, California Thoroughbred Horsemen's
Foundation
Jane Cartmill
Alida Baker
Ellen Erickson
Liz Jacobelly
Eric Sindler, Pacific Racing Association and LATC II

APPEARANCESALSO PRESENT

Mary Forney, Thoroughbred Owners of California

Larry Swartzlander, California Authority of Racing Fairs

Martha Sullivan

Greg Avioli, Thoroughbred Owners of California

Lauri King, Big Fresno Fair

Chris Schick, Watch and Wager

Ben Kenney, Watch and Wager

Ed Cummings, Watch and Wager

Jack Liebau, Los Alamitos Racecourse

Ed Allred, Los Alamitos Racecourse

Walter Marquez, Los Angeles County Fair

Alan Balch, California Thoroughbred Trainers

Josh Rubenstein, Del Mar Thoroughbred Club

Aidan Butler, Santa Anita

John Valenzuela, Pari-Mutuel Employees Guild, Local 280

Maureen Pollock

Marla Zanelli

Oscar de la Torre

Valerie Traina

Michelle Walther

Toni Falcone

Damascus Castellanos, Teamsters Local 495

Pavla Nygaard, Thor-Bred Stables

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ALSO PRESENT

Jennifer Borges

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20. Closed Session: For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code. 174
- 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).
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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

9:35 A.M.

DEL MAR, CALIFORNIA, THURSDAY, AUGUST 22, 2019

CHAIRMAN WINNER: Good morning everyone. Ladies and gentlemen, this meeting of the California Horse Racing Board will please come to order. Please take your seats, ladies and gentlemen. This is the regular noticed meeting of the California Horse Racing Board on Thursday, August 22nd, 2019 at the Hilton San Diego, Del Mar 15575 Jimmy Durante Boulevard, Del Mar, California.

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

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

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

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

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

9 When a matter is opened for the public comment,
10 your name will be called. Please come to the podium.
11 Introduce yourself by stating your name and organization
12 clearly. This is necessary for the court reporter to have a
13 clear record of all who speak. When your three minutes are
14 up I'll ask you to return to your seat so others can be
15 heard.

16 When all the names have been called, I'll ask if
17 there's anyone else who would like to speak on the matter
18 before the Board. Also, the Board may ask questions of
19 individuals who speak on any item. If a speaker repeats
20 herself or himself, I'll ask if the speaker has any new
21 comments to make. If there are none, then the speaker will
22 be asked to let others make comments to the Board.

23 We'll go on to the agenda.

24 Okay, the first item on the agenda is the approval
25 of the minutes of the July 18th meeting. Is there any --

1 are there any changes, additions, subtractions from the
2 agenda amendments? Hearing none, is there a motion to
3 approve?

4 COMMISSIONER MAAS: Move.

5 CHAIR WINNER: Moved by Commissioner Maas.

6 Seconded by Commissioner Solis.

7 Commissioner Alfieri?

8 COMMISSIONER ALFIERI: Yes.

9 CHAIR WINNER: Commissioner Maas?

10 COMMISSIONER MAAS: Yes.

11 CHAIR WINNER: Commissioner Solis?

12 COMMISSIONER SOLIS: Yes.

13 CHAIR WINNER: Chuck -- Chairman votes yes.

14 Commissioner Auerbach?

15 VICE CHAIR AUERBACH: Yes.

16 CHAIR WINNER: And Commissioner Ferraro?

17 COMMISSIONER FERRARO: Yes.

18 CHAIR WINNER: All right. The Executive

19 Director's Report.

20 Rick?

21 EXECUTIVE DIRECTOR BAEDEKER: Good morning and
22 thank you, Mr. Chairman.

23 Just a note to racing associations and horsemen
24 that the microchip rules that have been promulgated have
25 been adopted by Office of Administrative Law and will become

1 effective on October the 1st. Please note, this is no
2 longer a CHRB program. This is a program that must be
3 implemented and maintained by the associations and the
4 horsemen.

5 The good news is that the new rules, the changes
6 in the rules, are much less restrictive. So the previous
7 rule said that a horse could not be entered if it did not
8 have a microchip. That has now changed to a horse may not
9 start in a race. So you have the time from when a horse is
10 entered to the time of the race to actually have the chip
11 inserted, and it only takes five minutes to get that done.

12 The important point is don't wait for CHRB to
13 review the stable area to make sure that the horses are
14 chipped, okay? That needs to be done by the racetracks and
15 the horsemen.

16 I'd like to welcome a couple of visitors here
17 today from the Business Consumer Services and Housing
18 Agency. That's the agency that the California Horse Racing
19 Board reports to. And the secretary of the agency sits on
20 the cabinet of the governor. And we have Laila Mirrashidi,
21 who is the Deputy Secretary that we both with all of our
22 needs and concerns. And then we also have a name that will
23 be familiar to many of you, former Staff Counsel of CHRB,
24 he's now the Deputy General Counsel at the agency, Mr. Phil
25 Laird, there in the back, and we're happy that you're here.

1 I have a number of end-of-meet reports that I will
2 go through quickly.

3 The Golden Gate meet, which finished in June, had
4 one less day of racing this year than last. However, their
5 total handle was up 7.3 percent and the average daily was up
6 8.4 percent. The horse population was actually better this
7 year, starters per race, 6.7 last year, 7.01 this year.

8 The long winter meet at Santa Anita, as everybody
9 is aware, there were many fewer racing days, 101 last year
10 versus 81 this year. So we look at the average daily handle
11 for a better gage of how the meet performed and the numbers
12 were up 3.7 percent on an average daily basis. The average
13 starters per event was down from 7.85 to 7.36.

14 Los Alamitos Thoroughbred also had a reduction in
15 dates from 12 last year to 9 this year. And as you recall,
16 there were weekdays that were not run this year, so the
17 majority of the nine days that were run from that, not the
18 majority but the significant days of the nine, caused a
19 25.45 percent increase in average daily handle at Los
20 Alamitos. Their average starters per race was also down 6.9
21 to 6.5.

22 The California State Fair did not fare as well.
23 Same number of days this year versus last. They were down
24 7.01 percent.

25 Alameda County Fair, which preceded Cal Expo, they

1 also had the same number of days this year. And their total
2 handle and average daily was up 6.48 percent. And their
3 starters per race was equal with last year.

4 Now we go to the total numbers for July. Again,
5 it's difficult to compare because of the difference in the
6 number of programs night and day. Last year there were 48
7 programs night and day. This year there were 45. That led
8 to an 8.8 percent decline in total handle. The average
9 daily handle for the month was down 3.3 percent.

10 And looking at the year to date through July, same
11 thing with the number of race days, down significantly.
12 Last year there were a total number of programs of 359 night
13 and day, daytime, 236 and nighttime, 123, 359 versus 327.
14 So we looked at the average daily handle to get a better
15 gage of how the business performed. And this year versus
16 last year is down 1.9 percent.

17 And that is my report, Mr. Chairman.

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

19 Are there any comments or questions with respect
20 to the Executive Director's Report?

21 Okay, hearing none, we'll go on to the next item.

22 Discussion and action by the Board regarding the
23 Los Alamitos Equine Sale Company, LLC's request for
24 authorization of its 15th Annual Quarter Horse Yearling and
25 Mixed Stock Sale, pursuant to CHRB Rule 1807, Authorized

1 Horse Sales.

2 Good morning.

3 MR. PEREZ: Can you hear me?

4 CHAIR WINNER: You want to turn --

5 MR. PEREZ: Yeah? Okay. Great.

6 CHAIR WINNER: Is the mike on?

7 MR. PEREZ: Dino Perez with PCQHRA. We're here
8 today for authorization of our annual Quarter horse sale.
9 We cataloged 360 horses this year, 90 percent of them will
10 be yearlings, and a few mares. The sale is the 5th and 6th
11 of October. The format is basically the same we've had for
12 several years.

13 EXECUTIVE DIRECTOR BAEDEKER: I want to point out
14 to the Commissioners that because this is a CHRB-approved
15 sale, we do ask the sale folks to come forward and as Dino
16 is doing here today. And we do perform out-of-competition
17 testing on horses that are entered to sell. We've been
18 doing that now for a few years. And so we want to make sure
19 that the full Board is aware of the fact that these sales
20 are taking place.

21 CHAIR WINNER: Yes. Are there any questions for
22 Dino? All right. Is there a motion?

23 COMMISSIONER ALFIERI: So moved.

24 COMMISSIONER FERRARO: Second.

25 CHAIR WINNER: Moved by Commissioner Alfieri.

1 Seconded by Commissioner Maas.

2 Commissioner Ferraro?

3 COMMISSIONER FERRARO: Yes.

4 CHAIR WINNER: Vice Chair Auerbach?

5 VICE CHAIR AUERBACH: Yes.

6 CHAIR WINNER: Chairman votes yes.

7 Commissioner Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIR WINNER: Commissioner Maas?

10 COMMISSIONER MAAS: Yes.

11 CHAIR WINNER: Commissioner Alfieri?

12 COMMISSIONER ALFIERI: Yes.

13 MR. PEREZ: Thank you.

14 CHAIR WINNER: Have a good sale.

15 MR. PEREZ: All right. Thanks.

16 CHAIR WINNER: Good luck.

17 Discussion and action by the Board regarding the
18 request for approval of the nominated members to the Board
19 of Directors of the California Thoroughbred Horsemen's
20 Foundation, pursuant to CHRB Rule 2049(a), Designation and
21 Approval of Horsemen's Welfare Fund.

22 Cliff?

23 MR. GOODRICH: Thank you, Mr. Chairman,
24 Commissioners. Cliff Goodrich on behalf of the California
25 Thoroughbred Horsemen's Foundation.

1 Item four, as I understand it, is basically -- I'm
2 sorry -- item four can be acted upon today. Rule 2049(a)
3 asks for CHRB approval of our directors. I've listed those
4 directors in your packet. Four of them are returnees. Our
5 new Director, replacing Trainer Jerry Petroni, is Trainer
6 Ray Bell, and we're glad to have him onboard. Ray is
7 actually one of the trainers who has used our clinic
8 frequently and, as a trainer, is eligible to do so.

9 So I would ask the Board to approve the slate,
10 unless there's any questions.

11 VICE CHAIR AUERBACH: I only had one question.

12 I see you want to change your format too. What
13 necessitated that?

14 MR. GOODRICH: Which is the next agenda item.

15 VICE CHAIR AUERBACH: Oh. Sorry.

16 CHAIR WINNER: Yeah.

17 MR. GOODRICH: Correct.

18 VICE CHAIR AUERBACH: I thought it was all
19 together.

20 MR. GOODRICH: No.

21 VICE CHAIR AUERBACH: I apologize.

22 MR. GOODRICH: And I would add, we try very hard
23 to get a good mixture. And right now our present board is
24 actually two owner representatives, two trainers
25 representatives, two racetrack representatives, a retired

1 physician, and we're stuck with Damascus as our labor
2 representative.

3 VICE CHAIR AUERBACH: Right.

4 CHAIR WINNER: I think it's a terrific --

5 VICE CHAIR AUERBACH: Yeah.

6 CHAIR WINNER: -- group of people. I mean,
7 I'm --

8 VICE CHAIR AUERBACH: You're fortunate.

9 CHAIR WINNER: -- it's very impressive and really
10 appreciate their work and, obviously, your work, Cliff, for
11 what you guys do. And I wish Ray a lot of success, also, as
12 a member.

13 I believe this takes a vote to approve?

14 EXECUTIVE DIRECTOR BAEDEKER: It does.

15 COMMISSIONER ALFIERI: So moved.

16 CHAIR WINNER: Moved by --

17 VICE CHAIR AUERBACH: I'll second.

18 CHAIR WINNER: -- Commissioner Alfieri. Seconded
19 by Vice Chair Auerbach.

20 Commissioner Alfieri?

21 COMMISSIONER ALFIERI: Yes.

22 CHAIR WINNER: And the Vice Chair?

23 VICE CHAIR AUERBACH: Yes.

24 CHAIR WINNER: Chairman votes yes.

25 Commissioner Solis?

1 COMMISSIONER SOLIS: Yes.

2 CHAIR WINNER: Commissioner Maas?

3 COMMISSIONER MAAS: Yes.

4 CHAIR WINNER: And Commissioner Alfieri?

5 COMMISSIONER ALFIERI: Yes.

6 CHAIR WINNER: Okay. Let's go on to --

7 MR. GOODRICH: Thank you.

8 CHAIR WINNER: -- item number five.

9 MR. GOODRICH: Item number five is, I think --

10 CHAIR WINNER: I better just read it, just --

11 MR. GOODRICH: Oh.

12 CHAIR WINNER: -- for the record.

13 MR. GOODRICH: Okay.

14 CHAIR WINNER: Discussion and action by the Board

15 regarding the proposed amendment to CHRB Rule 2049,

16 Designation and Approval of Horsemen's Welfare Fund, to,

17 one, increase the minimum number of directors or trustees

18 from nine to eleven; and two, eliminate the requirement that

19 directors or trustees have no financial interest in horse

20 racing as a licensed owner, trainer or assistant trainer and

21 are not a current member of the horsemen's organization; and

22 three, increase the term for directors and trustees from two

23 to three years.

24 Cliff?

25 MR. GOODRICH: Correct. And if I could touch on

1 each one, and then I can --

2 CHAIR WINNER: Please.

3 MR. GOODRICH: -- answer Madeline's or anybody
4 else's question?

5 A nonprofit board for 11 members is not large. We
6 have had, historically, a maximum of nine for many, many
7 years.

8 Like the rest of the industry, we face many
9 challenges going forward. We think we're going to need to
10 bring in some outside expertise more than ever. We don't
11 want that to harm the people from the industry who are
12 interested but we may need to get into fundraising outside
13 the industry with all the challenges the industry faces.
14 And we think we're going to need to larger board. It
15 doesn't mean will immediately go to 11 but it does give us
16 the ability to go to 11 if we so choose. That would not
17 happen until next summer because the rules have to go
18 through and it's probably going to take until spring.

19 On the second item, we have looked at like
20 nonprofits in our industry and nobody has the restrictions
21 of having to have people from the outside. Right now, if we
22 have one board member who is a board of directors on the TOC
23 or CTT, we have a limitation where, basically, 40 percent of
24 the directors have to come from the outside.

25 Historically, and it should be no surprise, most

1 of the interest in helping the backstretch workers comes
2 from inside the industry and that's where we typically draw
3 upon. And we do not want a restriction and others don't
4 have it within the industry of having so many people from
5 the outside. We'll still certainly seek a mix of people but
6 we know, historically, people most interested in helping the
7 workers are going to come from inside the industry. We just
8 want the ability to maximize the size of our board and go
9 outside and get people, like involved in fundraising, if we
10 can.

11 And the last item is we've historically had two-
12 year terms. This past summer was an example where we had
13 five of our eight directors up for reelection. It just
14 creates instability. As we look around to the CTT and the
15 TOC board and the like, minimum is three-year terms. So I
16 think it will give us more stability. And when elections
17 come up it will be more like a third of our board is up for
18 election, rather than half of two-thirds of our board. So
19 that's the reasoning behind this proposal.

20 As I understand it, if approved, it has to go out
21 for interagency approval. Then it will come back in the
22 fall for -- to start the 60-day time period. So this still
23 has a ways to go, no action to be taken today, other than
24 the Board's blessing of moving forward with the comment
25 period.

1 CHAIR WINNER: Please.

2 EXECUTIVE DIRECTOR BAEDEKER: Yeah. So you're
3 sending out to 45.

4 CHAIR WINNER: Yeah. It goes out for --

5 EXECUTIVE DIRECTOR BAEDEKER: Right.

6 CHAIR WINNER: -- 45 days --

7 EXECUTIVE DIRECTOR BAEDEKER: Right.

8 CHAIR WINNER: -- is what would happen. If we
9 pass it today, it goes out for 45.

10 Let me just ask you one quick question. The way I
11 read this, it says that it would eliminate the requirement
12 that directors or trustees have no financial interest in
13 horse racing as a licensed owner, trainer or assistant
14 trainer, but you already have members who are licensed
15 trainers.

16 MR. GOODRICH: That is correct. But by way of
17 example, if, like right now, there is a board seat open and
18 we run into a situation many times where if we wanted to
19 fill that with, let's say, a trainer or an owner or somebody
20 licensed as a trainer or owner, we couldn't do that because
21 of the 40 percent --

22 CHAIR WINNER: Right.

23 MR. GOODRICH: -- restriction. It just hamstring
24 us, forcing us to have X number of outside people. But as
25 shouldn't be surprising, it's hard to find outside --

1 CHAIR WINNER: Yes.

2 MR. GOODRICH: -- people who want to help the
3 backstretch workers.

4 CHAIR WINNER: Right. Got it.

5 MR. GOODRICH: It usually comes from within the
6 industry. And that's why we also have a lot of owners or
7 trainers on the board because those same people often are
8 board members because they care about --

9 CHAIR WINNER: Right.

10 MR. GOODRICH: -- their own organization and the
11 backstretch workers.

12 CHAIR WINNER: Madeline, did you have a question?

13 VICE CHAIR AUERBACH: No. He answered that.

14 CHAIR WINNER: Okay. Are there any --

15 VICE CHAIR AUERBACH: Thank you.

16 CHAIR WINNER: -- any other questions, comments?

17 VICE CHAIR AUERBACH: I move.

18 CHAIR WINNER: Vice Chair Auerbach moves. I'll
19 second.

20 Commissioner Ferraro?

21 COMMISSIONER FERRARO: Yes.

22 MS. CARTMILL: There's a public comment on this
23 item, I believe.

24 VICE CHAIR AUERBACH: Oh. There is?

25 CHAIR WINNER: I'm sorry. Yes, there is. I

1 apologize for that. All right.

2 Jane -- let's see, there's one.

3 You want to stay there, Cliff --

4 MR. GOODRICH: Yes.

5 CHAIR WINNER: -- in case there are questions?

6 Jane Cartmill. I hope I'm pronouncing that
7 correctly.

8 MS. CARTMILL: Yes.

9 CHAIR WINNER: Do you want to go to the podium
10 please? Introduce yourself and your organization, if any,
11 please.

12 MS. CARTMILL: Jane Cartmill. I'm a former
13 director of San Diego Animal Advocates and former president
14 of the Board of Directors of Rancho Coastal Humane Society.

15 I oppose the amendment changes that are being
16 considered. I believe that the directors and trustees of
17 the Horsemen's Welfare Fund must be as objective as possible
18 with no investment in the industry, no conflict of interest.

19 And I would have to say, from my observation, that
20 what I've just heard, that the people who care most about
21 the backstretch workers are the trainers and the folks in
22 the business, it certainly doesn't appear that way from the
23 substandard housing that they endure in many places, the
24 interference with their efforts to unionize to get better
25 wages and better conditions. The fact that they are the

1 only category of workers specifically excluded from the
2 provisions of the California Employee Housing Act, it
3 doesn't look to me like the industry has done all that well
4 by them. So I would oppose those changes.

5 This year, those backstretch workers have
6 organized and created counter-protests to undermine the
7 animal rights presence at the track. They are fearful of
8 losing their jobs if horse racing is banned, which it very
9 likely is going to be, and that fear is understandable.
10 They don't have a lot of options available to them.

11 But whenever there's change in the world the
12 people who are invested in the status quo are put at some
13 risk. And we cannot tolerate an animal abuse industry just
14 because, unfortunately, some people may lose their
15 employment.

16 CHAIR WINNER: Thank you.

17 Does anyone have any questions?

18 VICE CHAIR AUERBACH: No.

19 CHAIR WINNER: All right.

20 MR. GOODRICH: I have a comment, if I could?

21 CHAIR WINNER: Please do, Cliff.

22 MR. GOODRICH: One, I'm glad to hear that the
23 people who care about the safety of the horses, as everybody
24 in this room does, also cares about the workers. Because I
25 can tell you, looking forward, ironically, the people who

1 love these horses the most are the people who take care of
2 them. Those are the people I represent, whose, frankly,
3 medical benefits are threatened by the activity and the lack
4 of recognition of the steps this Board and this industry is
5 taking to make things better for this industry.

6 And so if they really care about the workers, they
7 will care about what we do and the reasoning behind the
8 amendment we seek.

9 CHAIR WINNER: Thank you.

10 I think there's a motion on the floor and a
11 second.

12 COMMISSIONER FERRARO: Yes.

13 CHAIR WINNER: Commissioner Ferraro?

14 COMMISSIONER FERRARO: Yes.

15 CHAIR WINNER: Vice Chair Auerbach?

16 VICE CHAIR AUERBACH: Yes.

17 CHAIR WINNER: Chairman votes yes.

18 Commissioner Solis?

19 COMMISSIONER SOLIS: Yes.

20 CHAIR WINNER: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR WINNER: Commissioner Alfieri?

23 COMMISSIONER ALFIERI: Yes.

24 CHAIR WINNER: Thanks Cliff. Thanks for what you
25 do.

1 Going on to item number six, discussion and action
2 by the Board regarding the submission of the proposed
3 emergency addition of CHRB Rule 1435, Suspension of License
4 to Conduct a Race Meeting, to the Office of Administrative
5 Law, in response to Senate Bill 469, which requires the
6 Board to adopt emergency regulations to implement Business
7 and Professions Code section 19481.7.

8 Rob?

9 MR. BRODNIK: Good morning. Robert Brodник,
10 California Horse Racing Board.

11 Commissioners, this item is back before the Board
12 with some minor amendments which were required by the Office
13 of Administrative Law. The proposed changes include
14 clarifying the written notice requirement to delete other
15 electronic means and inserting license restriction order
16 throughout the regulation for consistency, among a few other
17 minor changes.

18 This proposed regulation will create a process for
19 the Board to follow in order to suspend a rate meet license
20 or place restrictions, if necessary, to protect the health
21 and safety of the horse or rider.

22 The process will begin with the filing of a
23 petition with supporting declarations that establish the
24 necessity for the -- to act for the health and safety of the
25 horse or rider. The licensee, which will be the

1 association, will be given 24-hours' notice. At the
2 hearing, they can be represented by counsel, provide their
3 own declarations, and make arguments.

4 The Board will then have up to five days to decide
5 what, if any, action to take. If the Board does take
6 action, it will be required to review that decision within
7 ten calendar days. The Board is able to keep any suspension
8 in place until the Board determines that the matters
9 jeopardizing the health and safety of the horse or rider
10 have been addressed.

11 Staff believes that this is a fair procedure,
12 while still allowing the Board to take prompt action. And
13 these amendments, as I said at the outset, are in response
14 to administrative -- the Office of Administrative Law's
15 guidance.

16 CHAIR WINNER: And, Rob, if we approve the
17 amendments as stated here, it then will go out for 15 days;
18 is that correct?

19 MR. BRODNIK: So this is an emergency.

20 CHAIR WINNER: So it doesn't have to go out?

21 MR. BRODNIK: Well, no, it does have an
22 abbreviated public notice requirement. So what will happen
23 is we will post this for five working days on our website
24 from the 26th through the 30th or September -- or, excuse
25 me, of August. And then we will file it with the Office of

1 Administrative Law, who then will receive public comments.
2 And they have ten days to decide whether to approve or
3 disapprove the regulation. So, tentatively, this
4 regulation, if passed today by the Board, could be approved
5 by September 13th.

6 CHAIR WINNER: All right. And this, of course,
7 is, basically, implementation language to 469, which I think
8 passed unanimously out of both houses, did it not?

9 MR. BRODNIK: Yes, that's correct. Senate Bill
10 469, which was championed by Senator Dodd, did pass
11 unanimously through both houses and was signed by the
12 governor. And this emergency regulation is required before
13 the Board can utilize the authority within that statute.

14 CHAIR WINNER: Are there any questions or comments
15 for Phil? I have a number of cards on this one, as well.

16 VICE CHAIR AUERBACH: I just have one.

17 CHAIR WINNER: I mean for Rob.

18 VICE CHAIR AUERBACH: One. Yeah, that's Rob.

19 CHAIR WINNER: That's Rob.

20 VICE CHAIR AUERBACH: Rob, I just have one quick
21 question. Could you just verify just the real highlights,
22 that it's like a one-hour notice and et cetera, et cetera,
23 please?

24 MR. BRODNIK: Yes. So, in essence, when the Board
25 feels that an action is necessary, a petition is filed by

1 either the Executive Director or the Equine Medical Director
2 of the Executive Director's designee. That petition, which
3 will have supporting declarations, is provided to the
4 association, who is the licensee, and they are given 24-hour
5 notice.

