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STATE OF CALIFORNIA  
HORSE RACING BOARD

In the Matter of )  
REGULAR MEETING )  
\_\_\_\_\_ )

DEL MAR HILTON  
DERBY ROOM  
15575 JIMMY DURANTE BOULEVARD  
DEL MAR, CALIFORNIA

THURSDAY, NOVEMBER 21, 2019  
9:41 A.M.

REPORTED BY:  
ANN BONNETTE, CSR NO. 6108

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APPEARANCES

COMMISSIONERS

- Oscar Gonzales, Commissioner
- Dennis V. Alfieri, Commissioner
- Rick Baedeker, Executive Director
- Alex Solis, Commissioner
- Fred Maas, Commissioner
- Gregory L. Ferraro, DVM
- Wendy Mitchell, Commissioner

STAFF

- Rick Baedeker, Executive Director
- John McDonough, Chief Counsel
- Robert Brodnik
- Mike Marten, Associate Analyst, Policy Regulations
- Dr. Rick Arthur, Equine Medical Director

ALSO PRESENT

- Valerie Traina
- Heather Hyde
- Martha Sullivan
- Terri Bingham
- Cliff Goodwin
- Rick English
- Josephine Goldberg

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APPEARANCES

ALSO PRESENT

Eric Sindler

John Hindman

Mary Forney

Toni Falcone

Nick Alexander

Heather Wilson

Jack Libeau

Christopher Schick

Ben Kenney

Ed Cummings

Rick Pickering

Dr. Dionne Benson, The Stronach Group

Liz Jacobelly

Jennifer Borges

Mr. Asaro

Dino Perez

Larry Swartzlander

Aidan Butler

Becky Bartling

Jim Morgan

Alan Balch

Aaron Gryder

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APPEARANCES

ALSO PRESENT

Darrel McHargue

Joanne Nor

Jackie Kirkpatrick

Patricia Folgar

Fernando Estrada

Jane Cartmill

Ronnie Steiner

April Montgomery

Elvia Sedano

Amanda Lundberg

Ali Nilforushan

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10	administrative licensing and disciplinary	
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14	A. The Board may convene a Closed Session	
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P R O C E E D I N G S

9:41 A.M.

DEL MAR, CALIFORNIA, THURSDAY, NOVEMBER 21, 2019

COMMISSIONER SOLIS: Good morning, ladies and gentlemen. This meeting of the California Horse Racing Board will come together in order. Now please take your seats.

This is the regular noticed meeting of the California Horse Racing Board on Thursday, November 21, 2019, at the Hilton San Diego Del Mar, 15575 Jimmy Durante Boulevard, Del Mar, California.

Present at today's meeting are: Dennis Alfieri, Gregory Ferraro, Commissioner Oscar Gonzales, Commissioner Fred Maas, Commissioner Wendy Mitchell, Commissioner Alex Solis.

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

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

In order to ensure all individuals have an opportunity to speak and the meeting proceed in timely fashion, I will strictly enforce the three-minute time

1 limit rule for each speaker. The three-minute time limit  
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 is a sign-in sheet for those wishing to speak during  
8 the public comment period for matters not on the Board  
9 agenda if it concerns horse racing in California. Please  
10 print your name legibly on the public comment sign-in  
11 sheet.

12 When a matter is open for public comment, your  
13 name will be called. Please come to the podium and  
14 introduce yourself by stating your name and organization  
15 clearly. This is necessary for the court reporter to have  
16 a clear record of all who speak. When your three minutes  
17 are up, the Chairman will ask you to return to your seat  
18 so others can be heard.

19 And first item for the Board is approval of the  
20 minutes of September 19, 2019.

21 Any comment or correction?

22 Any motion to approve the minutes?

23 COMMISSIONER MAAS: I'll make a motion.

24 COMMISSIONER ALFIERI: Second.

25 COMMISSIONER SOLIS: Commissioner Maas approved

1 it. Seconded by Commissioner Alfieri.

2 Second item on the Board is Executive Director  
3 report.

4 EXECUTIVE DIRECTOR BAEDEKER: Take roll call.

5 COMMISSIONER SOLIS: Oh, sorry.

6 Take a role call.

7 How you vote --

8 COMMISSIONER ALFIERI: Yes.

9 COMMISSIONER SOLIS: Commissioner Mitchell?

10 COMMISSIONER MITCHELL: Yes.

11 COMMISSIONER SOLIS: Commissioner Maas?

12 COMMISSIONER MAAS: Yes.

13 COMMISSIONER FERRARO: Yes.

14 COMMISSIONER SOLIS: Commissioner Solis votes  
15 yes.

16 COMMISSIONER GONZALES: Yes.

17 COMMISSIONER SOLIS: Commissioner Gonzales votes  
18 yes. And it's approved.

19 EXECUTIVE DIRECTOR BAEDEKER: Okay. Thank you.

20 COMMISSIONER SOLIS: Second item on the agenda  
21 is Executive Director report.

22 EXECUTIVE DIRECTOR BAEDEKER: Thank you,  
23 Commissioner Solis.

24 Jackie Wagner, the Board's Assistant Executive  
25 Director, is not here this week. Instead, she's on a

1 cruise with her husband. Jackie retired last month after  
2 32 years of State service, almost all of which was spent  
3 with CHRB. Jackie has been a wealth of knowledge and has  
4 a wonderful work ethic, but I think we'll mostly miss her  
5 ever-present cheerfulness, no matter what the day, what  
6 the time, what the issue. We are grateful for her good  
7 work over the years and wish her the very best in  
8 retirement.

9 Speaking of that, you may have noticed that I  
10 will retire in the spring. Now, my position is designated  
11 as a peace officer position and, as a result, the  
12 backgrounding process is rather lengthy. It can take two  
13 to three months. So we have already posted the job  
14 offering on our website.

15 I would encourage anyone who would like a chance  
16 to play a meaningful role in helping the Board move  
17 forward during these challenging days and years ahead,  
18 please go online, look at the job description, and if you  
19 are so inclined, apply. Nothing to be lost by applying.

20 The financials -- a couple of end-of-meet  
21 reports to give you. I will make them quick.

22 For Golden Gate, the summer meet, the average  
23 daily handle was down about 4.6 percent. The L.A. County  
24 Fair at Los Al was up 4.6 percent. The Fresno Fair  
25 average daily, up 6.2.

1           For the month of October, daytime racing was up  
2 2.26 percent, nighttime racing was down 9.7 percent. And  
3 all handle, most horses up just under 1 percent for the  
4 month.

5           For the year, we have a dramatic difference in  
6 the number of programs last year versus this year. We had  
7 23 fewer daytime programs this year versus last and 7  
8 fewer nighttime programs this year versus last.

9           As a result, the daytime business is down  
10 10.2 percent, nighttime business down 9.2 percent, and  
11 altogether, all the business is down 10 percent.

12           And now, Commissioners, as you are aware, the  
13 Governor has asked the Board for a list of recommendations  
14 designed to improve the welfare and safety of the race  
15 horse. Our response is due to the governor's office by  
16 December 4.

17           I prepared a draft of recommendations for your  
18 review, which I sent earlier this week. But I have been  
19 asked to read the record -- read the report into the --  
20 into the record, at least the draft of it, after which  
21 please feel free to mention anything you would like to add  
22 or subtract to the report.

23           These are a number of things that are -- could  
24 either be statutory changes. There could be things that  
25 are modified, could be things that are added, but this is

1 where we stand right now. This is really an idea paper  
2 that has been given a lot of thought by Staff, by the  
3 Commission, by our folks that we work with at the agency,  
4 and so I will run through them.

5           These three items would probably require  
6 statutory changes.

7           One recommendation is to modify -- is to modify  
8 the confidentiality requirements for a positive medication  
9 test. The statute currently requires that "all test  
10 results shall remain confidential unless and until a  
11 complaint is filed." That's a time frame of usually one  
12 to three months, or it can be longer, depending on the  
13 time of the investigation.

14           The Board recommends -- may recommend the  
15 modification to the statute to make public any positive  
16 test within 24 hours of receipt of confirmation of the  
17 presence of the prohibited substance from the independent  
18 laboratory. That's something that would require a  
19 statutory change.

20           Another recommendation is relative to CHR  
21 license fees and penalty revenue. These funds -- it's  
22 recommended that these funds be used for purposes that are  
23 designed strictly to -- strictly for safety measures, for  
24 welfare and safety measures, and would be used to contract  
25 additional state veterinarians, safety stewards, and the

1 infrastructure support that they need. Again, these funds  
2 would have to be used for safety and welfare of horses and  
3 riders.

4 Another recommendation that would require some  
5 change in the statute would be regarding veterinary  
6 medical record exemptions. There is a strong opinion that  
7 access to these medical records should be available to  
8 owners, veterinarians, track veterinarians, official  
9 veterinarians, as well as, at least to some degree,  
10 trainers and even jockeys.

11 So that's going to be explored. Obviously,  
12 anything that's going before the legislature will involve  
13 public input from the general public, from stakeholders,  
14 and anybody who has an interest in it.

15 Other potential policy changes. And, again,  
16 this is kind of a catch-all of ideas that have been  
17 suggested, and the purpose is bringing -- in reading this  
18 is to bring them to people's attention so we can get input  
19 on them, specifically though, from the commissioners.

20 One suggestion that's potential policy change is  
21 to mandate that any horse placed on the high priority  
22 watch list by the review panel be placed on the  
23 veterinarians' list and prohibited from racing and  
24 training until removal from that list by the official  
25 veterinarian.

1           There is also a suggestion to change vets' list  
2 protocols, add stricter protocols for removal from vets'  
3 lists that could include digital scanning, such as MRI or  
4 a PET scan.

5           Post fatality information weekly on the CHRB  
6 website. This is actually in the works and will begin on  
7 January 1st. We're modifying the website as we speak; so  
8 we hope to have it ready by then. It will be done  
9 according to business hours, CHRB business hours, which  
10 are Monday through Friday.

11           There's also a suggestion to require tracks to  
12 have whistleblower protections -- I think some of them do  
13 already -- to provide the mechanism for whistleblowers to  
14 report suspicious activity.

15           Note that CHRB does have such a hotline, an 800  
16 number hotline, that's posted throughout the enclosures of  
17 the CHRB facilities. Those signs have been there for a  
18 number of years, and we do get -- we do get calls from  
19 folks.

20           There's also a suggestion to prohibit training  
21 or racing on racetracks that have been modified, either in  
22 anticipation or because of rainy weather.

23           Another suggestion relates to corticosteroids,  
24 to gradually eliminate -- prohibit the use of all such  
25 medications.

1           The next is to continue to research the  
2           feasibility and desirability of synthetic surfaces -- a  
3           lot of talk about that recently. I think that the  
4           evidence of the best kind of synthetic track is  
5           inconclusive at this point.

6           Also, a proposal to prohibit extracorporeal  
7           shockwave therapy -- actually, the Board has moved a rule  
8           that would place any horse that receives that treatment on  
9           a 30-day -- on the vets' list for 30 days. In case you  
10          are not familiar with it, it's the same procedure that's  
11          used in humans for such things as plantar fasciitis, but  
12          this proposal would prohibit it entirely.

13          Medical reports require submission of 30-day  
14          medical reports at the time of entry, as has been  
15          suggested.

16          Also, explore stronger rule options for  
17          requiring trainers to comply with the advice of their  
18          veterinarians.

19          Continue to increase the use of  
20          out-of-competition testing.

21          Provide ongoing training to trainers and vets on  
22          the risks associated with corticosteroids and other  
23          permitted medications. On the agenda today is a  
24          continuing education proposal for trainers that would fall  
25          within the purpose of the agenda item.

1           And then finally, review penalty guidelines, all  
2 of them. They have been on the books for a long time.  
3 They are modeled after the national standards. They are  
4 not identical to the national standards, but they are  
5 close. But there is a recommendation to start a review  
6 process.

7           So again, Commissioners, if there's anything  
8 that you would like to add to this list, please let me  
9 know either now, or you can -- you can notify me.

10           Again, the timeline on this is submission by  
11 December 4th. So after getting the input from the  
12 Commission, I will work with the Chair to develop the  
13 final draft.

14           And that is my report, Mr. Chair, unless there's  
15 input right now on this, which if anybody would like to  
16 offer anything, or you are welcome to do it as is  
17 convenient for you.

18           Okay. So that concludes my report.

19           COMMISSIONER SOLIS: Moving into Item Number 3,  
20 election of California Horse Racing Board Chairman and  
21 Vice Chairman.

22           We have any motion for Chair?

23           COMMISSIONER MITCHELL: I move Commissioner  
24 Ferraro for Chair.

25           COMMISSIONER GONZALES: I will second that.

1 COMMISSIONER SOLIS: Any comment?

2 Take roll.

3 MS. STEINER: When will the comment -- public  
4 comments be taken?

5 COMMISSIONER FERRARO: End of the day.

6 MS. STEINER: I put in a comment card for this  
7 item.

8 EXECUTIVE DIRECTOR BAEDEKER: Okay.

9 MS. TRAINA: Me too.

10 EXECUTIVE DIRECTOR BAEDEKER: Okay. Yeah.

11 So I don't think we have these separated yet, do  
12 we?

13 Okay. First one -- I hope I have this right --  
14 it looks like Ronnie Steiner. I'm not sure on the last  
15 name.

16 MS. STEINER: (Off mike.) I can wait until  
17 after --

18 EXECUTIVE DIRECTOR BAEDEKER: It's up to you,  
19 ma'am.

20 This should pertain to this agenda item, to the  
21 election of the Chair.

22 MS. STEINER: (Off mike.) Would it pertain to  
23 new people coming on board?

24 EXECUTIVE DIRECTOR BAEDEKER: That's not  
25 pertinent to this agenda.

1 MS. STEINER: (Off mike.) I will put it on 27.

2 EXECUTIVE DIRECTOR BAEDEKER: Okay. We'll

3 change that.

4 Valerie Traina.

5 Again, this should be pertinent to the election

6 of a Chair or Vice Chair.

7 MS. TRAINA: Yes, it is.

8 I believe the election of these two officers is

9 very important considering that a recent survey of the

10 people of California, in large part, the majority, would

11 like to ban horseracing. So I need you guys to keep that

12 in mind. Thank you.

13 EXECUTIVE DIRECTOR BAEDEKER: Heather Hyde.

14 MS. HYDE: Hello. I am here to speak on regards

15 to the care. I know that Ferraro, the last time I was at

16 the meeting in Arcadia, another fellow activist and I

17 walked around to check out the track, and it -- we saw him

18 following around Baffert like a school girl with a crush.

19 UNIDENTIFIED SPEAKER: (Off mike.) Los

20 Alamitos.

21 MS. HYDE: So I -- yes, Los Alamitos.

22 So I think that it's quite, quite hypocritical

23 to have somebody that seeks admiration of fellow horse

24 owners and such to be allowed to have this position.

25 EXECUTIVE DIRECTOR BAEDEKER: Martha Sullivan.

1 MS. SULLIVAN: As Ms. Traina has said, the  
2 election of the Chair and Vice Chair of this body at this  
3 time is a very, very important action. And I think you  
4 should welcome public input on what we expect from the  
5 Chair and the Vice Chair of this body rather than  
6 discourage it.

7 What I expect from the Chair and the Vice Chair  
8 of this body is to lead this body and this industry to its  
9 inevitable end. This industry has been declining since at  
10 least 1998, as reported by the Legislative Analyst's  
11 Office. And your political and ethical duty is to make  
12 this transition, you know, as smooth as possible for the  
13 horses, for the workers, so that needs to be your -- your  
14 main charter going into your tenure. You need to help  
15 guide this board and this industry to the industry's  
16 inevitable end.

17 EXECUTIVE DIRECTOR BAEDEKER: Thank you.

18 That's all the cards.

19 Did I miss anyone?

20 All right. Come forward, ma'am. If you would  
21 identify yourself and then afterwards if you would fill  
22 out a card for us.

23 MS. BINGHAM: Terri Bingham,  
24 attorney/owner/trainer.

25 This is an excellent choice. Very, very

1 qualified person. I think we're so lucky to have him on  
2 this board, and I'm so grateful for all the knowledge and  
3 years of expertise that he brings to this position. And  
4 we are very honored with this nomination. Horsemen are  
5 cheering. Thank you so much.

6 (Applause.)

7 COMMISSIONER SOLIS: Any further comment by the  
8 commissioners?

9 CLIFF GOODRICH: I will fill out a card  
10 afterwards.

11 My name is Cliff Goodrich, representing the  
12 California Thoroughbred Horsemen's Foundation. We provide  
13 medical and dental care for the backstretch workers who  
14 live week to week, check to check, and they are obviously  
15 concerned about the future of this industry.

16 I can't imagine a better selection, especially  
17 in the eyes of the horse lovers, than a person who has  
18 dedicated his whole career as a licensed veterinarian.  
19 Now seems the time to have that person in charge.

20 And I don't know what his charge would be. I  
21 hear what the horse lovers would say, but I am going to  
22 take a wild guess that it's to promote the safety and  
23 welfare of the horse, first and foremost. And that's  
24 something to celebrate and should have happened a long  
25 time ago.

1           People behind me have certainly played a role in  
2           that. But this board is doing everything they can to head  
3           not only California but the industry in the proper  
4           direction, and I can't imagine a better chairman to lead  
5           that effort.

6           Thank you.

7           (Applause.)

8           COMMISSIONER MAAS: Could you hold off the  
9           clapping, please. Could you, please. Thank you.

10          MS. WILSON: (Off mike.) I can fill out a card  
11          after.

12          So Dr. Ferraro is the author of this journal  
13          article from UC Davis, "How to Lift Recumbent Equine  
14          Patients in the Field and Hospital with the UC Davis Large  
15          Animal Lift."

16          And it appears that Mongolian Groom was not  
17          allowed to have that lift. He was made to hop on three  
18          legs to his death van. So I just wonder if this really is  
19          the best choice to have on this board when you make a  
20          horse with a broken leg in two places hop to his van when  
21          you are the author of this article about the large animal  
22          lift.

23          (Applause.)

24          COMMISSIONER MAAS: Please.

25          EXECUTIVE DIRECTOR BAEDKER: That's the last

1 one.

2 COMMISSIONER SOLIS: Okay. The motion is moved  
3 by Commissioner Wendy Mitchell; seconded by Oscar  
4 Gonzales.

5 Let's get a roll call.

6 COMMISSIONER ALFIERI: Yes.

7 COMMISSIONER SOLIS: Commissioner Mitchell?

8 COMMISSIONER MITCHELL: Yes.

9 COMMISSIONER MAAS: Yes.

10 COMMISSIONER ALFIERI: Recuse.

11 COMMISSIONER SOLIS: Commissioner Solis, yes.

12 COMMISSIONER GONZALES: Yes.

13 COMMISSIONER SOLIS: It passes.

14 You're the new Chairman.

15 COMMISSIONER FERRARO: Thank you very much.

16 COMMISSIONER SOLIS: Dr. Ferraro,  
17 congratulations, and I think you are the greatest guy for  
18 the job. You have cared for horses for so many years.  
19 You have such incredible integrity and love for this  
20 sport, and we are very blessed to have you.

21 COMMISSIONER FERRARO: Thank you.

22 I would like now to nominate a Vice Chair, and  
23 my nomination for that position would be Oscar Gonzales.

24 COMMISSIONER ALFIERI: I would like to second  
25 it.

1 COMMISSIONER FERRARO: Any comments from the  
2 Board?

3 COMMISSIONER MITCHELL: I have a comment.

4 So I was appointed at the same time as Oscar,  
5 and he and I have known each other from the early -- late  
6 '90s when we both worked in the Capitol, but since we have  
7 been appointed on September 10th, we have probably spent  
8 150 hours together going to meetings up and down the state  
9 talking to horsemen, to activists, to track owners. And I  
10 have just been thoroughly impressed with his knowledge,  
11 his care and concern, his thoughtful approach, and his  
12 hard work ethics. So I think he will be a wonderful  
13 Vice Chair.

14 COMMISSIONER FERRARO: Any other comments from  
15 the Board?

16 Can we take a roll call vote?

17 COMMISSIONER ALFIERI: Yes.

18 COMMISSIONER MITCHELL: Yes.

19 COMMISSIONER MAAS: No.

20 COMMISSIONER FERRARO: Yes.

21 COMMISSIONER SOLIS: Yes.

22 COMMISSIONER GONZALES: Recuse.

23 COMMISSIONER FERRARO: Motion passes.

24 EXECUTIVE DIRECTOR BAEDEKER: So our new Chair,  
25 Dr. Ferraro; our new Vice Chair, Oscar Gonzales.

1 CHAIR FERRARO: I will make a few opening  
2 remarks.

3 As you've probably garnered from Rick Baedeker's  
4 comments, this board, a new board basically, and it has a  
5 mandate from governor's office, and that mandate is  
6 primary, number one, health and safety of horses.

7 Well, myself, as commissioner, fully intend to  
8 carry out that mandate, which means that we are -- have  
9 made several important new regulations and changes. There  
10 are many more to come.

11 And the ones that are destined to come are going  
12 to be much more difficult than the ones we have already  
13 passed. So we need to be prepared for that. But I can  
14 tell you, in short, the days of permissive medication are  
15 over.

16 We will gradually eliminate medications and keep  
17 them away from racing dates and training. That's the  
18 goal. We expect opposition on some of these, but we are  
19 determined to carry them out in the best interests of  
20 horses and jockeys.

21 So with that opening comment, I would like to go  
22 to Item Number 4.

23 This discussion and action by the Board  
24 regarding the distribution of race date charity proceeds  
25 of the Los Alamitos Quarter Horse Racing Association, from

1 its 2018 race meetings, in the amount of \$23,812.

2 MR. ENGLISH: Good morning, Mr. Chairman, Board  
3 members. Rick English representing Los Alamitos Quarter  
4 Horse Racing Association.

5 We provided a list of host beneficiaries for our  
6 charity days. They all are involved in the horse racing  
7 industry, and I respectfully request your approval of the  
8 distributions.

9 I would be happy to try to answer any questions  
10 you have.

11 CHAIR FERRARO: Any questions from members of  
12 the Board?

13 Do we have a motion to accept?

14 COMMISSIONER MITCHELL: So moved.

15 COMMISSIONER SOLIS: I second.

16 CHAIR FERRARO: Roll call vote.

17 Commissioner Alfieri?

18 COMMISSIONER ALFIERI: Yes.

19 CHAIR FERRARO: Mitchell?

20 COMMISSIONER MITCHELL: Yes.

21 COMMISSIONER MAAS: Yes.

22 CHAIR FERRARO: Yes.

23 COMMISSIONER SOLIS: Yes.

24 COMMISSIONER GONZALES: Yes.

25 CHAIR FERRARO: Motion passes.

1                   Congratulations.

2                   MR. ENGLISH: Thank you very much.

3                   CHAIR FERRARO: Item Number 5, discussion and  
4 action by the Board regarding the distribution of race day  
5 charity proceeds of the Los Angeles Turf Club,  
6 Incorporated dba as Santa Anita Park 2018-2019  
7 winter/spring race meeting, December 26, 2018 to  
8 June 23, 2019, in the amount of \$106,481 to ten  
9 beneficiaries.

10                  ERIC SINDLER: Good morning, Eric Sindler on  
11 behalf of Los Angeles Turf Club.

12                  As the Chairman noted, we would like to  
13 distribute \$106,481 to ten charities, all of which are  
14 horse-racing related, and we seek your approval.

15                  CHAIR FERRARO: Motion for approval.

16                  COMMISSIONER MITCHELL: So moved.

17                  COMMISSIONER MAAS: Second.

18                  CHAIR FERRARO: Roll call.

19                  Yes.

20                  EXECUTIVE DIRECTOR BAEDEKER: I'm sorry. Excuse  
21 me, Mr. Chairman. We do have a -- one person would like  
22 to comment on this item.

23                  CHAIR FERRARO: Okay. Josephine Deborah -- is  
24 that correct? -- Goldberg.

25                  MS. GOLDBERG: Hi, good morning, Board. My name

1 is Josephine Deborah Goldberg. I'm an owner and breeder  
2 for the last eight years. And two weeks ago at Santa  
3 Anita Park, my horse partner and I were asked to leave the  
4 track just at the whim of a second because I was  
5 questioning the CARMA Foundation and where their money is  
6 going.

7 Mr. Aidan Butler, who is here, who is the CEO,  
8 called the police, and they escorted us out in five to ten  
9 minutes.

10 I would like the Board to, you know, kind of  
11 have some kind of law or regulation that states that, you  
12 know, the racetrack should not be allowed to kick out  
13 somebody based on gender, race, religion, sexuality --

14 EXECUTIVE DIRECTOR BAEDEKER: Ma'am, I'm sorry,  
15 but that is not on the agenda. This is the agenda  
16 approval of charity funds.

17 MS. GOLDBERG: Okay. Well, can I ask for --

18 EXECUTIVE DIRECTOR BAEDEKER: If you have a  
19 comment about charity funds, then that's appropriate but,  
20 otherwise, I'm afraid it's not on the --

21 MS. GOLDBERG: Okay. Which one -- can I talk to  
22 you guys about the application of Hearing Code 1983 where  
23 an owner or breeder is allowed to have a hearing by the  
24 CHRB before they are removed from the racetrack so the  
25 racetrack can't say we are going to do to you what we did

1 to Jerry Hollendorfer.

2 EXECUTIVE DIRECTOR BAEDEKER: Right. Well, you  
3 can speak with our attorney privately --

4 MS. GOLDBERG: Well, I have called you guys many  
5 times, and I have never heard anything back.

6 EXECUTIVE DIRECTOR BAEDEKER: Well, they are  
7 here today --

8 MS. GOLDBERG: And I talked to Frank --

9 EXECUTIVE DIRECTOR BAEDEKER: They are here  
10 today so --

11 MS. GOLDBERG: Yeah. Well, I talked to  
12 Frank Stronach.

13 EXECUTIVE DIRECTOR BAEDEKER: -- we will make  
14 sure that we speak with you before the meeting is over.

15 MS. GOLDBERG: Yeah.

16 EXECUTIVE DIRECTOR BAEDEKER: And we'll let you  
17 know how you can proceed.

18 It's not on the agenda, ma'am.

19 MS. GOLDBERG: Okay. So you guys are not  
20 allowing people to talk? You --

21 EXECUTIVE DIRECTOR BAEDEKER: We allow anybody  
22 that wants to talk on any matter on the agenda. You can  
23 also wait until the end of the meeting when -- at public  
24 comment when anybody --

25 MS. GOLDBERG: Okay. I'll wait until end and

1 I'll go out --

2 EXECUTIVE DIRECTOR BAEDEKER: -- can get up and  
3 say anything they want.

4 MS. GOLDBERG: -- on public meeting for Rule  
5 1983.

6 Okay. Thank you very much.

7 CHAIR FERRARO: Any other comment?

8 Roll call on this one.

9 COMMISSIONER ALFIERI: Yes.

10 COMMISSIONER MITCHELL: Aye.

11 COMMISSIONER MAAS: Yes.

12 CHAIR FERRARO: Yes.

13 COMMISSIONER SOLIS: Yes.

14 COMMISSIONER GONZALES: Yes.

15 CHAIR FERRARO: So moved.

16 Item Number 6, discussion and action by the  
17 Board regarding the distribution of race day charity  
18 proceeds of the Pacific Racing Association dba as Golden  
19 Gate Fields winter/spring meeting, December 26, 2018 to  
20 June 9, 2019, in the amount of \$25,496 to eight  
21 beneficiaries.

22 MR. SINDLER: Good morning, Eric Sindler on  
23 behalf of Pacific Racing Association.

24 As the Chairman just noted, we seek permission  
25 to distribute \$25,496 to eight beneficiaries, all of which

1 are horse-racing related.

2 CHAIR FERRARO: Motion?

3 COMMISSIONER ALFIERI: So moved.

4 COMMISSIONER MAAS: Second.

5 CHAIR FERRARO: Comment?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR FERRARO: Wendy Mitchell?

8 COMMISSIONER MITCHELL: Oh, yes.

9 COMMISSIONER MAAS: Yes.

10 CHAIR FERRARO: Yes.

11 COMMISSIONER SOLIS: Yes.

12 COMMISSIONER GONZALES: Yes.

13 MR. SINDLER: Thank you.

14 CHAIR FERRARO: You're welcome.

15 Item Number 7, discussion and action by the  
16 Board regarding the request for approval from advance  
17 deposit wagering provider ODS Technologies, LP dba  
18 TVG Network to amend its operating procedures to allow  
19 customers to establish a TVG account at either [www.tvg.com](http://www.tvg.com)  
20 or a new website, [www.racing.fanduel.com](http://www.racing.fanduel.com).

21 MR. HINDMAN: Good morning, Commissioners. This  
22 is John Hindman from TVG, general counsel of TVG. Nice to  
23 appear before you today. Appreciate the opportunity.

24 Just a little bit of background on -- for those  
25 of you who may not be as familiar with us as some of the

1 others may be. We have been one of the leaders in advance  
2 deposit wagering in California for over 15 years. We are  
3 headquartered in Los Angeles where our television network  
4 is as well. We work with all the racetracks in  
5 California.

6 About a year ago, TVG, after a transaction,  
7 became a sister company with Fanduel, which is one of the  
8 largest daily fantasy sports websites in the United States  
9 that has a subscriber base of about eight million people.  
10 And we started to see that there was an opportunity to  
11 say, well, let's see if we can get horse racing in front  
12 of some new eyeballs, some people that like daily fantasy  
13 sports but may not know that horse racing exists.

14 So we came up with a product that would allow  
15 users of Fanduel to create a TVG account and participate  
16 in advance deposit wagering, exactly the same way that  
17 it's done today, as this Board has approved previously on  
18 TVG.

19 So it's the same operations, same management,  
20 same terms and conditions, same customer procedures. They  
21 are just literally accessing a different website that's a  
22 little bit more familiar to them, racing.fanduel.com, in  
23 order to establish that and then participate in the sport.

24 We're excited about it. We've had strong  
25 industry support, and we think that an opportunity to

1 expose racing to a new customer base would be positive.

2 All the terms and conditions as it relates to compensation  
3 to racetracks and horsemen are identical to what they are  
4 in TVG. So we'd appreciate your consideration of that,  
5 and I am happy to answer any questions you could have.

6 CHAIR FERRARO: Any questions from the Board?

7 COMMISSIONER MAAS: I just have one question.

8 John, I don't want to come out of left field,  
9 but were you involved at all in some of the drafting of  
10 the legislation that has been suggested right now, and how  
11 does that take into account what you guys are up to on  
12 sports betting here?

13 MR. HINDMAN: So in terms of the sports betting,  
14 we have been in conversations, we have been observing  
15 what's been going on. We have not been a part of the  
16 current -- the initiative that was introduced, but we have  
17 had conversations with those who are, and we are  
18 monitoring it closely.

19 COMMISSIONER MAAS: Is it prohibitive of --  
20 prohibitive of using smart phones and using your  
21 technologies mobily?

22 MR. HINDMAN: I am unclear at this point what  
23 the pathway is, but we consider to monitor it and evaluate  
24 and digest it.

25 COMMISSIONER MAAS: Okay. Thank you.

1 CHAIR FERRARO: Any comments from the industry?  
2 Motion from the Board?

3 COMMISSIONER MAAS: Moved.

4 COMMISSIONER ALFIERI: Second.

5 CHAIR FERRARO: Roll call.

6 COMMISSIONER ALFIERI: Yes.

7 COMMISSIONER MITCHELL: Yes.

8 COMMISSIONER MAAS: Yes.

9 CHAIR FERRARO: Yes.

10 COMMISSIONER SOLIS: Yes.

11 COMMISSIONER GONZALES: Yes.

12 MR. HINDMAN: Thank you very much,  
13 Commissioners.

14 CHAIR FERRARO: Item Number 8, discussion and  
15 action by the Board regarding the request for approval of  
16 the continuation of the 0.5 percent distribution to  
17 Southern California Stabling and Vanning Fund from advance  
18 deposit wagering hosted by thoroughbred racing  
19 associations and racing fairs conducting racing in Central  
20 and Southern zones for the period commencing January 1,  
21 2020 to December 31, 2020 as permitted under the Business  
22 and Professions Code section 19604.

