



APPEARANCES

COMMITTEE MEMBERS

Gregory Ferraro, Chairman

Oscar Gonzalez, Vice Chairman

Alex Solis, Commissioner

Dennis Alfieri, Commissioner

Wendy Mitchell, Commissioner

STAFF

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

John McDonough, Chief Counsel

Robert Brodник, Staff Counsel

Amanda Brown, Staff Counsel

Rick Arthur, Equine Medical Director

Darrel McHargue, Chief Steward

ALSO PRESENT

Martha Sullivan

Aiden Butler, The Stronach Group

Nicola Boon, NBIC Associates

Eric Sindler, Santa Anita Park, Golden Gate Fields

Alan Balch, California Thoroughbred Trainers

Greg Avioli, Thoroughbred Owners of California

Larry Swartzlander, California Authority of Racing Fairs

Becky Bartling, Sonoma County Fairgrounds

APPEARANCESALSO PRESENT

Jim Morgan, Humboldt County Fair

Terry Bingham

Shane Gusman, Jockeys' Guild

Terry Meyocks, Jockeys' Guild

Aaron Gryder, Jockey

Cody Jensen, Jockey

Darrell Haire, Jockeys' Guild

Vinnie Bednar, Jockey

Eduardo Nicasio, Jockey

Eddie Garcia, Jockey

Heriberto Figueroa, Jockey

Efrain Hernandez, Jockey

Barrington Harvey, Jockey

Craig Fravel, The Stronach Group

Josh Rubenstein, Del Mar Thoroughbred Club

Tom Robbins, Del Mar Thoroughbred Club

Ed Allred, Los Alamitos Race Course

Sarah Segal

Amanda Lundberg

Valerie Traina

Patricia Folger

Heather Wilson

Patty Shenker

APPEARANCES

ALSO PRESENT

Andrew Lessor

Jack Liebau, Los Alamitos Race Course

Paul Jones

Gail Matthews, Winning Hands Equine Massage Therapy

Bonnie Crocker

Pavla Nigard

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this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).

- B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).
- C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).

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P R O C E E D I N G S

9:41 A.M.

LOS ALAMITOS, CALIFORNIA, THURSDAY, DECEMBER 12, 2019

CHAIRMAN FERRARO: And I would ask you now all to rise while Commissioner Alfieri leads us in the Pledge of Allegiance.

COMMISSIONER ALFIERI: Please place your hand over your heart and repeat after me.

(The Pledge of Allegiance is recited.)

CHAIRMAN FERRARO: Thank you.

This is the regular meeting, noticed meeting, of the California Horse Racing Board on Thursday, December 12, 2019 at the Los Alamitos Race Course, 4961 East Katella Avenue, Los Alamitos, California.

Present at today's meeting are: Gregory Ferraro, Chairman; Oscar Gonzalez, Vice Chairman; Dennis Alfieri, Commissioner; Wendy Mitchell, Commissioner; Alex Solis, Commissioner.

Before we go on with 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

1 matter concerns horse racing in California.

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

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

17           When a matter is opened for the public comment,  
18 your name will be called. Please come to the podium and  
19 introduce yourself by stating your name and your  
20 organization clearly. This is necessary for the court  
21 reporter to have a clear record of all those who speak.  
22 When your three minutes are up the Chairperson will ask you  
23 to return to your seat so others can be heard.

24           When all the names have been called, I will ask  
25 if there is anyone else who would like to speak on the

1 matter before the Board. Also, the Board may ask questions  
2 of individuals who do speak. If a speaker repeats himself  
3 or herself, the Chairman will ask if the speaker has any  
4 new comments to make. If there are none, the speaker will  
5 be asked to let others make comments to the Board.

6           This is a sanctioned meeting of a state  
7 regulatory agency. As such, it deserves a certain amount  
8 of decorum. So please note the Board will not tolerate  
9 disruptive behavior. Please do not applaud or comment on  
10 remarks unless you have been called to the podium. I  
11 expect the audience to remain quiet and listen to the  
12 speakers who are talking. Disruptive individuals may be  
13 asked to leave the room. If order cannot be restored, the  
14 Board has the authority to order the room to be cleared.  
15 Thank you for your consideration.

16           Agenda item number one would be the Executive  
17 Director's Report.

18           MR. BAEDEKER: It seems to me, Mr. Chairman, that  
19 we don't have an agenda item for the minutes.

20           CHAIRMAN FERRARO: No.

21           MR. BAEDEKER: Okay. Thank you, Mr. Chairman.

22           First of all, just to note, if you do come up to  
23 the podium to speak, there is a small step in front of the  
24 podium and sometimes people don't notice it. Just be  
25 careful with that.

1           A note about our policy and regs' efforts. We  
2 have bolstered our Policy and Regs Unit, Policy and  
3 Regulations Unit, with the hiring of Amanda Drummond as  
4 Manager, and Amanda Brown in the newly created position of  
5 Staff Counsel. Amanda Brown will have additional areas of  
6 responsibility as she joins our current Staff Attorney  
7 Robert Brodnik, and both will be joined by a new Chief  
8 Counsel. Interview for that position will be conducted  
9 within the next two weeks. John McDonough retired at the  
10 end of November as Chief Counsel after a long public  
11 service career.

12           So we're stronger than we've ever been in our  
13 Policy and Regs Unit. Our new folks are joining Nicole  
14 Wilkes Gravely, Rick Pimentell (phonetic), and Zack Voss,  
15 as well as Retired Annuitant Hal Colburn. You can now see  
16 a status report of every one of the regulations proposed by  
17 the Board that is moving through the process. You can find  
18 that on our webpage. Just click the Rules and Law header  
19 and then go to CHRB Regulations Status Report and it will  
20 show you where each of the active regulations stands.  
21 There are ten stages of the regulatory process from the  
22 initial discussion, perhaps at the Committee level, all the  
23 way to the final adoption by the Board.

24           Also on our webpage, you can see the calendar of  
25 Board meetings for 2020. We will have eight meetings in

1 the south and four in the north. But keep in mind that the  
2 dates and the locations are always subject to change. And,  
3 as always, we will give at least a ten-day notice of such a  
4 change.

5           The financials of the month for November, daytime  
6 racing had the same number of programs last year but there  
7 was one significance difference, we had the Breeders' Cup  
8 at Santa Anita in November. As a result, daytime business  
9 was up 53.8 percent. Nighttime business was down one  
10 percent. And altogether the business in California was up  
11 48.2 percent.

12           If you look at the year-to-date totals, it's  
13 difficult to assess them, compare them, because of the  
14 number of programs this year versus last year. Last year  
15 there were 561 programs through November, that's night and  
16 day, and this year there have been 535. But if you look at  
17 the average daily handle, the total is down about 2.6  
18 percent over the course of the year.

19           And now a note about the summary report that we  
20 are working on that will detail the results of our  
21 investigations into the fatalities during Santa Anita last  
22 winter, we're going to miss our December timeframe for the  
23 issuance of that report. Our new target date is January  
24 15.

25           New on the agenda this month is our Equine

1 Medical Director's Report. And Dr. Arthur will provide an  
2 overview of how the report is being compiled and what it  
3 will include.

