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STATE OF CALIFORNIA
HORSE RACING BOARD

In the Matter of)
REGULAR MEETING)
_____)

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

THURSDAY, JUNE 16, 2016
9:36 A.M.

REPORTED BY:
ANN BONNETTE, CSR NO. 6108

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APPEARANCES

COMMISSIONERS

- Chuck Winner, Chairman
- Steve Beneto, Commissioner
- George Krikorian, Commissioner
- Alex Solis, Commissioner
- Madeline Auerbach, Commissioner
- Richard A. Rosenberg, Vice Chair
- Jesse H. Choper, Commissioner

STAFF

- Rick Baedeker, Executive Director
- Robert Browning Miller, General Counsel
- Jacqueline Wagner, Assistant Executive Director
- Robert Miller, General Counsel
- Phil Laird, Staff Counsel
- Rick Arthur, Equine Medical Director
- Mike Marten, Associate Analyst, Policy Regulations
- Francisco Gonzalez

ALSO PRESENT

- Joe Morris, Stronach Group
- Cal Rainey, Golden Gate Fields
- Scott Daruty, Golden Gate Fields

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APPEARANCES

ALSO PRESENT

Nick Coukos, TOC

Richard Conway, Humboldt County Fair

James Morgan, Special Counsel, Humboldt County Fair

Larry Swartzlander, CARF

George Haines, SCOTWINC

Tom Christie, Santa Clarita Lanes

John Rubinstein, Del Mar

Craig Dato, Del Mar

Curtis Linnell, Thoroughbred Racing Protective Bureau

Greg Avioli, TOC

John Hindman, TVG

Brad Blackwell, TwinSpires

John Valenzuela, Pari-Mutuel Employees Guild

John Ford, BetAmerica

Cliff Goodrich, California Thoroughbred Horsemen's

Dr. Annmarie Del Mugnaio

Dr. Herbert Warren

Dr. Michelle Griffin

Dr. Don Shields

Dr. Michael Steppe

Dr. Karen Valko

Dr. Robert O'Neil, Stronach Group

Dr. Don Shields

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1 ARCADIA, CALIFORNIA, THURSDAY, JUNE 16, 2016

2 9:36 A.M.

3 PROCEEDINGS

4 CHAIRMAN WINNER: Ladies and gentlemen, this
5 meeting of the California Horse Racing Board will come to
6 order. Please take your seats.

7 This is the regular noticed meeting of the
8 California Horse Racing Board on Thursday, June 16, 2016,
9 at Santa Anita Park Race Track, 25 (sic) West Huntington
10 Drive, Arcadia, California.

11 Present at today's meeting are myself, Chuck
12 Winner, Chairman; Richard Rosenberg, Vice Chairman;
13 Commissioner Madeline Auerbach; Commissioner Steve Choper;
14 Commissioner George Krikorian; and Commissioner Alex
15 Solis. Commissioner Steve Beneto will not be here today.

16 Before we go on to the business of the meeting,
17 I need to make a few comments.

18 The Board invites public comment on the matters
19 appearing on the meeting agenda. The Board also invites
20 comments from those present today on matters not appearing
21 on the agenda during the public comment period, if the
22 matter concerns horse racing in California.

23 In order to ensure all individuals have an
24 opportunity to speak and the meeting proceeds in a timely
25 fashion, I'll strongly enforce the three-minute time limit

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

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

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

16 When your three minutes are up, I'll ask you to
17 return to your seats so others can be heard. When all the
18 names have been called, I'll ask if there's anyone else
19 who would like to speak on the matter before the Board.
20 Also, the Board may ask questions of individuals who speak
21 on any matter.

22 If a speaker repeats himself or herself, I'll
23 ask if the speaker has any comments to make -- any further
24 comments to make. If there are none, the speaker will be
25 asked to let others make comments to the Board.

1 Okay. The first item on the agenda is the
2 approval of the minutes. I had a couple of quick
3 changes -- corrections.

4 Jackie, there may be others too, but let me just
5 give you those.

6 On page 11, on the sixth line from the bottom,
7 "Winner" should be changed to "Rosenberg."

8 And on question -- on page 14, line 3, 6, 7,
9 Chairman Winner asked how many satellites remain in
10 Southern California. That should be how many tribal
11 satellites remain in Southern California. There's a big
12 difference in the response.

13 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, I
14 had a change as well on the very first page. Three lines
15 from the bottom, it says his -- "He said the CHRB was down
16 from 21 investigator positions to 16." That number should
17 be 13, down from 21 to 13.

18 CHAIRMAN WINNER: All right. Are there any
19 other corrections or changes to the minutes?

20 Hearing none, is there a motion to approve the
21 minutes?

22 Commissioner Auerbach moves and Commissioner
23 Krikorian seconds.

24 We'll go call the roll.

25 Commissioner Krikorian?

1 COMMISSIONER KRIKORIAN: Yes.

2 CHAIRMAN WINNER: Commissioner Solis?

3 COMMISSIONER SOLIS: Yes.

4 CHAIRMAN WINNER: Commissioner Auerbach?

5 COMMISSIONER AUERBACH: Yes.

6 CHAIRMAN WINNER: Chairman votes "yes."

7 Vice Chairman?

8 VICE CHAIR ROSENBERG: Yes.

9 CHAIRMAN WINNER: And Commissioner Choper?

10 COMMISSIONER CHOPER: Yes.

11 CHAIRMAN WINNER: The matter carries

12 unanimously, six to nothing.

13 And we go on then to Item No. 2, which is the

14 Executive Director's report.

15 Mr. Baedeker.

16 EXECUTIVE DIRECTOR BAEDEKER: Thank you,

17 Mr. Chairman.

18 There has been considerable discussion about the

19 situation at Golden Gate Fields last Sunday where two

20 races were taken off the turf after the jockeys declared

21 that the turf course was unsafe.

22 For the record, I would like to state that the

23 jockeys never expressed any concern about the condition of

24 the turf course to our stewards in the weeks or the days

25 prior to that Sunday.

1 In addition, CHRB Safety Steward Richard Lewis
2 examined the turf course on Thursday of that week, just
3 like he does every Thursday, and he took Clegg Hammer
4 readings, as he always does, and sent them to Sacramento
5 for review. The results were within the normal range.

6 It wasn't until after the running of the eighth
7 race that the jockeys notified the stewards that they
8 would not ride on the course.

9 Determining the safety of a racing surface is
10 obviously an inexact science, and measurements taken by
11 Clegg Hammer or any other instrument are good, as far as
12 they go, but certainly, the jockeys racing over the
13 surface probably know better than anybody else whether or
14 not it's safe or unsafe.

15 So at that point, once the jockeys notified the
16 stewards, or management in this case, we really have no
17 choice in the interest of safety of the racehorse and the
18 jockey to take racing off of the -- off of the turf.

19 Tuesday of this week, we conducted a working
20 Staff meeting with all of our investigators, official
21 vets, and stewards at the Maddy Lab, at UC Davis. Drs.
22 Arthur, Stanley, Knych, Stover, and Diab covered topics
23 such as chain of custody of samples, the split sample,
24 custodian process, pharmacology, and drug thresholds, the
25 necropsy program, the proposed national vets' list, and

1 then Staff Counsel Laird and Dr. Arthur covered the proper
2 procedures for recordkeeping, the hearing process, and
3 other regulatory matters.

4 And finally, there was a discussion of upcoming
5 changes, such as mandatory micro-chipping and proposed
6 changes to the testing requirements for new trainers,
7 among several other things.

8 All were invited to tour the lab.
9 Interestingly, the new attorney at the Business Consumer
10 Services and Housing Agency also toured the lab that day,
11 Peter Williams, who had spent many years at the Attorney
12 General's Office. And during the tour that covered the
13 chain-of-custody methods, he said that from his -- from
14 his point of view that should be the model for law
15 enforcement agencies.

16 We also yesterday had a meeting of the
17 Race Dates Committee, as was announced last month. The
18 committee has been consolidated from the North and South
19 committees into one, and the number of commissioners
20 serving on the committee has been increased from two to
21 three, with Chairman Winner, Commissioner Krikorian, and
22 Commissioner Beneto participating.

23 All of the stakeholders were invited to submit
24 their proposals for 2017. And I would characterize the
25 meeting as very constructive, with everybody making

1 proposals that included justification for them. And the
2 Chairman decided that the stakeholders should go back and
3 try to reach a consensus on proposals. And he has also
4 decided that we will have another Race Dates Committee in
5 the next two to three weeks.

6 The goal, of course, is to try to resolve this
7 issue, including whether or not there might be other
8 things connected to the dates decision, sooner than later.
9 As has been the history, these things usually drag out
10 until a deadline is reached, and the Chairman has
11 indicated he would like to avoid that going forward.

12 Finally, the financials for the month, they're
13 not very impressive. Of course we had a different -- we
14 had a change in the calendar with racing having been
15 concluded at Los Alamitos and then coming back over to
16 Santa Anita. That was also discussed yesterday in the
17 Dates Committee meeting.

18 The net result is that we had one fewer daytime
19 race date versus last year, and the business was down
20 10.5 percent. We had two fewer nighttime programs, and
21 the business was down 16 percent. Everything in for the
22 month declined just a little bit more than 11 percent.

23 We do anticipate with Santa Anita now running up
24 until Del Mar, and also with good weather at Del Mar,
25 which as you recall last year there was a lot of rain at

1 the beginning part of the meet, which was exceptional, we
2 do anticipate that we'll see a significant rebound during
3 the month of July -- or in June. And so -- and then July,
4 of course.

5 And so year-to-date everything in daytime
6 business is down 4.1 percent, nighttime business down
7 1.7 percent, for a total of all business down 3.9 percent
8 for the year.

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

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

12 Any questions or comments for the Executive
13 Director?

14 Mr. Choper.

15 COMMISSIONER CHOPER: I just want to make one
16 comment about the turf changes at Golden Gate Fields.

17 As someone who is familiar with the attempts to
18 find out, you know, how fast these horses are really
19 running, you know, it's been known that particularly --
20 because I know particularly, maybe it's because -- that
21 Golden Gate Fields is right next to the bay there. And in
22 the afternoon, they found that the -- that the condition
23 of the turf course, you know, got deeper or not, you know,
24 I mean, something -- something happened to it. After
25 three races on the turf, all of a sudden, an hour and a

1 half later, it's all different. So I think -- I'm
2 sympathetic to the fact that there was a problem.

3 But the second thing was, it just seems to me
4 that when the jockeys said they refuse to ride, they could
5 have come up and said I think we ought to take this off
6 the court -- course. You know, there's a difference
7 between those two things, for the sake of appearances.
8 I mean, it seemed, that for some reason, the natural
9 inference they refused to ride, means they were asked not
10 to ride, and they said, "No, we're not," which as you've
11 explained -- as the Executive Director explained, it
12 wasn't true. And, you know, as he said, it's an inexact
13 science, and for good reason.

14 So, anyway, I just want to make those two
15 comments because I felt it was unfortunate.

16 CHAIRMAN WINNER: Thank you very much.

17 Actually, the next item on the agenda is the
18 license for Golden Gate, and therefore there will be folks
19 up here, and you might want to pose some of those -- pose
20 a question, if you'd like, to the Golden Gate folks.

21 So let us go on to the next point, which is
22 discussion and action by the Board on -- oh, I'm sorry.
23 The public comment period. I have no cards on the public
24 comment.

25 Is there anyone who would like to speak on

1 public comment?

2 Okay. Then we'll go on to Item No. 4.

3 "Discussion and action by the Board on the
4 application for license to conduct a horse racing meeting
5 of the Pacific Racing Association II at Golden Gate Fields
6 commencing August 17 through September 20, inclusive."

7 Gentlemen, ladies, whomever.

8 Have a whole team.

9 Scott, who's going to lead the discussion?

10 Don't forget to identify yourselves, folks.

11 And I'll leave it up -- Joe, Scott, who do you
12 turn to?

13 MR. MORRIS: I'll start. Joe Morris with the
14 Stronach Group, Golden Gate Fields.

15 I want to start with a little bit of a recap of
16 the meet that just ended.

17 Despite having received and having helped to
18 break the drought in the north of somewhere right around
19 26 inches of rain over our race meet, our total handle was
20 up just under 2 percent on daily average handle. Our
21 daily average handle was actually over three million for
22 the first time in quite a long time.

23 Average runners was also up. We did run one
24 less day than the year before. But our average runners
25 was 6.78 runners a race, which is 1.35 percent higher than

1 the year before.

2 Did a lot of improvements this year to Golden
3 Gate Fields. We replaced the road sign, the big sign
4 going east and west on the 80, completely replaced that
5 video board. Hundreds of thousands of cars a day going by
6 that. Replaced the video board on the tote board also.

7 We added -- finished the project of flat screen
8 televisions on every one of our dining room tables,
9 over 800 seats in that dining room. Recarpeted the top of
10 the dining room also, added roughly a hundred new
11 flat screens to the facility. We converted the facility
12 to high definition, also, for -- not only for the in-state
13 OTBs, for the thousand or more OTBs and other facilities
14 across the country that take us.

15 And as a part of that, we went from six cameras
16 on coverage to 13 cameras. Some of them even beauty
17 shots, if you watch it. We do shots of the Golden Gate
18 Bridge and the skylines and a lot of different angles.
19 And we have a paddock cam also that can follow a horse as
20 it's walking across to the paddock.

21 And within the community, and being a good
22 partner within the community, there's been a project going
23 on with the East Bay Regional Park District, for years up
24 there, where they're trying to get a walking trail that
25 goes all the way around the park, the bay in there.

1 We donated 4.8 acres to that. And it takes,
2 from the water, to probably 20 feet in, so that they can
3 be contiguous, it was probably the biggest stretch of
4 acreage that wasn't part of that park. And we're in the
5 process. We'll have it up and going in July, but we're
6 also redoing our website, and did an extensive barn roof
7 repairs through that meet also.

8 So there's a lot of activity up there for the
9 meet, a good meet. And as you hear, you know, even in the
10 dates, well, Golden Gate is going or whatnot, that's not
11 the actions of a track that's going anywhere. That's the
12 actions of a track that is trying to be a good partner in
13 the north and trying to be the anchor of the Northern
14 California industry.

15 So I just wanted to point some of those things
16 out.

17 CHAIRMAN WINNER: Thank you, Joe.

18 Do you want to comment at all on the turf issue?

19 MR. MORRIS: Unfortunate, for sure. I can tell
20 you the Stronach Group would never put jockeys, horses,
21 horses after they're done racing, employees, contractors,
22 players, customers at harm. That's not what our company
23 is about. We would never do that.

24 Certainly, in hindsight, there is some
25 communication issues, and we've already started some

1 meetings to try to fix that up. But it was an unfortunate
2 situation. It certainly came out hardest on our players,
3 and the big players and that. We're truly sorry about,
4 but, you know, we would never put anybody in harm's way,
5 person or equine.

6 CHAIRMAN WINNER: Thank you. I think that's the
7 position of the industry as a whole.

8 VICE CHAIR ROSENBERG: Joe, I have a question
9 for you on the subject of television and on-track handle,
10 ADW handle.

11 How have you found the change, now that we
12 have -- TVG has two networks as opposed to two individual
13 networks, how -- have you any difference in the amount of
14 television coverage you're getting? Because my
15 observation, not watching that frequently, is that on the
16 TVG main channel, you get very short coverage, very quick
17 coverage, whereas on the other one, you may get longer
18 coverage; is that true?

19 MR. MORRIS: The good news is, I think Scott,
20 and I know John Hindman is here also, as part of that
21 deal, when TVG took over or bought HR TV, Golden Gate gets
22 a lot more coverage than any track of our size on that --
23 on their major network, on TVG, the big TVG.

24 So it's 70 percent or 75 percent of our races
25 have to be covered, and there's not a track of our size

1 that gets that kind of coverage. That has -- that has
2 benefited us. There's no question. And then we're still
3 on the TVG2 also. So you've got the double.

4 And then with Golden Gate also, you've got
5 Cal Racing website also where you can see it, which is a
6 service that, you know, the California tracks have. We
7 benefited from that deal.

8 MR. SOLIS: I have a question.

9 I raced many times at the Golden Gate grass, and
10 it was a great course.

11 My question is -- I don't know if you guys can
12 give me an answer or find out for me -- one of the things
13 that we were doing down here at the -- down the hill,
14 especially, they were putting a lot of sand and seeds and
15 the divots. And every time it rains, as you run a race,
16 even a few days after, it makes it even worse.

17 Prior to that, we used to make -- get the divot
18 from the core, on the other side of the fence, or
19 somewhere else.

20 I think that worked so much -- so much better,
21 if we keep that in mind. I don't know if you guys can --

22 MR. MORRIS: That's a good point. And then we
23 do both of that up there, you know. But it's a good
24 point.

25 The core, you know, immediately, you're

1 putting -- it's like resodding. You're putting a plug
2 right into the grass.

3 MR. SOLIS: And I know that here at Santa Anita
4 they were doing a lot of that, putting a lot of sand with
5 seeds on it. And to me, that doesn't work, because the
6 horses run through it -- and you can pack it all you want,
7 but you have a horse that weighs 1200 pounds that
8 goes over it, and they kick it right out. And it makes a
9 bigger problem, I think.

10 CHAIRMAN WINNER: What's the reason -- that's an
11 interesting question. What's the reason that you don't
12 use the core approach consistently?

13 MR. MORRIS: I'll let Cal, who oversees the turf
14 course, do that.

15 MR. RAINEY: I think -- Cal Rainey, Golden Gate
16 Fields.

17 The turf course, obviously every time you run
18 races on it, it has wear. And after each race, we do walk
19 it with several of the workers there and -- and try to
20 replace the divots, just like they do at kind of a polo
21 match type of thing.

22 As Alex said, we have what's called a patch mix.
23 That includes the sand, some organic and some turf grids
24 that help it grow together with seeds. So usually, in a
25 week or so, you might get some seed coming up on that.

1 Obviously, if a horse hits it, it's not established.

2 We do also do the core. We do some core so we
3 can replace that. You can't do as many of those as you
4 can fill the divots, but we do the cores as well.

5 And it's a good point that Alex made that that's
6 a more stable way of filling a divot than the mix.

7 MR. SOLIS: And I think, again, the course, it
8 works so much better by -- even racing -- racing on it,
9 even at the end of the meet, it's still good. Why?
10 Because that divot has already grow bigger roots and --
11 and so on, and it keeps the course going.

12 And again, I never had no problem with the
13 course at Golden Gate. I always thought it was a great
14 course.

15 MR. RAINEY: Well, we agree with Alex and we
16 will continue to do the cores. We'll do more of them than
17 we've been doing and try to keep it as good as we can.

18 CHAIRMAN WINNER: Thank you.

19 How about here, you -- same thing?

20 MR. MORRIS: We do both. As you know, we're
21 resodding right now. In fact, I'd like to invite any of
22 you out to see the resod. It will be done on the hill
23 tomorrow. It'll be almost done today. We've got three
24 and a half acres of it already in. But we do -- we'll
25 have another test area with that same sod growing so that

1 we'll be able to take the divot -- the core out -- cores
2 out and do that. And that's our practice here so --

3 CHAIRMAN WINNER: Thank you.

4 I'm sorry. Go ahead.

5 COMMISSIONER AUERBACH: Are you going to allow
6 us to walk the course out there?

7 MR. MORRIS: Only the light ones can walk on it
8 today.

9 COMMISSIONER AUERBACH: Do I qualify?

10 MR. MORRIS: You're good.

11 COMMISSIONER AUERBACH: No, seriously.

12 MR. MORRIS: Yes. We gladly invite all out to
13 see what we've got going. It's going very well.

14 COMMISSIONER AUERBACH: And also I know -- I
15 believe that you're -- the track is going to be closed on
16 Monday so you can tear up --

17 MR. MORRIS: So Sunday -- Sunday after the
18 races, we'll mow that just about down to dirt level. We
19 vacuum that grass up. And then we'll close training at
20 9:00 and we'll blade the -- what's left up. It'll take
21 about a day to do that. And then we rototill it. We
22 bring it back to grade. We mix more grids in, aerate it,
23 rototill it. I mean, there's a process. Get it level.
24 And then a week from Monday, it will take us three days,
25 we'll run three crews a day. A crew can do about an acre.

1 So in three days we'll have that sodded.

2 COMMISSIONER AUERBACH: You a found a hotter day
3 to pull up that?

4 MR. MORRIS: Well, the hotter day, it will be
5 hard to put it down, and we'll have to watch the heat on
6 that. But this likes the hot. So my guys are smiling on
7 the part that's already down because this is a hot weather
8 grass.

9 COMMISSIONER AUERBACH: Thank you.

10 CHAIRMAN WINNER: Thank you.

11 COMMISSIONER CHOPER: I just wanted to say that
12 the plant at Golden Gate Fields is really well taken care
13 of.

14 MR. RAINEY: Thank you.

15 COMMISSIONER CHOPER: And I wish there were more
16 people there to take advantage of it, but that's another
17 story.

18 CHAIRMAN WINNER: Do you want to go ahead with
19 the application discussion?

20 MR. RAINEY: So Joe mentioned quite a few things
21 about the application.

22 I just want to say also that we did finish our
23 meet this last Sunday and we had a long meet, started in
24 26th of December last year. We were fortunate to get
25 through a power outage that we had with our track

1 lighting; so the jockeys were very understanding and the
2 trainers in the morning for using some temporary lighting
3 when we did some training. As well as we also had a water
4 leak in our water main under the track, and we were
5 fortunate not to lose any racing or training days, but it
6 took us about a month to fix it in January and February.

7 This meet is a 19-day -- is a short meet,
8 obviously our summer meet, going from August 17th --
9 actually, the 19th is the first day, and it goes through
10 September 18th.

11 Pretty much the same schedule that we've had
12 before, say average number of races. We still have our
13 stakes race that we had last year.

14 And our application is complete. There are a
15 few items as far as licenses outstanding, but they will
16 all be renewed. Our surety bond will be renewed in
17 August. And like I said, we have a complete license and
18 we hope you approve our race schedule.

19 CHAIRMAN WINNER: Any other points you want to
20 make, gentlemen?

21 MR. SOLIS: Oh, I have a question in the --
22 there's a four-week regular racing. And I see we only
23 have one stake race. What is the reason that we don't
24 have some other more to attract more horses --

25 MR. RAINEY: Actually, we added the stakes

1 race -- we added the stakes race in 2013. Before that
2 time, we didn't have the stakes race in the short meet; so
3 we're maintaining that race as is for now, it is just
4 one stake for that meet.

5 We also overlapped the Humboldt County Fair for
6 the first couple weeks.

7 COMMISSIONER AUERBACH: I want to make a
8 comment. I don't usually do this, to single one person
9 out on your team. But I would like to single out your
10 race secretary. I think that less is more is probably his
11 mantra. I think he's done an excellent job, and I'm very
12 pleased to see the increase in your handle. And I think
13 that has a lot to do with getting additional time on TVG.

14 And so I wanted to commend Patrick on his work
15 and what he's done and keep going and keep those numbers
16 inching up. And the more you inch those numbers up, the
17 more support I think the whole industry can give you. So
18 I was pleased with that.

19 MR. RAINEY: Thank you very much.

20 VICE CHAIR ROSENBERG: From the marketing
21 progress quite a substantial increase from last year;
22 correct?

23 MR. MORRIS: Remember last year we had two
24 meets. The schedules just came out differently. We
25 didn't feel we could market that type of a schedule very

1 effectively. So with that schedule coming back together
2 as past years, we put a marketing budget in that
3 replicated past years.

4 CHAIRMAN WINNER: Which is an improvement.

5 All right. Yes. Please go ahead.

6 VICE CHAIR ROSENBERG: I have a question of
7 Scott Daruty -- the right person to answer this.

8 And it's in no way raised to hold up this
9 application at all. But for future applications by the
10 Stronach Group, for whatever race track it is in the
11 state, it seems to me that we're still not getting to the
12 bottom of the goal as to the ownership of the licensees.

13 If you look at page 4-10, question 14, is what
14 I'm talking about. It's always answered "not applicable,"
15 meaning to disclose the names of all persons, officers,
16 directors that hold 5 percent or more of the outstanding
17 shares of the corporation.

18 Now, I know why it's not disclosed, I believe.
19 Because question No. 9 sort of allows you to not answer
20 those questions, for some reason. I think it's poorly
21 worded. But for the first time, this meet, recently when
22 I got the Board book, I found that there's another form,
23 which we've never seen, to my knowledge, commissioners
24 have never seen, which you can find on page 1225 of Item
25 No. 12, which basically explains the need for and the

1 desire for background and ownership information.

2 And if you read that through, particularly G, it
3 really makes it clear that the idea is you get multiple
4 corporations that keep listing corporations as the owners;
5 you never get to disclose the shareholders who control
6 those corporations, ultimately.

7 So I think in the future -- we'll talk about
8 this with Staff -- that there should be a modification of
9 that because it's the second corporation that owns the
10 licensee, CSG here. But beyond that, there's no further
11 disclose who owns that entity.

12 MR. DARUTY: Scott Daruty on behalf of Golden
13 Gate Fields and the Stronach Group.

14 I understand your question. And we had believed
15 we had answered these questions appropriately. If it
16 doesn't answer what you were specifically looking for, I
17 will tell you that all of the Stronach Group entities in
18 California, both the Santa Anita operator, Los Angeles
19 Turf Club, and the Golden Gate Fields operator, Pacific
20 Racing Association, are owned by a long string of
21 entities, which are ultimately controlled and for the
22 benefit of the Stronach family.