6 After that 24-hour notice period the Board has the
7 ability, within Senate Bill 469, to have an emergency
8 reconvene of their Board meeting. And then at that point
9 the declarations will be presented to the Board. The
10 licensee will have the opportunity to present their own
11 declarations and make any arguments.

12 And then at that point the Board will have five
13 days -- I mean, the Board can make its decision quicker than
14 five days but has five days to deliberate and issue a
15 decision on the matter. That decision can be either to take
16 no action, to take a license restriction action which would
17 mean to restrict the license in some way, or to suspend the
18 license.

19 Any action the Board takes with regard to
20 restriction or suspension then would require the Board to
21 come back within ten days to review and determine whether
22 the reason that gave rise to this action by the Board has
23 been remediated, so that's --

24 VICE CHAIR AUERBACH: But the ten days does not
25 stop the action from whatever that action is. So --

1 CHAIR WINNER: No. That's right.

2 VICE CHAIR AUERBACH: -- it doesn't stop it, it
3 just requires of it; right?

4 MR. BRODNIK: No. Correct. Yes.

5 VICE CHAIR AUERBACH: Okay.

6 MR. BRODNIK: Yeah. Yeah.

7 VICE CHAIR AUERBACH: Okay.

8 MR. BRODNIK: No. That's absolutely correct.

9 VICE CHAIR AUERBACH: Thank you.

10 MR. BRODNIK: Yeah.

11 CHAIR WINNER: Any other questions? All right.

12 I'm going to call some of these forward.

13 Alida Baker.

14 MS. BAKER: Good morning. My name is Alida Baker.

15 CHAIR WINNER: Good morning.

16 MS. BAKER: I live in the state of California.

17 And I believe that this would be a good thing to have go

18 forward because there needs to be some kind of change.

19 There has been, recently, a lot of increase in deaths of

20 horses. And I believe that we need to make some kind of

21 change and I think that this is a good -- a good step

22 forward to increase a possible safety for the horses.

23 I'm an animal lover myself. And I did raise -- I

24 was raised with horses myself and I did ride horses myself

25 when I was younger. I love them.

1 And so please do vote on this. I think it would
2 be a good step forward to make a change because something
3 needs to change right now.

4 Thank you.

5 CHAIR WINNER: Thank you very much.

6 Ellen Erickson.

7 MS. ERICKSEN: Hi. My name is Ellen Ericksen and
8 I am here as a concerned citizen in regards to horse racing.

9 When I first learned about SB 469, I had questions
10 about the implementation of how this was going to happen.
11 And hearing now about the process of a horse -- multiple
12 horses die on a racetrack in the state of California the --
13 how that comes about. And from what I just heard is that
14 there is not a stop on the license of the track with deaths.

15 So what I ask the Board is some honest question.
16 If one horse dies does SB 469 go into effect? Is it when
17 five horses die?

18 And what I'm hearing now is that it's not going to
19 be implemented, that it has to go to review in front of the
20 Board Members that are here right now and vote whether to
21 take the license away. So I don't think there's a clear
22 understanding on how this bill is going to protect the
23 horses and make change and stop these tracks from racing
24 horses until it's figured out.

25 So I think there's confusion about SB 469 that

1 still needs to be addressed right now by the Board because
2 I'm not clear on what happens when a horse dies at any
3 track. Do you guys have a meeting? Do you have phone
4 calls? Do you email each other and say, oh, maybe 469
5 should go into effect? And when does that happen? Ten
6 days? And what if you don't agree on it?

7 How does the public get to have a say in the death
8 of horses if this bill is not being implemented?

9 So if you could answer those questions, I'd really
10 appreciate it.

11 CHAIR WINNER: Well, I'm going to let Rob answer
12 most of them, but let me just take a crack at a couple of
13 your questions.

14 MS. ERICKSEN: Okay.

15 CHAIR WINNER: First of all, the reason that we
16 requested the legislature to implement -- or to write and
17 then pass and implement legislation was to give the Board
18 more authority to take action more quickly than we currently
19 have.

20 So under current law it is very difficult for the
21 Board. The Board must have -- give out public notice, ten
22 days' public notice, before we can hold a meeting to do
23 anything with respect to the dates, either rescinding dates
24 or giving dates to another venue. The purpose of 469 was to
25 speed up that process so that the Board had a greater

1 ability to move as quickly as possible.

2 The fact is that we still have to deal with the
3 law. The Board can only pass certain rules. The
4 legislature has to change the laws. We can't do that.

5 VICE CHAIR AUERBACH: Correct.

6 CHAIR WINNER: The laws are -- as you can see, the
7 Office of Administrative Law has made certain changes to the
8 law as it was passed, or at least to our regulation, as
9 passed it in order to implement 469.

10 So in our view, this is a major step forward.
11 It's a lot better than it is currently. The new rule and
12 the new law will make it far easier for the Board to act
13 more quickly, more promptly, in the case of situations that
14 you raised.

15 Rob, do you want to further comment on that?

16 MR. BRODNIK: Sure. Just briefly.

17 This Board is the proper board for these types of
18 issues to come before because every license granted in
19 California with regard to horse racing is the property of
20 this Board. So it's this Board's jurisdiction to be able to
21 take action whenever the health or safety of riders is
22 endangered, and that's exactly what 469 put in place. It
23 gives the Board, this Board, that authority to act. And
24 1435, the proposed emergency regulation, delineates the
25 process with which that will happen.

1 CHAIR WINNER: Right.

2 COMMISSIONER FERRARO: Could I just --

3 CHAIR WINNER: Please, Dr. Ferraro.

4 COMMISSIONER FERRARO: -- ask a question?

5 It's my understanding under this regulation that
6 horses don't have to die for us --

7 CHAIR WINNER: Right.

8 COMMISSIONER FERRARO: -- to consider the track
9 not safe --

10 CHAIR WINNER: Yeah.

11 COMMISSIONER FERRARO: -- and suspend racing. So
12 just to correct you, we don't have to wait until we have
13 deaths in order -- if we feel the track is not safe, we can
14 act.

15 MS. ERICKSEN: But there have been multiple deaths
16 the last few weeks. And SB 469 has not been implemented.
17 Has there been --

18 CHAIR WINNER: Because it's not --

19 MS. ERICKSEN: -- any talk --

20 CHAIR WINNER: -- in effect. It's not in effect
21 yet.

22 MS. ERICKSEN: So we have to let horses continue
23 to --

24 CHAIR WINNER: That the purpose of this.

25 MS. ERICKSEN: -- die before -- okay.

1 CHAIR WINNER: That's the purpose of what we're
2 doing today, is to --

3 MS. ERICKSEN: Right.

4 CHAIR WINNER: -- try to move it as quickly as
5 possible. We voted the implementation language.

6 MS. ERICKSEN: Right.

7 CHAIR WINNER: It sent to the Office of
8 Administrative Law, which is required by statute. The
9 Office of Administrative Law, as you heard, made certain
10 changes. It comes back to us as required by statute. If we
11 pass it, it will go through the process that Rob outlined.

12 MS. ERICKSEN: If you pass it.

13 CHAIR WINNER: And as Dr. Ferraro, as Commissioner
14 Ferraro states, it really hasn't anything to do with the
15 number of deaths or fatalities of horses. It has to do with
16 the determination that the track is not safe.

17 MS. ERICKSEN: Correct. Okay. Thank you very
18 much.

19 CHAIR WINNER: Thank you very much.

20 Liz Jacobelly. Good morning.

21 MS. JACOBELLY: Good morning everybody. My name
22 is Liz Jacobelly. I'm a San Diego and California resident.

23 You have been given the power to suspend the
24 license of a race meeting for the safety of the horses and
25 workers. Please use this power. It's been given to you for

1 a reason. The legislative and the governor are very
2 concerned about the continuing deaths of horses statewide.

3 And thank you for your time.

4 CHAIR WINNER: Thank you.

5 VICE CHAIR AUERBACH: Okay.

6 CHAIR WINNER: Pardon me.

7 VICE CHAIR AUERBACH: Was that it?

8 CHAIR WINNER: Yeah.

9 Any other questions for Rob? All right. Is there
10 a motion?

11 VICE CHAIR AUERBACH: So move.

12 CHAIR WINNER: Moved by Vice Chair Auerbach.

13 COMMISSIONER SOLIS: Second.

14 CHAIR WINNER: Seconded by Commissioner Solis.

15 Commissioner Alfieri?

16 COMMISSIONER ALFIERI: Yes.

17 CHAIR WINNER: Commissioner Maas?

18 COMMISSIONER MAAS: Yes.

19 CHAIR WINNER: Commissioner Solis?

20 COMMISSIONER SOLIS: Yes.

21 CHAIR WINNER: Chairman votes yes.

22 Vice Chair?

23 VICE CHAIR AUERBACH: Yes.

24 CHAIR WINNER: Commissioner Ferraro?

25 COMMISSIONER FERRARO: Yes.

1 CHAIR WINNER: Yes. All right. It passes
2 unanimously.

3 MR. BRODNIK: Thank you.

4 CHAIR WINNER: Thank you, Rob.

5 MR. BRODNIK: And that's, just for the record, to
6 go out on an emergency basis?

7 CHAIR WINNER: Yes.

8 MR. BRODNIK: Thank you.

9 CHAIR WINNER: All right, item number seven,
10 discussion and action by the Board regarding the proposed
11 amendment to CHRB Rule 1588, Horse Ineligible to Start in a
12 Race, to provide that a horse that has not been in the care
13 of a CHRB licensed trainer and stabled within an inclosure
14 licensed by the Board for seven consecutive days prior to
15 the race is ineligible to start in a race.

16 Dr. Arthur, are you going to do this one --

17 EQUINE MEDICAL DIRECTOR ARTHUR: Well,
18 actually --

19 CHAIR WINNER: -- or is Rob?

20 EQUINE MEDICAL DIRECTOR ARTHUR: -- I wasn't, but
21 I was here to answer questions.

22 CHAIR WINNER: Okay.

23 MR. BRODNIK: I can give a quick preamble.

24 CHAIR WINNER: Okay. Please do.

25 MR. BRODNIK: Robert Brodник, California Horse

1 Racing Board.

2 So, Commissioners, item seven, this item proposes
3 an amendment to Rule 2588, to require that horses scheduled
4 to race be stabled within our inclosures and under the care
5 of a trainer for seven consecutive days before they race.
6 There will be exceptions for this rule, such as horses being
7 shipped in to race from another racing jurisdiction or with
8 prior approval by the stewards.

9 But the genesis of this and I think the intent, I
10 believe, is that this will allow the Board to have eyes on
11 horses that are going to race for seven days before they
12 actually race which, as the staff analysis says, could help
13 mitigate or deter medication violations.

14 CHAIR WINNER: Yeah. This, to me, is a very, very
15 important item because, as I think most of us know, when
16 horses come in from off track and they come into the track
17 for a day or two, they may have -- there may have been
18 serious medication violations and we will not have -- we
19 have not been able to prevent those from taking place when
20 they're off track.

21 So what we're -- what this does is it limits the
22 ability of so-called day-trainers or owners bringing horses
23 in for one day into the racing facility and then we find out
24 that there are medication violations after the fact.

25 Dr. Arthur?

1 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. As the
2 Chairman pointed out, we have had numerous violations where
3 horses have been shipped in. The trainer, or recognized
4 trainer of the horse for the race, really admits, after the
5 drug positive, that they had no care and custody of the
6 horse. They didn't know how the horse was cared for prior
7 to seeing the horse on race day.

8 What this really does is make it more accountable
9 and to prevent some of, really, what amounts to program
10 training that we've tolerated too long. So I think this is
11 an important step forward.

12 CHAIR WINNER: Thank you.

13 Are there any other questions?

14 COMMISSIONER FERRARO: Yeah. I have one.

15 CHAIR WINNER: Dr. Ferraro?

16 COMMISSIONER FERRARO: Dr. Arthur, item 13 on page
17 7-5, it talks about horses receiving an interarticular
18 injection in the previous 120 hours. The current acceptable
19 period of time with -- under current -- our current
20 racetrack is 14 days; is that correct? And the RMTTC has a
21 made a recommendation for 14 days. Does this conflict with
22 that?

23 EQUINE MEDICAL DIRECTOR ARTHUR: I'm a little bit
24 confused at your question. Which page now?

25 COMMISSIONER FERRARO: Page 7-5, item 13.

1 EQUINE MEDICAL DIRECTOR ARTHUR: Right. Well,
2 absolutely, we could not control horses that are offsite,
3 you know, in terms of we really have no way to check whether
4 they are in compliance. We would have to rely on the owner
5 of the horse being compliant with the regulations. It's a
6 similar situation where people ship in from other
7 jurisdiction into the track, where we really don't have, for
8 example for stakes, where we really don't have all of the
9 information as to the treatment.

10 We're working on that. There's actually a rule in
11 place where the veterinarian -- or the trainer has to have
12 the previous 14-day medical record when they bring a horse
13 in from offsite. And I don't know where that is in the
14 process. Who --

15 MR. BRODNIK: I believe that's -- that will go
16 into effect July 1st.

17 CHAIR WINNER: Can we turn up their mikes? It's a
18 little hard for us.

19 COMMISSIONER FERRARO: I'm just concerned we're
20 not setting a double standard here where horses shipping in
21 off track are required not to have an interarticular
22 injection in 5 days and the ones that are stabled on the
23 grounds, you're saying 14 days. So that -- I just want to
24 clarify that so we don't --

25 EQUINE MEDICAL DIRECTOR ARTHUR: Well, you're

1 absolutely right, and it has been a frustration for people
2 and, particularly, at Los Alamitos because the horses that
3 ship in do not have the scrutiny that the horses do on the
4 grounds.

5 But we're trying to -- there is also another
6 regulation that has been approved by this Board, I don't
7 know if it's been out for 45-day notice, where you have to
8 provide the medical records of the horses for the previous
9 14 days. Yes, those could be falsified, but at least it
10 provides us with an alternative way to address the issue
11 that you're talking about.

12 COMMISSIONER FERRARO: Okay.

13 EQUINE MEDICAL DIRECTOR ARTHUR: Ideally, yes, we
14 would love to have all horses, under our care, under our
15 control and observation for 15 days prior -- 14 days prior
16 to the race. But that's sort of impractical, particularly
17 with horses shipping in for big stakes and for facilities,
18 like Los Alamitos where probably 20 percent of the Quarter
19 horses are ship-ins.

20 COMMISSIONER FERRARO: Just one more thing. Item
21 B on the same page, since you're talking about horses
22 shipping in for races and whatnot, what's the criteria upon
23 which you establish whether it's coming from a legitimate
24 trainer or a legitimate licensed facility? You know, I
25 mean, how do you distinguish those horses from others?

1 EQUINE MEDICAL DIRECTOR ARTHUR: Well, they would
2 have to be a facility licensed in another state. And they'd
3 have to be a trainer that's licensed in a racing commission
4 in another state, that's how I interpret that. Or, for
5 example, a horse shipping in from San Luis Rey Downs would,
6 you know, not be subject to this because that's our control
7 and custody of those -- or control of those facilities as
8 well.

9 CHAIR WINNER: Okay. Thank you.

10 EQUINE MEDICAL DIRECTOR ARTHUR: Okay.

11 CHAIR WINNER: Any other questions, comments? A
12 motion?

13 VICE CHAIR AUERBACH: Well --

14 CHAIR WINNER: I'm sorry.

15 VICE CHAIR AUERBACH: No. I was just going to
16 ask, would it make sense to increase that language or it
17 wouldn't really -- there's no way for us to monitoring it?

18 CHAIR WINNER: To monitor it.

19 VICE CHAIR AUERBACH: On Greg's first point --

20 CHAIR WINNER: Yeah.

21 VICE CHAIR AUERBACH: -- there's no way for us to
22 monitoring it. If the horse has only been in for seven
23 days, you can request a 14-day stand-down there but there's
24 really no way for us to know, is there?

25 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. You know,

1 horses shipping in are always going to be problematic, okay,
2 because they don't -- they aren't within our facility. We
3 don't have the supervisory --

4 VICE CHAIR AUERBACH: Right.

5 EQUINE MEDICAL DIRECTOR ARTHUR: -- ability.

6 So the only alternative would be prohibiting those
7 entirely. They are an important part of the way that
8 Quarter horse racing is operated. And we also have the same
9 situation with horses shipping in from other jurisdictions
10 in terms of the 14 days, those jurisdictions that do not
11 have a reporting requirement for interarticular injections.

12 That's trying to be addressed nationally but that's not the
13 case.

14 We know if a horse ships in from New York, whether
15 they've had an interarticular injection.

16 VICE CHAIR AUERBACH: Or Kentucky --

17 EQUINE MEDICAL DIRECTOR ARTHUR: We don't know
18 from --

19 VICE CHAIR AUERBACH: -- or someplace --

20 EQUINE MEDICAL DIRECTOR ARTHUR: -- any other
21 states.

22 VICE CHAIR AUERBACH: -- like that?

23 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah.

24 VICE CHAIR AUERBACH: So this is the way that we
25 can ensure that whatever's onsite with one of our

1 inclosures, that this has been done properly?

2 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

3 VICE CHAIR AUERBACH: Okay.

4 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah.

5 CHAIR WINNER: All right. Is there a motion?

6 COMMISSIONER MAAS: Move.

7 CHAIR WINNER: Moved by Commissioner Maas.

8 COMMISSIONER ALFIERI: Second.

9 CHAIR WINNER: Seconded by Commissioner Alfieri.

10 Commissioner Alfieri?

11 COMMISSIONER ALFIERI: Yes.

12 CHAIR WINNER: Commissioner Maas?

13 COMMISSIONER MAAS: Yes.

14 CHAIR WINNER: Commissioner Solis?

15 COMMISSIONER SOLIS: Yes.

16 CHAIR WINNER: Chairman votes yes.

17 Vice Chair?

18 VICE CHAIR AUERBACH: Yes.

19 CHAIR WINNER: And Commissioner Ferraro?

20 COMMISSIONER FERRARO: Yes.

21 CHAIR WINNER: All right. The matter passes

22 unanimously.

23 Thank you, gentlemen.

24 Moving on then to item eight, discussion and

25 action by the Board regarding the proposed amendment to CHRB

1 Rule 1866, Veterinarian's List, to require a horse that
2 receives intra-articular therapy be placed on the
3 Veterinarian's List and to revise the number of hours that a
4 horse placed on the Veterinarian List must wait before a
5 workout from 72 to 120 hours after being placed on the list.

6 MR. BRODNIK: Robert Brodник, California Horse
7 Racing Board.

8 So, yes, Chairman this will add an additional
9 category to horses that can be placed on the vet's list to
10 include those treated with interarticular therapy and it
11 will increase those hours, which is, as we've just discussed
12 in the previous agenda item, consistent with our Rule 1588.

13 CHAIR WINNER: Right.

14 Dr. Arthur, did you want to speak on this one?

15 EQUINE MEDICAL DIRECTOR ARTHUR: Not unless
16 there's any questions.

17 CHAIR WINNER: Okay. I think everyone understands
18 this.

19 We have -- Jane Cartmill, again, would like to
20 speak on this issue.

21 I have your card.

22 MS. CARTMILL: The first time I protested at Del
23 Mar Racetrack, I was 36 years old.

24 CHAIR WINNER: Can you introduce yourself one more
25 time?

1 MS. CARTMILL: I will. Jane Cartmill.

2 CHAIR WINNER: Go ahead. I'm sorry.

3 MS. CARTMILL: The first time I protested at the
4 Del Mar Racetrack, I was 36 years old. Today, I'm twice
5 that age. And it's taken all these years but, finally, the
6 industry is coming under the scrutiny that has been long
7 overdue.

8 I notice that every time a horse breaks down,
9 every time it's reported, oh, it's a mystery. We just don't
10 know how this happened. Oh, it couldn't have been
11 predicted. Oh, it was a freak accident.

12 Well, I'm sure Dr. Arthur knows. It's not a
13 mystery. Every equine veterinarian -- many, many equine
14 veterinarians have written about how fragile a horse's bones
15 are in the young horses. And the pounding that they take
16 makes these injuries almost an orthopedic inevitability.

17 And so keeping them on the veterinary list longer,
18 as this proposal is, sounds, to me, like a good idea.
19 Anything that would give more opportunity for them to be
20 observed in case they had joint issues would be welcome.

21 And since this is a veterinary issue and Dr.
22 Arthur is here, I didn't know you would be here but I would
23 like to ask you to apologize for the comment you made to the
24 Union Tribune after the two horses had their collision on
25 the second day of racing here in which you said that young

1 horses --

2 CHAIR WINNER: Ma'am --

3 MS. CARTMILL: -- do silly things.

4 CHAIR WINNER: -- this is not on -- this item that
5 you're talking about is not on the agenda, so that can't be
6 raised.

7 And furthermore, the Board asks the questions. So
8 if you'd like to talk to Dr. Arthur after the meeting and
9 he's willing to talk to you, that's perfectly okay with us.

10 But it would be --

11 MS. CARTMILL: I just want to comment that --

12 CHAIR WINNER: -- it would be inappropriate to
13 have you ask questions and --

14 MS. CARTMILL: All right.

15 CHAIR WINNER: -- and it has to be an item that's
16 on the agenda. This is not the item on the agenda.

17 MS. CARTMILL: It's just not appropriate to blame
18 the victim. And in an orthopedic situation, especially,
19 they're always saying the horse took a bad step. There's a
20 blame-the-victim mentality that goes on a lot and I think
21 that's a problem.

22 CHAIR WINNER: Okay. Thank you for your comment.

23 MS. CARTMILL: Thank you.

24 CHAIR WINNER: Thank you.

25 Item number nine -- oh, is there -- yeah, we need

1 to --

2 VICE CHAIR AUERBACH: We need to approve it.

3 CHAIR WINNER: -- we need to pass this measure.

4 VICE CHAIR AUERBACH: Yeah.

5 COMMISSIONER ALFIERI: I'll make a motion.

6 CHAIR WINNER: Moved by Commissioner Alfieri.

7 COMMISSIONER SOLIS: Second.

8 CHAIR WINNER: Seconded by Commissioner Solis.

9 Is there any discussion on the measure?

10 COMMISSIONER FERRARO: Yes.

11 CHAIR WINNER: Commissioner Ferraro votes yes.

12 VICE CHAIR AUERBACH: Yes.

13 CHAIR WINNER: Vice Chair Auerbach votes yes.

14 Chair votes yes.

15 Commissioner Solis?

16 COMMISSIONER SOLIS: Yes.

17 CHAIR WINNER: Commissioner Maas?

18 COMMISSIONER MAAS: Yes.

19 CHAIR WINNER: And Commissioner Alfieri?

20 COMMISSIONER ALFIERI: Yes.

21 CHAIR WINNER: Thank you.

22 We're going to go on to item number nine, public
23 hearing and action by the Board regarding the proposed
24 amendment to CHRB Rule 1844, Authorized Medication, to
25 revise subsection 1844(g) to agree with the re-numbering of

1 subsection 1844(e) as a result of clenbuterol being removed
2 from the list of metabolites, analogs or drug substances
3 that may be present in an official urine test sample. This
4 concludes the 15-day public comment period. The Board may
5 adopt the proposal as presented.

6 Jackie, were there any public comments?

7 MR. BRODNIK: There were no public comments,
8 Chairman.

9 CHAIR WINNER: Pardon me?

10 MR. BRODNIK: No public comments.

11 CHAIR WINNER: No public comments. Okay. Thank
12 you.

13 Gentlemen?

14 MR. BRODNIK: Robert Brodник, California Horse
15 Racing Board.

16 So this proposal is simply a clarification of the
17 numbering that, when the Board deleted clenbuterol, it just
18 needs to be renumbered. So that was at the request of the
19 Office of Administrative Law. And no comments were
20 received.

21 CHAIR WINNER: Is there any discussion? I don't
22 have any cards on this one. Is there any discussion from
23 the Board Members?

24 Dr. Ferraro?

25 COMMISSIONER FERRARO: I so move.

1 CHAIR WINNER: Commissioner Ferraro moves. Vice
2 Chair Auerbach --

3 VICE CHAIR AUERBACH: Second.

4 CHAIR WINNER: -- seconds.

5 Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR WINNER: Commissioner Maas?