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

5 CHAIRMAN FERRARO: Thank you, Rick.

6 Medical Director's Report, please, Dr. Arthur.

7 MS. SULLIVAN: I put in a comment card for the  
8 Executive Director's Report.

9 MR. BAEDEKER: Oh, you did. I --

10 CHAIRMAN FERRARO: We don't have the cards up  
11 here yet.

12 MR. BAEDEKER: Yeah, we do. We do. I lost them.  
13 There they are.

14 CHAIRMAN FERRARO: Martha, go ahead.

15 MS. SULLIVAN: Good morning. My name is Martha  
16 Sullivan. I once more drove up from Imperial Beach at  
17 the -- near the Mexico-U.S. Border because I felt that  
18 strongly to be here today.

19 I would like to formerly ask that the Executive  
20 Director's Report include a report on fatalities of horses,  
21 as well as the financials, since this Board purports to put  
22 the welfare of horses first.

23 I'd like to point out, we have a summary of the  
24 kills at Del Mar in this year's 11-week series of meetings  
25 right here in front of me on the podium, five during the

1 winter meet and six during the summer meet. That's one a  
2 week, folks. And this is the track that called itself the  
3 safest track. So if that's the bar, it's a really, really  
4 low bar.

5 I think this Board needs to include this at the  
6 top of its meeting, a report on the fatalities, both the  
7 previous month and the year to date.

8 CHAIRMAN FERRARO: Martha, that's what the  
9 Medical Director's item --

10 MS. SULLIVAN: Well, this is the first time --

11 CHAIRMAN FERRARO: -- is for.

12 MS. SULLIVAN: -- I ever have seen a Medical  
13 Director's Report on the agenda --

14 CHAIRMAN FERRARO: That's right. This is a  
15 different report.

16 MS. SULLIVAN: -- so I'm glad to see that.

17 CHAIRMAN FERRARO: It's there.

18 MS. SULLIVAN: And since you don't post what  
19 these reports are about, we have no idea.

20 MR. BAEDEKER: Well, you may have heard at last  
21 month's meeting, I announced that we will be posting the  
22 fatalities beginning in January. Every month, you'll be  
23 able to go back and look. Once we get it updated, you'll  
24 be able to look back --

25 MS. SULLIVAN: My point is --

1 MR. BAEDEKER: -- at 2018.

2 MS. SULLIVAN: -- is that this Board --

3 MR. BAEDEKER: I'm just --

4 MS. SULLIVAN: -- should care --

5 MR. BAEDEKER: -- I'm just letting you know.

6 MS. SULLIVAN: -- as much about the horse  
7 fatalities as it does the financials.

8 MR. BAEDEKER: Good point.

9 MS. SULLIVAN: And it should be included in the  
10 Executive Director's Report. That's my point.

11 MR. BAEDEKER: It's up to the Board. The Board  
12 will decide. Thank you.

13 I just want to let everybody know that it will be  
14 posted. Those numbers will be posted every month on the  
15 CHRB webpage.

16 CHAIRMAN FERRARO: Dr. Arthur, you want to  
17 proceed with your report?

18 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Dr.  
19 Arthur, Equine Medical Director.

20 Over the last ten days, I've been in meetings in  
21 Hong Kong for the IFHH on gene doping, welfare and drug  
22 testing, and at the American Association of Equine  
23 Practitioners meeting in Denver.

24 Santa Anita, and the resulting unprecedented  
25 changes going on in California and elsewhere in the U.S.,

1 is on everyone's mind.

2 Internationally, there is strong support for the  
3 changes in California, and especially towards restrictive  
4 permissive nonsteroidal anti-inflammatories and Lasix. But  
5 internationally, horse welfare is a common concern. This  
6 is to just a California and U.S. issue, it is an  
7 international issue, so I think it behooves all of us to  
8 share strategies with our international colleagues to  
9 improve horse safety.

10 Here in the U.S., I've been closely involved in  
11 the American Association of Equine Practitioners since the  
12 early '80s. At the Racing Committee meeting, I felt a  
13 fundamental change in attitude about what -- about the  
14 changes that are going on and I was very happy to see,  
15 here, two California-based veterinarians, Dr. Jeff Blea and  
16 Dr. Ryan Carpenter, explain to their colleagues that the  
17 changes in California are actually positive and workable,  
18 which I think was one of the concerns of the -- you know, a  
19 lot of our horsemen and veterinarians.

20 On drug testing, I don't have the Maddy Lab  
21 report for total samples analyzed, and those don't come out  
22 until the 20th of the month, but I can report on the total  
23 number of positive test notifications served on trainers.  
24 Positive test notification is when we find an adverse  
25 finding, the trainer is notified and they have an

1 opportunity to have a split sample and an investigation is  
2 initiated.

3           There were ten Class 4 violations, those are  
4 primarily therapeutic medications, one Class 3, and one  
5 Class 2 violations. Those are all currently under  
6 investigation by CHRB investigators. And as everyone  
7 knows, the law requires that they name those trainers in  
8 the drug are confidential until a complaint is filed by the  
9 Board.

10           Two points. One of the Class 4 violations is  
11 scopolamine. This is the third scopolamine since late  
12 August that we've seen. And there was another in an out-  
13 of-competition testing sample, evidence of scopolamine in a  
14 post-race sample that did not meet our -- the confirmation  
15 criteria. Those are all under investigation. And jimson  
16 weed exposure is a very likely possibility.

17           Secondly, while none of these occurred in  
18 November, isufluprodone, a very common corticosteroid  
19 called Predef, there were seven cases in September and  
20 October, and six of those seven were here at Los Alamitos  
21 in the Quarter Horses. We have, under my instructions,  
22 improved the sensitivity for testing for isufluprodone.  
23 And we've notified the trainers that the new testing for  
24 isufluprodone is quite a bit more sensitive. But trainers  
25 and veterinarians need to be aware that we are regulating

1 corticosteroids in urine, screening for them in urine. We  
2 usually confirm them in blood but the sensitivity is much  
3 greater than it was. But all of those horses were treated  
4 within 14 days, except for one horse that had a very large  
5 dose outside of 14 days, I think it was 17 days.

6           There were 11 necropsy submissions in November,  
7 four racing, five training, and two non-exercise. That  
8 compares to 19 in November 18. For all horses since our  
9 fiscal year started on July 1st, there have been 58  
10 fatalities on all tracks in California compared to 67  
11 the -- up to November 30th in 2018. Please be aware that  
12 there are between 4,000 and 5,000 horses in training at  
13 California racetracks at any one time.

14           Just a quick comment on the fatality  
15 investigation. The Santa Anita fatality investigations  
16 began with CHRB investigators and the L.A. County D.A. And  
17 that is, was and is, a law enforcement investigation. They  
18 were looking for violations of laws and regulations. That  
19 effort actually hindered, to my mind, a more analytic  
20 review that I would have preferred.

21           As the law enforcement investigation is wrapping  
22 up, CHRB has started to review all the data that has been  
23 accumulated in those investigations, really from a systems  
24 failure approach. What went wrong and how can we fix it?

25           In October, Dr. Alina Vale, a CHRB official

1 veterinarian and with previous racetrack experience, also  
2 has a master's in forensic veterinary medicine, was  
3 assigned to review those investigative reports and all the  
4 other data we have and start accumulating, putting that  
5 together for a report.

6           But let me take you back, just take a step back  
7 and point out that Fiscal Year '18-19 was the second lowest  
8 number of fatalities in California since 1990,  
9 notwithstanding the Santa Anita situation. Fiscal Year  
10 '17-18 was actually the lowest. And that is over a 50  
11 percent reduction in fatalities in California over the last  
12 ten years. And that is in face of California moving away  
13 from synthetic surfaces on the Southern California major  
14 racetracks to dirt, which we know is an increased risk  
15 factor.