23 We have a presentation on that?

24 MR. BRODNIK: Good morning, Commissioners,  
25 Robert Brodник, California Horse Racing Board.



1 CHAIR FERRARO: We have a motion?

2 COMMISSIONER MAAS: Moved.

3 COMMISSIONER SOLIS: Second.

4 CHAIR FERRARO: Roll call.

5 COMMISSIONER ALFIERI: Yes.

6 COMMISSIONER MITCHELL: Yes.

7 COMMISSIONER MAAS: Yes.

8 CHAIR FERRARO: Yes.

9 COMMISSIONER SOLIS: Yes.

10 COMMISSIONER GONZALES: Yes.

11 CHAIR FERRARO: So moved.

12 Item Number 9, discussion and action by the  
13 Board on the Application for a License to Conduct Horse  
14 Racing Meeting of the Los Angeles Turf Club at Santa Anita  
15 Park Race Track, commencing December 18, 2019 through  
16 June 23, 2020, inclusive. Note opening day is  
17 December 26.

18 MR. BUTLER: Good morning, Commissioners.

19 ERIC SINDLER: Good morning, Eric Sindler on  
20 behalf of Los Angeles Turf Club.

21 I believe you all should have received a roughly  
22 40-page marketing plan; so I'm not going to go through all  
23 40 pages but just a few highlights for you guys.

24 One of our primary focuses will be continue to  
25 convey information to the public about our new safety

1 reforms and protocols through a combination of paid media,  
2 earned media, email, social, and our website -- and we  
3 will continue to work with other California partners and  
4 national partners to get this message out.

5 We will be launching a new website that's more  
6 user friendly and mobile friendly. We're hoping sometime  
7 in kind of the middle of the year.

8 We are going to continue to focus on on-track  
9 experience. We have recently spent about \$5 million to  
10 upgrade our facilities, and it's important to continue  
11 that.

12 We are going to continue our online ticket sales  
13 to hopefully get a younger demographic. We are going to  
14 continue with our live money handicapping competitions.  
15 They're going to range from our weekly \$40 competition to  
16 sometimes up to \$6000. These contests have continued to  
17 be a growth segment in our industry, and we are going to  
18 continue to push for these as well.

19 We have our typical busy event schedule, such as  
20 barbecue festivals, wine festivals, Chinese New Year's,  
21 our sippy cup, et cetera, largely in alliance with what we  
22 have done in years past.

23 There is one note that we would like to make.  
24 In Section 8 of the application, it notes that we're only  
25 going to use Los Alamitos through February 5th. As

1 Ms. Forney just mentioned, there was a stabling and  
2 vanning meeting just a few days ago, and we are going to  
3 use Los Alamitos for the entirety of the meet. So I just  
4 wanted to make sure that you guys were aware of that.

5 EXECUTIVE DIRECTOR BAEDEKER: And,  
6 Commissioners, so that everybody knows, the Dates  
7 Committee, in allocating the dates for Southern  
8 California, the Southern California daytime calendar  
9 stipulated that the dates allocated to Santa Anita for the  
10 winter meet would be reduced by 12 days, allowing Santa  
11 Anita management the discretion to determine which days  
12 those would be. The supposition is that the dates that  
13 will be chosen will be days that are affected by weather  
14 and track condition.

15 Is that the clear understanding?

16 MR. BUTLER: Also horse population.

17 EXECUTIVE DIRECTOR BAEDEKER: Horse population.

18 MR. BUTLER: Yeah.

19 EXECUTIVE DIRECTOR BAEDEKER: But there's no --  
20 there's no confusion about the 12 days. That was part of  
21 the dates allocations.

22 MR. SINDLER: Correct. Just with the  
23 stipulation that I believe that motion also includes if,  
24 based on weather and horse population, we did not need to  
25 take all 12 -- all 12 days, we could come in front of this

1 Board and, with your approval, we can run the balance of  
2 those 12.

3 EXECUTIVE DIRECTOR BAEDEKER: Right. Would  
4 require Board approval to change.

5 ERIC SINDLER: Correct. Requires Board  
6 approval, absolutely.

7 CHAIR FERRARO: Are you aware -- I'm sure you  
8 are aware, actually, of the request that this Board is  
9 going to make on the approval of your license based on  
10 three specific actions that I have informed you of in  
11 advance.

12 One is that we have an agreement that horses in  
13 periods of inclement weather, when the track is deemed  
14 unsafe, there would be no training and racing. We have  
15 a -- we have a written proposal from you that we have  
16 received earlier this week.

17 That proposal is an agreement with TOC, and  
18 basically the whole idea is to protect the safety of  
19 horses during inclement weather situations, that we won't  
20 train or race on tracks that are deemed unsafe because of  
21 the weather, and we won't return to those activities until  
22 the track is deemed safe.

23 The agreement that you forwarded to us is quite  
24 acceptable, except we need implementation -- instructions  
25 as to actually how that portion is going to be

1 implemented, and we would expect to get that at the  
2 December meeting.

3 MR. BUTLER: Absolutely.

4 CHAIR FERRARO: The second requirement is that  
5 horses that receive corticosteroid injection in their  
6 fetlock joints cannot race for 30 days, nor can they work  
7 for 10 days. Is that agreeable?

8 EXECUTIVE DIRECTOR BAEDEKER: Absolutely.

9 CHAIR FERRARO: And the final request is that no  
10 races will be ridden at Santa Anita for under \$10,000  
11 claiming.

12 Acceptable?

13 MR. BUTLER: Acceptable.

14 CHAIR FERRARO: Any comments from the Board?

15 COMMISSIONER SOLIS: Yes, I have a question.

16 What kind of maintenance have you done to the  
17 track or what is going to be done before racing?

18 MR. BUTLER: So as is standard protocol,  
19 Dennis Moore and the track team will be doing a full  
20 renovation of the track remixing and reblending the false  
21 surface to make sure it's as good as it can be.

22 That is actually scheduled for -- it was  
23 scheduled for this week, but because of inclement weather,  
24 we had to hit pause on that. It will be scheduled for, I  
25 believe, Monday next week, which means the track -- the

1 main track will not be in use for three days while it  
2 settles, and then we'll be reopening again towards the end  
3 of next week for train- -- for continued training.

4 CHAIR FERRARO: Can you move the mike a little  
5 closer?

6 MR. BUTLER: I'm sorry.

7 CHAIR FERRARO: Any other comments from the  
8 Board?

9 COMMISSIONER MAAS: I've got some questions, if  
10 I might.

11 CHAIR FERRARO: Yes.

12 COMMISSIONER MAAS: Eric, can you -- are you  
13 prepared just to give us a little background or update on  
14 where you are in the expansion of the stables at Santa  
15 Anita?

16 MR. SINDLER: I think Aidan might be better to  
17 address that.

18 MR. BUTLER: Certainly.

19 At the moment, we are actually -- we originally  
20 looked at the plan -- this is pre me being at Santa  
21 Anita -- to put in 800 stalls in the northern lot. It was  
22 deemed a more sensible approach would be to expand San  
23 Luis Rey Downs.

24 We are currently going through quite an intense  
25 due diligence period, and it seems at this early junction

1 that we will have the ability to add more stalls to San  
2 Luis Rey. We think it's a much better environment and  
3 also lessens the traffic and the amount of usage of the  
4 Santa Anita main track, which I think everyone would --

5 COMMISSIONER MAAS: The same number of 800?

6 MR. BUTLER: No, it's actually -- we believe it  
7 would be done in stages. We believe the initial tranche  
8 would be potentially 500 stalls, and then we also believe  
9 we have the ability to go up to potentially another 750 on  
10 top of that. So, theoretically, you could get 1,750  
11 stalls out at San Luis Rey, obviously with dormitories and  
12 the barns being there for the grooms as well.

13 And in doing so we would be -- we think it's  
14 beneficial to drop the traffic on the main track at Santa  
15 Anita. So we would -- it's, unfortunately, quite a lot of  
16 work and a work in progress, but with the TOC, the CTT,  
17 Del Mar, and the industry partners, we think it's  
18 something that's well worth -- well worth the effort.

19 COMMISSIONER MAAS: Thank you. I just have one  
20 more question. It's just a comment for some of the new  
21 members of the Board.

22 In light of -- but at some future point, it  
23 might be helpful if you or someone would come here and  
24 give a report and update on a commitment that  
25 Mrs. Stronach made at one of the last meetings here, and

1 we talked about some of the new protocols -- where she had  
2 committed those same protocols would be applied at all the  
3 other Stronach tracks. And I just wanted to get an  
4 update -- the Board should get an update of where some of  
5 those things are.

6 MR. BUTLER: Certainly. If I can give you a  
7 brief two minutes or one minute now and then I can come  
8 back at a later date.

9 COMMISSIONER MAAS: That would be great. I am  
10 sure the Board would like to hear it.

11 MR. BUTLER: As you may or may not have seen,  
12 there is an industry coalition push here now to bring not  
13 only the tracks out in California but Kentucky and NYRA as  
14 the two organizations are really pushing forward to come  
15 along and actually pretty much mirror what we are doing in  
16 California from race-day medication and licensing  
17 two-year-olds.

18 We are and have signed up to that coalition  
19 and, obviously, as the Stronach Group, that includes all  
20 the back tracks. So we are now making a real concerted  
21 effort to talk to the guys on the ground and the girls on  
22 the ground in Florida and in Maryland to try to bring that  
23 along as well.

24 COMMISSIONER MAAS: But you intend --  
25 irrespective or irregardless of what the coalition does, I

1 am assuming you guys are prepared to go forward on your  
2 tracks following the same --

3 MR. BUTLER: Absolutely. And I think we believe  
4 that, as an industry, as a whole, it carries far more  
5 weight. But as you can probably tell from the Stronach  
6 Group, we are not worried about doing it alone. We will  
7 push -- forge ahead, regardless. But I think at the  
8 moment we're in great space. It hasn't been this  
9 collaborative in the industry for a long time. So we hope  
10 it's going to be good.

11 COMMISSIONER MAAS: Thank you.

12 MR. BUTLER: Thank you.

13 COMMISSIONER ALFIERI: I have a question.

14 Aidan, I understand your comment about your  
15 adding more to San Luis Rey, new stables.

16 MR. BUTLER: Yeah.

17 COMMISSIONER ALFIERI: What about the -- some of  
18 the stables at Santa Anita are quite antiquated.

19 MR. BUTLER: Absolutely.

20 COMMISSIONER ALFIERI: I personally think they  
21 are dangerous.

22 MR. BUTLER: Right.

23 COMMISSIONER ALFIERI: What are you doing about  
24 that? Are you going to upgrade those? Remodel them?

25 MR. BUTLER: Yes. That actually -- sorry,

1 Commissioner. That's part of the bigger strategy. You  
2 need stalls -- to do anything to the stalls at San Luis --  
3 I'm sorry, at Santa Anita, you need places for them to go.  
4 There is a little -- there's an unfortunate thing with  
5 Santa Anita that a lot of the barns are actually on the  
6 historic registry for when Santa Anita was used as an  
7 internment camp during the Second World War.

8           So it's -- like everything in the horse racing  
9 industry, nothing is as simple as you would hope it would  
10 be. But one strategy that we are particularly looking at  
11 is if we have the ability to lower the amount of horses at  
12 Santa Anita, then we can use that time to actually  
13 restructure and clean up some of the barns.

14           We do have a pretty much ongoing maintenance  
15 schedule with crews at Santa Anita. It's just the barns  
16 were built a hell of a long time ago, and it's pretty  
17 unfortunate that you can't just knock them down and start  
18 again. But it's really front of mind. I can assure you  
19 we are doing everything we can to try and clean these --

20           COMMISSIONER ALFIERI: Well, I would hope you  
21 will shut them down, the ones that are so bad, without  
22 having any housing of horses in those stables.

23           MR. BUTLER: Right.

24           COMMISSIONER ALFIERI: I mean, I just think -- I  
25 understand the shortage of stables, but we have more at

1 Los Alamitos. In the meantime, you can maybe work  
2 something there.

3 MR. BUTLER: And I think, if you will humor me,  
4 I think for the next meeting, I will give a little report  
5 and tell you exactly what we're thinking.

6 COMMISSIONER ALFIERI: Right.

7 MR. BUTLER: And I'll do a count and go  
8 through -- we did a fair bit of work. I didn't broadcast  
9 it, but we did a fair bit of work during the closed season  
10 on all the dormitories and painted and cleaned all those  
11 up.

12 It's -- it's a lot of work. But for the next  
13 meeting, if you will allow me, I will come and I will  
14 present a little more report on all of that stuff.

15 COMMISSIONER ALFIERI: Okay.

16 COMMISSIONER SOLIS: I will appreciate that too  
17 because working in those barns, you know, it always worry  
18 me, being so old, and God forbid we get one of those major  
19 earthquakes, and we really have to be ahead of that.

20 MR. BUTLER: Yeah. Absolutely.

21 COMMISSIONER SOLIS: Thank you.

22 Another question real quick. Have you looked  
23 into anything about a public track? Keep hearing rumors  
24 that (inaudible) you were working with Michael Dickinson  
25 --

1           MR. BUTLER: Yeah. We have -- I saw a quick  
2 one. We -- we have met with quite a few people, including  
3 Michael Dickinson and his wife Joan regarding a  
4 conversation about Tapeta. We are looking -- I think, from  
5 my part, what I didn't want to do is any form of knee jerk  
6 and putting in a track that we, you know -- in the past,  
7 synthetics haven't necessarily worked out that well in  
8 California. So I want to make sure whatever we do is done  
9 with data and science and ends up being the best for the  
10 health and welfare of the horses, the riders.

11           There is -- we are looking to put together a  
12 working group at the moment with all of the industry  
13 partners and external experts to go over this. Again,  
14 there will be more announcements coming up soon. But my  
15 preference would be to actually try all different sorts of  
16 surfaces out at Santa Anita in real-time weather  
17 conditions, in the real climate, to make sure whatever we  
18 fundamentally end up doing, be it more turf racing, be it  
19 synthetic, be it a hybrid of dirt and fiber, more like a  
20 fiber sand, it's going to stand the test of time and will  
21 be the best we can do.

22           COMMISSIONER SOLIS: Yeah. Just to add up, I  
23 mean, with Tapeta, in my opinion, say racing at Golden  
24 Gate, we have so much history with that track up there, it  
25 has been great, and that's something we can look into it.

1 I hate to see what happened in the past with Santa Anita  
2 with the (inaudible) ride that we had no research and we  
3 put it in and hopefully that won't happen.

4 MR. BUTLER: Absolutely. And just, again, I'm  
5 looking back at the history of it. It was a long time  
6 before -- I don't think I was in America at that time.  
7 But looking back at the history, seems there were two  
8 major issues. One was with the drainage and one was with  
9 the wax coating of the tracks. So the temperature out  
10 there gets rather warm, and the wax, it seems, melted and  
11 blocked the drainage, in which case the track was unusable  
12 at certain areas.

13 What I will say, and this is not a broad  
14 statement, but even though the track had its issues, it  
15 seemed that it was a safer surface so that isn't lost on  
16 me that, you know, logistics of making sure a track is  
17 well maintained is important, but the health and safety of  
18 the track and how that acts with the horses and the  
19 riders' safety, and that's all that really matters. So  
20 whatever we do, it's not going to be a knee jerk. It's  
21 going to be rooted on data and real thought, and we have  
22 to have the best surfaces definitely in the country.

23 CHAIR FERRARO: You have two technological  
24 advancements scheduled to arrive at Santa Anita. That's  
25 the PET scan and the MRI.

1           Can you give us a date when those things will be  
2 operational.

3           MR. BUTLER: So it seems the MRI will be  
4 installed in early January. That's the latest date. And  
5 the PET, we are hoping -- we are tracking, I believe, for  
6 the middle of December. So shortly after the opening day,  
7 we will have both new technologies up and running and we  
8 are really looking forward to having them on-site at Santa  
9 Anita.

10           CHAIR FERRARO: Very good.

11           There're some items here that you don't have  
12 yet. It's still needed for your application.

13           This is on 95. Agreements allowing ADW  
14 provider, et cetera, et cetera. Number two, horsemen's  
15 approval of ADW agreements and the TOC and CTT agreements.

16           Do you have those in place?

17           ERIC SINDLER: Eric Sindler again on behalf of  
18 Los Angeles Turf Club.

19           So a little bit of history with simulcasting  
20 agreements for the new Board members. Simulcasting is a  
21 year-round event, and Monarch Content Management typically  
22 handles simulcasting contracts for a majority of the  
23 thoroughbred tracks in California. And they are in  
24 their -- their annual process of getting contracts out.  
25 So unfortunately, Santa Anita and Golden Gate always seem

1 to not have their homework on time and everyone else does.  
2 That's just because the contracts are signed once a year  
3 and it's always right before we start. So those will be  
4 in place before the meet begins.

5 As far as the ADW approval, we have requested  
6 them from the TOC. Typically, they don't give that  
7 approval until the TOC agreement has been signed. That's  
8 just the TOC's policy and, unfortunately, out of our  
9 control.

10 EXECUTIVE DIRECTOR BAEDEKER: Eric, I think you  
11 said the TOC doesn't sign it until the TOC agreement is  
12 signed?

13 MR. SINDLER: The ADW --

14 EXECUTIVE DIRECTOR BAEDEKER: Oh, I'm sorry.

15 MR. SINDLER: In the race meet agreement with  
16 the TOC and CTT, the TOC, I believe, we have an agreement  
17 in principle, but Gary Fenton can comment on that as well,  
18 and the CTT agreement, we are in negotiations with them.

19 CHAIR FERRARO: Will you have those agreements  
20 by the December meeting, you think?

21 MR. SINDLER: The TOC agreement. I'm hopeful  
22 for the CTT agreement. I can't handicap that one.

23 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, if  
24 you would like, we can put those matters on the agenda for  
25 the December meeting. Update the full Board at that time.

1 CHAIR FERRARO: I think that would be an  
2 excellent idea.

3 COMMISSIONER MITCHELL: I have some questions.

4 CHAIR FERRARO: Go ahead.

5 COMMISSIONER MITCHELL: So I appreciate  
6 Commissioner Solis's questions about the synthetic track  
7 because I am interested in what that is going to look like  
8 and, you know, what the process is for analyzing that,  
9 doing our due diligence, but also, just what the process  
10 looks like because I am very interested in the synthetic  
11 track.

12 In the meantime, obviously, you know, horse  
13 safety and jockey safety is very important. Under the  
14 agreement that Dr. Ferraro laid out, there would be a --  
15 you know, tracks would not be used until they were deemed  
16 safe.

17 Who is deeming them and what does that process  
18 look like? Or is that part of what's going to come back  
19 because I would like -- that seems to be the fundamental  
20 question.

21 CHAIR FERRARO: That's going to be presented in  
22 the December meeting. So we have the basic agreement, but  
23 the imposition of who makes the decision, what the  
24 decision chain is, how it's going to work out, that's  
25 promised to us by the December meeting, but the principle

1 of not racing on unsafe tracks is what we have agreed to.

2 EXECUTIVE DIRECTOR BAEDEKER: And unsafe is a --

3 may not be the --

4 COMMISSIONER MITCHELL: Right.

5 EXECUTIVE DIRECTOR BAEDEKER: I mean, we don't

6 want to imply necessarily that because a track is wet,

7 muddy, that it's unsafe. We don't know until, you know --

8 MR. BUTLER: I think, if I may, Commissioner,

9 having some parameters is really what is needed here. The

10 lack of parameters of -- you know, there is no

11 black-and-white answer. There's a lot of gray areas. And

12 having some parameters that experts have decided on and

13 not just under the whim of a person running a racetrack is

14 sorely needed.

15 So it kind of dovetails back into the synthetic

16 question. We are working rather closely with the

17 University of Kentucky, predominantly Dr. Mick Peterson,

18 to really put a process in place here now to not only look

19 at different versions of synthetic tracks and dirt tracks

20 but to come up with one that will not only be the safest

21 but will work in the climate of Southern California,

22 particularly Santa Anita, because that seems to have been

23 the problem in the past.

24 COMMISSIONER MITCHELL: Okay. And we're -- I

25 understand now with the weather, the sealing of the track,

1 we -- were horses going out on a sealed track, training or  
2 racing?

3 MR. BUTLER: They were. And they do -- not --  
4 not to belittle the point, but most places in the country,  
5 particularly places on the East Coast where it rains day  
6 in and day out, it is a standard form to seal racetracks.

7 COMMISSIONER MITCHELL: No. I understand the  
8 sealing. But it's, like, isn't there a way to unseal it  
9 without the horses -- the wear and tear on the horses?

10 MR. BUTLER: There is, but depending on which  
11 expert you speak to, it's not necessarily the sealing of  
12 the track that can cause trouble. It's when the track is  
13 unsealed and is drying out. Because, as you are all  
14 aware, consistency of surfaces is the most important thing  
15 when it comes to horse welfare.

16 So when we talk about implementing guidelines,  
17 we have to really analyze that and make sure that what we  
18 put in there is really going to have a benefit here.

19 CHAIR FERRARO: If you look historically at  
20 injuries, when the injuries occur following the rain, it's  
21 usually two or three days after the rain that the track is  
22 problematic.

23 So the agreement that we have worked out with  
24 the Stronach Group regarding Santa Anita, I think  
25 basically rather than lock it in to say you can't race on

1 this kind of track or that kind track is that -- in  
2 inclement weather, procedures are taken to protect the  
3 track. Under those conditions, we wouldn't race or train.

4 Now, the decision-making process and the  
5 carrying out of that mandate is what is going to be  
6 presented next month.

7 Is that my understanding?

8 MR. BUTLER: Certainly.

9 COMMISSIONER MITCHELL: Will that process also  
10 look at how much training is done? Because, in my vast  
11 experience on the Horse Racing Board, training seems to be  
12 a big part of the damage that's done to the horses.

13 Is that going to be part of this consideration?

14 MR. BUTLER: Absolutely. Not that -- I'm not  
15 saying it hasn't been the case in the past, but we  
16 consider everything, whether it's training or racing, to  
17 be of exactly the same rules and regulations,  
18 predominantly at Santa Anita. So if it's not good enough  
19 to race on, it certainly isn't good enough to train on, in  
20 my eyes, and I think that's how we'll go forward.

21 COMMISSIONER MITCHELL: Is there any  
22 discussion -- sorry, but this is an important topic.

23 Is there any discussion about limiting the  
24 training days that horses can train on Santa Anita?

25 MR. BUTLER: So we currently --

1                   COMMISSIONER MITCHELL: I mean aside from the  
2 weather situation --

3                   MR. BUTLER: Yes. We were currently down to six  
4 workdays. And I think when we're talking of training,  
5 it's really high-speed works because horses galloping  
6 around is good for the animals and good to get everybody  
7 out and get some exercise. We are currently down to six  
8 days, which seems to be working well.

9                   Currently, we haven't had any discussions about  
10 limiting that further. But depending on the advice and  
11 what comes out of the conversation of the track and the  
12 track maintenance, particularly in inclement weather, we  
13 can carry on that discussion. Currently we are at six.

14                  COMMISSIONER MITCHELL: Okay. Thank you for  
15 that information.

16                  MR. BUTLER: Thank you.

17                  COMMISSIONER MITCHELL: Thank you for your  
18 patience.

19                  CHAIR FERRARO: Anyone else?

20                  COMMISSIONER GONZALES: Yes, Mr. Chairman, I  
21 have got a quick question.

22                  Regarding the six-and-a-half furlong race coming  
23 down the hill, as they call that, any thoughts or updates  
24 on that?

25                  MR. BUTLER: Currently we're not intending to

1 bring it back, but we are -- we have in -- the CTT  
2 actually led the charge on this to really pull the data,  
3 and they have been back about ten years of the start data  
4 to look at injury rates on that. We will be presenting a  
5 report soon. But as we currently stand, it will not be  
6 used for the six-and-a-half sprint. It will only be used  
7 for the longer distance races.

8 COMMISSIONER SOLIS: Are you guys going to do  
9 anything different, you know, with the cold weather that  
10 we had last year and all that rain? I mean, we have so  
11 much -- so much history and -- sorry, we had so much  
12 experience -- experience with -- with the track getting  
13 so -- so it was -- it was uneven and so on because of the  
14 weather. It was really cold, and we got all the rain.

15 Did Dennis Moore -- I mean, I just want him to  
16 be prepared in case that we have -- we have this kind of  
17 weather again.

18 MR. BUTLER: Absolutely. And, again, without  
19 over speaking, we are in the process of looking at  
20 inclement weather protocols. We will -- I know I will  
21 speak from while I have been here, but I made the  
22 statement earlier before we did decide that there would be  
23 some more written protocols. I will not be -- there will  
24 be no -- if in doubt we will not be running in inclement  
25 weather. We won't be because there's no reason to.

1           So there are some conversations. Dennis and the  
2 whole track team are fully aware of the importance of  
3 making decisions not only to stop racing but making  
4 decisions to stop racing early so everybody has an idea of  
5 what we are doing.

6           But, again, I think, depending on what comes out  
7 of the -- comes out of the protocols -- let's go use that  
8 word -- they will be addressing it, but the track team are  
9 fully aware to keep an eye on weather now.

10           COMMISSIONER ALFIERI: Mr. Chairman, I would  
11 like to see -- I think it would be important to understand  
12 it, when you do determine those protocols, a timeline or  
13 what exactly -- I think it's going back to what you said,  
14 Wendy, was who makes the decision? Who, you know -- is  
15 that by a panel? Is it just Dennis Moore that makes the  
16 decision?

17           I would like to really understand what your  
18 protocols -- the process, the timeline, to determine  
19 closing the track, whatever.

20           MR. BUTLER: Absolutely, Commissioner, and I  
21 think when we get to the -- get to the end of this and  
22 have something to present for the next meeting, there will  
23 need to be -- there will need to be some tolerances, I  
24 believe is the correct term, because leaving -- I don't  
25 think in this day and age you need to leave it up to

1 one -- one individual to make that final decision.

2 Out of an abundance of caution, if it's left up  
3 to me as the person at Santa Anita, the rule would be to  
4 close. But, again -- that, again, anything not rooted on  
5 data and science seems to me, especially in 2019, seems to  
6 be a little silly.

7 So we are going to push forward and, again, with  
8 help from people like Dr. Mick Peterson from the  
9 University of Kentucky, Dennis Moore, and the full track  
10 team, we are hoping that we are going to be able to come  
11 up with some things that may not only work well but make  
12 this sensible.

13 COMMISSIONER ALFIERI: Well, you get different  
14 opinions if you talk to different trainers about the whole  
15 matter. I mean, you know --

16 MR. BUTLER: I think the human element is one  
17 that should be replaced a little more with data.

18 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, this  
19 is an important discussion because it sounds to me like  
20 the Board may impose conditions on the race meet license  
21 today, but those conditions need to be enforceable.

22 You've mentioned three. We'll see how the Board  
23 goes. Two of them are clear. One says for corticosteriod  
24 injections in the fetlock, a horse will be precluded from  
25 running for 30 days and from working for 10 days. We know

1 those parameters.

2 Same thing with the racetrack, not riding races  
3 for claiming horses under 10, that's clear.

4 But this one, based on this discussion, is not  
5 clear. So I would -- I think we need to get it into the  
6 record, if you'll agree, that the Board will hear those  
7 specific parameters at the meeting in December. And  
8 clearly, they have to be acceptable to the Board at that  
9 time. And so those will be incorporated into the  
10 conditions placed on the license.

11 CHAIR FERRARO: Correct.

12 EXECUTIVE DIRECTOR BAEDEKER: Is that  
13 acceptable?

14 MR. BUTLER: Absolutely.

15 CHAIR FERRARO: Now this might be a good time to  
16 bring this up. In my opening remarks about new rules, new  
17 protocols and procedures that we have made and that this  
18 Board will continue to make, have a lot of pressure from  
19 Sacramento, but I can tell you, based on my conversations  
20 with Sacramento, that if these procedures and protocols  
21 are put in place and enforced, the governor has no reason  
22 to not allow racing to continue. It's very important that  
23 we continue forward with the protocols that we have  
24 discussed.

25 Is that understood?

1 MR. BUTLER: Absolutely.

2 CHAIR FERRARO: I would make a motion to approve  
3 Santa Anita's --

4 UNIDENTIFIED SPEAKER: (Off mike.) Excuse me.  
5 I have a comment.

6 CHAIR FERRARO: Wait a minute. Wait a minute.  
7 I'm not through yet.

8 EXECUTIVE DIRECTOR BAEDEKER: Yeah. You got a  
9 couple comments.

10 CHAIR FERRARO: Before we take the vote, I just  
11 want to make clear what my intention is.

12 My motion would be that we accept Santa Anita's  
13 application pending satisfactory completion of the things  
14 that we have requested in the December meeting.

15 That would be my general idea. If anybody has a  
16 different --

17 COMMISSIONER MITCHELL: I have a question.

18 What is the difference between -- I mean, why do  
19 we need to pass it today, if we have so many open items?

20 I mean, that may be how we normally do it. Is  
21 there --

22 EXECUTIVE DIRECTOR BAEDEKER: Time is of the  
23 essence here. We never know, in anticipating a meeting in  
24 December, if we could have quorum problems, and we are  
25 running out of time as their meet is scheduled to start on

1 December 26th.

2 I don't think it would be a problem because we  
3 do have some flexibility before and after the scheduled  
4 date of December 12th to schedule a meeting, but it's up  
5 to the will of the Board, what you would like to do.

6 COMMISSIONER MAAS: I won't be here on the 12th,  
7 just so you know, Mr. Baedeker.

8 EXECUTIVE DIRECTOR BAEDEKER: So that would put  
9 us down to five commissioners available for the meeting on  
10 the 12th. So it's probably a good idea to pass everything  
11 that you are satisfied with but make it subject to final  
12 approval an the 12th or at the next meeting.

13 CHAIR FERRARO: All right. We have some public  
14 comments.

15 Valerie Traina.

16 MS. TRAINA: Good morning. I just wanted to  
17 state, seriously, Santa Anita, we want to give that place  
18 a license? You must be kidding -- with over 40 horses  
19 dead. What happened to suspending the licenses of these  
20 tracks that are unsafe? What happened to that? I know  
21 that there's a bill, it's enacted, and it's an emergency  
22 bill. It says you can do that. So I'm expecting you to  
23 do that.

24 CHAIR FERRARO: Martha Sullivan.

25 MS. SULLIVAN: Yeah. You have got four dozen

1 horses that have died at this track during their last --  
2 you know, this year. And you are hell-bent, despite the  
3 professed number one priority is the health and safety of  
4 horses. You are hell-bent to let them start again the day  
5 after Christmas without, you know, numerous conditions  
6 actually on the ground and ready to be implemented.

7 I find it absolutely -- I mean, it's just --  
8 it's more evidence of the hypocrisy of this Board and of  
9 this industry. It's all -- it's all talk. You take  
10 forever to pass regulations. When you pass them, their  
11 implementation is questionable, whether you're even going  
12 to use them or whether you're going to use them adequately  
13 to make a difference.

14 The whole track surface issue, I mean, Santa  
15 Anita, Del Mar replaced their synthetic surfaces, like,  
16 five years ago, back to dirt because the bettors want  
17 dirt. This is -- you know, every time you let a horse  
18 race, you are gambling with that horse's life, and you are  
19 still doing it. It's appalling.

20 CHAIR FERRARO: Josephine Goldberg.

21 MS. GOLDBERG: Hi, Board. I'm an owner and a  
22 breeder, and I agree with these people back here. I  
23 support horse racing and breeding and jobs and everybody,  
24 but when I spoke to Frank Stronach on the phone two days  
25 ago and he said that my racetrack is unsafe and my

1 daughter Belinda Stronach removed me from the premises,  
2 she removed you from the premises, she doesn't know what  
3 she's doing -- I just don't understand.

4 I mean, I lost a horse back in 2015 on the turf,  
5 and I still live with that guilt. I am for creating jobs  
6 but not on the expense of these horses or the jockeys. If  
7 people need money, they can go dig a hole and go to work  
8 and educate themselves.