8 Frank Charles Desantes Yes.

9 CHAIR WINNER: And Commissioner Solis?

10 COMMISSIONER SOLIS: Yes.

11 CHAIR WINNER: Chair votes yes.

12 Vice Chair?

13 VICE CHAIR AUERBACH: Yes.

14 CHAIR WINNER: And Commissioner Ferraro?

15 COMMISSIONER FERRARO: Yes.

16 CHAIR WINNER: The motion carries. Thank you.

17 Going on to item number ten, discussion and action

18 by the Board on the Application for License to Conduct a

19 Horse Racing Meeting of the Pacific Racing Association at

20 Golden Gate Fields, commencing October 17, 2019 through

21 December 14, 2019, inclusive.

22 Jackie, do we have all the material? I think
23 there was something missing. Was there?

24 EXECUTIVE DIRECTOR BAEDEKER: Yeah. The --

25 MS. WAGNER: Jackie Wagner, CHRB Staff.

1 We are still missing the agreement from the
2 Northern California satellites. And I am not aware that we
3 have received the TOC agreement for Golden Gate Fields.

4 CHAIR WINNER: Eric, do you want to respond to
5 that?

6 MR. SINDLER: Good morning. Eric Sindler on
7 behalf of Pacific Racing Association.

8 So, correct, we have not completed the TOC
9 agreement. The purses and stakes have been submitted to
10 TOC. We are prepared to sign an agreement that is
11 substantively the same as the last agreement they signed.
12 But my understanding is that the TOC Racing Commission needs
13 to approve the stakes' scheduled. I believe TOC could
14 explain that in more depth.

15 CHAIR WINNER: Mary?

16 MS. FORNEY: Mary Forney, TOC.

17 Yes, if the race meet agreement is substantively
18 the same as the one we just signed, TOC has no issue signing
19 that.

20 We did receive the purse proposals yesterday. It
21 will take a matter of a week or two for our Racing Committee
22 to get together, review and approve those, and then we
23 should be fine.

24 CHAIR WINNER: Thank you.

25 Eric, go ahead.

1 MR. SINDLER: Yes. As far as the other
2 outstanding items, as far as BetAmerica is concerned,
3 similar to the PAR II meet, until a new contract with
4 BetAmerica is signed, we will not be allowing them to
5 simulcast and wager on our races.

6 And as far as the Northern California satellites
7 are concerned, there's obviously the ongoing legal dispute.
8 We do not believe that it's required by law; you guys do.

9 CHAIR WINNER: Do we have language, Rob?

10 VICE CHAIR AUERBACH: Before you that into it, I
11 have questions on this too.

12 CHAIR WINNER: Yeah, I know. We're going to
13 go --

14 VICE CHAIR AUERBACH: Okay.

15 MR. BRODNIK: Robert Brodnik, California Horse
16 Racing Board.

17 Chairman, if I just could have two seconds to just
18 --

19 CHAIR WINNER: Please.

20 MR. BRODNIK: -- respond to Eric?

21 Staff does disagree with the assertion that the
22 satellite are not required by law. We believe that they are
23 required by law.

24 You know, I know that this racing association has
25 come before the Board numerous times and we've kind of gone

1 through the spiel. But just to briefly state it, we believe
2 that, in light of the fact that PAR makes more than the
3 required amount under 19608, they are mandated to send their
4 simulcast agreement -- or, excuse me, send their simulcast
5 signal to the satellites in Northern California and receive
6 the wagers from that. We believe that's supported by the
7 rules.

8 And just, furthermore, as the Board has done
9 before, the Board does have the authority to condition a
10 license if it believes that it's in the best interest of
11 horse racing and serves the purposes of the Horse Racing
12 Law.

13 And just for historical reference, this Board has
14 done that before. And this Board could probably remember
15 back to June of last year when numerous individuals from --
16 numerous shareholders got up in support of continuing to
17 have the simulcasting go to Northern California as the
18 amount of purses and commissions would significantly be
19 decreased if that was not the case.

20 So, thank you.

21 CHAIR WINNER: Thank you.

22 We do have some cards on this one.

23 First of all, are there any questions for Eric
24 and/or Rob?

25 VICE CHAIR AUERBACH: Yeah. I --

1 CHAIR WINNER: Vice Chair Auerbach?

2 VICE CHAIR AUERBACH: -- I have some.

3 Eric, specifically, you propose to race a total of
4 290 to 365 days, that's quite a -- races, pardon me. That's
5 quite a range. Is there a reason that you're not more
6 specific, or do you want the flexibility to run less, or
7 what specifically are you -- is that the way you normally do
8 it?

9 MR. SINDLER: That's the way we normally do it.
10 We list the number of races we're going to run each day.
11 It's a range between seven and nine, depending on horse
12 population.

13 VICE CHAIR AUERBACH: Okay.

14 MR. SINDLER: And so when you just do the math the
15 number of days --

16 VICE CHAIR AUERBACH: Okay.

17 MR. SINDLER: -- the lower number --

18 VICE CHAIR AUERBACH: So you just took the
19 parameters, short and long?

20 MR. SINDLER: Correct.

21 CHAIR WINNER: Okay. That's --

22 MR. SINDLER: That's what we've done it the
23 last --

24 CHAIR WINNER: Yeah. That's what I was going to
25 say.

1 MR. SINDLER: -- number of meets.

2 CHAIR WINNER: I think that's been the --

3 VICE CHAIR AUERBACH: Okay.

4 CHAIR WINNER: -- the historic way of doing it.

5 VICE CHAIR AUERBACH: The other thing I wanted to
6 point out is I don't know if we've done this before and I've
7 often wondered why we've never done this, that you request
8 approval to change post times to coordinate north and south,
9 which I think is a no-brainer. And I guess it would really
10 depend on everybody really adhering to the post times and
11 being on schedule.

12 Is this something new or have you actually
13 requested this before?

14 MR. SINDLER: This is nothing new. We've
15 requested this every --

16 VICE CHAIR AUERBACH: And so why --

17 MR. SINDLER: -- application.

18 VICE CHAIR AUERBACH: -- hasn't it been done,
19 would be my question?

20 MR. SINDLER: May --

21 VICE CHAIR AUERBACH: In other words, I don't
22 really understand with post times in California why
23 sometimes we run one race on top of the other, why there
24 can't be better coordination so that people could view all
25 of the races without them running into one another? Do you

1 have an answer for that or you don't know?

2 MR. SINDLER: I believe that's an industry-wide
3 issue, not a Golden Gate Fields specific issue.

4 VICE CHAIR AUERBACH: Well, I know it's industry-
5 side but I'm thinking we're just in California. And if
6 we've got two tracks running at the same time or close to
7 the same time, it would be prudent and more enjoyable for
8 our particular consumers to be able to watch all of them
9 kind of independently.

10 MR. SINDLER: I would agree with you. I believe
11 the north and south mutual departments and racing
12 departments and stewards do try to coordinate that.
13 However, if there's an objection in the south that would
14 impact the north and post times, horses flipping, the horse
15 is not loading, there's a variety of reasons that is outside
16 the control of Golden Gate Fields. And the same things
17 happens with the fairs and Del Mar. This is not a unique
18 Pacific Racing Association issue.

19 VICE CHAIR AUERBACH: Well, then just then not
20 specifically to Golden Gate, I would hope that everybody
21 would cooperate with one another and try to make that
22 happen, my only suggestion.

23 And the other thing, too, is the alternative
24 wagering interest. Is this a change or have we been doing
25 this for a while, and that is picking an alternative horse

1 if there's a scratch in an ongoing wager?

2 MR. SINDLER: There is no changes to the wagering
3 menu. It's been going on for quite some time.

4 VICE CHAIR AUERBACH: Okay. Then I'm wondering
5 why it goes in here?

6 MR. BRODNIK: I believe with regard to the --
7 what's referenced in the staff analysis, and Eric can
8 correct me if I'm wrong, but I believe that's only maybe two
9 race meets old. I believe that this is a fairly new --

10 CHAIR WINNER: Maybe, Rob, can you speak --

11 MR. BRODNIK: -- oh, it's only -- excuse me.
12 Sorry.

13 With regard to the alternate wagering
14 interests --

15 CHAIR WINNER: Yeah.

16 MR. BRODNIK: -- and Eric can correct me if I'm
17 wrong, but I believe that's within the last year that
18 they've elected to come to the Board proposing this.

19 VICE CHAIR AUERBACH: And it was in relation to,
20 obviously, something happened and we figured out later we
21 needed to talk about it? Is that --

22 MR. BRODNIK: I don't know that anything in
23 particular happened. A racing association can petition the
24 Board for this alternate wagering interest. It's under the
25 guidelines of the ARCI. They just have to come before the

1 Board and seek approval of it.

2 CHAIR WINNER: Right.

3 MR. BRODNIK: And they've done that. And again,
4 just, I don't have --

5 VICE CHAIR AUERBACH: So now this --

6 MR. BRODNIK: -- the historical knowledge but --

7 VICE CHAIR AUERBACH: -- becomes ongoing
8 boilerplate? Is that what we're saying?

9 MR. BRODNIK: Yeah. We can take --

10 VICE CHAIR AUERBACH: Like win all or no
11 contest -- not a no contest but win all, as opposed to no
12 contest?

13 MR. BRODNIK: They make the requests because I
14 believe that under the ARCI, they need to make the request.
15 And we flag it in the staff analysis so that the Board is
16 aware --

17 VICE CHAIR AUERBACH: Okay.

18 MR. BRODNIK: -- the request is being made.

19 VICE CHAIR AUERBACH: Okay.

20 MR. BRODNIK: That's why it's given some --

21 VICE CHAIR AUERBACH: Okay.

22 MR. BRODNIK: -- given some -- that verbiage --

23 VICE CHAIR AUERBACH: Some more?

24 MR. BRODNIK: -- in there.

25 VICE CHAIR AUERBACH: Okay.

1 MR. BRODNIK: Yeah.

2 VICE CHAIR AUERBACH: Got it. Thank you.

3 MR. BRODNIK: But I -- and Eric can -- I think
4 that's within the last year.

5 MR. SINDLER: It is. It's been a year or two.

6 MR. BRODNIK: Yeah.

7 MR. SINDLER: That's correct.

8 MR. BRODNIK: Yeah.

9 CHAIR WINNER: Any other questions?

10 COMMISSIONER MAAS: I just have one question, Mr.
11 Brodnik. Do you have any expected date of the resolution?

12 VICE CHAIR AUERBACH: Fred, I can't hear you.

13 COMMISSIONER MAAS: I'm talking to Mr. Brodnik.

14 Do you have any expected date of the resolution of
15 the northern satellite agreements and whether that court is
16 imminent?

17 MR. BRODNIK: Yes. We have a trial date, and I'll
18 give you the exact date, September 23rd. It's a Monday. We
19 have -- the court will hear the -- the court will hear the
20 trial on that date. It's suspected to be a one-day trial.

21 COMMISSIONER MAAS: Okay.

22 MR. BRODNIK: And, hopefully, we'll get the
23 court's ruling --

24 COMMISSIONER MAAS: And --

25 MR. BRODNIK: -- sometime after that.

1 COMMISSIONER MAAS: -- and it seems to be, and
2 maybe Eric wants to respond, that there would be nothing
3 precluding them from any entered agreement, conditioned, of
4 course, on the court saying that the agreement was null and
5 void. So at least we can --

6 CHAIR WINNER: It's really hard to hear you. Can
7 you get, really --

8 COMMISSIONER MAAS: I'm sorry about that.

9 CHAIR WINNER: -- really get closer?

10 COMMISSIONER MAAS: So there --

11 VICE CHAIR AUERBACH: There we go.

12 COMMISSIONER MAAS: Can you hear me now?

13 CHAIR WINNER: Yeah. That's good.

14 VICE CHAIR AUERBACH: Thank you.

15 COMMISSIONER MAAS: There really would be nothing
16 preventing Golden Gate from entering into those agreements,
17 subject to a resolution by the court, so that we can move
18 forward. Because I'm not sure we would agree to the dates
19 with this standing unresolved.

20 MR. BRODNIK: I think I understand the question,
21 Commissioner, but the Board has the authority to
22 commission -- or condition a race meet license as it sees
23 fit, basically --

24 COMMISSIONER MAAS: Right.

25 MR. BRODNIK: -- so long as it's within the

1 interest of the -- within the interest of horse racing and
2 the public and serves the purposes of the Horse Racing Law,
3 which can include things like expansion of breeding and
4 wagering opportunities and things like that.

5 This Board has done that, has required, as a
6 condition of licensure for PRA at Golden Gate Fields, to
7 send their signal to Northern California. So that would be
8 a condition that they could -- if they want a licensure to
9 comply with, they would have to comply with that decision.

10 COMMISSIONER MAAS: Or we could just not approve
11 the dates?

12 MR. BRODNIK: The dates have been approved but the
13 license --

14 COMMISSIONER MAAS: The license.

15 MR. BRODNIK: Right.

16 COMMISSIONER MAAS: Correct.

17 MR. BRODNIK: Um-hmm.

18 CHAIR WINNER: All right. Larry Swartzlander.

19 Good morning, Larry.

20 MR. SWARTZLANDER: Good morning. Larry
21 Swartzlander, Executive Director of the California Authority
22 or Racing Fairs.

23 Going back to this topic we're on right now,
24 satellite agreements, we've been kicking the can down the
25 road for quite a while here. We have a satellite agreement

1 in place for the summer meet. We're in a position where, on
2 the 23rd, as has been pointed out, that maybe we'll have
3 resolution to this. But we continue to have an issue in the
4 north with NCOTWINC. NCOTWINC is the organization which
5 handles the signals in the north, as does SCOTWINC. We need
6 resolve this. We need to make NCOTWINC whole.

7 And but at least at this position, CARF is willing
8 to sign another agreement for the fall meet, pending the
9 outcome of the legal discussions on the 23rd.

10 CHAIR WINNER: Thank you, Larry. I mean,
11 obviously, what Rob said with respect to the date of the
12 hearing is, I think, responsive to your point.

13 Any questions for Larry? All right.

14 Martha Sullivan.

15 MS. SULLIVAN: Good morning. My name is Martha
16 Sullivan. I live here in San Diego County. I also lived in
17 the San Francisco Bay Area for about 20 years. I moved down
18 here in 2001.

19 I would just like to point out that the San Jose
20 Mercury News reported last month that the Bay Area News
21 Group reported that 18 horses had died at Golden Gate Fields
22 during its winter season. And from July 2008 to June 2018,
23 330 horses died at Golden Gate Fields while racing or
24 training.

25 I would like to know before this Board considers

1 and approves a license for this year's winter meet at Golden
2 Gate Fields, have you looked into those 18 horse deaths?
3 Have you considered what contributed to those? Have you
4 considered any conditions that you can place on the license
5 to reduce the number of deaths? I mean, this is your
6 opportunity.

7 CHAIR WINNER: Every --

8 MS. SULLIVAN: You don't have to wait for the
9 emergency authority --

10 CHAIR WINNER: I'm trying --

11 MS. SULLIVAN: -- to suspend a license.

12 CHAIR WINNER: -- I'm trying to answer your
13 question, ma'am. Every horse that dies in a racing
14 inclosure, we do go through a thorough examination and a
15 necropsy is done on the horses. And a there's a thorough
16 evaluation as to what caused that fatality.

17 So, yes, the answer is, yes, we do take all those
18 things into consideration. And, yes, there's a thorough
19 inspection into what occurred.

20 MS. SULLIVAN: So do you consider any conditions
21 on the license that you're about to --

22 CHAIR WINNER: Yes, of course.

23 MS. SULLIVAN: -- grant?

24 CHAIR WINNER: Of course we do.

25 MS. SULLIVAN: Are there any conditions on this

1 license related to the safety of horses?

2 CHAIR WINNER: I'm sorry. What was --

3 MS. SULLIVAN: Are there any conditions on this
4 license, given that there were 18 horse deaths last year?

5 CHAIR WINNER: There are conditions on all
6 licenses, ma'am.

7 MS. SULLIVAN: So are there any that relate to --

8 CHAIR WINNER: Well, we're doing something here
9 that we're not -- is not fair to all the people who speak,
10 and that is that the speakers, you can make your points, you
11 can make your comments, but we're not here to answer all
12 your questions. So, you know, you can't interrogate us.
13 The question of whether or not there is a thorough
14 examination of all horses -- all fatalities, the answer is,
15 yes.

16 MS. SULLIVAN: So what are the conditions --

17 CHAIR WINNER: The second question --

18 MS. SULLIVAN: -- for this license?

19 CHAIR WINNER: I'm not going to start answering
20 your questions. The fact of the matter is we do everything
21 we can and have been doing everything we can to reduce the
22 number of fatalities. We will continue to do that. That's
23 our role. We want to do the best that we can. We're all
24 interested in the same thing --

25 MS. SULLIVAN: Can the --

1 CHAIR WINNER: -- that you are.

2 MS. SULLIVAN: -- public know what the conditions
3 of this license are before you approve it?

4 CHAIR WINNER: The conditions of the license are
5 public.

6 MS. SULLIVAN: So where can we see them?

7 CHAIR WINNER: You can go on the website and you
8 can look at it.

9 MS. SULLIVAN: So you're not going to list those
10 as you consider whether you're going to grant this license?

11 CHAIR WINNER: Ma'am, I'm not going to ask any
12 more of your questions.

13 Do you have any other comments?

14 MS. SULLIVAN: No. Thank you.

15 CHAIR WINNER: Okay. Thank you.

16 EXECUTIVE DIRECTOR BAEDEKER: I would, if it's
17 okay, Mr. Chairman --

18 CHAIR WINNER: Yes.

19 EXECUTIVE DIRECTOR BAEDEKER: -- I'd invite
20 anybody that's interested to go onto the CHRB web page and
21 see the number of safety initiatives that have been in place
22 for quite a while, but particularly over the last nine
23 months or so, the changes that have been made.

24 You can also access the CHRB Rulebook where every
25 licensee must abide by all of those safety conditions that

1 are part of the CHRB Rules.

2 So all of those apply to every race meet
3 application and approval given by the Board.

4 CHAIR WINNER: Thank you, Rick.

5 Are there any other questions? I don't have any
6 other cards on this.

7 Is there a motion to approve? Is there a motion
8 to approve?

9 COMMISSIONER ALFIERI: So move.

10 CHAIR WINNER: Moved by Commissioner Alfieri.

11 EXECUTIVE DIRECTOR BAEDEKER: Did you read that?

12 CHAIR WINNER: Oh, let me read the motion --

13 COMMISSIONER ALFIERI: Yeah.

14 CHAIR WINNER: -- because there is --

15 COMMISSIONER ALFIERI: Yeah.

16 CHAIR WINNER: -- the motion has some
17 contingencies in it.

18 And so I'm going to make this motion, if it's all
19 right with you, Dennis?

20 COMMISSIONER ALFIERI: That's fine. Yeah.

21 CHAIR WINNER: Okay. I move to approve the race
22 meet license to PRA for dates of October 17th through
23 December 14th, 2019, contingent on the receipt of agreements
24 with each satellite wagering facility in Northern
25 California, as required by law, including the TOC horsemen's

1 agreement, and all other outstanding items mentioned in the
2 staff analysis, by the close of business on September --

3 COMMISSIONER ALFIERI: 23rd.

4 MR. BRODNIK: We did have September 5th.

5 CHAIR WINNER: -- September 5th, 2019. This
6 motion is being made as these contingencies are in the
7 public interest and serves the purpose of Horse Racing Law.

8 Is there a second?

9 COMMISSIONER ALFIERI: Second.

10 CHAIR WINNER: Seconded by Commissioner Alfieri.

11 Any discussion?

12 MR. BRODNIK: Just one point of clarification here

13 --

14 CHAIR WINNER: Please.

15 MR. BRODNIK: -- Mr. Chairman.

16 The BetAmerica agreement, if they don't elect to
17 proceed on that, that won't be outstanding them; is that
18 correct? Okay. Thank you.

19 CHAIR WINNER: That is correct.

20 MR. BRODNIK: All right.

21 CHAIR WINNER: Commissioner Ferraro?

22 COMMISSIONER FERRARO: Yeah.

23 CHAIR WINNER: Vice Chair Auerbach?

24 VICE CHAIR AUERBACH: Yes.

25 CHAIR WINNER: Chairman votes yes.

1 Commissioner Solis?

2 COMMISSIONER SOLIS: Yes.

3 CHAIR WINNER: Commissioner Maas?

4 COMMISSIONER MAAS: No.

5 CHAIR WINNER: Commissioner Maas votes no.

6 COMMISSIONER MAAS: No.

7 CHAIR WINNER: Commissioner Alfieri?

8 COMMISSIONER ALFIERI: Yes.

9 CHAIR WINNER: Okay. The item passes five to one.

10 The motion is approved.

11 Have a good meet.

12 MR. SINDLER: Thank you.

13 CHAIR WINNER: Next item is 11, discussion and
14 action by the Board regarding approval of an agreement,
15 pursuant to CHRB Rule 1581, Racing Secretary to Establish
16 Conditions, between the Pacific Racing Association, PRA, and
17 the Thoroughbred Owners of California, TOC, regarding entry
18 conditions and specified drug substances or medications to
19 be implemented by the PRA at its October 17, 2019 through
20 December 14, 2019 race meeting at the Golden Gate Fields
21 Racetrack.

22 So this is, essentially, what we've done with
23 every license up to this point that we've approved; correct?

24 MR. BRODNIK: Yes, that's correct, Chairman.

25 Robert Brodnik, California Horse Racing Board.

1 CHRB Rule 1581 allows the racing secretary to
2 establish these conditions for any races run during the
3 meet. In instances where they wish to set these conditions
4 based on the horse's use or non-use of a drug substance or
5 medication, there has to be an agreement with the
6 thoroughbred owners, and that has to be approved by the
7 Board.

8 So consistent with what PRA has done, at least
9 since March, they have required all races run at Golden Gate
10 Fields to be run with reduced levels of furosemide, which is
11 Lasix --

12 CHAIR WINNER: Um-hmm.

13 MR. BRODNIK: -- as well as a 14-day
14 interarticular injection stand-down as --

15 CHAIR WINNER: Correct.

16 MR. BRODNIK: -- as their race meet --

17 CHAIR WINNER: Right.

18 MR. BRODNIK: -- race meet conditions.

19 CHAIR WINNER: So these were the rules that
20 originally we approved the agreement between the TOC and The
21 Stronach Group, I think, initially with respect to Santa
22 Anita; is that correct?

23 MR. BRODNIK: Eric can correct me if I'm wrong but
24 my understanding is the agreement was between The Stronach
25 Group and the TOC with regard --

1 CHAIR WINNER: Yeah.

2 MR. BRODNIK: -- to Santa Anita and Golden

3 Gate --

4 CHAIR WINNER: Okay.

5 MR. BRODNIK: -- for at least the --

6 CHAIR WINNER: Right.

7 MR. BRODNIK: -- year, if not more.

8 CHAIR WINNER: But I think we did exactly the same

9 thing for Del Mar, et cetera; correct?

10 MR. BRODNIK: Yes. Yes.

11 CHAIR WINNER: And Los Al --

12 MR. BRODNIK: Yes.

13 CHAIR WINNER: -- I think; yes?

14 MR. BRODNIK: Um-hmm.

15 CHAIR WINNER: All right. Did you want to speak,

16 Greg?

17 MR. AVIOLI: Greg Avioli, Thoroughbred Owners of

18 California. I just wanted to clarify what he was saying.

19 VICE CHAIR AUERBACH: We can't hear you, Greg.

20 MR. AVIOLI: We sat -- I'm speaking right into it.

21 Can you hear now?

22 CHAIR WINNER: Yeah.

23 Can you turn up the mikes there? It's really

24 difficult to hear some of these people.

25 MR. AVIOLI: Okay. Try again. Greg Avioli,

1 Thoroughbred Owners of California.

2 We signed an agreement with The Stronach Group on
3 March 16th. The terms of that agreement cover the 2019 race
4 meets for both Golden Gate and Santa Anita, so it's the same
5 agreement that we -- exact same agreement, same piece of
6 paper that we signed back in March.

7 CHAIR WINNER: Thank you, Greg.

8 MR. AVIOLI: Okay.

9 CHAIR WINNER: All right. Any questions?

10 COMMISSIONER FERRARO: I have one.

11 CHAIR WINNER: Yes, please, Commissioner Ferraro.

12 COMMISSIONER FERRARO: Just to clarify, this rule
13 is an official CHRB Rule or an agreement between the
14 racetracks and the TOC that we approve? It's not --

15 EXECUTIVE DIRECTOR BAEDEKER: Both.

16 CHAIR WINNER: It's both.

17 COMMISSIONER FERRARO: It's technically a CHRB
18 Rule, isn't it?

19 CHAIR WINNER: Once we pass it, it becomes --

20 VICE CHAIR AUERBACH: We're waiting to catch it
21 now.

22 CHAIR WINNER: We're, basically, codifying or
23 agreeing --

24 EXECUTIVE DIRECTOR BAEDEKER: Right.

25 CHAIR WINNER: -- to what they agreed to.

1 COMMISSIONER FERRARO: Okay. So --

2 VICE CHAIR AUERBACH: Because we haven't been able
3 to check it.

4 COMMISSIONER FERRARO: -- if the tracks were to
5 come back to the Board and ask for a change, then we would
6 have to approve that; correct?