16           In the review of the CHRB's agenda, transcripts  
17 and actions over the last 13 years will show horse safety  
18 and welfare has been a major focus of this Board, and  
19 certainly of mine. We did not wait for the investigation  
20 to be completed to start taking action. The medication  
21 restrictions we all know about. We've increased staffing,  
22 especially more official veterinarian assignments. We've  
23 expanded out-of-competition testing. We've started C.E.  
24 programs. We're monitoring training. We have diagnostic  
25 imaging that, I think when you see the report will

1 understand why it's so important with the PET scan and MRI.

2 And the PET scan actually is being installed at Santa  
3 Anita today. And there's a meeting with trainers and  
4 veterinarians on Friday with Dr. Spriet from UC Davis on  
5 the benefits of using this.

6 We do more prerace examinations and improved  
7 record keeping and this is really an expansion. The panel  
8 is really an expansion of a program we started in 2017  
9 where we start examining horses, not just on race day, as  
10 per regulation, but those horses that we have any special  
11 concern on prior to race date. And, you know, integrity  
12 and safety, and I do need to make this point, integrity and  
13 safety costs money. And this industry needs to be prepared  
14 for additional drug testing costs at Maddy and additional  
15 staffing, especially for qualified examining veterinarians.  
16 They're hard to find.

17 We expect to have the report by mid-January. The  
18 law enforcement report by the CHRB and L.A. County D.A. may  
19 come sooner. I'm not involved in that. But our goal is to  
20 understand what happened and so that this industry can  
21 make racing safer.

22 Finally, I do want to mention that selling a  
23 horse in California for slaughter is a crime. It's  
24 punishable by three years -- it's a felony, punishable by  
25 three years in prison. If anyone has any knowledge of a

1 racehorse being sold to slaughter, they should contact  
2 their local law enforcement. From contacts I've had with  
3 the L.A. County D.A.'s Office, I'm confident they would  
4 pursue any credible information that anybody has of a horse  
5 being sold to slaughter.

6 As for any horses being sold for slaughter off of  
7 CHRB racetracks, I don't believe it. I know CHRB  
8 investigators would take credible information seriously.  
9 And furthermore, most, if not all, racetracks in California  
10 have anti-slaughter policies. I am sure that horses that  
11 have raced in California do end up in Canada or Mexico but  
12 that really involves criminal if it was done with an intent  
13 to sell a horse to slaughter.

14 This presentation should be shorter going forward  
15 and I'm happy to answer any questions.

16 CHAIRMAN FERRARO: Any questions from the Board?  
17 I have one.

18 Dr. Arthur, are you aware of the recent study by  
19 Washington State University regarding the application or  
20 use of Lasix and the timeframe and dosage?

21 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. In fact,  
22 Dr. Waz Bailey (phonetic) -- Warg Bailey (phonetic)  
23 presented his information at the AAEP on yesterday  
24 afternoon -- or, actually, Tuesday afternoon, I should say.  
25 And people may not be aware but we did a similar study at

1 Maddy Laboratory under a grant from the Grayson-Jockey Club  
2 Research Foundation. What he found is that Lasix shows a  
3 significant reduction in endoscopic scores on horses at 24  
4 hours that -- and those are horses that are problematic  
5 bleeders. In our study on horses that were not problematic  
6 bleeders, we did not see a change in endoscopic scores of  
7 BALs that were significant. There was a trend but it was  
8 not significant. But in his study, they found, with  
9 moderate water restriction and Lasix at -- low-dose Lasix,  
10 that's 5 cc Lasix, as we have, at 24 hours there is a  
11 significant reduction in endoscopic scores.

12 CHAIRMAN FERRARO: Was it as effective as the  
13 four-hour in-day (phonetic) treatment?

14 EQUINE MEDICAL DIRECTOR ARTHUR: In his study, it  
15 actually was.

16 CHAIRMAN FERRARO: So if the 24-hour dosage with  
17 water restriction is as effective as the 4-hour dosage, why  
18 would one want to give in-day Lasix?

19 EQUINE MEDICAL DIRECTOR ARTHUR: Well, the  
20 discussion actually got into the performance-enhancing  
21 effect of furosemide. So I don't know if you really want  
22 to get into the details of that, but horses run faster on  
23 Lasix. And Dr. Bailey reviewed the literature that show  
24 pretty conclusively that the weight loss from furosemide is  
25 a major factor in its performance-enhancing effects.

1 You're looking at about 20 to 25 pounds.

2 CHAIRMAN FERRARO: And that's with the in-day  
3 treatment; right?

4 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

5 CHAIRMAN FERRARO: So if the drug on the in-day  
6 treatment is a performance-enhancing drug, isn't it not  
7 against the policy of racing to use performance-enhancing  
8 drugs?

9 EQUINE MEDICAL DIRECTOR ARTHUR: Well, that's a  
10 bit of a loaded question but, yes. And again, you know, I  
11 don't think there's any -- you know, one of the reasons,  
12 and I'll have to take some blame for this, one of the  
13 reasons that we actually changed the regulation from horses  
14 actually being seen to bleed as compared to -- as when you  
15 and I were first involved with Lasix, and that anybody can  
16 put it on if they just thought the horse needed it, was the  
17 fact that veterinarians felt they were being forced to  
18 perjure themselves in saying they've seen horses bleed.

19 So rather than -- the effort was really to level  
20 the playing field. And that's why 98-1/2 percent of the  
21 horses run on Lasix today, because there is an advantage.  
22 You're looking at almost a five-length advantage in a six  
23 furlong race for being on Lasix.

24 CHAIRMAN FERRARO: But that is a performance-  
25 enhancing aspect, not the bleeder control aspect; is that

1 correct?

2 EQUINE MEDICAL DIRECTOR ARTHUR: That's correct.

3 CHAIRMAN FERRARO: Everybody understand that?

4 Can you say it again?

5 EQUINE MEDICAL DIRECTOR ARTHUR: Lasix is a  
6 performance-enhancer.

7 I will point out that 80 percent of the horses  
8 bleed without Lasix. Sixty percent of them bleed with  
9 Lasix.

10 CHAIRMAN FERRARO: Everybody hear that?

11 Say it again.

12 EQUINE MEDICAL DIRECTOR ARTHUR: Eighty percent  
13 of the horses bleed without Lasix. Sixty percent of them  
14 bleed with Lasix.

15 CHAIRMAN FERRARO: Okay. Thank you very much.

16 VICE CHAIR GONZALES: Dr. Ferraro, I have a  
17 question.

18 Thank you for your report, Dr. Arthur. Regarding  
19 veterinarians, separate, aside from the cost of the  
20 veterinarian, what are some things this sport needs to be  
21 aware of? We do know it's one of the Governor's priorities  
22 is to give -- have more veterinarians on the ground. What  
23 are some of the things we need to be aware of, whether it's  
24 recruitment retention training?

25 EQUINE MEDICAL DIRECTOR ARTHUR: Well, one of the

1 problems, in the 13 years I've been Equine Medical  
2 Director, the remuneration for an official veterinarian has  
3 gone up \$50.00. And it is just very, very difficult for us  
4 to find and retain qualified veterinarians. Frankly, it  
5 has always been heretofore a retirement job. I think we're  
6 very fortunate to have some young veterinarians, like Dr.  
7 Grande, take on this role. And I think we're going to have  
8 to pay more. We don't give them any benefits. They're  
9 independent contractors.