9 These people, like Mr. Butler and Stronach  
10 Group, are giving people like me who are hard working  
11 people, who love animals, whose animals have saved my  
12 life, a bad name. So I agree. Suspend the racing until  
13 it's safe and then let's bring it back and make horse  
14 racing great again. Thank you very much.

15 (Applause.)

16 CHAIR FERRARO: Cliff Goodrich.

17 CLIFF GOODRICH: Mr. Chairman, Commissioners,  
18 Cliff Goodrich speaking on behalf of the California  
19 Thoroughbred Horsemen's Foundation.

20 I am here to support the application for license  
21 for a couple of reasons. First and foremost, if there's  
22 no racing at Santa Anita, horses will leave, the people we  
23 service will be out of business, out of work, and where  
24 they will turn for their healthcare, I do not know, but  
25 most likely on the government payrolls.

1           Secondly, and even more importantly, is, I  
2   guess, a lack of recognition.  Everybody in this room  
3   loves the horses, but people have different opinions.  I  
4   have only one opinion, but I do not understand how with --  
5   led by Belinda Stronach and the Stronach Group initially,  
6   responding to what was clearly crisis initiatives and  
7   protocols have been put forth, the most aggressive in  
8   North America.  Others are now joining in.  There's not a  
9   doubt in my mind that those states who don't follow will  
10  be out of business.

11           I don't know what more Santa Anita, the  
12  industry, or the Board can do to show the world of their  
13  care about the safety of the horse first and foremost than  
14  what it has done.  And in my mind, Santa Anita and the  
15  industry deserves a chance to move forward with the new  
16  initiatives put in place.

17           As the new Chairman said, with a veterinary  
18  background, it's a new day.  The former Board was moving  
19  in the right direction.  This Board is introducing even  
20  stricter protocols.  And in my humble opinion this should  
21  not be a day for eulogizing horse racing, it should be a  
22  day for celebrating this industry moving in a clear  
23  direction of the benefit and safety of the race horse  
24  first and foremost, and anybody doesn't feel that way  
25  isn't listening.  Thank you.

1 (Applause.)

2 COMMISSIONER MAAS: Excuse me. Could you please  
3 suspend your clapping.

4 CHAIR FERRARO: We have further comments for the  
5 Board?

6 Heather Hyde.

7 MS. HYDE: Hello. My name is Heather Hyde.  
8 People question me being at these meetings. Well, I was  
9 born and raised in L.A. and I went to Arcadia High School.  
10 The very high school is the next street over from the  
11 racetrack.

12 I have never supported racetrack jockeys,  
13 owners, supporters, sponsors. I always thought it was a  
14 repulsive so-called sport. Whenever we had the days where  
15 we could go to the racetrack, I never went.

16 There was one time that I did go as a child when  
17 I was younger because I do have family members that do  
18 work there. They are not happy that I'm here speaking up  
19 on behalf of the horses, and they are more concerned about  
20 their jobs. There are other alternatives for jobs and  
21 people that are at Santa Anita. Ringling Brothers Circus  
22 did transition over, you know, with their terrible things  
23 that they were doing to the animals in the circus. The  
24 people at Santa Anita are no better than the circus.

25 So anyway, what I'm -- this is last-minute with

1 this -- this number that I am speaking on, but it's not  
2 the track that's killing the horse. It's the people that  
3 are riding them, training them, buying them, and breeding  
4 them and drugging them.

5 (Applause.)

6 COMMISSIONER MAAS: Please.

7 CHAIR FERRARO: Terri Bingham.

8 MS. BINGHAM: I, too, strongly support this  
9 racing application. I think Mr. Butler, on behalf of  
10 Belinda Stronach, has gone the extra mile. They are doing  
11 everything they can to ensure the safety of our horses, as  
12 is the sport, and I think we are now leading the nation in  
13 safety protocols.

14 I like what is being done for the 30-day rule  
15 for the steroids. I like what they are doing -- the  
16 research they are doing on the track surfaces. I like the  
17 rehabilitation of the barns. I like what they are doing  
18 to ensure additional stalls at an off-site location. I  
19 just think it's wonderful. And I think that Santa Anita  
20 has responded urgently, appropriately, and to the best of  
21 their ability to confront the challenges we are all  
22 facing, and I really support this application.

23 Thank you.

24 (Applause.)

25 COMMISSIONER MAAS: Excuse me.

1 CHAIR FERRARO: Come on up.

2 MS. FALCONE: I want to urge this sport to  
3 decline issuance of a license --

4 COMMISSIONER MAAS: What is your name, ma'am?

5 TONI FALCONE: Oh, Toni Falcone.

6 Can I start my time over? I'm starting over.

7 Sorry.

8 I would urge this Board to decline issuance of a  
9 license to Santa Anita Racetrack. Santa Anita has proven  
10 time and time again that they cannot keep horses safe.  
11 The Board made clear that you do not want a spotlight on  
12 the cluster that is Santa Anita Racetrack by canceling the  
13 October meeting scheduled to be held there, convenient to  
14 make sure no opposition was heard before the Breeders' Cup  
15 held at Santa Anita death trap two days later.

16 It's too late for that. There's no hiding the  
17 40-plus horses that lost their lives in just one year, no  
18 hiding the horse you could not keep safe at the Breeders'  
19 Cup, and the countless horses behind the scenes that are  
20 sick, unsound, scratched, on the vets' list, drugged,  
21 beaten, and otherwise terrorized and protocols that are  
22 industry standard are not as a legal -- are not, as a  
23 legal activity, gets little more than a slap on the wrist  
24 and even rewarded with a Kentucky Derby win.

25 Santa Anita is horseracing's Black Fish.

1 There's no turning back the clock.

2 This Board will, of course, go on to approve  
3 Santa Anita's license without even the appearance of  
4 caring about public comment or -- and with total disregard  
5 for the horses who will lose their young lives and the  
6 jockeys who will get injured because it's your job to keep  
7 this archaic so-called sport stretching on until its  
8 inevitable death. You are beating a dead horse.

9 (Applause.)

10 UNIDENTIFIED SPEAKER: (Off mike.) While she  
11 was speaking, another gentleman came up and talked to you  
12 and you couldn't hear what she was saying. And it's a  
13 public comment, and I think it's only fair that if people  
14 are speaking public comments that you --

15 COMMISSIONER MAAS: Could you put in a card,  
16 ma'am. Yeah. Put in a card. You can make your comments  
17 during public comments.

18 Please, we will be here all day if we just  
19 interrupt anytime they want. So if you have a comment,  
20 put in a card. You can speak after the meeting.

21 And we have tried to be nice about this. I'm  
22 sorry, Mr. Chairman.

23 CHAIR FERRARO: Go ahead. Go ahead.

24 COMMISSIONER MAAS: We have tried to be polite  
25 about this, but I think it's only respectful to all the

1 people in the audience and all of us here who are  
2 volunteers to let people speak their piece without  
3 interruption, without applause. Otherwise, number one, we  
4 are going to be here all day; and, number two, it's just  
5 rude. So we are going to enforcing that all day today.  
6 And time will come off people's three minutes, at least  
7 that's what I suggest, Mr. Chairman, if it continues.

8 CHAIR FERRARO: Agreed.

9 COMMISSIONER MAAS: Put in a card if you have an  
10 comment. Put in a card.

11 CHAIR FERRARO: We are going to move forward at  
12 this time.

13 I am going to make the motion, as I indicated  
14 before, that we accept Santa Anita's application for  
15 racing for 2020 on the condition that the stipulations  
16 that we have outlined will be presented to us at the  
17 December meeting.

18 EXECUTIVE DIRECTOR BAEDEKER: And to be clear,  
19 Mr. Chairman, those will include inclement weather  
20 protocols for maintenance of the racetrack and the  
21 limitation on racing and training. Associated with those  
22 protocols, the agreement not to ride races for horses  
23 participating in races under \$10,000 claiming level.

24 And I believe that the final item, the  
25 limitation on corticosteriod injections in the fetlock

1 joint with a 30-day restriction on racing and a 10-day  
2 restriction on workouts is better moved in the next item,  
3 which is Item 1581 and -- because that becomes more  
4 enforceable then on the part of the Board.

5 I thought we understood yesterday that there had  
6 been some agreement on that, but given the blank stares  
7 here in front, perhaps that's not the case.

8 MR. BUTLER: For the next item with the TOC --

9 EXECUTIVE DIRECTOR BAEDEKER: Signs down,  
10 please. I can't see behind you.

11 Thank you.

12 MR. BUTLER: I believe, regarding these three,  
13 we are in agreement with the TOC so that will be fine, if  
14 you want to move it to the next agenda item.

15 EXECUTIVE DIRECTOR BAEDEKER: Yeah. It's a  
16 question of enforceability; so I think it's better in the  
17 next one.

18 MR. BUTLER: Absolutely.

19 MR. BRODNIK: Good morning, Robert Brodnik,  
20 California Horse Racing Board. And thank you, Executive  
21 Director. I just was taking notes as well, and I caught  
22 two others that I think the Board was interested in.

23 One was as a condition of the race meet license,  
24 also requiring that LATC exercise the 12 days of racing  
25 closure during the license period during race dates. That

1 was a condition that was imposed during the granting of  
2 dates but just to make it condition of license.

3 And then the other one, just to clean up, I  
4 understand the TOC agreement is still outstanding, the  
5 race meet agreement and the CTT agreement. So receipt of  
6 all outstanding items listed in the Staff analysis,  
7 perhaps by December 1st, whatever date the Board so  
8 choose -- so chooses.

9 CHAIR FERRARO: Our meeting is on the 12th; is  
10 that correct?

11 EXECUTIVE DIRECTOR BAEDEKER: I would recommend  
12 that what's -- it's difficult. We have Thanksgiving next  
13 week. It's a holiday week. It's going to be kind of a  
14 short week for folks. Let's perhaps, say, move it a  
15 couple days to December 3rd.

16 MR. BRODNIK: Okay.

17 EXECUTIVE DIRECTOR BAEDEKER: So let me -- let  
18 me list them. Okay.

19 Included in this motion, as I understand it from  
20 the Chair, are going to be the following restrictions or  
21 conditions:

22 LATC agrees to reduce its number of calendar  
23 days from the proposed 104 by 12; right? That's number  
24 one.

25 Number two will be a restriction placed on

1 racetracks that are affected by inclement weather. The  
2 protocols for those decisions will be presented to the  
3 Board at the December meeting.

4 And the understanding is that for races that  
5 have been impact- -- I'm sorry. For tracks that have been  
6 impacted by inclement weather that racing and training  
7 will be restricted and the protocols for determining that  
8 will be presented at the next meeting.

9 As I said before, no races written for horses  
10 under the \$10,000 claiming level.

11 All outstanding items will be furnished to the  
12 Board by December 3rd.

13 I think that covers it.

14 Mr. Brodnik, does that cover it, to the best of  
15 your knowledge?

16 MR. BRODNIK: I believe so, yes.

17 EXECUTIVE DIRECTOR BAEDEKER: So it's coming  
18 back on the Board. The Board might reserve the right,  
19 based on what happens at the next Board meeting, to amend  
20 the approval of the license.

21 Is that legal?

22 MR. BRODNIK: I believe so, if the condition is  
23 that --

24 EXECUTIVE DIRECTOR BAEDEKER: Well, obviously,  
25 the approval of the Board is subject to satisfaction of

1 all those issues that we just talked about.

2 MR. BRODNIK: Correct.

3 CHAIR FERRARO: Is there a second to my motion?

4 COMMISSIONER MAAS: Second.

5 CHAIR FERRARO: Mr. Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR FERRARO: Ms. Mitchell?

8 COMMISSIONER MITCHELL: Yes.

9 COMMISSIONER MAAS: Yes.

10 COMMISSIONER SOLIS: Yes.

11 COMMISSIONER GONZALES: Yes.

12 CHAIR FERRARO: So moved.

13 Move on to Item Number 10.

14 Discussion and action by the Board regarding the  
15 approval of an agreement, pursuant to CHRB Rule 1581,  
16 Racing Secretary to Establish Conditions, between Los  
17 Angeles Turf Club and the Thoroughbred Owners of  
18 California, regarding entry conditions and specified drug  
19 substances or medications to be Implemented by LATC, its  
20 December 18, 2019 through June 23, 2020 race meeting at  
21 the Santa Anita Park.

22 MR. SINDLER: Eric Sindler on behalf of the Los  
23 Angeles Turf Club.

24 Based on Mr. Baedeker's comments on the last  
25 agenda item, I believe that we are going to be pushing

1 this off to the December meeting so the proper agreement  
2 between us and the TOC can be signed and for your  
3 approval, but please correct me if I am wrong on that.

4 MR. BUTLER: Pardon me. It needs to be in by  
5 December 3rd, and then it will be ratified, I believe, at  
6 the meeting.

7 EXECUTIVE DIRECTOR BAEDEKER: Yeah.  
8 December 3rd was the furnishing to the Board of all the  
9 outstanding items. This would -- this can be included on  
10 that list.

11 And in addition to what is stipulated in the  
12 proposed agenda item, we're adding the restriction on  
13 corticosteroid injections into the fetlock as described  
14 previously.

15 Is that reasonable, to have that submitted by  
16 December 3rd?

17 You are going to need a microphone there, Rob.

18 MR. BRODNIK: Good morning, Robert Brodnik,  
19 California Horse Racing Board.

20 This agenda item is consistent with the agenda  
21 items the Board has heard before under Rule 1581.

22 Historically, since March, Santa Anita and other  
23 Stronach tracks -- actually, every track has done two  
24 things, which is, one, a reduction of Lasix from 500  
25 milligrams to 250 milligrams. They have also required a

1 14-day standdown for corticosteroid injections in general.

2 And then my understanding is the third is a  
3 more specific requirement that would be a 30-day standdown  
4 for corticosteroid injections into specifically the  
5 fetlock joint for all racing, and then a 10-day standdown  
6 for all corticosteroid injections into the fetlock for  
7 training.

8 CHAIR FERRARO: Or high-speed workout.

9 MR. BRODNIK: High-speed workouts; right.

10 So those agreements would need to be approved  
11 and then submitted to -- approved by the TOC and  
12 the Stronach Group and then submitted to the Board for  
13 approval.

14 EXECUTIVE DIRECTOR BAEDEKER: So it would need  
15 to be submitted to Staff by December 3rd, and then it  
16 needs to be placed on the agenda.

17 MR. BRODNIK: Yes.

18 EXECUTIVE DIRECTOR BAEDEKER: Can the Board  
19 approve this today, as you just described it, subject to  
20 receipt of the agreement from the parties?

21 MR. BRODNIK: And, again, they can correct me if  
22 I am wrong, but my understanding is there is an agreement  
23 with the TOC on this fact.

24 MR. ALEXANDER: (Off mike.) Nick Alexander with  
25 the TOC. Yes.

1 MR. BRODNIK: Okay. So with that  
2 representation, then yes, I mean, if it's just putting pen  
3 to paper, this is consistent and the Board can approve it.

4 EXECUTIVE DIRECTOR BAEDEKER: Right. Good.

5 MR. BRODNIK: And then if we -- with the  
6 condition that if we don't receive it by December 3rd,  
7 we'll address it.

8 EXECUTIVE DIRECTOR BAEDEKER: Good.

9 CHAIR FERRARO: Any comments from the Board?

10 I have two.

11 Heather Hyde.

12 MS. HYDE: There is a lack of ethics and a lack  
13 of substance that has not changed. There is no reason for  
14 these deaths, and these so-called acts of animal welfare  
15 are far worse than the circus. This is a barbaric sport  
16 that must end.

17 How can you support the Drug O'Neills and Bob  
18 Bafferts of this cruel and delusional so-called sport?

19 Furosemide is something that I gave to my dog  
20 when she was close to death because she had heart disease.  
21 I don't see how these young so-called healthy horses  
22 should be taking the same drug that I was giving my dog to  
23 prolong her life. These horses are not born with injury.  
24 They are bred for sport and bred for money.

25 There are some atrocities that are literally

1 happening within your knowledge. Is it because of luxury?  
2 Is it for lack of empathy or ability to see the horses as  
3 anything but a dollar sign and bragging rights? What are  
4 you going to do about it?

5 CHAIR FERRARO: Heather Wilson.

6 MS. WILSON: Good morning. The following  
7 information was obtained from scientific peer-reviewed  
8 veterinary medical journals.

9 Exercise-induced pulmonary hemorrhage, or EIPH,  
10 is a condition for which there's evidence that affects  
11 virtually every single horse used in training and in  
12 racing. It is defined as bleeding from the lungs as a  
13 consequence of exertion for which Furosemide, or Lasix, is  
14 considered the gold standard. There are different  
15 etiologies for EIPH. The two most relevant involve a  
16 combination of excessive vascular pressure leading to  
17 alveolar membrane rupture, a structure in the lung.

18 Simultaneously, there is negative airway  
19 pressure. Intense inhalation via narrow airway passages  
20 creates a vacuum, and fluid is sucked into the lungs which  
21 is why nasal dilators and tongue ties are used to keep the  
22 airways open.

23 A repeated theme in the literature is the  
24 inconsistencies. Researchers have not yet determined what  
25 constitutes a clinically significant degree of hemorrhage.

1 Varying severity of EIPH is graded on a scale of zero to  
2 four.

3 Frank epistaxis, a nose bleed, which is  
4 surprisingly described as an insensitive indicator, and  
5 then we have tracheal bronchoscopic evaluation done with a  
6 fiber optic scope; however, this may lose lower grades of  
7 EIPH depending on the time elapsed between exertion and  
8 examination.

9 Treatment and prophylaxis is Lasix, which is a  
10 diuretic. Its precise mechanism of action is not to stop  
11 bleeding. It is not an anti-coagulant. It does not touch  
12 the clotting cascade. It blocks a reabsorption of sodium  
13 in the kidney. Therefore, calling Lasix an anti-bleeding  
14 drug is grossly inaccurate.

15 Here are some direct quotations from the  
16 literature. The effects of Lasix on the occurrence of  
17 EIPH has not been objectively demonstrated. Studies  
18 evaluating the clinical efficacy have demonstrated  
19 conflicting results.

20 Lasix is to be effective in only 50 percent of  
21 cases. In addition, there are undesirable side effects,  
22 including hypokalemia. There are many more  
23 inconsistencies, but what is consistent, virtually every  
24 single race horse is suffering from this human-created  
25 pathophysiologic condition. Horses do not normally or

1 naturally run so hard until their lungs bleed. The  
2 problem is not the Lasix or the lack thereof. It is your  
3 industry.

4 Let us not forget the untold numbers of horse  
5 that go to auction and slaughter. Every racetrack is  
6 confining, whipping, and killing horses, and Lasix has  
7 nothing to do with this. If you love horses, you don't  
8 make them run until their lungs bled. The only way to  
9 prevent EIPH is to stop running these horses to death.  
10 Horse racing needs to be phased out starting now.

11 Thank you.

12 CHAIR FERRARO: We have a motion from the Board?

13 COMMISSIONER MAAS: Moved.

14 COMMISSIONER ALFIERI: Second.

15 CHAIR FERRARO: Mr. Alfieri?

16 COMMISSIONER ALFIERI: Yes.

17 CHAIR FERRARO: Ms. Mitchell?

18 COMMISSIONER MITCHELL: Yes.

19 COMMISSIONER MAAS: Yes.

20 CHAIR FERRARO: Yes.

21 Alex?

22 COMMISSIONER SOLIS: Yes.

23 COMMISSIONER GONZALES: Yes.

24 CHAIR FERRARO: So moved.

25 Item Number 10, discussion and action by the

1 Board regarding approval of an agreement, pursuant to  
2 CHRB -- we just did.

3 Eleven, excuse me.

4 Discussion and action by the Board on the  
5 Application for a License to Conduct a Horse Racing  
6 Meeting of the Los Alamitos Racing Association at Los  
7 Alamitos Race Course, commencing December 4, 2019 through  
8 December 17, 2019, inclusive.

9 MR. LIBEAU: Jack Libeau from Los Alamitos  
10 Racing Association.

11 The items that were deemed to be incomplete have  
12 been handed in, namely, the race meet agreement with TOC.  
13 The contract with NYRA Bets has been extended to  
14 December 15.

15 The other changes are that we are going --  
16 planning to open on Friday instead of Thursday, so that  
17 would be racing three -- three days the first week and  
18 four days the second week.

19 It's not in the application, but we have now an  
20 extra stakes race, which turned out to be one of my  
21 favorite races, the Bayakoa, which every other year  
22 becomes a little controversy. So we will have -- in two  
23 weeks, we will have five stakes races: The Starlet, the  
24 Futurity, and the two Cal-Bred races -- the Soviet  
25 Problem, the King Glorious -- and then also the Bayakoa,

1 which is a Grade II race also.

2 Appreciate your approval of our application.

3 CHAIR FERRARO: Questions from the Board?

4 Question from the audience.

5 Valerie Traina.

6 MS. TRAINA: Yes.

7 Again, another racetrack, over 34 horses dead  
8 this year. Again, why have you not indefinitely suspended  
9 this license? It just defies belief. I mean, it just  
10 proves that you are rubber-stamping the process. I don't  
11 know why you are here. I don't understand.

12 CHAIR FERRARO: Do we have a motion from the  
13 Board?

14 COMMISSIONER ALFIERI: Motion to approve.

15 COMMISSIONER SOLIS: Second.

16 CHAIR FERRARO: Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Commissioner Mitchell?

19 COMMISSIONER MITCHELL: Yes.

20 CHAIR FERRARO: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR FERRARO: Commissioner Solis?

23 COMMISSIONER SOLIS: Yes.

24 COMMISSIONER GONZALES: Yes.

25 CHAIR FERRARO: So moved.

1           Item Number 12, discussion and action by the  
2 Board regarding approval of an agreement, pursuant to CHRB  
3 Rule 1581, Racing Secretary to Establish Conditions  
4 between Los Alamitos Racing Association and the  
5 Thoroughbred Owners of California, regarding entry  
6 conditions and specified drug substances or medications to  
7 be implemented by LARA at its December 4, 2019 through  
8 December 17, 2019 race meeting at the Los Alamitos Race  
9 Course.

10           MR. LIBEAU: Okay. Jack Libeau from Los  
11 Alamitos Racing Association.

12           This is an agreement that has been in place for  
13 our prior meet. We are in complete agreement with TOC  
14 with respect to this agreement and urge your approval.

15           Thank you.

16           CHAIR FERRARO: Comments from the Board?  
17 Question.

18           COMMISSIONER SOLIS: Moved.

19           COMMISSIONER MAAS: Second.

20           CHAIR FERRARO: Commissioner Alfieri?

21           COMMISSIONER ALFIERI: Yes.

22           CHAIR FERRARO: Commissioner Mitchell?

23           COMMISSIONER MITCHELL: Yes.

24           CHAIR FERRARO: Commissioner Maas?

25           COMMISSIONER MAAS: Yes.

1 CHAIR FERRARO: Yes.

2 Commissioner Solis?

3 COMMISSIONER SOLIS: Yes.

4 CHAIR FERRARO: Commissioner Gonzales?

5 COMMISSIONER GONZALES: Yes.

6 CHAIR FERRARO: Discussion on Number -- Item

7 Number 13.

8 Discussion and action by the Board on the  
9 Application for a License to Conduct a Horse Racing  
10 Meeting of Watch and Wager LLC at Cal Expo commencing  
11 December 26, 2019, through May 3, 2020.

12 MR. SCHICK: Good morning, Chairman Ferraro,  
13 members of the Board. Christopher Schick, Watch and Wager  
14 Harness.

15 MR. KENNEY: Ben Kenney, Watch and Wager  
16 Harness.

17 MR. CUMMINGS: Ed Cummings, President, Watch and  
18 Wager.

19 MR. PICKERING: Rick Pickering, COO of your  
20 California State Fair at Cal Expo.

21 MR. CUMMINGS: I just thought I'd start off with  
22 a couple of words since there's a lot of new faces in  
23 front of me.

24 This is -- obviously, we are currently racing at  
25 the moment, and we're applying for starting on the 26th

1       onwards, and this is our seventh year in operation. Watch  
2       and Wager is a licensed advance deposit wagering company  
3       in California in various jurisdictions, and we are very  
4       committed to the race meet.

5               As you know, we have a structure whereby we  
6       outsource the management largely to Golden Bear Racing,  
7       which is Chris and Ben, on a long working relationship.

8               So maybe over to Chris to update.

9               MR. SCHICK: Yes. Our application before you is  
10      for 36 days, the same 36 days that we operated during this  
11      meet last year. We are currently operating. Three days  
12      of our fall meet are underway, and everything has been  
13      going reasonably well so far. We feel very confident  
14      about our horse population for the upcoming winter meet.  
15      Our recruiting efforts were very good this year.

16              As you will note, our purses are up 6 percent  
17      over this meet last year and that's on top of an 8 percent  
18      increase the year before, so that has been helpful in us  
19      recruiting horses from other venues, particularly up in  
20      Alberta, which we are getting a lot of horsemen out of  
21      Alberta. So that has gone well.

22              We have added one extra stake race; so we have  
23      35 stake races over the 36-day meet. And, thus far, our  
24      first three days have gone very well up in Sacramento.

25              CHAIR FERRARO: Questions from the Board?

1 Motion?

2 COMMISSIONER MAAS: Moved.

3 CHAIR FERRARO: I second.

4 Commissioner Alfieri?

5 COMMISSIONER ALFIERI: Yes.

6 CHAIR FERRARO: Commissioner Mitchell?

7 COMMISSIONER MITCHELL: Yes.

8 COMMISSIONER MAAS: Yes.

9 CHAIR FERRARO: Yes.

10 Commissioner Solis?

11 COMMISSIONER SOLIS: Yes.

12 CHAIR FERRARO: Commissioner Gonzales?

13 COMMISSIONER GONZALES: Yes.

14 EXECUTIVE DIRECTOR BAEDEKER: Thank you, guys.

15 CHAIR FERRARO: You got Number 14. You better  
16 sit tight here.

17 Discussion and action by the Board regarding  
18 approval of an agreement, pursuant to CHRB Rule 1581,  
19 Racing Secretary to Establish Conditions, between Watch  
20 and Wager LLC and the California Harness Horsemen  
21 Association, regarding entry conditions and specified drug  
22 substances or medications to be implemented by Watch and  
23 Wager LLC at its December 26, 2019 through May 3rd, 2020  
24 race meeting at Cal Expo Racetrack.

25 MR. SCHICK: Yes, Christopher Schick again.

1           We are currently operating under an agreement  
2 with the CHHA, which was approved by this Board for our  
3 current fall meeting under Rule 1581, and we are -- we  
4 have an agreement with the CHHA for the current meet to  
5 keep operating under that agreement, and we are asking for  
6 Board approval of our agreement under 1581.

7           CHAIR FERRARO: Do we have questions from the  
8 Board?

9           COMMISSIONER ALFIERI: Make a motion to approve.

10          COMMISSIONER MAAS: Second.

11          CHAIR FERRARO: Commissioner Alfieri?

12          COMMISSIONER ALFIERI: Yes.

13          CHAIR FERRARO: Commissioner Mitchell?

14          COMMISSIONER MITCHELL: Yes.

15          CHAIR FERRARO: Commissioner Maas?

16          COMMISSIONER MAAS: Yes.

17          CHAIR FERRARO: Yes.

18          Commissioner Solis?

19          COMMISSIONER SOLIS: Yes.

20          CHAIR FERRARO: Commissioner Gonzales?

21          COMMISSIONER GONZALES: Yes.

22          CHAIR FERRARO: Thank you, gentlemen.

23          MR. SCHICK: Thank you.

24          CHAIR FERRARO: Number 15, public hearing and  
25 action by the Board regarding the proposed amendment to

1 CHRB Rule 1481, Occupational Licenses and Fees, to require  
2 licensure of officers, directors, partners or any  
3 individuals who holds 5 percent or more of the outstanding  
4 shares of an advance deposit wagering provider,  
5 mini-satellite wagering or exchange wagering provider;  
6 CHRB Rules 2071, License to Conduct Advance Deposit  
7 Wagering by a California Applicant and Rule 2072, Approval  
8 to Conduct Advance Deposit Wagering by an Out-of-State  
9 Applicant, to revise CHRB Forms 132, Application to  
10 Conduct Advance Deposit Wagering and 133, Application for  
11 Approval to Conduct Advance Deposit Wagering, to capture  
12 CHRB license information for specified persons; clarify  
13 the term of license for ADW providers and collect  
14 financial information, including profit and loss  
15 statements, specific to entities' California operations.  
16 This includes -- concludes the 15-day public comment  
17 period. The Board may adopt the proposal as presented.

18 MR. BRODNIK: Good morning, Board members.  
19 Robert Brodnik, California Horse Racing Board.

20 During the 15-day comment period, there were no  
21 comments received by Staff. The Board is free to adopt  
22 this proposed language today, if it wishes.

23 CHAIR FERRARO: Comments from the Board?

24 Do we have a motion?

25 COMMISSIONER SOLIS: Move.

1 COMMISSIONER MAAS: Second.

2 CHAIR FERRARO: Commissioner Alfieri?

3 COMMISSIONER ALFIERI: Yes.

4 CHAIR FERRARO: Commissioner Mitchell?

5 COMMISSIONER MITCHELL: Yes.

6 CHAIR FERRARO: Yes.

7 Commissioner Maas? Sorry. I forgot.

8 COMMISSIONER MAAS: I'm so easy to forget.

9 Yes.

10 CHAIR FERRARO: Commissioner Solis?

11 COMMISSIONER SOLIS: Yes.

12 CHAIR FERRARO: Commissioner Gonzales?

13 COMMISSIONER GONZALES: Yes.

14 CHAIR FERRARO: Let's see.

15 Do we want to take a lunch break now, or should  
16 we go on a little further?

17 COMMISSIONER MAAS: Good for going on. Got a  
18 bunch of the mediators so --

19 CHAIR FERRARO: Yes. Okay.

20 Number 16, public hearing and action by the  
21 Board regarding proposed amendment to CHRB Rule 1660.1,  
22 Claimed Horse Health Record, to require pertinent medical  
23 information from a horse claimed in a claiming race to be  
24 transferred from the horse's former attending veterinarian  
25 to the horse's new attending veterinarian on the Claimed

1 Horse Health Record, CHRB 245 form. This concludes the  
 2 45-day public comment period. The Board may adopt the  
 3 proposal as presented.

4 Dr. Arthur?

5 MR. McDONOUGH: Mr. Chairman, Members of the  
 6 Board, John McDonough, general counsel of the California  
 7 Horse Racing Board.

8 We did not receive any letter during the public  
 9 comment period, but we did receive a letter from Dr.  
 10 Dionne Benson, Chief Vet Officer of The Stronach Group --  
 11 subsequent to public comment period -- suggesting that  
 12 there might be some additions made to this particular  
 13 information, which can be done by the Board subsequent to  
 14 adoption of this standard.

15 I believe Dr. Arthur wants to speak to it.

16 DR. ARTHUR: Yes. Dr. Arthur, Equine Medical  
 17 Director.

18 When this issue first came before us, there was  
 19 a concern about transferring intra-articular medication  
 20 records from someone who had the horse to the new  
 21 claimant.

22 In part of that process, I had developed two  
 23 options for the Medication Committee to consider. And one  
 24 of them was simply the corticosteroids, and the other was  
 25 a more full medical record on that horse so that they

1 would have other information, whether the horse had EPM,  
2 whether he had gastric ulcers, whether the horse had  
3 colic -- really a more comprehensive medical history. And  
4 that was put together in consultation with two private  
5 veterinarians, well-respected veterinarians, Dr. Jeff Blea  
6 and Dr. Ryan Carpenter.

7 At that particular time, the Committee decided  
8 just to go forward with the corticosteroids. Believe it  
9 or not, that was a year and a half ago almost, August of  
10 2018. That shows you how the regulatory process works.

11 But frankly, at the time I supported the more  
12 comprehensive medical record as Dr. Dionne Benson has  
13 proposed the Board reconsider and adopt. And, if at all  
14 possible, I would recommend the Board, if we can do this  
15 on a 15-day notice, go ahead and adopt the form that was  
16 originally proposed for a more comprehensive history.