7 MR. BRODNIK: Under 1581, they're asking for
8 approval to run their races with these medication --

9 COMMISSIONER FERRARO: Right.

10 MR. BRODNIK: -- conditions.

11 COMMISSIONER FERRARO: Right.

12 MR. BRODNIK: And under 1581, they need -- the
13 track not only needs an agreement with the horsemen but that
14 agreement has to be ratified by the Board.

15 COMMISSIONER FERRARO: Right. So any change would
16 have to be then ratified by the Board again; correct?

17 MR. BRODNIK: That would be my understanding.

18 CHAIR WINNER: Well, let me just see if I
19 understand.

20 So you're saying, Doctor, that if they decided to
21 change those requirements by agreement between the parties,
22 they would have to come back to the Board? Because the
23 Board has approved the initial agreement, the Board would
24 have to approve any changes to that agreement? Is that your
25 question?

1 COMMISSIONER FERRARO: That's what I'm asking.

2 CHAIR WINNER: Yeah.

3 EXECUTIVE DIRECTOR BAEDEKER: I think, simply
4 stated, that the reason for 1581 in this instance is that
5 the racing associations and the horsemen wanted to limit the
6 amount of dosage of Lasix to five CCs, even though the CHRB
7 Rule permitted a maximum of ten. So they wanted to reduce
8 that amount and put that into the conditions of their race
9 in order to -- races. In order to do that, they had to get
10 the approval of the horsemen and then come to the Board and
11 basically have the Board allow that change or that
12 modification or restriction in its existing rule.

13 Did I say that accurately, Rob?

14 MR. BRODNIK: I believe so.

15 EXECUTIVE DIRECTOR BAEDEKER: Close enough?

16 MR. BRODNIK: Yes.

17 CHAIR WINNER: It also involves the 14 days.

18 EXECUTIVE DIRECTOR BAEDEKER: And the 14-day
19 stand-down --

20 CHAIR WINNER: Right.

21 EXECUTIVE DIRECTOR BAEDEKER: -- on
22 corticosteroids, right.

23 CHAIR WINNER: And the fact of the matter is, at
24 least from -- as I view it, that agreement is very, very
25 beneficial to the health and safety of the horses. And

1 because it was an agreement between the TOC and the
2 associations, it actually can be implemented much more
3 quickly than if we wanted to do exactly the same thing which
4 is, essentially, to reduce the CCs from ten to five on Lasix
5 and to implement the 14-day stand-down. So --

6 MR. SINDLER: If I may, real quick, Mr. Chairman?

7 CHAIR WINNER: Yeah, please, Eric.

8 MR. SINDLER: Yes. Just to give a little history,
9 as you stated, the agreement was between the TOC and The
10 Stronach Group. It was for both Golden Gate Fields and
11 Santa Anita. It was separate agenda items in March but you
12 did approve it for Pacific Racing Association, and then
13 through a separate agenda item for Los Angeles Turf Club.
14 And we do agree. Our view is that this agreement was not
15 just for 2019, it was for subsequent years. Because as the
16 agreement also says, starting in -- with the foals of this
17 year who are two-year-olds next year, there would be no
18 Lasix at all.

19 CHAIR WINNER: Okay. Thank you. All right.

20 Is there a motion?

21 COMMISSIONER MAAS: So move.

22 COMMISSIONER ALFIERI: Second.

23 CHAIR WINNER: Commissioner Maas moves.

24 Commissioner Alfieri seconds.

25 Commissioner Alfieri?

1 COMMISSIONER ALFIERI: Very good.

2 CHAIR WINNER: Commissioner Maas?

3 COMMISSIONER MAAS: Yes.

4 CHAIR WINNER: Commissioner Solis?

5 COMMISSIONER SOLIS: Yes.

6 CHAIR WINNER: Chairman votes yes.

7 Vice Chair Auerbach?

8 VICE CHAIR AUERBACH: Yes.

9 CHAIR WINNER: And Commissioner Ferraro?

10 COMMISSIONER FERRARO: Yes.

11 CHAIR WINNER: All right.

12 Thank you very much.

13 MR. BRODNIK: Thank you.

14 CHAIR WINNER: Moving on, item number 12,

15 discussion and action by the Board on the Application for

16 License to Conduct a Horse Racing Meeting of the Big Fresno

17 Fair, at Fresno, commencing October 4, 2019 through October

18 14, 2019, inclusive.

19 Are there outstanding items, Jackie? Where are

20 you, Jackie?

21 MS. WAGNER: Jackie Wagner, CHRB Staff.

22 There are no outstanding items on this

23 application.

24 CHAIR WINNER: Pardon me?

25 MS. WAGNER: No outstanding items on this

1 application.

2 CHAIR WINNER: Okay. Fine. Thank you.

3 Larry?

4 MR. SWARTZLANDER: Larry Swartzlander, Director of
5 Racing in the Big Fresno Fair. I'm here with Lauri King,
6 who is the Deputy Fair Manager at Fresno. I'd just like to
7 cover, quickly, the operational side of the meet. And Lauri
8 will comment on the marketing.

9 Again, this is a nine-day meet in the October
10 timeframe. We are putting out over \$1 million in purses. We
11 have the same incentive programs we've had at the other
12 state fairs. Out-of-state horses receive \$200 for the first
13 start, \$200 for the second, and \$200 for the third.
14 Trainers who start horses, when they start five times they
15 receive a \$500 incentive, and when they start ten times they
16 receive a \$10,000 incentive. And it's worked very well.

17 As you know, we struggle in the fairs with horses.
18 And the support this year was compounded by Arizona Downs,
19 who opened up this year, which did reduce the out-of-state
20 horses coming in. So the situation is still good and the
21 recruitment for Fresno, at this point, looks still very good
22 and we expect to have a great meet.

23 CHAIR WINNER: Good. Thank you.

24 Go ahead, please.

25 MS. KING: Lauri King, Deputy Manager of the Big

1 Fresno Fair. Thank you for having us this morning.

2 We are rolling out with our 137th Big Fresno Fair.

3 We run October 2nd through the 14th. We are a 13-day fair
4 this year.

5 And, you know, part of our marketing plan this
6 year is really targeting our horse owners, jockeys and
7 trainers. So we are adding more things to make things
8 better and more comfortable and a better stay while they're
9 at our facility. We've added breakfast, different breakfast
10 parties, lunches, dinners and those kind of things, really
11 to let them know that we know we wouldn't be able to do what
12 we do without them.

13 So we are excited to have everyone out and looking
14 forward to a great meet.

15 CHAIR WINNER: Thank you.

16 Questions? Comments? Questions?

17 VICE CHAIR AUERBACH: No.

18 CHAIR WINNER: All right. Is there a motion?

19 VICE CHAIR AUERBACH: Move. So move.

20 CHAIR WINNER: Vice Chair Auerbach moves.

21 COMMISSIONER FERRARO: Second.

22 CHAIR WINNER: Commissioner Ferraro seconds.

23 Commissioner Ferraro?

24 COMMISSIONER FERRARO: Yes.

25 CHAIR WINNER: Vice Chair Auerbach?

1 VICE CHAIR AUERBACH: Yes.

2 CHAIR WINNER: Chairman votes yes.

3 Commissioner Solis?

4 COMMISSIONER SOLIS: Yes.

5 CHAIR WINNER: Commissioner Maas?

6 COMMISSIONER MAAS: Yes.

7 CHAIR WINNER: And Commissioner Alfieri?

8 COMMISSIONER ALFIERI: Yes.

9 CHAIR WINNER: All right.

10 Have a great meet. Now, hold on. I think we have

11 another item, which is item -- oh, I do. Oh.

12 VICE CHAIR AUERBACH: You had a card.

13 CHAIR WINNER: Oh, I apologize.

14 Ms. Sullivan?

15 MS. SULLIVAN: Yes.

16 CHAIR WINNER: You had a card on this and you're

17 welcome to get up and speak at this point.

18 MS. SULLIVAN: (Off mike.) Even though

19 (indiscernible).

20 VICE CHAIR AUERBACH: What did she say?

21 CHAIR WINNER: I don't know.

22 VICE CHAIR AUERBACH: I didn't hear you.

23 CHAIR WINNER: Please introduce --

24 MS. SULLIVAN: I realize this is after your vote.

25 CHAIR WINNER: It is.

1 MS. SULLIVAN: But I appreciate the opportunity to
2 use the card --

3 CHAIR WINNER: Please --

4 MS. SULLIVAN: -- that I put out.

5 CHAIR WINNER: -- identify yourself.

6 MS. SULLIVAN: My name is Martha Sullivan.

7 CHAIR WINNER: Thank you.

8 MS. SULLIVAN: I live here in San Diego County.

9 I guess I want to just reflect on the fact that
10 it's very disheartening for me that this Board continues to
11 approve licenses for races when there are a number of these
12 reforms to make racing safer for horses and for workers that
13 aren't going to go into effect, at the earliest, until after
14 all these, you know, races are conducted. They're probably
15 not going to go into effect, you know, until the end of the
16 year.

17 So it's very disheartening to me that it's just
18 business as usual and it's just kind of lip service to
19 reforms.

20 CHAIR WINNER: Okay. Thank you. It isn't
21 business as usual. If you'll go on the website and take a
22 look at the all the actions that this Board has taken, you
23 will see that there have been any number of changes, and
24 we're continually making changes. It clearly is not
25 business as usual.

1 At any rate, let's move on with -- we've taken the
2 vote.

3 We'll move on to item number 13, discussion and
4 action by the Board regarding approval of an agreement,
5 pursuant to CHRB Rule 1581, Racing Secretary to Establish
6 Conditions, between the California Authority of Racing
7 Fairs, CARF, and the Thoroughbred Owners of California, TOC,
8 regarding entry conditions and specified drug substances or
9 medications to be implemented by CARF at the October 4, 2019
10 through October 14, 2019 race meeting at the Big Fresno
11 Fair.

12 Any discussion? Is there a motion?

13 COMMISSIONER ALFIERI: Motion to approve.

14 CHAIR WINNER: Commissioner Alfieri moves to
15 approve.

16 COMMISSIONER MAAS: Second.

17 CHAIR WINNER: Commissioner Maas seconds.

18 Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIR WINNER: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR WINNER: Commissioner Solis?

23 COMMISSIONER SOLIS: Yes.

24 CHAIR WINNER: Chairman votes yes.

25 Commissioner Ferraro?

1 COMMISSIONER FERRARO: Yes.

2 CHAIR WINNER: The motion carries five to nothing
3 with Commissioner -- with Vice Chair Auerbach not voting.

4 Move on then to item number 14.

5 Thank you guys.

6 Discussion and action by the Board regarding
7 approval of an agreement, pursuant to CHRB Rule 1581, Racing
8 Secretary to Establish Conditions, between the Los Angeles
9 Turf Club II, LATC II, and the Thoroughbred Owners of
10 California, TOC, regarding entry conditions and specified
11 drug substances or medications to be implemented by the LATC
12 II at its September 25th, 2019 through November 5th, 2019
13 race meeting, at the Santa Anita Racetrack.

14 Rob?

15 MR. BRODNIK: Thank you, Chairman. This is Robert
16 Brodnik, California Horse Racing Board.

17 Similar agreement that would require reduction in
18 Lasix and a 14-day interarticular stand-down.

19 CHAIR WINNER: Right.

20 Do you want to say anything, Eric?

21 MR. SINDLER: Eric Sindler on behalf of -- oh,
22 sorry. Eric Sindler on behalf of LATC II, just to echo my
23 comments I made for Pacific Racing Association a few agenda
24 items ago.

25 CHAIR WINNER: Yeah. Thank you.

1 Is there a motion?

2 COMMISSIONER FERRARO: So move.

3 CHAIR WINNER: Commissioner Ferraro moves. I'll
4 second.

5 Commissioner Alfieri --

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR WINNER: -- how do you vote?

8 COMMISSIONER ALFIERI: Yes.

9 CHAIR WINNER: Commissioner Maas?

10 COMMISSIONER MAAS: Yes.

11 CHAIR WINNER: Commissioner Solis?

12 COMMISSIONER SOLIS: Yes.

13 CHAIR WINNER: Chairman votes yes.

14 And Commissioner Ferraro?

15 COMMISSIONER FERRARO: Yes.

16 CHAIR WINNER: It passes five to nothing.

17 MR. SINDLER: Thank you.

18 CHAIR WINNER: Thank you.

19 Moving on to item 15, discussion and action by the
20 Board regarding approval of an agreement, pursuant to CHRB
21 Rule 1581, Racing Secretary to Establish Conditions, between
22 the Los Angeles County Fair and the Thoroughbred Owners of
23 California, regarding entry conditions and specified drug
24 substances or medications to be implemented by the LACF at
25 its September 4th, 2019 through September 24th, 2019 race

1 meeting, at the Los Alamitos Racetrack.

2 Rob?

3 MR. BRODNIK: This is Robert Brodnik, California
4 Horse Racing Board.

5 Again, Commissioners, similar agreement that also
6 would require a reduction in Lasix and a 14-day
7 interarticular stand-down.

8 CHAIR WINNER: Thank you.

9 Is there a motion?

10 COMMISSIONER ALFIERI: So move.

11 CHAIR WINNER: Commissioner Alfieri moves.

12 COMMISSIONER FERRARO: Second.

13 CHAIR WINNER: Commissioner Ferraro seconds.

14 How do you vote, Commissioner Ferraro?

15 COMMISSIONER FERRARO: Yes.

16 CHAIR WINNER: Chairman votes yes.

17 Commissioner Solis?

18 COMMISSIONER SOLIS: Yes.

19 CHAIR WINNER: Commissioner Maas?

20 COMMISSIONER MAAS: Yes.

21 CHAIR WINNER: Commissioner Alfieri?

22 COMMISSIONER ALFIERI: Yes.

23 CHAIR WINNER: Thank you.

24 Moving along, 16, discussion and action by the

25 Board on the Application for License to Conduct a Horse

1 Racing Meeting of Watch and Wager LLC, at Cal Expo,
2 commencing October 27, 2019 through December 23, 2019,
3 inclusive.

4 Chris and others?

5 MR. SCHICK: Good morning, Chairman Winner,
6 Members of the Board. Christopher Schick, Watch and Wager.

7 MR. KENNEY: Ben Kenney, Watch and Wager.

8 MR. CUMMINGS: Yeah. Ed Cummings, President,
9 Watch and Wager. Just a couple of early comments and then
10 I'll pass it over.

11 We're applying for (indiscernible) of business of
12 running the racetrack at Cal Expo. We're very, very
13 supportive of what we're doing up there. And we are
14 actually in discussions with the landlord at the moment, yet
15 to be decided, about extending our presence at Cal Expo.

16 Just a personal comment. I was quite shocked. I
17 don't get to that many CHRB meetings because I'm quite a
18 busy guy, but I was quite shocked today by some of the
19 comments that were made. We love our horses. It's about
20 protecting them and keeping them as healthy as possible. We
21 have a business to run but we love our horses. So that's
22 the end of my comment on that.

23 CHAIR WINNER: Thank you.

24 MR. CUMMINGS: And if you've got any questions?

25 You know how we run. Chris Schick is our G.M., and Kenney,

1 our Financial Director. If you've got any questions for us,
2 fire away.

3 MR. SCHICK: Well, I'll just say, our application
4 here, this is part one of our application. The application
5 for the winter meet will be forthcoming in a couple months.

6 This application is 11 days, same as last year. Last year
7 we did lose two days due to the smoke from the Paradise Fire
8 during this fall meet.

9 Things went pretty good, on balance last year,
10 despite the wet winter. We had a good meeting. Our content
11 held up really well.

12 Ben and I have been out, as we do every year.
13 We've been to Calgary. We've been to Lexington. We've been
14 to the Midwest, Minnesota. We're out recruiting horses.
15 Obviously, content is, obviously, what it's all about.

16 Last year we were really happy. We raised purses
17 eight percent. We came out of the meet in really good
18 shape, despite that eight percent increase. We are raising
19 purses six percent on top of that coming into this meet this
20 year. So doing our seven years of operation thus far our
21 purses are up 40 percent from where they were when we took
22 over. In today's world, looking at 40 percent compared to
23 the slot-subsidized tracks that we're competing against for
24 horses and race dates, it seems kind of small. But we're in
25 there fighting on the handle front.

1 CHAIR WINNER: No, I don't.

2 VICE CHAIR AUERBACH: It's huge.

3 CHAIR WINNER: I don't think it's small at all. I
4 think it's wonderful.

5 VICE CHAIR AUERBACH: Yeah, it's huge.

6 CHAIR WINNER: You've done great.

7 MR. SCHICK: Yeah. So we have two items that are
8 currently valid but are listed as outstanding --

9 CHAIR WINNER: Yes.

10 MR. SCHICK: -- our agreement with TVG, which
11 expires the day after we open, November 10th, and our
12 agreement with TwinSpires, which I don't see any issues.
13 That's currently valid until the end of October.

14 So we would ask the Board to approve and we would
15 certainly have those agreements. We don't see any issues
16 with those negotiations.

17 CHAIR WINNER: So we could move to approve,
18 conditional upon receipt of those outstanding items?

19 MR. SCHICK: Absolutely.

20 CHAIR WINNER: Okay. Is there motion to do so?

21 COMMISSIONER MAAS: Move.

22 CHAIR WINNER: Commissioner Maas moves.

23 COMMISSIONER SOLIS: Second.

24 CHAIR WINNER: Commissioner Solis seconds
25 approval, conditioned of the receipt of the two outstanding

1 items. Any discussion?

2 Commissioner Alfieri?

3 COMMISSIONER ALFIERI: Yes.

4 CHAIR WINNER: Commissioner Maas?

5 COMMISSIONER MAAS: Yes.

6 CHAIR WINNER: Commissioner Solis?

7 COMMISSIONER SOLIS: Yes.

8 CHAIR WINNER: Chairman votes yes.

9 Vice Chair?

10 VICE CHAIR AUERBACH: Yes.

11 CHAIR WINNER: And Commissioner Ferraro?

12 COMMISSIONER FERRARO: Yes.

13 CHAIR WINNER: Okay. I do this all the time and,
14 again, I have to apologize, so we're going to -- we're going
15 to go back and vote on this one more time because we did
16 have a card on this.

17 Again, Martha Sullivan.

18 MS. SULLIVAN: Thank you. Martha Sullivan,
19 belatedly noticing my public comment card.

20 I noticed that the Executive Director reported
21 this morning that the State Fair handle, which I assume is
22 at Cal Expo, was down 7.4 percent. This reflects the
23 downward trend in wagering in this state for over 20 years.
24 The Legislative Analyst's Office reported on it in 1998.
25 It was recently -- well, it was reported by Newsweek that

1 wagers in California have gone down about 50 percent since
2 2008.

3 This is, you know, a business model that's
4 becoming more and more irrelevant in the 21st century. And
5 I think that we Californians want to stop using our state
6 facilities to subsidize what basically is a profit-making
7 enterprise for wealthy horse owners and trainers.

8 So I really think, you know, I'm sorry to see
9 nobody taking account. You know, one percent of Americans
10 were polled by the Harris Poll in 2016 as putting horse
11 racing as their favorite sport, one percent.

12 EXECUTIVE DIRECTOR BAEDEKER: Just to clarify,
13 ma'am, Watch and Wager is a lessee of the facility. They
14 pay the State Fair to use that Cal Expo facility, so there's
15 no cost to the state. There's no cost to the state for the
16 operation of the racing industry. The racing industry pays
17 for the expenses of the California Horse Racing Board.
18 There's no public money that's used for the support of the
19 California Horse Racing Board or anything else in racing.
20 Just an important point, I think, we need to clarify.

21 MS. SULLIVAN: So the California government should
22 participate in officially subsidizing --

23 VICE CHAIR AUERBACH: But it --

24 CHAIR WINNER: No. The California --

25 MS. SULLIVAN: -- a profit-making --

1 CHAIR WINNER: What he just said is the California
2 government doesn't participate.

3 MS. SULLIVAN: This is a state agency.

4 EXECUTIVE DIRECTOR BAEDEKER: Right, and we're --

5 MS. SULLIVAN: This is a state agency.

6 CHAIR WINNER: Yeah, but we don't get any money
7 from the state.

8 MS. SULLIVAN: It doesn't matter. You're supposed
9 to regulating an industry --

10 CHAIR WINNER: Yeah.

11 MS. SULLIVAN: -- and you have a self-interest in
12 it.

13 CHAIR WINNER: That is exactly what we're doing.
14 Thank you.

15 Let's take this measure up again as I said I would
16 do. I think it was Commissioner Maas moved and Commissioner
17 Solis seconded, and we'll vote again.

18 Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIR WINNER: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR WINNER: Commissioner Solis?

23 COMMISSIONER SOLIS: Yes.

24 CHAIR WINNER: Chairman votes yes.

25 Vice Chair?

1 VICE CHAIR AUERBACH: Yes.

2 CHAIR WINNER: Commissioner Ferraro?

3 COMMISSIONER FERRARO: Yes.

4 CHAIR WINNER: Okay.

5 Have a good meet, guys.

6 MR. CUMMINGS: Thank you.

7 CHAIR WINNER: Item number 17, discussion and
8 action by the Board regarding approval of an agreement,
9 pursuant to CHRB Rule 1581, Racing Secretary to Establish
10 Conditions, between Watch and Wager LLC and the California
11 Harness Horsemen Association regarding entry conditions and
12 specified drug substances or medications to be implemented
13 by Watch and Wager LLC at the Cal Expo Racetrack.

14 Is there a motion?

15 MR. BRODNIK: You're --

16 CHAIR WINNER: Oh, did you want to say something?

17 MR. BRODNIK: Yeah. Robert Brodник, California
18 Horse Racing Board.

19 Presently, Watch and Wager does not have an
20 agreement with the harness -- with the CHHA, so perhaps they
21 can discuss why they don't have an agreement or why they are
22 choosing no agreement at this time?

23 MR. SCHICK: Yeah. So we've had discussions with
24 CHHA regarding 1581 but we don't have an agreement to bring
25 forward to the Board to ask for their approval.

1 Jim Perez couldn't be here today, he had a medical
2 emergency with his mom last night, but fundamentally, in
3 Standardbred racing, our horses run every week, unlike the
4 thoroughbreds. And their feeling is, is that a 14-day
5 stand-down period from an injection would be an undue
6 hardship on their horsemen. And they also feel that given
7 the safety record in the Standardbred industry, that they
8 feel that the current five-day stand-down rule on injections
9 works very well in the industry.

10 So that's, essentially, why we don't have an
11 agreement to bring forward.

12 Regarding the reduction to five CCs of Lasix, I
13 think they pretty much are -- would be in agreement with
14 that, as are we as an association, so that's something that
15 I think we could bring forward to you.

16 But the issue on the 14-day stand-down period,
17 that's going to -- that's an issue with the horsemen.

18 CHAIR WINNER: Dr. Arthur?

19 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. In support
20 of what Chris has proposed, I'd like to point out, there
21 were no fatalities in harness racing last year. In fact,
22 we've had one racing fatality in harness racing, I think in
23 the last five years, from a musculoskeletal injury.

24 The five-day stand-down -- or the 14-day stand-
25 down, relative to harness racing, was actually discussed on

1 Monday, and relative to harness racing. And they certainly
2 were -- they were excluded from the 14-day recommendation
3 that the RMTC is going to put forward. The five-day, I
4 think, is quite workable. The new regulation that went into
5 effect in California on July 1st, particularly in regards to
6 their weekly business model, it doesn't appear to be a
7 problem. And interarticular injections are not that
8 commonly done in harness racing. Yes, they are done, but a
9 little bit more conservatively than what we see in running
10 horses.

11 So I think the five days is actually workable.

12 The Lasix issue is separate. And I think they
13 just need an agreement with their horsemen on that.

14 CHAIR WINNER: All right. So can we ask that you
15 come to the September meeting with an agreement with the
16 horsemen to the effect of five days and the five CCs?