10 As an example, you know, the racetracks are  
11 paying pretty close to \$100 an hour for a veterinarian and  
12 we pay about \$60.00 with no benefits. So if we're going to  
13 hire veterinarians that are competent to examine horses,  
14 we're going to have to figure out how to pay them.

15 VICE CHAIR GONZALES: Okay. Thank you. And it  
16 would be great to identify one of the standing committees  
17 that can start to provide the necessary support to achieve  
18 the goals that we have laid out, so thanks, Doc.

19 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah.

20 CHAIRMAN FERRARO: Anyone?

21 Thank you, Dr. Arthur.

22 MS. SULLIVAN: I have a comment card in.

23 MR. BAEDEKER: Oh, yeah, she does.

24 CHAIRMAN FERRARO: Go ahead, Martha.

25 MS. SULLIVAN: Martha Sullivan, again, from

1 Imperial Beach.

2 I wanted -- I noted that Dr. Arthur talked about  
3 the drop in the number of fatalities, horse fatalities over  
4 the years. And I wanted to -- I did some number crunching  
5 myself last month and I'd like to point out that the number  
6 of starts over the last ten years, at least that we have  
7 annual reports for since the annual report has been  
8 delayed, as I understand, until the end of January, those  
9 are down 33 percent. So one would hope that horse  
10 fatalities would drop as well. So that accounts for a big  
11 chunk of the drop in fatalities that Dr. Arthur referred  
12 to.

13 I also want to, right here, make a formal  
14 complaint about the confiscation of the, you know, the  
15 public information that I had on display here. It wasn't  
16 blocking anybody's view here, which is why I put it there,  
17 and it was just confiscated from me. And it was said  
18 because this is private property.

19 This is a public meeting of a state agency. It's  
20 not governed by private property rules. So I'm lodging a  
21 formal complaint. I'm glad you at least were able to see  
22 it. I'm sad that it bothers this agency so much to be  
23 faced with the deaths of 11 horses at one racetrack, that  
24 you have to have it removed by security.

25 CHAIRMAN FERRARO: We'll move on to item number

1 three, discussion and presentation from The Stronach Group  
2 regarding stable area improvements at Santa Anita Park and  
3 San Luis Rey Equine Center.

4 MR. BUTLER: Good morning, Commissioners.

5 CHAIRMAN FERRARO: Please state your names for  
6 the Court Reporter please.

7 MR. BUTLER: Yeah. I'm Aiden Butler on behalf  
8 of, I guess, The Stronach Group at the moment, but covering  
9 Santa Anita and San Luis Rey, trying to facilitate.

10 MS. BOON: Nicola Boon. I'm a consultant for the  
11 Los Angeles Turf Club.

12 MR. BUTLER: So what I wanted to do today is give  
13 you a little overview of some of the thought and some of  
14 the effort that's going into really taking a bit of a  
15 holistic look at training, not just at Santa Anita but  
16 across all of the properties in Southern California. We,  
17 as some of you may be aware and most of you are, that we're  
18 also not only the owner of Santa Anita Park, we also own  
19 the Training Center at San Luis Rey.

20 I decided to bring an engineer with me, and our  
21 engineer with me, today, just because there are a lot of  
22 moving parts with regards to training. And I wanted her to  
23 give a little more meat around some of the problems that  
24 are arise when you start to adjust training. And in an  
25 ideal world with a magic wand, we just build the most

1 beautiful barns in the world. As you'll hear shortly,  
2 there are a few issues that come up with that.

3 But since I've been at Santa Anita, I've kind of  
4 taken a big history listen on where we came from and how we  
5 are in the position we are in. I understand when the track  
6 was first purchased there was a statement made that we're  
7 going got put brand new barns in. That was many moons ago  
8 and those barns are definitely not brand new.

9 We do, however, and especially lately, we have  
10 put a real emphasis on trying to improve the backside,  
11 specifically at Santa Anita. I put -- I didn't announce  
12 it, but we put a quarter of a million dollars into all the  
13 dormitory rooms because, as you're all aware, it's not just  
14 the horses, there are humans who live back there who look  
15 after the horses. We did get a glowing report from the  
16 health inspector. But again, that is -- it's a pretty low  
17 bar. As you know, the barns have been there since the  
18 track was built and they are not, by any means, as good as  
19 we'd like them to be.

20 Nikki, I wonder if you'd join in now and give a  
21 little overview?

22 MS. BOON: Certainly. As Aiden said, the barns  
23 are old, and with age comes problems. We looked at the 46-  
24 acre 7-barn (phonetic) site that was -- part of which was  
25 used as an assembly center during the war. Of those 66

1 barns approximately that exist in the southern location, we  
2 have 42 buildings of them of which are located within the  
3 historic district for the assembly center that is both a  
4 California historical landmark, it's on that registry, as  
5 well as being eligible for listing in the National Register  
6 of Historic Places.

7           So what does that mean?

8           It means that thou shalt not tear them down. And  
9 it also means that thou shalt not make any major change to  
10 those structures without consultation. Any work within  
11 those barn areas within the historic district must conform  
12 to the Secretary of Interior standards, which is federal  
13 speak for there are guidelines that you must follow.

14           So that being said, we are looking at the barns  
15 outside of the historic district for what we can do with  
16 those but most of those. But most of those are newer.  
17 They're the brick barns. And should we decide -- or should  
18 the Los Angeles Turf Club decide to move forward we would  
19 enter into consultation with the stakeholders associated  
20 with that assembly center.

21           MR. BUTLER: And if may, with no engineering  
22 speak, it's not anything -- we can be -- we can be pretty  
23 bold with this statement. It's not just necessarily where  
24 the horses live, it's what the horses' environment is like  
25 as a whole. We don't have any turnout pens at Santa Anita.

1 And myself, and I know The Stronach Group as a whole, would  
2 like to see that improve. We'd like to see better areas.

3 Now it's not as simple as knocking down barns.  
4 We are pretty limited to what we can knock down. Not that  
5 it's jovial, but the CTT building isn't under the  
6 protection of the historic registry, so we could knock  
7 CTT's headquarters down and put some stuff there but, other  
8 than that, we are kind of limited.

9 But Nikki will now go through and show, in lieu  
10 of being able to just go and knock down barns, what are  
11 some other options, and I think that's where we wanted to  
12 get to.

13 And one other little piece. We do have a very  
14 good crew on the ground at Santa Anita. The barns, people  
15 have said -- criticized the barns, loose panels, they're  
16 addressed as soon as they can be. Structurally, those  
17 barns haven't moved for a long time because they are  
18 structurally sound. They're not very pretty but they are  
19 safe for horses to be in. But that said, we really want to  
20 see what we can do to improve, and that's the second part  
21 of what Nikki will tell you about.

22 (Colloquy between Mr. Butler and Ms. Boon)

23 MS. BOON: So about four months ago the LATC  
24 approved a due diligence project down at San Luis Rey  
25 Training Center. We started that in roughly August with

1 the goal of looking to see how we could better utilize the  
2 204 acres that San Luis Rey sits on. The current horse  
3 population or capacity is 499. And that and the track  
4 occupy about 81 acres. So we've got some space to play  
5 with, most of which is not developed, it's agricultural  
6 open space.