17 I think it makes more sense when we look at the  
18 long-term health and welfare of the horse. There's more  
19 to horse health than just intra-articular injections.  
20 Yes, they are important for a new client, but whether the  
21 horse has been dewormed, vaccinated, had colic, has  
22 tying-up issues and the other things in that form, I think  
23 benefit horse health long-term. So my recommendation, I  
24 support what Dr. Benson has proposed here.

25 CHAIR FERRARO: So you are basically asking for

1 a complete health record on a horse; is that correct?

2 DR. ARTHUR: Well, it's actually a form we put  
3 together and that was an alternative. So it's a more --  
4 yes, it's relatively comprehensive, and the attending  
5 veterinarians that helped me put that together thought  
6 these covered the key points when they get a new horse  
7 from a new client.

8 MR. McDONOUGH: If I might address the Board on  
9 that aspect, from strictly a legal and regulatory  
10 standpoint, what you have before you is kind of a first  
11 step. What is being suggested is possibly a second step.

12 From a regulatory standpoint, we really believe  
13 that these significant changes would have to go through an  
14 all-new regulatory process, which would push out the  
15 entire adoption another nine months or so. Where we  
16 would -- Legal would suggest that if you approve this  
17 current standard, we can then come -- the Board can then  
18 come back, amend and add additional requirements down the  
19 road so that during that period of time at least this  
20 requirement is in place, which previous boards have  
21 indicated would be a good step in regard to furtherance of  
22 information to people who purchase claimed horses knowing  
23 more about the horse they are purchasing.

24 Not to denigrate in any way what is being  
25 suggested by Dr. Benson or Dr. Arthur, but if we go -- if

1 you don't pass this at this time, be aware that it would  
2 probably be another nine months to a year before we can  
3 revisit this issue.

4 CHAIR FERRARO: When you say down the road we  
5 can amend it, how long is down the road? How long a road  
6 is it?

7 MR. McDONOUGH: Again, what we would suggest  
8 would be if you enact this, then almost immediately what  
9 we can do is Legal would draft up an amendment to expand  
10 the scope, would go through the regulatory process and the  
11 approval through the administrative law procedure to make  
12 sure they are on board with it, and we could have it in  
13 place hopefully within nine months --

14 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, we  
15 did discuss this process, and we believe that we could  
16 have it back on the agenda as early as the next meeting,  
17 these additional provisions --

18 MR. McDONOUGH: That's correct.

19 EXECUTIVE DIRECTOR BAEDEKER: -- correct?

20 MR. McDONOUGH: That's correct.

21 EXECUTIVE DIRECTOR BAEDEKER: The majority of  
22 the work -- the bookwork has already been done, the  
23 rule-making file and so forth. So we could bring it back  
24 to you next month to start a separate -- go down a  
25 separate path for this enhanced program.

1 DR. ARTHUR: Could I ask whether Staff has  
2 contacted OAL and whether OAL agrees that this is such a  
3 substantive change that it would require the additional  
4 process and not a 15-day notice?

5 It seems to me if we ask OAL what we are doing,  
6 and if they agree, if we only need a 15-day, you know,  
7 public notice to implement this new one, it really  
8 shortchanges it.

9 Nine -- I haven't seen this -- any regulation  
10 get done in nine months, but I will agree that I will take  
11 this over nothing.

12 EXECUTIVE DIRECTOR BAEDEKER: Yeah. Okay.  
13 Well, so we have another option, which is to do what Dr.  
14 Arthur just suggested. I don't think we have an answer to  
15 that question right now, do we?

16 We don't know that OAL agrees or disagrees with  
17 the 15-day versus starting over. So if the Board is so  
18 inclined, we could put this matter over to December and  
19 have an answer to that question.

20 If Legal gets the answer that, as a matter of  
21 fact, it doesn't qualify for 15 days, then we can come  
22 back with both at the next meeting: This one and the  
23 subsequent one. So we're talking about three weeks, so  
24 that might -- the Board might -- might consider that.

25 CHAIR FERRARO: Comments from the Board?

1                   COMMISSIONER ALFIERI: That makes sense. I  
2 mean, we're talking about three weeks.

3                   CHAIR FERRARO: You want to make a motion to  
4 that effect?

5                   COMMISSIONER MAAS: Before we do, I just want --  
6 three weeks, my experience in this board never is three  
7 weeks. So, you know, it seems to me that something is  
8 better than nothing right now, and I don't think we can  
9 still have the three weeks to make whatever changes we  
10 need to make.

11                   I don't think that goes away, does it?

12                   EXECUTIVE DIRECTOR BAEDEKER: No. But what  
13 Dr. Arthur is saying is that -- if, as a matter of fact,  
14 we get a positive response -- first of all, we don't know  
15 that we'll get an immediate response from OAL. But  
16 presuming that we do, a timely response, then we could  
17 bring back the modified language at the next meeting.  
18 That would have to go back out for a very short period of  
19 time, and so very much sooner than later we would have the  
20 whole nine yards. We'd have what Dr. Arthur and Dr.  
21 Benson have recommended. So we have that possibility next  
22 month.

23                   If we go ahead, and if the Board adopts this  
24 today, then I believe our only option is to then start a  
25 second proposed rule that would go through the whole

1 regulatory pipeline, and everybody knows how long that  
2 takes. Is that correct?

3 MR. McDONOUGH: Yes.

4 CHAIR FERRARO: So if we put this off until  
5 December, until we have this answered, any danger we would  
6 lose the proposal that's already approved. No?

7 MR. McDONOUGH: No.

8 EXECUTIVE DIRECTOR BAEDEKER: No. We would  
9 bring this -- if we don't get the approval from OAL that  
10 we could amend it and submit it to 15-day, then we would  
11 just bring back what you had before you and ask you to  
12 approve that one at the December meeting.

13 So the Staff recommendation, I think is, if you  
14 are so inclined, to put this over until the December  
15 meeting.

16 COMMISSIONER ALFIERI: So moved.

17 You said it succinctly.

18 CHAIR FERRARO: Second.

19 MS. SULLIVAN: I have a comment card on this.

20 EXECUTIVE DIRECTOR BAEDEKER: I'm sorry. I  
21 didn't see it.

22 Yes. Right here. We have two.

23 CHAIR FERRARO: Go ahead, Martha.

24 MS. SULLIVAN: Your commitment to public  
25 participation is really stunning.

1 I looked at the Staff analysis for this item.  
2 And I worked for the state Public Utilities Commission for  
3 20 years. So I understand regulatory process. I  
4 understand complexity. I understand taking comment from  
5 the industry and the public and weighing those two things  
6 and coming to a regulation that can be passed and  
7 implemented.

8 But I have to tell you, I mean, this Board is  
9 set up to fail, and I think it was intentional because  
10 no -- I mean, it wasn't intended for you to regulate the  
11 industry. It was intended for you to stay out of the way.

12 And now we are seeing the full impact of that,  
13 because you can't act quickly, and you won't act quickly.  
14 Any idea that you can respond to changing conditions on  
15 the ground is laughable, just by this item.

16 And there's many other examples of it. The  
17 riding crop rule that you are going to talk about, much  
18 ballyhooed back in March that you passed it, and it's  
19 still not in effect. And as I understand, it might get  
20 revised and have to go back out for comment again.

21 You know, you -- this Board was designed to  
22 fail, and you cannot succeed as a regulatory body.

23 CHAIR FERRARO: Dr. Benson.

24 DR. BENSON: Good morning, Dr. Dionne Benson for  
25 The Stronach Group. I'm the one who submitted the letter

1 in opposition to this.

2 I want to make it very clear that I don't oppose  
3 the reporting of corticosteroids. I think that's a great  
4 thing in passing it on to the trainer and owner of the  
5 horse who claims it; I think is a very important piece of  
6 the horse's health picture.

7 What we would like to see is the horse's entire  
8 health picture follow the horse. And I appreciate your  
9 taking us seriously and taking this expanded health record  
10 very seriously. And if there's anything that The Stronach  
11 Group can do to help move this along, we are happy to do  
12 so.

13 Thank you.

14 COMMISSIONER MITCHELL: Yes, I have a question.

15 So we're implementing regulation, which  
16 obviously takes a lot of time. But this is not changing  
17 the law. So can Santa Anita just implement this as part  
18 of your standard protocols for claiming races and  
19 individual tracks for claiming races on your tracks?

20 DR. BENSON: I'm getting a no from Craig. I  
21 think because we have to agree with the TOC, we have to --  
22 we're passing things unilaterally. You know, they have an  
23 input on the regulation. So we are certainly happy to  
24 work with the TOC on that, if that's what it takes. In  
25 the interim, I am hoping we can get it done sooner through

1 regulatory --

2 COMMISSIONER MITCHELL: Well, right. So, I  
3 mean, I like the idea of checking with OAL, seeing if we  
4 can do a 15-day to get the more comprehensive. But I  
5 would like, in December, for, you know, you -- The  
6 Stronach -- TOC to work on that and come back and report  
7 to us the status of that as well because while we, as a  
8 board, are doing everything we can within the restrictions  
9 of the law, as the track owners, you have a lot more  
10 flexibility to implement rules quickly. And so if this is  
11 the direction that the Board is going and I think, you  
12 know, we'll take a vote but we have support for the more  
13 comprehensive vet record then, you know, feel free to get  
14 out in front of us and do what we are going to do just  
15 going through the normal process --

16 DR. BENSON: Absolutely.

17 COMMISSIONER MITCHELL: -- to achieve the same  
18 goal.

19 DR. BENSON: Yes, absolutely. We'll work on  
20 that right away.

21 COMMISSIONER MITCHELL: Thank you.

22 DR. ARTHUR: Possibly Dr. Benson could answer.

23 My understanding is they have already  
24 implemented something similar, at least relative to  
25 intra-articular corticosteroid injections, in Gulfstream

1 already. And I don't know if that's the case with the  
2 Maryland tracks, but maybe she can comment on that.

3 DR. BENSON: Yes. We've entered -- by house  
4 rule, we have been allowed to do this in Florida. We have  
5 a little bit more latitude under the law in the agreement  
6 we have with the horsemen in Florida.

7 This is also a rule, to my best recollection, in  
8 Maryland that was passed by the Commission -- that the  
9 corticosteroids were passed to the next trainer and owner.  
10 I think, as we go through this, we will be looking for a  
11 very similar record to follow the horse in all of the  
12 jurisdictions in which we have racetracks.

13 COMMISSIONER MITCHELL: Thank you.

14 CHAIR FERRARO: Heather Hyde.

15 MS. HYDE: Hello again. I really feel that  
16 because horse racing is also funded on taxpayers' dollars  
17 and subsidies, the public should be very well aware of  
18 each and every horse that is brought, sold, ran, sold to  
19 slaughter, sold for breeding -- should be transparent to  
20 the public. So I think that it would be great if you guys  
21 can make all the horse racing people that love the horses  
22 be responsible for telling the public what is happening to  
23 these horses upon birth to death.

24 COMMISSIONER MAAS: I would like to just correct  
25 something, if I might, Mr. Chairman, because we heard this

1 repeatedly. Horse racing is not financed by the taxpayers  
2 in this state. It's financed by the gamblers that pay  
3 money to observe these races. So I just want to make sure  
4 people always understand that. It is not taxpayer  
5 subsidized in the state of California.

6 (Applause.)

7 COMMISSIONER MAAS: Please, please, please,  
8 please.

9 You can put a comment card in.

10 CHAIR FERRARO: Do we have any comments from the  
11 Board on this?

12 We make a motion to postpone until December? Is  
13 that what everyone wants to do?

14 EXECUTIVE DIRECTOR BAEDEKER: Does that need a  
15 motion?

16 COMMISSIONER ALFIERI: Why don't you make it.

17 MS. HYDE: I didn't get all my three minutes.

18 So the fact that the horse racing people, they  
19 are considering their horse as livestock, they are getting  
20 subsidies. They are -- they are getting our taxpayer  
21 dollars, and gambling, whatnot, you know, I don't agree on  
22 that because there's a lot of filth and greed in gambling.

23 CHAIR FERRARO: That's fine. Thank you.

24 COMMISSIONER MITCHELL: Okay. So I would like  
25 to make a motion that we direct Staff to go back to OAL

1 and see if we can include this more comprehensive list as  
2 part of the existing regulation with the 15-day emergency  
3 reg comment period and that the -- and that the track  
4 owners and thoroughbred owners have a discussion about  
5 what they can accomplish relative to implementing this in  
6 advance of the regulatory process and report back to this  
7 next meeting.

8 CHAIR FERRARO: We have a second?

9 COMMISSIONER ALFIERI: Second.

10 CHAIR FERRARO: Commissioner Alfieri?

11 COMMISSIONER ALFIERI: Yes.

12 CHAIR FERRARO: Commissioner Mitchell?

13 COMMISSIONER MITCHELL: Yes.

14 COMMISSIONER MAAS: Yes.

15 CHAIR FERRARO: Yes.

16 Commissioner Solis?

17 COMMISSIONER SOLIS: Yes.

18 CHAIR FERRARO: Commissioner Gonzales?

19 COMMISSIONER GONZALES: Yes.

20 MR. McDONOUGH: Thank you very much, Board.

21 CHAIR FERRARO: Item Number 17, discussion and  
22 action by the Board regarding the permanent adoption of  
23 the existing emergency regulation, CHRB Rule 1435,  
24 Suspension of the License to Conduct a Race Meeting,  
25 which allows the Board to suspend a race meeting license

1 when necessary to protect the health and welfare of the  
2 horse and rider.

3 MR. BRODNIK: Good morning, Commissioners,  
4 Robert Brodник, California Horse Racing Board.

5 This agenda item is the first step in the  
6 permanent adoption of the currently existing emergency  
7 regulation. Presently, the Board has this authority under  
8 1435 to suspend a race meet license when necessary to  
9 protect the health or safety of the rider.

10 Approval today of this text will begin the  
11 process of codifying this existing emergency text as a  
12 permanent regulation. This vote would be to send this  
13 item out for a 45-day comment period.

14 And just also to say this text is the same text  
15 that's currently in the existing emergency regulation. So  
16 there are no changes.

17 CHAIR FERRARO: Questions or comments from the  
18 Board?

19 EXECUTIVE DIRECTOR BAEDEKER: You got some  
20 cards.

21 CHAIR FERRARO: Martha Sullivan.

22 MS. SULLIVAN: Well, you have got the emergency  
23 power. So this is one case where you actually can act and  
24 you don't have to wait for the regulatory process to grind  
25 on, and yet, you haven't done so. It has been available

1 to you since late August, and there have been a dozen or  
2 more horses died just since late August.

3 How many dead horses does it take for you guys  
4 to decide that there's an emergency? When are you  
5 actually going to use this emergency power that the  
6 legislature voted unanimously to give you in late June  
7 after the, you know, catastrophic spring that exploded  
8 this Board and this industry into the new -- when are --  
9 when are -- are there enough dead horses and when are you  
10 going to start counting all the horses who die?

11 This Board, in your annual report, reports on  
12 all horse facilities at CHRB-regulated facilities. But we  
13 continually hear from you and from the industry about how  
14 only racing deaths really matter. That's the only one we  
15 have to worry about.

16 Don't worry, you know, for a while, Del Mar  
17 could say they hadn't had any racing deaths this year.  
18 Well, that's past. That blew up devastatingly one race  
19 day. So when are there enough dead horses to constitute  
20 an emergency?

21 CHAIR FERRARO: Heather Wilson.

22 MS. WILSON: It's really unprofessional and  
23 obnoxious that somebody in the back of the room is making  
24 duck sounds with his or her phone. If they could stop  
25 that.

1           So what is your threshold of dead horses in  
2 order to suspend racing? What is the number?

3           For example, SB 469 was signed into law by the  
4 governor on June 26th, and there are at least 35 dead  
5 horses since then. Yet, there us no talk of suspending  
6 racing because you know that this is normal. You know  
7 that horse racing kills horses because you keep the data  
8 and you have known about this all along.

9           At the International Conference of Horse Racing  
10 Authorities in Paris just this year on October 7th -- here  
11 we have a statement from Dr. Rick Arthur, your Equine  
12 Medical Director, during Santa Anita the racing press  
13 understood that there is a normal fatality rate in horse  
14 racing; the non-racing press and public did not.

15           And here -- this is from the Paulick Report  
16 published on the same day that Del Mar killed  
17 Slewgoodtobetrue followed by the killing of Princess  
18 Dorian who -- let's not kid ourselves, Princess Dorian was  
19 absolutely a racing-related fatality.

20           Peter Thomas Fornatale tried to bring some  
21 perspective to the horse racing industry with an op-ed in  
22 the San Francisco Chronicle this week. He opined on  
23 Mongolian Groom's breakdown in the Breeders' Cup Classic.  
24 His death demonstrates an unfortunate truth about racing.  
25 The risk of death cannot be eliminated altogether.

1 I have here -- I compiled charts. These are  
2 your numbers. This is your data. These are from the four  
3 major racetracks in this state. This is called business  
4 as usual. This has been happening forever. I also have a  
5 list of every dead horse since SB 469 was signed into law.  
6 Nothing has changed. The only thing that has changed is  
7 that now the public are aware of it.

8 Thank you.

9 CHAIR FERRARO: Liz Jacobelly.

10 MS. JACOBELLY: California Horse Racing Board  
11 should consider its emergency power to suspend the race  
12 license. All deaths at California Horse Racing Board  
13 racetracks, not just during racing.

14 Del Mar racetrack was hailed as a savior of  
15 horse racing after it had six horses die in training at  
16 the track this summer. None died during racing, but they  
17 were killed in training and in their stalls so that should  
18 count to be reported.

19 Of course, it was only a six-week meet compared  
20 to Santa Anita's six month through June with 36 horses  
21 killed in racing and training. So on the third day at the  
22 fall meet in Del Mar, two horses were killed racing within  
23 90 minutes, one in the third race and the second in the  
24 sixth race -- plus a third horse injured in the second  
25 race who was reportedly transported to a hospital for

1 surgery and euthanized in eight days, which I will talk  
2 about her later.

3           When are there enough dead horses? Four horses  
4 have died already this fall meet.

5           Go Street, a three-year old gelding in his first  
6 horse -- is the first horse that suffered a catastrophic  
7 injury to his front leg and was euthanized.

8           Three races later, three-year-old colt  
9 Prayer Warrior, sustained fractures in his front leg. He  
10 was the second horse that was injured and also euthanized  
11 on the track that same day.

12           Both horses sustained inoperable fractures to  
13 their sesamoid bones, which are about the size of walnuts  
14 and located in the ankle joints of the horses, said  
15 Dana Stead, association veterinarian for Del Mar  
16 Thoroughbred Club.

17           They have to sustain all the weight of the  
18 horses throughout the stride. So you are talking about a  
19 horse traveling 30 to 35 miles per hour putting all that  
20 weight on at any given time potentially one leg, Stead  
21 said. These bones sometimes cannot sustain the forces  
22 that go along with it.

23           Sometimes cannot sustain the forces? It's  
24 literally a gamble every time these horses' lives are  
25 forced to run for money. And Princess Dorian sustained

1 multiple fractures in her front leg, suffering. She was  
2 sent to a hospital and euthanized in eight days.

3 Slewgoodtobetruer is the fourth horse to die.  
4 She was a three-year-old filly. She collapsed in the barn  
5 area after workout at Del Mar, and this is all about  
6 profit and money.

7 CHAIR FERRARO: Valerie Traina.

8 MS. TRAINA: In regard to this emergency power  
9 that you have, I am imploring you -- because you were  
10 brought up since you were children, in moral households to  
11 do the right thing. You were brought up to know right  
12 from wrong. And I am therefore asking you to do the right  
13 thing now and ban horse racing. You have the power.

14 CHAIR FERRARO: Josephine Goldberg.

15 MS. GOLDBERG: Hi Board, again. I am an  
16 owner/breeder. And I don't want horse racing to be  
17 banned, and for the people here who want it to be  
18 banned -- banned, I think they are acting like that just  
19 because the Board, a lot of owners and trainers I see  
20 here, they are not showing any compassion.

21 And as a young horse owner and breeder, I just  
22 don't understand why there's no repercussions when there's  
23 problem after problem after problem. And to the people  
24 who are listening, when I spoke to Frank Stronach -- the  
25 man that created everything to give most people here a

1 job, including yourselves and me -- he said that the way  
2 to keep the businesses alive is to have transparency.

3 And when the public feels that you guys are not  
4 showing them records of sales or, God forbid, the  
5 slaughterhouse -- which I never knew that that existed, or  
6 if it does or it doesn't it's just -- you know, I think  
7 that's why the public feels outrageous because we owe the  
8 public, you know, an answer. And it's just really sad  
9 that somebody like Frank lost power and their kids can  
10 come, like Belinda Stronach, and destroy everything and  
11 give people like us a bad name.

12 And you guys are the Board to see that we have a  
13 big problem of nepotism in our racetrack. And so when  
14 kids are rotten and they destroy things, you guys are here  
15 to, you know, make people follow the rules. And I just  
16 don't understand how, you know, there's people back here  
17 who are crying and upset and outraged and, you know, when  
18 my horse died, to me that was like the worst thing that  
19 ever happened. If I could go back, I would do anything  
20 just to take that day back.

21 So to the people here who want horse racing  
22 banned, I don't want that. Horses save people's lives,  
23 horse racing creates jobs, horse racing has equine  
24 therapy, horse racing makes young entrepreneurs like me  
25 more successful, and the people that I have met are

1 phenomenal. But, you know, the Board needs to --  
2 people -- horse trainers, owners, staff, we all need to  
3 know that if horses are dying, if a track is unsafe, you  
4 guys have to put your foot down and make change, or else  
5 I'm afraid it's all going to end one day too.

6 Thank you.

7 CHAIR FERRARO: Jennifer Borges.

8 MS. BORGES: Good morning. It's another long  
9 morning over here at the Hilton.

10 The reason I asked to get up and speak right  
11 now, I would like to respond to one of these ladies'  
12 comment back here that nothing has changed since we began  
13 talking about this. And I want to directly address  
14 Article 17 here this morning.

15 It is completely false to say that there have  
16 been no changes. In fact, just this week, these ladies  
17 must have overlooked two very significant announcements by  
18 the industry, and they were directly related to the safety  
19 of horse racing. I would like to briefly cover these for  
20 the Board and for the media.

21 The first is the announcement of the  
22 Thoroughbred Safety Coalition. As published by the  
23 Louisville Courier, November 19, 2019 -- that's this  
24 week -- six of the most significant racetrack management  
25 companies will now work together with the single purpose

1 of improved safety in racing. The goal is to set a group  
2 of standards, and the group includes the Del Mar  
3 Thoroughbred Club, Churchill Downs, Keeneland, the  
4 Breeders' Cup organization, the New York Racing  
5 Association, and The Stronach Group, who here in  
6 California run Santa Anita racetrack.

7           Where tracks have formerly acted independently,  
8 they will now work together with this group of leaders  
9 making a consensus of the standards for racing. One of  
10 the most significant changes will be those regarding  
11 veterinarians, primarily medical records will be  
12 transparent and accessible. Veterinarians will be  
13 required to make daily reports to regulatory officials and  
14 veterinary records reported will be centralized on a  
15 single database.

16           In addition, medical rules will be tightened,  
17 specifically regarding the use of steroids and  
18 bio-phosphates, and testing will become more pointed. It  
19 will be done randomly and with no limits. This will  
20 include out-of-competition horses, those that are stabled  
21 on the grounds.

22           Any horse that is fatally injured will now be  
23 given a necropsy to determine its full condition at the  
24 time of its death. To say that there have been no changes  
25 made is incorrect, it's not factual, and I hope the public

1 and the media will record this.

2 The second significant announcement this week,  
3 as reported by the California Thoroughbred Trainers, the  
4 CTT, is that a brand-new MRI facility will be installed  
5 during the early part of the upcoming race meeting at  
6 Santa Anita racetrack here in California.

7 Many racetrack management groups, owners,  
8 breeders, trainers, and charitable foundations are  
9 responsible for financing this expensive piece of  
10 equipment, which will allow horses to get an MRI screening  
11 while standing.

12 EXECUTIVE DIRECTOR BAEDEKER: Ma'am, your time.

13 MS. BORGES: Thank you very much.

14 I think that this is a very good indication that  
15 the ladies behind me have not done their homework and have  
16 not kept up with the most recent news on the improvements  
17 that are being made --

18 (Yelling from audience.)

19 CHAIR FERRARO: Quiet.

20 MS. BORGES: People in thoroughbred racing do  
21 care about our horses.

22 EXECUTIVE DIRECTOR BAEDEKER: Ma'am, your time  
23 is up.

24 COMMISSIONER MAAS: Your time is up, ma'am.

25 MS. BORGES: Thank you very much. I appreciate

1 your time this morning.

2 COMMISSIONER MAAS: Please. Please.

3 CHAIR FERRARO: Quiet.

4 EXECUTIVE DIRECTOR BAEDEKER: Ladies and  
5 gentlemen, we can clear the room, if we need to. Let's  
6 not go there.

7 CHAIR FERRARO: There's no need to be rude about  
8 this process, you know.

9 Any comments from the Board regarding this  
10 proposal?

11 COMMISSIONER MAAS: I just have one comment,  
12 Mr. Chair, if I might.

13 First, I wholeheartedly support this. I wish we  
14 had it a long time ago. I wish it even had more teeth  
15 than it does. But one of the things that I certainly have  
16 been cognizant of, and I think we all need to be aware of  
17 it, to just simply have the authority or right to close a  
18 meet or close a track does not answer a bunch of the  
19 questions that will be left in the aftermath. Like what  
20 do we do with 2000 horses? How do we feed them? How do  
21 we exercise them? How do we groom them? Where do they  
22 go?

23 And I think we need to be thinking about those  
24 things as well because the animals deserve that attention.  
25 Just simply closing it because of the fatalities also

1 warrants us having responsibility of figuring out what we  
2 do in the aftermath. So I just want to make sure I state  
3 that for the record.

4 CHAIR FERRARO: Do I have a motion?

5 COMMISSIONER ALFIERI: I will make the motion.

6 COMMISSIONER MAAS: Second.

7 CHAIR FERRARO: Commissioner Alfieri?

8 COMMISSIONER ALFIERI: Yes.

9 CHAIR FERRARO: Commissioner Mitchell?

10 COMMISSIONER MITCHELL: Yes.

11 CHAIR FERRARO: Commissioner Maas?

12 COMMISSIONER MAAS: Yes.

13 CHAIR FERRARO: Yes.

14 Commissioner Solis?

15 COMMISSIONER SOLIS: Yes.

16 CHAIR FERRARO: Commissioner Gonzales?

17 COMMISSIONER GONZALES: Yes.

18 CHAIR FERRARO: So moved.

19 Thank you. I think it's time to take a lunch  
20 break.

21 So we will reconvene this meeting at  
22 1:00 o'clock.

23 (At 11:58 a.m., a recess was taken, to be  
24 reconvened at 1:00 p.m.)

25 ///

1 AFTERNOON SESSION

2 (At 1:09 p.m., the meeting reconvened.)

3 CHAIR FERRARO: We have one announcement to  
4 make. During the lunch break, the Board met in a closed  
5 session for some disciplinary actions. We usually do that  
6 at the end, but in the interest of time, we did it over  
7 lunch.

8 Secondly, I was remiss this morning in not  
9 acknowledging some of our previous commissioners.

10 First of all, Chuck Winner, who served as the  
11 Chairman of the Commission for quite some time, worked  
12 very hard at it, was very dedicated to it, and did an  
13 excellent job, and we thank him for his service.

14 Secondly, Madeline Auerbach, dedicated  
15 horsewoman, horse owner, served on this Board for six  
16 years, did a very good job, and we appreciate her service,  
17 and we'll miss her very much.

18 Finally, I would like to say that Commissioner  
19 Maas -- this is his last meeting. We're going to miss  
20 him. He has been a very effective commissioner. We value  
21 his opinions. And thank you for your service.

22 With that --

23 CHAIR FERRARO: Yes.

24 COMMISSIONER ALFIERI: I would like to make some  
25 comments for the record regarding Madeline Auerbach.

1 I served with Madeline on this Board for less  
2 than one year, but during that brief time it was obvious  
3 to me that she is extremely passionate about horse racing,  
4 especially about the people in racing and the horses and  
5 their care. Founding CARMA to provide aftercare for  
6 horses is evidence of that, but her contributions have  
7 gone far beyond CARMA.

8 She spent many hours dealing with medication  
9 issues as the chairman of that committee. I always  
10 respected her views, and I appreciated her input on  
11 contentious issues. With her help and guidance, I believe  
12 we have adopted many important safeguards for protecting  
13 horses and riders. The horse racing industry and the  
14 public should be grateful for her service. Madeline will  
15 be surely missed.

16 CHAIR FERRARO: Thank you.

17 (Applause.)

18 Thank you, Dennis.

19 COMMISSIONER GONZALES: Chair Ferraro, if I  
20 could make a quick point. I know there was another  
21 commissioner who recently left, and that was Araceli  
22 Ruano. And I know at the last meeting and this meeting  
23 there's comments being made to sacrifices and commitments  
24 that some of the leaders who sat in these meetings. So I  
25 would also like to just say thank Araceli Ruano, the

1 former commissioner. She is a lawyer. She served in  
2 various leadership capacities, including the White House.  
3 I know she cared deeply about this industry. So, again, I  
4 wanted to just add Ms. Araceli's name to the list of  
5 people who are being recognized.

6 CHAIR FERRARO: Thank you.

7 All right. We will start with Item Number 18,  
8 discussion and action by the Board regarding the proposed  
9 addition of CHRB Rule 1503.5. Continuing education for  
10 trainers and assistant trainers, to require continuing  
11 education as a condition of renewal of the license for  
12 trainer or assistant trainer.

13 MR. BRODNIK: Good afternoon, Commissioners.  
14 Robert Brodник, California Horse Racing Board.

15 This proposal to add this new rule will require  
16 continuing education for trainers and assistant trainers.  
17 At the time of renewal, trainers and assistant trainers  
18 will be required to show 12 hours of approved continuing  
19 education coursework within the previous 36-month period.  
20 Approved coursework will be listed on the CHRB website and  
21 available at our CHRB offices, and failure to complete the  
22 required coursework during the time period may result in  
23 nonrenewal of their license.

24 DR. ARTHUR: Dr. Arthur, Equine Medical  
25 Director.

1 I'm just here. This has been an issue of mine  
2 for almost the whole time I have been Equine Medical  
3 Director. I think it's very important. And I'm only here  
4 to answer questions that any commissioners have on this  
5 proposal.

6 CHAIR FERRARO: Dr. Arthur, you did put on a  
7 seminar with Dr. Stover recently -- right? -- for  
8 trainers?

9 DR. ARTHUR: Early in the Santa Anita meet, we  
10 had Dr. Stover down for a seminar that was well attended.  
11 We had nearly 50 people in the room and over 100 people  
12 online. That presentation is still available online at  
13 the CHRB website. It was very well received. And I have  
14 had a number of trainers ask me when is the next one. So  
15 I was very encouraged by that and we are going to continue  
16 to take similar actions.

17 But this is part and parcel of making that a  
18 requirement that all trainers and assistant trainers go  
19 through a process and get up to speed. We have certainly  
20 relied on the art of training horses, but I think it's  
21 time that we demand that they understand the science of  
22 training horses as well.

23 CHAIR FERRARO: And you and Dr. Stover and  
24 Dr. Bramley have already produced some video modules;  
25 correct?

1 DR. ARTHUR: Yes, we have. They are very near  
2 completion, but they have been near completion for a long  
3 time. But I will say my time has been pretty much spent  
4 on the panel and, hopefully, we will get those wrapped up  
5 in the next six months.

6 CHAIR FERRARO: So if we are going to require  
7 the continuing education, we obviously have to provide it  
8 because there's no other place to go; is that correct?

9 DR. ARTHUR: That's right.

10 CHAIR FERRARO: Are we prepared to have those  
11 continuing education seminars?

12 DR. ARTHUR: I think we are prepared to provide  
13 enough continuing education every year to meet these  
14 particular requirements. There's already continuing  
15 education available on the Jockey Club website. New York  
16 has similar seminars. They are doing something very  
17 similar in Australia where I think we can share some  
18 information.