23 We have submitted that information at various
24 times, not with each application, but when I believe
25 change or control events have occurred, we have submitted

1 it to this Board, or to Staff at least.

2 Ultimately I suppose what you're asking is if we
3 were to submit that with every application or --

4 VICE CHAIR ROSENBERG: Testify at this -- wants
5 to talk about this at a meeting, hopefully. But I think
6 it would be good to properly answer it, you know, whether
7 it's every application or not, as long as we know it's
8 on -- to indicate it's on file somehow, which it doesn't.

9 So we can go on and talk about it after the
10 meeting.

11 MR. DARUTY: Yeah. We'd be happy to work with
12 Staff to make sure that we answer that to your
13 satisfaction.

14 VICE CHAIR ROSENBERG: Thank you.

15 CHAIRMAN WINNER: Are there any other questions?

16 We're going to take a motion, and I have an
17 amendment to the motion that I propose.

18 But let's first take a motion to approve that
19 there's a motion to approve.

20 Mr. Solis moves to approve.

21 Commission Krikorian seconds.

22 We'll start this way. Commissioner -- is there
23 any discussion on the motion?

24 COMMISSIONER KRIKORIAN: Are we going to ask
25 that they --

1 CHAIRMAN WINNER: Actually, I'm going to amend
2 the motion.

3 COMMISSIONER KRIKORIAN: Okay.

4 CHAIRMAN WINNER: Yeah.

5 I'm going to propose an amendment to the motion,
6 and I'll ask you to look at your book, page 4-7. I'll
7 read what I'm doing, gentlemen, so that you know what the
8 recommendation is.

9 This has to do with the issue of adding races to
10 the already approved schedule, as you did in the last two
11 days of the last meet, I think Saturday and Sunday.

12 So if you look at 3B, racing program, and then
13 go down to B, it now says -- and I'll read what it
14 currently says so everybody hears it.

15 "Number of races for each day or night, 8.5 will
16 be the average throughout the meet. We propose to conduct
17 seven races on Thursday, eight races on Friday, nine races
18 on Saturday, Sundays, Mondays, September 5th, and race ten
19 races on September 18th."

20 And there's a period. And then it currently
21 says: "If the horse population permits, we may run
22 additional races."

23 And my amendment that I'm proposing is to place
24 a comma after that, and read "With administrative approval
25 of the Board, such approval to be obtained prior to

1 the" -- "prior to the taking of entries for the additional
2 races."

3 I'll read that again.

4 "With administrative approval of the Board, such
5 approval to be obtained prior to the taking of entries for
6 the additional races."

7 Okay. That's my motion. Is there a second?

8 MR. DARUTY: May I ask a question?

9 CHAIRMAN WINNER: Yeah. You can ask a question,
10 of course.

11 MR. DARUTY: I guess I would like to
12 understand -- and I'm certainly aware of the issue that
13 happened on our closing weekend and why this is coming up
14 now, but I would like to understand the thinking of the
15 Board.

16 We're obviously in business to run racing to
17 generate purses and generate commissions and promote
18 California racing. If we have the ability to card more
19 races because the horse population for a particular meet
20 ends up being better than we were anticipating, it seems
21 to me that should be within our discretion in order to add
22 races.

23 What we have done in the past is said there
24 cannot be more than an average of blank per race day --
25 races per race day.

1 So I would understand if there was some sort of
2 total limitation on the total number of races we ran
3 during a meet or even what the average race is. But it
4 seems to me we should have some flexibility to add races.
5 That's, I guess, my first point.

6 My second is more of a question. If this
7 amendment is made to our application, I would want to know
8 whether the Board is going to make that same amendment to
9 every application for every racing association and fair in
10 the state.

11 CHAIRMAN WINNER: The answer to the second
12 question is "yes."

13 Let me let the Executive Director comment with
14 response to your question.

15 Go ahead. Rick.

16 EXECUTIVE DIRECTOR BAEDEKER: Well, first of
17 all, I would say, Scott, in response to your comments,
18 that certainly the Board, whether it's commissioners or
19 Staff, share the goal of doing what's right for racing.

20 This is really for two purposes. One is to
21 clarify the language in the -- in the language that we
22 looked at for the meet that just concluded, there was a
23 sentence there that could have been interpreted different
24 ways. So this is an effort to clarify it.

25 The other concern, which I discussed with the

1 Chairman when this came up, is that there are meets that
2 follow you. And theoretically, instead of carding 11 and
3 12, as you did on the last two days of the meet,
4 theoretically staying under your allotted percentage, you
5 could card 15 and 16. And obviously that would take the
6 guts out of the first book at the next meet to follow you.

7 So it's just rather than allow the association
8 to do something like that, we think that there ought to be
9 some involvement of CHRB. Because it adds awarded dates
10 to the next meet, and so there is some understanding that
11 those dates are protected, to a degree.

12 MR. DARUTY: And I respect that view.

13 And I guess my response would be I do feel it is
14 appropriate for there to be maximum numbers of races
15 during the meet, and perhaps even maximum number of races
16 during a day.

17 But -- so, for example, you can never run more
18 than 11 races or 12 races without Board or Staff approval,
19 administrative approval, I think you said.

20 I guess my challenge and our challenge here --
21 maybe not as much for this four-week meet, but I think to
22 when we start a meet on December 26th and run through
23 June, and we're asked to predict in October, when we put
24 our application together, how many races we're going to
25 run on every single race day, and that's locked into this

1 application and our license, and we then have no
2 flexibility without, you know, every time coming back to
3 the Board, it just seems to me impractical.

4 I believe it would be a perhaps better approach
5 to set, you know, minimums and maximums, and we have to
6 operate within that, and to leave that band, then we would
7 require approval.

8 And, look, maybe it's our fault, because maybe
9 in this application where it says we'll run seven races on
10 Thursday and eight on Fridays and nine on Saturdays and
11 Sundays, maybe we should have said we'll run seven to ten
12 on Thursdays, and eight to eleven on Fridays. I mean,
13 maybe it's how we presented it.

14 But we presented it here the way we did because
15 we believe the different interpretation of the language
16 you're trying to clarify. And I agree, there was -- it
17 was susceptible to two different interpretations, but we
18 thought that gave us the flexibility to operate our
19 business without having to come back to the regulator
20 every time we made a decision.

21 CHAIRMAN WINNER: Your points are all well
22 taken, Scott, for sure.

23 As you -- my understanding of the situation, the
24 last situation, was that we were asked about Sunday,
25 adding races on Sunday, and the entries had already been

1 taken for Saturday.

2 So the Executive Director or the Board had no
3 say in terms of Saturday. And it was also a problem to
4 try to change Sunday. And I think that all worked out
5 through -- through conversation.

6 And I'm perfectly okay with -- at least I would
7 be okay with some language in the amendment as we go
8 forward to -- to be able to give you a little more
9 flexibility in the numbers of races from seven to nine or
10 ten to whatever.

11 But the point that the Executive Director made
12 and that we discussed at the time is the one that he just
13 stated, which is if we leave it open -- open ended, that's
14 really kind of unfair to the following meet, and we'd like
15 to protect the following meet so that they don't end up in
16 a very difficult position.

17 And at the same time, obviously, we want you to
18 maximize the numbers of races that you run and the handle,
19 et cetera, et cetera.

20 So there is some language in between that we
21 ought to agree on for -- you know, as the next license
22 comes up. If you have something that you feel would be
23 appropriate or if any of the Board members to add to this
24 language which would give you comfort, I'd be happy to
25 entertain it.

1 VICE CHAIR ROSENBERG: I would think this would
2 be -- to the next licensee that comes up. So time to
3 think about it because it sounds like a nightmare in terms
4 of putting the right language together, number one.

5 And number two, as a practical matter, how is
6 this going to work?

7 CHAIRMAN WINNER: Well, it worked last time.

8 VICE CHAIR ROSENBERG: Approval from the Board,
9 meaning --

10 CHAIRMAN WINNER: Approval from the Board means
11 the Executive Director.

12 EXECUTIVE DIRECTOR BAEDEKER: Administrative.

13 CHAIRMAN WINNER: Yeah. It's administrative
14 approval. So that's -- and it worked last time.

15 VICE CHAIR ROSENBERG: And how is it time -- how
16 is it time for the Executive Director to get his
17 information together to catch -- worry about all the
18 things that might happen or have happened that lead into a
19 decision as to why they running the race or races.

20 EXECUTIVE DIRECTOR BAEDEKER: Well, in this
21 instance last week, there wasn't time because the request
22 was submitted at 1:30 in the afternoon after the entries
23 were taken and completed. That's why we put the language
24 in there that the request should be made before entries
25 are taken.

1 And this is -- this is a common occurrence, not
2 necessarily with the number of races, but with situations
3 such as desire on the part of management to eliminate show
4 wagering, if as a matter of fact there's a risk of a large
5 minus pool. That's a common occurrence, especially at
6 Los Alamitos. It's done by email to me. We get the PPs
7 for the race, we review it, and then we reply back. But I
8 generally have, you know, a couple of days to gather all
9 the information, which is really all that we're asking
10 for.

11 MR. DARUTY: If I might just -- Scott Daruty,
12 again, for the record.

13 Just to clarify, our request did come at the
14 very last minute, and we do understand that.

15 It was our belief that what we were really truly
16 requesting, though, was a change in post time, which is a
17 whole nother issue, by the way, that our post times are
18 locked in. For example, this coming weekend it may make
19 sense because of the heat to start a little bit earlier in
20 the day. It might be nice for us to have a little bit of
21 leeway without having to come to Staff every time and say,
22 "Can we start at 12:00 instead of 12:30 because it's going
23 to be a hundred this weekend?"

24 But, again, we were -- we did submit a request.
25 It was our reading of the prior language that the number

1 of races was permitted because we were still below the
2 average required over the course of the meet.

3 EXECUTIVE DIRECTOR BAEDEKER: But, of course,
4 Scott, we had no way of verifying that that math was
5 correct.

6 MR. DARUTY: Understood. Understood. I --

7 CHAIRMAN WINNER: Here's my recommendation on
8 this situation. I'll drop the amendment for now.

9 For this meet, I think you guys absolutely
10 understand our concern?

11 MR. DARUTY: We do.

12 CHAIRMAN WINNER: And the Executive Director's
13 concern? And I'm sure that you'll take that into
14 consideration for this meet. And we will come up with
15 some language for the next meeting, which will apply to
16 all meets dealing with this issue. And we'll put it on
17 the agenda for the next meeting.

18 Is that acceptable to everybody?

19 MR. MORRIS: Yes.

20 MR. DARUTY: Yes.

21 COMMISSIONER AUERBACH: I think the elephant in
22 the room, if I can --

23 CHAIRMAN WINNER: Please.

24 COMMISSIONER AUERBACH: -- if I can speak about
25 it, is that we have a history of meets doing it to one

1 another.

2 I don't think that was the case here in this
3 particular instance because we were going from a meet that
4 had grass races, which we all know are a problem, and we
5 need to be able to unfortunately look out because we
6 weren't able to use it. So, you know, it didn't work out.

7 But I think that this is something that's been
8 going on for a long, long time. And I think before we
9 make any adjustments, we really all need to be on the same
10 page. Because I really felt that -- I'm glad that we are
11 not going to address the amendment because I don't think
12 it's proper without a lot more thought and a lot more
13 discussion with all of the racing associations for it to
14 work out properly for everybody so...

15 CHAIRMAN WINNER: Okay. Well, we're putting it
16 off. There may be some debate as to we go forward on this
17 particular issue.

18 I think it's clear that if there is a decision
19 to change what we have granted, and that's what happened
20 here, recognizing the language was unclear, there was no
21 criticism at all intended, the language was unclear.

22 But what happens is that when we grant -- when
23 this Board grants a license, then that license ought to be
24 abided by. And in this case, again, because of the lack
25 of clarity in the language, you thought you were abiding

1 by it, and we thought there was a problem with it.

2 So we just want to clarify the language so that
3 everybody is consistent -- there's consistency in what
4 everybody's thinking. That's what this is all about.
5 Nobody's -- nobody's challenging or questioning anything,
6 and nobody -- there's no issue of an intent to do
7 something other than what is in the license. So we just
8 need to clarify that. That's all.

9 COMMISSIONER AUERBACH: Commissioner Winner --

10 CHAIRMAN WINNER: Yes.

11 COMMISSIONER AUERBACH: -- I'd like to ask a
12 question.

13 In the -- for example, this weekend, we all know
14 we're going to have some extreme heat.

15 Are the racing associates able to alter the
16 start time?

17 CHAIRMAN WINNER: They have to ask --

18 COMMISSIONER AUERBACH: But they could -- for
19 example, they could come to the Board and ask for --

20 CHAIRMAN WINNER: Yes.

21 MR. MORRIS: I would like to request on Sunday,
22 after having discussed with the TOC, the CTT, and the
23 Jockeys Guild, that we move our post time to noon on
24 Sunday.

25 CHAIRMAN WINNER: Let us -- let us approve this

1 motion first. There's a motion on the floor.

2 COMMISSIONER AUERBACH: I'm sorry.

3 CHAIRMAN WINNER: Or not approve the motion,
4 depending on the vote. And then we'll come back to that.

5 There is a motion on the floor, and it's been
6 seconded. And that is to approve the license for Golden
7 Gate for this meet.

8 Commissioner Krikorian?

9 COMMISSIONER KRIKORIAN: Yes.

10 CHAIRMAN WINNER: Commissioner Solis?

11 COMMISSIONER SOLIS: Yes.

12 CHAIRMAN WINNER: Commissioner Auerbach?

13 COMMISSIONER AUERBACH: Yes.

14 CHAIRMAN WINNER: Chairman votes yes.

15 Commissioner Rosenberg?

16 VICE CHAIR ROSENBERG: Yes.

17 CHAIRMAN WINNER: Commissioner Choper?

18 COMMISSIONER CHOPER: Yes.

19 CHAIRMAN WINNER: Okay. Passes unanimously.

20 Have a wonderful meet.

21 Now, Joe, did you want to make a request?

22 MR. MORRIS: Well, I was going to talk to
23 Mr. Baedeker after, but I have -- I mean, we've been
24 watching Sunday's weather particularly now since probably
25 last Sunday or Monday, and I would guess it's going to be

1 in the high 90s. The weather forecast is still saying
2 100, 102. We feel if we move to noon, we'd be done a
3 little before 4:00, and the highest temperatures are
4 always 4:00 to 5:00 o'clock. So we'd be done by before --

5 CHAIRMAN WINNER: I agree with you. Those are
6 really issues that the Executive Director can approve.
7 I'm sure he'll approve that.

8 I think there's a similar request here, maybe.
9 I'm not sure.

10 MR. MORRIS: Similar.

11 CHAIRMAN WINNER: For here, for Santa Anita?

12 MR. MORRIS: No. That is for Santa Anita --

13 CHAIRMAN WINNER: Oh, I'm sorry.

14 MR. MORRIS: Yeah. That's for here on this
15 Sunday.

16 CHAIRMAN WINNER: Okay.

17 MR. MORRIS: And then I have touched base with
18 TOC, CTT, and the Guild about that, and they are all in
19 agreement.

20 CHAIRMAN WINNER: Okay. Thank you very much.

21 Have a wonderful meet.

22 Oh, you know what, I had a card on this.

23 Nick, did you still want to talk on this issue?

24 I apologize, Nick. I did not see your card.

25 MR. COUKOS: Nick Coukos with TOC.

1 I just wanted to mention, I'm glad that you
2 passed this over to another time.

3 If we could just ask for your request to include
4 the Horsemen's Group in consultation before any
5 adjustments are made, we would appreciate that.

6 CHAIRMAN WINNER: Thank you. The Executive
7 Director will keep that in mind as we -- as we write the
8 new language.

9 Okay. Item No. 5, "Discussion and action by the
10 Board on the application for license to conduct a
11 Horse Racing Meeting at the Humboldt County Fair at
12 Ferndale, Commencing August 17, 2016 through August 30,
13 2016, inclusive."

14 Gentlemen.

15 MR. CONWAY: Richard Conway for Humboldt County
16 Fair.

17 CHAIRMAN WINNER: Hi, Richard.

18 MR. MORGAN: James Morgan, Special Counsel,
19 Humboldt County Fair.

20 MR. SWARTZLANDER: I'm Larry Swartzlander, Chief
21 Operating Officer for CARF.

22 CHAIRMAN WINNER: Go ahead, please.

23 You want to just make a brief presentation.

24 MR. CONWAY: Briefly.

25 Last year, we had a successful meet and slight

1 increases all the way across from the number of horses,
2 handle, basically, recruiting processes. Working for
3 attracting a lot more horses from out of state,
4 specifically, you know, Pacific Northwest, Washington,
5 Oregon, and Idaho. We look for those numbers to increase
6 again this year. Had a lot of response from already --
7 with some of the recruiting trips and have several more
8 planned so we think numbers will continue to increase.

9 The improvements we made to the racetrack last
10 year with the new outer rail well received. Didn't have
11 any issues with horses drifting that we've had in the past
12 with that visual barrier there. We continue to make
13 improvements in the barn area, in the VIP area. You know,
14 just looking forward to continuing with those improvements
15 and increase those horse numbers.

16 CHAIRMAN WINNER: Thank you.

17 I believe you said yesterday at our dates
18 meeting that 70 percent of the horses are coming from out
19 of state; is that --

20 MR. CONWAY: It's the reverse.

21 CHAIRMAN WINNER: 70 percent are in state, 30
22 percent are out of state?

23 MR. CONWAY: Are out of state; correct.

24 CHAIRMAN WINNER: Thank you.

25 MR. MORGAN: Could I please --

1 CHAIRMAN WINNER: Please. Please go ahead.

2 MR. MORGAN: Four years ago, we were challenged
3 that if we wanted to sustain as a race meet, we needed to
4 do several things. Particularly Professor Choper
5 challenged us to increase our sponsorship, to involve our
6 community at a greater level, and to vest in our
7 facilities.

8 I'm happy to report that we increased our
9 sponsorship multifold. Businesses, individuals, and
10 leadership groups throughout the community have supported
11 the fair.

12 And there's been a total metamorphosis of the
13 track facility, which cannot be understated during that
14 four-year process. We banked the turns, widened the
15 turns, widened the backstretch, added new railing, added
16 new fencing, all for the safety of the jockeys, the
17 horses, and the enhancement of the sport.

18 This fair was determined not to go the way of
19 Vallejo, Stockton, and Fairplex, all of whom race without
20 overlap, all of whom had a hundred percent of host status.

21 Three years ago, our fair was promised that
22 Golden Gate Fields would not race any horses below \$5,000
23 during the overlap period.

24 Thanks to Chairman Winner, who unambiguously
25 mandated that that happen, it did occur in 2015. It

1 markedly improved our horse population, but through the
2 efforts of Larry Swartzlander, Racing Secretary Tom
3 "Bomber" Doutrich, Richard Conway, and TOC member Allen
4 Aldrich, we recruited quite a number of horses from Idaho,
5 Oregon, Arizona. We don't have a shipping (inaudible).
6 They came here and some of them stayed and participated in
7 races in Fresno and Golden Gate Fields. So our meet
8 actually added to the horse population, made it possible
9 to have more attractive betting opportunities throughout
10 the state.

11 There's a reason why no other racetracks have to
12 race in overlap. It's because with the diminishing horse
13 population, it's impossible to offer attractive betting
14 opportunities simultaneously at two locations.

15 Humboldt's been racing in these other states for
16 119 years; Golden Gate for less than 10 years. It's a
17 little transparent that the real reason for the overlap is
18 not so much providing additional clamored-for racing
19 opportunities, but it's to harvest the lucrative host
20 status commissions that are generated during that period.

21 We're asking this Board to give a more equitable
22 disbursement of the host status commissions. This is not
23 charity. It's a privilege that we've earned by answering
24 your challenge in improving our involvement, our
25 sponsorship, and our facility.

1 Let's look at the facts. During 2015, Humboldt
2 had more -- had 14 percent more on-track attendance than
3 Golden Gate Fields. We not only were able to run as many
4 races as Golden Gate Fields for the first time, we were
5 able to run two more races. Our on-track handle
6 was over 70 percent of the on-track handle generated by
7 Golden Gate Fields.

8 Thus far, we've been awarded only Wednesday and
9 Thursday host status. No meet. Golden Gate Fields nor
10 Humboldt runs on Wednesdays and Thursdays. The host
11 commissions generated is a pittance compared to Friday,
12 which is more than Wednesday and Thursday combined. And
13 Friday's a pittance compared to Saturday and Sunday, which
14 has tremendous host-status ramifications.

15 During our overlap period, such races are
16 attractive betting interests, such as Travers, (inaudible)
17 Travers, the Pacific Classic, the Del Mar Oaks, the Pat
18 O'Brien Stakes, the Del Mar Handicap, they're all run on
19 the weekends of our overlap.

20 What we're asking is we do over 70 percent of
21 what Golden Gate does in on-track handle. We're asking
22 for a 60/40 split on host commissions. We're asking to be
23 able to sit at the banquet table, not just have the crumbs
24 from the days when there's no live racing. It's not for
25 charity; it's because we've earned that.

1 There's a caveat to that. There's an assembly
2 bill, I believe it's 763. 763 gives Humboldt a very small
3 percentage of the host commissions when they race at
4 overlap. That amounts to a very small amount of money
5 compared to the host status.

6 But Golden Gate -- that comes off of Golden
7 Gates' commission. So our proposal would be Golden Gate
8 gets a hundred percent credit for any AB 763 money. So,
9 in other words, if our share of the commissions was
10 100,000 and the AB 763 money was 20,000, then Golden Gate
11 would get a credit for the 20-, and we would just get the
12 80-.

13 We're asking for an equitable adjustment to the
14 commissions. We're also asking that the Chairman confirm
15 that during the overlap period Golden Gate is not to write
16 races below \$5,000.

17 We ask for your help. We've answered your
18 challenge, and I think we deserve that consideration.

19 CHAIRMAN WINNER: Thank you.

20 Number one, I have to assume that you're talking
21 about future dates because that item is not on the agenda
22 to change the disbursement of commissions at this point.
23 So we can't vote on that and make that decision at this
24 meeting. It's not on the agendaed.

25 What we can do is discuss it as a part of the

1 dates allocation at the next dates allocation meeting. We
2 had a good meeting yesterday. There was a lot of
3 discussion about the overlap, and there were some
4 proposals that didn't -- that had one-week overlap, some
5 that had two weeks, some that had no weeks, et cetera.
6 And it is an issue that I think we're all concerned about.

7 In terms of the split, that's something that we
8 can't deal with at this meeting, I believe, since it's not
9 agendaed.

10 Is that right, Phil?

11 MR. LAIRD: Yes, sir.

12 CHAIRMAN WINNER: So -- but we'd be happy to
13 discuss it at the next dates meeting, race dates meeting
14 in approximately three weeks, and have that be a part of
15 what future -- discussion for future race dates.

16 MR. MORGAN: All right.

17 VICE CHAIR ROSENBERG: I'd like to clarify
18 something.

19 CHAIRMAN WINNER: Yes.

20 VICE CHAIR ROSENBERG: Is host track status
21 contained in the -- was contained in the license
22 application? No?

23 MR. CONWAY: No.

24 CHAIRMAN WINNER: Okay. Is there any
25 discussion? Questions? Are there any questions?

1 COMMISSIONER CHOPER: I --

2 CHAIRMAN WINNER: Yes, please, Commission

3 Choper.

4 COMMISSIONER CHOPER: We've gone through all of
5 this.

6 I want -- I want to say that you folks have done
7 not just a very good job but a wonderful job in increasing
8 all the items that you mentioned.

9 This is not an easily solvable problem and
10 compromises have to be made, and we made them.

11 So as much as I sympathize with you because
12 you've done -- you've done a great job. Couldn't ask any
13 more than what you've done. I guess what I would say,
14 just keep -- keep going, keep plugging away. And I just
15 want you to know that we feel your pain. But it is a pain
16 that's, you know, generally shared, that everybody has got
17 the same basic interest. And we're trying -- I think the
18 Board has been trying to do the best that it can under --
19 under all the circumstances. That's all I want to say.

20 CHAIRMAN WINNER: Thank you, Commissioner
21 Choper.

22 With respect to the issue of the claiming races
23 at Golden Gate, I think -- I would request that --

24 Scott, I don't know whether you want to speak to
25 that, but I would hope that you would continue to do as

1 you did in the last meet to -- to (inaudible) that.

2 MR. DARUTY: Scott Daruty on behalf of Golden
3 Gate Fields.

4 My understanding is that when you granted the
5 dates back in last, I don't know, July or August, that
6 that was a condition on the dates award, and we do intend
7 to live up to that condition. So we will not, during this
8 upcoming Golden Gate meet, write any claiming races for
9 lower than \$5,000.

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

12 COMMISSIONER CHOPER: Can I add one thing to
13 that?

14 That is not a no-cost move on the part of Golden
15 Gate, given the general horse population problems that
16 they have there. When you run 3,200 and \$4,000 claimers,
17 that helps a lot. I mean, when they do, when Golden Gate
18 would, have given that up. So compromises have got to be
19 made. You can't make everybody happy. It's obvious
20 issue. You can't make everybody happy, not even some of
21 the time.

22 CHAIRMAN WINNER: I think we all appreciate the
23 cooperation of Golden Gate and of Humboldt here. And we
24 will -- again, as I say, you'll be notified about the next
25 race date meeting, and we can have that discussion at that

1 committee meeting.