7           The project team -- that project was actually  
8 finished 48 hours ago on Tuesday. And what the project  
9 team looked at was site planning. We assessed about six  
10 different site plans as to what we could do short, medium  
11 and long term. We looked at the biological constraints  
12 that may exist on the property regarding sensitive species  
13 and habitat. We looked at land planning and permitting  
14 requirements. Without getting into too engineering-speak,  
15 civil and stormwater engineering, transportation,  
16 construction management, including a full opinion of  
17 probably cost, as well as economic impact, it was a very,  
18 very thorough project and analysis of San Luis Rey.

19           MR. BUTLER: And the intent, if we can't, if  
20 we're limited to what we can do at Santa Anita, one of the  
21 smart decisions is, well, where else can we house these  
22 horses? And it seems now with the early read of Nikki's  
23 7,000-page document, we are going to be in a position to  
24 potentially move horses and build newer barns, and with  
25 newer barns, it becomes a better environment.

1 San Luis Rey is a really cool training center.  
2 Again, if none of you have been, I'd love to take you on a  
3 tour at some point. It does have -- it has trails. It has  
4 a swimming pool. It has lots of stuff for the horses that,  
5 unfortunately, we just don't have the capability to do at  
6 Santa Anita.

7 But I wanted to assure you that it is front and  
8 center of the future plans of not only LATC but of The  
9 Stronach Group, which is horses with better environments,  
10 happier and healthier, and that goes to the humans as well.

11 MS. BOON: And I'd just like to add one thing.  
12 This is lots of moving parts. We're looking at venn  
13 diagrams, really. So apart from the historic constraints  
14 that we have at Santa Anita, there are regulatory  
15 compliance efforts that we must adhere to. We must make  
16 improvements, best management practices, things like that.  
17 And every single one of these projects ties into,  
18 basically, the one next door to it. But we do look -- it  
19 would appear that it is feasible to increase horse capacity  
20 at San Luis Rey over time.

21 CHAIRMAN FERRARO: Can I interrupt you? Just  
22 having more horses at San Luis Rey would relieve the  
23 traffic on Santa Anita; no?

24 MR. BUTLER: No. The intent would be, because  
25 the barbs, I mean just in plain speak, Commissioner, the

1 barns aren't getting any better at Santa Anita. We believe  
2 that less traffic at Santa Anita is optimum.

3           You may or may not be aware, there was a project,  
4 going back a couple of years now, to put more barns at  
5 Santa Anita. We believe less traffic is better, spreading  
6 out traffic among (indiscernible).

7           CHAIRMAN FERRARO: That's what I'm asking.

8           MR. BUTLER: Absolutely.

9           CHAIRMAN FERRARO: It's better to spread them  
10 out --

11          MR. BUTLER: Far better.

12          CHAIRMAN FERRARO: -- and have less traffic on  
13 the tracks?

14          MR. BUTLER: Far better.

15          CHAIRMAN FERRARO: Yeah.

16          MR. BUTLER: And with a pure training center, you  
17 have a lot more latitude to do different training times, to  
18 elongate training hours. Santa Anita is pretty, right,  
19 limited by the fact that we're a racetrack as well.

20                 So I think for all of us, and particular for the  
21 health and welfare of the animals, less is more when it  
22 comes to training. Less traffic on a track is more.

23                 COMMISSIONER SOLIS: How long are these projects  
24 going to take --

25                 MR. BUTLER: So --

1 COMMISSIONER SOLIS: -- to you think?

2 MR. BUTLER: -- there were varying degrees.

3 There are varying degrees, Commissioner. There are. There  
4 is a kind of a short-, medium- and long-term plan here.

5 One of the short-term plans, which would be potentially  
6 putting up to another 500 stalls at San Luis Rey, could be  
7 relatively quickly in building terms.

8 MS. BOON: About six months or so.

9 MR. BUTLER: Yeah.

10 COMMISSIONER SOLIS: Yeah, because we're still  
11 waiting for the ones that they were going to build at Santa  
12 Anita and --

13 MR. BUTLER: Well --

14 COMMISSIONER SOLIS: -- it never happened.

15 MR. BUTLER: -- no, absolutely, Commissioner.

16 And I think I will take the blame. With what's happening  
17 and how things are now, putting another 850 horses at Santa  
18 Anita was deemed not to be a particularly, a wise thing for  
19 many reasons. And I think, again, through no mismanagement  
20 or no bad judgment, how things have evolved, the plan has  
21 evolved, I think we are hypersensitive at the moment to  
22 understand we need better training facilities for the  
23 horses or, rather, better stabling facilities. We're  
24 blessed that we own San Luis Rey, which is a really good  
25 training center. And to potentially remove traffic from

1 Santa Anita and put it elsewhere would be key.

2           And also, this doesn't just impact The Stronach  
3 Group tracks. I'm the one up here talking but, you know,  
4 we're very -- we've got a very close relationship with the  
5 other southern tracks, including the one we're at today,  
6 and we have an ecosystem where we need a level of -- I'm  
7 sorry, we need an ability to house X amount of horses. All  
8 of these things need to be looked at. I believe the number  
9 is something like 3,250 horses currently. There are  
10 nowhere near that many horses in the population. So we  
11 need to start to address some of the bigger conversations  
12 of we have a need for training. Los Al has training -- as  
13 stabling. Del Mar and us both need to have auxiliary  
14 training centers but how many of those numbers? What  
15 exactly does that mean?

16           It really now needs to be pushed forward and  
17 taken seriously because there is, amongst other things,  
18 there is a real need now to kind of create some sort of  
19 long-term vision because it's been a little bit patchworky.

20           And that -- like I'm new to California but with the  
21 closing of other tracks, you know, Hollywood, Pomona, it's  
22 really -- the system isn't perfect because it's been done  
23 in a time of crisis in some areas. But I think if we can  
24 all, as an industry, sit down and look forward, we can come  
25 up with a viable solution that can take us into the next

1 decade, you know?

2 COMMISSIONER SOLIS: Another thing that I want  
3 you to keep in mind, as you know, San Luis Rey Downs is  
4 secluded from so many big places. And we're going to need  
5 some really nice houses for the grooms --

6 MR. BUTLER: Certainly.

7 COMMISSIONER SOLIS: -- and some kind of  
8 recreation. Because, as you know, there's not much to do  
9 around there.

10 MR. BUTLER: No. No.

11 COMMISSIONER SOLIS: And it's hard to get help.  
12 So we really have to look into finding something for these  
13 people to have some kind of fun.

14 MR. BUTLER: Absolutely. Of course.

15 MS. BOON: Actually, as part of the site  
16 planning, we do have grooms quarters, brand new grooms  
17 quarters included in the project description. We also have  
18 a new rec center. And we're also looking at improving the  
19 existing administration building, it's 8,000 square feet  
20 just south of the track, to also provide entertainment.

21 MR. BUTLER: Thank you.

22 VICE CHAIR GONZALES: I guess regarding that,  
23 Santa Anita, you did mention a convening of stakeholders on  
24 an ongoing basis.

25 MR. BUTLER: Sure.

1           VICE CHAIR GONZALES:  If you could just make sure  
2 that the California Thoroughbred Horsemen Foundation, you  
3 know, they are the advocates for the backstretch workers --

4           MR. BUTLER:  Yeah.

5           VICE CHAIR GONZALES:  -- and also the appropriate  
6 unions, especially those that, you know, utilize the  
7 backstretch, whether it's the fee truck delivery guys, just  
8 to make sure that entry and exit ways are suitable.

9           And finally, regarding the kitchen area at Santa  
10 Anita, is it possible to get Wi-Fi there for the  
11 backstretch workers?