17 MR. SCHICK: Yeah. I think the five days, maybe,
18 Dr. Arthur, I'm pretty sure the five-day is already a
19 rule --

20 CHAIR WINNER: It is in there.

21 MR. SCHICK: -- that's in the --

22 CHAIR WINNER: Yeah.

23 MR. SCHICK: -- that the thing, so --

24 CHAIR WINNER: It's already in the book.

25 VICE CHAIR AUERBACH: Yeah. We just need the --

1 MR. SCHICK: -- the issue regarding the Lasix,
2 yeah, from our -- from the Association's point of view,
3 we're supportive of that. So to say we'd have an agreement,
4 I guess we could twist the Horsemen's arm to do it. But I
5 think I feel pretty confident that, in our discussions, that
6 they'd go along with that, certainly that portion of an
7 adjustment under 1581.

8 CHAIR WINNER: The only question I would have,
9 Rob, is we would have to have an agreement in order to vote
10 on approval of that agreement and we don't have that
11 agreement; correct?

12 MR. BRODNIK: Correct. So perhaps just tabling
13 this item and putting on the September --

14 CHAIR WINNER: That would be the thing to do --

15 MR. BRODNIK: -- would be the appropriate thing to
16 do.

17 CHAIR WINNER: Yeah. Okay.

18 All right, gentlemen, thank you.

19 MR. CUMMINGS: Thank you.

20 MR. SCHICK: Thank you.

21 CHAIR WINNER: Okay, now for the fun.

22 VICE CHAIR AUERBACH: Um-hmm.

23 CHAIR WINNER: Discussion and action by the Board
24 regarding 2020 Southern California race dates.

25 I'm going to ask Madeline, Vice Chair Auerbach, to

1 open up this discussion.

2 VICE CHAIR AUERBACH: Okay. What do you want me
3 to start with this, this? Okay.

4 The issue: In preparation for allocation of the
5 2020 race dates the Race Dates Committee met with industry
6 stakeholders on August 1st, 2019. At that meeting, rather
7 than focus on specific race date allocation, the Committee
8 encouraged stakeholders to continue to meet and come to an
9 agreement on the 2020 race dates' proposal.

10 And there seems to have been some confusion that
11 some people felt that they weren't invited. All the
12 appropriate parties were invited. Commissioner Maas and
13 myself both had to make sure that we got here for the
14 meeting. And if anybody did not come, were unable to come,
15 they were certainly invited to send their representatives
16 and be a part of it.

17 The Del Mar Thoroughbred Club, the Los Angeles
18 Turf Club, and the Thoroughbred Owners of California have
19 reached an agreement on a proposed calendar for 2020
20 Southern California race dates. And these are just general
21 blocks of dates. They don't refer to anything specific,
22 other than blocks of time: Santa Anita, December 18 through
23 June 23rd; Los Angeles County Fair, June 23rd [sic] through
24 June 29th [sic]; Los Alamitos, July 1 through July 8; Del
25 Mar, July 8 through September 8; Santa Anita, September 9

1 through October 27; Del Mar, October 28 through December 1;
2 and Los Alamitos [sic], December 2nd through December 15th.

3 Santa Anita plans to take off three weeks of
4 racing through the winter-spring race meet. They note that
5 during the Santa Anita winter-spring race meet, Santa Anita
6 plans to take off 12 days of racing. The actual days will
7 be determined by Santa Anita based upon the then current
8 circumstances. In the event circumstances do not warrant
9 taking off all or any of the 12 days, Santa Anita will
10 consult with the CHRB and, upon approval, will conduct
11 racing on the balance of the 12 days.

12 And in discussion, what we talked about was the
13 fact that we would have less racing days at Santa Anita.
14 And the reason that nobody put in a specific timeframe is
15 because we're trying to be sensitive to the weather
16 situation. In other words, if we told them they had to take
17 off a specific week and that specific week, invariably,
18 would be sunny and gorgeous but gave them race dates when
19 weather was terrible, we would defeat the whole purpose of
20 being aware of the safety of the horses and the riders.

21 So we put in what we like to call our flex dates
22 so that they would be racing less days, more amenable to
23 taking days off in between to satisfy not only weather
24 conditions but conditions around the horse population, so
25 that was part of that consideration.

1 Los Alamitos, on the other hand, they're racing
2 association requested the allocated 2020 racing dates
3 substantially similar to those it was awarded in 2019. The
4 thoroughbred trainers, California Thoroughbred Trainers,
5 also submitted a letter highlighting its considerations
6 related to the recommendations of the race dates' allocation
7 for 2020 and it's here for us to talk about.

8 CHAIR WINNER: Thank you.

9 VICE CHAIR AUERBACH: Good enough? And I'm
10 sorry --

11 CHAIR WINNER: Well done.

12 VICE CHAIR AUERBACH: -- if I was not clear.

13 CHAIR WINNER: Fred, did you want to say something
14 on this?

15 VICE CHAIR AUERBACH: It's a little confusing
16 regarding the dates.

17 COMMISSIONER MAAS: That was a pretty good recap.
18 We're okay.

19 CHAIR WINNER: Okay. Thank you. All right.

20 I have a number of cards on this item, so let's
21 start with Larry Swartzlander.

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

24 I just want to make a comment, as in the south and
25 the north we're going through a transition on race dates and

1 stabling, and that we've come to a situation in the south
2 where we're taking some time off because of the horse
3 population.

4 I would like to echo that in the north, that we
5 have the same situation when Golden Gate closes and the
6 fairs open and then we close and they open, that I would
7 like to see the Board consider that as we approach our
8 position on dates.

9 CHAIR WINNER: Thank you.

10 Martha Sullivan.

11 MS. SULLIVAN: I'm going to pass.

12 CHAIR WINNER: Martha Sullivan passes.

13 Jack Liebau.

14 Good morning, Jack.

15 MR. LIEBAU: Good morning. I'd like to talk a
16 minute about the process that we're going through. And I
17 have to say that the -- neither the trainers, nor Los
18 Alamitos, have been included in the discussions that
19 resulted in the recommendation made by TOC, Santa Anita and
20 Del Mar.

21 And perhaps that is our fault but we, being Los
22 Al, did send out an email on July 19th in anticipation of
23 the Dates Committee meeting and it was forwarded to all
24 racing executives, calling for a meeting to discuss 2020
25 allocation of race dates. My thinking in doing that was

1 that such a discussion might result in suggested racing
2 dates that would right racing's ship, because I think we all
3 agreed that some things had to change. This call for a
4 meeting fell on deaf ears.

5 I then sent out another one on July 21st,
6 overcoming what I thought were some of the objections to my
7 first email which, probably, the objections related, I think
8 to how I thought the meeting should be run. And all I can
9 say is that I thought it was better that I suggested that
10 the meeting be chaired by the two people I did rather than
11 chaired by me, but I found out that that didn't work.
12 And the only response to that email was from the trainer's
13 association.

14 And then on or about July 26th, we were advised of
15 the private meeting of the Dates Committee that was going to
16 take place at Del Mar. I have to say that in 35 years, it's
17 my recollection that that's the only meeting of the Dates
18 Committee that was ever a private meeting and not a public
19 meeting.

20 At the outset of the August 1st meeting, it was
21 pretty clear, it was clear to me, that Los Al was not going
22 to have any dates, which really did not lead to any
23 discussions with other people because the dye had sort of
24 been cast at that meeting.

25 Sometime last week, I received several calls from

1 Josh Rubenstein and Greg Avioli and they told me that Los Al
2 would be given two weeks in July and two weeks in December.

3 And Greg then told me that they had fought for us to get
4 those dates and I have no reason to believe that that's not
5 true. And we appreciate anybody fighting for dates for Los
6 Al.

7 There's some confusion as to how many dates of
8 those four dates are for the Los Angeles County Fair. I
9 think that if you look at the calendar that's attached to
10 what Commissioner Auerbach just read the calendar differs
11 from what is set forth. And I suspect the reason for that
12 was that if the Los Angeles County Fair has indicated, they
13 only had one week of racing and the calendar is entirely
14 covered from the entire year, that would indicate that
15 thoroughbred racing had 50 days of racing, which is contrary
16 to the statutory law which says you can only have 47 days of
17 thoroughbred racing in the combined central and southern
18 zone weeks. Sorry.

19 EXECUTIVE DIRECTOR BAEDEKER: I think it's 49,
20 isn't it?

21 MR. LIEBAU: Forty-nine.

22 CHAIR WINNER: Forty-nine, Jack.

23 MR. LIEBAU: You're right.

24 CHAIR WINNER: Isn't it?

25 MR. LIEBAU: It's 7 plus 42. It used to be. It's

1 49.

2 CHAIR WINNER: Yeah, it's 49.

3 MR. LIEBAU: And on or about August 14th, Alan
4 Balch, on behalf of the trainers, submitted a memorandum
5 that was entitled Development of 2020 Thoroughbred Racing. I
6 don't know what attention that was given or whether any
7 attention was given to that in connection with the
8 recommendation that's been made by Santa Anita, TOC and Del
9 Mar.

10 CHAIR WINNER: Jack, you're well over your time,
11 so can you wrap up --

12 MR. LIEBAU: Okay.

13 CHAIR WINNER: -- please?

14 MR. LIEBAU: I would hope that we can have further
15 discussions with regard to the 2020 dates. I note that the
16 Northern California dates are going to be discussed by the
17 Dates Committee. And I cannot understand why the same can't
18 be true with respect to the Southern California dates.

19 Thank you.

20 CHAIR WINNER: Thank you.

21 Any questions for Jack?

22 COMMISSIONER MAAS: Yeah.

23 CHAIR WINNER: Please.

24 COMMISSIONER MAAS: I have a couple of questions.

25 CHAIR WINNER: Go ahead.

1 COMMISSIONER MAAS: And, Mr. Liebau, I just want
2 to make sure we correct for the record, you were at that
3 meeting, weren't you?

4 MR. LIEBAU: Yes, I was.

5 COMMISSIONER MAAS: And I think, also, that you
6 would acknowledge that we made no proposals, at least from
7 this Committee --

8 MR. LIEBAU: That's right.

9 COMMISSIONER MAAS: -- and no recommendations for
10 dates. It was there an opportunity in an advisory way to
11 hear various positions. And so I just wanted you to
12 acknowledge that that's, in fact, what happened.

13 MR. LIEBAU: There was some discussion at the
14 outset as far as the dates that would be -- where dates
15 would be allocated.

16 COMMISSIONER MAAS: From some of the stakeholders
17 but not from the Committee; is that right?

18 MR. LIEBAU: My recollection differs on that, sir.

19 COMMISSIONER MAAS: Okay.

20 MR. LIEBAU: Thank you.

21 CHAIR WINNER: Any other questions or comments?

22 EXECUTIVE DIRECTOR BAEDEKER: Do you want to -- we
23 probably should clarify that the proposed calendar that the
24 Board has received and that is in the Board packet calls
25 from one week of Fairplex to be run the last week of June

1 and two weeks of Fairplex to be run in December. That's on
2 this. That's on what was submitted to the Board.

3 MR. LIEBAU: No. But as far as what Commissioner
4 Auerbach just read from is different.

5 VICE CHAIR AUERBACH: It might have been. It
6 might have been but I just read what was written here, Jack.

7 MR. LIEBAU: No, no, I understand that. And I'm
8 just saying, my point was that there's some confusion.
9 There's a difference between the writeup and the calendar.

10 CHAIR WINNER: Yeah. That's --

11 EXECUTIVE DIRECTOR BAEDEKER: That's right.

12 CHAIR WINNER: Yeah.

13 MR. LIEBAU: The only point that I would make --

14 CHAIR WINNER: That is correct, there is a
15 difference. But the fact of the matter is we're talking
16 about three weeks for L.A. County Fair meet at Los Alamitos.
17 I think that, when I say we're talking, the proposal that
18 has been made is three weeks of L.A. County Fair meet to be
19 run at Los Alamitos and one week of Los Alamitos. That's
20 what's been presented. They're broken into two-week
21 segments.

22 I think that's correct; is that not, Jackie?

23 MS. WAGNER: Jackie Wagner, CHRB Staff.

24 That is correct. I wanted to put on the record,
25 there were some typos on the analysis in that the actual --

1 a couple of typos, actually.

2 The Los Angeles County Fair dates that were
3 originally read to begin on June 23rd, the actual dates are
4 June 24th through June 30th. And then the December 2nd
5 dates on the analysis, it notes Los Alamitos, the proposal
6 is L.A. County Fair for that.

7 CHAIR WINNER: Thank you. All right.

8 VICE CHAIR AUERBACH: I just wanted to say one
9 thing about the meeting.

10 CHAIR WINNER: Go ahead, please.

11 VICE CHAIR AUERBACH: I just wanted to say one
12 thing about the Dates Committee meeting that we did have.

13 We did not address at all the fairs up north. We
14 didn't get that far. We were very concerned. There's a few
15 things we're very concerned with and it refers mostly to the
16 horse population, the health of the horse population, and
17 the health of the circuit.

18 And I think Commissioner Maas and I both agreed
19 that whatever we could do to give our horses a break between
20 racing and give -- and mandate time for the horses and the
21 associations to take some time off so that one meet doesn't
22 go into another meet, doesn't go into another meet with no
23 one catching their breath, including the humans or the
24 horses. So we were very cognizant of the need for the
25 industry to recognize that we have fewer horses available.

1 And for the health of everybody, it was really vital that we
2 allow time.

3 And I think that we asked the -- everybody here to
4 please go ahead and take the information that we discussed
5 in general and to go back and to form their own calendar
6 with respect to the health of the industry at this point in
7 time, and that's what we tried to do.

8 So on that note, let's hear from everybody else
9 please.

10 CHAIR WINNER: Okay. Thank you.

11 Dr. Allred?

12 DR. ALLRED: Ed Allred, Chairman of Los Alamitos
13 Racecourse. I have so many problems with what is proposed
14 that it's difficult for me to get it down to a minute or
15 two.

16 But, you know, seven years ago we were approached
17 about putting in a mile track, which we did in record time,
18 I think about three months, spent many millions of dollars
19 on it. We were heroes, heroes for the whole horse racing
20 world in California. We were glad to do that.

21 We put in a number of extra stalls, 800 stalls --
22 thoroughbreds are stalled at Los Alamitos right now, and
23 probably less than that because the population is down. Bob
24 Baffert has, yesterday, 93 yearlings -- two-year-olds,
25 rather, at Los Alamitos, 93, probably the most expensive

1 horses around. There have been two Kentucky Derby winners
2 and two Horses of the Year that ran at Los Alamitos, ran our
3 race meets there.

4 Another area of disagreement is that the L.A.
5 County Fair has historically, for over 70 years, had racing
6 dates in September, three weeks. I've been going there
7 since I was little boy. So there's a culture of people that
8 come to the fair meets from Northern California, from the
9 Sierra, from Arizona, and it's been that way for a long
10 time. We can't -- and it's very difficult to disrupt them
11 and have a successful meet.

12 It's awfully hot, you know, in Southern California
13 in September and July. I might say that Santa Anita,
14 yesterday, was 96 degrees, a high of 96. It was 83 in Los
15 Alamitos.

16 There are a lot of reasons why we need to keep Los
17 Alamitos going. We had five racetracks in California just a
18 few years ago, Southern California; we have three now. We
19 can't lose another one. We didn't -- we can't make it on
20 this new schedule.

21 I asked the Committee to spend more time. The
22 Northern California schedule should be integrated with this.

23 There are also many issues that the night racing
24 associations have. We cannot conduct racing when there's no
25 or thinner better racing going on. The satellites don't

1 want to stay open for us at night. It's vital that we are
2 able to do -- excuse me -- to do that.

3 So we'd like you to revisit this, not do anything
4 right now, and let us make our pitch in a more formal
5 situation before the Committee.

6 Thank you.

7 (Applause)

8 CHAIR WINNER: Thank you, Doctor.

9 Walter Marquez.

10 MR. MARQUEZ: Good afternoon. Walter Marques with
11 Los Angeles County Fair.

12 I'm here today to request a delay in this action
13 that is proposed here today so that a more collaborative
14 effort can be made with all stakeholders. Our fear is that
15 there may be unintended consequences that can be avoided if
16 more time and involvement are allowed.

17 For our fair the proposed schedule separates the
18 racing days from our run of fair. This may have fiscal and
19 contractual obligations that we just haven't had time to
20 analyze and what those ramifications may be.

21 So in short, for the reasons described above by
22 Doctor, and Jack, as well, please take your time. Let's
23 delay this and have more conversations.

24 Thank you.

25 (Applause)

1 CHAIR WINNER: The L.A. County -- can you come
2 back up just for a second please? Thank you.

3 The County Fair meet, obviously, there's no racing
4 at Fairplex. There hasn't been for a long time.

5 MR. MARQUEZ: True.

6 CHAIR WINNER: And the agreement that you have
7 with Los Alamitos is between the L.A. County Fair and Los
8 Alamitos; correct?

9 MR. MARQUEZ: That's correct, yes.

10 CHAIR WINNER: Right. Okay. So -- and you're
11 still, under this plan, and I'm not suggesting necessarily
12 that it's the right plan, the L.A. County Fair still has
13 three racing weeks; correct?

14 MR. MARQUEZ: Well, that was clarified. So that
15 was one of the questions that we had, as well, so thank you
16 for the clarification because the item was telling two
17 different stories.

18 CHAIR WINNER: Okay.

19 MR. MARQUEZ: So that's been clarified.

20 There is the three weeks, so the three weeks still
21 hold.

22 CHAIR WINNER: Yes.

23 MR. MARQUEZ: The concern now is that it's
24 bifurcated and the impact to that is we just don't know at
25 this point in time.

1 CHAIR WINNER: Okay. Thank you.

2 Are there any other questions or comments?

3 VICE CHAIR AUERBACH: And just to be clear, you
4 don't run racing and haven't for a while. And the agreement
5 you have with Los Al to give them your dates is that you
6 share the earnings that come in through the wagering and so
7 that is your interest in it. You don't have any other
8 interest in it; is that correct or not?

9 MR. MARQUEZ: Well, it's not that it's just the
10 County Fair. The county has also weighed in and provided
11 their interest in this as well.

12 VICE CHAIR AUERBACH: But that's not --

13 MR. MARQUEZ: So Los Angeles County --

14 VICE CHAIR AUERBACH: -- what I'm saying.

15 As far as racing is concerned, you don't have live
16 action and have not had for a long time.

17 MR. MARQUEZ: That's correct.

18 VICE CHAIR AUERBACH: You are entitled --

19 MR. MARQUEZ: There's no racing.

20 VICE CHAIR AUERBACH: -- to those dates and you
21 are entitled to a certain amount of compensation as a result
22 of that licensing but you do not have racing. But you have
23 been given the dates on this calendar.

24 MR. MARQUEZ: Yes, oh, absolutely.

25 VICE CHAIR AUERBACH: Okay. Okay.

1 MR. MARQUEZ: No, we appreciate that --

2 VICE CHAIR AUERBACH: I just want to make sure --

3 MR. MARQUEZ: -- as well.

4 VICE CHAIR AUERBACH: -- we're all on --

5 MR. MARQUEZ: Yeah.

6 VICE CHAIR AUERBACH: -- the same page.

7 MR. MARQUEZ: Yes, we are.

8 VICE CHAIR AUERBACH: Okay.

9 CHAIR WINNER: Basically --

10 MR. MARQUEZ: Yeah. Okay.

11 CHAIR WINNER: -- your interest --

12 VICE CHAIR AUERBACH: Thank you.

13 CHAIR WINNER: -- the interest of L.A. County is a
14 financial one?

15 VICE CHAIR AUERBACH: It's financial.

16 CHAIR WINNER: Yeah. Right.

17 VICE CHAIR AUERBACH: You would like to be
18 compensated for those dates and I don't have an argument
19 with that. But I'm just saying, that's what your interest
20 is?

21 MR. MARQUEZ: Okay. I mean --

22 VICE CHAIR AUERBACH: No. I just want to make
23 sure we're all talking about the same thing.

24 MR. MARQUEZ: Yeah. No. I mean, that's an aspect
25 of it, absolutely, yes.

1 COMMISSIONER MAAS: Can I ask a question, Mr.
2 Chairman?

3 CHAIR WINNER: Yes, please.

4 COMMISSIONER MAAS: And how many weeks is your
5 agreement with Los Al?

6 MR. MARQUEZ: It's for -- it's -- I mean, the only
7 days -- we are allowed the dates that this Board allows us
8 to have, is what it boils down to.

9 COMMISSIONER MAAS: So there's no limitation to
10 how many weeks that the fair would get if you're --

11 MR. MARQUEZ: The limitations are set by this
12 Board.

13 EXECUTIVE DIRECTOR BAEDEKER: There's, Rob, I
14 think there's a limit of three weeks, correct, that can be
15 allocated to the fair?

16 VICE CHAIR AUERBACH: Is that a maximum that we're
17 talking about?

18 COMMISSIONER MAAS: That was my recollection.
19 That's why I asked.

20 EXECUTIVE DIRECTOR BAEDEKER: I believe it's a
21 maximum of three weeks.

22 COMMISSIONER MAAS: That's what I thought.

23 VICE CHAIR AUERBACH: Okay.

24 CHAIR WINNER: But I don't think that was set by
25 the Board. I think that's statutory, isn't it?

1 VICE CHAIR AUERBACH: That's statutory. And
2 that's maximum, I think, not minimum. That's right.

3 COMMISSIONER MAAS: That was my --

4 EXECUTIVE DIRECTOR BAEDEKER: Yeah.

5 COMMISSIONER MAAS: That was where my question was
6 going.

7 EXECUTIVE DIRECTOR BAEDEKER: That's what I
8 suspect.

9 COMMISSIONER MAAS: So you're being granted what
10 your statutory authority is at three weeks; is that right?

11 MR. MARQUEZ: If that's the -- I mean --

12 COMMISSIONER MAAS: Yeah.

13 MR. MARQUEZ: -- here's the reality, is I've been
14 here for a year at the fairgrounds, so this is a relatively
15 new industry for me. So if it is statutory, as you say,
16 then it's statutory.

17 COMMISSIONER MAAS: Okay.

18 VICE CHAIR AUERBACH: And that's the proposal
19 that's before us right now.

20 CHAIR WINNER: Right.

21 MR. MARQUEZ: That's correct. So --

22 VICE CHAIR AUERBACH: Yeah.

23 MR. MARQUEZ: -- the concern that I'm raising is
24 that, although it is statutory, we appreciate that aspect of
25 it, the dates and the weeks are bifurcated. They're

1 bifurcated out and they're separate from when we typically
2 have run during the month of September.

3 VICE CHAIR AUERBACH: But you haven't been
4 running. You've been using somebody else's --

5 MR. MARQUEZ: Absolutely.

6 VICE CHAIR AUERBACH: -- facility.

7 MR. MARQUEZ: But there's been -- I mean, to -- I
8 agree, it's been at another location, but there's been some
9 cross-marketing that has occurred --

10 CHAIR WINNER: Yes.

11 MR. MARQUEZ: -- with that. So that's --

12 VICE CHAIR AUERBACH: Got it.

13 MR. MARQUEZ: -- that's the impact that comes with
14 that as well.

15 CHAIR WINNER: Right. But it was, again, just to
16 be clear, it was the decision of the L.A. County Fair,
17 Fairplex, the County of Los Angeles to discontinue racing at
18 Fairplex. And then the agreement was reached between Los
19 Alamitos and L.A. County or the L.A. County Fair or Fairplex
20 to continue to receive those weeks but to run them at Los
21 Alamitos; correct?

22 MR. MARQUEZ: I wasn't around when those decisions
23 were made.

24 CHAIR WINNER: Okay.

25 VICE CHAIR AUERBACH: We all were.

1 CHAIR WINNER: But we were.

2 MR. MARQUEZ: Okay.

3 CHAIR WINNER: Yeah.

4 VICE CHAIR AUERBACH: We were.

5 CHAIR WINNER: Okay.

6 MR. MARQUEZ: All right.

7 CHAIR WINNER: Thank you very much.

8 Greg Avioli.

9 MR. AVIOLI: Greg Avioli, Thoroughbred Owners of
10 California, back again. I just wanted to address a couple
11 of things in the calendar from the TOC's perspective.

12 I want to begin with Dr. Allred's comments. We
13 very much appreciate what Los Alamitos did when they
14 expanded their track five years ago and gave a home to 800
15 horses after Hollywood closed. We haven't forgotten it.
16 And we think we have a good working relationship with them.

17 As this Board, I believe, knows, I chair the
18 Stabling and Vanning Committee. And we just -- and that --
19 the agreement where we stabled with Los Al was terminated,
20 which was their right by Santa Anita, effective this coming
21 February. So we then negotiated a new agreement between
22 Stabling and Vanning with Los Al that will pay them roughly
23 \$3.6 million a year for two more years, so an additional
24 seven-point-something-million dollars. That was just four
25 months ago.