2 In the meantime, do we have a motion?

3 Commissioner Auerbach moves and Commissioner
4 Solis seconds to approve the license.

5 We'll start with Commissioner Krikorian.

6 COMMISSIONER KRIKORIAN: Yes.

7 CHAIRMAN WINNER: Commissioner Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIRMAN WINNER: Commissioner Auerbach?

10 COMMISSIONER AUERBACH: Yes.

11 CHAIRMAN WINNER: Chairman votes yes.

12 Vice Chairman?

13 VICE CHAIR ROSENBERG: Yes.

14 CHAIRMAN WINNER: Commissioner Choper?

15 COMMISSIONER CHOPER: Yes.

16 CHAIRMAN WINNER: Passes by a six to nothing
17 vote.

18 Thank you. Have a wonderful meet and thank you
19 for everything you've done.

20 "Discussion and action by the Board on the
21 application for license to operate a mini-satellite
22 wagering facility at Santa Clarita Lanes, in Santa
23 Clarita, California."

24 You're on.

25 EXECUTIVE DIRECTOR BAEDEKER: Commissioners, I'd

1 like to point out one correction that needs to be made in
2 the Staff analysis that's on the top of page 6-2. And
3 it's the second part of that bullet point, the wagering
4 site will be located in the Central Zone, not the
5 Southern.

6 And by the way, this is -- as is stated in the
7 Staff analysis, this is really a paper change here. We
8 have a change in the management structure of Santa Clarita
9 Lanes. And I'll say it now so that I don't forget, but
10 the gentleman sitting in front of us here, Tom Christie,
11 is to be credited with the success of Santa Clarita Lanes.
12 I've watched him at work. He's passionate about the
13 sport. He's owned horses. He loves the game. And the
14 people that go to Santa Clarita Lanes are very well aware
15 of that. And he runs a great -- a great operation there.

16 VICE CHAIR ROSENBERG: You want to say --

17 MR. HAINES: George Haines, SCOTWINC.

18 Executive Director Baedeker mentioned
19 Santa Clarita is one of the best sites for SCOTWINC to
20 handle over 14 million dollars a year. They run a fine
21 operation. They've been in the business for a number of
22 years.

23 This is a simple management change.
24 Mr. Christie will still be involved in the operation.
25 However, he's stepping back and will have a new majority

1 owner.

2 We were requested by Staff to produce an entire
3 new license application, so that's why we're up for the
4 license application now because the name of the entity has
5 changed.

6 VICE CHAIR ROSENBERG: Question. I guess I ask
7 this of Mr. Christie.

8 On page 6-3 it says that the owner is
9 Tom Christie. And then on page 6-5 it says that the
10 owners of the limited liability corporation are Charles
11 Kinsler and Tom Christie.

12 Who's the managing partner of the LLC?

13 MR. CHRISTIE: I am the managing partner.

14 VICE CHAIR ROSENBERG: Of the LLC or of the
15 entity itself?

16 MR. CHRISTIE: Mr. Kinsler is a -- he has a
17 bigger percentage on the ownership. What happened was my
18 partner and I sold to myself and Mr. Kinsler.

19 VICE CHAIR ROSENBERG: Right.

20 MR. CHRISTIE: Mr. Kinsler has taken on a bigger
21 percentage of the ownership, but I'm still the operating
22 person at the Santa Clarita Lanes --

23 VICE CHAIR ROSENBERG: Not the facility, but the
24 entity itself is a limited liability, the LLC?

25 MR. CHRISTIE: Yes.

1 VICE CHAIR ROSENBERG: Who was the managing
2 partner?

3 MR. CHRISTIE: Mr. Kinsler.

4 VICE CHAIR ROSENBERG: He is?

5 MR. CHRISTIE: Yes.

6 VICE CHAIR ROSENBERG: Okay.

7 And then on page 660, it says that Kinsler owns
8 70 percent, and on this it says here he owns 90 percent.

9 MR. CHRISTIE: Well, what it is, is he
10 actually -- he has -- I own -- I have 10 percent.

11 VICE CHAIR ROSENBERG: Right.

12 MR. CHRISTIE: Mr. Kinsler has 70 percent. The
13 balance of the 20 percent is pieces that he's allotted to
14 people in his family.

15 VICE CHAIR ROSENBERG: Okay.

16 MR. CHRISTIE: But that's why it's really a 90
17 percent, 10 percent.

18 VICE CHAIR ROSENBERG: And full disclosure, it
19 says in here the full disclosure statement was filled out
20 by whom? Who filled out the full disclosure statement?

21 I'm not sure what a full disclosure statement
22 is, by the way. Staff has to educate me.

23 Is it a background check?

24 MS. WAGNER: Yes. Jackie Wagner.

25 VICE CHAIR ROSENBERG: Who was the background

1 check done on is my question?

2 MR. CHRISTIE: I'm sorry?

3 VICE CHAIR ROSENBERG: Who was the background
4 check done? On Mr. Christie?

5 MR. CHRISTIE: I believe -- I know that I've
6 done a background check.

7 MS. WAGNER: It was done on Mr. Christie.

8 VICE CHAIR ROSENBERG: So what's our rules on
9 that? If the person who controls the partnership, the
10 limited -- excuse me, the LLC is -- has 90 percent of the
11 ownership, control of it. You can change managing
12 partners at any time.

13 Shouldn't that person be getting a full
14 disclosure statement? Or what's that procedure on that?
15 I don't know --

16 CHAIRMAN WINNER: Sir, do you want to respond to
17 that?

18 MR. LAIRD: I think it's 5 percent.

19 MS. WAGNER: It's 5.

20 MR. CHRISTIE: I believe -- if I had 10 percent,
21 that I was -- it was okay. But, I mean...

22 CHAIRMAN WINNER: Let --

23 Go ahead, Jackie.

24 MS. WAGNER: Jackie Wagner, CHRB Staff.

25 In this case, we did the background check on

1 Mr. Christie because he did own more than 5 percent. We
2 did not, to my knowledge, do a background on Mr. Kinsler.

3 MR. LAIRD: And that's been confirmed by our
4 chief of enforcement -- Phil Laird, CHRB Staff -- that in
5 fact we did do a background check on Mr. Kinsler.

6 VICE CHAIR ROSENBERG: This isn't about the
7 specific licensee.

8 In general, Jackie, my point is shouldn't we be
9 doing a background check on the person who controls
10 the entity?

11 MS. WAGNER: Yes. And we do do that, and that's
12 what Phil is clarifying. We did backgrounds on the both
13 of them.

14 VICE CHAIR ROSENBERG: Both of them?

15 MS. WAGNER: Yes.

16 EXECUTIVE DIRECTOR BAEDER: I think the rule
17 is that any ownership of 5 percent or more kicks in a
18 background check.

19 MS. WAGNER: That is correct. Anybody who
20 owns --

21 EXECUTIVE DIRECTOR BAEDER: So presumably then
22 the family members that got a little slice of the pie,
23 none of those individuals had more than 5 -- 5 percent or
24 more; correct?

25 MS. WAGNER: That's my understanding.

1 COMMISSIONER AUERBACH: Richard, that's
2 interesting that you brought that up because that was on
3 my line of thinking too. What I wanted to know -- not
4 from -- so much from you gentlemen -- you gentleman in
5 front of us, but what Staff requires, what we require,
6 what rights we have on mini-satellites. Is that the
7 only -- what -- how is it different from other licenses
8 that we grant?

9 MS. WAGNER: In terms of the background?

10 COMMISSIONER AUERBACH: In terms of what the
11 regs that we have. What -- I mean, because, for example,
12 there is no financial information because it's all
13 brand-new.

14 MS. WAGNER: Correct.

15 COMMISSIONER AUERBACH: So what -- what do we
16 have in place that helps us determine what -- I mean, we
17 do have history obviously with this gentleman and there is
18 a comfort level. But moving forward, or at any time, what
19 is it that we require?

20 MS. WAGNER: We require basically the same
21 information that we would require from any association.
22 Any new entity coming onboard or making application to the
23 Board is required to file the application, to file their
24 financials. We do do a background on ownership. Anybody
25 who is -- owns 5 percent or more of a particular entity is

1 subject to a background.

2 So the qualifications and the procedures are
3 basically the same.

4 VICE CHAIR ROSENBERG: That gets to the same
5 question that I raised with the license, the Santa Anita
6 license, and that is if it's -- which we have to get to
7 this point eventually, correct, I think, that the
8 corporation that keeps owning various -- it's layered. We
9 ultimately have to get to an individual who controls the
10 last entity that really controls the other two entities.

11 MS. WAGNER: And the issue that you're raising
12 just now, we're going to continue to work on that, you and
13 I and Staff.

14 VICE CHAIR ROSENBERG: Okay.

15 EXECUTIVE DIRECTOR BAEDEKER: And,
16 Commissioners, I just -- having worked on the
17 mini-satellite program for a few years, I want to assure
18 the commissioners -- I know that there was every good
19 intention in setting up the license application this way.

20 But the truth of the matter is that the owner of
21 the facility has virtually nothing to do with the
22 wagering. That's controlled by SCOTWINC, and more
23 specifically, it's controlled by the mutual manager at the
24 operating host track, who assigns the clerks, who arranges
25 for the cash delivery and cash pickup. The host tracks

1 determine what races are going to be shown.

2 And I'm sure -- Tom, I'd like to have more input
3 into that, control over that, but that's -- he doesn't --

4 So really, the applicant that comes before you
5 to put a mini-satellite into his or her facility is really
6 a restaurant operator, or in this case, a bowling alley
7 restaurant operator.

8 So I'm not saying that background checks are not
9 appropriate, important, but they have no interaction with
10 the wagering, and it's up to our enforcement folks who
11 regularly audit the mini-satellites and all the
12 satellites, to make sure that -- that distinction remains
13 clear.

14 COMMISSIONER KRIKORIAN: I have a question.

15 CHAIRMAN WINNER: Yes, please.

16 Commissioner Krikorian.

17 COMMISSIONER KRIKORIAN: Is the applicant asking
18 for any type of a radius restriction on the application?
19 Are they asking for any type of a radius restriction?

20 MR. LAIRD: There is no radius on this site.

21 COMMISSIONER KRIKORIAN: And --

22 MR. LAIRD: In the new agreement.

23 COMMISSIONER KRIKORIAN: Okay. And is the
24 bowling and the -- where the monitors are for the TVs, are
25 they all in the same room? How many lanes is the bowling

1 alley?

2 MR. CHRISTIE: I have a 32-lane bowling center,
3 and then we have a few rooms that are separated. The
4 Watch and Wager is conducted in the -- in more of our
5 restaurant area. There's a bar facility there as well.
6 And we have, I believe, 40 televisions downstairs. That
7 seats 108 people. We have some televisions in the upper
8 part where the bar portion is.

9 So we're very happy. You know, like
10 Mr. Baedeker said, we do about 14 million. I'll be
11 there -- we'll be operating now four years this July. So
12 next month will be four years that we've been doing this.

13 COMMISSIONER KRIKORIAN: Thank you, and good
14 luck.

15 CHAIRMAN WINNER: Is there a motion?

16 Okay. Moved by Commissioner Auerbach. Seconded
17 by Commissioner Choper.

18 Commissioner Choper, how do you vote?

19 COMMISSIONER CHOPER: Yes.

20 CHAIRMAN WINNER: Commissioner Rosenberg?

21 VICE CHAIR ROSENBERG: Yes.

22 CHAIRMAN WINNER: Chairman votes yes.

23 Commissioner Auerbach?

24 COMMISSIONER AUERBACH: Yes.

25 CHAIRMAN WINNER: Commissioner Solis?

1 COMMISSIONER SOLIS: Yes.

2 CHAIRMAN WINNER: Commissioner Krikorian?

3 COMMISSIONER KRIKORIAN: Yes.

4 Good luck.

5 We're going to move on now to item No. 7.

6 "Discussion and action by the Board regarding
7 request for approval from the Del Mar Thoroughbred Club to
8 modify its Pick 6 wager to change the six of six carryover
9 pool from 70 to 85 percent; and the consolation pool from
10 30 percent to 15 percent, for its race meeting commencing
11 July 13, 2016 through September 6, 2016, inclusive."

12 This was a matter that was put off at the prior
13 meeting.

14 Before we start, let me welcome former
15 Chairman Israel to our meeting.

16 MR. ISRAEL: Thank you.

17 CHAIRMAN WINNER: Gentlemen.

18 MR. RUBINSTEIN: Good morning. Josh Rubinstein,
19 Del Mar.

20 As our letter states, we're requesting to modify
21 the Pick 6 pool distribution. Currently, as you're aware,
22 the Pick 6 pool is distributed 70 percent to six of six
23 tickets, or to a carryover 30 percent to the consolation
24 pool, traditionally five out of six tickets.

25 In an effort to meet increased handle and Pick 6

1 carryovers and Pick 6 payoffs, we are requesting that the
2 pool distribution is now 85 percent for six of six for the
3 carryover pool, and 15 percent for the consolation.

4 Carryovers in the Pick 6 have a long history
5 with California. They've generated significant
6 incremental handle at Del Mar. For example, last summer
7 70 percent of our Pick 6 handle was on carryover days.

8 Santa Anita recently had two Del carryovers that
9 generated 2 million dollars in Pick 6 handle.

10 We felt it was important to try something new at
11 the Pick 6 as the handle is decreasing. As you're aware,
12 many tracks have chosen to go to a jackpot format.
13 Eventually down the road we may do that. But we felt
14 because of the history with the Pick 6, it was worth this
15 try, or change.

16 It's also important to note in terms of what's
17 at risk here. The Pick 6 is only four and a half percent
18 of our total handle. And we conducted in the form of
19 research on this modification. And I'll let Craig talk
20 about that.

21 MR. DATO: Thank you. Craig Dato, Del Mar.

22 Although the Pick 6 is only about four and a
23 half percent of our total handle, the Pick 6 is a very
24 powerful marketing tool for one reason, and that's
25 carryovers. As Josh noted, 70 percent of the total handle

1 in the Pick 6 comes on carryover days.

2 It's non-carryover days where we're getting
3 hurt. And I think whenever there is a carryover and you
4 see the anemic carryover amount, we all kind of wince,
5 like, oh, God, that's not very much. That's where we're
6 getting hurt.

7 When there is a carryover, the players get in
8 this pool and they chase it like -- pretty much like they
9 always have. The ratios are remaining the same. So when
10 there's a carryover, they play. It's the non-carryover
11 days where we're getting hurt.

12 It's pretty clear that the Pick 6 pools are
13 dropping in Southern California due to the fact that the
14 betting is migrating to the Pick 5 and the Pick 4. That's
15 fine. But the Pick 5 and the Pick 4 are not carryover
16 wagers and therefore don't have the same marketing cache
17 of the Pick 6. Yes, there is occasionally a carryover in
18 the Pick 5 but that is extremely rare.

19 We need to do something about this. This is too
20 important of a bet for us. We can't just sit back and let
21 this continue to happen. That's why we're proposing this
22 experiment. And we really do see this as an experiment.
23 We'll see how it goes and we'll go from there.

24 We're hoping for two effects: On non-carryover
25 days, which are now primarily the big players are the only

1 ones in that pool on non-carryover days, six of six of 6
2 will now pay 21 percent more. It was 70 percent of the
3 pool. Now it's 85 percent of the pool. That's a
4 21 percent increase.

5 In our focus groups of big players, it was clear
6 that they play this bet for the six of six payout, not for
7 the five of six consolation. So we believe with 21
8 percent more at stake, the big players will play more on
9 non-carryover days.

10 However, on carryover days, that's the second
11 part is where we really think we're going to do well. If
12 handle is flat, carryovers will be 21 percent higher. And
13 if you look at the data historically, there's a clear
14 correlation between the size of the carryover and the
15 amount of the money bet into it. Simple math.

16 Therefore we believe this experiment will
17 increase handle. We don't have a crystal ball. If we're
18 wrong, we'll admit it, and we'll try something else next
19 year. We'll be in front of you trying to convince you to
20 let us do something else. But we think this experiment
21 will increase handle, which of course will increase
22 commissions and purses.

23 CHAIRMAN WINNER: Craig, when this was last
24 discussed, my recollection is there were some of the
25 players who were -- when the idea was to remove the Pick 5

1 and leave all the money for the carryover, there was sort
2 of, like, a golden Pick 6.

3 MR. DATO: It was almost like we cancelled
4 Christmas when that came out; right?

5 CHAIRMAN WINNER: Yeah. There were a lot of
6 players who said, well, that's really damaging because you
7 don't have the ability to win with five. And, in fact,
8 what you tried to do is remedy that with this proposal as
9 an experiment; is that correct?

10 MR. DATO: Yes. This is a compromise,
11 obviously. We're not eliminating the five of six. We're
12 just cutting it back.

13 CHAIRMAN WINNER: Right.

14 MR. DATO: But as we found in our focus groups,
15 talking to the people who were against eliminating the
16 fives, once we talked to them, they pretty much admitted
17 they don't play the bet on non-carryover days. They get
18 in when there's a carryover.

19 Now, the guys who were in it day in and day out,
20 from what we saw in our focus groups, they are almost a
21 hundred percent in favor of upping the six of six payout.
22 That's why they're in the pool.

23 So we understand we're not going to please
24 everybody. But I think, you know, that the answer is
25 going to come whether we increase the handle or not. And

1 we're very -- we're very confident that this will increase
2 the handle.

3 CHAIRMAN WINNER: Okay. Go ahead, Commissioner.

4 COMMISSIONER KRIKORIAN: What was the percentage
5 of your total handle that Pick 6 was generating, say, five
6 years ago or seven years ago?

7 MR. DATO: Yeah. We've seen a -- we've seen a
8 drop in this pool of over 25 percent.

9 And, again, we see almost the same increase in
10 the Pick 4 and the Pick 5. The money is just moved
11 across.

12 You know, and it makes sense. With the 50-cent
13 increment, you get a lot more coverage. And with less
14 races to hit, you're going to -- you're going to cash a
15 lot more often.

16 So I completely understand the migration. But,
17 again, without the carryover aspects of the Pick 5 or the
18 Pick 4, it doesn't have the marketing power that we need.

19 MR. SOLIS: I like that idea. Really, you know,
20 when you -- when you have those big carryovers, a lot of
21 people are talking about it, and it will attract a lot of
22 people. It's very much like the lottery. Everybody --
23 when it gets to a hundred million and it gets up and up,
24 and everybody is like, hey, did you bet on the lottery?
25 They will pass it on so --

1 MR. RUBINSTEIN: And as we've seen on carryover
2 days, it's not just the Pick 6. These players handicap
3 the card and they stay with you the entire day.

4 So when they get -- you know, they're out of the
5 Pick 6, they're into the Pick 4, and the other exotic.

6 So as Craig said, this is simply -- we're going
7 to try it, and if it doesn't work, we'll probably be in
8 front of you in a couple months asking for something else.

9 COMMISSIONER AUERBACH: Point of clarification,
10 because you said, you know, next year, but I wanted to be
11 clear that it's just for this meet. So if you want to do
12 an adjustment before the fall, you would --

13 MR. RUBINSTEIN: Correct. Yeah. Just for the
14 summer. And then we'll analyze it and be happy to share
15 the data with you and anybody else in the industry.

16 CHAIRMAN WINNER: It's in the motion, actually.
17 So it's only through September 6, 2016.

18 COMMISSIONER AUERBACH: Okay.

19 CHAIRMAN WINNER: Any other --

20 Commissioner Choper moves. Commissioner
21 Rosenberg seconds.

22 Approval of the motion.

23 Commissioner Krikorian?

24 COMMISSIONER KRIKORIAN: Yes.

25 CHAIRMAN WINNER: Commissioner Solis?

1 COMMISSIONER SOLIS: Yes.

2 CHAIRMAN WINNER: Commissioner Auerbach?

3 COMMISSIONER AUERBACH: Yes.

4 CHAIRMAN WINNER: Chairman votes yes.

5 Vice Chairman?

6 VICE CHAIR ROSENBERG: Yes.

7 CHAIRMAN WINNER: And Commissioner Choper?

8 COMMISSIONER CHOPER: Yes.

9 CHAIRMAN WINNER: Carries unanimously.

10 Good luck. Hope it all works out, and hope you
11 don't have to come back and try to change it.

12 Moving on.

13 "Discussion and action by the Board regarding
14 the report from the Thoroughbred Racing Protective Bureau
15 concerning its 'Final Pools by Tote Source' timing report,
16 which provides information concerning the timing of final
17 wagers reaching the host track, in an effort to identify
18 locations that may be contributing to slowing down the
19 process of the posting of final odds."

20 MR. LINNELL: Thank you very much, Chairman,
21 Executive Director, members of the Board.

22 I'm going to make this shorter than Del Mar's,
23 so this will be quick.

24 We were asked to take a look at various tote
25 hubs --

1 CHAIRMAN WINNER: First of all, we need you to
2 identify and --

3 MR. LINNELL: Thank you very much.

4 Curtis Linnell, Thoroughbred Racing Protective
5 Bureau.

6 We were asked to take a look at tote hubs coming
7 into Santa Anita, look at their timing, and see which ones
8 were the slowest ones, and we did that, thanks to Santa
9 Anita, and thank you very much to AmTote who threw open
10 their logs and sent us a lot of information, which we had
11 to plow through. And I won't go through all the
12 methodology and -- and everything we looked at here, but
13 we'll go straight to the results.

14 Of course, just on the agenda item, one point of
15 clarification, "final pools by Tote Source, which provides
16 information concerning the timing of final pools, not
17 wagers, reaching the host track, because of course wagers
18 themselves goes to the local tote. And then local totes
19 merge those pools into the host tote. So those wagers in
20 fact are already present at the host totes, so we're not
21 talking about delaying those wagers. We're actually
22 talking about delaying the --

23 CHAIRMAN WINNER: We'll correct that for the
24 record. Thank you.

25 MR. LINNELL: Thank you.

1 And so Santa Anita's host tote system is
2 currently located as the AmTote Northwest hub that's in
3 Hillsboro, Oregon. There's also sourceable local bets
4 from the California tracks. And of course it's the local
5 tote system, the host tote system, that's responsible for
6 setting up the stop betting signal from the stewards and
7 collecting all the final pools.

8 I won't go through all where the rest of the
9 totes are located, but just to say that there is 56 real
10 or virtual totes -- and when I say "virtual totes," of
11 course in a virtual network world, totes can be divided
12 virtually as if they were physical tote systems. One
13 hundred ninety-seven pari-mutuel associations, comprised
14 of 541 locations. That was the data we took a look at in
15 March.

16 Fifty-one of those totes are connected directly.
17 Four totes actually facilitate other tote systems called
18 the double hub. So there's other tote systems coming into
19 a middle guest or a middle tote, that then comes into the
20 host tote. So that's called the double hop in tote
21 parlance.

22 We looked at the stop betting time and then the
23 stop betting -- the final pools that came in from all
24 totes, and sure enough, when we looked through the March
25 data from Santa Anita, there was an indicative of four

1 tote hubs that were already always later than the rest.
2 And when I say "later than the rest," in terms of the win
3 pools, that was anywhere from 8 to 12 seconds typically
4 that they average later than the rest. Again, these are
5 pools.

6 Those four tote hubs, let's call them the slow
7 hubs, all were middle guests for race after race. So we
8 have four of those identified.

9 There's an AmTote Maryland hub, which takes care
10 of the wagers coming from Maronas in Uruguay. Does a
11 currency conversion changes from net -- from gross to net
12 pool pricing.

13 There's the Sportech Illinois hub that handles
14 the double hub coming out of Arizona. We can talk about
15 that. Arizona is a double hub state.

16 There's the Sportech German hub located in
17 Berlin called the Essen hub, because it used to be located
18 in Essen, that handles all the European wagering coming
19 into Santa Anita from various locations.

20 And there is the Northwest hub co-located in the
21 same data center as the California system, but it's,
22 again, a virtual hub that handles all the various jumps
23 out of Florida.

24 Florida has five tote systems taking care of the
25 various locations in Florida. And, again, they all merge

1 in the OGG, the Northwest Gulf Stream hub, before that
2 goes between two virtual systems that almost sit back to
3 back, but that causes the delay.

4 So it's not a matter of distance whether a
5 system's in Essen or Maronas or actually back to back in
6 the same room at the data center.

7 So I -- so those are the four. We also grabbed
8 the data from last week, back from June 12th, just to make
9 sure that very little has changed. There was in fact some
10 single links that have sped up. So that was good news.
11 From June 12th, 48 totes connected to Santa Anita totes
12 host, four totes connected as middle link, to stop any
13 incurred, and sure enough we found exactly the four hubs
14 that had the delays.

15 Having said that, the delays were less than what
16 we saw in frequency in March. And -- but, again, for a
17 win pool, it's a win pool that is missing the 10-second
18 forced odds, and we can get to that.

19 So what we have is also to look at the severity
20 of those updates after the 10-second forced odds after the
21 horses break.

22 Of course one of the biggest changes we've had
23 from 2015 to 2016 is we're now updating odds in California
24 on 30-second cycles from three minutes to post. And
25 that's been a big change because prior to that, we were at

1 45 seconds.

2 When the horses break from the gate, which is
3 when the penultimate cycle of odds is, in 2015, on
4 Saturdays at Santa Anita, we averaged just -- just under
5 30 percent, 29.3 percent of the win pool that would show
6 up on the board after the horses broke. So within that --
7 within that period of about 10 seconds right to the final.