19 The big issue has always been the amount of  
20 material, and it's one of those issues: If you build it,  
21 they will come. I think if we put the requirement in,  
22 there will be a market for it.

23 I've certainly had conversations with Alan Balch  
24 about how we put some of these seminars on, make sure we  
25 have topics that are of interest to trainers, and with the

1 cooperation from XBTV of Santa Anita, was very willing to  
2 help us send the signal out on a link that people could  
3 live stream it and still be available today.

4 So it's going to be a challenge, I understand  
5 that. But we're only talking about four hours a year for  
6 a trainer. I don't think that's a difficult task for us  
7 to accomplish.

8 CHAIR FERRARO: Any questions from the Board on  
9 this?

10 Do you have a motion to adopt?

11 COMMISSIONER MAAS: Moved.

12 MS. SULLIVAN: (Off mike) I have a comment  
13 card.

14 EXECUTIVE DIRECTOR BAEDEKER: You have two  
15 cards.

16 CHAIR FERRARO: Sorry.

17 Martha Sullivan.

18 You're very well versed on a lot of different  
19 subjects, Martha, huh?

20 MS. SULLIVAN: Well, that's what happens when  
21 you work at the State Public Utilities Commission for  
22 20 years and your dad was an FBI agent.

23 I just wanted to ask a question. I read  
24 recently that Commissioner Solis is an assistant trainer.  
25 So I'm wondering if he is going to recuse himself from

1 this vote.

2 EXECUTIVE DIRECTOR BAEDEKER: It's up to him.

3 MS. SULLIVAN: Okay.

4 CHAIR FERRARO: Valerie Traina.

5 MS. TRAINA: I'm encouraged that you are going  
6 to have continuing education for trainers and assistant  
7 trainers. And I would like to suggest that a component of  
8 that training be humane education so that a huge portion  
9 of what the trainers do is dedicated to kindness to the  
10 horses. Thank you.

11 CHAIR FERRARO: Dr. Dionne Benson.

12 DR. BENSON: Good morning -- or afternoon now.  
13 Dr. Dionne Benson, The Stronach Group.

14 I just wanted to throw my support in for this  
15 measure, having held several professional licenses in my  
16 life. I think continuing education, while in the moment  
17 we may not always appreciate having to take time from our  
18 day to spend on it, it is very important and you always  
19 come away with something that you maybe didn't know. I  
20 know often when we have issues with horses, it's a matter  
21 of education, learning, not a matter of negligence or  
22 neglect. So thank you.

23 CHAIR FERRARO: Thank you.

24 Any comments from the Board?

25 COMMISSIONER MAAS: I just have one comment, if

1 I may.

2 I just want to say to Commissioner Solis, I just  
3 hope you don't recuse yourself in this, because it will  
4 send a signal, I think, that would be really unfortunate,  
5 that might be misconceived or there might be some  
6 misconception. So I hope you will do that because it's an  
7 important signal for all of our trainers.

8 CHAIR FERRARO: Anyone else?

9 COMMISSIONER SOLIS: And I always wanted to keep  
10 improving on how to take care of the horses. I mean, I am  
11 surprised this lady that cares so much about horse racing  
12 oppose of me improving as a horseman.

13 CHAIR FERRARO: Motion to adopt?

14 COMMISSIONER MAAS: I move.

15 COMMISSIONER ALFIERI: Second.

16 CHAIR FERRARO: Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Commissioner Mitchell?

19 COMMISSIONER MITCHELL: Yes.

20 CHAIR FERRARO: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR FERRARO: Yes.

23 Commissioner Solis?

24 COMMISSIONER SOLIS: Yes.

25 CHAIR FERRARO: Commissioner Gonzales?

1 COMMISSIONER GONZALES: Yes.

2 CHAIR FERRARO: So moved.

3 Item Number 19, discussion and action by the  
4 Board regarding the proposed addition of CHRB Rule 1688,  
5 Use of the Riding Crop.

6 COMMISSIONER GONZALES: Mr. Chairman, if I may,  
7 two days ago an important announcement was made that will  
8 bring about some very positive changes in the thoroughbred  
9 industry by the Thoroughbred Safety Coalition, was  
10 announced -- that included many of the key players,  
11 leaders, and industry heads from across the country --  
12 about how we're going to heed the call of the public and  
13 leaders from within to make this industry what we know it  
14 could be.

15 One of the key principles of the Thoroughbred  
16 Safety Coalition was to address the riding crop. In my  
17 20 years of experience, working both in state and federal  
18 government, I always feel it's important to better  
19 understand what we can do to implement positive changes  
20 but to do our very best to try to make them uniform.

21 So I would like to ask this that particular  
22 measure be postponed for only 30 days so we can hear the  
23 Thoroughbred Safety Coalition, what their plans are, let  
24 them know that California does plan to lead.

25 If you heard the press conference, you'll see

1 that many of the provisions adopted by this new coalition  
2 came from California. So it is our full intention to  
3 continue leading, especially on the riding crop issue.

4 So I know it's up for discussion, but I would  
5 like to consider postponing this until the December 12th  
6 meeting. We can hear from them, and we can communicate  
7 very clearly what our intentions are here in California  
8 with the hope that it can be adopted nationwide.

9 COMMISSIONER SOLIS: Another thing that I would  
10 like to add after that also is that if we pass this rule  
11 today, if -- let's say two years from now we're in, let's  
12 say, a Kentucky Derby race and you never have encouraged  
13 your horse and (inaudible) and you're going to encourage  
14 your horse and he ducks in and ducks out, it could cause a  
15 catastrophic accident.

16 Why? Because this rule that is in Kentucky or  
17 any other state is going to have different -- different  
18 rules. So we really -- we really need to look into and  
19 see more options.

20 CHAIR FERRARO: Rick, we have two basic rules  
21 that are proposed here; right? Could we just -- could you  
22 identify those just for clarity now.

23 EXECUTIVE DIRECTOR BAEDEKER: Yes.

24 Mr. Chairman, the first rule is basically the  
25 rule that was moved by the Board back in March, and it

1 said essentially that the rider could carry the crop but  
2 only for safety purposes. And it said that if the rider  
3 used the crop the penalty would be that the rider would  
4 lose his share of the purse. The jockey gets 10 percent  
5 of whatever the owner's share of the purse is.

6 In moving this through the regulatory process,  
7 it was discovered that we had a legal flaw and that was  
8 that that provision to surrender the rider's share of the  
9 purse did not contain a process for redistributing that  
10 percentage share, and so it would become unenforceable.

11 So we have brought it back for repair, and the  
12 repair is that similar to the rule that was passed  
13 originally -- this one says you can carry it, but if you  
14 use it, whether or not it's for safety or anything else,  
15 the horse shall be disqualified. It also provides for  
16 penalty to apply -- to be applied by the stewards for any  
17 jockey or exercise rider that rides contrary to the rule.

18 The second part -- the second proposal is a  
19 result of conversation with the stewards -- and Chief  
20 Steward Darrel McHargue is here before you, could probably  
21 explain it better than I can. But the stewards were  
22 concerned that version one would be very, very difficult  
23 to enforce, particularly the part about sanctioning a  
24 jockey for using the crop, and the reason being that it's  
25 very difficult to define exactly what safety purposes are.

1 It could very well be that the jockey felt that the horse  
2 was doing something that maybe the stewards couldn't see.  
3 There could be an argument back and forth. So the first  
4 one now -- it's very clear that if it is used during the  
5 race, then the stewards shall disqualify that horse.

6 The second version, in discussing it with the  
7 stewards, they felt that it was going to be more clear in  
8 its intent, more easier -- more easy to interpret. And as  
9 a result we have brought back a second version that allows  
10 the jockey to use the crop with it in the down position at  
11 all times, with both hands on the reins, both hands on the  
12 neck, and with the ability to tap the horse on the neck  
13 and also with the ability to show the horse the crop.

14 The riders will tell you that it helps horses  
15 stay focused and actually can be a safety issue. So we  
16 brought that back for your review. Obviously, there's --  
17 what we did not want to do, what Staff did not want to do,  
18 is bring you a proposal radically different than what the  
19 Board proposed originally. That's not our job. That's --  
20 that's yours.

21 So what we're really looking at is the original  
22 rule that you moved and a slight variation of that rule  
23 for your consideration.

24 CHAIR FERRARO: Comments from the Board?

25 COMMISSIONER MAAS: Well, there's a motion on

1 the floor --

2 CHAIR FERRARO: No, there isn't a motion.

3 COMMISSIONER MAAS: Didn't you make a motion --

4 COMMISSIONER GONZALES: Yes. I would like to  
5 put that in the form of a motion, that we keep what you  
6 are communicating, Rick, good overview, but that we just  
7 simply push this off until the December 12th meeting so we  
8 can engage in an effective manner with the Thoroughbred  
9 Safety Coalition around what we had planned and how  
10 California plans to lead the way.

11 COMMISSIONER SOLIS: I second that. I strongly  
12 feel that the whole community is working together, and I  
13 feel very strong that the Thoroughbred Safety Coalition  
14 work -- we need to work with them -- all of us to be in  
15 line with the same rules in every state. I'm very proud  
16 of them. They have adopted our rules, and, again, I think  
17 this is very important to do.

18 CHAIR FERRARO: Motion is on the floor to --

19 COMMISSIONER MAAS: I just would like to make  
20 some comments.

21 CHAIR FERRARO: Go ahead.

22 COMMISSIONER MAAS: Thank you, Mr. Chairman.

23 I am inclined to support the motion, but for a  
24 little different reason. As a matter of fact, it's my  
25 last meeting and I won't get another chance. I figure

1 I'll try and express myself to the best of my ability.

2 You know, I am in favor of eliminating the whip,  
3 and I think it is as much perception as it is reality.

4 And not just because of the people who are in this  
5 audience but the people who are not in this audience. And  
6 there's a lot of people that are out there that don't  
7 really pay attention to horse racing and don't care really  
8 care about the industry but it looks awful, and I think we  
9 need to address that.

10 By the same token, you know, the old adage never  
11 let a crisis go to waste, there's an incredible  
12 opportunity here, because if we just do this in  
13 California, there's going to be a number of states that  
14 won't follow through, and it will be seen as, oh, there  
15 goes California again, responding knee jerk, being  
16 emotional, and won't pay any attention to it.

17 And I think there's a unique opportunity to use  
18 this moment to send a signal to everybody else of what the  
19 whip really means and produce some empirical evidence.

20 You know, there's amazing technology today, and I  
21 mentioned this several months ago to the Jockeys' Guild.  
22 There's some amazing technologies today where we could  
23 take the new Dominguez, the new softer whip, we could  
24 embed an RFID chip in it and be able to tell exactly what  
25 the amount -- how much pressure is being exerted on a

1 horse and what that means.

2 And if we are to send a signal to the rest of  
3 the country, having actual empirical evidence about what  
4 it means and how it affects the horse, I think will make a  
5 much more compelling case.

6 There are legitimate arguments for the whip. I  
7 think we all have to acknowledge that, whether it's the  
8 safety of the jockey or the safety of the horse, it's for  
9 direction or for control, but there's also competitiveness  
10 issues.

11 So the extent we have more time and the Jockeys'  
12 Guild or the stewards or whoever it might be is willing to  
13 step up and come up, and I would be happy to make  
14 recommendations who would do it, and actually get  
15 empirical data of what that means so we can all feel what  
16 that horse feels -- I think it's going to help make our  
17 case that we can take to the rest of the country and  
18 eliminate it permanently everywhere. So I'm inclined to  
19 support the motion.

20 COMMISSIONER SOLIS: Another thing that I would  
21 like to add up to in this matter is the industry is  
22 depending the survival of the -- depending the survival of  
23 racing. We survive and depend on betting. So if we -- if  
24 we push all gamblers to -- we all know that a gambler  
25 needs very little excuse to not bet on a racetrack, for

1 whatever reason, and if we go to do something that nobody  
2 else is doing and then it's going to cost -- it's going to  
3 cost a lot to the industry, and it's going to cost a lot  
4 of revenue to the State of California. So we have to keep  
5 that in mind too.

6 COMMISSIONER GONZALES: If I could, I just want  
7 to read from the Thoroughbred Safety Coalition's website  
8 and what their plan is as far as the riding crop goes.  
9 They are stating to adopt a uniform riding crop rule  
10 limiting crop use and defining crop specifications.

11 All I am saying is in the spirit of more  
12 engagement, and I may be one of the few that -- I am  
13 pleased when I see a room filled. I have been both a  
14 community organizer, I have been working in government,  
15 and we need more voices. We need people to step up to  
16 that microphone to let each of us know what we can do  
17 better.

18 But that works both ways. Communication is a  
19 two-way street. And when we see some of the key industry  
20 leaders come together in a way that they have never done  
21 before saying that they hear the public and they want to  
22 make things better, I think that because one improvement  
23 is going to lead to others, and we just have to bring  
24 others along with us as any good leaders do.

25 So all I am saying is keeping what you just read

1     there, Rick, I really respect what you said, Fred. All  
2     I'm saying is let's give this just another 30 days to  
3     reach out to the Thoroughbred Safety Coalition to let them  
4     know what is on the horizon and, once again, that  
5     California plans to lead the way on many, many fronts as  
6     it relates to the safety of horses and all participants.

7             CHAIR FERRARO: The Chairman supports your  
8     motion, Commissioner Gonzales.

9             The problem with this, from many of us,  
10    including myself, is that we don't really know what the  
11    right answer is. We have some proposals in front of us.  
12    But we are concerned about safety for riders and horses,  
13    and if we were settled on the arguments, we might be  
14    willing to move forward, but I go along with Commissioner  
15    Gonzales is that we need to find the right answer before  
16    we just jump into something. So I would support your  
17    motion.

18            UNIDENTIFIED SPEAKER: (Off mike.) I had put in  
19    a slip to speak. So can I speak --

20            CHAIR FERRARO: We're going to postpone --  
21    Go ahead.

22            COMMISSIONER MITCHELL: I appreciate that, you  
23    know, we don't know the answer, and I appreciate all the  
24    comments made by my fellow commissioners. However, I  
25    won't be supporting the motion for postponement because I

1 think this is an issue that we definitely need to hear  
2 out. It's something that, you know, I know before I was  
3 appointed to the Commission this issue was one of the  
4 reforms that the governor's office was looking at and had  
5 listed in their press release.

6 I think the optics on it are bad, and I think  
7 that yes, we could have additional data related to the  
8 impact, really, on the horse, but I don't want to kick  
9 this can too far down the road. I think this is an  
10 important reform that we should be looking at seriously;  
11 so I won't be supporting the motion.

12 MR. ASARO: There's a lot of us that came up  
13 here to be heard on on this issue, and if you want to  
14 table it, that's fine, but you should let us speak.

15 COMMISSIONER MAAS: Can move it to 27.

16 CHAIR FERRARO: You can speak on it after Item  
17 Number 27. We're not going to take comments on this  
18 because we are going to postpone it.

19 So we need a vote.

20 MR. ASARO: (Off mike.) Don't you want  
21 information --

22 EXECUTIVE DIRECTOR BAEDEKER: You can still  
23 make --

24 COMMISSIONER MAAS: Excuse me. Just let him  
25 finish, please.

1 MR. ASARO: (Off mike.) It's another coverup.

2 CHAIR FERRARO: It's not a coverup.

3 MR. ASARO: (Off mike.) Yes, it is. Let people  
4 speak.

5 CHAIR FERRARO: You can speak in Item Number 27.  
6 Since we are postponing this item for consideration, we  
7 will not take public comments at this time.

8 EXECUTIVE DIRECTOR BAEDEKER: They are  
9 postponing. Well, they haven't voted on the motion yet.

10 UNIDENTIFIED SPEAKER: (Off mike.) How can you  
11 not take public comment --

12 CHAIR FERRARO: Commissioner Gonzales?

13 COMMISSIONER GONZALES: Yes. There has been a  
14 motion and second. There has been discussion.

15 Call the question.

16 CHAIR FERRARO: I'm calling the vote.

17 COMMISSIONER GONZALES: Yes.

18 You got to do a roll call. You got to --

19 CHAIR FERRARO: Commissioner Solis?

20 COMMISSIONER GONZALES: Oh, I am in favor. I'm  
21 sorry. Going this way? I'm in favor, yes.

22 COMMISSIONER SOLIS: Yes.

23 CHAIR FERRARO: Yes.

24 Commissioner Maas?

25 COMMISSIONER MAAS: Yes.

1 COMMISSIONER MITCHELL: No.

2 COMMISSIONER ALFIERI: Yes.

3 CHAIR FERRARO: Item is postponed until the  
4 December 12th meeting.

5 COMMISSIONER MAAS: Anybody that wants to speak  
6 on this will have an opportunity at public comment. There  
7 is not -- there's not an agenda item to comment on.

8 CHAIR FERRARO: Item Number 22, discussion and  
9 action by the Board on the Application for License to  
10 Conduct a Horse Racing Meeting of the Los Alamitos Quarter  
11 Horse Racing Association.

12 EXECUTIVE DIRECTOR BAEDEKER: So are we moving  
13 both 20 and 21?

14 CHAIR FERRARO: Yes. We are moving 20.

15 EXECUTIVE DIRECTOR BAEDEKER: So what about 21?

16 CHAIR FERRARO: We haven't been asked to  
17 postpone that one, have we?

18 EXECUTIVE DIRECTOR BAEDEKER: No.

19 CHAIR FERRARO: So 21 is what we are talking  
20 about right now.

21 EXECUTIVE DIRECTOR BAEDEKER: Yeah. I thought  
22 you went to 22.

23 CHAIR FERRARO: No, no.

24 Discussion and action by the Board regarding  
25 allocation of 2020 Southern California quarter horse

1 dates.

2 Excuse me. Maybe I did read the wrong one.

3 COMMISSIONER MAAS: It's being moved to 24. The  
4 same -- they will be taken together.

5 EXECUTIVE DIRECTOR BAEDEKER: Do we have a  
6 representative from Los Alamitos? I don't believe --  
7 Staff, I don't believe we have gotten a formal request for  
8 night-time quarter horse racing dates from Los Alamitos;  
9 is that correct?

10 Rick, you want to just come up and address the  
11 issue?

12 MR. ENGLISH: Yes. Rick English representing  
13 Los Alamitos Quarter Horse Racing Association.

14 I believe the dates were approved at the October  
15 Racing Dates Committee. They discussed and approved the  
16 dates at the October meeting of the Racing Dates  
17 Committee.

18 EXECUTIVE DIRECTOR BAEDEKER: Oh, okay. That  
19 was -- was that Dino Perez that --

20 MR. ENGLISH: Yes.

21 EXECUTIVE DIRECTOR BAEDEKER: -- that spoke?

22 MR. ENGLISH: I believe -- yes, I believe so.

23 EXECUTIVE DIRECTOR BAEDEKER: Okay. Dino was  
24 there. That's correct.

25 All right. So -- and I believe that the

1 Race Dates Committee, the traditional dates, if you will,  
2 were requested of the Board?

3 MR. ENGLISH: That's correct.

4 EXECUTIVE DIRECTOR BAEDEKER: Was there any  
5 other information, any changes to the traditional dates  
6 that were mentioned at the Race Dates Committee?

7 I apologize for not remembering.

8 MR. ENGLISH: No, they are not.

9 EXECUTIVE DIRECTOR BAEDEKER: Okay.

10 MR. ENGLISH: I believe it's -- the racing  
11 dates --

12 EXECUTIVE DIRECTOR BAEDEKER: I'm sorry. It  
13 actually says it in the Staff analysis. I apologize for  
14 that. It says that the committee meeting, Los Alamitos  
15 requested the following traditional quarter horse dates,  
16 December 27 through December 20.

17 And my mistake. I apologize.

18 MR. ENGLISH: No problem.

19 CHAIR FERRARO: Does it require a motion to  
20 adopt?

21 COMMISSIONER MAAS: Move.

22 COMMISSIONER ALFIERI: Second.

23 CHAIR FERRARO: Commissioner Alfieri?

24 COMMISSIONER ALFIERI: Yes.

25 CHAIR FERRARO: Commissioner Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIR FERRARO: Commissioner Maas?

3 COMMISSIONER MAAS: Yes.

4 CHAIR FERRARO: Yes.

5 Commissioner Solis?

6 COMMISSIONER SOLIS: Yes.

7 CHAIR FERRARO: Commissioner Gonzales?

8 COMMISSIONER GONZALES: Yes.

9 EXECUTIVE DIRECTOR BAEDEKER: I'm sorry. We did  
10 have -- the race dates item, the individual that asked to  
11 speak on Number 20, you will have that opportunity when  
12 the race dates are discussed under Number 24.

13 CHAIR FERRARO: We're on 22?

14 EXECUTIVE DIRECTOR BAEDEKER: Twenty-two now.

15 CHAIR FERRARO: Twenty-two is discussion and  
16 action by the Board on the Application for License to  
17 Conduct a Horse Racing Meeting of Los Alamitos Quarter  
18 Horse Racing Association at Los Alamitos Race Course,  
19 commencing dates to be determined.

20 MR. ENGLISH: Rick English, again, for Los  
21 Alamitos Quarter Horse Racing Association.

22 Our application requested approval to race  
23 through December 20, 2020 through -- I'm sorry  
24 December 27, 2019 through December 20, 2020, 151 days,  
25 just like this year.

1           Our purse schedule -- overnight purses are  
2 comparable to current year and plan to have the same  
3 racing schedule.

4           In terms of the open items listed by the Staff,  
5 one of them was the ADW agreements. We couldn't execute  
6 those until our racing -- our specific race dates were  
7 approved, and we now have the contracts out for signature  
8 and expect to have them back within a few weeks -- well  
9 before the start of the meet.

10           The other item was the horsemen's approval for  
11 ADW providers, and we do have an agreement with the  
12 horseman. That item -- I suppose that would be resolved  
13 before the meet starts.

14           I will be happy to answer any questions you  
15 might have.

16           CHAIR FERRARO: Any questions from the Board?

17           COMMISSIONER MAAS: So moved.

18           CHAIR FERRARO: Second.

19           EXECUTIVE DIRECTOR BAEDEKER: Can I ask one  
20 question on the motion here?

21           Is the motion contingent on receipt of the  
22 outstanding items?

23           CHAIR FERRARO: Correct.

24           MR. ENGLISH: Yes.

25           EXECUTIVE DIRECTOR BAEDEKER: And we should have

1 those items -- what is a reasonable date for that?

2 MR. ENGLISH: December 4th -- December 10th.

3 EXECUTIVE DIRECTOR BAEDEKER: December 10th.

4 All right.

5 CHAIR FERRARO: Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR FERRARO: Commissioner Mitchell?

8 COMMISSIONER MITCHELL: Yes.

9 COMMISSIONER MAAS: Yes.

10 CHAIR FERRARO: Yes.

11 Commissioner Solis?

12 COMMISSIONER SOLIS: Yes.

13 CHAIR FERRARO: Commissioner Gonzales?

14 COMMISSIONER GONZALES: Yes.

15 CHAIR FERRARO: Item Number 23, and we are going  
16 to take Item Number 20 -- Item Number 20 at the same time;  
17 is that correct?

18 COMMISSIONER MAAS: No. Twenty-four.

19 CHAIR FERRARO: Twenty-four. Okay.

20 Discussion and action by the Board regarding the  
21 approval of an agreement, pursuant to CHRB Rule 1581,  
22 Racing Secretary to Establish Conditions, between Los  
23 Alamitos Quarter Horse Racing Association and the Pacific  
24 Coast Quarter Horse Association, regarding entry  
25 conditions and specified drug substances or medications to

1 be implemented by the LAQHRA at its dates to be determined  
2 race meeting at the Los Alamitos Racetrack.

3 MR. ENGLISH: Rick English for Los Alamitos  
4 Quarter Horse Racing Association.

5 We have an agreement on principle with the  
6 Pacific Coast Quarter Horse Racing Association, which we  
7 will present before the next -- the next Board meeting.

8 EXECUTIVE DIRECTOR BAEDEKER: On 1581?

9 MR. ENGLISH: Yes.

10 CHAIR FERRARO: Dr. Arthur.

11 DR. ARTHUR: Dr. Arthur, Equine Medical  
12 Director.

13 I would like to point out that there is no  
14 mandatory 14-day stand-down for intra-articular  
15 injections in this agreement. I know it has been a major  
16 issue for quarter horsemen, but I think it is  
17 disappointing that they have not proposed that in this  
18 agreement.

19 CHAIR FERRARO: Comments from the Board?

20 MR. ENGLISH: I would like to introduce  
21 Dino Perez from Pacific Coast Quarter Horse Racing.

22 MR. PEREZ: Yes, Dr. Arthur is right. We don't  
23 have the 14-day stand-down. We have been operating like  
24 that. If that's something that the Board would want us to  
25 pursue, I would have to go to my board, if I could have

1 until the next meeting to discuss it with them.

2 COMMISSIONER MAAS: I'm not sure we should give  
3 you a choice. I think, in my views, we should make it an  
4 addition. So you can tell your board they will have to  
5 accept it.

6 COMMISSIONER MITCHELL: Yeah. I agree.

7 CHAIR FERRARO: Everybody agree?

8 Motion is we --

9 EXECUTIVE DIRECTOR BAEDEKER: Table it.

10 CHAIR FERRARO: -- table it until we get  
11 evidence on the 14-day stand-down.

12 We have a second?

13 COMMISSIONER ALFIERI: Second.

14 CHAIR FERRARO: Commissioner Alfieri?

15 COMMISSIONER ALFIERI: Yes.

16 CHAIR FERRARO: Commissioner Mitchell?

17 COMMISSIONER MITCHELL: Yes.

18 CHAIR FERRARO: Commissioner Maas?

19 COMMISSIONER MAAS: Yes.

20 CHAIR FERRARO: Yes.

21 Commissioner Solis?

22 COMMISSIONER SOLIS: Yes.

23 CHAIR FERRARO: Commissioner Gonzales?

24 COMMISSIONER GONZALES: Yes.

25 MR. ENGLISH: Thank you.

1 CHAIR FERRARO: Thank you.

2 Now we take 20 and 24 together; is that correct?

3 EXECUTIVE DIRECTOR BAEDEKER: That's correct.

4 CHAIR FERRARO: Okay. Discussion and action by  
5 the Board regarding allocation of 2020 Northern California  
6 dates and the report from the Dates Committee.

7 COMMISSIONER MAAS: Mr. Chair, if I could give a  
8 brief report on the Race Dates Committee, although our  
9 Chairman is no longer here, so I will do my best to fill  
10 her rather large shoes.

11 As has been typical of my time on the Board, the  
12 Race Dates Committee was like a day at the beach once  
13 again. I really encourage all of you to volunteer for the  
14 Race Dates Committee because it is so much fun every year  
15 going through this because they always seem to end up in  
16 the same place. So I welcome this.

17 Once again, we reached a place, frankly, without  
18 agreement, and we had said to our respective constituents  
19 here that if you didn't come to us with something, we were  
20 going to dictate something, and I think that's where we  
21 are today.

22 I understand there may have been some  
23 discussions and negotiation and attempt to find a  
24 resolution so you could present something to us. I  
25 don't -- I'm not sure that is in fact happening. And so

1 under those circumstances I -- I think we are prepared or  
2 I'm certainly prepared to make a recommendation, but I am  
3 happy to hear from any and all of you.

4 MR. SWARTZLANDER: Larry Swartzlander, Executive  
5 Director of CARF.

6 I just want to -- you got all the details. I  
7 sent everybody a point paper, and we have regurgitated  
8 this. This is my twentieth year that I have sat in front  
9 of you about dates. It's something that we would like to  
10 solve. And I just want to make seven quick points, and I  
11 will turn it over if any of the fair managers would like  
12 to make a comment.

13 COMMISSIONER MAAS: I'm not sure seven and quick  
14 is exactly an -- it's an oxymoron, but go ahead.

15 MR. SWARTZLANDER: It's just a summary that, you  
16 know, we agree we must provide somewhere in the North for  
17 horsemen to base. That's Golden Gate. Our proposal does  
18 that. You know, we're providing 2 percent money to keep  
19 Golden State open and keep the horsemen there.

20 Also must consider horse racing is a continuum  
21 in California. All major sports have a double A, Triple  
22 A, single A. But we have got Humboldt, we have got the  
23 fairs, we have got Golden Gate, we have got Del Mar, Santa  
24 Anita, Los Alamitos.

25 We got to have this continuum -- we are the only

1 state that runs racing without subsidies. We've survived.  
2 We have done a good job at it.

3 We must -- we got to provide a long-term  
4 structure. Give me three years so that we can know where  
5 we are going so that internally we can fix things, fix the  
6 things at Santa Rosa, work with Golden Gate to make things  
7 better. Again, provide a playing field that's even. The  
8 overlap doesn't allow that.

9 Fairs and Golden Gate, both must sacrifice. The  
10 sacrifices in this proposal are we are putting up \$809,000  
11 for stabling, and Humboldt and Golden Gate is giving us  
12 one week on overlap with Humboldt. Under this structure,  
13 it gives us time both to improve, to work hand in hand  
14 with each other, and make ourselves better.

15 COMMISSIONER MAAS: So -- but I'm assuming that  
16 since that's your proposal that that is going to be  
17 acceptable to Golden Gate. And if it's not acceptable to  
18 Golden Gate, then are you prepared to go back to your  
19 default proposal, which is that you would be doing all the  
20 stabling yourselves among the various fairs?

21 MR. SWARTZLANDER: That is an option, yes.

22 COMMISSIONER MAAS: Well, okay. Then we should  
23 probably hear from the Golden Gate people because I have  
24 got a comment to make about that.

25 Is somebody here from Golden Gate just to

1 comment on that? Because I want to just make sure that's  
2 taken off. If it's off the table, it's off the table. I  
3 don't want to -- I don't think it's fair for us to be  
4 considering it.

5 MR. BUTLER: Yeah. Unfortunately, Larry made a  
6 good point about the lack of subsidies, that we do not  
7 feel that it is right for Golden State to pick up the lack  
8 of subsidies and subsidize the fairs. It does cost --  
9 we're not looking for any profit on any stabling. In  
10 fact, we are not even looking to break even, but we can't  
11 take a huge loss for the sake of everybody else.

12 So at the moment the week unoverlapped creates a  
13 huge problem -- creates an issue for the purse account in  
14 Northern California of which they aren't particularly  
15 bouyant anyway as they are in the South. As much as -- if  
16 it was a different year and things were good and the purse  
17 accounts were healthy, it would be a different  
18 conversation. Unfortunately they are not, and we are  
19 unable to come to an agreement on what makes sense for  
20 both sides.

21 So currently, we would prefer -- and really  
22 would make a lot of financial sense for not just the  
23 Northern side of things but even for the South where they  
24 benefit from different quality racing that works better  
25 across the country from a simulcast standpoint -- that

1 both weeks be overlapped so the public, the betting  
2 public, can have choices of what they bet.

3 COMMISSIONER MAAS: Thank you.

4 Okay. You have other folks that want to --

5 MS. BARTLING: Becky Bartling, Sonoma County,  
6 Wine Country Racing.

7 You know, this is every year we come back, and I  
8 know it's painful for you, it's painful for all of us.  
9 And I hate being in a position where I fight with other  
10 fairs, but I do want to give a huge, huge shout-out to  
11 Jerome in Pleasanton.

12 During the recent fires, the Kincaid fires, we  
13 had over 700 animals at the fair grounds. We had about  
14 1000 people. We had 5000 Cal firemen that were on our  
15 property. Monday -- Sunday morning around 4:00 o'clock in  
16 the morning, I got a call from the County OAS that  
17 basically said you need to find a contingency plan to get  
18 all those people and all those animals off the  
19 fairgrounds.

20 So we got together for about 20 minutes and said  
21 we have got to start turning people away as we were still  
22 bringing animals in. We have got to turn them away.

23 And I called Jerome. I woke him up, probably,  
24 like, 4:30 -- here you go, 4:22 -- and without hesitation  
25 he said yes, send them down.

1           So although we fight over these dates and we  
2 have, you know, some animosity towards it, when it comes  
3 together, fairs support each other. And I think that's a  
4 very important thing that everybody needs to understand,  
5 is that we do support each other and we are there to help  
6 each other out.