1 We did, quote, "fight hard." There were some
2 interests that didn't think they'd want Los Al to have any
3 racing weeks, and particularly led by our Chairman, Nick
4 Alexander. We believe that it's important to have racing
5 weeks at Los Al. We obviously differ. They, in theory,
6 would like eight. We think the calendar we've come up with,
7 with four, is a compromise that works for everyone. And it
8 should work for the non-racing at L.A. County Fair/Fairplex.

9 The thing that we like the most about this
10 calendar is it's less racing. And it's probably unusual for
11 the TOC to stand up here but the reality is we continue to
12 be down significantly in the horse population from previous
13 years. We do not believe it's in the best interest of the
14 sport, the horsemen or the horses to continue to race every
15 week of the year. So the calendar before you has three less
16 weeks of racing for Santa Anita in their winter-spring meet
17 and also has Del Mar starting, effectively, two weeks later,
18 so that you'll have two empty weeks, so, essentially, five
19 weeks that will not be run next year that were run this
20 year.

21 And I also want to address one issue that I've
22 heard in the last couple of days, well, is Santa Anita
23 getting more racing? Well, they're not getting more racing,
24 they're getting less racing by three weeks.

25 And at the TOC's request, to be very clear, we

1 asked them to take another week, five extra days, in the
2 fall, because the way that the Breeders' Cup Preview Day is
3 structured and the Santa Anita fall meet, every year results
4 in a substantial overpayment for that meet. We pay out so
5 many millions of dollars on that one Saturday, the meet's
6 perpetually underwater. So the hope was, by running an
7 extra five days in the five meet, that could help balance
8 the book.

9 But -- and those are my comments on the calendar.
10 We urge the Board to approve it.

11 Thank you.

12 CHAIR WINNER: Thank you.

13 Questions for Mr. Avioli?

14 COMMISSIONER MAAS: Yeah. Mr. Avioli, a couple
15 questions.

16 In the course of negotiating your agreement on
17 Stabling and Vanning with Los Alamitos, I'm assuming both of
18 you were represented by counsel?

19 MR. AVIOLI: Both who, sir?

20 COMMISSIONER MAAS: Both parties, you and Los Al,
21 the Stabling and Vanning?

22 MR. AVIOLI: No. I mean, I am a member of the
23 Bar. And Jack Owens -- I mean, Jack Liebau is a member of
24 the bar. But there wasn't a legal -- this wasn't really a
25 legal conversation.

1 COMMISSIONER MAAS: And so did the question of
2 guarantee of dates come up during the course of those
3 discussions at all?

4 MR. AVIOLI: Well, we have a contract with
5 Stabling and Vanning that, I believe, it has been submitted
6 to the CHRB that makes very clear that the two-year stabling
7 extension we reached back on February 28th was without any
8 obligation of either party to support racing dates for Los
9 Alamitos or for anybody else. So -- and I think the reason
10 that's important and maybe the reason you ask, I've been up
11 here many times now saying it's important that dates and
12 stabling be considered at the same time. But really what
13 we're saying is we have to make sure we have the stabling
14 before we award the dates.

15 So the four-party agreement that has governed
16 racing since 2015 in the south, essentially, provided for
17 the stabling from all the off-track sites, as well as this
18 is the calendar that Santa Anita, Del Mar and Los Al need
19 for race dates. And if we don't get that calendar, then
20 that four-party agreement went away. We couldn't have that
21 this year.

22 So what we've said is we're going to do a stabling
23 agreement with Los Al but it's not going to have anything to
24 do with dates. And that's what we ended up with and Los Al
25 did sign it and I'm quite certain they're aware of its

1 terms.

2 COMMISSIONER MAAS: Thanks for that clarification.

3 MR. AVIOLI: Thank you.

4 CHAIR WINNER: Any other questions for Mr. Avioli?

5 All right.

6 Eric Sindler.

7 MR. SINDLER: Eric Sindler on behalf of Los
8 Angeles Turf Club. And Ms. Wagner actually covered
9 everything I had to say about the correction in the
10 calendar, so no more comments. She covered it.

11 CHAIR WINNER: You don't have any comment with
12 respect to supporting the --

13 MR. SINDLER: Well, we do support it, obviously,
14 yes. But --

15 CHAIR WINNER: Okay.

16 MR. SINDLER: -- other than supporting the
17 calendar, I just wanted to make sure that it was clear that
18 Los Angeles County Fair did have three weeks and Ms. Wagner
19 did address that.

20 CHAIR WINNER: Thank you.

21 Alan Balch.

22 MR. BALCH: Alan Balch, California Thoroughbred
23 Trainers.

24 As one of the speakers indicated, my extended
25 comments were provided to you by community August 14.

1 They're in the packet.

2 Just to clarify, we are not suggesting that we
3 were not invited to the CHRB Committee meeting that was
4 held. We were. We were unable to attend. But there were
5 several meetings that were held prior to that amongst the
6 parties that we were excluded from. And our understanding
7 is that there have been meetings since then among the
8 parties that we've been excluded from, which we really don't
9 see the reason.

10 We believe that we can come up with a much better
11 schedule, maybe it will be this schedule, but a better
12 schedule in which everyone will have had a chance to be
13 heard and to hear what the other people have to say, if
14 we're all in it together in the same room at the same time,
15 rather than with this linear communication.

16 The joint decision making is very important. We
17 believe the Northern California and the Southern California
18 calendars should be heard and considered at the same time,
19 we agree with Mr. Swartzlander on that, because this is one
20 state. And given the fact that horses travel more than ever
21 before and we have so much pressure on us, that only makes
22 sense. We just don't understand why they should be
23 considered separately.

24 What you're listening to now is a conversation
25 that probably should be held in either a CHRB Committee

1 meeting which, I agree with Mr. Liebau, have always been
2 public meetings in the past, and certainly more than one has
3 been held every year that I've been around and that's a lot
4 of years, because these are complex issues.

5 I do want to thank the TOC for coming to our CTT
6 Board meeting a few days ago here at Del Mar and explaining
7 their point of view. We haven't had a similar meeting with
8 Santa Anita to understand the economics of their point of
9 view. We have not had a meeting with Los Alamitos to
10 understand the economics of their point of view because a
11 lot of these issues are, we understand, are economics.

12 But we represent the horsemen, the professional
13 horsemen. We all agree, everybody here in racing is for the
14 welfare of horses and we want to see a calendar that
15 respects that. We understand that the calendar that's
16 put -- that has been put forward at this point intends to
17 respect that. We'd like to be part of it.

18 Thank you.

19 VICE CHAIR AUERBACH: I want to say something.

20 CHAIR WINNER: Are there some -- wait.

21 Let me just point out, Alan, that my recollection
22 is that for the past several years the dates for the south
23 and the dates for the north have been treated separately.

24 VICE CHAIR AUERBACH: Um-hmm.

25 CHAIR WINNER: And the reason for that is that,

1 number one, the south had reached an agreement, a four-year
2 rolling agreement, and the north, there were always issues
3 that were involved that had to be determined. So we made a
4 decision consistently not to hold up the Southern California
5 agreement and race dates because of situations in the north,
6 so we treated them separately.

7 So to go -- certainly, there's advantages. I
8 agree, there are advantages to doing it all at the same
9 time, but there are reason that they haven't been done all
10 at the same time and those -- I'm not sure that those
11 situations have changed.

12 MR. BALCH: May I?

13 CHAIR WINNER: Did you want to say something?

14 MR. BALCH: May I --

15 CHAIR WINNER: Yeah.

16 MR. BALCH: -- respond briefly --

17 CHAIR WINNER: Please.

18 MR. BALCH: -- to that?

19 CHAIR WINNER: Yeah.

20 MR. BALCH: Well, let's remember, there was a
21 four-party agreement in place --

22 CHAIR WINNER: That's what I just said.

23 MR. BALCH: -- as to the south. Right. But prior
24 to that, always, we would like to see the north and the
25 south considered together. And it's nothing new. We've

1 always held that position.

2 CHAIR WINNER: I know. And I don't disagree with
3 the position.

4 What I'm saying is, just to make the point clear,
5 that in recent -- at recent years, that has not been the
6 case. And as a matter of fact, it wasn't the case even
7 before the four-party agreement. When I was Chairman of the
8 Dates Committee, going back, way back, we still held this --
9 we held the discussion with respect to dates and committees
10 separately, north and south.

11 MR. BALCH: And I would agree with that and that
12 it was done that way.

13 CHAIR WINNER: Right.

14 MR. BALCH: But I would disagree that that was the
15 right way to do it, okay?

16 CHAIR WINNER: I understand.

17 MR. BALCH: Okay.

18 CHAIR WINNER: I may agree with you that --

19 MR. BALCH: Right.

20 CHAIR WINNER: -- we may disagree.

21 MR. BALCH: Okay.

22 VICE CHAIR AUERBACH: And the other thing I wanted
23 to bring up, too, Alan, was you alluded to meetings prior to
24 the meeting that was held by the Committee. If there were
25 other meetings, I don't think Commissioner Maas or I were

1 aware of them.

2 I do want to tell you that the fact that the CTT
3 was not there, not represented, was not a good thing.

4 Do you have anybody else over there that could
5 have shown up? I mean, that's the whole thing, it is very,
6 very difficult.

7 You know, this Board is a voluntary board, as you
8 well know. So far I think almost everybody who has gotten
9 up and spoken to us is paid by somebody. We do this at the
10 behest of --

11 CHAIR WINNER: Not the people -- not the people
12 who --

13 VICE CHAIR AUERBACH: No, the organizations,
14 they --

15 CHAIR WINNER: The organizations.

16 VICE CHAIR AUERBACH: -- they pay them and we are
17 not. We are not. We are not. We are here at the behest of
18 the -- for the people of California. And Commissioner Maas
19 has a very important job which is has to do, and I have a
20 job, we all have jobs.

21 So if you were not included, you know that wasn't
22 intentional. And you're right, somebody should have been
23 there.

24 We rely, all of us, on the Commission on the
25 industry and their representatives to work these things out.

1 That is their job. And our job is to make sure that we all
2 comply with the law and do what we think is best for the
3 horses and the product.

4 So I just want to say that. I don't want anybody
5 to think, oh, you know, secret deals. There were no secret
6 deals. This was all done very openly, so that's all I
7 wanted to say.

8 And I don't know if Fred wants to say anything
9 else?

10 MR. BALCH: Well, let me clarify. I thought I did
11 at the start and I thought I did in my writing.

12 First of all, the Board of the California
13 Thoroughbred Trainers is also a volunteer Board, so we
14 certainly understand that.

15 I am not a volunteer. I was called to something
16 in New York I had to go to. I advised the members, our
17 leadership of the CTT, about the dates' meeting. And,
18 unfortunately, we blew it. We weren't represented there. We
19 should have been, we agree. We're not complaining about
20 that. We're just stating a fact.

21 What we are complaining about is that our
22 stakeholder peers did not include us in their meetings, at
23 least one or two of them. Of course, we make it clear, the
24 private entities can have all the private meetings they
25 want. But if they're going to make a recommendation to this

1 Board, we believe everybody should be included, Los Alamitos
2 and the fairs and the trainers.

3 COMMISSIONER MAAS: So --

4 CHAIR WINNER: Thank you.

5 COMMISSIONER MAAS: -- can I ask --

6 Fred?

7 COMMISSIONER MAAS: -- a couple of questions about
8 it?

9 Yeah, I just want to make sure and make clear that
10 at the outset and, as I recall, a couple other times during
11 the meeting, it was made clear to everybody that was at that
12 meeting that there would be no resolution or no
13 recommendation from the Committee, pending some public
14 session, because not only were you not represented, but
15 labor was not represented, and others. So it was an
16 advisory and a listening opportunity for us. And I think,
17 as I said, several occasions, that was stated at the
18 meeting.

19 Have you seen the calendar that was presented to
20 us and was included in the packet today before today?

21 MR. BALCH: Well, I saw it when we -- I think the
22 packet was put online, what, Tuesday?

23 COMMISSIONER MAAS: So --

24 MR. BALCH: I believe I saw it Tuesday.

25 COMMISSIONER MAAS: And so that was the first time

1 you'd seen it?

2 MR. BALCH: Correct.

3 COMMISSIONER MAAS: And so --

4 MR. BALCH: That -- this particular one --

5 COMMISSIONER MAAS: Right.

6 MR. BALCH: -- right, with the confusion between
7 the writing and the calendar.

8 COMMISSIONER MAAS: So do you have a suggested
9 calendar, since every -- all the stakeholders are here,
10 everybody's in the room, we're in a public session now?
11 Have you got something to present to us that we could
12 consider or discuss?

13 MR. BALCH: I would like to say that I did, that I
14 do, but I don't. And the reason why is because, for
15 example, when TOC comes to us at our meeting last Friday, I
16 believe it was, and presents their reasoning for advocating
17 this calendar, that's the first time we heard of that. We
18 don't have any independent way to evaluate the TOC's
19 position as to purses or Santa Anita's position as to
20 economics. Those are things that should be done in a group
21 meeting, not here. We're basically having a Committee
22 meeting here in front of this Board.

23 So we agree, we don't understand why it would be a
24 huge deal to put it off, but we understand, you wear the
25 robes, you make the decisions, we don't.

1 EXECUTIVE DIRECTOR BAEDEKER: I just wanted to
2 clarify for everybody that the meeting that was held was to
3 set the ground rules. And as the Commissioners said to
4 everybody, okay, now you all go out and, you know, talk
5 amongst yourselves and come back to the Board with a
6 proposal.

7 We tried to put together an open Dates Committee
8 meeting and we just couldn't do it. We tried to have one
9 yesterday morning and it just was going to have to be too
10 early for everybody to get down here and participate.

11 So rather than wait until after this, you know,
12 another three weeks, we decided to have an open meeting
13 where everybody could get up and do what you're doing, and
14 so that's why it's on the agenda for the full Board.

15 MR. BALCH: Right. Well, I must say, we had
16 thought there was going to be a Committee meeting before
17 this meeting but we understand that there couldn't be. So
18 we're here where we are.

19 Thank you.

20 CHAIR WINNER: Thank you, Alan.

21 Josh?

22 Or did you want to comment on that, Greg?

23 MR. AVIOLI: If I could? Greg Avioli, TOC. I
24 just want to respond to some of the comments that Alan Balch
25 made.

1 No one is trying to disrespect the trainers. We
2 value the trainers. We actually went out of our way to sit
3 down with them for a couple of hours and go through all
4 aspects of the calendar, this is why this is being proposed,
5 this is why this isn't.

6 I apologize if they don't feel they've been enough
7 of the process. But as Vice Chairman Auerbach pointed out,
8 they did miss sort of the seminal meeting to kick this off
9 where we were kind of given instructions to go work this
10 out.

11 Time is of the essence here. It's getting late in
12 the year not to have a calendar for next year. I don't
13 think substantively there is anything, knowing the trainers
14 that I know, that they're going to have a huge problem with.

15 But the reality is the time to act is now. They have had
16 the opportunity to see the calendar and know about it and
17 respond to it. And we'll redouble our efforts, you know, to
18 keep communicating.

19 But at the same time I would say, you look through
20 your regs, you look through your statutes, nowhere does it
21 say that the trainers' association has to approve of the
22 agreement, nor does it say the jockeys' association has to;
23 right? I mean, it's an input. These things tend to get
24 done between the TOC and the tracks.

25 We worked very hard to reach an agreement. It's

1 not an easy agreement to reach, by the way. We're talking
2 days and days with probably 25 different back and forths.
3 It's hard to do that with 19 parties in the room.

4 We've reached a fair calendar. We hope you
5 approve it.

6 CHAIR WINNER: Did you want to respond, Alan?

7 VICE CHAIR AUERBACH: Yes.

8 MR. BALCH: Yes. Alan Balch again.

9 Well, we're not suggesting 19 parties in the room.
10 I think we're talking maybe two more than were in the room,
11 Los Alamitos/L.A. County Fair and CTT. Labor has been
12 mentioned. Maybe three.

13 But the industry, the stakeholders of racing, who
14 include the trainers, we think we should have been included
15 and we think the other tracks should have been included.

16 As a dinosaur, I can tell you, there used to be a
17 lot more tracks in California. And those tracks were all in
18 the room when calendars were discussed to be presented to
19 this Board. So that's one thing.

20 Now as to specifics. Yes, as Mr. Avioli knows
21 from our board, we do have the specific concern about racing
22 three additional weeks at Santa Anita immediately upon the
23 close of Del Mar. We're talking about changing a calendar
24 and an opportunity for a different level of horses in the
25 three weeks immediately following Del Mar. That's serious.

1 CHAIR WINNER: So your objection, Alan, is that
2 your only objection to this calendar or are there other
3 objections?

4 MR. BALCH: I would say it's our only objection.
5 Again, I wrote about four pages out here --

6 CHAIR WINNER: Yeah.

7 MR. BALCH: -- of various considerations. And we
8 don't really understand how these flex weeks work. We don't
9 understand when they would be announced, when they would be
10 decided. Maybe we would had we been in the room but we
11 don't. It's not clear from here how those weeks will be
12 operated.

13 CHAIR WINNER: You're talking about the days that
14 would be --

15 VICE CHAIR AUERBACH: The flex days.

16 MR. BALCH: During the six months of Santa Anita.

17 CHAIR WINNER: Yeah. You're talking about the
18 flex days?

19 MR. BALCH: Right, the so-called simulcast dates
20 or --

21 CHAIR WINNER: Right.

22 MR. BALCH: -- weather dates or three weeks less
23 or 12 days less, how would they be scheduled?

24 VICE CHAIR AUERBACH: Well, I think that that was
25 specifically done to allow the industry the flexibility to

1 take care of their own problems if they have racing
2 problems, if there are issues with the racetrack that need
3 to be resolved. You can't guess what they're going to be.
4 You don't know when we're going to have a rainstorm. You
5 don't know when something is going to go wrong.

6 Because of the dates that we -- we put them in a
7 block form so that Santa Anita would have the flexibility to
8 call off racing a day when it was felt unsafe. To make
9 those changes on the fly, there would -- it didn't make any
10 sense to carve out the dates for them when we don't know
11 what's going to happen. We all have come through a very
12 difficult period and we all believe that had we had the
13 flexibility, for example, had we had 489 and if it were
14 functioning, we could have said to them, stop right now, fix
15 it. We couldn't do that last year. We can this year.

16 Rather than making it up to us to do those kinds
17 of things, we have given Santa Anita the ability to do it
18 themselves. And if they can't do it or they won't do it, we
19 can.

20 The other item is, is that we have given them less
21 racing days. They are not clear to have the same amount of
22 racing days. They are only allowed to have less racing
23 days. That was built in specifically to protect the horses
24 and to protect all of us and to do a better job. But if we
25 told them specific dates or times or if we start putting

1 restrictions in it, we are going to make it unworkable.

2 I would suggest -- and I don't know if anybody
3 here from Santa Anita would like to come up and suggest a
4 committee or a group that they envision putting together so
5 that this can be workable with the trainers, with the
6 owners, and everybody involved? That was the whole idea.

7 Commissioner Maas and I are not trying to tell
8 everybody what to do. We're trying to make them be more
9 responsible with what they have in front of them. That's
10 all we're trying to do.

11 MR. BALCH: Well, excuse me again, with
12 respect --

13 VICE CHAIR AUERBACH: With respect usually means
14 no respect, but go ahead, Alan.

15 MR. BALCH: Okay. Well --

16 VICE CHAIR AUERBACH: Got it.

17 MR. BALCH: -- with all due respect as --

18 VICE CHAIR AUERBACH: Which also means no respect.

19 MR. BALCH: Right. As the law professor --

20 VICE CHAIR AUERBACH: Forget it.

21 MR. BALCH: -- used to tell us --

22 VICE CHAIR AUERBACH: There you go.

23 MR. BALCH: -- with all due respect and as a
24 former management person, I don't know that any association
25 has ever been denied the opportunity of canceling a racing

1 day for unsafe conditions, weather, heat, rain, bad track,
2 or anything else. Those decisions can be made by the
3 association. And the Racing Board has never objected to
4 that, nor has the TOC, nor has CTT.

5 VICE CHAIR AUERBACH: But we've also never
6 encouraged them and now we are actively encouraging them to
7 utilize that. And they're going to have to take those dates
8 off anyway, so they might as well do it in conjunction with
9 things that they need to address. That's all.

10 CHAIR WINNER: Let me just comment for a second
11 here.

12 First of all, just to be clear, this is not what
13 we are -- have done --

14 VICE CHAIR AUERBACH: No.

15 CHAIR WINNER: -- or will do.

16 VICE CHAIR AUERBACH: No.

17 CHAIR WINNER: This is a calendar that has been
18 submitted by the parties that agreed to this calendar and
19 submitted it.

20 VICE CHAIR AUERBACH: Right.

21 CHAIR WINNER: So we just want to be clear, it's
22 not that we have done anything here. This is before us to
23 make a decision, if we choose to make that decision, so we
24 want to clarify that.

25 Secondly, just to make clear, my position is,

1 among other things, that I would have a problem voting to
2 give Santa Anita or any track sole discretion with respect
3 to canceling a date. I think that that has to be in
4 conjunction with discussion with the -- it could be the
5 Executive Director, would be my recommendation, that before
6 a determination is made to cancel a date for weather reasons
7 specifically, or any other reason, that that would have to
8 be approved by the Executive Director. If there
9 is --

10 MR. BALCH: No, I agree completely.

11 CHAIR WINNER: -- if there is a motion on this, I
12 would include that amendment to the motion.

13 VICE CHAIR AUERBACH: And I think --

14 MR. BALCH: And I believe that's the way it's
15 always been done. If a track thought that there were unsafe
16 conditions --

17 CHAIR WINNER: Right. But I don't --

18 MR. BALCH: -- they go to the Racing Board --

19 CHAIR WINNER: -- but I don't think that's the way
20 --

21 MR. BALCH: -- they go to the horsemen's
22 organization.

23 CHAIR WINNER: -- it's written now.

24 MR. BALCH: Oh, okay. Okay.

25 CHAIR WINNER: And I believe that that -- it would

1 be -- should be a requirement.

2 MR. BALCH: Right. Thank you.

3 COMMISSIONER MAAS: You know, Mr. Chair, I agree
4 with you. Mr. Chairman, I agree with you, but I don't want
5 to get lost in the weeds.

6 The essence of this is that there are less dates.

7 CHAIR WINNER: Right.

8 COMMISSIONER MAAS: And, you know, because of what
9 happened before because of the acknowledgment of weather,
10 and rather than dictating today what the weather is going to
11 look like a year from now, we gave some flexibility.

12 CHAIR WINNER: I totally agree.

13 COMMISSIONER MAAS: And I can totally agree with
14 your suggestion, as well, Mr. Chairman, if we went forward,
15 to have the Executive Director be involved in decisions.

16 CHAIR WINNER: Yeah.

17 DR. ALLRED: Ed Allred, Los Alamitos, if I may
18 again?

19 This is not the right forum to have this kind of
20 discussion, really. The ramifications of this for the night
21 industry are extensive. I didn't even get into that. We
22 cannot race at night in California when they don't run in
23 the daytime, we can't do it. It just doesn't -- it's not
24 economically feasible. The carryover from day to night and
25 the people in the simulcast facilities, they can't work.

1 And we have our charities and derbies and things, races for
2 \$2 million, \$1 million, that are planned years in advance.
3 This is a dramatic and significant change that we need to
4 spend a lot of time to figure out if it can work. Will TVG
5 allow us to come in earlier in the day? And a third of our
6 handle is from that type of betting, account wagering.

7 The ramifications are beyond even what I can think
8 of right now. So we urge you to table this, let us have a
9 chance to all get together and work on this, and not do it
10 in this hasty of a fashion.

11 Thank you.

12 CHAIR WINNER: Doc, let me just ask you a
13 question. Your, right now, your concern is about reducing
14 the number of dates?

15 DR. ALLRED: That's one concern. There's a whole
16 lot of concerns.

17 CHAIR WINNER: I mean, that's the one that
18 you're --

19 DR. ALLRED: Yes.

20 CHAIR WINNER: -- talking about --

21 DR. ALLRED: Yes.

22 CHAIR WINNER: -- with respect to the night racing
23 --

24 DR. ALLRED: Yes.

25 CHAIR WINNER: -- and the handle, et cetera?

1 DR. ALLRED: Yes. The Horse Racing Board has, of
2 course, has evolved the solution to the day and night
3 problem over a period of many years.