8 This past year, by going from 45 seconds to
9 30-second updates, we've decreased that from 29.3 percent
10 of the win pool to 13.1 percent. So it's been a
11 tremendous decrease going from 45 seconds to 30 seconds.

12 So the severity of even the late -- these four
13 late hubs bringing in primarily -- and the bulk of the
14 money is Florida. When we talk Arizona or Essen or
15 Maronas, really the bulk of the money is Gulf Stream,
16 Tampa, and then Florida. That misses the 10-second almost
17 final.

18 In a lot of cases, most of that money, because
19 it's just an update, is already in the pool when we're
20 doing 30-second updates. So the incremental amount is
21 very, very small.

22 So the results. Double hubs in the tote
23 systems, we've tried to eliminate these throughout the
24 years. They continue to be a delay in the system, and
25 we've identified that.

1 We have an event coming up this next year where
2 the PME France has taken over tote services in Germany, so
3 we're -- Sportech is eliminating their German hub.
4 That -- that pattern, depending on what their customers
5 are, may be duplicated at the Quantum Data Center in Mount
6 Laurel, depending if they're going to collect those places
7 there.

8 So domestically, really the Arizona system or
9 the Arizona regulatory environment, in which we have two
10 tote hubs, or two tote hubs combining before they come in,
11 and more importantly Florida, both of those are double
12 hopped, and that's a legacy regulatory reason, because
13 there's one host for daytime or nighttime signals or live
14 racing signals, and all -- all locations have to be bet
15 through on simulcast in that one location.

16 Lots of other states have those regulations.
17 Not very many states, in fact, only Arizona and Florida,
18 actually require that to occur physically in terms of the
19 pool, the pool's jumping.

20 So solutions: Obviously double hubs continue to
21 be a problem. Missing the 10-second almost forced cycle,
22 again, it's a very small amount, but still missing that
23 delays the process.

24 So we've started to talk to tote companies about
25 employing something called the fast middle guest. So fast

1 middle guest, rather than when -- let's take Florida. All
2 four systems congregate into a middle system. Rather than
3 waiting for all the pools to congregate into a middle tote
4 system before it jumps to California for a final update,
5 what it does is take pool by pool and it takes the win
6 pool and just gathers that and sends that along so we can
7 go final on the win pool prior than waiting for the
8 exacta, for the double, for other pools.

9 So that's called the fast middle guest protocol,
10 and we've start to talk to totes about that this past
11 meeting. That's doable in the current protocol.

12 We also want to continuously speed up the odds
13 frequency cycles. We saw the effect of going from 45
14 seconds to 30 seconds. There is three locations currently
15 we brought into -- AmTote locations: Belmont in New York,
16 Laurel Park in Maryland, and most recently Gulf Stream,
17 that we now went from 30-second updates to 20 seconds.

18 And that, again, had a tremendous -- a
19 tremendous difference. Again, we've seen the difference
20 from 45 to 30 seconds, going from 30 seconds to 20
21 seconds. Again, when the horses jump, there's far less
22 money just outstanding to be totalized that occurs there.

23 Last, but not least, we really need to see
24 regulations in Arizona and Florida updated to match what
25 other states are doing in terms of interstate

1 simulcasting. So those -- those legacy regulations in
2 Florida is a quagmire when it comes to regulations because
3 of all the various groups and pari-mutuels and card rooms
4 and slots and such. But we need to get that on the agenda
5 in Florida to update those regulations so they can come in
6 directly, like almost all of the states do rather than
7 double hop.

8 I have the full report on a PowerPoint, which I
9 will e-mail to Mike and the Staff, and has the backing.
10 But certainly I will entertain any questions.

11 CHAIRMAN WINNER: Thank you, Curtis, very much.

12 Would you forward that to Staff, forward that to
13 the Commissioners? Because this is obviously important,
14 and you've done a lot of work on. We appreciate it.

15 Questions?

16 Commissioner Choper.

17 COMMISSIONER CHOPER: I understand what you're
18 doing and, I mean, that's fine. Good. But as an average
19 better and not one of these whales, who I guess can wait
20 -- I'm a little fish.

21 CHAIRMAN WINNER: A guppie.

22 COMMISSIONER CHOPER: I guess they have a way of
23 waiting for -- for them, it makes a big difference between
24 it's 10 seconds and two seconds; right? That's probably
25 where you're going, trying to achieve or close to that.

1 It doesn't make much difference to the average
2 bettor. And why? I mean, what are you supposed to do?
3 Most people, they go to the windows and make a bet, even
4 if it's, you know, with a machine. But nonetheless, you
5 can go up, come back.

6 I have gone up many times, and let's say made a
7 bet and the horse is seven to one. By the time I get
8 back, it's nine to two. That's particularly at
9 Golden Gate Fields, less though at the Southern California
10 tracks. Very frustrating. Very, very frustrating. I
11 don't think there's anything you can do about it.

12 Pardon me?

13 MR. LINNELL: It's a matter of one point --

14 COMMISSIONER CHOPER: Couple of seconds.
15 Percentagewise that may be very big.

16 MR. LINNELL: I appreciate what you're saying.
17 It's -- as we see an increasing amount of betting occur
18 closer and closer to race time, and as we have wireless
19 handheld devices and people are betting on their phones,
20 on-track and at OTBs, not even the whales, even small
21 bettors will start to gravitate to self-serve and phone
22 systems. And they'll be able to bet when horses start to
23 load and the same situation as somebody who was, you know,
24 betting very large.

25 So -- and we need to get the odds as accurate as

1 possible at the point the people are betting. We don't
2 know where they're going to be in 10 or 20 seconds from
3 then. But we at least need to know when somebody bets
4 that the odds are accurate on the pool they're playing,
5 not that they're 60 or 180 seconds stale dated so...

6 CHAIRMAN WINNER: Curtis, we talk about whales,
7 the computer wagerers, do they take advantage of that time
8 difference? In other words, if they have an advantage
9 because they can go like that, boom, with seconds left,
10 and that changes -- as Commissioner Choper said, by the
11 time he gets back to his seat, that the numbers have
12 changed dramatically. I mean obviously, we've all seen
13 it. I mean, I've seen it even --

14 MR. LINNELL: And that's a great point. And
15 professional bettors -- we've seen some professional
16 bettors now that there's numbers of professional bettors
17 in the pools, and they're competing against each other, as
18 much as -- probably more so than they're competing against
19 others, just general bettors, because that's where the
20 volume is.

21 They're starting to bet earlier. So we have
22 seen some computer bettors start to bet a minute out and
23 seconds before. So we see some money starting to trickle
24 in. So the competition to other computer bettors is
25 different than what we've seen before.

1 But we've also seen that 20 seconds, when we can
2 get down to 20-second cycles, we almost -- we capture
3 almost all, and sometimes all, of that betting. Because
4 very few computer bettors will wait until the last horse
5 loads. They're typically setting those bets in with four
6 and five horses back, their last series of bets. And
7 20-second updates will almost always get that money in.

8 So at 20-second updates -- and we do have some
9 systems on the network at 10, and I think 10 is the goal,
10 if we look at a realistic goal. But at 20 seconds, we're
11 good.

12 We're sitting at over -- at the forced odds
13 update, we're sitting well over 99 percent of the win
14 money in so --

15 CHAIRMAN WINNER: One of the questions I have is
16 you mentioned changing regulations in Florida.

17 Is that a process that you're working on? I
18 mean, obviously we don't have a whole lot of control --

19 MR. LINNELL: Right. It's obviously the
20 Stronach Group has a major presence in Florida with Gulf
21 Stream and Gulf Stream West. So they certainly have some
22 people that we can work with.

23 We've approached the regulators also directly.
24 We have another member track there, Tampa Bay Downs, who
25 is quite interested.

1 This isn't a regulation that disaffects anyone.
2 So we -- even though they're dealing with a lot of big
3 issues, the coupling, casino licenses from racing and lots
4 of things, those are all contentious issues. We think
5 that they'll see this, if properly presented, with the
6 right venue and getting everyone on side, as something
7 that makes everyone better. We think there could be some
8 success there.

9 CHAIRMAN WINNER: Other questions?

10 Thank you very, very much. It was a thorough
11 report. I'm looking forward to seeing the PowerPoint.
12 Thank you --

13 MR. LINNELL: Thank you.

14 CHAIRMAN WINNER: Thank you very much, Curtis,
15 for doing that.

16 Let's move on to item No. 9. "Discussion and
17 action by the Board regarding the feasibility of
18 developing a rule requiring Advance Deposit Wagering (ADW)
19 providers to identify the location of wagers placed
20 through an ADW account; and provide an accounting of all
21 wagers placed at a California thoroughbred racing facility
22 on days when live thoroughbred racing is being conducted
23 at the facility.

24 We have a number of folks who want to speak on
25 this.

1 We'll start with Greg Avioli.

2 MR. AVIOLI: Thank you, Mr. Chairman. Greg
3 Avioli, TOC.

4 What we're here to talk about today and argue is
5 not a minor issue. We're really looking at what we like
6 to think of as a macro trend. What I'm going to tell you
7 is a seismic shift in the wagering patterns of our
8 customers today.

9 This has been going on for a while, and one of
10 the things I did at for TOC in the last six months is just
11 take a look at things from kind of a 20,000 foot
12 perspective.

13 If you look at the drop in on-track
14 wagering over the last five years, you're going to see
15 it's remarkably similar percentagewise, when it was within
16 a point, to the growth of ADW for the same period of time.

17 I congratulate Joe Morris and the Stronach Group
18 on a great meet at Golden Gate. Buried within the numbers
19 of Golden Gate is the following: On-track wagering down
20 9 percent, ADW wagering up 11 percent.

21 Again, very similar to what we've seen in the
22 last five years. Is this a coincidence? It could be. We
23 don't think it is. We don't know. We do not know how
24 many people are betting on track with their devices one
25 way or another.

1 We are in disagreement with the ADWs on this.
2 They -- we have met with them at the Board's direction.
3 They believe, and I'm sure some of them will be here
4 today, it's a very small fraction of the betting. Again,
5 we disagree with that based on our view of the situation.

6 But the good news is we don't have to accept
7 each other's opinions on it because this little device
8 right here will allow us to know exactly how much is being
9 bet here.

10 So the regulation before you basically says
11 let's use the available technology to answer this
12 question. And once we have the facts, then we can
13 collectively come to a resolution.

14 And I want to say two more things, and I'll be
15 quiet.

16 This should not be viewed in any way as the TOC
17 is taking a position against ADW. We think this is a
18 great form of betting. This is the best form of betting
19 for the customer, and I'm very confident more and more
20 customers are going to be betting with these devices, and
21 they should. It's more convenient. As Curtis just said,
22 it allows them to sit there and bet at the last minute,
23 follow available data. It's a great thing, and we think
24 it's the future. We just have to come up with an economic
25 model that works for this type of betting in the future.

1 The last thing I just want to comment on, when I
2 spoke at a previous meeting, one of the comments I
3 received from the Board is, well, is there a privacy
4 issue, invasion of privacy with the customers?"

5 And at the time I pointed out that when I go on
6 this lovely device and I want to get an Uber, Uber can
7 find out exactly where I am, and all I have to do is click
8 on "Location Services" and they'll come get me.

9 And I also talked about Google Maps. If you
10 want to go somewhere, of course they're going to geolocate
11 you and tell you where to go.

12 Since that time, though, I've gone back and I've
13 just looked at my own device, and I urge everyone to look
14 at yours, if you go to privacy and you click on "Location
15 Services," this is who else geolocates me down to
16 the meter every time I use this.

17 You ready? ESPN, Delta, Instagram, when I use
18 my camera, Twitter, Zillow for looking for a house,
19 Fandango for going to a movie. This is common.

20 So anyone is going to make the point that, oh,
21 people don't like to be geolocated, that might be a
22 theory, but in reality, we're all geolocated dozens of
23 times every day. It's the way of the future.

24 So that's -- we'd ask that you adopt the
25 regulation -- or adopt -- begin the process to adopt the

1 regulation. Thank you.

2 CHAIRMAN WINNER: Thanks.

3 As you know, I've been -- at least raised the
4 issue of privacy. I'm not sure Uber's the best example
5 because with Uber, you are volunteering where you are.
6 You've made that decision that you want an Uber and you're
7 volunteering.

8 Some of these others that you raised, obviously
9 that is not the intent. You're doing something else.

10 There is, you know, a question of whether there
11 may be some people who don't want others to know that they
12 are -- where they are at any particular time. So we --
13 it's a legitimate concern. But as you point out, it's --
14 we probably don't have a whole lot of privacy now with
15 respect to some of the other apps that you can use for the
16 purposes of doing a number of things.

17 Go ahead, Commissioner Rosenberg.

18 VICE CHAIR ROSENBERG: On that point, Chairman,
19 I think the distinction is that if a person does not want
20 to bet on his phone because he doesn't want someone to
21 know where he is while he's at the track, he still has the
22 opportunity to make a bet at the track.

23 CHAIRMAN WINNER: Yes, that's correct.

24 VICE CHAIR ROSENBERG: You can shut off -- you
25 would be able to shut off your location voluntarily, if

1 you're at the track and you're betting. You can --

2 CHAIRMAN WINNER: Just don't use your --

3 VICE CHAIR ROSENBERG: You can shut it off.

4 CHAIRMAN WINNER: Just don't use your iPhone and
5 iPad or whatever.

6 MR. AVIOLI: Yeah. And to be clear -- I think
7 John Hindman will speak to this -- right now, if you go to
8 the TVG app or the TwinSpires app or the Xpressbet app,
9 because of a rule by Apple, you are required to have
10 location services on any time you bet.

11 So, again, we're not changing the rules. That's
12 the rule right now. They have this information.

13 CHAIRMAN WINNER: In your view, how much are we
14 talking about in terms of real dollars? Just as an
15 estimate. I mean, obviously this is a big deal, so you
16 might have done some research.

17 MR. AVIOLI: Sure.

18 If it's 15 percent of the wagering occurring on
19 track right now, we think you're talking 3 to 4 million
20 dollars a year of purses and commissions that are going --

21 CHAIRMAN WINNER: State. Statewide.

22 MR. AVIOLI: Well, I'm saying commissions. So
23 statewide, this could be again -- we don't know,
24 Mr. Chairman, but I'm going to tell you my gut is it's in
25 the tens of millions of dollars and it's increasing every

1 day, total wagering.

2 CHAIRMAN WINNER: Other questions for Mr. Avioli
3 and then we have a number of people who are -- a couple
4 more people who have asked to speak on this issue.

5 Any other questions?

6 Stay available. Thank you. And congratulations
7 on your new position.

8 MR. AVIOLI: Thank you, sir.

9 CHAIRMAN WINNER: Mr. Hindman.

10 Come on up, John.

11 MR. HINDMAN: Good morning, Commissioners.

12 John Hindman from TVG.

13 We -- we have engaged in discussions with
14 thoroughbred owners in California and we'll continue to do
15 so to reach a mutually acceptable answer to this issue, or
16 this matter, if they're so inclined to do so.

17 We think right now a rule-making process
18 beginning would be premature, at best.

19 There are several items that -- concerns that we
20 have that we hope that the TOC takes into account, in
21 addition to everybody else, in reviewing this matter which
22 is -- which is complicated.

23 You know, first -- one of the first matters that
24 I've brought up repeatedly is right now the ADW business
25 is all residency based. So you're tagged and identified

1 based on your state of residence. And that serves
2 California particularly well. Not only because California
3 receives a very healthy share of ADW revenue back to the
4 racing industry, compared to most other states, but also
5 because a lot of Californians go a lot of places. And
6 that benefits California to have those people identified
7 as Californians. And that's the way the whole systems
8 work nationally. So we need to be careful to -- to
9 maintain a system that has been good for this state.

10 Second -- our second concern is customers. And
11 I think -- by the way, I congratulate Mr. Avioli on his
12 appointment as well, and -- and wish him the best.

13 I think, you know, we have experience in this
14 area with other forms of gaming where these types of
15 technologies can be great customer conveniences, and right
16 now we're offering a very positive customer conven- --
17 experience with ADW. And we want to make sure that we
18 preserve the most positive customer experience that we
19 can, and we're very concerned about that.

20 The third is the cost benefit analysis of this,
21 of which there will be costs and the benefit is far from
22 certain. I shared with the TOC some information. You're
23 not talking about -- you know, nobody is bringing a laptop
24 to the racetrack; right? So we're not really discussing
25 or talking about that. We're talking about phones,

1 essentially; right? And phones --

2 CHAIRMAN WINNER: Phones and iPads.

3 MR. HINDMAN: Phones and iPads, sure, which are
4 a very small portion of our current handle. So you're
5 talking about a fraction of a fraction of our current
6 business.

7 So you really need to look at -- granted, it's
8 something that people have found popular, convenient. You
9 really need to carefully weigh the cost benefit of all of
10 this.

11 The next thing that I would say is there -- I
12 don't think that the current proposal would solve the
13 problem of -- of other things about -- related to turning
14 an ADW bet into an on-track bet. For instance, there are
15 other distributions in a ADW law that would make
16 absolutely no sense in that scenario. And we've pointed
17 that out as well and are willing to consider that and look
18 through that as well.

19 And finally, I think that there's some issues
20 with the current proposal related to how this Board would
21 address customers who are not California residents for the
22 first time as well.

23 So, you know, we've had positive conversations.
24 We'd like to keep having positive conversations, and like
25 to have the opportunity to do so, to see if there is a way

1 to address everybody's issues and maintain a positive
2 customer experience that benefits California racing the
3 most that it possibly can.

4 Thank you.

5 CHAIRMAN WINNER: Hold on, John. Some
6 questions.

7 Go ahead, please.

8 VICE CHAIR ROSENBERG: Question: The first
9 point you mentioned, can you explain that in more detail,
10 California?

11 MR. HINDMAN: So right now, for instance, if you
12 go on a business trip to somewhere else where it's lawful
13 for you to use your phone to wager, and you make a wager,
14 the revenue from that wager is going to go to this track
15 and those horsemen. So that's great. That's very
16 beneficial to California to have it that way.

17 And so what I'm trying to point out is the
18 current system, while it's not perfect, does provide
19 benefits, particularly to this industry that are very
20 useful. And if that changes and we start to treat the
21 entire business a different way on a global basis, there
22 could be ramifications that people aren't exactly thinking
23 through that they probably should.

24 VICE CHAIR ROSENBERG: But explain why the
25 betting -- if you're betting out of the state, location

1 services are already mandated, you said, by Apple -- Mr.
2 Aviola said by Apple; correct? You know where the person
3 is; correct? Now --

4 MR. HINDMAN: We know where the person is within
5 one of the lawful jurisdictions we take wagers.

6 VICE CHAIR ROSENBERG: Correct.

7 MR. HINDMAN: That's all we track.

8 VICE CHAIR ROSENBERG: Right.

9 MR. HINDMAN: To get into this, we don't -- to
10 be clear, right, we do not track -- we do not have the
11 data as to where a customer is.

12 For Apple to allow that customer to use our app,
13 they have to be in one of the jurisdictions where we are
14 lawfully taking wagers. So when that person comes in --

15 CHAIRMAN WINNER: You're talking about the
16 state.

17 MR. HINDMAN: State level. State level, that if
18 you were in Illinois, right, that they have assurances
19 that it's lawful for you to use your phone to bet in
20 Illinois; right? That's all -- that's the only check
21 that's currently in place is to check that, on that
22 particular device, which is the iPhone or iPad, which is
23 the Apple devices.

24 VICE CHAIR ROSENBERG: That could be handled via
25 -- by this other suggestion they're making with a

1 regulation that was covered, that issue is covered,
2 couldn't it? It could be handled the same way. That
3 person who bets in Illinois on a California race with his
4 phone, okay, would be considered an on-track bet if he's a
5 California resident, I presume, and that information could
6 be obtained because --

7 Why couldn't TVG get that information? They
8 would who's betting, if they wanted -- they know who the
9 entity is. You inquire, you get the Social Security
10 number --

11 MR. HINDMAN: Sure, we know who it is; right.

12 VICE CHAIR ROSENBERG: Why couldn't that be part
13 -- why couldn't that point be covered with this concept of
14 the TOC?

15 MR. HINDMAN: I don't completely understand your
16 question; so I apologize.

17 VICE CHAIR ROSENBERG: Why couldn't the same
18 issue you raised of California being considered a
19 California bet be covered in any proposed regulation
20 that's ultimately drafted?

21 MR. HINDMAN: Well, I don't understand how you
22 can actually do that. Because I think that the current
23 system where everybody's based on residency is -- as I
24 said, works well for California. I think if you start to
25 change that system, then other -- other jurisdictions will

1 want to treat that's the way that's being proposed here.

2 VICE CHAIR ROSENBERG: I don't want to base it
3 on residency. It says if the person makes the bet, you
4 could not -- it could be done, and it says -- it seems to
5 me the same way it's being done now. It could be
6 considered a California bet if it's made by a California
7 resident in the state of Illinois. We shouldn't take a
8 lot of time on this, but I think that's -- you have to
9 explain to me why it couldn't be done with the proposal
10 Mr. Avioli is throwing out for the TOC.

11 MR. HINDMAN: Okay. Well, I don't think you can
12 control what the State of Illinois does, is my point. So
13 if you act and they react, then I think that's -- that's
14 really the issue here. So --

15 VICE CHAIR ROSENBERG: You think the State of
16 Illinois has control over a bet made by a California
17 resident presently?

18 MR. HINDMAN: Well, presently --

19 VICE CHAIR ROSENBERG: On TVG?

20 MR. HINDMAN: -- presently the entire system is
21 based on state of residency and -- and that has been
22 beneficial for this state.

23 VICE CHAIR ROSENBERG: He's not trying to
24 change -- he's not trying that; am I correct? He's not
25 trying to change that. Continue to be on residency.

1 MR. HINDMAN: So -- so under the current
2 proposal, right, if somebody came in to Santa Anita,
3 right, who was an out-of-state resident, okay, and used
4 their phone and placed the bet, and they were geolocated;
5 right? That would be considered an on-track bet under
6 their proposal. And we would still have all the
7 obligations, right, to whatever we have in the state of
8 Illinois for that resident wager.

9 The same goes for here. If somebody else did
10 that here; right? You can't have it both ways is -- is
11 what I'm saying.

12 So there's only -- you cannot have it both ways.
13 People treat it both ways. And so that's why this gets
14 very complicated. So I'm asking people to logically and
15 rationally think through this before we rush into a real
16 problem.

17 CHAIRMAN WINNER: John, as I understand what you
18 are saying is that it is a lot easier if the person
19 happens to be a California resident who is at a California
20 track and wagering at the track, that doesn't create that
21 complication that you and Commissioner Rosenberg are
22 discussing because, as a California resident, they fall
23 under California --

24 MR. HINDMAN: That's one of the concerns. I
25 mean, we have the other concerns that I listed as well.

1 CHAIRMAN WINNER: Let me ask you a different
2 question, and I am absolutely not proposing this. So I
3 don't want everybody to go bonkers. I just want to
4 understand the technology.

5 What would happen if there was a decision --
6 again, I'm not proposing this.

7 What would happen if there was a decision to
8 prohibit -- to prohibit wagering on devices at a
9 racetrack, so when people go to a racetrack, they have to
10 go to the window to bet? Could you technologically do
11 that? Could you block them when they are at a racetrack?

12 MR. HINDMAN: I'm not a technologist. I don't
13 know. I don't think it is much different than the
14 question we are asking, or the question that is being
15 asked in general. So we have never done that sort of
16 thing. So I wouldn't know the answer to that sitting
17 right here.

18 CHAIRMAN WINNER: Yes, please.

19 COMMISSIONER KRIKORIAN: I'd like to say that
20 the bottom line is -- and it was pointed out just
21 earlier -- that Golden Gate, their on-track handle is down
22 9 percent for the meet and ADW is up 10 percent. This is
23 happening meet after meet, year after year. The bottom
24 line is less money is staying in California and more money
25 is going to the ADWs, so what can be done to protect the

1 best interest of the horse racing in California?

2 MR. HINDMAN: I -- I would just respond, we
3 deeply care about the best interest of California and --
4 and hope that we demonstrate that to this industry and to
5 our customers every day. And the benefit that -- that we
6 have provided to California has grown
7 considerably over the years, and I -- I think it is easy
8 to sit back and say, well, this moved by this much and
9 that moved by that much and draw some conclusions, but
10 even with some of the information that I shared with Mr.
11 Avioli last night, it doesn't come close to explaining
12 that situation.

13 So, again, I -- I appreciate the opportunity to
14 have further discussions about it and think that that is
15 an appropriate route to go.

16 CHAIRMAN WINNER: Any other questions?

17 Yes, sir. Yes, sir.

18 COMMISSIONER KRIKORIAN: Well, I've just got one
19 last comment on this is you say that you can work on this
20 and talk to everybody, but we're moving at a very fast
21 pace down the road, and we're going to be in a real bad
22 position financially if something doesn't change. So I
23 think time is of the essence to come up with some better
24 ideas.

25 MR. HINDMAN: Thank you, Commissioner.

1 COMMISSIONER AUERBACH: I just wanted to weigh
2 in on this. This proposal is logical, well thought out,
3 and in my view, it would be foolish of us to ignore it and
4 to just take people's words for what is going on.

5 I was on the TOC for a long time, and this
6 problem, this situation was addressed at that time, and I
7 understand the ADWs pushing back; I absolutely get it.
8 But we have a brick and mortar here, we have things to be
9 considered about keeping the brick and mortar going, and
10 what's fair and what's equitable, and I understand
11 somebody sitting in their -- their chair and betting on
12 the phone and betting TVG, and I -- I get it.