12          MR. BUTLER:  So that, absolutely.  That was put  
13 in.  The work order was put into that before, I believe  
14 just as we opened for the last meet.  These things take  
15 time.

16          You may or may not be aware, I've spent a lot of  
17 time over on the backstretch with the chaplain and so on,  
18 so it's very near and dear to my heart to try and make that  
19 as good as it can be.  I don't always have a lot to work  
20 with but I'm giving it everything I can out there.  And Wi-  
21 Fi is an absolute necessity.

22          We also have the I.T. Department at Santa Anita  
23 getting and pulling up some computers so people will have  
24 access to use computers.

25          VICE CHAIR GONZALES:  Great.

1 MR. BUTLER: There's a lot of plans there. I  
2 just wish I could climb myself some days and get a little  
3 more bandwidth. But, yeah, I can assure you that we're  
4 putting a lot of thought into it and we will start to make  
5 some big differences.

6 VICE CHAIR GONZALES: Excellent. I think  
7 internet connectivity, especially for --

8 MR. BUTLER: The people who want --

9 VICE CHAIR GONZALES: -- the hardworking grooms,  
10 you know --

11 MR. BUTLER: -- especially want to Facetime home  
12 or --

13 VICE CHAIR GONZALES: That's absolutely right.

14 MR. BUTLER: -- What's App home to see their  
15 families --

16 VICE CHAIR GONZALES: Yeah, I agree.

17 MR. BUTLER: -- no, I am 1,000 percent in  
18 agreement.

19 VICE CHAIR GONZALES: If you need help with that,  
20 Aiden, you let me know.

21 MR. BUTLER: Thank you, sir.

22 VICE CHAIR GONZALES: Yeah.

23 MR. BUTLER: I appreciate that.

24 CHAIRMAN FERRARO: Any other questions?

25 Before we move on, I just want to -- I was remiss

1 in not making this announcement sooner, we're going to move  
2 item number 12, that's the rule regarding the riding crop,  
3 up until -- we will take it up right after item number  
4 seven on Northern California race dates, so everyone knows  
5 when that's going to occur.

6 And I think you, Aiden, are probably up with the  
7 next item, which is item number four --

8 MR. BUTLER: I think you're stuck with me for a  
9 little while.

10 CHAIRMAN FERRARO: -- discussion -- what?

11 MR. BUTLER: I think you might be stuck with me  
12 for a while.

13 CHAIRMAN FERRARO: Discussion and action by the  
14 Board --

15 MS. BOON: You're not stuck with me, so I'll  
16 disappear.

17 CHAIRMAN FERRARO: Discussion and action by the  
18 Board on the outstanding items on the Application for a  
19 License to Conduct a Horse Race Meeting at LATC at Santa  
20 Anita Race Track, commencing December 18th through June  
21 23rd, opening day, December 26th.

22 MR. SINDLER: Good morning. Eric Sindler with  
23 the Santa Anita Park.

24 CHAIRMAN FERRARO: So we had some outstanding  
25 conditions that we needed to have settled. They included a

1 12-day reduction in the number of live racing days, which  
2 we had an agreement on, no races under \$10,000, and the  
3 submission of safety protocols related to inclimate  
4 weather, and other restrictions related to corticosteroid  
5 injections of the fetlock joint. Are you prepared to  
6 address those now?

7 MR. SINDLER: Yes, we are. In no particular  
8 order, the nothing less than 10,000, that is part of our  
9 TSE agreement, which has been recently signed, so that is  
10 taken care of. The medication agreement that deals with a  
11 lot of veterinary stuff, that's a little above my  
12 knowledge, but Dr. Benson was involved with drafting the  
13 agreement and it is in compliance with what you were  
14 requesting. That has also just been recently signed with  
15 the TOC.

16 I'm sorry, what were some of the -- the inclimate  
17 weather policy was submitted to the Executive Director, I  
18 believe two weeks ago, approximately.

19 CHAIRMAN FERRARO: Actually, it was submitted on  
20 Wednesday afternoon, I believe, and I have it here.

21 MR. SINDLER: Oh, okay. I thought it was  
22 submitted a while ago. I apologize.

23 MR. BUTLER: Well, you've seen a few versions of  
24 it, I'm sure.

25 MR. SINDLER: I'm sorry. Anything left from that

1 list that you had just read off?

2 CHAIRMAN FERRARO: No. I just wanted to mention  
3 to you that the inclimate weather policy that we settled on  
4 with Mr. Fravel and Mr. Moore this week, we gave you quite  
5 a bit of flexibility. In our original proposal, it was  
6 pretty strictly -- strict control on sealed tracks and what  
7 you could do. We've given you some flexibility on it.

8 Mostly, I have to be honest with you, is because  
9 we respect the opinions and abilities of your track  
10 supervisor, Dennis Moore, to deal with situations of  
11 inclimate weather and, two, that we have a lot of trust in  
12 Mr. Fravel to keep his word. So the policy that we settled  
13 on this week is agreeable, at least to this Director. But  
14 I have to warn you that, you know, we can't afford to have  
15 a repeat of last year. You know that as well as I do.

16 So if the Board has any inclination that the  
17 policies that we've agreed upon are not being followed or  
18 that we're starting to slide into another problem  
19 situation, this Board does have the ability to step in and  
20 we will if we have to. I hope that's not necessary. But  
21 I'm sure if we follow the agreements that we made here it  
22 won't be.

23 Do we understand that?

24 MR. SINDLER: Absolutely.

25 CHAIRMAN FERRARO: Any questions from the Board?

1           COMMISSIONER MITCHELL: Sorry. I just -- now my  
2 mike's off. You know, I just received this, the inclimate  
3 weather policy, which I think was a major contributor to  
4 the racing deaths last winter. I would really like to see  
5 these earlier. It's a multi-page document. Not that I'm a  
6 track expert but my expectation is to read all of this  
7 before I vote on things. I appreciate, you know, the  
8 Chairman's comments and his confidence in the team to make  
9 sure that these rules are followed so I will be voting aye.  
10 But in the future, I think it's important that we have a  
11 more transparent process and that we're able to review  
12 something this important. Because while we're going to go  
13 on to the jockeys -- the whipping rule, I think, you know,  
14 this is much more important to the welfare of the horses,  
15 which is my concern and why we're here, than, you know,  
16 that policy.

17           So just to say that we will not hesitate. And  
18 if, you know, things don't go as we'd like or as, you know,  
19 we expect, based on all these new rules, it will not be  
20 pleasant. And you know that, as well as I, just --

21           MR. BUTLER: I agree. I agree, Commissioner,  
22 and apologize for the delay in you receiving that report.  
23 And I'll make sure going forward we'll try and get these  
24 things out a lot quicker. And hopefully --

25           COMMISSIONER MITCHELL: Okay.

1 MR. BUTLER: -- hopefully, you have my assurance,  
2 and I've stated this, you know, pretty much the first  
3 meeting I was at that I got to speak that the reason there  
4 will be no doubt and there should be no doubt in your minds  
5 that if there is any uncertainty on the safety of the  
6 surface, we will not be running. It is not even a  
7 question. The fact that we have this now is actually good.  
8 I think it sets a tone and a precedent going forward that  
9 my intention, and while I'm here, there is no way we will  
10 EER take a chance on the racing surface.

11 COMMISSIONER MITCHELL: Great. And, well, I  
12 appreciate everything that you've been trying to do, so --

13 MR. BUTLER: Thank you.

14 CHAIRMAN FERRARO: One more question before you  
15 go. Are we on Board for the no two-year-old Lasix; is that  
16 correct, for next year?