7           (Applause.)

8           COMMISSIONER MAAS: Thank you.

9           MS. BARTLING: So at the Dates Committee last  
10 month in Sacramento, we presented a proposal to run after  
11 Pleasanton in 2020. A comment was made by the  
12 commissioners that they did not want to play musical  
13 chairs, and I appreciate that.

14           As there are several new members to the Board, I  
15 prepared a little history lesson which shows we have  
16 actually been playing musical chairs for years.

17           In 2005, Santa Rosa completed its turf track  
18 project and added turf racing to the summer fair circuit  
19 with two weeks of racing from July 27 to August 8. And in  
20 that same year, Cal Expo State Fair exited CARF and hosted  
21 harness racing instead of thoroughbred racing and did the  
22 same for 2006 and 2007.

23           In 2007, Santa Rosa had a combined meet with the  
24 Solano County Fair. Santa Rosa hosted one week of  
25 Solano's race meet prior to Santa Rosa's two weeks of

1 racing, all running during the fair for a combined 18 days  
2 of racing July 18 to August 6.

3 In 2008, all fairs went back to their standard  
4 two-week meets and State Fair joined back with CARF and  
5 assumed their tradition race dates at the end of August  
6 through Labor Day.

7 In 2009, Pleasanton added Solano's first week to  
8 give them 15 days of racing.

9 2010, both Pleasanton and Santa Rosa had three  
10 weeks of racing with Santa Rosa dates of July 28 through  
11 August 15.

12 Santa Rosa's third week came from San Mateo.  
13 The Solano County Fair ended their live racing that year.  
14 State Fair moved into July, taking the two-week slot  
15 previously held by Solano. That caused Santa Rosa's first  
16 week of fair overlap with straight State Fair.

17 From 2011 to 2014, Santa Rosa continued to run  
18 three weeks with 15 days of racing during the fair.  
19 Pleasanton also had three weeks of racing but only ran 13  
20 days of racing for several years.

21 The CHRB granted the California State Fair a  
22 third week of racing in 2015. This pushed Santa Rosa  
23 further into August and butting up against the school  
24 year. The Santa Rosa dates were already set by the time  
25 the decision was made the Santa Rosa was forced to run

1 their fair without racing for the first week, have two  
2 weeks of racing with the last two weeks of fair, and then  
3 run one week of racing after the fair had ended.

4 In 2016, the race dates stayed on the same  
5 schedule.

6 In 2017, the CHRB granted Pleasanton's request  
7 to run a week after the 4th of July, which pushed Santa  
8 Rosa completely into August, with only one option for  
9 carnival, which could only operate the first two weeks in  
10 August, Santa Rosa was forced to drop from three weeks to  
11 two weeks. Running a fair the last week of July without a  
12 race meet and then two weeks in August with a carnival, as  
13 was done in 2015 and 2016, was no longer an option as  
14 Santa Rosa's previous carnival operator bid on another  
15 fair for those dates.

16 With that, Sonoma's attendance went from 273,000  
17 in 2016 to 223,000 in 2017 due to cutting back to a  
18 two-week fair.

19 Initially, for the 2018 -- 2018 race meet, the  
20 CHRB granted Sonoma the week -- last week in July and the  
21 first two weeks in August. Due to the inability of Sonoma  
22 to contract with a carnival for the three weeks of the  
23 race meet, the CHRB gave the last week in July back to  
24 State Fair.

25 Additionally, Pleasanton was granted a fourth

1 week of racing, and Santa Rosa's third week was granted to  
2 Ferndale, with Ferndale running unoverlapped that first  
3 week.

4 So that was a huge hit to Santa Rosa -- or  
5 Sonoma and to Northern California racing. Commissions at  
6 Santa Rosa went from 1.2 million to 876,000, affecting  
7 purses as well.

8 In 2019, the same racing calendar was approved,  
9 but this time Golden Gates was in Santa Rosa's third-week  
10 slot along with the Humboldt County Fair in full overlap  
11 with Golden Gate.

12 Santa Rosa continues to have the highest  
13 averages for both daily and generated purses and is the  
14 only Northern California fair with a turf track. Although  
15 we had some challenges in the quality of our turf track in  
16 2019, we have implemented efforts to ensure it will be in  
17 top shape for 2020, and we will continue to pursue a very  
18 quality race meet.

19 Strongly -- we strongly feel the entire racing  
20 calendar needs to be revised to support turf racing,  
21 keeping in mind that the two turf tracks should not be  
22 running back to back with a seven-week gap in turf racing.

23 The best for the industry would be to have  
24 Golden Gate run with a turf track, Pleasanton run, then  
25 Sonoma with its turf track, followed by State Fair and

1 then back to Golden Gate with a turf track. That's the  
2 proposal that we submitted in the Dates Committee last  
3 month.

4 Subsequent to the October dates, both meeting --  
5 both Pleasanton and State Fair have announced that their  
6 fair dates will be the dates presented in the CARF  
7 proposal. This is, again, for Santa Rosa to accept the  
8 dates, pushing us into the school year from August 5 to 16  
9 as a result of our carnival being the same carnival as  
10 Pleasanton and State Fair.

11 This is the only option, unless the Board votes  
12 to accept Sonoma's date request following Pleasanton.  
13 However, given that we are already at the end of November  
14 and our youth livestock exhibitors have already arranged  
15 to purchase animals that are bred based on the fair dates  
16 of 2019, our proposal following Pleasanton in 2020 is a  
17 nonstarter.

18 So we are just hopeful that we can really start  
19 having meaningful discussions about what is best for horse  
20 racing in Northern California, as well as consider the  
21 significant impacts regarding changes that benefit one  
22 fair but have significant financial impacts to another  
23 fair.

24 We have estimated that by having one week of our  
25 two-week fair during the first week of school, we'll have

1 an impact of over \$500,000. Additionally, with all of the  
2 power shutoffs that continue to happen, and happened this  
3 week -- we have had the fires with PGE turning them off --  
4 school is losing more and more dates and that's going to  
5 push school back farther. So we're at a point now where  
6 there really is no option other than what CARF's  
7 presented.

8 COMMISSIONER MAAS: Becky, just -- I had asked  
9 you after the Sacramento meeting, and you may have done  
10 this and I just missed it, but did you -- I asked you to  
11 prepare a work plan, a timeline, and a budget of what has  
12 been done in the last five years on the turf course.

13 Did you ever send that to me?

14 MS. BARTLING: I'm sorry. I did -- I didn't  
15 understand you to say for the last five years. I know you  
16 wanted a budget.

17 COMMISSIONER MAAS: A budget, time, and work  
18 plan issue. What's been done.

19 MS. BARTLING: Okay. Well, I can work on that  
20 for the five-year --

21 COMMISSIONER MAAS: Did you send anything for  
22 the last year or two years?

23 MS. BARTLING: Well, what we put together -- and  
24 I'm sorry, I left it on my desk when I ran out last night.  
25 We had put between the time that the race meet ended this

1 year and the time that we will open up this coming year in  
2 2020, we will put over \$146,000 into the turf tracks  
3 specifically, regarding labor, materials, modifying the  
4 irrigation system, you know, the top dressing that goes  
5 in, and consultants that are there. So we are very  
6 confident that it will be in good shape.

7 COMMISSIONER MAAS: Okay. Any other --

8 COMMISSIONER SOLIS: What's the timeline on  
9 getting the grass course all ready before racing? How  
10 long prior to racing you start working on it?

11 MS. BARTLING: We're working on --

12 COMMISSIONER SOLIS: It looked very, very dead  
13 to me watching the races this year.

14 MS. BARTLING: We're working -- we've been  
15 working on it since the day the fairs was over in August.  
16 So we're working on it every day. We have a watering  
17 plan, a mowing plan, you know, a soil amendment, the  
18 irrigation. We have a consultant that's working with us,  
19 turf consultant. So it's ongoing. We have somebody  
20 that's dedicated to that recently.

21 COMMISSIONER MAAS: But -- sure. Go ahead.

22 MR. BUTLER: I understand -- sorry, Aidan  
23 Butler representing Golden Gate Fields.

24 I understand this is an ongoing and has been  
25 ongoing for a few years. And, again, I think there's a

1 few new commissioners and also, I have only been on the  
2 job about four months. So there's a lot of take in there.

3 I would be quite interested, if it would be okay  
4 with the Commission, to have a representative of TOC and  
5 the CTT, who it truly impacts, at least give some comment  
6 on that, if that would be okay.

7 COMMISSIONER MAAS: Sure. I also think  
8 Commissioner Mitchell has some --

9 COMMISSIONER MITCHELL: No. I'm fine. Let's  
10 get the other comments in.

11 MR. MORGAN: I'll take the mike. Jim Morgan,  
12 Humboldt County Fair.

13 First, let me start by thanking the  
14 commissioners, past and present, for your service  
15 grappling with these issues, these critical important  
16 multi-faceted issues are not easy. As you put it, it's  
17 not fun to deal with the dates year in and year out, but  
18 it's your resolve to implement the reforms and the  
19 protections for the horses, the jobs, the people that work  
20 for this industry, and the racing that deserves  
21 appreciation and respect.

22 With respect to preserving racing, I don't -- I  
23 know that most of you have never been to Humboldt County  
24 Fair, have never seen racing at Ferndale live. I hope  
25 most of you were able to read the recently published

1 article about "Escape to Ferndale, Racing The Way It's  
2 Meant To Be."

3 Our theme is escape from overlap to preserve  
4 racing the way it's supposed to be. We would like to have  
5 our entire two-week meet six days without overlap. We  
6 would have to follow Santa Rosa for the horse population.  
7 I understand the current scheme is for Santa Rosa to end  
8 on the 16th of August. Therefore, we would be looking for  
9 our two weeks to begin on August 20th to the 30th.

10 With the horse population in decline, no one  
11 disputes that. Racing overlap makes no sense whatsoever.  
12 We don't have enough horses to do that. What it does is  
13 it blocks the Humboldt County Fair from receiving what all  
14 other race meets receive, which is access to host status.

15 Why is that important? Because racing costs  
16 money. We are a proud member of CARF. CARF has fixed  
17 expenses. Every track pays the same per race day. Every  
18 track in this state, other than Humboldt County, has  
19 access to the host fees throughout their race meet.  
20 That's what we use to pay for the cost of racing. We pay  
21 the same cost per day as every other fair and the track.  
22 And it's important that we do that.

23 The people in Humboldt County, according to the  
24 article and according to the real life, love the racing.  
25 The stands are full. There's about 6,000 people a day

1 there. It's got 125 year of tradition of live racing,  
2 carrying it up to the top portion of the state, the only  
3 racing venue up there. And, more importantly, to the  
4 130,000 people that live in Humboldt County, it brings  
5 \$8 million of revenue to the businesses, the restaurants,  
6 the hotels, and the giftshops and the other businesses in  
7 Humboldt County.

8 But don't take my word for it that racing in  
9 Humboldt deserves to be without overlap in August. I hope  
10 you had a chance to look at the pictures of the  
11 grandstands. They are full.

12 Contrast that to the August date weekdays at  
13 Golden Gate Fields where they are not so full. Now,  
14 Golden Gate remains a very important critical anchor asset  
15 to racing in Northern California, and they have a  
16 symbiotic relationship with CARF and the other racing  
17 fairs. Golden Gate Fields appropriately and respectfully  
18 does not seek to overlap any other fair. Therefore, they  
19 have access to host status. Therefore, they have access  
20 to pay their costs.

21 Golden Gate Fields will not miss six days in  
22 August. It's not critical to their survival.

23 What has Humboldt County done to deserve your  
24 consideration for racing without overlap? Well, we have  
25 managed to reroof all our stalls. We have managed to put

1 in a new rail with the help of CARF. We add new owners  
2 every year. This year we added 86 new owners. Many of  
3 them continued ownership interests as they move on to  
4 other -- to Fresno and other venues.

5 We bring in out-of-state horses from Oregon and  
6 Washington and other places. We've made improvements to  
7 the facilities, the winner's circle, the walking ring.  
8 And we have also increased our sponsorship to a record of  
9 300,000, which doesn't sound like much, but in a county of  
10 130,000 people, it's a significant resolve to part ways  
11 with other fairs that have fallen by the wayside --  
12 Stockton, Vallejo, to name a few.

13 The people up there love their wild -- their  
14 live racing. It's memorialized beautifully in that  
15 article in the California Thoroughbred Magazine, and they  
16 deserve to go without overlap.

17 After 125 years, Humboldt County has earned and  
18 deserves to race without overlap, particularly with this  
19 horse population crisis. And we appreciate your vote in  
20 that regard.

21 MR. ALEXANDER: Nick Alexander, TOC.

22 I think this is one of those situations where a  
23 successful conclusion to this negotiation will make no one  
24 happy. Everybody is going to be unhappy with the result.  
25 But the best result, we think, from the TOC standpoint,

1 which recognizes the stabling at Golden Gate is key to  
2 keeping horses in California, and to keep Golden Gate open  
3 all year, they have agreed to take less than they usually  
4 get for that.

5           And the other issue is total purse generation.  
6 And with Golden Gate open, opposed with Humboldt, makes a  
7 lot more money overall for Northern California than if  
8 Humboldt runs unopposed. So the TOC endorses Golden Gate  
9 agreeing to take the 2 percent in exchange for staying  
10 open opposed.

11           Any questions on what I just said?

12           COMMISSIONER MAAS: The question would be Golden  
13 Gate -- I think they have already commented that's not  
14 acceptable to them.

15           MR. BUTLER: If we are able to -- I would love  
16 to see a resolution to this. We got a lot of issues, and  
17 I have tried to do that. If we can run and remain to run  
18 alongside Humboldt so there is -- we are overlapped, for  
19 this year we would be prepared to take the 2 percent to  
20 cover the stables, but only in the instance that we were  
21 able to run and keep the horsemen and the horses in the  
22 place that they are used to be living for the rest of the  
23 year. It creates a lot more stability for the industry,  
24 but we would only be able to do it if we could run as well  
25 as Humboldt.

1           COMMISSIONER MAAS: Which is different than what  
2 you said earlier, if I'm not mistaken.

3           MR. BUTLER: The only other way -- sorry,  
4 Commissioner.

5           Earlier on I made the point that if we were to  
6 not be -- if we weren't able to run alongside --

7           COMMISSIONER MAAS: Right.

8           MR. BUTLER: -- then I wouldn't be able to do  
9 anything with the stabling. Even with this, if it's a  
10 deal --

11          COMMISSIONER MAAS: Okay.

12          MR. BUTLER: -- unfortunately, it's still -- we  
13 are still actually subsidizing the fairs. It doesn't even  
14 cover what it costs us just to keep the place open. But  
15 we are prepared to do it to help the industry.

16          CHAIR FERRARO: Alan.

17          MR. BALCH: First of all, I just wanted to  
18 clarify --

19          CHAIR FERRARO: One second. Let Mr. Balch put  
20 his two cents in.

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

23          Briefly, we support Mr. Alexander's comments  
24 and, regrettably, we do believe that there needs to be the  
25 overlap. That's what optimizes the purse account, and we

1 are looking at California racing as a whole. We think  
2 that's very important.

3 Thank you.

4 CHAIR FERRARO: Larry.

5 MR. SWARTZLANDER: Yeah. I just want to clarify  
6 when Nick when talking. I attended the board meeting at  
7 TOC, and I thought it was very clear that they supported,  
8 number one, the 2 percent for stabling but they also  
9 supported the one week unoverlap for Humboldt.

10 COMMISSIONER MITCHELL: The what?

11 MR. SWARTZLANDER: And the situation -- if we  
12 don't get unoverlap at Humboldt, you know, we don't  
13 support the 2 percent.

14 COMMISSIONER MAAS: Well, you are about to  
15 get -- you are about to accept something because it's  
16 going to happen.

17 MR. SWARTZLANDER: I understand that.

18 And, you know, Aidan, we talked this morning  
19 that, you know, we don't let -- it's like he gets his or  
20 we get ours, because that pushes the next button as to  
21 what are we going to do with the stabling situation.

22 And as I said very clearly, we want to support  
23 keeping Golden Gate open. And we talked about you could  
24 keep Golden Gate open, you know, and close some of your  
25 stalls and move them over to Pleasanton and start a

1 cleanup on the backside, and we can work together on this.  
2 But still, I can't -- I'll take a \$400,000 hit if I have  
3 Humboldt overlap with Golden Gate. It's the same  
4 situation that Aidan faces.

5 MR. PICKERING: Honorable Chair, Committee  
6 Members, Rick Pickering, California State Fair.

7 First of all, thank you for taking all this  
8 very similar testimony at your last meeting at Los  
9 Alamitos back on September 19th. I'm not sure you have  
10 heard much new today. Also, thank you for traveling up to  
11 Sacramento for the Dates Committee and the commissioners  
12 that made it up to actually sit in the audience and listen  
13 on October 19th. Again, you heard much of these same  
14 histories and reiterations, et cetera. An awful lot of  
15 debate, et cetera.

16 This morning, I felt we were very, very close;  
17 so my comments to some commissioners that it seemed like  
18 we were close, it seemed to me from my notes, and I asked  
19 some folks at Golden Gate Fields to verify the cost.

20 CARF with the -- felt we had Golden Gate Fields'  
21 conceptual support for one week of unoverlapped with  
22 Ferndale, and when it came to paying Golden Gate Fields to  
23 stay open and stable, CARF and Golden Gate Fields were  
24 \$116,000 difference.

25 So if we are in fact \$116,000 difference, and we

1 have taken up all of your time again, I do believe we can  
2 come to an agreement on \$116,000 between all parties,  
3 unless things have significantly changed since we all sat  
4 down this morning.

5 MR. BUTLER: Again, I realize this is -- there  
6 are far better things as an industry to be spending our  
7 time on.

8 The net, net of this truly is no one -- as we  
9 all know, the industry is in a downturn. We're working  
10 very hard -- no more so than the advice and support you  
11 guys are giving to get us there.

12 I cannot in all good faith look at a way where  
13 we subsidize to a huge amount of money the fairs. It just  
14 isn't palatable anymore and it isn't -- it's not even a  
15 financial standpoint. The business isn't doing well  
16 enough to do that.

17 We had talked earlier, and I had given a number  
18 which was still -- would mean Golden Gate is putting money  
19 in to keep the show on the road, as it were, and that  
20 number was a million dollars. There was a  
21 prenegotiation -- it's difficult. There's myself versus a  
22 bunch of fairs here. There was a million dollars. It was  
23 quickly prenegotiated to \$925, which obviously wasn't  
24 accepted.

25 So I think, for simplicity, as you've heard from

1 the TOC and the CTT -- and I'm taking advice from the  
2 horseman. I'm not -- this isn't a business transaction.  
3 I'm taking advice, what is best for the industry, what is  
4 best for the population. I would rather deal with the  
5 stabling after and really deal with the dates. I think  
6 that's a fairer way to understand that because trying to  
7 do a one-size-fits-all negotiation at this point seems to  
8 be futile.

9 MR. PICKERING: Mr. Chairman, might I say a  
10 couple words in rebuttal to Golden Gate Fields, TOC, and  
11 CTT position?

12 Where we are getting skewed in the debate here  
13 is these dates all belong to the CHRB. We're not taking  
14 from Golden Gate Fields, we're not taking from the  
15 industry, they belong to you, charged with the  
16 responsibility as the California Horse Racing Board to  
17 distribute them fairly and equitably and in a manner  
18 that's in the best interest of racing.

19 You cannot look at the stands and look at the  
20 support that Humboldt County gives their live race meet  
21 and say preserving that kind of positive public  
22 involvement and enthusiasm is contrary to the best  
23 interest of racing. And the pictures of the Golden Gate  
24 Fields during the same time is empty.

25 Now, you own those dates. We're not taking from

1 Golden Gate Fields. We're not taking a half million  
2 dollars. And I believe you have a responsibility to  
3 preserve the 125-year tradition of live racing and allow  
4 Humboldt the same opportunity that every other sanctioned  
5 race meet gets, which is access to host fees.

6 Now, in 2012, we had to deal with Chairman  
7 Brackpool where there was an agreement -- a side agreement  
8 to share the host fees so that we could both run. But  
9 Golden Gate doesn't have to do that and they don't want to  
10 do -- the only reason we would get host fees is if we ran  
11 without overlap, and I beseech you to preserve the  
12 Humboldt racing tradition.

13 COMMISSIONER MAAS: Thanks for that lecture  
14 about our responsibilities. I think we all appreciate  
15 that. And I think we all have the best interest of racing  
16 at heart. I just want to say -- I'm sorry.

17 CHAIR FERRARO: Josephine Goldberg.

18 MS. GOLDBERG: Oh, sorry --

19 CHAIR FERRARO: Okay. Go ahead.

20 COMMISSIONER MAAS: Just try to put this in  
21 perspective. You know, once again, it crystalizes what  
22 Vice Chairman Auerbach and I went through, because we are  
23 about where we were when we started. And no one is going  
24 to be happy about all this.

25 And I think I said at the last committee meeting

1 that the potential repercussions of this may be pretty  
2 dire. I want to make sure people all understand that. I  
3 mean, we are put in this difficult predicament, that if we  
4 mandate overlap at Golden Gate, they are going to -- you  
5 are going to take a \$400,000 loss, and if we don't, you're  
6 going to have to stable and van on your own.

7 And I will tell you, you know, that doesn't take  
8 Kreskin or a crystal ball to say that is going to be the  
9 beginning of the end of fair racing. I know it's easy for  
10 you to sit there because you have got fiduciary  
11 obligations to your fairs and you care about all that,  
12 but this is really about host fees and it's really about  
13 subsidizing your fairs. We should make no bones about it.  
14 It's not about racing. It's all these overlap issues are  
15 about simulcast. That's what this is about.

16 And the minute we move away from what has been  
17 the standard of having horses at Golden Gate, the minute  
18 we start moving horses from Pleasanton, moving horses to  
19 Sacramento, you are going to lose horses. And you are  
20 having a tough enough time filling cards at your fairs as  
21 it is. When horses start migrating to other places,  
22 whether it's to the South or whether it's to Oregon or  
23 whether it's to Washington, they ain't coming back. And  
24 so just because over \$400,000 or some game you may be  
25 playing among yourselves, the consequences for the long

1 term are dire.

2 And I said this before. I am prepared to accept  
3 the CARF dates and you go stable and van on your own, and  
4 I'm sorry, Golden Gate, about the overlap week, but you're  
5 going to have to go figure it out. But I promise you,  
6 it's going to be bad.

7 So I just want to make sure the Board all  
8 appreciates the consequences of what we are talking about  
9 here for them not being able to get together. I said we  
10 were going to have to make some tough decisions, and at  
11 least I am prepared to make a motion to do that, but it's  
12 not go to be without some pain.

13 So I don't know if any Board members have  
14 comments.

15 CHAIR FERRARO: Any other comments?

16 Do you want to make a motion?

17 COMMISSIONER MAAS: I make a motion to support  
18 the CARF dates and allow them to handle all the stabling  
19 and vanning on their own among the fairs.

20 CHAIR FERRARO: Have a second for that motion?

21 COMMISSIONER MITCHELL: So what does that mean  
22 to you guys? What does that motion mean?

23 MR. SWARTZLANDER: That means the CARF calendar  
24 would have one week on overlap --

25 COMMISSIONER MAAS: On overlap to Golden, that's

1 correct.

2 EXECUTIVE DIRECTOR BAEDEKER: But you wouldn't  
3 have any reciprocity stabling; right?

4 MR. BUTLER: I can assure you, we will be  
5 shutting --

6 COMMISSIONER MITCHELL: Hang on.

7 EXECUTIVE DIRECTOR BAEDEKER: Why don't you fill  
8 out a card --

9 MR. PICKERING: Mr. Chairman, I believe that  
10 CARF and Golden Gate Fields could work out a vanning and  
11 stabling -- I thought we were incredibly close this  
12 morning. I'm not sure what happened between then and now,  
13 but I do believe it's in the best interest of racing for  
14 Golden Gate Fields to be stabling during the summertime.

15 I take a complete exception to the concept of  
16 subsidization for a facility that's racing nine out of  
17 twelve months not to stay open to support horseman, and  
18 from the Fair's point of view, we had 68 live race days  
19 when Bay Meadows closed. We are down to 41 now.

20 I do believe the fairs -- it's in our interest  
21 and in racing's interest to keep Golden Gate Fields open  
22 in the summer. I do believe we can come to an agreement.  
23 I do appreciate that, and I believe this Board certainly  
24 appreciates that making a bold decision on dates helps all  
25 parties get back to the table and finish the deal.

1           COMMISSIONER MAAS: Well, we had the same  
2 position before. We could be going round and round. But  
3 the motion I just made is no subsidy to Golden Gate. You  
4 guys are all on your own. You may think you can figure it  
5 out, but I think you are being blind to what the realities  
6 are of being a horseman so --

7           MR. BUTLER: As unfortunate as it is, and I  
8 really understand the weight on the horsemen, there is  
9 some silver lining. I've been speaking to the executive.  
10 I think we can -- that place hasn't shut for over a  
11 decade. It's been open constantly. There's a lot of work  
12 that needs to be done back there. So we are going to look  
13 during the time it's shut to clean up, make it better for  
14 the -- a better environment for the horses that will be  
15 stabled there.

16           COMMISSIONER MITCHELL: So I would just add,  
17 again, my vast experience on this Board, I have attended  
18 the dates meeting and been the round, round on this. It's  
19 very frustrating, I guess, that you guys can't work  
20 something out -- right? -- that we can't do something that  
21 makes everyone happy.

22           I would like to see -- and obviously with the  
23 new Chair and Vice Chair and changing Board -- the Dates  
24 Committee look at a three-year, you know, time horizon for  
25 dates so we don't have this constant, you know, back and

1     forth.

2                   And I will say to you, Golden Gate, I mean, I  
3     think realistically having the fairs happy and racing is  
4     of maybe not a monetary financial value in this fiscal  
5     year but long term there is tremendous value to your  
6     business.

7                   So I need you to think about that as we are  
8     having these negotiations about \$116,000.  If the  
9     political support from the fair boards that, you know,  
10    have fairs in their communities falls apart because we  
11    can't get it together on \$116,000, or whatever the delta  
12    is, that's going to hurt horse racing in the state of  
13    California tremendously.  And I just -- I mean, I think  
14    that's where Fred was going as well.

15                  So I just want to put out that caution and say  
16    that I am recognizing it as we take this position, that  
17    it's dangerous, and we look like we are deck chairs on the  
18    Titanic instead of actually looking at substantive things  
19    we can do.

20                  MR. BUTLER:  Thank you.

21                  CHAIR FERRARO:  Heather Hyde.

22                  MS. HYDE:  I wanted to speak on this issue  
23    because I actually do live in Humboldt.  I moved from L.A.  
24    to run a nonprofit up there.  And I just ask that Humboldt  
25    County does not get any funding or help in the racetracks

1 up there. And Humboldt County has zero accountability for  
2 animal welfare culture.

3 There is so much crime and rampant drug use,  
4 coverups, and payoffs. It's one of the most corrupt  
5 little governments with lots of hard drugs and illicit sex  
6 trafficking.

7 Humboldt County doesn't have any ethics. They  
8 run rampant with their meat and dairy industry, mutton,  
9 rodeos, and animals are literally just for food. Their  
10 archaic backwoods mentality and backwoods -- they are  
11 hunters. All they do is live with their guns. It's  
12 seriously very dangerous.

13 Bronco Brown was put down at the track while  
14 people drink their beer and eat corn dogs. It's a bubble  
15 up there, and there's zero animal welfare and nobody up  
16 there wants to drive up to that bubble to see.

17 CHAIR FERRARO: Commissioner Maas, do you want  
18 to repeat your motion?

19 Please be quiet in the audience.

20 COMMISSIONER MAAS: Yes. My motion is to  
21 support the dates as presented by CARF. It would involve  
22 no overlap of the Humboldt dates with Golden Gate and that  
23 the fairs and CARF would be responsible for all stabling  
24 and vanning.

25 CHAIR FERRARO: I second the motion.

1 We have one more comment here. Terri Bingham.

2 MS. BINGHAM: My mother raced in this state for  
3 35 years. She died at the track in Pleasanton. They are  
4 talking about horses dying? Let's talk about my mother.  
5 All right? For real.

6 There are no vets at any of these state --  
7 so-called state fairs for high-speed works. How dangerous  
8 is that, horsemen in the room? Tell me, would you race  
9 your horses with no vets?

10 I called six vets when I had my horses at the  
11 track, and none of them were available. Not one.

12 Aidan's gesture is generous, but it will  
13 bankrupt Golden Gate. Texas just put up \$149 million to  
14 save horse racing there. The fairs can't even afford vets  
15 during works. Seriously?

16 Oh, and there's a vet that comes on the track  
17 three times a week and gives steroid injections, and no  
18 one can report it because if we do we have no one to race  
19 against. So we can't race safely at the fairs and it is  
20 taking away from horse populations. Thoroughbreds,  
21 quarter horses and Arabians that could race at the tracks  
22 that are going to be viable in this state, mainly, Del  
23 Mar, Santa Anita, and Los Alamitos, and maybe Golden Gate.

24 But we have got to take this horse population  
25 thing seriously, and the fairs don't have the money to do

1 this. I can't even rent a hot walker in Pleasanton for my  
2 horses, and you expect me to race there? Are you kidding?

3 Horsemen are leaving in droves. Nicole Rigeri,  
4 horseman, left for Delaware. She couldn't get a jockey,  
5 she couldn't get a rider, she couldn't get a hot walker,  
6 she couldn't get a vet. None of us can.

7 It's disastrous what's happening at these fairs,  
8 and I hope you close them down.

9 Thank you.

10 COMMISSIONER MAAS: I take it you are opposed to  
11 the race dates proposal by CARF?

12 MS. BINGHAM: Yeah. I would say with a dead  
13 mother I am, and I don't think Aidan or the Stronach Group  
14 should subsidize one dime.

15 CHAIR FERRARO: Okay. We have a motion on the  
16 floor. We are taking roll call vote right now.

17 COMMISSIONER MAAS: Hold on one second.

18 MR. BUTLER: Yeah, Commissioner, if I may.  
19 Again, I generally don't go off topic, but if that -- I  
20 don't know if any of that is true, of course. I do know  
21 that I moved here six months ago because I really thought  
22 I could make a difference. I didn't have to do this. I  
23 came here. I love the industry. I have been in it for  
24 three generations, and I know what we do at the Stronach  
25 Group tracks, and first-hand knowledge of Del Mar has made

1 a difference and will continue to make a difference.

2 I would really be quite interested as we are --  
3 as a board, and as you guys are advising us going forward,  
4 if the same sort of due care and the same sort of effort  
5 is being put into because I would personally have a  
6 problem if we were to come up here and sit in front of you  
7 every time talking about the health safety of the welfare  
8 of the horse and rider.

9 I just want to make sure that what I am -- what  
10 you guys are about to vote on, which is giving -- first  
11 clarification question.

12 Is it one week or two weeks on overlap? That  
13 would be the first question. One week?

14 COMMISSIONER MAAS: One week.

15 MR. BUTLER: I just want to make sure all of us  
16 are doing the right thing here. Because I know how much  
17 work and effort we're putting in to making sure that it's  
18 done as best as it can possibly be. And I would hate for  
19 any decision to be made by a collective group that wasn't  
20 actually taking that into account because I think it will  
21 all come back and bite us eventually.

22 CHAIR FERRARO: All right. Again, we have a  
23 motion for the Board.

24 Motion and a second.

25 UNIDENTIFIED SPEAKER: May I just request that

1 you actually read the actual dates that are being voted on  
2 so everyone knows the exactly -- exactly what's being  
3 voting on?

4 EXECUTIVE DIRECTOR BAEDEKER: The CARF proposal  
5 calls for Alameda County, fair at Pleasanton, to run from  
6 June 19, 2020 to July 12, 2020.

7 State Fair Cal Expo, July 17, 2020 through  
8 August 2, 2020.

9 Obviously, these are all 2020.

10 Humboldt County Fair, August 20 through  
11 August 30 with a note. The August 20 through August 23  
12 week will be unoverlapped. The August 28 through August  
13 30 week will be overlapped.