13 And all we're asking for here, I think, with
14 looking at this, is a fairness issue. If someone is
15 sitting here appreciating our facilities, our racetrack,
16 our horses and betting on their ADW on their phone while
17 they're here, it's not paying their fair share of the cost
18 that the rest of us have. I don't see a negative in the
19 way this has been addressed to explore and move forward
20 with. I -- I happen to agree with George, for what it's
21 worth.

22 CHAIRMAN WINNER: Commissioner Rosenberg.

23 VICE CHAIR ROSENBERG: I would add to that. I
24 believe you can basically say that this -- there's no way
25 this is going to work, as I see it, no point in further

1 meetings with others unless they can show you how it will
2 work. I have heard nothing -- you're not opposed to the
3 concept, are you? Is TVG opposed to the concept?

4 MR. HINDMAN: What we would like to address is
5 the TOC's concerns and -- and help understand what the --
6 what the real matter at issue here, what's really at stake
7 here in a way that doesn't inconvenience customers and
8 doesn't create a rule-making system that may or may not
9 work today, tomorrow, or five years from now.

10 So, you know, that's what we're in the process
11 of doing and would like to continue to do as well. I
12 would say, you know, that technology has been good for
13 horse racing, and I hope people believe that. And -- and
14 I think at the same time when you think about if somebody,
15 you know, may pull out their phone at the racetrack, you
16 think that somebody may pull out their phone at Yosemite
17 National Park on a vacation and place a wager where that
18 was never, ever going to happen before. So there's a lot
19 of benefit that's flowing back to the industry from this,
20 and we hope that everybody continues to embrace it.

21 CHAIRMAN WINNER: All right. We have a couple
22 of other speakers on this, and then I'm going to make --
23 yes, please. Come back, John.

24 COMMISSIONER AUERBACH: I have one more
25 question.

1 How would exploring this inconvenience
2 customers?

3 MR. HINDMAN: Excuse me? It depends on -- well,
4 again, we have had experience in other markets with other
5 products where certain location-based systems are
6 extremely cumbersome to -- to use, and we have discussed
7 Apple as if they are the only system in the world, and
8 they are not. So -- and I don't even know what their
9 capabilities are down to the -- down to the meter here.
10 So I would defer comment on that.

11 But there are other technologies that people
12 have to use in order to -- so I don't have an Apple. I
13 have a -- I have a Blackberry, right, and to make
14 something like that work on a Blackberry, you have -- and
15 people have Androids and they work the same way that the
16 Blackberry works with mobile wagering. And that requires
17 a potentially different technology, and each one of those
18 increases costs, increases expense, and creates customer
19 inconvenience. So they are not easily introduced into the
20 marketplace; so we're concerned about that and want to
21 keep the customer's experience as good as we can.

22 CHAIRMAN WINNER: They still make Blackberries?

23 MR. HINDMAN: They do. This is a new one too.

24 CHAIRMAN WINNER: Any other questions for John?

25 All right. Thank you, John.

1 Brad Blackwell, TwinSpires.

2 Hi, Brad.

3 MR. BLACKWEL: Good morning, Chairman, and
4 Commissioners. Brad Blackwell on behalf of TwinSpires.

5 I want to add to some of the comments from John.
6 We agree that in this case we think this is, you know, a
7 strategy where the cost and inconvenience probably
8 outweighs the potential offside for one or more groups,
9 and it could have a reverse effect. I think it's a very
10 slippery slope.

11 Some of what John was pointing out but -- but
12 some of the points that were raised, we feel like ADW
13 provides a lot of value. To be honest, we don't feel like
14 we get paid a whole lot in California, you know, for the
15 services and convenience that we provide.

16 And so the value does not change when a customer
17 may use TwinSpires at a racetrack. The costs certainly
18 don't go down for an ADW. And probably what I've seen
19 more than anything is on large event days, which obviously
20 Churchill Downs is very familiar with, and Breeders' Cup,
21 where I have attended myself, is sometimes people will use
22 those devices to get in a last minute wager. They waited
23 in line, they go to the paddock, they go near the track,
24 they see a horse they think is responding positively, and
25 so I think that the ADW really enhances the on-track

1 experience. It offers something. It offers, you know,
2 handicapping products such as what TwinSpires uses through
3 Bris.

4 I think this is a little bit of an overreaction
5 here to just say, hey, let's try this. There are a lot of
6 costs associated with this. I disagree that this is as
7 simple as just employing your settings and just saying,
8 yeah, you can track me. I think the precision that is
9 being requested as a part of this is a very small area.
10 We're not talking about ESPN that may just be worried
11 about what state you are in.

12 They are talking about a very precise, is a
13 person on the property or are they not on the property.
14 And I think from what we have seen in the technology,
15 there is probably a lot of room for error there, and it
16 could go both ways where you may not know if the person is
17 on the track or if they are in the parking lot or they're
18 at a restaurant next door. So there's a lot of problems
19 associated with this.

20 But I think one of the things that you can
21 certainly look at, if you wanted to kind of experiment and
22 look at things, how they may actually play out, we
23 disagree that we think it's a lot of handle, we don't
24 think it's a lot of money. But you can look at tracking
25 it through the wifi. I think that's a much more accurate

1 tracking of something that would at least allow you to
2 take a look at this without asking licensees to incur a
3 significant cost, to ask licensees to risk their customers
4 who will get frustrated with it.

5 I know the question was asked, you know, well,
6 what inconvenience is it to the customer? The fact of the
7 matter is a lot of people don't want to be tracked. You
8 know, I keep my settings off. When I go to an app and
9 they want to know where I am, I'm inclined to say no. I
10 only want to engage that if it is important to know where
11 I am. If I wanted Uber to pick me up, I am applying for
12 that. That's a part of the service.

13 Gambling tends to be a fairly sensitive subject.
14 When people are looking at gambling, they probably are
15 less inclined to say yeah, I want you to know where I am.
16 People are just a little bit more guarded with certain
17 services. Obviously, people engage that when they want
18 people to know where they are, and it's for a part of that
19 service.

20 CHAIRMAN WINNER: But if they don't want people
21 to know where they are, they can walk up to the window and
22 make their wager.

23 MR. BLACKWELL: That's correct. And, you know,
24 I have been coming out here for quite a few years, and I
25 can say as a representative of an out-of-state track, and

1 as a representative of an ADW, it's tended to be a fairly
2 frustrating process through a lot of meetings. And I
3 think what we don't do enough of is to look at what can we
4 agree upon as a good solution? What is a good customer
5 experience? What can we do to work together?

6 We have not been engaged in this issue as of
7 yet, but I think we can provide a lot of feedback, a lot
8 of thought in terms of what are some positive things we
9 can do.

10 If the issue is truly about, you know, we're
11 losing money to ADW, let's look at ways you can use ADW to
12 help out the industry. I know one of the issues that has
13 come up recently is player's pools, and that's something
14 that we engage in with customers throughout the country.
15 They love it. That's something that California is
16 currently preventing right now. So we would like to come
17 to the table, and for the first time in -- probably I have
18 seen in a long time -- let's figure out ways to work
19 together.

20 The fact of the matter is ADWs are a part of the
21 California horse racing industry, and I have been coming
22 out here for a long time, and it has always been the ADW
23 is looked upon as the outsider, the ADW is looked upon as
24 the enemy. And from our perspective, we should not be
25 bifurcating this issue further by saying, hey, ADW, you

1 don't want your customers to go to the track, because you
2 don't want them to be tracked, you don't want to receive
3 less money.

4 TwinSpires has always enjoyed a positive
5 relationship with the racetracks. We've had TwinSpires
6 days at tracks, including those tracks in California.
7 We've done it at Del Mar, we did it at Hollywood Park.

8 We went before meetings before and said, hey,
9 we're willing to do this with any track. We want our
10 customers to engage with live racing. That's why we are
11 here.

12 And we want to encourage that. We don't want to
13 be put in a position where we are forced to discourage
14 that because it's an inconvenience, or we're going to make
15 less.

16 I think, again, we have to find a way to work
17 together. And there's a lot of other solutions besides
18 asking one party who contributes a lot to incur
19 unnecessary costs.

20 CHAIRMAN WINNER: Any questions?

21 Commissioner Krikorian?

22 COMMISSIONER KRIKORIAN: Well, I would just say
23 that it's not a -- this is not a minor issue. This is a
24 very serious issue. When you say that, you know, the
25 consequences are minor, when you are losing -- when you

1 are losing handle, on-track handle, 10 percent on a
2 per-meet basis, you got a serious bleed problem, okay?

3 And what -- what TwinSpires and what all the ADW
4 providers provide to the industry is absolutely necessary.
5 Probably can't exist today without it, so it is all very
6 important.

7 But the real issue here is that there's a
8 sharing issue. And that's what needs to be dealt with.
9 You know, whether it's through this method or some other
10 method, you know, something needs to be done and it needs
11 to be done, you know, pretty quickly. You know, and
12 that's the way I look at it, because without it, we have
13 an economic problem on the horizon. This has to be dealt
14 with.

15 MR. BLACKWELL: Commissioner, I appreciate the
16 feedback, and I think we look at this a little
17 differently. And let me, you know, step back a point and
18 say, you know, my company, the essence is owing
19 racetracks.

20 We were reluctant to get into the ADW business.
21 We didn't get into it for a long period of time. TVG was
22 around, Xpressbet was around, Youbet was around. There
23 were a number of others out there. We were really
24 reluctant because we had a lot of the same concerns, but
25 what we learned to do was embrace the technology.

1 And I think that really ADWs have been a part of
2 the solution, not the problem. Because if the horse
3 industry had not engaged ADW, you would have lost those
4 customers altogether. But the ADWs have allowed you to
5 stay engaged with these customers. It's allowed you to
6 take wagers from parts of the United States that you would
7 have never tapped into.

8 And the other thing that ADWs do for the
9 industry, and certainly for the California horseracing
10 industry, is it pays the highest host fees that California
11 tracks are getting through any wagering outlet. It
12 distributes those California signals more broadly than any
13 other outlet. And, again, we think that ADW is part of
14 the solution and has been something that has actually
15 saved the industry.

16 And so, again, instead of punishing the ADW, we
17 want to engage in working with the industry and certainly
18 working with the California industry in terms of what we
19 can do positively. And, again, I think this is something
20 that the customers aren't going to say, yeah, this is a
21 great thing for our industry, and I think that we can look
22 at other ways in terms of how do we engage our customers.

23 If the track wants customers to engage with the
24 on-track product, then make it a more engaging product.
25 Offer something. I know that Churchill Downs experimented

1 with a product through United Tote called Fastbet Mobile
2 where you can wager from your phone through the tote
3 system to encourage people to engage directly with the
4 track.

5 There have been others that have put devices out
6 at boxes to basically make it more convenient, and you are
7 engaging that. And in that case, it's putting some
8 responsibility back on the track to say, hey, we want to
9 engage with this customer. We are willing to incur some
10 costs because we think there's some upside there. And
11 certainly we would be willing to share ideas with what's
12 worked, what hasn't, and what may be something we haven't
13 tried yet.

14 COMMISSIONER CHOPER: Would you explain once
15 more to someone -- and I don't think I'm only the one but
16 I am certainly the worst one -- you know, technologically,
17 takes me a lot of time to understand what is going on.

18 MR. BLACKWELL: Sure.

19 COMMISSIONER CHOPER: So did you say that there
20 is a way in which Churchill Downs or Santa Anita, or what
21 have you, a racetrack, can make it convenient for a bettor
22 to remain in their seat, all right, and make a bet on
23 their cell phones and have -- have the bet go into the
24 pool that is going in at the -- at this racetrack?

25 MR. BLACKWELL: Sure. Churchill Downs utilized

1 that for United Tote, a tote company that we own, that had
2 -- it is called Fastbet Mobile. A few other tracks have
3 used it, but it basically engages with your cell phone and
4 you are basically betting through the tote system and --

5 COMMISSIONER CHOPER: Is there a way for the
6 other ADW -- I think -- no one is disputing the fact of
7 the value of ADWs to racing. That's not the issue. I
8 think everyone has said that or they tried to say it.

9 MR. BLACKWELL: Right.

10 COMMISSIONER CHOPER: But what is concerning, I
11 think, you know, Commissioner Krikorian made -- you know,
12 he said -- I am just repeating what he said, but I
13 sometimes repeat what I say. So why shouldn't I repeat
14 what someone else says?

15 And I think Mr. Aviola indicated he is going to
16 look into this, right, as to -- as to just what the net
17 benefit for people who are at the track -- let's forget
18 where else they are -- let them bet with ADWs, it's
19 wonderful. We appreciate it. But there is a -- but we
20 know that the -- that the industry itself gets more
21 revenue when people bet at the windows, simple. I mean,
22 it's pretty simple. And whoever, you know, divides it up
23 is the horseman gets some and so forth.

24 So it's a concern when people who are coming to
25 the track are managing to avoid going to the windows and,

1 as a consequence, diminishing the amount that is received
2 by the -- by the racetracks.

3 Now, you say Churchill Downs has solved that
4 problem. You want to bet right into the -- into the --

5 CHAIRMAN WINNER: I don't think they have solved
6 that problem.

7 MR. BLACKWELL: I'm not saying that. You know,
8 we -- people utilize, you know, different mechanisms to
9 wager, and I think -- Commissioner Choper, I think one of
10 the points where we may slightly agree is certainly
11 there's value by the ADW. But the fact of the matter is
12 when an ADW is engaged with a customer at a racetrack,
13 then they are providing a service that they should be
14 compensated for.

15 And I think, you know, part of the concern with
16 this model is you are taking away, you know, the value of
17 that service, or you are diminishing the value of that
18 service. And, again, I think it's about -- looking at it
19 from the perspective of how the ADW can enhance the
20 on-track experience.

21 CHAIRMAN WINNER: We have --

22 COMMISSIONER CHOPER: May I just say this? The
23 instant, at least mine is, and I think it has been
24 expressed otherwise, is, again, we are not asking ADWs to
25 go away. We would be very, very unhappy if they did. But

1 what we are asking them to is to make a concession to
2 someone who is sitting at the racetrack and instead of
3 going to the windows is betting through cellphones. I can
4 see there's a great advantage to that. I don't know. On
5 the East, I used to go to the tracks a couple times, and
6 you could bet right from your seat. I guess you'd put up
7 some money in advance and they took it out like an ADW.

8 But I guess what we're asking is, we would like
9 to differentiate everybody from those who are sitting at
10 the racetrack.

11 CHAIRMAN WINNER: I think there are a number of
12 issues here that go beyond convenience to the person
13 making the wager. I think the issue of money to racing,
14 which is our responsibility, what -- how does it affect
15 the amount of money that goes to the associations and to
16 the horsemen and to racing in general. That is a critical
17 issue, and I think that's what Commissioner Krikorian was
18 alluding to, which I happen to agree with.

19 Frankly, I think that we all have been -- as
20 Commissioner Choper said, we all appreciate what the ADWs
21 bring to racing. And, frankly, I don't think the
22 inconvenience to the ADWs is an issue that concerns us as
23 much as the -- as where the dollars are flowing to.

24 You say it's -- both you and John make the case
25 that we're talking about very little money here. So,

1 therefore, this point I raised before, which is, of
2 course, not a serious point, but it still leads to the
3 question, then why not just prohibit it altogether. It
4 doesn't mean anything to you. It's just a small amount of
5 money, but it means an awful lot to the industry.

6 Again, I'm not suggesting that, but the point is
7 there are extremes here, and that would be an extreme in
8 one direction. There are extremes in the other direction,
9 and what we are looking for is something in between that's
10 beneficial to the industry and doesn't remove people.

11 And there is another issue. And that is the
12 issue of we have cut down consistently and often on the
13 labor pool. The impact that all of this has on the
14 tellers at the windows, and the more people sit in their
15 chairs and make their bets, obviously that means fewer and
16 fewer and fewer tellers. So there are people who make a
17 living and their families survive because they have this
18 limited -- what is now a very limited job.

19 And I think that's another issue that we need
20 to -- yes, we are for convenience. Obviously, we want to
21 do whatever we can to increase the number of wagers that
22 are being made, et cetera, and if this facilitates that,
23 then it's a good thing. But as I was saying, there are
24 conflicting issues here, and I think we have to take all
25 of those issues into consideration.

1 We have several other people that want to speak
2 on this. But please, yes. Go ahead.

3 COMMISSIONER CHOPER: I would urge all of the
4 ADWs to go back and think, just like --

5 CHAIRMAN WINNER: I am going to recommend, Jess,
6 that the Staff, when we get done with all of this, that
7 the Staff prepare some language to take to committee and
8 that the ADWs and the associations and the TOC come before
9 the legislative committee, and hopefully, we can hash this
10 out in committee once the language is prepared and brought
11 back by Staff, and then it can come back to committee, to
12 the Board and the committee to determine. There's an
13 August meeting of that committee at Del Mar, and we'll try
14 to have something for that meeting.

15 VICE CHAIR ROSENBERG: By the way, I appreciate
16 the fact that you have been much more direct than TVG was
17 because you are basically saying it is not in your
18 interest to do this as -- wearing your hat for
19 Xpressbet --

20 MR. BLACKWELL: TwinSpires.

21 VICE CHAIR ROSENBERG: For TwinSpires.

22 Leads me to another question. Churchill Downs,
23 Inc. is a public corporation; correct?

24 MR. BLACKWELL: Correct.

25 VICE CHAIR ROSENBERG: And TwinSpires is a

1 wholly-owned subsidiary --

2 MR. BLACKWELL: Yes.

3 VICE CHAIR ROSENBERG: -- at the present time?

4 Do they disclose separate financial statements
5 as to the operation, or it's all consolidated?

6 All right. Thank you.

7 MR. BLACKWELL: And Chairman Winner, if I may,
8 one of the things that, you know, you left out, this is
9 not merely an inconvenience to the ADWs. You are asking
10 the ADWs to incur a significant cost. This is not as
11 simple as someone changing their setting to say I'm going
12 to allow myself to be tracked --

13 CHAIRMAN WINNER: I recognize that. I was only
14 referring to your comment about inconvenience. I didn't
15 comment on the rest of what you said.

16 MR. BLACKWELL: I want to make sure that this --

17 CHAIRMAN WINNER: The comment you made about an
18 inconvenience to the ADW.

19 MR. BLACKWELL: Sure, sure. And then part of
20 our concern here is that prematurely, you know, correct
21 this problem and go down the road of incurring unnecessary
22 costs. I think it's something that warrants more
23 discussion. We're certainly happy to participate in
24 those --

25 CHAIRMAN WINNER: That is why I want to have it

1 go to committee, go through that process that you are
2 recommending and others are recommending, and, hopefully,
3 we'll come up with something that everybody is suggesting
4 that is mutually beneficial.

5 COMMISSIONER CHOPER: I don't think we want to
6 impose a big technology cost on the ADWs. But I have
7 enough faith, no knowledge but faith, that the ADWs can
8 figure -- that the technologists can figure out a very
9 simple way to handle this. They've figured out a lot more
10 complicated things than this.

11 CHAIRMAN WINNER: Thank you.

12 COMMISSIONER CHOPER: Thank you.

13 CHAIRMAN WINNER: I am going to move on.

14 John Valenzuela is next.

15 MR. VALENZUELA: Good morning -- good afternoon,
16 Commissioners, Executive Director, Chairman, Vice Chair.
17 My name is John Valenzuela, Pari-Mutuel Employees Guild,
18 president.

19 Just to give you a little -- I know most of you
20 understand my point on these issues, but I want to
21 reiterate that, you know, I support the geolocation. The
22 purpose is the purse structures have been, you know, money
23 being transferred from one location to another, from one
24 system of gambling to another has affected the fair
25 playing field. I truly believe the fair playing field so

1 that anything that is considered an on-track wager
2 increases the purses, which increases -- it does the chain
3 ball, snowball effect, where we attract better horses,
4 better trainers, increase horse fields and, in turn, when
5 it comes to brick and mortar, it hopefully increases
6 attendance.

7 Well, attendance is a major part of the labor
8 force. The larger their attendance, the more employees we
9 have working. The problem is since 2010, Local 280 has
10 lost 40 percent of their members, and we have lost crew to
11 reductions that much. That is a huge, huge change, and
12 things are just getting worse.

13 The problem is brick and mortar, when they have
14 attendance and they can't -- they can't hire more
15 employees, because the attendance doesn't warrant that.
16 So the reason why I am supporting the geolocation in hopes
17 that we have more people on-track in attendance to
18 increase labor.

19 Thank you.

20 CHAIRMAN WINNER: Any questions for John?

21 Thank you, John.

22 MR. VALENZUELA: Thank you.

23 CHAIRMAN WINNER: John Ford.

24 MR. FORD: Commissioners, members of the Board,
25 John Ford (inaudible) on behalf of BetAmerica.

1 I just wanted to point out a couple of
2 additional items with regard to geolocation, and we have
3 talked very easily between app, your installed app on a
4 phone, but there's another whole segment of wagering,
5 which is mobile web, which is I don't open an app. I
6 actually just go to that site on -- through a URL, and the
7 geolocation in connection with mobile web requires a
8 download of an application. It requires additional
9 impediments to the customer wagering.

10 And so I'm less concerned about the
11 inconvenience to us as an ADW. I'm concerned about the
12 inconvenience to the consumer, because the consumer has
13 alternatives. They can bet offshore, they can bet with
14 nonlicensed operators in California.

15 But if we create additional impediments to
16 customers betting with the industry, we risk a decrease in
17 handle so that if I -- if I want to bet on a mobile web,
18 which most of our mobile wagering is done on the mobile
19 web as opposed to the application, if I'm -- if I'm
20 inconvenienced and intruded upon in my privacy in order to
21 wager with a licensed operator in California, I'm more
22 likely to avoid that and be able to wager with somebody
23 else.

24 One of the experiences that's cited in the
25 proposal is New Jersey. And New Jersey, which does have

1 very strict geolocation, they're only concerned with it
2 being in New Jersey as opposed to out of New Jersey, but
3 when they get into the borders of New Jersey, they are
4 concerned about people being able to wager across the
5 border and betting on New Jersey.

6 It has been readily acknowledged that the
7 geolocation requirements of New Jersey have been a great
8 hamper, a great detriment to the adoption of online
9 wagering in New Jersey. So I think we -- as you consider
10 this, that we need to be cognizant of a negative impact on
11 ADW wagering by imposing additional requirements and
12 additional downloads to a consumer who has alternatives,
13 and I would -- I would present that for your
14 consideration.

15 CHAIRMAN WINNER: Thank you. Yes?

16 VICE CHAIR ROSENBERG: Why are most of your bets
17 placed on the --

18 CHAIRMAN WINNER: On the URL?

19 VICE CHAIR ROSENBERG: -- URL as opposed to an
20 app?

21 MR. FORD: I think in our situation, our -- our
22 websites are what we call responsive -- fully responsive
23 websites. So as you are at the desktop, it manages itself
24 and goes to an iPad and manages itself and goes to a
25 phone. And with all modesty, our responsive website works

1 very well. And so the functionality in the mobile web is
2 greater than the functionality that we have put into the
3 app.

4 VICE CHAIR ROSENBERG: But you don't have the
5 statistics on whether people who bet at the racetrack and
6 use -- bet through you are using the mobile, the URL
7 versus the app?

8 MR. FORD: No, I'm not --

9 VICE CHAIR ROSENBERG: It's not --

10 MR. FORD: Obviously, we don't collect that
11 information at this point.

12 CHAIRMAN WINNER: But I think the point is that
13 it's harder to track. You can't geotrack.

14 MR. FORD: You can track. There is
15 methodologies out there --

16 CHAIRMAN WINNER: I'm using the URL as well as
17 on the app.

18 MR. FORD: There is methodologies, but it is an
19 additional impediment. It's an additional barrier to the
20 consumer, because right now we can go online through a
21 mobile web. He doesn't have to download an application.
22 He signs in, he's verified, and off he goes.

23 CHAIRMAN WINNER: He can also call in his bet,
24 can't he?

25 MR. FORD: Not with us. We don't do phone. We

1 don't do phone wagering.

2 CHAIRMAN WINNER: You don't, but others do?

3 MR. FORD: Yes.

4 CHAIRMAN WINNER: Correct?

5 Okay. Thank you very much.

6 Cliff Goodrich.

7 MR. GOODRICH: Thank you, Mr. Chairman,
8 Commissioners. Cliff Goodrich with the California
9 Thoroughbred Horsemen's Foundation.

10 And John Hindman mentioned a fraction of a
11 fraction as to the impact. I can tell you we are in a
12 fraction of a fraction of a fraction of a fraction, and
13 I'm not going to assume you know necessarily who I
14 represent, so I am going to give you a little bit of
15 background because I think it's important.

16 We're the California Thoroughbred Horsemen's
17 Foundation, a charitable organization that provides
18 medical and dental care for backstretch workers, grooms,
19 hot walkers, exercise riders, and the like. There aren't
20 many of those classes of people who have stood at this
21 microphone and addressed the board, so we are their
22 spokespersons, so to speak.

23 A little education. Our -- two-thirds of our
24 budget comes from winning uncashed tickets or outs and
25 ADW. We get about two-tenths of 1 percent of every

1 winning uncashed ticket that is made at the window.