17 MR. SINDLER: That's correct. That is also part  
18 of the race-day medication agreement that's been signed  
19 with the TOC.

20 CHAIRMAN FERRARO: Okay. Okay. Great. Thank  
21 you.

22 Rob?

23 MR. BRODNIK: Good morning, Members of the Board.  
24 Robert Brodник, California Horse Racing Board.

25 I just, for clarity, I want to make sure that

1 we've addressed all the outstanding items. There were some  
2 that are still listed in the Staff analysis.

3 Today, we received from them the TOC agreement,  
4 which was an outstanding item. I don't have the CTT race  
5 meet agreement that was listed in the staff analysis as  
6 outstanding.

7 MR. SINDLER: Yeah. So this issue actually came  
8 in front of the Board in 2016. And I'd like to read from  
9 the transcript from 2016. This is from Executive Director  
10 Baedeker. It's page 80 of the December 2016 meeting. So,  
11 yes -- I'm sorry. Let me start over.

12 "Yes. So I think we heard from Mr. Miller that from a  
13 legal standpoint the only outstanding" -- dash dash --  
14 "that all the required documents have been submitted  
15 or, as we have heard, have been finalized and are  
16 about to be submitted. It is not a legal requirement  
17 that the CTT agreement be part of the application,  
18 although it has been requested by the Board as a  
19 matter of practice."

20 So based on your own legal opinion, it does not  
21 seem to be an outstanding item.

22 MR. BUTLER: So, if I may, I'll try and simplify  
23 this slightly, there is a conversation. We're very close.  
24 It's really a point we're talking about. And again, just  
25 to be transparent because I think transparency is the order

1 of the day, there is a slight, I would say, disagreement in  
2 how and what the rights are of the track being private  
3 property versus the rights of people who participate and  
4 are licensed by the CHRB. I don't -- I believe -- I don't  
5 believe it's a huge issues that's not solvable but,  
6 unfortunately, it wasn't able to be negotiated in time.  
7 But I personally think that we will be able to get that  
8 done with the CTT.

9           And to Eric's point, I'm not a lawyer, but it  
10 does seem that it shouldn't be a barrier to granting a race  
11 meet license. And I would hope that we could move forward  
12 and I would hope cooler heads will prevail and we'll be  
13 able to get an agreement with the CTT in short order.

14           CHAIRMAN FERRARO: Mr. Balch, I see you standing  
15 back there. Do you have a comment to make about this?

16           MR. BALCH: Alan Balch, California Thoroughbred  
17 Trainers.

18           Well, with all due respect to Mr. Butler, we  
19 think it is a major issue. We're very disappointed in the  
20 fact that right after the November meeting, I had a  
21 conversation with Mr. Butler and suggested that we renew  
22 the existing agreement, which we've had for a long time.  
23 He didn't commit to that. We didn't get a proposal until,  
24 I think it was December 2nd or 3rd. It was completely one-  
25 sided and unacceptable. It withdrew all fair procedure to

1 any aggrieved horsemen.

2           We then finally arranged for a meeting, I think  
3 it was about maybe eight days ago. We responded within one  
4 day to that meeting and put acceptable language forward  
5 which we believed was very responsive to Mr. Butler's  
6 request. We didn't hear anything until, I think it was  
7 yesterday which, again, withdrew all fair procedure from  
8 aggrieved horsemen and subjected a very onerous arbitration  
9 clause into the agreement.

10           We do, in fact, have an existing race meet  
11 agreement. The race meet agreement that is in effect now  
12 is in effect until December 25th by its terms, which means  
13 that all the stall application processes and so forth that  
14 have taken place for this winter meeting are there and  
15 apply to the horsemen who have applied for stalls.

16           We think that this Board and The Stronach Group  
17 should extend every consideration to fair procedure for  
18 horsemen. It is exceptionally misguided under these  
19 circumstances of racing for any track to withdraw the  
20 provisions that have been negotiated for horsemen for many,  
21 many, many years. They fail to take note of the fact that  
22 CTT, the horsemen's organization, has on many occasions for  
23 many horsemen consented to the either disciplinary  
24 procedures or reduction in stalls of horsemen that we have  
25 participated in representing with those horsemen involved,

1 with the association, to make sure that they're treated  
2 fairly.

3           Now the past history of this last year has been  
4 largely, we regret to say, mistakes. Mistakes have been  
5 made, in our opinion, by the regulator, by the track  
6 management, by horsemen, by owners, by trainers. And to  
7 try -- for The Stronach Group to once again try to point  
8 the finger at professional horsemen for the situations that  
9 have arisen is absolutely wrong and we should not stand for  
10 it.

11           Now, we recommend that the existing agreement,  
12 which this Board has approved on numerous occasions, the  
13 language in it, be renewed again and that we have that  
14 agreement in place going forward until such time as the  
15 parties can mutually agree on a new agreement. We  
16 understand, I personally understand, where they're coming  
17 from. Most of my career, prior to the last ten years, was  
18 with track management. So I understand the prerogatives of  
19 the track management but I also understand and represent  
20 the professional horsemen who need to have confidence that  
21 they will be treated fairly by track management. And that,  
22 we believe, is required.

23           I would also point out that we filed an action  
24 with this Racing Board under Rule 2043 when this dispute  
25 arose as to the interpretation of the race meet agreement

1 back in June and July. And that rule, by its language,  
2 says that, "The Board shall immediately investigate," quote  
3 unquote, "any disagreements between the track and the  
4 horsemen's organization." That investigation has really  
5 never taken place. It certainly wasn't immediately done.  
6 And a complaint is now pending under 2043, which the Racing  
7 Board has finally taken up. And given the fact that that  
8 is underway is another reason, I think, that the existing  
9 race meet agreement should remain in effect until we, the  
10 parties, can mutually agree.

11 To have the horsemen be dictated to by the track  
12 management when this agreement has been successfully  
13 observed by the CTT and track managements throughout  
14 California is really wrong. And I hope the Racing Board  
15 does not accept this going forward.

16 Thank you.

17 MR. BRODNIK: Good morning, Commissioners. I  
18 just want to read Rule 2044, just for the record. Rule  
19 2044 is called Agreements to be Filed. It says in whole,  
20 "Each racing association shall file a copy of its  
21 agreement with the horsemen's organization or, in the  
22 case of fairs the horsemen's organization representing  
23 the horse owners and trainers, at its meeting at the  
24 same time the association files its application for  
25 license. In the event the association is unable to

1 obtain and file such agreement with its application  
2 the Board may, upon notice to the perspective parties  
3 to the agreement, conduct a hearing with regard to the  
4 conditions for the meeting and take such action as it  
5 may deem appropriate to ensure continuity of the  
6 racing program. The horsemen's organization shall  
7 provide a copy of the agreement for the conduct of the  
8 meeting to any person requesting the same and shall  
9 cause to be posted on the bulletin board of the  
10 association a notice of the location where a copy of  
11 the agreement may be obtained."

12 So that seems to indicate that the Board, in  
13 order to ensure the continuity of the racing program, can  
14 determine what the agreement would entail.

15 And when looking at the law, Business and  
16 Professions Code, section 19613.1, says,

17 "With respect to thoroughbred racing, accept as  
18 provided in subdivision (b), the Board shall determine  
19 which matters shall be the subject of negotiation and  
20 contract between the owners organization and the  
21 association and which matters shall be the subject of  
22 negotiation and contract between the trainers  
23 organization and the association."