4 CHAIR WINNER: Right.

5 DR. ALLRED: It would dramatically change that
6 just like that.

7 CHAIR WINNER: But you don't --

8 DR. ALLRED: Very difficult.

9 CHAIR WINNER: Do you disagree that it would be
10 healthy for thoroughbred racing to reduce the number of race
11 dates? Do you disagree with that?

12 DR. ALLRED: I don't. I don't. In many ways, I
13 do not agree. I think you have to manage your livestock,
14 your horses. You have to -- you can't over-race a horse.
15 You have to -- there has to be a time to rest and people, we
16 do that. I don't think that year-round racing has anything
17 to do with the way you manage your horses. You know when
18 race meets are running and you can gear for that. You can
19 delay a horse up for six months or whatever you have to do.
20 I don't think that's an issue as far as I'm concerned.

21 CHAIR WINNER: Okay.

22 DR. ALLRED: But as far as the night industry is
23 concerned, both harness and Quarter horse, our handle will
24 go in the tank. We can't -- we can't run -- we cannot run
25 at night when there's nothing going on in the daytime for

1 two or three weeks or that type of thing.

2 CHAIR WINNER: Okay. Thank you.

3 DR. ALLRED: Thank you.

4 CHAIR WINNER: Any other questions for Doc Allred?
5 Josh?

6 MR. RUBENSTEIN: Josh Rubenstein, Del Mar
7 Thoroughbred Club. Del Mar supports the calendar that is in
8 front of you submitted by The Stronach Group, TOC and Del
9 Mar.

10 With all due respect to Dr. Allred, we think it's
11 a very responsible calendar because it does include breaks.
12 And, unfortunately, with the horse population that it is, we
13 need to have breaks in the calendar.

14 From Del Mar's perspective, it's basically the
15 same amount of race days that we have in 2019, it's actually
16 one less, 51 race days compared to 52 this year.

17 I'm happy to answer any questions.

18 CHAIR WINNER: Questions for Josh?

19 VICE CHAIR AUERBACH: When you had your
20 discussions, since I -- you know, we weren't privy to them
21 but I've heard a lot of complaining that you didn't include
22 other people, was everybody invited? I mean, I don't know.

23 MR. RUBENSTEIN: Well, there weren't any secret
24 meetings. If there were, I wasn't invited. There were
25 significant conversations that we've had with all the

1 stakeholders. And we have conversations about many things
2 with the industry.

3 So, as Greg said, there was a lot of back and
4 forth with different groups. And, you know, we feel the
5 calendar that's presented to you is very responsible for
6 what the population is or likely will be in 2020.

7 CHAIR WINNER: I'm not sure that answered the
8 question.

9 VICE CHAIR AUERBACH: No. Did you actually talk
10 to the trainers? Did you talk to Los Al? Did you --

11 MR. RUBENSTEIN: Yeah, I spoke with Los Alamitos.
12 You know, Greg Avioli had significant conversations with the
13 CTT about the calendar.

14 CHAIR WINNER: He's having one right now.

15 VICE CHAIR AUERBACH: Yeah, he is having one right
16 now, so maybe that counts or maybe it doesn't, I don't know.

17 But, you know, I am frustrated. I am truly
18 frustrated, probably with everybody in the room, including
19 myself. We spent a lot of time trying to bring these things
20 together and have -- and we turned it over, I think
21 Commissioner Maas and I turned it over to the parties to
22 work it out. And it seems to me like we've got Del Mar and
23 Santa Anita and the TOC onboard. And I think we've done
24 everything as responsibly as we possibly can in terms of
25 cutting back race dates, which I don't think there's an

1 argument amongst any of us, well, maybe one or two people,
2 about race dates. We really had to be aware of the
3 population.

4 So I just want to leave it at that. It's
5 frustrating to be second-guessed by everybody at this point
6 in time. I'm out.

7 MR. RUBENSTEIN: And from Del Mar's perspective,
8 the calendar that we're requesting is based on breaks.
9 We're requesting a 13-day break prior to our summer meet. We
10 believe that's the only way that we would be able to run
11 five days a week and pay out what we're estimating to be
12 \$500,000 a day in purses, which is the largest in
13 California.

14 COMMISSIONER MAAS: Mr. Rubenstein, explain if
15 this would be a burden if we table this for a month and
16 brought it back in September?

17 MR. RUBENSTEIN: Yeah, we believe so. As Greg
18 said, it's getting very late in the year.

19 Also, a more pressing matter from Del Mar's
20 standpoint is folks know we're operating five days a week
21 right now. Our purse account is overdrawn. We are paying
22 out purses more than we're generating handle.

23 However, in sitting down with the TOC and looking
24 at this calendar, we believe the 2020 dates would allow us
25 to balance the books, so to speak, with the purse account

1 and not have to cut purses in 2019.

2 VICE CHAIR AUERBACH: Okay.

3 CHAIR WINNER: Any other questions?

4 MR. RUBENSTEIN: Thank you.

5 Jack?

6 MR. LIEBAU: We, at Los Alamitos, and I know the
7 trainers, we started looking for the package last week. The
8 package was not out until about 10:00 a.m. or 10:30 a.m. on
9 Tuesday, one day before this meeting. That is the first
10 time -- do you disagree with that?

11 VICE CHAIR AUERBACH: No. I'm just, I'm
12 surprised. I don't disagree with anything you're saying.

13 MR. LIEBAU: Okay.

14 VICE CHAIR AUERBACH: I'm in shock that you didn't
15 get it until Tuesday.

16 MR. LIEBAU: It wasn't up on the internet until
17 then. We looked. We've been looking for this package so
18 that we would know what was being proposed. I mean, there's
19 a certain amount of notice. I mean, when you talk about,
20 you know, the fairs got this or whatever, the September
21 dates that the fair had were of importance as far as the
22 success of that fair meeting because we got horses from Turf
23 Paradise. They shut down. And at times, Emerald Downs was
24 shut down. Those horses could come down and compete in the
25 fairs and did historically for 50 or 60 years.

1 There are a lot of things about weather and
2 whatever that we just can't discuss or react to on a one-day
3 notice, which is really what it was, a day-and-a-half, I
4 guess.

5 So, I mean, I urge you to at least, you know, put
6 it back to a Dates Committee meeting or make sure that when
7 we have -- stakeholders, I get an email that the
8 stakeholders had proposed a proposal. Well, what did I do?
9 I sent an email to Rick and I said, "Who the hell are the
10 stakeholders? Because I don't know anything about it," you
11 know?

12 So, I mean, I just don't think you can wipe the
13 views of the trainers and Los Alamitos and the fair and
14 everybody out and disregard them.

15 CHAIR WINNER: Thank you.

16 Aidan, are you standing there for a reason?

17 MR. BUTLER: Yeah.

18 CHAIR WINNER: You want to fill out a card? Well,
19 don't.

20 MR. BUTLER: I apologize.

21 CHAIR WINNER: Just introduce --

22 MR. BUTLER: I didn't fill out a card.

23 CHAIR WINNER: -- just introduce yourself.

24 MR. BUTLER: My name is Aidan Butler. I'm from
25 Santa Anita.

1 Commissioners, this is my first go-around in a
2 negotiation with the TOC and Del Mar and I, obviously,
3 thoroughly enjoyed it.

4 This is a safe calendar, as safe as we can at the
5 moment. Horse racing has been through a terrible time. I
6 was privy to the latter part of the issues. We need to run
7 less. Change is tough. People get frustrated.

8 But the most important thing now is the health and
9 welfare and the safety of the horse and the rider. I
10 believe this calendar accomplishes that. And I believe
11 that's more important than just the financial concerns.

12 Thank you.

13 CHAIR WINNER: Thank you. All right.

14 I'm going to call a 15-minute break before we vote
15 on this. Okay.

16 We're in recess for 15 minutes.

17 (Off the record at 12:05 p.m.)

18 (On the record at 12:37 p.m.)

19 CHAIR WINNER: Okay. Thank you all very much.

20 John Valenzuela?

21 MR. VALENZUELA: Hi. My name is John Valenzuela.
22 I'm President of Local 280, Parimutuel Employees Guild of
23 California.

24 I did want to speak here on item 18 about the
25 calendar that was proposed here. I did want to make note

1 that the Union never received any notice of a Racing Dates'
2 meeting. If it was -- we actually would love to be involved
3 in all the meetings because it's very important to labor.
4 The problem is that every time someone makes a decision what
5 direction this industry goes, it effects labor.

6 So with that being said, I've heard everybody's
7 position on the calendar. And where labor is at is that we
8 would support this calendar as long as it provides jobs.
9 Because that's one thing that this industry, as we know, the
10 climate that we've had, what happened at Santa Anita, a lot
11 of our employees were displaced or we're losing -- the
12 impact economically is quite drastic.

13 So at this time, we do support this calendar for
14 the reason, is if it provides jobs, yes, we're in support of
15 it.

16 Thank you.

17 CHAIR WINNER: Thank you.

18 Any questions for John? Comments? All right.

19 There are no other speakers on this item.

20 I believe Commissioner Maas has a motion.

21 COMMISSIONER MAAS: I do, Mr. Chairman. Thank
22 you.

23 Let me first say, though, I think this has
24 probably been healthy to let the public see how, in this
25 case, sausage is being made. And so after listening to all

1 the parties and trying to contemplate some of the issues
2 that were presented, I want to make this motion to approve
3 the Southern California race dates being allocated to Santa
4 Anita and Del Mar as presented, conditioned upon any of the
5 12 flex days being approved administratively by the Chairman
6 or Executive Director of the California Horse Racing Board.

7 CHAIR WINNER: Is there a second?

8 VICE CHAIR AUERBACH: I'll second.

9 COMMISSIONER FERRARO: Second.

10 VICE CHAIR AUERBACH: Oh, Greg.

11 CHAIR WINNER: Commissioner Ferraro seconds. Any
12 discussion? We've had a lot of discussion. Is there any
13 more discussion? All right.

14 Commissioner Alfieri?

15 COMMISSIONER ALFIERI: Yes.

16 CHAIR WINNER: Commissioner Maas?

17 COMMISSIONER MAAS: Yes.

18 CHAIR WINNER: Commissioner Solis?

19 COMMISSIONER SOLIS: Yes.

20 CHAIR WINNER: Chairman votes yes.

21 Vice Chair?

22 VICE CHAIR AUERBACH: Yes.

23 CHAIR WINNER: Commissioner Ferraro?

24 COMMISSIONER FERRARO: Yes.

25 CHAIR WINNER: The motion is carried.

1 As to the weeks that were not included in this
2 motion, they will be moved to the September meeting. And
3 there will probably be a Dates Committee meeting prior to
4 that to discuss the -- to discuss with will happen with
5 those weeks.

6 COMMISSIONER MAAS: And the north.

7 CHAIR WINNER: And there will be a Dates Committee
8 meeting. At that Dates Committee meeting the northern dates
9 will be discussed, as well, yes.

10 Thank you.

11 All right, moving on to item 19.

12 Liz Jacobelly?

13 VICE CHAIR AUERBACH: Nineteen is public comment?

14 CHAIR WINNER: Oh, yeah, let me just --

15 VICE CHAIR AUERBACH: That's public comment.

16 CHAIR WINNER: -- public comment period,
17 communications, reports, requests for future actions of the
18 Board, et cetera.

19 VICE CHAIR AUERBACH: It's just public comment?

20 CHAIR WINNER: A public comment period, so we're
21 now in that.

22 And Liz Jacobelly?

23 MS. JACOBELLY: My name is Liz Jacobelly. I'm a
24 San Diego citizen here.

25 I am also a teacher of children. And children

1 naturally love animals and have compassion and love horses.

2 I see many children going into the horse races
3 with their families. What the children see when they go
4 into the horse races is horses being whipped and forced to
5 run. And, also, they witness fatalities and horses dying on
6 the track. This teaches children that it's okay to use and
7 abuse another species for entertainment and for profits.

8 Horse racing pulls many families to come to this
9 archaic practice by having family days and rides at the
10 track. This is to get attendance for the racetrack and to
11 make a profit off of these families. Most of these families
12 do not realize the kind of environment that they are
13 bringing their children into.

14 Horses are living, breathing, feeling, loving
15 animals and they should not be exploited. They are not cars
16 and they cannot -- they are not cars to be raced and cannot
17 be repaired or replaced.

18 People can choose whether they want to run a race
19 or not. Horses do not have that choice. So I say, let
20 people choose, have people racing here, or race cars.

21 And as they say, we love our horses. Nothing says
22 love the strike of a whip.

23 Thank you for your time.

24 CHAIR WINNER: Thank you very much.

25 Any questions? All right, we'll move along.

1 Maureen Pollack.

2 MS. POLLOCK: Well, hello. My name's Maureen
3 Pollack and I'm from Carlsbad. And I belong to
4 WeSupportHorseRacing.org. We support our racehorses, our
5 connections, the trainers, the jockeys, and all the backside
6 workers.

7 So a quick statement in the three minutes.

8 Since the passing of Senate Bill 469, which was
9 brought to the floor in light of numerous horse fatalities
10 at Santa Anita during the Spring 2019 Racing Meet, all
11 organizations and departments of horse racing industry have
12 been working individually and collectively to improve all
13 safety aspects of racing.

14 The governor has demanded that we, as an industry,
15 fix the problems with horse racing and that is what we are
16 doing. These already implemented improvements include but
17 are not limited to: ban and restrictions and of all race-day
18 medications; additional pre- and post-race examinations and
19 testing; chief veterinary position created, world-renowned
20 Dr. Dionne Benson; panel of five racing officials reviewing
21 the health of every horse entered to run; pre-entry vet
22 forms to assist veterinarians and racing officials identify
23 any questionable horse; race-day vet checks prior to race
24 conducted by two separate veterinarians; \$500,000
25 investment, dollar investment, of a PET scan for earlier

1 detection of potential health problems; daily inspections of
2 the track performed by independent track service experts;
3 restriction of riding crop, to be used only for steering and
4 not used to strike or encourage speed.

5 Additionally, all racing organizations in the
6 horse racing industry in California and nationwide are
7 getting close to adopting uniform national standards and
8 rules through a House Resolution Bill known as HR 175, the
9 Horse Racing Integrity Act of 2019. This bill would improve
10 the integrity and safety of horse racing by requiring a
11 uniform antidoping and medication control program to be
12 developed and enforced by an independent control authority.

13 There are other organizational racing guidelines,
14 such as the Association of Racing Commissioners
15 International Model Rules of Racing, that are being
16 considered for implementation. Time will tell but we
17 believe that these new policies will and have already had a
18 positive effect on the safety of horses and riders.

19 Del Mar, at this time, has no fatalities during
20 racing, two deaths during training hours, and two deaths in
21 an accident in the morning.

22 While the volume of the anti-horse racing rhetoric
23 is on the rise, it is important that the public knows that
24 in the background we are quietly making every effort to
25 regain the public health by implementing any and all

1 policies that will improve the safety standards for all
2 horses, riders and trainers in California.

3 Though it may take some time to get 100 percent
4 safety record, be it known that it is our goal. We will not
5 stop working until we have rebuilt the trust of our racing
6 public. It is our responsibility and we intend to live up
7 to the challenge.

8 Thank you.

9 CHAIR WINNER: Thank you very much, Ms. Pollock.

10 (Applause)

11 CHAIR WINNER: No, let's not do that because
12 it's -- you're going to get applause on both sides and boos
13 on both sides. Let's just hold your applause until the end.

14 Marla Zanelli.

15 MS. ZANELLI: Marla Zanelli, Encinitas,
16 California.

17 This is a CHRB meeting. To interact in horse
18 racing, we have to have a CHRB license. And yet we let
19 people like this into the meeting and you let them video the
20 meeting. And what they're going to do is put those videos
21 on their Facebook pages and make all kinds of negative
22 comments about horse racing.

23 CHAIR WINNER: They have the right to do that.

24 MS. ZANELLI: Yeah. But, you know, you don't need
25 to allow it to happen. And I think --

1 CHAIR WINNER: No, no. Please --

2 MS. ZANELLI: -- that --

3 CHAIR WINNER: -- please stay with the -- please
4 stay with the issue at hand. The fact of the matter is this
5 is an open public meeting.

6 MS. ZANELLI: Well, I know.

7 CHAIR WINNER: They have every right to do that.

8 MS. ZANELLI: But, you know --

9 CHAIR WINNER: So --

10 MS. ZANELLI: -- horse racing has a lot of
11 problems today. And unless horse racing steps up to make
12 these problems go away, you know, they're going to continue
13 to happen.

14 And, you know, their suggestions -- would you
15 please be quiet, all right?

16 CHAIR WINNER: Come on people. Everybody just
17 calm down. Make your point, please, and you have three
18 minutes to do it.

19 MS. ZANELLI: So I rode racehorses for over 20
20 years. I've owned racehorses. I own a part of a racehorse
21 now. I've sold racehorses. I take care of a retired
22 racehorse. These people have never worked with racehorses.

23 Racehorses are naturally competitive. As young
24 horses, they learn to be competitive on their own with
25 galloping on the racetrack in company. The use of a whip

1 with a racehorse helps a rider to keep a horse focused, to
2 keep them from spooking, to keep them on track with their
3 job at hand.

4 These people that are protesting horse racing have
5 never handled a racehorse. They wouldn't have the first
6 clue on what to do with one. So they need to be put in
7 their places and not listened to by all of the powers that
8 be.

9 Thank you.

10 CHAIR WINNER: Thank you.

11 Ellen Ericksen. Ellen Ericksen?

12 MS. ERICKSEN: Thank you.

13 CHAIR WINNER: Do want to introduce yourself?

14 MS. ERICKSEN: I first want to --

15 CHAIR WINNER: Please introduce yourself again,

16 Ellen?

17 MS. ERICKSEN: Oh, I'm sorry.

18 CHAIR WINNER: Thank you.

19 MS. ERICKSEN: I just figured everyone knew.

20 Ellen Ericksen. I'm a resident of San Diego and I am an
21 activist and an advocate for not just horses but all animals
22 that are abused and exploited for profit.

23 I also want to say that being an activist and
24 being here at this meeting is a right that we have in this
25 country. It is our first amendment right to be able to

1 speak and protest. And we are not the problem in the horse
2 racing industry. We are here because of your problems in
3 the industry and the countless number of deaths that occur
4 every year on racetracks in California.

5 So I just want to say, the times are finally
6 starting to change. This day today is the beginning of
7 banning horse racing. This is the start to finally putting
8 an end to a cruel industry disguised as a sport called horse
9 racing.

10 The horses are not consenting athletes who can
11 give permission to be raced. Horse racing is brutal for
12 horses and it is deadly. Thousands of failed horses are
13 commonly euthanized after breaking their legs, bleeds, or
14 exercised-induced pulmonary hemorrhages, not to mention what
15 some call fatal accidents on the track, even during morning
16 warmups.

17 Drug use or doping is still legal and illegal in
18 the business of racing to enhance horses' performance.

19 And speaking of doping, one of the people
20 organizing these counter-protests is Mr. Doug O'Neill, who
21 has had, in California, 17 rulings against him dating back
22 to 1997 for doping horses illegally. Mr. O'Neill has
23 provided t-shirts for the backstretch workers at these
24 protests and is on the leaders of these counter-protests,
25 along with others who have vested interests in horse racing,

1 including trainers, owners and therapists.

2 I have been organizing at Del Mar for years
3 because it's important that we're there for the horses.
4 This summer there have been counter-protesters for the very
5 first time. Why? Because the industry is running scared.

6 So who are some of the people?

7 CHAIR WINNER: Let me just stop you a second.

8 MS. ERICKSEN: Yes?

9 CHAIR WINNER: This doesn't do -- all this waiving,
10 it's fine, please don't do it.

11 VICE CHAIR AUERBACH: It makes you look silly, so
12 please don't.

13 CHAIR WINNER: Please don't do it. It's not
14 helpful and it doesn't change anything.

15 MS. ERICKSEN: Thank you.

16 CHAIR WINNER: I apologize for interrupting your
17 time.

18 MS. ERICKSEN: Thank you. That's okay.

19 CHAIR WINNER: And we'll give you the extra time.

20 MS. ERICKSEN: Thank you.

21 So who are some of the people that are being put
22 up to counter-protest? These counter protectors consist
23 mainly of low-paid backstretch workers. Most are largely
24 Latino workers who make horse racing possible, live in
25 substandard shelters are racetracks and training stables,

1 some of which are state-owned, such as Del Mar. These
2 workers have been actively prevented from organizing for
3 better pay and working and living conditions by the owners
4 and trainers who exploit them, as well as the investments,
5 which are the horses for which they care. They are the only
6 type of workers explicitly not covered by California's
7 Employee Housing Act.

8 The sad irony of this slinger is because the
9 backstretch workers who make horse racing possible mostly
10 make minimum wage and many live at racetracks or at large
11 racing stables of the trainers. They work from dawn to
12 dark, seven days a week.

13 They are good people. I've talked to them.
14 They're hardworking. I know they care about the horses that
15 they care for. No one is arguing that point with the
16 workers at the racetrack.

17 Because of the much-published recent deaths at
18 Santa Anita, the public is now aware of the deadly toll to
19 horses that are only a commodity for people in the racing
20 business. These horses -- these owners and trainers care
21 nothing about the wellbeing of these horses. They are only
22 a means to make a lot of money.

23 We are finally on the right side of history to end
24 the archaic brutal industry. And to some of the horses that
25 have died since June 26th, 2019, here in just California,

1 your death is not in vain. No New Friends died racing at
2 Pleasanton: Sandra Smiles, dead, training at Pleasanton,
3 July 7th; Charge a Bunch, dead, training at Del Mar, July
4 18th --

5 CHAIR WINNER: Okay.

6 MS. ERICKSEN: -- Carson Valley, dead --

7 CHAIR WINNER: Ms. Ericksen?

8 MS. ERICKSEN: -- training -- I'm almost done.

9 CHAIR WINNER: Okay.

10 MS. ERICKSEN: Carson Valley, dead, training at
11 Del Mar, July 18; Bowl Of Soul, dead, training at Del Mar,
12 July 29th; unidentified horse, dead, back in the stall at
13 Del Mar, July 31st; Bri Bri, dead, training at Del Mar,
14 August 12th; unidentified, dead back at the stall in Los
15 Alamitos, July 8th; Cuervo Fosse, dead, racing at Los
16 Angeles, July 20th; Always Checking, dead, racing at Los
17 Alamitos, August 17th; Black Site, dead, racing at Santa
18 Rosa, August 1st; It's The Ice, dead, racing at Santa Rosa,
19 August 8th; Bronco Brown, dead, racing at Ferndale, August
20 18th.

21 So in conclusion, all these horses' lives
22 mattered, whether they were racing on the track or being
23 trained. It happened at the racetrack and these are
24 fatalities that need to be counted.

25 This will stop. This is animal abuse. It is time

1 to euthanize the horse racing industry completely.

2 Thank you.

3 CHAIR WINNER: Any questions, comments?

4 Thank you.

5 MS. BAKER: Thank you again. My name is Alida
6 Baker, a resident of California, and I am here to speak for
7 the horseless -- the voiceless of the horses. They do not
8 have their own voice. They know how to run. They like to
9 run, of course.

10 They are drugged for -- why? Because you want
11 them to run faster? This just does not make sense. How
12 would you like to be drugged and whipped and told to run
13 around a track? Put yourself in the horses' shoes. Please
14 think about others and not yourself, not your money, not the
15 business, not looking fancy with your pretty hats or pretty
16 suits.

17 Put yourself in the animals' shoes, please, and
18 think about how would you feel if you put yourself in their
19 position? Let's put a racetrack where you have a choice.
20 Race the cars. Do a monster truck show.

21 That's why they've banned dog racing around the
22 world. Some countries, some states have banned dog racing.
23 It is animal abuse, period.

24 And I feel very, very emotional when I talk about
25 animals that are used and cannot speak for themselves.

1 Please take out the victim and do something that
2 does not use others that have feelings, have families, love,
3 and they know how to love. They had a mother, you know, and
4 everybody has families. Everybody that has feelings has
5 families and doesn't want to hurt. And it hurts them. They
6 do not want to run that hard. They want to run, just free,
7 and that would be a sanctuary. If you have leftover horses,
8 put a sanctuary together and, yeah, just use equipment that
9 does not put a victim in the middle.

10 That's my -- that's my opinion. That is my
11 request.

12 Thank you for your time.

13 CHAIR WINNER: Thank you very much.

14 Oscar de la Torre.

15 MR. DE LA TORRE: Good afternoon, Members of the
16 Commission. First of all, I want to thank you for your
17 service. My name is Oscar de la Torre. I'm a horse racing
18 advocate, also a horse racing worker advocate and I've had
19 the privilege and honor to work with the backstretch workers
20 at Santa Anita, and also here at Del Mar.