2 When that kind of bet gravitates to an
3 electronic wager, in other words, an on-track electronic
4 wager, we get nothing. We get about 12/100ths of 1
5 percent of ADW money, and we only have a concern here in
6 the form of clarity, because if this wager were to become
7 and defined as an on-track wager where the ADW companies
8 get a smaller slice, to the benefit of the tracks and the
9 horsemen, we would then go from .12 percent to nothing.

10 Horsemen, I think, get over a hundred million
11 dollars in purses as do the collective tracks in
12 commissions. Our budget is \$2 million. We get \$675,000
13 in round numbers this year from .12 percent of ADW wagers.
14 So it is extremely important to our little foundation that
15 we are not impacted by all of this and that at the very
16 least, end up being considered an ADW wager and not an
17 on-track wager.

18 Now, if I understand ADW wagers, and I certainly
19 understand the effort here by the TLC, I think there's a
20 recognition, there are people sitting in their box seats
21 placing a bet with their telephone through their
22 California ADW account, and I think the ADW providers who
23 mentioned that it's only a question of degree.

24 The problem is while certainly if there were an
25 arrangement made and the providers were to take a smaller

1 slice of that kind of benefit to the -- and the benefit
2 would go to the horsemen and the tracks, that is great for
3 somebody sitting at Santa Anita for our tracks and for our
4 horsemen.

5 However, if I understand the concept, I think it
6 has to work both ways. If the concept is to better track
7 commissions and purses for a person sitting at a
8 California track wagering on his telephone through that
9 ADW account, I believe that concept would be quickly
10 endorsed by every jurisdiction in the United States, if
11 not the world.

12 So I don't know the implications, but if this
13 concept were to carry to Kentucky and Florida and Illinois
14 and New York, my theory is that may have negative
15 repercussions on the splits our horsemen, tracks, and our
16 little foundation get out of such wagers.

17 So I think the Chairman and the Board is right,
18 this takes a lot more discussion. I certainly don't know
19 how all of that nets out, but I don't think we can look at
20 it as just benefiting California tracks and horsemen,
21 because those California ADW residents move around the
22 world. And as I understand it, they can be a new market
23 today betting on Santa Anita, and being a California
24 resident, the system doesn't really care where the bet was
25 made from, and our participants get that benefit.

1 I'm not so sure that holds if this concept were
2 to go nationwide or internationally.

3 Any questions, I will be glad to answer.

4 CHAIRMAN WINNER: Any other questions?

5 That was very helpful. Thank you. Thank you
6 very much, Cliff.

7 Okay. So what we're going to do is exactly as I
8 suggested. We're going to ask Staff to come up with some
9 language, recommended language. We will send it to the
10 legislative committee, which meets in August at Del Mar
11 and, hopefully, all of the same people who are here today,
12 and possibly others, will participate in that discussion
13 and, hopefully, we can come up with -- they can come up
14 with a solution to bring to the full Board.

15 Moving on, Item No. 10. Discussion and action
16 by the Board regarding the proposal to modify the text of
17 proposed CHRB Rule 1489.2, Criteria to Evaluate
18 Rehabilitation of a Person When Considering Denial,
19 Suspension or Revocation of an Occupational License, to
20 require that specified criteria shall be used when
21 considering the denial, suspension or revocation of an
22 occupational license.

23 Mr. Laird?

24 MR. LAIRD: Phil Laird, CHRB Staff.

25 Good afternoon, Commissioners. I think we have

1 crossed the mark officially, just to remind us all.

2 Anyways, this rule should be familiar to you.

3 It came before you back in November and, in fact, you
4 approved this rule. However, subsequent to that, Staff
5 reviewing the language with the Office of Administrative
6 Law, recommendations were made by that office regarding
7 how we could further modify and improve the text so it
8 will be sufficient for their approval.

9 Ultimately, I would say rather minor changes.
10 It was three things specifically. You will note in the
11 strike-out copy, it was the title of the regulation to
12 reflect that this rehabilitation criteria is actually
13 considered when still considering whether or not to deny,
14 suspend or revoke a license, not after that has already
15 happened. Sort of semantics there.

16 Furthermore, it changes in subsection (a), the
17 word "may" to "shall," which is a common issue in
18 legalese, but, you know, further clarifies ultimately that
19 this criteria will be applied in all instances.

20 And then finally in subsection -- let's see,
21 six, again changing "should" to "shall," again making that
22 a requirement. And with those specific modifications, we
23 believe this rule is sufficient for OAL approval and,
24 otherwise, I should mention there was a 15-day public
25 comment period for these modifications specifically. We

1 received one comment, and those were e-mailed to you
2 yesterday because, unfortunately, they were received
3 before --

4 CHAIRMAN WINNER: Is that the one from
5 yesterday? Frisco? Carlo Frisco?

6 MR. LAIRD: Yes. The timing worked, but I was
7 out of town and was not able to put it -- get it into the
8 packets before the Board sent it to you.

9 But if anybody has any questions, I'm happy to
10 answer them. Staff at least is confident that this is a
11 rule ready to go before the Office of Administrative Law.

12 COMMISSIONER AUERBACH: Do you wish to address
13 his concern at all?

14 MR. LAIRD: To the extent that anybody is
15 curious for the answer, ultimately, though, I think his
16 concern was regarding -- the only one pertaining to the
17 actual modifications was the final subsection 6 regarding
18 sort of specifications about written statements from third
19 parties, and essentially, all that the Business and
20 Professions Codes requires is that all competent evidence
21 be considered in these rehabilitation situations, and at
22 least in my conversations with OAL, they agreed that this
23 is simply defining what competent evidence is.

24 COMMISSIONER AUERBACH: Competent then covers
25 it?

1 MR. LAIRD: Exactly. Exactly.

2 VICE CHAIR ROSENBERG: And the other points that
3 you raised which are outside of the area we are talking
4 about --

5 MR. LAIRD: Outside of the scope.

6 VICE CHAIR ROSENBERG: -- are legal points that
7 are not for us to decide.

8 COMMISSIONER AUERBACH: Right.

9 MR. LAIRD: Exactly. And I will remind the
10 Commission that all points will be addressed in our final
11 statement of reason; so his comments will be given full
12 consideration and response in that document.

13 CHAIRMAN WINNER: They have to be, don't they?

14 MR. LAIRD: They have to be, exactly.

15 CHAIRMAN WINNER: Okay. Is there a motion?

16 Commissioner Choper moves, Commissioner

17 Rosenberg seconds.

18 Commissioner Krikorian?

19 COMMISSIONER KRIKORIAN: Yes.

20 CHAIRMAN WINNER: Commissioner Solis?

21 COMMISSIONER SOLIS: Yes.

22 CHAIRMAN WINNER: Commissioner Auerbach?

23 COMMISSIONER AUERBACH: Yes.

24 CHAIRMAN WINNER: Chairman votes yes.

25 Vice Chairman?

1 VICE CHAIR ROSENBERG: Yes.

2 CHAIRMAN WINNER: Commissioner Choper?

3 COMMISSIONER CHOPER: Yes.

4 CHAIRMAN WINNER: Motion carries unanimously.

5 Thank you very much, Phil.

6 Let's move on to Item No. 11.

7 Discussion and action by the Board regarding the
8 proposed amendment to CHRB Rule 1632, Jockey's Riding Fee,
9 to adjust the jockey riding fee scale pursuant to Business
10 and Professions Code Section 19501.

11 You're going to comment on this, Phil?

12 MR. LAIRD: Yes. Again, Phil Laird, CHRB Staff.

13 I think this concept is not new to anybody on
14 this commission. It has come up before, and I guess one
15 thing I should point out is given the new bill recently
16 signed by the governor, based on the way our legislation
17 works, which is that the losing mount fee increases
18 proportionate to the increases in minimum wage in this
19 state. We will essentially be going through this drill
20 every year for the next seven years.

21 COMMISSIONER AUERBACH: More of the same.

22 MR. LAIRD: So -- but, otherwise, we have
23 attempted to address a few issues with that, and if
24 anybody has questions about the proposed language, we are
25 happy to answer them.

1 CHAIRMAN WINNER: Commissioner Solis?

2 MR. SOLIS: I am not voting on this item.

3 MR. LAIRD: Say that again.

4 CHAIRMAN WINNER: He is not voting on this item.
5 He's abstaining as an active jockey.

6 MR. LAIRD: And I should point out to clarify,
7 this is to direct this language to go out for 45-day
8 public comment and finally, actually, I forgot to mention
9 this, Ms. Wagner and I noticed that there is language that
10 should be modified in this text as specifically in
11 subsections 3 and 4, when it makes reference to horse
12 owners' place purse. That should actually read "place
13 purse or show purse" for both of those.

14 As you know, on the original chart, both place
15 purse and show purse are considered; so that would be the
16 extent of that modification.

17 CHAIRMAN WINNER: We should pretend we're in
18 England.

19 MR. LAIRD: Yeah, well, exactly.

20 CHAIRMAN WINNER: Okay. So we'd better modify
21 that as a part of the motion.

22 MR. LAIRD: I think we should in subsection 3
23 and in subsection 4.

24 CHAIRMAN WINNER: So let us -- let us take the
25 motion, and then we will have a motion to amend the

1 motion.

2 Commissioner Auerbach moves; correct, or no?

3 COMMISSIONER AUERBACH: Yeah. I just wish there
4 was a way we could do this so that every year we didn't
5 have the same exercise basically in futility. We have to
6 do it.

7 MR. LAIRD: I will say that if the legislation
8 ever changes and if there's ever stakeholders interested
9 in doing that, it would change our process as a result.

10 COMMISSIONER AUERBACH: That might be something
11 we consider when we talk about legislative things. So,
12 yeah, I will make a motion.

13 CHAIRMAN WINNER: Is there a second?

14 VICE CHAIR ROSENBERG: Seconded.

15 CHAIRMAN WINNER: Commissioner Rosenberg
16 seconds.

17 Is there a motion to make the amendment as
18 suggested by the Staff?

19 COMMISSIONER AUERBACH: I move.

20 CHAIRMAN WINNER: Commissioner Auerbach moves to
21 amend.

22 COMMISSIONER KRIKORIAN: Seconded.

23 CHAIRMAN WINNER: Commissioner Krikorian
24 seconds.

25 Any discussion?

1 Let's have a vote.

2 Commissioner Choper?

3 COMMISSIONER CHOPER: Yes.

4 CHAIRMAN WINNER: Commissioner Rosenberg?

5 COMMISSIONER BENETO: Yes.

6 CHAIRMAN WINNER: Chairman votes yes.

7 Commissioner Auerbach?

8 COMMISSIONER AUERBACH: Yes.

9 CHAIRMAN WINNER: Mr. Solis abstains.

10 Commissioner Krikorian?

11 COMMISSIONER KRIKORIAN: Yes.

12 CHAIRMAN WINNER: Okay. That motion carries.

13 Thank you, Phil.

14 We'll move on then to Item No. -- well, I guess
15 that was a vote on the amendment. So now we have to vote
16 on the motion.

17 Commissioner Krikorian?

18 COMMISSIONER KRIKORIAN: I didn't hear the
19 motion.

20 CHAIRMAN WINNER: The motion is as recommended
21 by Staff with the amendment as recommended by Staff.

22 COMMISSIONER KRIKORIAN: Yes.

23 CHAIRMAN WINNER: Commissioner Auerbach?

24 COMMISSIONER AUERBACH: Yes.

25 CHAIRMAN WINNER: Chairman votes yes.

1 Vice Chairman?

2 VICE CHAIR ROSENBERG: Yes.

3 CHAIRMAN WINNER: Commissioner Choper?

4 COMMISSIONER CHOPER: Yes.

5 CHAIRMAN WINNER: The measure passes with the
6 amendment by five to nothing vote.

7 We'll move on, then, to Item No. 12. I have a
8 number of cards on Item No. 12.

9 Public hearing and action by the Board regarding
10 the proposed amendment to CHRB Rule 1433, Application for
11 License to Conduct a Horse Racing Meeting, to require
12 racing associations include a furosemide agreement when
13 submitting an application for license and proposed
14 amendment to CHRB Rule 1845, Authorized Bleeder
15 Medication, to require that authorized bleeder medication
16 be administered by independent, third party veterinarians.
17 (Note: This concludes the 45-day public comment period.
18 The Board may adopt the proposal as presented.)

19 We have a number of speakers. We also have some
20 written comment from Dr. Shields that I presume the
21 Commissioners have all seen.

22 Phil, are you speaking on this, and I assume --
23 are you going to be speaking on this as well, Dr.
24 Baedeker -- I mean, Dr. Arthur?

25 Just got promoted there. It's graduation day,

1 so he gets to graduate and become a doctor.

2 DR. ARTHUR: I'm only going to comment if there
3 are questions. I have nothing to present.

4 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, I'd
5 just like to point out that in the first part of the Staff
6 analysis, it lists the number of states that have already
7 adopted the regulations, and I don't know if it was
8 omitted or if the states has adopted it since then, but
9 Florida is one of the state, in addition to the others
10 there, that has adopted third-party Lasix.

11 CHAIRMAN WINNER: Phil, are you speaking on
12 this?

13 VICE CHAIR ROSENBERG: Is that exactly the same
14 words we're voting on or a system in place because -- or
15 point made by Dr. Shields.

16 EXECUTIVE DIRECTOR BAEDEKER: I think it's safe
17 to say that the proposal that's before you is probably
18 different than any other in the country because of the
19 nuances that have been added, changes that have been
20 made over the years, and we have Dr. O'Neil here
21 representing the Stronach Group, who was very familiar
22 with Florida, and he's going to testify later. He can
23 clarify that for us.

24 CHAIRMAN WINNER: Phil.

25 MR. LAIRD: Phil Laird, CHRB Staff.

1 I think this bears little introduction. We all
2 know what this is about, and we have been at it for a few
3 years now. I will just say really that with kind of the
4 tweaking and revisiting we have been doing, Staff is
5 confident that we have a good rule at this point, much
6 better than was originally, and at this point, again,
7 we're here to answer any questions you have about what we
8 have -- what's here, but we think this was well vetted
9 back last fall, and the changes made will be good and
10 appropriate moving forward.

11 CHAIRMAN WINNER: Thank you.

12 Okay. I'm going to start calling -- unless you
13 have any questions for Phil before we start. I have a
14 whole stack of witnesses here. So why don't I start
15 calling those people who would like to speak, and we'll
16 start with Dr. John Araujo.

17 DR. SHIELDS: He had to leave.

18 CHAIRMAN WINNER: Okay.

19 It's too bad. I have not seen him for a long
20 time. I wanted to say hi.

21 Annmarie Del Mugnaio, California Veterinary
22 Medical Board.

23 DR. DEL MUGNAIO: Thank you.

24 Good afternoon, Chairman Winner and members of
25 the Board. I am Annmarie Del Mugnaio. I am the executive

1 officer for the Veterinary Medical Board, and we have been
2 working with the CHRB for some time on this proposed rule,
3 and we too support what Mr. Laird had said earlier, that
4 we think this is a good proposal at this point.

5 In fact, the Veterinary Medical Board reviewed
6 the proposal at its October 20, 2015, Board meeting, and
7 the Board was supportive of the proposal. Specifically,
8 it supports the inclusion of the veterinary client-patient
9 relationships, and the importance of maintaining
10 provisions that place medical decisions, including
11 diagnosis, treatment, and prescribing of drugs with the
12 veterinarian.

13 The Veterinary Medical Board is working closely
14 with the CHRB on compliance issues to ensure protection of
15 the racehorses. I'm encouraged by the most recent
16 partnership that the Veterinary Medical Board and the
17 California Horse Racing Board has. We have established a
18 very strong relationship over the past few years, working
19 with Dr. Arthur, with Mr. Laird and, obviously, with your
20 Executive Director, Mr. Baedeker, and we look forward to
21 more opportunities to assist your Board in its efforts for
22 enforcement of -- your enforcement efforts and for
23 regulatory compliance.

24 So if you have any further questions, I will be
25 here to answer them, but I thank you for your time this

1 afternoon.

2 CHAIRMAN WINNER: Thank you.

3 We may have a question, and thank you -- thank
4 you for all of the work that you have done, that
5 Dr. Arthur, Commissioner Baedeker and so forth.

6 Now I'm making him a commissioner -- he's either
7 a doctor a commissioner.

8 EXECUTIVE DIRECTOR BAEDEKER: Doctor.

9 CHAIRMAN WINNER: I'd rather be a doctor too.
10 But we want to thank you and the Board for being so
11 cooperative in working with us.

12 Do you have any questions?

13 VICE CHAIR ROSENBERG: I have a question.

14 This has been -- this issue has been around for
15 several years. Would you refresh my memory and tell us --
16 tell us what happened in the past at the Racing Board --
17 at the Veterinary Board level.

18 As I recall, there was some objection by the
19 Veterinary Board to the language that was proposed
20 previously.

21 DR. DEL MUGNAIO: Correct. And it had to do
22 with not having a physical exam and a veterinary
23 client-patient relationship established before there's any
24 administration of a drug to a racehorse, and that has been
25 corrected in the language. We understand that the

1 backstretch -- the backstretch of the racing facility is
2 unique. It's not like a, you know, private practice where
3 you are bringing your animal in, you are communicating
4 directly with the owner of the animal and establishing
5 that type of client relationship.

6 However, to maintain the integrity of the
7 racetrack administration of drugs and also the authority
8 of the veterinarian to make those decisions, the
9 Veterinary Medical Board felt strongly that there needed
10 to be some form of a physical exam prior to the
11 administration of Lasix, and that was the objection prior
12 to the amendments of this language.

13 VICE CHAIR ROSENBERG: What does the present
14 rule say about this specific subject that is new, or is it
15 new from prior drafts?

16 DR. DEL MUGNAIO: Would you like me to answer
17 that?

18 Under the new proposed rule, it says furosemide
19 shall be administered only after -- and this is in your
20 proposal. It's subsection C under Section 1845,
21 subsection C-1.

22 VICE CHAIR ROSENBERG: What page is that?

23 DR. DEL MUGNAIO: 1244.

24 VICE CHAIR ROSENBERG: Okay.

25 DR. DEL MUGNAIO: It says, "The trainer, owner,

1 or the owner's veterinarian has consulted with the
2 furosemide veterinarian regarding the condition of the
3 horse, and the furosemide veterinarian has examined the
4 horse sufficient to establish the veterinary
5 client-patient relationship within the meaning of the
6 California Code of Regulations that govern the practice of
7 veterinary medicine.

8 VICE CHAIR ROSENBERG: I'd like to ask later
9 perhaps exactly how that works in practice.

10 Maybe Dr. Arthur could answer it.

11 How would that work? Time consumptionwise how
12 would that be handled?

13 DR. ARTHUR: Well, it's certainly going to be
14 more cumbersome than what we talked about originally and,
15 frankly, what is done today. But there's three really
16 levels here.

17 Number one is the application for the bleeders
18 -- for the horse on the bleeders list, which requires the
19 attending veterinarian to complete the CHRB Form 194,
20 which we added in the medical history aspect to it for the
21 justification for putting the horse on the bleeders list.

22 The next aspect is -- the Lasix veterinarian has
23 to consult with the owner, trainer, or trainer's
24 veterinarian and examine the horse on the racetrack prior
25 to the Lasix being administered. There are provisions

1 under certain circumstances where our examining
2 veterinarians can fulfill that responsibility, just to
3 satisfy some logistic issues that may come up at the last
4 minute.

5 But we did something very similar to this for
6 the Breeders' Cup where we had one of the third-party
7 Lasix Breeders' Cup -- veterinarian for Breeders' Cup
8 actually went by and looked at the horses and discussed
9 issues with the veterinarian.

10 We had originally proposed, by the way, that we
11 meet the veterinarian client-patient relationship under
12 2032.15, which would have allowed the veterinarian not to
13 examine the horse and just consult with the veterinarian
14 that ordinarily takes care of the horse, but the
15 Veterinary Medical Board wanted an examination, so we've
16 added that.

17 That doesn't mean that every time every horse
18 has to be examined. We look at this, and once the horse
19 has been examined, it's been established what the
20 particular protocol is, or what that horse requires in
21 terms of Lasix, and remember, it can only be administered
22 IV, it can only be administered between 150 and 500
23 milligrams.

24 So the only decision here is whether it's 150,
25 whether it's 500, or whatever it is in between. So those

1 horses will be examined. They have to be examined at
2 least once a year and a record maintained of that, but as
3 a practical matter, only about 10 percent of the horses,
4 maybe 15, depending on the days, are going to require a
5 pre-race examination.

6 Once we have gone through -- or a separate
7 pre-race examination for the Lasix, once we have gone
8 through the entire population of the track. In the
9 beginning, it is going to take a little bit of effort, and
10 it is going to take some time, but we can get all those
11 records done.

12 Don't forget that each and every horse that
13 races is examined by either the track veterinarian or the
14 official veterinarian prior to racing. So logistically,
15 we will have the veterinary manpower to do that.

16 VICE CHAIR ROSENBERG: The track -- the
17 injecting -- what do you call -- the veterinarian does
18 this?

19 DR. ARTHUR: Yes.

20 VICE CHAIR ROSENBERG: Does the exam, how many
21 vets anticipate will be doing each day at the beginning
22 because it seems you've got --

23 DR. ARTHUR: Well, it doesn't have to be -- it
24 doesn't have to be on the day of the examination. Just --
25 we have from entry time until the injection time to

1 prevent -- to complete those examinations.

2 VICE CHAIR ROSENBERG: But that person is
3 already getting paid, as I understood it, unless it's
4 changed, the amount for each injection; is that correct?

5 DR. ARTHUR: Well, that's going to be up to the
6 racetracks and the associations to --

7 VICE CHAIR ROSENBERG: Negotiate.

8 DR. ARTHUR: -- to negotiate that, whether it's
9 going to be by injection or whether you're going to hire
10 somebody for a day. Obviously, they are going to have to
11 pay a veterinarian now to do these examinations --

12 VICE CHAIR ROSENBERG: Right.

13 DR. ARTHUR: -- that have been required. How
14 much of an additional cost that would be, it's going to be
15 hard to work out. But in other jurisdictions that do
16 something similar, you have enough -- it only takes on a
17 given day maybe four-and-a-half hours of Lasix
18 administration time. So there's obviously time before
19 Lasix begins to do some of those examinations, just like
20 our official vets do examinations in the morning and they
21 do the other work in the afternoon.

22 VICE CHAIR ROSENBERG: Thank you.

23 COMMISSIONER CHOPER: Let me ask you. What --
24 it seems, you know, just as an observer, that an
25 enormously high percentage of horses today run with Lasix.

1 DR. ARTHUR: Yes.

2 COMMISSIONER CHOPER: About what percentage?

3 Just what --

4 DR. ARTHUR: Oh, probably at Santa Anita, I
5 think the last time I looked it's between 98 and
6 99 percent. But standard bred's it's a little less than
7 that.

8 COMMISSIONER CHOPER: Assume this rule is passed
9 which says that you have to show them that's it medically
10 necessary; is that right?

11 DR. ARTHUR: Correct.

12 COMMISSIONER CHOPER: What -- what percentage of
13 the horses would you estimate -- I know you would have to
14 wait for the numbers to come in -- are going to be running
15 on Lasix?

16 DR. ARTHUR: You can always justify Lasix as
17 medically necessary. This has been the big debate over
18 Lasix or no Lasix; correct?

19 COMMISSIONER CHOPER: How do you -- how do you
20 show that it is medically necessary if the horse has
21 virtually never bled?

22 DR. ARTHUR: If you -- depending on how -- at
23 what level you examine the horse, if you use an endoscopic
24 examination, which is putting a scope down the throat, you
25 will find blood in 80 percent of the horses at any one

1 time that are on Lasix.

2 If you do cytological examinations, taking
3 samples from the trachea, a hundred percent of the horses
4 bleed. So it's fairly well-established that a hundred
5 percent of the horses bleed.

6 I would like to point out right now a trainer,
7 without consulting with his veterinarian, can put a horse
8 on Lasix. And the attending veterinarian can be totally
9 cut out, and the reason for that is that horses run faster
10 on Lasix, and it was done that way because of the
11 performance-improving effect of Lasix when -- if a horse
12 is on Lasix. The average horse runs between three and
13 five points faster if they get Lasix.

14 COMMISSIONER CHOPER: So why is that?

15 DR. ARTHUR: It wasn't a medical issue; it was
16 an integrity issue.

17 COMMISSIONER CHOPER: I'm just curious.
18 Dehydrates them.

19 DR. ARTHUR: Depending on who you talk to, they
20 lose anywhere from 15 to 20 pounds. There's other
21 factors, other physiological effects of furosemide that
22 are quite profound, and the other argument is that they
23 bleed less. So you have all these reasons why horses run
24 faster.

25 COMMISSIONER CHOPER: So then what is the --

1 what's the general consequence of this rule if nothing is
2 going to change?

3 DR. ARTHUR: Well, at the center of the last
4 meeting, we made a simple problem complicated. In
5 Kentucky, when they established this, it's two sentences.
6 We have gone through four years, and the original proposal
7 was two sentences. So now we're going through this
8 process.

9 It is workable. We have made a system that
10 meets the Veterinary Medical Board requirements that they
11 have asked for. It is going to take an extra step to do
12 this, but we already maintain records on all of our horses
13 anyway, and we'll just be incorporating the Lasix
14 examination in that as well.

15 COMMISSIONER CHOPER: So you are saying the
16 answer in a phrase, nothing significant? Nothing has
17 changed?

18 DR. ARTHUR: That's right. The gambler isn't
19 going to see a difference.

20 CHAIRMAN WINNER: I'm not sure -- maybe I'm not
21 understanding Commissioner Choper's question. I thought
22 the question was: Why are we doing this? I think the
23 question is why are -- why a third-party administration,
24 in the first instance?