14 Then the Big Fresno Fair at Fresno is  
15 October 8th through October 18th.

16 Obviously, not included in the CARF proposal  
17 specifically but filling the gap in the proposal would be  
18 Santa Rosa running the two weeks between August 2nd and  
19 August 20. I don't have the calendar right in front of  
20 me.

21 Did I state that accurately?

22 That's the proposal that has been received from  
23 CARF, which is the subject of the motion.

24 CHAIR FERRARO: Mr. Alexander.

25 MR. ALEXANDER: Speaking on behalf of TOC and

1 the CTT.

2 All respect to Commissioner Maas, his motion is  
3 exact opposite of what we are requesting the Board do,  
4 which is maximize purse generation and keep horse  
5 population in Northern California. And by allowing it to  
6 go to the fairs, like somebody said, a lot of them don't  
7 come back.

8 The stabling at Golden Gate is better. They  
9 have the vets there that are as close to the new proposals  
10 of protocol than the fairs are. Somewhat still cowboy  
11 style out there.

12 And I think -- I think in your frustration that  
13 these people can't get it together, you are going exactly  
14 a hundred percent in the wrong -- in the wrong direction  
15 based on purse generation and a horse population.

16 Thank you.

17 COMMISSIONER MAAS: Mr. Alexander, I hear you.  
18 I heard you loud and clear. But we have limitations on  
19 what we can do. And what I can't do is force them to  
20 accept a deal they don't want to accept. That's --

21 MR. ALEXANDER: I think -- I think there is a  
22 deal here.

23 COMMISSIONER MAAS: Doesn't appear to be one  
24 with --

25 MR. BUTLER: Sorry, Commissioner Maas.

1           If the two -- if we ran overlapped, then the  
2     burden to our purse account, which is important, it's not  
3     about the financial profit of the Stronach Group. It's  
4     about -- as much about the purse account, how we can keep  
5     going and keep subsidizing.

6           So if we were to run overlapped, at least then  
7     there would be less of a burden and we can then come to an  
8     agreement on what that means to keep it open, a financial  
9     agreement to keep Golden Gate open during the time we  
10    don't necessarily need to be.

11           If the -- if it runs unoverlapped, there is no  
12    choice but to shut the place up. I think -- I understand  
13    the predicament you are in. But I would hope that for the  
14    greater good of the whole industry and not just a singular  
15    part of the industry -- and I understand that's -- it's  
16    tough; there's no easy answer here. But I would hope that  
17    for the greater good of horse racing in the whole of  
18    California you may reconsider and ask for that vote to be  
19    called upon running overlapped for both weeks.

20           COMMISSIONER MAAS: Well, the counter is that  
21    there may be another motion to accept the Golden Gate  
22    proposal, which would be overlapped. That one week would  
23    be overlapped at Humboldt as long as people what it's  
24    according to CARF. And, again, we have not vetted the  
25    numbers or audited this, about a \$400,000 loss to the CARF

1 account. So that's the choice we have.

2 CHAIR FERRARO: Rick.

3 EXECUTIVE DIRECTOR BAEDEKER: One of the issues  
4 that hasn't been addressed is the week that is -- with the  
5 different proposals -- not allocated.

6 The Golden Gate proposal has Golden Gate ending  
7 on June 7th. The CARF proposal has Pleasanton beginning  
8 on June 19th. There's a week of revenue there for  
9 someone. And with that additional -- with that additional  
10 revenue, perhaps the financial model relative to stabling  
11 might work.

12 Right now, that week has not been requested by  
13 anybody, I don't think.

14 MR. SINDLER: So under the Golden Gate proposal,  
15 we would go through the 7th, and then Pleasanton would  
16 start. So there's not a missing week.

17 So if the CARF calendar was accepted, we would  
18 run that week. So we would run one more week in June but  
19 then one week less in August.

20 EXECUTIVE DIRECTOR BAEDEKER: Okay. We have  
21 your application on the agenda for the next item.

22 MR. SINDLER: That's correct.

23 EXECUTIVE DIRECTOR BAEDEKER: And the proposal  
24 is to run through June 7.

25 MR. SINDLER: Right. So not to get into the

1 next agenda item, but that was based on Staff's  
2 recommendation. We had to submit an application without  
3 actually knowing the dates. So they said for us to use  
4 the dates that we had in 2019.

5 EXECUTIVE DIRECTOR BAEDEKER: So your  
6 supposition is that that week would automatically go to  
7 Golden Gate?

8 MR. SINDLER: Correct.

9 EXECUTIVE DIRECTOR BAEDEKER: But I don't think  
10 Race Dates Committee addressed this issue.

11 MR. SINDLER: Possibly submitted an application  
12 without knowing the dates --

13 MR. PICKERING: I think that was on our table  
14 this morning and we were close. So I'm not sure what  
15 happened between this morning and this afternoon.

16 COMMISSIONER MAAS: Well, I mean, look, you know  
17 where we are; right? I mean, we could -- you know what  
18 that the decision is, what we are prepared to do. I mean,  
19 everybody believes it's in the best interest of racing to  
20 figure something out at Golden Gate.

21 So you got a week to play with. If you want --  
22 I will withdraw my motion, if you want to come back. I  
23 won't be here but you want to come back in December and  
24 try and get it resolved --

25 EXECUTIVE DIRECTOR BAEDEKER: I can tell you

1 that there was discussion yesterday about leaving that  
2 week open. There's a break between Los Alamitos in the  
3 South and Del Mar opening in the South. And so the same  
4 thing was talked about yesterday. So I don't think there  
5 has been a supposition on the part of commissioners that  
6 I've chatted with that that week is automatically going  
7 one way or the other.

8 MR. BUTLER: Executive Director Baedeker, in the  
9 conversations we had had with -- I'm not sure about the  
10 conversation yesterday, but in the conversations we had  
11 had with the fairs, with CARF, in particular, that week  
12 was -- we had assumed that week was coming to us. That  
13 would be another week of less week of racing and in which  
14 case the overlap thing isn't even -- it's a total  
15 nonstarter for us.

16 EXECUTIVE DIRECTOR BAEDEKER: It should be clear  
17 my conversation was with the Chair.

18 MR. BUTLER: Oh, I'm sorry.

19 EXECUTIVE DIRECTOR BAEDEKER: No, no. Was with  
20 the Chair. We were talking about it yesterday and  
21 different scenarios that might be presented today.

22 MR. BUTLER: My misunderstanding.

23 There may be another little nugget of  
24 information I had learned. It's for the betterment of the  
25 industry that we run overlap because money is generated

1 for purses. Any side deal or perceived side deal that we  
2 do, the money doesn't go into purses.

3 It would be -- if we were just purely about the  
4 money, I would prefer that it was a stabling deal because  
5 that money goes directly to the company. That's not what  
6 I'm hoping for. I'm hoping that we do an overlap deal so  
7 the purse account can generate revenue too. It's not  
8 about the -- ending up in our pockets. It's about the  
9 betterment of Northern racing.

10 COMMISSIONER MAAS: Do you think you could work  
11 it out in the next month?

12 MR. BUTLER: Definitely got more chance than we  
13 have today.

14 CHAIR FERRARO: Want to withdraw your motion?

15 COMMISSIONER MAAS: Sure. I withdraw my motion.

16 MR. BUTLER: Thank you, Commissioner.

17 CHAIR FERRARO: All right. We'll table the  
18 matter until the meeting.

19 Is that an agreement with the commissioners?

20 EXECUTIVE DIRECTOR BAEDER: You probably ought  
21 to take a vote.

22 CHAIR FERRARO: Let's take a vote.

23 Make a motion to table this item until the  
24 December meeting.

25 Is there a second?

1 COMMISSIONER ALFIERI: Yes.

2 COMMISSIONER MAAS: Second.

3 EXECUTIVE DIRECTOR BAEDEKER: We did have one  
4 speaker that wanted to speak on it.

5 Maybe she already did.

6 CHAIR FERRARO: Commissioner Alfieri?

7 COMMISSIONER ALFIERI: Somebody want to speak?

8 CHAIR FERRARO: Table -- no.

9 COMMISSIONER ALFIERI: Yes. Yes to table.

10 COMMISSIONER MITCHELL: Yes.

11 CHAIR FERRARO: Maas?

12 COMMISSIONER MAAS: Yes.

13 CHAIR FERRARO: Yes.

14 Commissioner Solis?

15 COMMISSIONER SOLIS: Yes.

16 CHAIR FERRARO: Commissioner Gonzales?

17 COMMISSIONER GONZALES: Yes.

18 COMMISSIONER SOLIS: I think I have a solution.

19 I think we next time bring a few guns and do it the wild  
20 west.

21 CHAIR FERRARO: Aidan, don't -- don't get up  
22 yet.

23 We have Items 25 and 26.

24 Application for your -- Application to Conduct a  
25 Horse Racing Meeting of the Pacific Racing Association at

1 Golden Gate.

2 Twenty-six is Rule 1581.

3 Do you want to address those now or table them  
4 to December?

5 MR. SINDLER: Eric Sindler on behalf of Golden  
6 Gate Fields.

7 Respectfully, we don't have a racing calendar,  
8 we can't have an application.

9 CHAIR FERRARO: That's what I -- yeah.

10 MR. BUTLER: I would respectfully ask -- it  
11 makes probably better sense if we could table it as well.

12 CHAIR FERRARO: Yes. That's what we'll do.

13 COMMISSIONER MAAS: I make a motion to table 25  
14 and 26.

15 CHAIR FERRARO: Second.

16 Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Commissioner Mitchell?

19 COMMISSIONER MITCHELL: Yes.

20 CHAIR FERRARO: Commissioner Maas?

21 COMMISSIONER MAAS: Yes.

22 CHAIR FERRARO: Yes.

23 Commissioner Solis?

24 COMMISSIONER SOLIS: Yes.

25 CHAIR FERRARO: Commissioner Gonzales?

1 COMMISSIONER GONZALES: Yes.

2 CHAIR FERRARO: Do we have any other --

3 MR. BUTLER: Thank you. Thank you so much.

4 Appreciate it.

5 CHAIR FERRARO: Thank you.

6 We are now in the public comment section.

7 So anybody who would like to exit is welcome to  
8 do so at this point.

9 We'll call you.

10 Jennifer Borges.

11 MS. BORGES: Thank you for the opportunity. I  
12 actually was able to get up and speak a little bit earlier  
13 after the Article 17 discussion regarding the creation of  
14 the new group of six management companies and the  
15 installation of the new screening device at Santa Anita.  
16 So I think I am going to reserve my other comments for our  
17 next meeting. I would like to address -- I think it was  
18 Article -- was that 19? The whips?

19 CHAIR FERRARO: Yes.

20 MS. BORGES: Yeah. I'll come back, I think,  
21 next time for that unless --

22 CHAIR FERRARO: Great. Appreciate it.

23 MS. BORGES: I think it's -- it's going to be a  
24 long discussion.

25 CHAIR FERRARO: Thank you.

1                   Aaron Gryder. Are you here? Yes. There you  
2 are.

3                   MR. GRYDER: Good afternoon, members of the  
4 Board. Thank you for letting me speak.

5                   My name is Aaron Gryder. I have been a jockey  
6 for 33 years with almost 4000 wins. I am a safe rider  
7 that loves horses. I handle myself very professionally,  
8 and I am respected by all my peers.

9                   I have been dealing with a situation that I  
10 believe deserves your attention. On October 23rd, I was  
11 granted a stay by the Commission for a four-day  
12 suspension. Unfortunately, I received another suspension  
13 shortly after. That was for a five-day suspension for not  
14 maintaining a straight course. That started on opening  
15 day, November 8th, and ran -- opening day at Del Mar --  
16 ran from the 8th through the 15th.

17                   On November 5th, I called and spoke with the  
18 CHRB -- a CHRB employee to drop my stay of the four-day  
19 suspension. I requested that the suspensions run  
20 consecutively, which would have been November 16th, 17th,  
21 21st, and 22nd.

22                   On November 8th, I made a follow-up call just to  
23 be safe. On the morning of November 12th, I received a  
24 voice mail from the CHRB to inform me that the stewards  
25 had been contacted and were okay with the days running

1 consecutively. That would allow me to start my suspension  
2 and be done with it on the 22nd and start riding again on  
3 the 23rd.

4 Here is that message.

5 (Audio playing:

6 VOICE: "I did talk to the steward. Yes, that's  
7 fine if you can -- if you go ahead and drop your appeal,  
8 we'll have those consecutive days. Please just send me  
9 something in writing so I can forward it to them and then  
10 they will issue a ruling. So if you send me something in  
11 writing confirming this and it will be done. Thank you.  
12 Bye-bye." End of audio.)

13 Minutes later, I emailed this written notice to  
14 her.

15 "Good morning, thank you for your message in  
16 helping me through this process. As requested last week,  
17 I would like to drop my stay on the four-day suspension.  
18 I would like to serve the suspension immediately following  
19 my other -- or my current one that I am now serving.  
20 These days would be November 16th, 17th, 21st and 22nd. I  
21 would be eligible to ride again November 23rd. Thank you.  
22 Aaron Gryder."

23 Her voice mail clearly states "Send a written  
24 notice and it will be done."

25 On November 17th, I received an email that

1 surprised me for a few reasons. Number one, I was getting  
2 an email on a Sunday afternoon, which is a day off for a  
3 CHRB employee. Number two, it just so happened to come on  
4 the last day of entries that would be covering my  
5 suspension. And number three, surprisingly, was the email  
6 itself.

7 It read: "Mr. Gryder, the stewards did not  
8 issue a ruling to have your stay of suspension days run  
9 after your current suspension. Can they issue a ruling  
10 today for next week?"

11 By email, I asked why was it not done.

12 CHRB responded, "It didn't get done. They did  
13 not issue the ruling in time."

14 As you can hear from this voice mail and my  
15 actions, I was advised I could start my days and serve  
16 them in consecutive manner.

17 I replied on this and, indeed, served my  
18 suspension. I detrimentally relied upon the  
19 representations of the Commission and did not ride.

20 This said to attempt to punish me again for an  
21 infraction that I already served is not proper.

22 If the Commission was not in agreement with the  
23 representations made to me, they had a duty to inform me  
24 so that I could have ridden on those days. I was not  
25 notified.

1           Hence, it is my position and only proper that  
2           the Commission be held to the deal that was made with me  
3           through their employee, and I relied upon, and issue a  
4           ruling retroactive setting my suspension for the dates I  
5           already served. Anything else smacks of double-dipping,  
6           making me serve two suspensions for one infraction, which  
7           is not -- which is only blatantly unfair. It is simply  
8           not just.

9           There may have been miscommunication between the  
10          stewards and the CHRB, but there was no miscommunication  
11          between the CHRB and me. It was very clear. You heard  
12          the voice mail.

13          The stewards have the ability to do the right  
14          thing. That would be to recognize and respect that I  
15          served my days as they were told to me. That is only  
16          reasonable. And now to punish me twice would not be only  
17          unfair but against public policy.

18          I served my time. I did everything I was told  
19          to do. I respectfully ask all of you on the Board for  
20          your help in rectifying this for the time that I have  
21          served to not be suspended again because there was  
22          miscommunication on another end. You can hear it was  
23          clear on mine, and I had no reason to believe anything but  
24          I was serving my suspension.

25          Thank you.

1 CHAIR FERRARO: Mr. McHargue, do you have  
2 comment on?

3 MR. McHARGUE: Darrel McHargue, CHRB Chief  
4 Steward.

5 This matter came to my attention on Sunday  
6 afternoon. I talked to the stewards some, getting some of  
7 the information. I have had two subsequent phone calls  
8 with Darrell Haire and Aaron Gryder over the matter. I  
9 understand Mr. Gryder's position. I haven't talked to the  
10 stewards completely to get their position.

11 This matter is clearly a stewards' matter. The  
12 stewards will be meeting on Friday. They will make a  
13 decision when to set days, or if there's some mitigation  
14 for setting days, but it's up to the stewards to make  
15 these decisions.

16 If Mr. Gryder doesn't like the decision, there's  
17 always the appeal process, if he wants to go that way.  
18 But still, that decision hasn't been made by the stewards  
19 yet until Friday when they all get together and  
20 collectively make a decision.

21 MR. GRYDER: I think it is very unfair that I  
22 would have to go through an appeal system and spend  
23 thousands of dollars to fight that I already served a  
24 suspension I was told I had. When I lost my livelihood, I  
25 lost winners, I lost my business for last week. It cost

1 me my livelihood. I want to put this behind us for days  
2 that I have already served, as I was told, and move on and  
3 be able to go make a living.

4 CHAIR FERRARO: Well, my understanding that, if  
5 this is a stewards' issue, we can't really, as a Board, do  
6 anything until the stewards make their decision, which is  
7 tomorrow; is that correct?

8 MR. MCHARGUE: That is correct.

9 MR. GRYDER: Am I able to meet with them as  
10 well? Can I be there --

11 MR. MCHARGUE: As, Aaron -- as you were told the  
12 other day, that's what we -- we encourage --

13 MR. GRYDER: I --

14 MR. MCHARGUE: Don't talk over me.

15 MR. GRYDER: I'm sorry.

16 MR. MCHARGUE: That's what we encouraged you to  
17 do. And you said, "I don't need to go back to the  
18 stewards."

19 So now then you have gone to the Commission to  
20 try to go over the stewards' head and that's clearly  
21 inappropriate, in my opinion.

22 COMMISSIONER MAAS: Darrel, we don't need to  
23 take up public time with. You guys could take that in the  
24 back.

25 MR. GRYDER: Thank you.

1 MR. MCHARGUE: Thank you.

2 CHAIR FERRARO: Joanne Nor.

3 MS. NOR: I'm just here to be aware of horse  
4 health and be informed about what's going on.

5 Glyphosate, that's manufactured by Monsanto and  
6 Bayer with the chemical poison of Agent Orange, is linked  
7 to death and to over 40 diseases. Forty-two thousand  
8 lawsuits have been filed against Monsanto/Bayer. One was  
9 awarded by the Court \$2 billion regarding a cancer.

10 Glyphosate is poison, and our race horses are  
11 eating two to three glyphosate meals a day in grain, and  
12 most of the hay is sprayed and the seeds planted are  
13 totally contaminated.

14 How can these racehorses recover from  
15 this poison when they are also trying to recover from any  
16 side drugs where their livers and kidneys are overloaded  
17 with these toxins and poisons, especially if they are  
18 asked to run races close together?

19 Additionally, it is on the Internet that UC  
20 Davis has received endowments from Monsanto of  
21 \$10 million. The carcasses of the recently deceased  
22 horses should be examined by more than one entity. And I  
23 just am saying to UC Davis just don't dispose of the  
24 carcasses, please, because there may be other things to  
25 look at in there, which would be glyphosate.

1           So a possible -- we have a document that I stood  
2 up in front of the Board for, like, four years trying to  
3 get it okayed to do, and to simply get blood and urine  
4 from the horses that have been injured.

5           And possibly -- here is the name of the document  
6 that was done by MIT scientists: Possible Link Between  
7 Glyphosate Exposure and Health Status Among Racehorses.

8           Here is the paper.

9           And the latest losses of our racehorses are  
10 described spot on in this, exactly filling the feelings  
11 and the problems they discovered with the breakdowns.

12           So the latest losses of our racehorses are  
13 described spot on by this document. And we are just  
14 asking and proposing that we'd like to be able to get the  
15 Thoroughbred Safety Coalition or to have the help of the  
16 CHRB to help make this happen so that we can make it a  
17 reality and be able to know how much we are being -- our  
18 racehorses are being poisoned, basically. Because if you  
19 ate Agent Orange three times a day, I don't think you  
20 would be able to run very fast yourselves.

21           Oh, I'm sorry.

22           CHAIR FERRARO: Thank you. Your three minutes  
23 are up, Joanne.

24           MS. NOR: All right. That was all.

25           CHAIR FERRARO: Kimberly Murrs. Kimberly Murrs.

1 MS. NOR: Nobody responds to that?

2 CHAIR FERRARO: Kimberly Murrs is not here?

3 Jackie Kirkpatrick.

4 MS. KIRKPATRICK: Thank you, Board members, for  
5 allowing me to call attention to the large number of horse  
6 deaths at racetracks all over our country. I would like  
7 to address the specific very horrific death highlighted in  
8 a recent letter to Horse Racing Wrongs.

9 I need very much to share the story of the  
10 horses whose names didn't make it to the list: Private  
11 training, track deaths, deaths on the farm. These  
12 beautiful beings were my friends. I have always been able  
13 to connect deeply with horses, to feel their hearts and  
14 their minds.

15 The worst thing I have ever seen was a filly --  
16 let's call her Miss D -- not quite a year and a half, a  
17 magnificent blue-black with two socks and a white star and  
18 a stripe on her face. Gentle, fast, and compliant, she  
19 was in a speed trial under tack only for the second time.  
20 That little girl was whipped to breakneck speed and  
21 terrified. She ran through the rail. She lost her rider  
22 but kept running, making a horrendous gasping. Then her  
23 guts fell out. She had eviscerated herself on the broken  
24 fence but still she kept running.

25 She made it to another 40 yards or so before she

1 fell. A two-foot wide streak of purplish blood beneath  
2 her. She staggered and made a final lunge forward,  
3 digging into the earth with her front hooves as she fell.  
4 She died with an indescribable expression of horror and  
5 pain on her face. It happened so quickly that years later  
6 I can still see and smell the blood. Her entrails lay in  
7 a streaming heap where they fell.

8 All was silent for some seconds. As I was  
9 unable to speak, I became aware of people moving around me  
10 and someone telling me to get a wheelbarrow and haul the  
11 guts to the manure pile. Somebody else had already  
12 started the tractor to go bury her. In 20 minutes, she  
13 was gone, just gone. The marker for her grave, not even  
14 buried whole.

15 That day was the end of many things for me. It  
16 took me years to be able to even talk about that day and  
17 that poor baby. I could not work around horses anymore.  
18 Recently I drove past and saw that where her unmarked  
19 grave was there is now a small pond, and it made me angry  
20 and sad that not even in death was she left in peace.

21 Please, please share her story, if you feel it  
22 appropriate. There is not a day that goes by that I don't  
23 think of her and how much she meant to me and how little  
24 she meant to others who should have cared.

25 And so today, I leave you with the question: Do

1 any of you care? If you do, you will end the unnecessary  
2 deaths of so many horses like Miss D, and you will ban  
3 horse racing. Thank you.

4 CHAIR FERRARO: Patricia Folgar.

5 MS. FOLGAR: I am no different than the  
6 backstretch workers. I was born to a family here that  
7 immigrated from Guatemala. I know what it was like to  
8 live in a family that didn't know if they were going to  
9 make mortgage payments every month.

10 The common denominator between me and the  
11 backstretch workers is horses, because my dad lost his job  
12 twice because his former bosses could not control their  
13 gambling habit. Where was your concern then?

14 The horse racing industry is in its final phase.  
15 Whether we are here or not, it is dying. One of your  
16 struggles is how to obtain visas for your backstretch  
17 workers, and some trainers are already considering  
18 downsizing. In fact, they have recognized that the  
19 shortage will have devastating effects on this industry.

20 My question to you is: What is your plan? How  
21 are you planning to help the people that you hide behind?  
22 How are you going to extend them a helping hand, or will  
23 you wait until the very last minute to turn your back on  
24 them and throw them out to pasture or even slaughter like  
25 you do the horses that you claim to love?

1           In 2011, when Nokia mobile phone business  
2 realized that they were going to let go a bunch of  
3 employees, they started a program that included career  
4 coaching, resume workshops, career fairs, and networking  
5 events. They were coached and mentored. They offered  
6 trade school courses that included restaurant management,  
7 cosmetology, and construction. And thanks to that  
8 program, 60 percent of the affected workers had a plan the  
9 day that their jobs ended.

10           The money that you have made running these  
11 horses to their deaths, selling them to slaughter, and  
12 stealing from these poor addicts is obscene. But what is  
13 even more obscene is the little -- the amount of money you  
14 are willing to invest in people that you call your own  
15 community. Put your action where your mouth is. Hire ESL  
16 teachers. Teach people how to write resumes. Put job  
17 fairs together for them. Network them.

18           Well, I have visited the site of the stadium  
19 that is now about to open in the summer of 2020. It used  
20 to hold the Hollywood racetrack. It now still holds the  
21 Hollywood Park Casino. They will be home to the Chargers,  
22 to the Rams, they will have tons of concerts, and all of  
23 this means one thing: Jobs.

24           In fact, I took it a step further. I spoke to  
25 personnel, and they said of course we have thousands of

1 jobs waiting. I did it. I brought you guys some  
2 applications for you to share with these backstretch  
3 workers that claim they're going to lose their jobs.

4 The tragedy in all of this isn't that humans  
5 lose their jobs because there's bountiful of jobs out  
6 there if you look. The real tragedy here is that these  
7 horses are bred into a slavery and they not only lose the  
8 job that they did not want, they lose their lives.

9 We will continue. It is our job to continue  
10 fighting for them. As long as you guys are here voting  
11 for God knows what, we will be here fighting because that  
12 is our job.

13 CHAIR FERRARO: Thank you. Your three minutes  
14 are up.

15 MS. FOLGAR: Here are your applications.

16 CHAIR FERRARO: Fernando Estrada.

17 MR. ESTRADA: Good afternoon, members of the  
18 Board, Commissioners. My name is Fernando Estrada, and  
19 I'm the business manager of the laborers union up north in  
20 Alameda County. I represent the groundskeepers and the  
21 infield workers at Golden Gate Fields.

22 Laborers Local (inaudible) Pacific Racing  
23 Association at Golden Gate has an expired collective  
24 bargaining agreement. The agreement expired on June 30,  
25 2014.

1           Since 2013, the workers have not received a wage  
2           increase. Yet, their monthly premiums for health  
3           insurance continues to increase.

4           In 2014, when the agreement expired, the company  
5           was paying \$816 per month per employee for health  
6           benefits. That cost is now \$12,00 a month for an  
7           employee.

8           Each employee is paying close to \$400 per month  
9           for health benefits despite not receiving any pay increase  
10          for the more than five years. In addition to not  
11          receiving a pay increase, the company continues to make  
12          pension and annuity (inaudible) fund contributions at the  
13          2013 rate.

14          In June 27, 2019, the union and company met to  
15          bargain, but little bargaining was done. The union passed  
16          the economic proposal seeking 3 percent increase in wages  
17          each year for two years. Rather than accept some of  
18          the -- some or all of the economic proposals, the employer  
19          flat out rejected the union economic proposal and said  
20          that it was considering withdrawing any proposals it may  
21          have made and expressed that it would not be agreeing to  
22          any economics.

23          Despite the union asking at least three times  
24          in June 27, 2019, for a list of available dates for  
25          further bargaining, the employer repeatedly refused to

1 provide dates and said it will set future dates with the  
2 union to bargain. It has not happened.

3 These workers deserve a decent wage and to be  
4 treated fairly by their employer. Rather, their employer  
5 is refusing to come to the table and is refusing to  
6 provide the most basic wage and benefit increase and has  
7 refused to do so since the contract expired in June 30,  
8 2014.

9 I spoke with another member of another trade.  
10 This gentleman is sleeping in his van since the wages that  
11 they are all making barely -- they are barely within the  
12 city of Berkeley minimum wage ordinance.

13 I hope that you just don't look for the safety  
14 of the horse but also for the well-being of the men and  
15 women that work in all the racetracks across California.

16 With that being said, we are left with no option  
17 but to take any and all legal actions at Golden Gate  
18 Fields.

19 Thank you.

20 CHAIR FERRARO: Thank you.

21 Jane Cartmill.

22 MS. CARTMILL: Regarding whips, John Clay,  
23 sports columnist and racing apologist for the Lexington  
24 Herald Leader, said for those of us who grew up with the  
25 sport, it's an accepted practice. We barely notice it,

1 but in a society less agrarian and more urban, using a  
2 whip to hit a defenseless animal stands out. People might  
3 not be able to see the drugs or what goes on in the barns  
4 but they can sure see those whips. Indeed we do.

5 Commissioner Mitchell said earlier that  
6 perception is reality. It works both ways. The reality  
7 also informs the perception. I am pleased to learn of the  
8 proposed limits on the use of the crop, although I am  
9 sceptical about the implementation.

10 You said that just seeing the crop -- I believe  
11 it was you, Commissioner Maas -- said just seeing the crop  
12 makes the horse more focused.

13 Well, only if he knows what it can do. If I  
14 roll up a newspaper and show it to my dog, he is not going  
15 to react unless he has been hit with that rolled-up  
16 newspaper and knows what it does.

17 COMMISSIONER MAAS: That wasn't me.

18 MS. CARTMILL: It was you?

19 COMMISSIONER MAAS: It was not.

20 MS. CARTMILL: I'm sorry. One of you said it.

21 EXECUTIVE DIRECTOR BAEDEKER: It was me.

22 MS. CARTMILL: Okay.

23 I am tired of hearing the nonsense that the whip  
24 is just a guide or encouragement or a correction, because  
25 that crop hurts, and Dr. Arthur has said so. He said

1 there are those who argue that whipping doesn't hurt  
2 horses but that's nonsense and we all know it.

3 Whips are not just stimuli. They hurt and  
4 that's why they are used. "Run fast or I will hit you  
5 again." That's a quote from Dr. Arthur.

6 I'm sorry that the economic sanctions on the  
7 jockeys apparently are going to be unenforceable. I think  
8 that it's important that you find penalties that are  
9 enforceable, more than a slap on the wrist for when  
10 these -- when the whipping violations take place.

11 As with the doping trainers, we frequently see  
12 the same offenders, and in no other business can you  
13 violate rules and ethics repeatedly, over and over, and  
14 not lose your job. Well, maybe the president, but nobody  
15 else.

16 Some argue -- some of these arguments about  
17 using the whip for safety remind me very much of the  
18 arguments that were used for the ankus in the circus.  
19 Couldn't possibly work around elephants if you didn't have  
20 the ankus to control them. Well, see how that turned out.

21 So it's time to stop protecting repeat  
22 offenders, the jockeys, the doping trainers. It's time to  
23 find a way to get them out of racing and not protect them.

24 Thank you.

25 CHAIR FERRARO: Ronnie Steiner, is it?

1 MS. STEINER: Thank you for the opportunity to  
2 talk. I'm Ronnie Steiner from Encinitas, California.

3 I just wanted to bring up two other areas or  
4 black marks in the horse racing industry that really were  
5 not addressed today. One is nurse mare foals, which I  
6 hope you all know about. A nurse mare foal is the  
7 unwanted offspring of female horses used as nursing  
8 surrogates for thoroughbred ponies, and here is how it  
9 works.

10 In order to get thoroughbred mares to produce as  
11 many potential race horse champions as possible, breeders  
12 push their biological limits to extremes by forcing them  
13 to reproduce once a year. Maximizing productivity  
14 requires breeders to have the mares re-impregnated right  
15 after giving birth, which precludes them from nursing  
16 their own babies.

17 The newborns are therefore taken way from their  
18 mothers within days and nursed by surrogate mares of  
19 inferior breeds who have just given birth to their own  
20 offspring. These offspring are the by-products of this  
21 process and are known as nurse mare foals.

22 So in addition to taking the thoroughbred baby  
23 away from her mother, the nurse mare foals are killed soon  
24 after being born, or starved to death, or others may be  
25 sold into the tanning industry or the leather industry.

1 The lucky ones may be rescued.

2 There are about 20,000 of these animals born  
3 every year. So for the people that love horses, we are  
4 sacrificing 20,000 animals just because it's part of the  
5 way things are done for breeding.

6 The other thing I wanted to bring up, and it has  
7 been addressed, is the slaughterhouse industry. Between  
8 2004 and 2010, 160,000 thoroughbreds were slaughtered for  
9 food. These animals are trucked from the U.S. into Canada  
10 and Mexico. So there's your horse meat industry, and this  
11 is a repercussion of the horse racing industry.

12 So for those of you who love your horses, these  
13 beautiful animals are then sent off to slaughter because  
14 there's not enough places to keep them to retire, to feed  
15 them, and take care of them.