21 We have been leading the counter-demonstrations
22 here at Del Mar. And the reason being is because people are
23 threatened with their livelihood being negatively impacted
24 by an extreme ban.

25 Many of us and many of the workers that I've

1 talked to support the reform efforts, many of the reform
2 efforts that you have approved and are implementing, and
3 we're seeing positive results from those reforms. Many of
4 them were listed here today.

5 But there is a conflict between those who want an
6 extreme ban on an industry and those who want to support the
7 reform effort that is working.

8 We led a very spirited demonstration today. There
9 were about 40 workers that came out. And what they wanted
10 to let everybody know is that they take care of the horses.

11 They wake up at 4:00 in the morning to start work at 4:30
12 in the morning. They love the horses. They love what they
13 do. This is their livelihood.

14 And one gentleman, Roberto Lopez, has been doing
15 this for 35 years. His son helps him, also works on the
16 backstretch. His son is a current student at Cal State
17 University at Long Beach. People have realized the American
18 dream working here in this industry, an industry that has
19 provided many opportunities for these families.

20 Now, we need to understand that extreme actions
21 against the livelihood of already vulnerable populations can
22 exacerbate our social problems and we need to be mindful of
23 those consequences.

24 Currently, in the City of Los Angeles, we have
25 59,000 people that are suffering from homelessness. A

1 complete ban on this industry, people lose their salaries,
2 lose the healthcare that they have, lose housing. There's
3 housing that's provided for hundreds of backstretch workers.
4 Where will these workers go? And talking to many of these
5 workers, they all say, we'll end up on the streets. And
6 being homeless right now in the City of Los Angeles is a
7 death sentence. Poverty is violence.

8 So we need to be compassionate. The compassion
9 that we have for the horses should also extend to the humans
10 who take care of them. It's a very important concept. When
11 we here, hey, we're not here for the workers, we're only
12 here for the horses, the foundation of any society that's
13 going to care for all living beings is how we treat each
14 other, that we look at each other and we say you deserve to
15 live and you deserve to make a living.

16 These workers do not want welfare. They don't
17 want unemployment. They just want an opportunity to do what
18 they love to do, to come to work, taking care of horses that
19 are under their care.

20 We support protections, of course. All the reform
21 that's happening that's showing improvement and showing
22 results, we support that.

23 And I'll take any questions if anybody has --

24 CHAIR WINNER: Thank you.

25 MR. DE LA TORRE: -- a question for me.

1 CHAIR WINNER: Thank you, Mr. de la Torre.

2 Any questions or comments?

3 Thank you very much.

4 MR. DE LA TORRE: Thank you. Thank you for your
5 work.

6 John Valenzuela.

7 MR. VALENZUELA: Good morning.

8 CHAIR WINNER: Good morning. I think it's after
9 noon, John.

10 MR. VALENZUELA: Oh, well, thank you. I'm sorry.
11 I lost the time. Okay. My name is John Valenzuela. I am
12 President of PMEG Local 280 which represents all parimutuel
13 employees in California.

14 All members of the SEIU Local 280 support the
15 investigations relating to the issues that began at Santa
16 Anita. Like many horse racing fans in California, we are
17 eager to see horse racing continue to run safely. We
18 support the reform and continued efforts to improve safety
19 across the industry for the horses. I support strengthening
20 protection for horses under our care.

21 A ban on horse racing in California would have a
22 tragic economic impact on all our members and other union
23 labor employees, as well as all employees and owners,
24 trainers, jockeys, vendors, and other entities involved in
25 our industry.

1 A healthy racing industry will continually and
2 consistently benefit the state economically. It is also
3 good for the horses because revenue means the horses are
4 treated well and receive good treatment and medical care.

5 If racing were to be banned, thousands of horses
6 would be left without proper care and would likely die, a
7 message that the protestors don't want you to hear.

8 We support the horse racing industry and welcome
9 the closed supervision of the California Horse Racing Board
10 to ensure that both horses and people are treated fairly and
11 with compassion.

12 Thank you. Any questions?

13 CHAIR WINNER: Thank you very much, John.

14 Any questions or comments?

15 Thank you, John.

16 Valerie Traina. I think I'm pronouncing it right.

17 If not, correct me please.

18 MS. TRAINA: Ms. Auerbach and gentlemen --

19 CHAIR WINNER: Can you please repeat your name --

20 MS. TRAINA: My name --

21 CHAIR WINNER: -- please?

22 MS. TRAINA: Yeah. I was just about to get to
23 that.

24 CHAIR WINNER: Thank you.

25 MS. TRAINA: My name is Valerie Traina. I am an

1 independent activist appearing here on behalf of racehorses.

2 I have two words for you: Ringling Bros. There
3 archaic and abusive form of entertainment was terminated
4 because people like me informed the general public about the
5 harm done to exotic animals forced to perform in their
6 circus. People were disgusted and stopped attending.

7 My colleagues and I have been all over social
8 media sharing stories of horse abuse at Santa Anita and Del
9 Mar. Our friends and family members are shocked at what
10 they've been learning, like forcing run horses to compete
11 when their bone structures haven't fully grown and are weak.

12 Is it any wonder, then, that so many end up with
13 broken necks and legs? Sharing many accounts of doped-up
14 horses, having horses compete in extreme weather conditions,
15 drugging horses so that symptoms of illness aren't apparent
16 to their veterinarians, jockeys regularly whipping horses to
17 induce them to run faster; is that what you mean when you
18 say the horses love to run?

19 You claim to have the horses' best interests at
20 heart, yet you haven't shut down Santa Anita or Del Mar.
21 Your suspensions of trainers and jockeys are slaps on the
22 wrist. It is evident that this activity, I cannot in good
23 conscious call it a sport, will not be properly policed by
24 this Board since you have huge conflicts of interests. And
25 your ideas for reform will fail because everyone involved in

1 this industry will always have the incentive of generating
2 lucrative purses, horses be damned.

3 That's why this sorted activity will be ended by
4 the common people. I represent hundreds, if not thousands
5 of compassionate people who won't patronize the races
6 because horses are harmed and die weekly. Pretty soon
7 you'll be considered a pariah if you bet on the horses or
8 attend the races. Mark my words.

9 CHAIR WINNER: Thank you very much.

10 Martha Sullivan.

11 MS. SULLIVAN: My name is Martha Sullivan. I'm a
12 resident of San Diego County. I want to speak at a little
13 bit more length about the origin of horse racing in
14 California.

15 Gambling on Horse Racing Law was approved by the
16 voters in 1933.

17 Fifty years later, California voters approved the
18 Lottery. And voters and the courts allowed Native American
19 tribes to do Indian gaming on their reservation.

20 Since then those two forms of gambling have
21 flourished and they now completely eclipse the gambling on
22 horse racing to the tune of, you know, twice as much for
23 each of them as what's generated by gambling, according to
24 your latest annual report. Gambling on horse racing has
25 been declining since at least 1999, 1998, according to the

1 Legislative Analyst's Office. I mentioned earlier today,
2 gambling is like 50 percent down on horse races.

3 This is a declining industry. It's an archaic
4 business model that really has no relevance to the 21st
5 century, just like other animal entertainment and other
6 businesses that profit off of animals. People are becoming
7 conscious.

8 So what I would recommend is that you start
9 planning. Help these employees transition to other
10 employment. They have been exploited and abused by this
11 industry as well. They haven't been allowed to unionize.
12 They've been actively prevented from doing so. They were
13 excluded from the State Employee Housing Act, the only class
14 of employee that are. I am totally compassionate for them
15 because they have few choices and that's because they've
16 been given few choices by your industry. It's totally
17 hypocritical for you and other industry leaders to use the
18 backstretch workers, you know, as human sheep. It's totally
19 hypocritical.

20 CHAIR WINNER: Thank you.

21 Michelle Walther.

22 MS. WALTHER: Hi. My name is Michelle. I'm from
23 San Diego.

24 I moved out here back in 1987. And we didn't have
25 horse racing back in Wisconsin, so when I moved here I

1 thought, ooh, I can go to the horse race. I was really
2 excited about that. And my first trip to the horse races,
3 my husband told me, well, we got to look for the -- make
4 sure that we pick a horse that has furosemide in it, Lasix.

5 And I thought, oh, yeah, I want that horse to run fast and
6 make money off of my \$2.00 bet, and that's how I was raised
7 30 years ago, 32 years ago.

8 Thirty-two years later I know the truth. Why are
9 these horses given furosemide/Lasix? I'm a pharmacy tech
10 and I know that the reason why these horses are given this
11 drug is to drain their system of water so they can run
12 faster in the heat, 95 degrees, running on Lasix.

13 And they're whipped. And I've been with Ellen on
14 the backstretch when they're training the horses, they are
15 whipped. Where is the reform going on? I don't see it.

16 I think we should -- I'm supporting a ban on horse
17 racing. We can open a sanctuary. And I totally agree with
18 the employees that take care of the horses, they're getting
19 screwed, just like the horses, and that's not fair, all for
20 profit.

21 This is a barbaric sport. We're in 2019. When
22 are you guys going to wake up?

23 And I have a question for the doctor sitting over
24 there that knows about drugs. What other drugs are these
25 horses being given that we're not privy to? Where is the

1 transparency that is not happening? And where is the news
2 media that's not indicating how many horses are really
3 dying? Because I know last year more horses died than was
4 televised on TV.

5 Why isn't there transparency in this industry?
6 Why are you still creating a barbaric environment for an
7 animal that has a heart and is not born to race. We all
8 want freedom.

9 Think with your hearts, you guys. These are
10 loving, human, intelligent beings, and it's not fair --

11 CHAIR WINNER: They think that they're human.

12 MS. WALTHER: They are. People laugh. Horses are
13 just like us. They feel. They have emotions. They have a
14 heart. They're not meant to be whipped across the finish
15 line for somebody's purse. This is barbaric and it's --
16 what am I think of, the word? -- it's all about money. This
17 whole industry is about money and that's all you think
18 about.

19 And I feel sorry for the workers, too, because
20 they're being used, just like the horses, and that's not
21 fair either.

22 CHAIR WINNER: Thank you.

23 Any questions, comments?

24 Toni Falcone.

25 MS. FALCONE: My name is Toni Falcone. I'm a San

1 Diego native, born and raised. I'm an independent animal
2 rights activist.

3 I grew up coming to the Del Mar Racetrack with my
4 family. My mother recently recalled when I was quite young
5 seeing a horse go down who was, of course, killed right on
6 the track. She remembered thinking, gees, is this really a
7 place that I should be taking my child?

8 Not much has changed in the 40 years since that
9 happened. Horses are still being sacrificed on a daily
10 basis. The only thing that has changed is that sometimes
11 the public hears about it.

12 On August 14th, 2010, I came to the track with a
13 friend. I had the ticket for the horse, pictured here. Her
14 name was Fantasy Free. She was pushed into a rail and broke
15 her leg. She was killed right on the track. It was
16 horrific to witness a beautiful creature, only three years
17 old, being snuffed out right in the dirt, and I was
18 complicit placing a \$2.00 bet on her to win.

19 Numerous horses die at Del Mar Racetrack every
20 year. In 80 years there are zero years that no horses have
21 died: in 2014 there were 16; in 2015, 28; in 2016, 21; 2017,
22 27. I know these aren't the official numbers but we kept
23 count.

24 Suddenly, in 2018, instead of the normal week that
25 it takes for the stewards' minutes to come out, it takes a

1 month. Miraculously, 2018 showed only five. 2019 so far,
2 only five.

3 We have been here all along. We know that little
4 to nothing changed in 2018. We know that are countless dead
5 horses not accounted for on the stewards' minutes. I'm
6 sorry, your lies aren't going to work. We are watching, we
7 are monitoring, and we are counting.

8 The days of vanning off the bodies never to be
9 heard from again are gone. The days of TVG turning the
10 cameras away as a poor horse takes a spill, never to come up
11 again, are gone. Everyone has cameras. Everyone has video.

12 People are paying attention. People are learning that we
13 have no right to use and abuse animals strictly for
14 entertainment.

15 What am I here to ask of this Board? Absolutely
16 nothing. The California Horse Racing Board is going to do
17 absolutely nothing. The California Horse Racing Board
18 protects horse racing, not horses. The 18 agenda items
19 preceding this, window dressing. The Board is full of
20 people with conflicts of interest. Oh, yeah, there are not
21 just cameras, there's Google.

22 Horses are still going to die. Horses are still
23 going to be drugged. Horses are still going to be whipped.
24 Jockeys are going to get hurt. Horses are not the only
25 victims in this cruel industry. It is inherent in any

1 industry that exploits animals that people are also
2 exploited.

3 The Stronach Group, the Thoroughbred Owners of
4 California, and California Thoroughbred Trainers higher
5 crisis management consultants whose best defense is taking
6 exploited immigrant backstretch workers and exploiting them
7 again by paying them \$15.00 to stand out front as counter-
8 protestors and say how much they love their jobs where they
9 are underpaid and housed in substandard housing, and some
10 White guys yelling obnoxiously that we are paid by PETA.

11 Del Mar Racetrack is Ringling Bros. Del Mar
12 Racetrack is Sea World. Del Mar Racetrack is Santa Anita.
13 Burgers and brews, taco festivals, food trucks, and not even
14 Ziggy Marley, can save you now.

15 Stop loving your horses to death.

16 CHAIR WINNER: Thank you.

17 MS. FALCONE: Thank you.

18 CHAIR WINNER: Damascus Castellanos.

19 MR. CASTELLANOS: Good evening -- oh, I'm
20 sorry -- afternoon. My name is Damascus Castellanos with
21 Teamsters Local 495. We represent over 300 members within
22 the racing industry.

23 And there was a comment made earlier regarding
24 horses not being unionized or not able to unionize. I have
25 to beg to differ. In 1903, when the Teamsters started, it

1 was started because of that reason. It was started because
2 those horse and carriage riders are the ones that organized
3 because they needed assistance with their horses. They
4 wanted to make sure their horses got rest. They wanted to
5 make sure their horses got proper water and feeding and
6 breaks. And that's what the Teamsters did back in 1903.

7 Currently, in our contracts that we've had with
8 this racing industry from the early '40s, we still negotiate
9 on behalf of those horses. We make sure that in our
10 contracts for the outriders, that there was language in
11 there and that they get financially taken care of so these
12 horses can be properly taken care of. Just wanted to put
13 that on the record.

14 I appreciate your time. Thank you very much.

15 CHAIR WINNER: Thank you very much.

16 Pavla Nygaard. Pavla Nygaard?

17 VICE CHAIR AUERBACH: She's there.

18 MS. NYGAARD: So my name is Pavla Nygaard and I'm
19 an owner and breeder, in other words, one of the bad people.
20 So what I would like to say is some of my perspectives from
21 being an owner-breeder.

22 I got into this -- into the industry after I had a
23 retired racehorse. She was four years old. I got her 22
24 years ago at an auction. She's still alive. When I first
25 got that racehorse, I had many of the same negative

1 perceptions of the industry as you do. But as I have gotten
2 into the racing industry, there are many other things that I
3 see.

4 And when you say that people do not care about
5 horses, some of the things that I see are three of our
6 horses were part of the running herd at San Luis Rey Downs
7 when a fire occurred. And what I saw was people running
8 into the fire to save those horses and ending up with burns.

9 What I saw was wealthy owners from Kentucky sending their
10 private airplanes with a ton of supplies. What I saw was
11 that the animal rights groups at that time did not
12 contribute anything to those efforts to save any of the
13 horses.

14 What I see is people getting up in the morning and
15 staying through the night. What I see, that when something
16 happens to a horse, people are very sad and they do whatever
17 they can to help the horse.

18 What I saw this year in our own stable was, again,
19 we had a horse -- we had a foal born three weeks premature.

20 It would have been very easy for us to euthanize that
21 little foal and not try. Instead, the foal spent three or
22 four weeks in the hospital by us paying hospital fees and
23 vet fees just to make sure that the horse is going to be
24 alive. Whether or not that horse will ever see the
25 racetrack or not, we still needed to pay the stud fee.

1 There have been numerous times when we have taken
2 care of horses that will never see the racetrack because
3 it's the right thing to do, because it's the right thing to
4 do by the dignity of that horse. I see that every single
5 day on the racetracks by the trainers, by the owners, by the
6 breeders.

7 As far as horses dying at the racetrack, yes, it
8 happens. But guess what? Horses die in nature as well.

9 In case you don't know or you are not aware of
10 this particular study, there was a BML study that looked at
11 what happens to horses in nature. The first year,
12 mortality, 50 percent. Do you hear that? Fifty percent of
13 horses don't make it past their first year in nature after,
14 yes, they are free. After that the mortality is 5 percent
15 to 25 percent per year. That is far higher at any of the
16 worst racetracks. However terrible it may sound, we still
17 take better care of them at the racetracks, even with the
18 fatalities, than what happens in nature.

19 When it comes to using whips, have you ever
20 watched horses, the way that they drive each other away from
21 food? They leave chunks out of their hides when they get
22 aggressive with each other. There's nothing that we do to
23 them. And that is not to defend bad use of whips because
24 that is not defensible. But if you watch horses in nature
25 and how they interact with each other, they are not very kind

1 to each other.

2 When you are supporting the idea of sanctuaries,
3 number one, there are many sanctuaries that already exist
4 for racehorses at this time and day. The TRF, Thoroughbred
5 Racehorse Foundation, has been around for a long time. That
6 is a sanctuary. They also pair them up with inmates that
7 learn valuable skills. There are other sanctuaries and
8 other organizations like that, that pair Army veterans who
9 are overcoming PTSD, abused women who are overcoming PTSD,
10 teenagers in trouble who are overcoming problems. There are
11 many sanctuaries like that that already exist.

12 But if you are going to all of a sudden let out
13 2,000 horses from the racetracks, you need approximately an
14 acre per horse in order for horses to be safe. There isn't
15 land available for that to do that. There isn't money
16 available to do that.

17 You are more than welcome to donate heavily to the
18 existing sanctuaries. If you are, in fact, advocating that
19 the racing industry effectively should euthanize hundreds of
20 thousands of horses just so that we can avoid certain
21 injuries that would happen in nature, as well, that is not a
22 wise decision.

23 We are doing the best that we can for all the
24 horses that are under our care. It's a guardianship, not
25 just an ownership.

1 CHAIR WINNER: Thank you. I'm going to have to
2 ask you -- your time is up. Thank you.

3 (Applause)

4 CHAIR WINNER: Jennifer Borges.

5 MS. BORGES: Good afternoon everybody.

6 CHAIR WINNER: Hi.

7 MS. BORGES: It's been a long morning over here.

8 CHAIR WINNER: Yeah.

9 MS. BORGES: We're just scratching the tip of the
10 iceberg of so many different issues. And it's so important
11 that we continue to talk together and work together to try
12 to make our sport better. And that's what I'm here today,
13 to listen, to learn, and to try to contribute.

14 I've been a horseman most of my life. I'm 56, I
15 hate to admit that, but I started riding at six. And I
16 spent 16 years working in the horseshow industry, hunter-
17 jumpers. And then I started galloping racehorses on farms
18 back in Virginia, where I was raised more than 30 years ago,
19 then I came out here to California in 1990 and I've worked
20 here as an exercise rider.

21 I contributed during the fire evacuation last
22 November. I served hundreds of meals that were contributed
23 by local restaurants to our workers. And we do care about
24 our workers deeply. I know that some of the horse owners
25 here, in fact, brought a beautiful Christmas tree, a very,

1 very beautiful Christmas tree, to the barns and decorated
2 it.

3 And I, myself, spoke to the pastor, we do have a
4 pastor, a chaplain that works on the backside, and he came
5 to talk to me about what had happened and just asked my
6 advice on a few words that he could say because these guys
7 were going to spend Christmas in the evacuation site here in
8 our barns at Del Mar. And I told him, I said, "Well, I
9 think back on the story of Christmas and Jesus spent the
10 first Christmas in the barn in a stable."

11 And his eyes just lit up and he said, "You just
12 gave me my whole talk."

13 And I said, "Yeah, that's the first thing I
14 thought of, was Christmas, was the first Christmas within a
15 stable with all of the animals."

16 So that being said, the main reason I asked to
17 speak this morning was that earlier today, Ms. Martha
18 Sullivan, the lady seated to my right here, she came forward
19 and stated that the State of California is paying money to
20 have horse racing and she said, I think, subsidizing was the
21 actual word that she used.

22 And I just want to make sure that the people in
23 the state of California understand that that is not the
24 case. In fact, we are a very large tax contributor to the
25 State of California, a state that desperately needs that

1 money.

2 I'd like to refer to some data that was published
3 in 2005. *Blood Horse Magazine* is the source. This was an
4 extensive study that was done of the industry. And before
5 there are any tracks closed in the state of California, we,
6 as a group of people here in the state, need to deeply
7 consider the industry, its contributions, not only horse
8 racing, but all of the other industries that are connected
9 to our industry, including American fencing, American horse
10 trailers, American trucks. The farms that we maintain
11 throughout the state, they include a lot of open space for
12 wildlife habitat and beauty. A lot of beauty in our state
13 is contributed by our beautiful horse breeding farms.

14 In the United States the horse industry
15 contributes \$39 billion annually to the United States
16 economy. If you consider the other industries that are
17 indirectly affected, we contribute, and that number grows to
18 \$102 billion. The State of California is the number state
19 to contribute tax dollars in the United States from horses.

20 The gross domestic product contribution from
21 California, number one in the United States, is \$7 billion.
22 And by the way, that money is raised on about 700,000
23 horses.

24 The horse injuries that have been mentioned here
25 this morning make up a very small fraction of 700,000

1 horses.

2 Additionally, here in Del Mar, thanks to the
3 efforts of many people, but an effort that was led by our
4 CEO, Joe Harper, he deserves a lot of credit for bringing
5 the first Breeders' Cup event to Del Mar. That event here,
6 it was reported, unfortunately I can't name the source at
7 this time, but it was \$84 million that that event brought
8 here to the County of San Diego. So for all the San Diego
9 people watching the news tonight, I hope the media is
10 recording this. And make sure that you remind everybody,
11 before we close down this industry, how important it is to
12 keep those tax dollars and that revenue here in the state
13 and within the County of San Diego.

14 CHAIR WINNER: I'm going to have to ask you to
15 wrap it pretty quickly --

16 MS. BORGES: Yes.

17 CHAIR WINNER: -- because you're way past your
18 time.

19 MS. BORGES: Absolutely. I appreciate the
20 opportunity to speak.

21 I also just want to say thank you to the ladies to
22 my right. The reason I'm saying that is because they love
23 animals and so do I. I just want them to understand that
24 there are so many good people like me. We also love them so
25 much. And I welcome the opportunity to review my industry

1 and to make all of the improvements that we can to ensure
2 that we do the best job. And I would like to, as a State of
3 California representative, say, let's lead the United States
4 on that effort and let's work together.

5 Thank you very much.

6 CHAIR WINNER: Thank you very, very much.

7 All right. Is there anything else? Any other
8 matters to discuss?

9 Anybody else in the audience that wants to speak
10 during this public comment period?

11 Hearing none, is there a motion to adjourn?

12 COMMISSIONER SOLIS: So moved.

13 CHAIR WINNER: Commissioner Solis moves we
14 adjourn.

15 COMMISSIONER MAAS: Second.

16 CHAIR WINNER: Commissioner Maas seconds.

17 MR. BRODNIK: Chairman, there's still --

18 CHAIR WINNER: I'm sorry.

19 MR. BRODNIK: -- executive session.

20 VICE CHAIR AUERBACH: Yeah.

21 CHAIR WINNER: Yeah. We have an executive
22 session.

23 VICE CHAIR AUERBACH: Yeah. But we --

24 CHAIR WINNER: But this is -- we're closing the
25 main session.

1 VICE CHAIR AUERBACH: So this is our way of
2 telling --

3 CHAIR WINNER: But I know there's an executive
4 session.

5 VICE CHAIR AUERBACH: -- everybody to leave so we
6 can have it.

7 CHAIR WINNER: Okay. Thank you all very much.

8 Because we have an executive session, which I
9 guess is going to take place in this room, we'll ask that
10 everybody who is not needed for the executive session,
11 please leave. And we don't need the mikes for the executive
12 session.

13 Thank you very much.

14 (The regular meeting of the California Horse Racing Board
15 adjourned into closed session at 1:31 p.m.)

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CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, 2019.



ELISE HICKS, IAPRT CERT**2176

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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

August 27, 2018