25 DR. ARTHUR: Okay. First of all, third-party

1 Lasix administration is part of the national uniform
2 medication program. It's an integrity program, and the
3 bottom line is just like we have done the Breeders' Cup
4 ever since 2012, had third-party Lasix, the Triple Crown,
5 all the races this year had third-party Lasix. Kentucky
6 has done this for the last four years. Belmont has done
7 it for the last six years.

8 The issue is that the only -- nobody is -- with
9 an interest in the outcome of the race is allowed in the
10 stall with needles and syringes on race day. That's the
11 bottom line.

12 COMMISSIONER CHOPER: I don't know if it is the
13 bottom line or not, if it's not going to make a hell of a
14 difference.

15 DR. ARTHUR: No. In terms -- in terms of -- I
16 thought you were talking about in terms of the Lasix
17 administration.

18 COMMISSIONER CHOPER: I am talking about -- I
19 guess, as I read these materials, it occurred -- I
20 inferred from them that now you are going to have to
21 really show some different reason, apart from the fact
22 that it dehydrates the horse and they lose whatever it is
23 pounds of water. Apart from that, you are going to have
24 to show that this horse really needs this because the
25 bleeding is enough to interfere -- interfere with him.

1 DR. ARTHUR: No. It's going to be up to the
2 attending veterinarian to make that determination, that
3 it's in the best interest of the horse. And how they are
4 going to do it is not defined. I will tell you when I
5 first started practicing --

6 CHAIRMAN WINNER: That hasn't changed. This
7 rule doesn't change that.

8 DR. ARTHUR: That aspect doesn't change. Prior
9 to this, you didn't even need a veterinarian. The trainer
10 could put a horse on the Lasix list, just because they
11 wanted to.

12 When I first started practicing, I will tell you
13 that we had to scope the horses and see blood before the
14 horses were put on the Lasix list.

15 COMMISSIONER CHOPER: But you said that if you
16 scoped the horse, almost all of them are going to show --

17 DR. ARTHUR: Eighty percent -- eighty percent of
18 them will show blood in any one examination, depending on
19 the --

20 COMMISSIONER CHOPER: I got it. I don't see
21 this as being very controversial. I thought it was.

22 CHAIRMAN WINNER: Any other questions?

23 Thank you very, very much.

24 Next? Michelle Griffin.

25 DR. SHIELDS: Ironically, she had to go do a

1 Lasix shot.

2 CHAIRMAN WINNER: Herb Warren. Herbert Warren.

3 It doesn't say doctor. Oh, Dr. Herbert Warren, I
4 apologize.

5 DR. WARREN: Chairman Winner and the Board, I'm
6 glad to be here this morning.

7 My name is Herbert Warren. I've been on the
8 racetrack for, it seems like, forever. I didn't realize
9 the furor I was causing when I started Lasix back in 1967.
10 And at that time I had a goal of getting a hundred percent
11 of the horses on Lasix. I haven't quite got that goal
12 yet, but I wanted to maybe give you some insight as to
13 what Lasix does.

14 Everybody think it drops blood pressure because
15 it dehydrates the horse, and that is true. But the main
16 causes of Lasix is on the heart. It increases the stroke
17 volume efficiency of the heart. So the heart becomes more
18 effective in pumping oxygen to the lungs. So, thereby,
19 getting a more normal delivery of oxygen to the horse's
20 body, thereby increasing its potential to run better, and
21 it's not in any way a stimulant, as some people have maybe
22 alluded to.

23 So Lasix, to my way of thinking, is essential in
24 allowing horses to run safer because the heart works
25 better.

1 I have been out of the mainstream of politics of
2 this body for many years. Back in the '60s, however, we
3 had a lot of the same comments that's going on today as
4 far as medications go. I remember that when Butazolidin
5 was first regulated, we had many discussions about how
6 they arrived at the level.

7 And I would just wish that the Board would
8 enumerate a little better in their talking about drugs.
9 There's two types of drugs. There's therapeutic
10 medications that are legal drugs, and it seems like every
11 time a person gets fined for dexamethasone or bute or
12 banamine, it's an illegal drug, that's a therapeutic
13 medication, and by that process, I think you have caused a
14 bad perception with your public. And I would only implore
15 you to try and straighten that out with your public
16 pronouncements.

17 COMMISSIONER CHOPER: How much Lasix is used
18 outside the country?

19 DR. WARREN: I have no idea. They don't use any
20 in Europe, as I understand but --

21 COMMISSIONER CHOPER: I want to hear why.

22 DR. WARREN: I think it is all politics. To me,
23 there's no reason why a horse shouldn't run on Lasix.
24 They lose -- they lose, as Dr. Arthur said, they lose some
25 protein, they lose some calcium and other things,

1 dehydration, but they get back to the barn, one bucketful
2 of water, they drink a bucketful of water, they have got
3 their hydration basically back.

4 CHAIRMAN WINNER: Doctor, I don't want to cut
5 you off, but we want to stick to the measure that is
6 before us, the rule that is before us. All of the other
7 bute, et cetera, other medications are not before us. The
8 efficacy of bute - -- of Lasix is not before us.

9 What is before us is third-party administration,
10 not whether Lasix is administered, but third-party
11 administration.

12 DR. WARREN: And I appreciate that, and I'm not
13 a politician. So I'm not in my best environment here.

14 I do think that this exercise to third-party
15 administration is nothing more than a politically correct
16 exercise, and if you think that the veterinarians out
17 there don't have the integrity to administer Lasix on race
18 day, then they shouldn't have integrity to be on the
19 racetrack at all.

20 Thank you.

21 CHAIRMAN WINNER: Any questions for Dr. Warren?

22 Thank you very much.

23 Is Michelle Griffin back?

24 DR. GRIFFIN: Yes.

25 CHAIRMAN WINNER: Okay. Doctor.

1 DR. GRIFFIN: Good afternoon. I'm not a public
2 speaker so bear with me.

3 CHAIRMAN WINNER: Please identify yourself.

4 DR. GRIFFIN: Michelle Griffin, veterinarian. I
5 work back here on the backside with the horses.

6 I have a couple of questions. When a rule is
7 noticed to the public, no mention of the financial impact
8 to us veterinarians was mentioned. And I know that that's
9 supposed to be required by law, I think. And there is an
10 impact to us.

11 A lot of what I do -- I'm in a two-person
12 practice. A lot of what I do is Lasix. So there is going
13 to be an impact, and my job may or may not be there when
14 this thing comes to pass. So I just wanted to stick that
15 out there. There is an impact. We are small businesses,
16 not large. So I like my job. I would like to keep
17 working here. So that's one.

18 And then the other thing I wanted to ask about,
19 it says that the administration's syringe will be retained
20 until testing of the horse is complete and that if there
21 is a positive, then that syringe will be tested.

22 Well, from what I understand, this whole rule is
23 about there being drugs out there that we're not able to
24 test for. So simply testing the syringe, it seems to me,
25 isn't going to say yea or nay as to whether there was some

1 sort of illegal drug in it.

2 It seems to me it might be better, and the rules
3 are in place to already do this with us instead of with
4 third party vets is that you take the syringe from us, as
5 you would do from a third party vet, or even better, you
6 take a little bit of the medications we are going to give
7 to the horse, store that, and test that because that is
8 going to be a true measurement of what was I giving to the
9 horse. Was there anything in there besides the Lasix?
10 That would be the place to test, because once I have put
11 the needle in the horse, administered the Lasix, I draw
12 back a couple of times, now I've got blood in there; okay?
13 So the blood can be contaminated with something that
14 someone else gave the horse at another time that I had no
15 knowledge of or no control over.

16 So those are just a couple of things --

17 CHAIRMAN WINNER: Do you want to respond to
18 that, Dr. Arthur?

19 DR. ARTHUR: Yes. The syringes are retained so
20 that as we have done for the Breeders' Cup here in
21 California, and as they have done for 40,000
22 administrations in Kentucky, during which time only
23 requests was made to analyze one syringe. Dr. Griffin is
24 correct that if there is a prohibited drug in the horse,
25 it will come back into the syringe with the blood needle,

1 but those would be interpreted and, in fact, in the
2 Kentucky case, it was actually used to support the
3 prosecution of an illegal drug in the horse that was
4 tested post-race.

5 You can differentiate between -- because of the
6 levels, between drugs that wash back into the syringe from
7 the horse, as compared to what is in the syringe. It has
8 to do with the concentration level. It's something we've
9 dealt with in California already.

10 CHAIRMAN WINNER: Thank you.

11 Any other questions?

12 DR. GRIFFIN: I think I'm good. Thank you.

13 CHAIRMAN WINNER: Thank you very much.

14 Don Shields, Doctor.

15 With respect, by the way, to your first point,
16 Dr. Griffin, I think the first point you made is that a
17 determination that would be made by the Office of
18 Administrative Law, if there is, in fact, something that
19 is amiss with respect to the language that affects the
20 hardship on small business or loss of revenue to a small
21 business, that will be kicked back by the Office of
22 Administrative Law.

23 DR. ARTHUR: Mr. Chairman, I would like to point
24 out that when we first started this discussion many years
25 ago, one of the models was the Ontario, Canada and

1 Kentucky model, whereby the commissioned veterinarians
2 administered the Lasix, and we had the decision then that
3 we weren't going to go down that road. There will still
4 be private veterinarians administering Lasix,
5 non-commissioned veterinarians, I should say,
6 administering Lasix. And I have had inquiries from
7 veterinarians that are practicing on the racetrack now
8 about interest in providing the service, if third-party
9 Lasix goes forward.

10 So it is still going to be a small business, may
11 not be the same small business, but it is -- the net
12 effect will be the same number of Lasix shots are going to
13 be administered.

14 CHAIRMAN WINNER: But, obviously, again, that's
15 a decision for the Office of Administrative Law and not
16 us, because that's a predictive consequence, as you just
17 explained it. And we'll have to see how the -- if it
18 passes here, we'll have to see how it -- how the Office of
19 Administrative Law --

20 COMMISSIONER SOLIS: I have a question.

21 How many -- how many horses do you think that
22 put Lasix on them in the morning for training?

23 DR. ARTHUR: Certainly, when I was practicing, I
24 treated more horses in the morning with Lasix than I did
25 in the afternoon. Lasix was never -- race-day Lasix was

1 never more than 2 percent of my practice, but we're not
2 taking that Lasix over. We're only talking about race-day
3 administration.

4 COMMISSIONER SOLIS: That's my point.

5 CHAIRMAN WINNER: You had a question?

6 VICE CHAIR ROSENBERG: Just a clarification.

7 The veterinarians that will be hired to do this
8 by the racetrack, will they be full-time, will they be --
9 can a practicing vet on the backstretch say I will work
10 for you on these days to do the Lasix? Will they be
11 permitted to, or will there be one company you contract
12 with that's going to provide all the vets?

13 DR. ARTHUR: We've left it flexible enough so
14 that the Horsemen's Association and the associations have
15 different ways to do it, and there are different models
16 for doing this. And some tracks back east -- there's
17 actually practices that provide this service, and the only
18 vets, the only service they provide on the racetrack.

19 In NIRA, for example, they hire the
20 veterinarians themselves to do this, and it's usually a
21 part-time job rather than a full-time job.

22 In Kentucky, where the commissioned
23 veterinarians do it, it's a full-time job. They actually
24 do pre-race examinations in the morning. They will do
25 Lasix administration, and then they'll be on the racetrack

1 in the afternoon. But that's not our model.

2 COMMISSIONER CHOPER: So the answer is there's
3 nothing in these rules that require the track to hire
4 these people at a certain way under certain conditions?

5 DR. ARTHUR: No. The only requirement is they
6 cannot have a relationship with somebody they're going to
7 be administering Lasix to within the last 30 days.

8 And we do -- we have something similar with our
9 official veterinarians. They can't practice as well, and
10 they are independent contractors, by the way.

11 VICE CHAIR ROSENBERG: But the problem with that
12 is if you have a veterinarian who would like to, as one of
13 the speakers said, if her business is cut down so she
14 would like to do some of this work for a track, then she
15 can't because she is -- there's so many horses that are --
16 you can't predict who is going to be in a race, so the
17 person who -- I think these are new people hired, weren't
18 they, retired people?

19 DR. ARTHUR: Yes. But similar -- similar to the
20 Breeders' Cup, we were able to hire veterinarians that had
21 experience on the racetrack, hadn't practiced here for
22 several years. There will be a market for that.

23 CHAIRMAN WINNER: Just to clarify, she could --
24 she could be hired as long as she's not administering to
25 anyone that she has a relationship with, trainer, owner,

1 horse; is that not correct?

2 DR. ARTHUR: She can't work on the race -- if I
3 understand it, and Phil has the language, she couldn't
4 have worked on a racetrack. If she wanted to work Del
5 Mar, she could work Del Mar, but she wouldn't be able to
6 work for any of those clients between now and then. And
7 some people want to -- may want to do it full-time. It's
8 not going to be a bad gig.

9 VICE CHAIR ROSENBERG: So we're transferring
10 basically the work and maybe putting some people out of
11 work, veterinarians out of work.

12 DR. ARTHUR: And hiring others.

13 VICE CHAIR ROSENBERG: And hiring other
14 veterinarians who may not have had the experience that
15 these people have. It is just a --

16 DR. ARTHUR: There's a lot of options on how
17 that will work.

18 EXECUTIVE DIRECTOR BAEDEKER: Most options will
19 come before the Commission -- correct me if I am wrong
20 here, Phil, will come before the Commission with every
21 race meet license application --

22 MR. LAIRD: And Mr. Chairman, I did want to make
23 a point as well that our economic impact assessment is
24 actually reviewed by the Department of Finance as well,
25 and they contact us if they feel something is amiss, and

1 we have not heard anything from the Department of Finance
2 at this point.

3 CHAIRMAN WINNER: Thank you.

4 Dr. Shields?

5 DR. SHIELDS: Dr. Don Shields, veterinarian.

6 Good afternoon, everyone. We believe that the
7 alternatives we've proposed, such as the security escorts
8 accompanying the private practitioners in providing a pure
9 sample of the syringe contents prior to administration
10 better accomplish the goals in your proposed rule.

11 I would like to comment -- you know, I'm not
12 saying that what happened in Kentucky was that the third
13 party vet used two syringes, but nobody is watching these
14 people. Nobody is accompanying them.

15 It's possible -- I believe it was Naproxen
16 positive -- it's possible that person administered
17 Naproxen with one syringe and then administered Lasix with
18 another. And then if that person apparently didn't
19 because the concentration was different in the syringe
20 than in the blood. If you did it that way, the
21 concentration would be the same in the horse's blood as it
22 would be in the syringe.

23 Lasix precipitates with a lot of medications.
24 So if you were going to do this, that's how you would have
25 to do it.

1 So you claim that your rule assures everyone
2 that only furosemide will be administered on race day.
3 What provisions do the rule prevent for making it
4 impossible for third-party administrators to inject
5 anything they want to with furosemide. These people
6 aren't accompanied, observed, or monitored in any way.
7 Their syringes are not confiscated by representative of
8 the Board, as ours are, but rather provided to the Board,
9 whatever that means.

10 Your rule states that the regulatory vets have
11 VCPRs with every horse they examine. By definition,
12 having a having a VCPR means they assumed responsibility
13 for the care and treatment of the animal. The rule also
14 states these vets can directly supervise; in other words,
15 they can prescribe the treatment of the race-day
16 administration.

17 These actions are in direct conflict with CHRB
18 Rules 1560 and 1561, which expressly prohibit the
19 regulatory veterinarians from treating or prescribing
20 treatment for horses except in the occurrence of
21 emergency, accident, or injury.

22 How does your proposed rule address any natural
23 or undetectable substances being administered, which have
24 been mentioned repeatedly before, and why is there no
25 proof of this having occurred because you have been

1 testing syringes, and that's where you would find it, and,
2 of course, like we have said, if we provide a few aliquot,
3 it would be much easier.

4 We're also very confused about what happens if a
5 horse encounters an emergency due to the administration of
6 race-day medication. What do you mean by stating that the
7 furosemide vet or RVT who administered the furosemide
8 shall attend the horse until the arrival of the owner's
9 vet?

10 When I attend a play, I don't jump on stage and
11 act. What does "attend" mean? Are these people just
12 watching the horse suffer through an emergency waiting for
13 the owner's vet to arrive?

14 If the medication is mistakenly injected into an
15 artery rather than a vein, there won't be time to wait for
16 anyone to arrive. Treatment must be immediate or it will
17 be too late.

18 The RCI model rule says these third-party vets
19 can't work as private practitioners. What provisions of
20 your rule limit their practice at all once they are hired?
21 Do we understand that?

22 The only provision is they can't work with these
23 licensees for 30 days before being hired. And in that
24 instance, can I take a 30-day vacation? I will not have
25 my VCPR business relationship active, be hired, and then

1 go back to practicing medicine the way I want to. And
2 also, that 30-day restriction, what happens -- am I clear
3 that the people working at Santa Anita then cannot work at
4 Los Al's three-week meet, and then they won't be able to
5 be hired for the first part of the second Santa Anita meet
6 unless it's been 30 days or more.

7 I could go and on and on, and I already did, and
8 I apologize for the length, but I truly believe that this
9 rule violates your own CHRB Rules 1560 and 1561.

10 CHAIRMAN WINNER: If the Office of
11 Administrative Law, the measure passes, they will deal
12 with that.

13 DR. SHIELDS: Thank you.

14 CHAIRMAN WINNER: As you pointed out in your
15 thorough letter, many of the concerns that you have, you
16 specifically point out that there are requirements of the
17 Office of Administrative Law. So, therefore, it's their
18 -- if they reach that conclusion, then they will reach
19 that conclusion. We have been through this now for two
20 years, as you know.

21 DR. SHIELDS: Forgive me, but I am not a lawyer;
22 so I thought those provisions stated you had to state
23 these things, not that the OAL has to state them.

24 CHAIRMAN WINNER: But if it does and they
25 determine that we didn't, then they will send it back.

1 DR. SHIELDS: Sure.

2 CHAIRMAN WINNER: That's the way it works.

3 Okay. So thank you very much, and thank you for
4 this thorough document that you sent us as well.

5 DR. SHIELDS: Thanks for your time.

6 CHAIRMAN WINNER: Dr. Steppe.

7 COMMISSIONER AUERBACH: One thing I just wanted
8 to clarify with Dr. Shields with this --

9 CHAIRMAN WINNER: Come on back, Dr. Shields.
10 I'm sorry.

11 COMMISSIONER AUERBACH: He probably doesn't have
12 to, but one of the things I wanted to clarify was I read
13 your letters to us too, and point of fact you alluded to,
14 we -- you accused us of ignoring this proposal that you --
15 of not really addressing what they do in Indiana and
16 Minnesota. And I took umbrage with that because we spent
17 a great deal of time discussing it. And Commissioner
18 Solis and I specifically talked about it at length, did
19 talk about it in the meeting, and determined that it was
20 impractical in a state like California. There is no way
21 to compare our racing to what occurs in Indiana.

22 And we keep throwing that out there as if it
23 were a viable, workable alternative, which we determined
24 long ago it isn't, but every time we get a response to
25 this, we get these same obfuscations occurring, and I

1 think that's unfortunate, because it doesn't allow us to
2 move through the process and get it handled and eventually
3 do what is right for the industry, and that is what we are
4 trying to do.

5 DR. SHIELDS: Commissioner -- and I am fine with
6 doing what is right for the industry. And if this thing
7 passes, okay. But, you know, what about, first off,
8 excuse me, but I don't remember you ever stating why it
9 wouldn't work, why it is so cumbersome. The impact to us,
10 to small business, is what the government, the way I
11 understand it, is concerned with, not whether you have to
12 hire four or eight --

13 COMMISSIONER AUERBACH: Our first concern here
14 is doing what is right for the horse and for the industry.
15 So when it comes to whether or not it impacts small
16 businesses, that is down the line, is something that the
17 Office of Administrative Law does take into effect. So
18 that is beyond our scope of responsibility.

19 Our scope of responsibility on this Board is to
20 do what is best for the horse, the rider, the industry.
21 And this is an industry concern, and I would have thought
22 that the majority of vets would like to more be partners
23 with us on helping determine that than this view of the
24 obfuscation and going back and saying the same
25 arguments over and over again that we have already

1 addressed, and I think we addressed it fairly.

2 So I want that recognized. We are not
3 cavalierly doing anything. We are very concerned about
4 the industry, as well as our horses, and, of course, we
5 are concerned about the vets too.

6 And my discussion with vets all over the country
7 have proven quite contradictory to what I am hearing here.
8 My discussion with vets all over the country were these
9 similar things have been enacted, have found out that
10 their practices are much healthier and much better because
11 when they are looking at a racehorse and determining any
12 diagnostics, they aren't constantly doing this, "Oh, my
13 God, I've got an issue, a Lasix, let me out of here, I've
14 got to do this."

15 We think in the long run it's going to make the
16 vets that look after our horses better practitioners and
17 better diagnosticians, and I hope that that happens.

18 CHAIRMAN WINNER: Thank you very much. Let me
19 just follow up on that.

20 Look, we have been through this now -- I think
21 it's two years, maybe more than two years. It has gone to
22 committee, come back, gone to committee, come back, gone
23 to committee, come back, and every time it comes back, we
24 have these same kinds of conversations. Every time
25 there's a different issue raised. Sometimes they are the

1 same issues as Commissioner Auerbach has stated.

2 We are out of step with the industry. One of
3 the concerns was the Veterinary Board -- we now have the
4 Veterinary Board who is stating that they are in support
5 of this rule, not opposed to it. So we went out of our
6 way to work with the Veterinary Board. We went out of our
7 way to try to solve some of these problems. These issues
8 have been raised time and time and time again.

9 This started when I was on the Medication
10 Committee, which is ages ago, and, you know,
11 when Commissioner Derek was on the Board. We have gone
12 through this and through this and through this with
13 different boards, different committees. And with the
14 support of the Vet Board, it seems to me that we don't
15 want to keep hearing the same arguments against it over
16 and over again. But, again, that's just my view, and I'm
17 not speaking for anybody but myself.

18 Thank you, Dr. Shields.

19 DR. SHIELDS: Thank you.

20 CHAIRMAN WINNER: Dr. Steppe.

21 DR. STEPPE: Yeah. My name is Michael Steppe,
22 and I am a veterinarian. I got licensed here in 1964 or
23 '5. By the way, I want to thank everybody for taking a
24 minute to listen to me.

25 I have -- I was on the -- I have been here every

1 year since 1965, except two years, '66 and '68, which I
2 was drafted and went to Southeast Asia, came right back
3 soon as I got back.

4 I was on the advisory committee to the Board's
5 Medication Committee for two terms, which is four years a
6 few years back, in the era when Rosemary Ferrara was
7 running the show. And we -- we handled this Lasix thing
8 with the California Veterinary Medical Association, the
9 Southern California Veterinary Medical Association, and
10 the Medication Committee, because at that time, it was a
11 different issue. It was questioned whether Lasix was
12 necessary or not, and that we should just stop it
13 completely.

14 And we all felt strongly that it shouldn't
15 happen. And I still feel strongly. My opinion is why
16 horses run better when they are on Lasix is because they
17 don't bleed. I think it's a pretty simple thing.

18 There's a lot of things made about does this,
19 does that, how is this, how is that. When you have been
20 working with them for a lot of years and you know your
21 horses and they're running bad and you put them on Lasix
22 and they run good and you don't find any Lasix in the post
23 race scoping, it makes a difference, and it adds up over a
24 period of time. So I do think it's very necessary.

25 Now, so I wouldn't make a complete fool of

1 myself, I went to the CHRB office before I came up here,
2 and I asked them what my records show going back to 1965,
3 as far as medication infractions, because I didn't want to
4 come up here and say something that was wrong. They said
5 well, you have got six entries here in 50 years, and they
6 kind of chuckled.

7 They said, "Well, why are you here?" And I told
8 them for the reason. Some of mine were simple mistakes,
9 some of them were -- I can't even remember. They
10 didn't -- they didn't read them off.

11 But in saying that, I have been here for a long
12 time. Coming in early in the morning as we all do, 4:30
13 in case something happens to a horse during training, I
14 take care of them. We work all day long. We don't just
15 give Lasix. And we have a lot of pride in what we do for
16 this business. I wouldn't still be here.

17 And then to hear these people come and say you
18 are doing -- you are medicating the horses illegally, you
19 are giving them stuff they shouldn't get, blah, blah,
20 blah, blah, blah, which isn't happening.

21 According to Dr. Arthur -- I think it was back
22 in '14 that I got the last report at one of these minor
23 meetings, there hasn't been any positive tests at Santa
24 Anita. They've had them at the quarter horse meets with
25 prohibited medications here.

1 So why are you doing that to us? We have lives
2 too. We have friends too. Everybody reads the
3 newspapers, and we are despicable people because of all
4 this kind of publications we're getting from the
5 California Horse Racing Board. We've done nothing wrong.

6 Six tests in 50 years, and none of them for
7 prohibitive medication. I get kind of emotional because
8 of the hours I put in here, trying to help the business,
9 trying to make it a good business, and for these reasons
10 that you are giving, to me it's just not the right thing
11 to do.