16 So, again, for those of you who love our  
17 racehorses, this is what you are doing to these animals.

18 Thank you.

19 CHAIR FERRARO: April Montgomery.

20 MS. MONTGOMERY: Good afternoon, April  
21 Montgomery, founder of banhorseracing.com.

22 On April 18, 2019, I stood before this Board  
23 seeking answers for why 23 horses had been sacrificed at  
24 Santa Anita for the sport of kings since December. In  
25 response, former Chairman Winner personally did not see

1 any reason to do anything, and former Vice Chairwoman  
2 Auerbach personally asked me why I was not taking up a  
3 cause for children instead. We know how that exchange  
4 ended. Ms. Auerbach could not defend race horse deaths  
5 then, and you can't defend race horse deaths now. It's  
6 business as usual.

7 Since that meeting, there have been 14 more  
8 reported Santa Anita deaths bringing the total to 37,  
9 including Mongolian Groom, a Breeders' Cup Classic runner.  
10 Del Mar's season started off this year with four training  
11 deaths over the summer and four more deaths this fall. So  
12 far, that's -- so far. That's eight more -- eight more  
13 horses sacrificed for the sport of kings.

14 Los Alamitos, Golden Gate, and county fairs have  
15 all been killing -- have all been killing fields this year  
16 with broken bones, collapse, and sudden death. You can't  
17 defend these deaths. You can't defend these deaths  
18 because they are a side effect of racing. These deaths  
19 are not accidents, not freak accidents, not breakdowns,  
20 not bad steps or went wrongs.

21 These deaths -- and I'm going to say this loud  
22 and clear -- are the direct and proximate result of  
23 subjecting horses to a foreseeable risk of injury and  
24 death under the guise of bloodsport using gambling as the  
25 platform. And yet, this Board and the district attorney's

1 office have a long overdue report and investigation into  
2 the deaths of horses at Santa Anita. Eight months. It's  
3 called stonewalling.

4 When it come -- what it comes down to is this,  
5 ladies and gentlemen, it's money, because horse racing is  
6 not a sport; it's big business and no reform -- repeat --  
7 no reform will stop these unnatural deaths.

8 What financial investment do each of you Board  
9 members hold in this business you regulate? Governor  
10 Newsom forced Mr. Alfieri, who I see is not present right  
11 now, to cough up his racing license. Ms. Auerbach  
12 resigned after being exposed for her conflicts of  
13 interest. At one point, Mr. Solis, you were still a  
14 jockey while serving on this board.

15 Since June 26th, this Board has the authority  
16 to suspend track licensing under Senate Bill 469 when it  
17 was necessary for the safety of the horse. Yet, you  
18 continue to stand down as horses die on these tracks.

19 So why does this Board refuse to enforce the  
20 law? Why does this Board continue to implement these  
21 so-called safety measures and protocols? Every single  
22 month we're talking about it knowing it is not going to  
23 make a damn's worth of difference because it is a smoke  
24 screen and it's a sham.

25 It's obvious that no amount of horse deaths will

1 be enough to enforce Senate Bill 469. The safety and  
2 welfare of these horses should be first, but you refuse to  
3 do it. So Californians will. These horses deserve their  
4 lives. So no more lies, excuses, turn times, pulmonary  
5 hemorrhage, broken legs, whips, blinkers, necropsies,  
6 needles, ambulances, green curtains. It's time to ban  
7 horse racing in America, starting with the state of  
8 California. And I'm April Montgomery, and it's  
9 banhorseracing.com 2022.

10 (Applause.)

11 CHAIR FERRARO: Thank you.

12 Elvia Sedano.

13 MS. SEDANO: I just want to say we are not the  
14 PETA people. Mongolian Groom, a four-year-old gelding  
15 that was put down because he suffered from a fracture to  
16 his left hind leg during the Breeders' Cup at Santa Anita  
17 Racetrack -- why was this beautiful Mongolian Groom  
18 allowed to race when there is video of the training a week  
19 before the race? And veterinarian Dr. Allday provides his  
20 opinion from the Paulick Report on an interview with  
21 Steve Byk, radio programmer.

22 Veterinarian Dr. Allday pointed the finger at  
23 the team of 30 veterinarians employed by the Breeders' Cup  
24 to conduct thorough prerace examinations of the runners  
25 ahead of time. From what Dr. Allday can see, the horse is

1 visibly deficit in the left hind leg, and unless they knew  
2 the severity or the cause of it, the nature, a lame horse  
3 really shouldn't race, according to Dr. Allday.

4           Again, Dr. Allday also stated when a horse has a  
5 limp, then it's usually a little too late. Therefore,  
6 letting a horse that limps race is way too late. You've  
7 gone too far.

8           Breeders' Cup, the horse racing industry speaks  
9 loud. It's actually yelling for how these horses are seen  
10 as commodities. These horses are subjected to being  
11 drugged, to race feeling the pain, being injured and still  
12 allowed to race.

13           Mongolian Groom's trainer, Ebenish Ganbat,  
14 Mongolian Stables, and Breeders' Cup vets failed Mongolian  
15 Groom huge. Where was that "We love the horses so much"?  
16 Where was that connection with the now-dead Mongolian  
17 Groom?

18           This is not about love for the horses. This is  
19 about greed, addiction, and sadism, and these horses are  
20 paying for it with their flesh and bones. How can this  
21 industry see the continual carnage of these beautiful  
22 horses and continue with the showing? Just pull the  
23 curtain and move on to the next race. No big deal.

24           I keep hearing these horses are treated better  
25 than people. So tell me, why are the horses the ones that

1 are doing the dying? These horses need people like us to  
2 speak up for their pain, their deaths, because of people  
3 like you that don't give these poor horse -- that give  
4 these poor horses hell.

5 CHAIR FERRARO: Thank you.

6 Amanda Lundberg.

7 MS. LUNDBERG: Good afternoon.

8 California SB 469 passed both chambers  
9 unanimately and was signed into law by Governor Newsom on  
10 June 26, 2019. A direct result of Santa Anita's most  
11 recent killing season, the new law gives the California  
12 Horse Racing Board the authority at any time to  
13 immediately suspend a license to conduct a racing meeting  
14 when necessary to protect the health and safety of the  
15 horses or riders. The suspension shall remain in effect  
16 until the Board determines that the matters jeopardizing  
17 the health and safety of the horse and the riders have  
18 been adequately addressed.

19 Numerous horses have been killed since SB 469  
20 was signed into law on June 26, 2019. What is the  
21 threshold for the CHRB to act and use their new authority?

22 Thirty-five dead horses on California tracks  
23 from June 26, 2019, through November 17, 2019, and  
24 counting.

25 Pleasanton, June 30th, 2019, No New Friends,

1 three-year-old gelding, died while racing and had an  
2 injury to the left front ankle.

3 Pleasanton, June 7, 2019, Sandra Smiles, unraced  
4 two-year-old filly, sudden death while training.

5 Los Alamitos, sometime between July 8 and  
6 July 14, an unidentified horse was found dead in their  
7 stall.

8 Del Mar, July 18, 2019, Charge A Bunch -- Charge  
9 A Bunch, unraced two-year-old colt, head-on collision  
10 during training, and died from a broken neck.

11 Del Mar, July 18, 2019, Carson Valley, unraced  
12 three-year-old gelding, head-on collision during training,  
13 broken neck.

14 Los Alamitos, July 20, 2019, four-year-old  
15 gelding died while racing, shoulder fracture.

16 Del Mar, July 29, 2019, Bowl of Soul,  
17 three-year-old filly, broke down while training.

18 Del Mar, sometime between July 31st, and  
19 August 4th, unidentified horse was found dead in their  
20 stall.

21 Santa Rosa, July -- August 1, 2019, Black Site,  
22 four-year-old gelding, broke down while racing.

23 Santa Rosa, August 8, 2019, It's The Ice,  
24 six-year-old gelding, died while racing.

25 Del Mar, August 12, 2019, Bri-Bri, unraced

1 three-year-old filly, broken pelvis, died while training.

2 Los Alamitos, August 17, 2019, Always Checking,  
3 two-year-old gelding, died while racing. Injured, vanned  
4 off, and euthanized.

5 Ferndale, August 18, 2019, Bronco Brown,  
6 four-year-old gelding, died while racing. Went over the  
7 outside rail.

8 Del Mar, sometime between August 5th and  
9 August 11th, an unidentified horse was found dead in their  
10 stall.

11 Golden Gate, August 18, 2019, Mr. Frank,  
12 three-year-old gelding, collapsed, died. Likely cardiac  
13 arrest.

14 Golden Gate --

15 CHAIR FERRARO: Your time's up. Your three  
16 minutes are up.

17 COMMISSIONER MAAS: Your time's up.

18 MS. LUNDBERG: What are you guys going to do  
19 about these horses that are being killed?

20 CHAIR FERRARO: Thanks. Your three minutes are  
21 up. Thank you.

22 Liz Jacobelly.

23 Heather Wilson.

24 UNIDENTIFIED SPEAKER: (Off mike.) Liz is still  
25 coming. Liz is on her way.

1 MS. JACOBELLY: Hi, her name was Princess  
2 Dorian. She sustained multiple fractures to her left  
3 front leg. Instead of euthanizing her and putting her out  
4 of her misery, her suffering was prolonged because the  
5 cruel industry of horse racing wanted to make themselves  
6 look like they were trying to save her life.

7 That was on the third day of the fall meet. She  
8 was sent to undergo surgery at the San Luis Rey Equine  
9 Hospital. She developed laminitis in both her hind legs.  
10 Laminitis is a painful inflammation of the hoof that can  
11 cause extreme pain and irreparable damage to a horse's  
12 ability to walk. She was then euthanized Monday,  
13 November 18th.

14 If this had not come eight days after Mongolian  
15 Groom's breakdown in the Breeders' Cup, which the whole  
16 world knew, Princess Dorian would have been rightfully  
17 euthanized. This poor animal broke her leg while racing.  
18 Princess Dorian's death is absolutely racing related.  
19 They just did not want to have three kills in one day.

20 A broken limb that has been fixed with a plate  
21 and screws. They forced her to have surgery and languish  
22 and suffer for days just so they could not count it toward  
23 their numbers.

24 The California Horse Racing Board said that  
25 Princess Dorian's death would not be counted as an

1 official racing fatality because she was ultimately  
2 euthanized because of post-surgery complications.

3 I can't even imagine the agony and suffering  
4 that Princess Dorian endured being forced to race and put  
5 through painful surgery only to save face for the cruel  
6 horse racing industry.

7 And Ellen Ericksen has a message for you. She  
8 says she will continue protesting until horse racing is  
9 banned. Back to Princess Dorian, the alliedtimes.com, two  
10 years after a Las Vegas massacre where Las Vegas -- a  
11 woman was gunned down, a fire at a music festival in Las  
12 Vegas, she died two years later, that becomes the 59th  
13 fatality. She was --

14 COMMISSIONER MAAS: Thank you very much.

15 MS. JACOBELLY: Thank you.

16 CHAIR FERRARO: Heather Wilson.

17 MS. WILSON: The following is an excerpt from a  
18 2012 ESPN article, "The Final Furlong," describing a race  
19 on New Year's Day 2009.

20 Track vet Lauren Canady ducks under the railing  
21 and runs up the five-foot hill to the track. Two  
22 ambulances, one for the rider, one for the horse, are  
23 en route. Chaplin Parsons runs towards Torres.

24 "Are you okay"?

25 "I am fine," Torres says. "Check on the horse."

1           As she nears Heelbolt, he is facing away from  
2 her. He is calm but she can see he's standing on only  
3 three legs. His left front ankle is dangling and  
4 shattered, attached only by skin. Blood is everywhere:  
5 ON his leg, his hoof, the grass. He is already exhibiting  
6 signs of shock. His eyes, once coldly fixed on the track,  
7 are teary and dilated. His breathing, once quick, has  
8 quickened even more.

9           His coat, once shiny from the pumping of oil and  
10 sweat glands, has dulled. Parsons, the preacher, gently  
11 strokes Heelbolt's nose as the horse nibbles on the turf.

12           "It's going to be okay," he says, knowing that  
13 it won't.

14           Out comes the pink. She strokes his neck to say  
15 good-bye, as she does with every horse that she has put  
16 down, and puts her index finger on his jugular and presses  
17 down, swelling the vein. She drives the needle straight  
18 into his jugular, piercing his sweaty, leathery skin and  
19 depresses the large plunger with her thumb, pushing in  
20 the poison, darkening the pink as it mixes with blood.  
21 After it empties, she draws out the needle and repeats the  
22 motion with a second syringe. The whole process takes  
23 just a few seconds. Heelbolt doesn't flinch.

24           Heelbolt falls onto the railing, landing  
25 shoulder first, his nose in the dirt. He blinks rapidly

1 for 10 seconds or so until his eyes, once beautifully  
2 alert, are blank. As his fellow horses, having just raced  
3 by, his life is measured in shallow breaths until he is no  
4 longer breathing, until he is just 1,200 pounds of expired  
5 muscle, his bloody, shattered leg hooked on a railing.

6 It's hard to know what a peaceful death looks  
7 like, but this isn't it. Heelbolt was only five years old  
8 when he was killed in this claiming race.

9 What does it say about your so-called sport when  
10 the horse you killed is now more famous than the horse who  
11 won the Breeders' Cup Classic?

12 Rest in peace, Mongolian Groom, and all of the  
13 others who have been unwillingly sacrificed. Run free,  
14 beautiful horses. It's only now that you are liberated.

15 CHAIR FERRARO: Valerie Traina.

16 MS. TRAINA: Ladies and gentlemen, my name is  
17 Valerie Traina. I am an independent activist here on  
18 behalf of truth and justice.

19 You are making a huge mistake each time you try  
20 to paint me and my compassionate advocates as extremists.  
21 Indeed, whenever I inform ordinary people about the  
22 typical practices of the horse racing industry, they are  
23 appalled. They see things my way, which brings me today's  
24 subject of extreme torture.

25 Racetracks across the U.S. are the starting

1 point for the thoroughbred slaughter pipeline. According  
2 to a quote by Alex Waldrop, president of the National  
3 Thoroughbred Racing Association in a recent USA Today  
4 article, 7500 thoroughbreds a year are sent to abattoirs  
5 in Canada and Mexico.

6 Dr. Patricia Hogan, a well-known equine  
7 veterinarian, cites the range as between 10,000 and 12,000  
8 annually. Other studies have put the number at 21,000.

9 Each of these horses, who your jockeys,  
10 trainers, and owners call "family members," are determined  
11 unfit at some point to remain part of the family and are  
12 sent to auction.

13 Kill buyers purchase these precious souls in  
14 order to make money off their body parts. They are  
15 whipped and beaten into transport vehicles in which they  
16 are packed like sardines with no food, water, or  
17 temperature control. In their terrified state, they are  
18 driven for thousands of miles in extreme weather  
19 conditions to abattoirs that operate like medieval torture  
20 chambers.

21 In many abattoirs, horses are simply knifed in  
22 the withers while fully conscious. In others, which are  
23 engineered to render cattle unconscious before butchering,  
24 they fail to stun horses before the knife cuts their  
25 throats. Then each of these magnificent family members

1 bleed out and are torn limb from limb.

2           You and the industry don't care about this  
3 horrific suffering, but most people are disgusted when  
4 they learn of it. Just like they were educated about the  
5 maltreatment of exotic animals in circuses, they are  
6 learning about the thoroughbred slaughter pipeline. My  
7 friends and I are making sure of it.

8           CHAIR FERRARO: Josephine Goldberg.

9           MS. GOLDBERG: Hi. Okay.

10           A couple -- two weeks ago on October 27th, my  
11 horse partner and I, we were approached at Santa Anita.  
12 We were asked to leave.

13           I asked security what's going on, and security  
14 told me that upper management, i.e., Mr. Aidan Butler,  
15 doesn't want me there.

16           So I said, "Okay."

17           I called 911. I got my phone out and I started  
18 recording. So while I'm on the phone with Arcadia PD, I  
19 tell them that a horse just died and, you know, the  
20 racetrack has picked other scapegoats like Jerry  
21 Hollendorfer, i.e., so just to cover my tracks, I recorded  
22 the whole thing.

23           The Arcadia PD comes, and the Arcadia PD says  
24 that Santa Anita called and said that I was trespassing.

25           So I explained to the officer that I have been

1 coming to the racetrack for nine years and here is my  
2 horseman's pass, I have won many races, I have been  
3 breeding since 2015. It was all, you know, just a bad  
4 situation.

5 So about six months before that, our president,  
6 Tim Ritvo, came up to me and told me that Aidan Butler  
7 was -- you know, wanted to take me out on a date, he was  
8 separating from his wife and that he was checking me out  
9 on Instagram on the videos.

10 So, you know, I didn't think anything like it.  
11 You know, I think, you know, whatever. You know, men have  
12 crushes; women have crushes. No big deal.

13 I seem to like older men. So I don't know what  
14 happened, but in the next couple months that followed,  
15 Mr. Butler would not answer me. I would say hello to him,  
16 as he was our new president. You know, just trying to be  
17 professional.

18 And so now, I have bred horses since 2015. I  
19 have three: My Balabusta, My Uncle Phil, and I have a new  
20 one named Am Yisrael Chai. That means that the Jewish  
21 nation shall live.

22 And I am in a position now that when I was  
23 escorted out, A, it was embarrassing; B, I hold a  
24 horseman's license, a real estate license with the  
25 California -- I'm a public adjustor under my father. I

1 have never been reprimanded.

2 Mr. McDonough -- you know, I have had other men  
3 at racetrack, i.e., Rockingham Ranch, file claims because  
4 I also didn't want to date him. Thankfully for  
5 Mr. McDonough, he was competent enough to dismantle  
6 everything.

7 So my question to you guys is, Rule 1983,  
8 Application of a Hearing, I would like you guys to  
9 intervene because, you know, Santa Anita doesn't have to  
10 like me. Mr. Butler can do what he wants. Belinda can do  
11 what she wants.

12 I called Frank Stronach and Frank Stronach told  
13 me that -- I have a letter from him that I can forward to  
14 you. He said when he gets the track back, I will be back  
15 allowed. Because Mr. Frank Stronach is not a man that  
16 allows bullying, doesn't allow anti-Semitism, doesn't  
17 allow, you know -- just because a man, you don't go to bed  
18 with a man, he doesn't throw you out of his track. Mr.  
19 Stronach is an honest, fair man.

20 So I'm asking you guys, Santa Anita is the only  
21 game in town, you know.

22 CHAIR FERRARO: Thank you. Your three minutes  
23 are done.

24 MS. GOLDBERG: What do I do?

25 CHAIR FERRARO: I don't think you are coming to

1 the right place for help.

2 Martha Sullivan.

3 MS. GOLDBERG: Okay. Thank you very much for  
4 your time.

5 MS. SULLIVAN: Hello again.

6 We're sharing -- this was an online poll that  
7 the San Diego Union Tribune held for about a week after --  
8 I think it was just in the last two weeks; so they had it  
9 on for a week. It was -- they did it associated with a  
10 letter to the editor that Ellen Ericksen wrote calling for  
11 horse racing to be killed rather than horses.

12 You will see from that that's the latest result,  
13 just in the last couple of days. Sixty-five percent of  
14 people out of almost 59,000 votes said that California  
15 should begin the process of ending horse racing.

16 So I think that that -- even though it's not a  
17 scientific poll, you know, the UT has a paywall. I  
18 couldn't even vote on this thing because I couldn't get  
19 past their paywall.

20 So despite the paywall, you had almost 60,000  
21 people who took the time, and they left it up a week, I  
22 think hoping that it would keep coming down. It started  
23 off at, like, about 80 percent in favor, and it was in the  
24 mid 70s for several days. But I think they were hoping it  
25 would come further down.

1           This is where we are at, folks. You need to be  
2 paying attention.

3           I also want to share some information I got from  
4 the Del Mar fairgrounds board meeting this last Tuesday.  
5 We attend that as well. Their revenues this year are down  
6 38 1/2 percent because of racing.

7           CHAIR FERRARO: Thank you.

8           Can I have a motion to adjourn?

9           COMMISSIONER MAAS: Moved.

10          CHAIR FERRARO: Second.

11          UNIDENTIFIED SPEAKER: (Off mike.) I have a  
12 card.

13          MR. NILFORUSHAN: (Off mike.) Are you guys done  
14 or --

15          CHAIR FERRARO: We're done.

16          EXECUTIVE DIRECTOR BAEDEKER: Did you fill out a  
17 card?

18          MR. NILFORUSHAN: (Off mike.) Yeah. I filled  
19 out a card. I have been here since 9:00.

20          EXECUTIVE DIRECTOR BAEDEKER: Okay. Come fill  
21 out a --

22          MR. NILFORUSHAN: I have already -- I gave it  
23 the gentleman.

24          Hi. My name is Ali Nilforushan. I'm a horseman.  
25 I'm a professional rider, horse trainer. I own race

1 horses.

2 I am in a very difficult position because I love  
3 racing. I got into riding horses because I wanted to be a  
4 jockey. I grew out of that. So I -- we have owned a lot  
5 of very nice horses. And I am in a very difficult  
6 position but I can't stay quiet any longer when I have  
7 things that I feel could really help our industry.

8 I had made a decision to get out of racing until  
9 recently when I heard that Craig Fravel was going to  
10 taking over Santa Anita, and I see all the things that the  
11 Stronach Group is doing to try to help and I deeply  
12 believe in Craig. He's in our industry.

13 And I also run horse shows. Pretty successful,  
14 I would say. So here is my list of things that I think  
15 could help this industry. I couldn't help but cry when  
16 that lady was talking about a horse that broke down in  
17 such detail.

18 I think the days of ignoring these people should  
19 stop. It's very sad for me that the people from Del Mar  
20 left before the public hearing, since I have been here  
21 since 9:00 a.m. I would have liked to have said a few  
22 things.

23 So here is what -- what I feel. I think we need  
24 areas for de-stressing horses. We talked about beer areas  
25 and we've talked about this and that. Why don't we

1 implement some -- take the infield and turn them into  
2 grazing areas, small sand paddocks, areas where we can  
3 decompress these horses from their day of stress living in  
4 a stall all the time.

5 My horses have been at Del Mar many times, Santa  
6 Anita, and I can't get myself to go to the back --  
7 backside because I just find it appalling. There's  
8 nothing to do with horsemanship there. That's the first  
9 start.

10 Treating stalls. In the FEI World, we have  
11 treating stalls. If you have nothing to hide, you bring  
12 your horse to a treating stall, you buy your medication  
13 from the State, or whoever you guys appoint, and they can  
14 do their treatments without -- you know, without any  
15 issues. So then there's no more people doing this or  
16 doing that.

17 Third, I deeply believe in synthetic footing. I  
18 believe in synthetic footing because simply you can  
19 control the surface of the animal. If you have sand and  
20 you put one drop too much water that turns to mud. The  
21 days of just saying sand, it's not good enough.

22 Silica sand with felt would do the job  
23 tremendously. You can control that by doing an  
24 underground water system that I implemented in my own  
25 arena. I have that footing in my horse shows. It is

1 flawless. You can control that footing and you can  
2 manipulate it any way you would like. It would cut down  
3 on major injuries.

4 When they talk about synthetic, you guys had  
5 waxed footing here before. That's not what I'm saying.  
6 It's 99 percent silica with felt. That would help you  
7 guys tremendously.

8 I believe that there should be a breakdown,  
9 percentage trainers that break horses down. I think that  
10 should be a stat --

11 CHAIR FERRARO: You need to wrap it up, Ali.  
12 Your three minutes are up.

13 MR. NILFORUSHAN: And then aftercare for horses,  
14 we talked about all these programs. I gave away \$124,000  
15 of free entries for racehorses off the track. I'm doing  
16 my part. I would love to work with any of these  
17 organizations that want to actually do something quickly  
18 and aggressively.

19 And also, I have optimism for the future. I  
20 believe that The Stronach Group and the man in charge,  
21 Craig, will do an incredible job. I thank you guys --

22 CHAIR FERRARO: Thank you.

23 COMMISSIONER MAAS: Thank you for your time.

24 MR. NILFORUSHAN: Thank you very much, guys.  
25 Thank you for your time.

1 MS. HYDE: My name is Heather Hyde. I am not  
2 paid to be here, and I'm also not PETA. Being an animal  
3 activist is nothing new to me. I have been doing this  
4 since I was around seven years old.

5 I grew up around horsemen, and my grandfather  
6 was very well known and hung out with people in the  
7 industry, with people the likes of John Wayne.

8 Each and every time -- each and every one of you  
9 that continues to live with blinders on should be ashamed  
10 of yourselves allowing this to happen, watching as horses  
11 run and bleed their hearts out for a buck, breaking limbs  
12 in vain, racing these intense, inhumane competitions.  
13 This is one of the most ancient sporting events that is  
14 not evolving; it's barbaric.

15 You cannot dispute the fact that these young  
16 horses are dying gruesomely, breaking their legs, forced  
17 to take drugs, being whipped, raced to their deaths.

18 There is really no glory for the one that  
19 actually won the race, the horse. These horses are not  
20 born to race but forced to race indeed. Forced to perform  
21 in the hands of money-hungry blood-thirsty tyrants.

22 How can you truly say that you love your horses  
23 and that these horses are treated like royalty? Royalty  
24 would not tolerate being held in a pen for up to 22 hours  
25 a day, not being able to socialize or graze with other

1 horses in a free and natural way at the stables.

2 They are being denied the basic privilege of  
3 being able to frolic. Royalty would not allow the person  
4 to live that has been drugging them, whipping them, and  
5 forcing them to perform at the speed of flight. This is  
6 not the king of sports, as you call it. This is the sport  
7 of bloody corruption and greed.

8 Every time you sent a horse out of the stall,  
9 those barns, into the death trap, you gamble on each and  
10 every one of those vulnerable animals' lives.

11 When those gates open, you are not sure which  
12 one will win and which one will die. These deaths are  
13 happening at an alarming and a usual rate. The  
14 spectators, the addicts, the jockeys, the compulsive  
15 gamblers, the trainers, the owners, the billionaire  
16 supporters, investors, the corporate sponsors and such,  
17 how do you sleep at night?

18 I find this incredibly disturbing. There is no  
19 justice served -- a coverup, no real investigation. I  
20 suppose you would prefer to live in your delusional bubble  
21 of grandeur. I do ask you again, how do you sleep at  
22 night?

23 This is heartbreaking. Is there any remorse for  
24 the horses that are whipped and drugged on your tracks?  
25 Most of these prized and so-called privileged horses, when

1 they no longer serve a purpose, they are sent to the  
2 agricultural side of your industry, sent to slaughter for  
3 the use of meat for dogs and other humans.

4 How could this be illegal -- or how could this  
5 be legal? What are you going to do about it?

6 Are there any valid answers to any of these  
7 questions that we have for you today?

8 The riding crop, aka the whip. Horses are not  
9 wild beasts. Why would you need to whip them for control?  
10 Whipping in any ride is abuse. Whipping is, in fact, a  
11 form of intimidation, as we have seen in Mongolian Groom.

12 The whip is not only a weapon, but it's an  
13 abuser's tool to make these horses speed for the race of  
14 their life, but it also might take their life.

15 Just like the circus people used to say the  
16 bullhook does not hurt, they do not -- they need it  
17 because they need to keep the public safe, worker safety,  
18 or steer the animal in the right direction. But, in fact,  
19 just like the riding crop aka the whip --

20 CHAIR FERRARO: Your time is up. Thank you very  
21 much.

22 MS. HYDE: -- it inflicts pain and --

23 CHAIR FERRARO: Do I have a motion to adjourn?

24 MS. FALCONE: I have a --

25 EXECUTIVE DIRECTOR BAEDEKER: We have another

1 lady.

2 CHAIR FERRARO: Where's the cards?

3 MS. FALCONE: (Off mike.) You didn't have any  
4 either one of mine. I filled out three.

5 CHAIR FERRARO: Go ahead.

6 MS. FALCONE: Toni Falcone.

7 Good-bye Madeline. It seems the writing is on  
8 the wall and the previous Board members are running like  
9 rats from a sinking ship. Do us a favor. Take Joe Harper  
10 with you. He a relic who is trying to hold up a  
11 misogynous fickle boys club with a smug smile and a lie.  
12 Nobody cares that you are the grandson of Cecil B.  
13 Demille. The millenials you are trying to bring to your  
14 dying track don't even know who that is.

15 But now, Cecil B. Demille's name, Jimmy Durante,  
16 and Bing Crosby will forever be linked to the animal abuse  
17 and the human and animal exploitation that is the Del Mar  
18 trace rack.

19 He makes clear his disdain for the public and  
20 especially animal rights activists who are the only people  
21 right now in this room who are not here for our own  
22 interest. By stepping up to the podium and spewing his  
23 lies and leaves without listening to the public comments,  
24 his behavior is indicative of the industry as a whole,  
25 deaf to the wants of the public.

1 Joe Harper wouldn't know the truth if it sat on  
2 his face. He got up two days ago at the 22nd District  
3 Agricultural Association board of directors meeting to  
4 tout his meaningless new safety protocols, more window  
5 dressing for the media and public and how the horse deaths  
6 hurt the owner so much more than the animal rights  
7 activists.

8 Who cares? You know who it hurts? The horses.  
9 Joe Harper likes to tout his industry-leading safety  
10 record at Del Mar of killing horses for more than 80  
11 years.

12 Charge A Bunch and Carson Valley, colliding in a  
13 catastrophic workout incident on the racetrack, are  
14 race-relating deaths.

15 Go Street and Prayer Warrior both broke their  
16 legs while being whipped to terror, murdered right on the  
17 track. No way around admitting those are race-related  
18 deaths, Del Mar.

19 Bull of Soul, who injured her back in training  
20 and was murdered, is a race-related death.

21 Bri-Bri, suffering a broken pelvis training on  
22 Del Mar racetrack, is a race-related death.

23 Princess Dorian, who was made to suffer  
24 unspeakable pain for a week to undergo a useless surgery,  
25 is a race-related death.

1           The 25 horses that died at the fires at San Luis  
2 Rey Downs are race-related deaths.

3           The race horses who have won purses, that are  
4 still thrown away like yesterday's garbage, are  
5 race-related deaths.

6           Most of the 20,000 horses who are bred for  
7 racing who never make it to a racetrack and are promptly  
8 auctioned off to unregulated slaughterhouses in Canada and  
9 Mexico and endure unspeakable acts there are race-related  
10 deaths.

11           Horse racing as an industry has been in decline  
12 for over 30 years. At Del Mar, track betting was down  
13 13 percent; off-track betting was down 6 percent. Even  
14 the betting from the diehards was down. They probably  
15 died.

16           Horse racing not subsidized, please. California  
17 gives sales tax breaks to owners for buying breeding  
18 stock. Del Mar said in the last CHRB meeting that they  
19 can't even cover their own purses. Forty-five percent of  
20 the revenue is not even from horse racing. It's from food  
21 and events. You are arranging deck chairs on --

22           CHAIR FERRARO: Thank you. Your time is up.

23           MS. FALCONE: You are arranging deck chairs on  
24 the Titanic.

25           CHAIR FERRARO: Your time is up.

1 COMMISSIONER MAAS: Motion -- motion to adjourn.

2 CHAIR FERRARO: Second.

3 All in favor.

4 ALL: Aye.

5 Meeting is adjourned.

6 (The regular meeting of the California Horse

7 Racing Board concluded at 3:36 p.m.)

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1 STATE OF CALIFORNIA )  
 ) ss.  
2 COUNTY OF LOS ANGELES )

3 I, ANN BONNETTE, C.S.R. No. 6108, do hereby  
4 certify:

5 That the foregoing meeting of the California Horse  
6 Racing Board was taken before me at the time and place  
7 therein set forth and was taken down by me in shorthand  
8 and transcribed into computer-generated text under my  
9 direction and supervision; and I hereby certify the  
10 foregoing transcript of my shorthand notes so taken.

11 I further certify that I am neither counsel for nor  
12 related to any party to said meeting nor in any way  
13 interested in the outcome thereof.

14 IN WITNESS WHEREOF, I have hereunto subscribed my  
15 name this 27th day of November, 2019.

16  
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\_\_\_\_\_  
ANN BONNETTE, CSR NO. 6108

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