12 We have talked about money here all day long.
13 We have talked about the loss of income to the tote
14 workers. Well, this is going to cost us all a lot of
15 money. Myself, I'm not going to be here much longer. I'm
16 closing in on retirement for the latter part of this year,
17 but I don't think putting it up is fair to the
18 veterinarians that work here and support you, and it won't
19 make much difference to me because I won't be here that
20 long. So I just wanted to say that.

21 CHAIRMAN WINNER: Thank you, Dr. Steppe, and
22 thank you for your comments.

23 Frankly, I don't know that there's anybody on
24 this Board who doesn't agree with you, with respect to the
25 importance of the veterinarians that treat our horses and,

1 in fact, the fact that we're not -- nobody is casting
2 aspersions that we have veterinarians who are cheating.
3 That's not the point, but I certainly understand your
4 concern and appreciate your comments.

5 Does anybody have any questions for Dr. Steppe?

6 Dr. Valko?

7 DR. VALKO: Hello. Dr. Karen Valko. I'm a
8 private practitioner. I have been in business on the
9 backside for 30 years, and in light of some of the
10 comments and things that happen, yes, we all want to do
11 what is best for the industry, and if changing this rule
12 were to make it better for the industry, I would be in
13 favor of it, but I have my doubts that it's got any basis
14 for doing this.

15 In some of the language I have read into why
16 it's being done, it specifically states to get the private
17 practitioners out of the stalls on race day. That's
18 implying that we're doing something wrong. I take offense
19 to that. And whether that's exactly what is meant or not,
20 but that's what is implied. It says to get the private
21 practitioners out of the stalls on race day.

22 That being said, having a third party administer
23 the Lasix, there's -- and it was said so that we would
24 have somebody who is totally uninterested in the outcome
25 of that race be doing the Lasix shot.

1 Well, that -- you have no control over that.
2 Whether they are involved with the trainer, whether they
3 are involved with the owner, whether they are involved
4 with that horse, you don't know. You don't know if they
5 are betting on the race.

6 And I will tell you, we have been under scrutiny
7 a lot where you have security personnel at the stall, you
8 have the backside steward coming by unexpectedly at Lasix
9 times when we're there. Nothing has been shown that we,
10 the private practitioners, are doing something wrong, but
11 now you have to go get a third party and, as some of the
12 logistics of this all came up, it sounds like there's
13 going to be a lot involved in how that third-party person
14 is going to be allowed legally, medically to administer
15 the Lasix.

16 And for there not being concrete reason for why
17 we as private practitioners can't do it, because there
18 have not been bad tests. If there have, they're not
19 published anywhere. Why then does a third party have to
20 do it, and how are you ensuring that they are not going to
21 administer something adverse or somebody else?

22 And to be frank, anybody can administer anything
23 to a horse orally or injectable. It doesn't have to be a
24 veterinarian. It should be, but that -- it doesn't stop
25 it from being done, and I think you are opening the door

1 to taking on a lot of monetary, legal, as well as logistic
2 issues with this, as has been stated.

3 What happens if there's an emergency at the time
4 that Lasix is administered, be the shots given in the
5 artery, be the horse gets hyperexcitable because the
6 person administering it does not know the idiosyncrasies
7 of that horse, and something happens and the horse throws
8 his head, either hits it on the stall, hits it on the
9 stall door, on the wall, rears up, flips over, where is
10 she at? Now, you have a medical emergency.

11 You don't have time to wait in that instance for
12 somebody to come, because if it's a veterinarian
13 administering as third party or if it's a registered
14 veterinary technician, as has been indicated is going to
15 be hired to be doing some -- they are not going to have A,
16 the drugs at their disposal that they need right now to
17 give to that horse. Or, you know, there could be
18 consequences that need to be thought about and addressed
19 in that light. And there is a monetary impact. That is
20 definite.

21 CHAIRMAN WINNER: Any questions for Dr. Valko?

22 Yes. Commissioner Choper?

23 COMMISSIONER CHOPER: Do you think that trainers
24 ought to be -- licensed trainers ought to be able to
25 administer Lasix?

1 DR. VALKO: No.

2 COMMISSIONER CHOPER: Why not?

3 DR. VALKO: Well, what would be the reasoning
4 for that?

5 COMMISSIONER CHOPER: It's simpler.

6 DR. VALKO: I mean, what is the basis of that
7 question? I don't understand.

8 COMMISSIONER CHOPER: The basis is, as I
9 understand it, even in today's world, a number of trainers
10 simply administer Lasix. Is that right or wrong?

11 DR. ARTHUR: Trainers don't administer Lasix.
12 They have Lasix administered. You can administer it
13 orally with a prescription, but that's rarely done.

14 COMMISSIONER CHOPER: I see. You can do it
15 orally. So they feed it to them, is that it?

16 DR. ARTHUR: Feed it or dose it. But, again,
17 that's -- I haven't seen that in years. You know, I just
18 did get a request for that.

19 VICE CHAIR ROSENBERG: How about the lab
20 technician doing this rather than a veterinarian doing it,
21 if they're allowed to have lab technicians --

22 DR. VALKO: A registered veterinary technician.

23 DR. ARTHUR: The registered veterinary
24 technicians have to work under the supervision of a
25 veterinarian. There would have to be a veterinarian

1 involved that would be supervising those individuals on
2 the racetrack.

3 VICE CHAIR ROSENBERG: So getting back to the
4 point about the contract between the track and the --

5 DR. ARTHUR: That's right.

6 VICE CHAIR ROSENBERG: -- company or the entity
7 that supplies the veterinarians.

8 DR. ARTHUR: That's right. And, ultimately,
9 this Board would have to approve that agreement as part of
10 the --

11 VICE CHAIR ROSENBERG: Okay. Which is the point
12 I wanted to make. If you look at -- what page is it?

13 Mr. Laird said that we will be able to see each
14 time a licensed application is submitted. They will be
15 required to have -- it mentioned agreement.

16 The language is on page -- find it for me,
17 because I saw it earlier. The last page of the license
18 that proposed -- the change to the license app -- here it
19 is. Page 1223.

20 CHAIRMAN WINNER: Is this question for Dr.
21 Valko?

22 VICE CHAIR ROSENBERG: No, no.

23 CHAIRMAN WINNER: Does anybody else have a
24 question for Dr. Valko?

25 COMMISSIONER AUERBACH: No. I just wanted to

1 state, if I may, just for the record, this is not a
2 personal attack on the vets or their integrity. This
3 has -- I understand in your shoes why you may have felt
4 that way, but let me assure you that none of us feel that
5 way.

6 DR. VALKO: I know you have mentioned that on
7 other occasions, and I appreciate you stating that.

8 COMMISSIONER AUERBACH: We don't -- I just want
9 to make sure that you all -- all of the veterinary
10 community, understand. This is not about the level of
11 competence and integrity of our vets. It has,
12 unfortunately, nothing to do with this.

13 DR. VALKO: And sometimes though too, just what
14 is status quo across the nation isn't necessarily the best
15 way to go, and I think we have seen that in the past.

16 COMMISSIONER AUERBACH: And I don't -- I don't
17 disagree with you. It's just we're at a point in time in
18 our history where this is a necessary thing to do. We're
19 not -- and this is not a negative on any of the
20 practitioners that I am fortunate enough to know here. It
21 has nothing to do with that. Just so you know that.

22 CHAIRMAN WINNER: Thank you, Dr. Valko.

23 Now, you had a question, Richard.

24 VICE CHAIR ROSENBERG: Yes. On page 1223, the
25 language that is proposed is attach a race date furosemide

1 agreement to include the name of the furosemide
2 veterinarians, plural, veterinarian or veterinarians -- or
3 the company that supplies the veterinarians.

4 MR. LAIRD: Yes.

5 VICE CHAIR ROSENBERG: Right? Should we amend
6 it to say that?

7 And also my question is: The fact that they
8 attach it, does this imply we have the right to approve
9 it? Do we absolutely have the right to approve that
10 agreement, and when do we get the right to approve it?

11 MR. LAIRD: Well, it's all part of your license
12 approval. I would say this is closest, most akin to a
13 horseman's agreement. It's sort of -- essentially, one
14 way we look at it, as far as its agreement that has been
15 reached by the association and the third-party
16 veterinarian or the company, and the terms of those
17 agreement are part of the license application, and that
18 should the Board not be satisfied that, just like any
19 other aspect of the application, would be grounds to
20 either condition your grant -- granting of that
21 application, or to deny the application.

22 VICE CHAIR ROSENBERG: Do you think there would
23 be any value in having a standard agreement typed to be
24 used?

25 MR. LAIRD: I don't know if -- personally, I

1 mean, personally, I think Dr. Arthur spoke well to the
2 fact that there might be a number of ways that
3 associations would approach this. I know he gave a few
4 examples a minute ago.

5 VICE CHAIR ROSENBERG: So, for example, if a
6 company from -- a foreign company or an out-of-state
7 company contracts with a racetrack to supply the
8 veterinarians, they bring them in just for the meeting,
9 that that might be objectionable, for some reason, we
10 would have the right to object to that?

11 DR. ARTHUR: They have to be licensed --

12 MR. LAIRD: Yes.

13 DR. ARTHUR: -- by the California Horse Racing
14 Board as veterinarians, and before that can happen, they
15 have to be licensed by the California Veterinary Medical
16 Board. In other words, you have to be a California licensed
17 veterinarian by the Veterinary Medical Board, Ms. Del
18 Mugnaio's organization, before you can get a CHRB license,
19 and they also license the registered veterinary
20 technicians as well, if that is going to be used as an
21 option.

22 CHAIRMAN WINNER: Then they have to be licensed
23 by us.

24 DR. ARTHUR: Then they still have to be licensed
25 by us.

1 VICE CHAIR ROSENBERG: I'm concerned that the
2 agreement that's reached -- the first time we see this
3 will come in to the Board members ten days before or a
4 week before the first meeting that we're licensing.

5 MR. LAIRD: Well, and I would hope not in the
6 sense that I believe, right, is it 90 days that we request
7 to receive all application materials so --

8 VICE CHAIR ROSENBERG: When does the Board see
9 it?

10 MR. LAIRD: Well --

11 VICE CHAIR ROSENBERG: Board members.

12 MR. LAIRD: Well, if the Board is interested in
13 seeing those materials sooner.

14 VICE CHAIR ROSENBERG: I'm assuming that if it's
15 something objectionable in there, and the meeting is going
16 to start within 40 days, is there time to correct it?

17 To me, it's a big issue, because I'm conflicted
18 about this whole issue. I realize that the other states
19 have adopted similar or closely similar regulations -- it
20 will put us in a position of if we don't adopt something,
21 it will look like we're going backwards, which we don't
22 want to do. We want to go forward.

23 But I'm concerned with the forward movement
24 being an unnecessary movement unless some of the questions
25 that we have been raising today about -- and the

1 veterinarians have been raising about losing their
2 business are dealt with.

3 MR. LAIRD: Well, I do -- I am confident to say
4 that I believe this gives the Board full control over
5 their approval of these agreements -- their approval of
6 who has been selected and the arrangements that have been
7 reached by the association to provide these third-party
8 veterinarians.

9 And, certainly, you know, within the internal
10 processes, as I said, applications are due 90 days in
11 advance of them being heard. We would be happy to
12 expedite those being provided to you, especially the first
13 time around when they start to see these --

14 DR. ARTHUR: I will say that most of the tracks
15 have been in contact with me about how this is going to
16 work and ideas on how to put this together, and I think
17 they expect to consult with myself and the Board on how
18 these are going to be organized going forward.

19 But getting back to Phil's -- to the original
20 question, is one of the reasons we tried to be very
21 flexible in the way this was written, there definitely
22 will be a different need at Humboldt, which is a very
23 small facility that has relatively small fields as
24 compared to Del Mar, which is a terribly laid out stable
25 area with a lot of horses.

1 So one size isn't going to fit all, and we're
2 going to have to be flexible, similar to NYRA has a
3 different system at Saratoga than they do at Aqueduct, for
4 example.

5 CHAIRMAN WINNER: Dr. Carpenter.

6 DR. SHIELDS: I'm sorry. He too had to go do a
7 Lasix.

8 CHAIRMAN WINNER: Thank you.

9 Is Nick Coukos still here? Nick? No.

10 Dr. O'Neil.

11 DR. O'NEIL: Good afternoon. Good to see you
12 guys and ladies again.

13 As you know, I'm an employee of the Stronach
14 Group. I'm in charge of equine health and safety. I was
15 also on the Veterinary Board in Florida for 16 years.

16 The sky is not falling. I promise you it's not
17 going to fall because of this Lasix issue. The vets are
18 not crooks. But we're not -- how many have said today, it
19 is about the horse. We need to worry about the horse.
20 Everybody here worrying about the horse, not who is giving
21 the Lasix.

22 It has worked well now in Florida for two
23 years. We've had only two minor incidents. Over 40 years
24 of practice, we treat -- we figured up the other day with
25 all the people that worked, we gave close to a million

1 Lasix shots in 40 years. That million Lasix shots that we
2 gave, I can think of -- we came up with four reactions
3 that we had problems with. One horse died, nothing that
4 amounted to anything.

5 We have had no issues in Florida whatsoever in
6 the last two years of Lasix administration. And this
7 isn't that complicated. It is all about integrity. It's
8 all about putting the horse first. The vets have
9 commented to me from Florida, have said, "Thank God we're
10 done with Lasix. I can take care of my horses and look at
11 my horses and treat my horses and get them where they need
12 to be."

13 I have talked to vets in New York. They said we
14 don't miss it at all. We miss none of this stuff with
15 Lasix. We don't want to do it anymore. Our practice has
16 gotten bigger since we got rid of the Lasix, can
17 concentrate on the wellness of the horse and the
18 individual animal, not worrying about giving Lasix shots
19 all day.

20 Any questions?

21 VICE CHAIR ROSENBERG: How does Florida do it
22 compared to this rule?

23 DR. O'NEIL: Florida did it via -- we did it via
24 house rule. We hired our own veterinarians. They work
25 for Gulf Stream Park. We have examining vets work for

1 Gulf Stream Park. We have two separate sets of people
2 doing that. Examining vets do the pre- -- do the morning
3 exams. The Lasix vets give the Lasix. We have four Lasix
4 vets that handle three -- that handle the (indiscernable)
5 horses at Gulf Stream, 500 horses at Calder and 1100
6 horses at Palm Meadows without an issue. We have -- I
7 guess it has not been a problem. It has not been a
8 problem.

9 VICE CHAIR ROSENBERG: Do they work for --
10 exclusively for the track?

11 DR. O'NEIL: They work for Gulf Stream Park.

12 VICE CHAIR ROSENBERG: And they can't have
13 private practices?

14 DR. O'NEIL: Only if they want -- they cannot be
15 associated with the -- with anybody working. They can't
16 work any racehorses that are going to be racing at Gulf
17 Stream Park.

18 VICE CHAIR ROSENBERG: They can't have it
19 elsewhere?

20 DR. O'NEIL: If they want to work in the
21 country, you know, it's not a racehorse, it's not racing,
22 no problem. They come to work around 7:00 o'clock in the
23 morning, give their first Lasix shot around 7:30, 8:00
24 o'clock, they're done by 12:00 or 1:00 o'clock.

25 VICE CHAIR ROSENBERG: So in terms of

1 compensation, I'm just curious, if they are allowed to do
2 outside work, how much do they make a year, do you know?

3 DR. O'NEIL: They're on yearly contracts. I
4 don't know what they're paid. I'm sorry. It's not part
5 of my job description. I wasn't involved in the hiring
6 process. We had no problems hiring these veterinarians.
7 We had more applications for the jobs than we had
8 positions. And everybody I have talked to is very happy
9 with what they are doing.

10 CHAIRMAN WINNER: You mentioned, Doctor, the
11 vets that you talked to in Florida and in New York with
12 respect to those vets who are no longer administering
13 Lasix and able to do other things and take better care of
14 the horses, as you put it, did you have complaints from
15 vets in those states who said that they've lost money
16 because of -- many people here have said -- many of the
17 doctors here have stated that there is -- that they --
18 that this could cost them a part of their livelihood.

19 Have you sensed that or have you had any
20 response to that in the states where you have talked to
21 vets?

22 DR. O'NEIL: Yes. Their response is, thank God
23 we're done with Lasix. I can take care of my horses, and
24 I'm making more money.

25 VICE CHAIR ROSENBERG: So those million shots

1 over the last how many years at \$20.00 a shot, that
2 \$20 million in gross dollars is not going to
3 veterinarians?

4 COMMISSIONER AUERBACH: Forty years --

5 VICE CHAIR ROSENBERG: I know. Well, it's a
6 number though.

7 DR. O'NEIL: I don't really want to go -- there
8 is more being given the day of the race than just a shot
9 of Lasix. A lot of times trainers insist on stuff being
10 given that doesn't show in a test, but that's an integrity
11 issue.

12 It's all about the integrity of racing,
13 integrity of the horse, cleaning up racing, and it
14 involves -- in Florida, no vets are allowed in the stall
15 within 24 hours of a race. In the morning of the race, a
16 sign goes on the door that says "Horse in today."

17 Now, if one of our private practitioners want to
18 examine a horse, first of all -- if it's an emergency, all
19 bets are off. Get in there and take care of the horse,
20 get the horse scratched, whatever you got to do.

21 If it is just a trainer who wants to look at a
22 bump on a horse's butt, if he is going to run that day,
23 call the guard, he'll watch you examine the horse, and
24 there has been no issues. The vets have not complained
25 about that.

1 We haven't had any, you know, they'll call me
2 and say can I go in the stall -- probably. I'll say I'll
3 be down in five minutes. I will meet them by myself if I
4 am on the grounds. Look at the horse and then go about
5 their business. But they are not allowed in the stalls,
6 you know, especially race day unless there's an issue.

7 CHAIRMAN WINNER: Any other questions for
8 Dr. O'Neil?

9 Yes, the executive director --

10 EXECUTIVE DIRECTOR BAEDEKER: I'm just curious.

11 CHAIRMAN WINNER: -- who is not a doctor as yet.

12 DR. O'NEIL: We can get him a degree maybe. We
13 got the Vet Board here. Maybe give him an honorary
14 degree.

15 EXECUTIVE DIRECTOR BAEDEKER: Just a quick
16 question, Dr. O'Neil.

17 I presume that if the Board sends us forward
18 today, and it actually becomes a regulation, that at some
19 point in our hopefully not too distant future, would you
20 be involved on behalf of the Stronach Group, given the
21 Santa Anita Track and Golden Gate, in the agreement that
22 would be reached between the parties and also in, you
23 know, providing the information based on your experience
24 in Florida relative to how we would move forward here?

25 I mean, in other words, would you be a resource

1 available to the industry here in California, I presume?

2 DR. O'NEIL: I would be more than happy to tell
3 you what we have done in Florida. Again, if I'm asked by
4 corporate to be involved, I will be involved, or if asked
5 by this Board to be involved. You know, I am here. If
6 you notice, I have been to the last two meetings. I'll be
7 at your meetings.

8 We are interested in the integrity in racing.
9 We are interested in a level playing field. We are
10 interested in moving the ball forward. It is all about
11 the horse with Frank Stronach and the Stronach Group.

12 CHAIRMAN WINNER: Thank you very much, Doctor.
13 And we join you in those very interests.

14 Thank you.

15 COMMISSIONER AUERBACH: Want a motion?

16 CHAIRMAN WINNER: Is there is a motion?

17 COMMISSIONER AUERBACH: Uh-huh.

18 CHAIRMAN WINNER: Okay. Commissioner Auerbach
19 moves. Is there a second?

20 COMMISSIONER SOLIS: Second.

21 CHAIRMAN WINNER: Commissioner Solis seconds.

22 We are going to call the roll.

23 Commissioner Krikorian?

24 COMMISSIONER KRIKORIAN: Yes.

25 CHAIRMAN WINNER: Commissioner Solis?

1 COMMISSIONER SOLIS: Yes.

2 CHAIRMAN WINNER: Commissioner Auerbach?

3 COMMISSIONER AUERBACH: Yes.

4 CHAIRMAN WINNER: Chairman votes yes.

5 Vice Chair Rosenberg?

6 VICE CHAIR ROSENBERG: I'll abstain.

7 CHAIRMAN WINNER: Vice Chair Rosenberg abstains.

8 Commissioner Choper?

9 COMMISSIONER CHOPER: Yes.

10 CHAIRMAN WINNER: Commissioner Choper votes yes.

11 The measure passes five to nothing, with one
12 abstention. Thank you very much, everyone, and thank you,
13 everyone, for testifying. We're not done.

14 Discussion and action by the Board on the
15 approval of the fiscal year 2016-17 agreement providing
16 funding support for the Board.

17 Go ahead, please.

18 Are you going to bring up the ADW -- go ahead,
19 please.

20 MR. GONZALEZ: My name is Francisco Gonzalez,
21 CHRB Staff. And what we have in front of us though is the
22 proposed percentage to fund the CHRB operations for the
23 upcoming fiscal year.

24 EXECUTIVE DIRECTOR BAEDEKER: Francisco, I think
25 all of the stakeholders have signed off on the formula.

1 MR. GONZALEZ: That is correct. This formula
2 was devised in consultation with the industry to arrive in
3 the percentage that we are seeking approval for, and all
4 the signatures have been gathered.

5 CHAIRMAN WINNER: I have a question, and I'm not
6 sure who to address it to.

7 And that is that in reading this -- and I think
8 I knew it anyway, but it seems clear that we heard
9 testimony today from representatives from the ADW saying
10 how much they want to do for the racing in California, but
11 I don't see that they participate in providing any revenue
12 for our budget. Everybody else does, but the ADWs don't.

13 First of all, I would like to know why that is.
14 And secondly, I'd like to know, does that require
15 legislation to change it, or how can it be changed should
16 we decide to change it?

17 I don't know if you are the right person to
18 answer, or Phil or whomever.

19 Here comes the expert.

20 MS. WAGNER: Jackie Wagner, CHRB staff.

21 For that to change, it would require a
22 legislative change.

23 CHAIRMAN WINNER: Okay. Then I'm going to
24 recommend that the legislation committee look into that
25 issue at the August meeting, why did the ADWs get a free

1 pass on this? They are making a ton of money from this
2 industry, and I recognize they provide an enormous
3 service, as was stated here today, but they don't
4 participate in this budget whatsoever, and I would like to
5 know if the legislative committee determines to bring that
6 back to the Board to ask the legislature to change the law
7 with respect to that.

8 Vice Chair Rosenberg?

9 VICE CHAIR ROSENBERG: I just want to point out
10 that I agree with you a hundred percent of bringing that
11 issue up, that the amount of the total budget is in the
12 \$13 billion range. We're talking about if we -- if they
13 are added to the pie, so to speak and are required to
14 be -- come to an agreement as to how to share these costs
15 besides the racing associations and the fairs, it's small
16 potato items for them. So they should be willing to
17 volunteer this. We shouldn't even need a meeting.

18 COMMISSIONER AUERBACH: One of the other things
19 I wish you would look at, I think there are other parts of
20 the industry that legislatively, we're not -- we don't --
21 we don't have participation by some of the benefactors,
22 what goes on, and I think this might be a good time to
23 look at all of that aside from just for ourselves. For
24 others too.

25 CHAIRMAN WINNER: So do we have a motion to

1 approve the budget?

2 Commissioner Choper seconds.

3 Commissioner Choper, how do you vote?

4 COMMISSIONER CHOPER: Yes.

5 CHAIRMAN WINNER: Commissioner Rosenberg?

6 VICE CHAIR ROSENBERG: Yes.

7 CHAIRMAN WINNER: Chairman votes yes.

8 Commissioner Auerbach?

9 COMMISSIONER AUERBACH: Yes.

10 CHAIRMAN WINNER: Commissioner Solis?

11 COMMISSIONER SOLIS: Yes.

12 CHAIRMAN WINNER: And Commissioner Krikorian?

13 COMMISSIONER KRIKORIAN: Yes.

14 CHAIRMAN WINNER: Thank you very much.

15 All right. Do we have an executive committee?

16 COMMISSIONER CHOPER: Yes.

17 CHAIRMAN WINNER: (Off mike.)

18 This meeting is adjourned.

19 MR. MILLER: Don't we have to have a motion?

20 CHAIRMAN WINNER: Oh, we have to have a motion.

21 I apologize.

22 Is there a motion to adjourn?

23 Commissioner Krikorian moves.

24 Commissioner Solis seconds.

25 How do you vote, Commissioner Krikorian?

1 COMMISSIONER KRIKORIAN: Yes.

2 CHAIRMAN WINNER: Commissioner Solis?

3 COMMISSIONER SOLIS: Yes.

4 CHAIRMAN WINNER: Commissioner Auerbach?

5 COMMISSIONER AUERBACH: Thank God.

6 CHAIRMAN WINNER: Commissioner Rosenberg?

7 VICE CHAIR ROSENBERG: I abstain.

8 CHAIRMAN WINNER: Commissioner Choper?

9 COMMISSIONER CHOPER: I abstain.

10 CHAIRMAN WINNER: Okay. We have four to nothing
11 vote with two abstentions.

12 (At 1:21 p.m., the proceeding was concluded.)

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1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF LOS ANGELES)

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I, ANN BONNETTE, C.S.R. No. 6108, do hereby
certify:

That the foregoing meeting of the California Horse
Racing Board was taken before me at the time and place
therein set forth and was taken down by me in shorthand
and transcribed into computer-generated text under my
direction and supervision; and I hereby certify the
foregoing transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor
related to any party to said meeting nor in any way
interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my
name this 21st day of June, 2016.

ANN BONNETTE, CSR NO. 6108

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