24 Subsection (b) states,

25 "The owners organization shall generally be

1 responsible for negotiating purse agreements,  
2 satellite simulcast agreements, and all other business  
3 agreements relating to the conduct of racing that  
4 effect the owners. The trainers organization shall  
5 generally be responsible for negotiating issues  
6 relating to the backstretch, track safety, and the  
7 welfare of the backstretch of the employees."

8 Subsection (c) says,

9 "The Board shall resolve issues that are not settled  
10 between the association and the organization  
11 representing owners and trainers."

12 MR. BAEDEKER: So a next step would be --

13 MR. BRODNIK: So --

14 MR. BAEDEKER: -- for the Board to conduct a  
15 hearing, Rob?

16 MR. BRODNIK: Yeah. So one of the options, one  
17 of the options I think the Board could have, if the Board  
18 is inclined to grant a license to ensure the continuity of  
19 racing in the southern -- thoroughbred racing in Southern  
20 California, the Board could set a time and designate a  
21 member of the Board to resolve the issues related to the  
22 trainers and association with regard to their race meet  
23 agreements.

24 MR. BAEDEKER: We held a similar meeting,  
25 hearing, if you will, I think it was two years ago, two

1 years ago with the TOC. The Board, at an open session,  
2 empowered the Chair to conduct that hearing, and which  
3 happened and everything was worked out. So whatever the  
4 Board's pleasure is regarding who would be -- who would  
5 represent the Board at the hearing can be discussed and  
6 determined by you all.

7 MR. SINDLER: Again, and honestly, the Board  
8 is -- I'm sorry. The Board is, obviously, free to change  
9 its legal analysis. But again, the last time this did get  
10 brought up, on page 74 of the December 2016 meeting,

11 "MR. MILLER: With regard to needing -- needing the  
12 trainer association agreement, the Board in the past  
13 has already requested that," so just to point that  
14 out.

15 Because in 196123 (phonetic), I think it is, it  
16 talks about getting an agreement between the association  
17 and the trainers association as to backstretch issues and a  
18 couple of other items. But if the Board wants to go ahead  
19 and issue the license without the agreement of the  
20 trainers, they can do so.

21 So again, the last time this did come about in  
22 front of the Board, at least at that point, the legal  
23 opinion of the Board is that a trainer's agreement is not a  
24 requirement as a condition of licensure.

25 MR. BAEDEKER: Well, I think what you just read

1 said that the Board can approve a license --

2 MR. SINDLER: Yeah.

3 MR. BAEDEKER: -- without the agreement.

4 MR. SINDLER: Yes.

5 MR. BALCH: Mr. Chairman, may I be heard again?

6 CHAIRMAN FERRARO: Twenty-five words or less  
7 please.

8 MR. BALCH: Well, we very much respect and  
9 endorse what Mr. Brodnik read. The law speaks for itself.  
10 I think you heard from the statute, as opposed to the  
11 rules, from the statute what the trainers organization is  
12 expected to negotiate with the association, including  
13 welfare of the backstretch and track safety. And I submit  
14 to you that never have those matters been more important  
15 than they are now to work out on an evenhanded basis. If  
16 the Board can go ahead and issue the license without any  
17 requirement that the parties meet in good faith with the  
18 supervision of the Board, then clearly that gives the  
19 association the power to dictate to the trainers  
20 association how professional horsemen will be treated. And  
21 we submit that is just unfair as a matter of equity.

22 CHAIRMAN FERRARO: If I can, Mr. Balch, when  
23 could you arrange a meeting? Within the next week or ten  
24 days?

25 MR. BALCH: We are --

1 CHAIRMAN FERRARO: Where and when? And with a  
2 representative of the Board there to resolve these issues.

3 MR. BALCH: We are available 24/7, speaking for  
4 CTT.

5 MR. BUTLER: Well, I live at Santa Anita, so I've  
6 not really got anywhere else to go.

7 If I may just comment back to Alan's point, the  
8 things that are in dispute here are not track safety. I  
9 think we're all quite well aware of the effort, time,  
10 resources and thought that's gone into making sure the  
11 track is as good as it can be. In fact, you know, a couple  
12 of items -- an agenda item ago or so we were talking about  
13 in climate weather processes. The backstretch workers and  
14 their health and wellbeing, we've also addressed this  
15 morning on how -- the thought and what we can do.

16 What we're actually talking about, and I've spent  
17 a lot of time and, as Alan is probably aware, I've been  
18 meeting independently with the trainers at Santa Anita to  
19 start to talk about this stuff, is fair procedure for fair  
20 action. And by that I mean we have no intent of wanting to  
21 kick anybody off of the track. There's a lot of quite  
22 dramatic words and dramatic statements which adds extra  
23 fuel to the fire of this industry. We're all trying and we  
24 all need to pull in the right direction.

25 The statement I would like to make is I do not

1 and no one from The Stronach Group wants to remove anybody  
2 and have them have no recourse. The agreement that was put  
3 forward, which is why I would quite like to sit down with  
4 yourselves to go through this, was should there be a  
5 dispute on removing a trainer from Santa Anita or any of  
6 the Stronach tracks? I would personally like it to go to  
7 an independent third-party arbitrator, and JAMS (phonetic)  
8 was put forward and they're rather good, I've used them  
9 before. So there is no actual -- as far as I'm concerned  
10 there's no doubt that that is the safest and the most fair  
11 for the trainers.

12           The other piece, and I can really boil it down  
13 just quickly because there's like a lot of words, a lot of  
14 big statements, not a lot of real actionable items out of  
15 that, the other one is, who gets to come and be a trainer  
16 at Santa Anita? That is really what we're talking about.  
17 And the conversation now is people who get to come and  
18 train in Southern California and in California as a whole,  
19 they need to be the people we want here. And having the  
20 ability to have the right people come and train at Santa  
21 Anita is of, in my mind, one of the most important things  
22 we can do. Start with the best and continue with the best.

23           So I would -- apologies, again, for not having  
24 another problem fixed by the time we got here. But  
25 anything I can do to help with this and at any point you

1 need, myself or any member of Santa Anita, we're ready and  
2 able to help.

3 VICE CHAIR GONZALES: Yeah. Just a quick  
4 comment.

5 Mr. Balch, the for your comments.

6 Aiden, appreciate the extra perspective.

7 This is, what, my third meeting. And one of my  
8 guiding principles that I bring to these meetings is more  
9 engagement is better than less, whether it's organizations,  
10 unions, or just individual voices. I think that's what's  
11 going to make this industry strong. There's just a  
12 tremendous amount of stress, I believe, on trainers. Not a  
13 week goes by where we're not reading an article about a  
14 trainer deciding to relocate. Why? Because there's just a  
15 lot of enticement from other states.

16 And I just believe that for those that choose to  
17 engage, and, Rob, I appreciate your citation from the book  
18 there, is that if there are agreements, they need to be  
19 adhered to. The last meeting in Del Mar there was the  
20 gentleman from laborers, who is a very, very good union in  
21 this state, had indicated that there was not an agreement  
22 with, I believe, it was the Golden Gate facility, or maybe  
23 it was both tracks, I forget the context there. But I'm  
24 going to be paying very close attention to the voices that  
25 want to be heard. And if there are some understandings or

1 agreements, I think it needs to be worked out. I'm glad to  
2 hear that there is a way to kind of hammer out some details  
3 because we're definitely not going to be getting into the  
4 details and favoring one side or another, but we do want to  
5 see fairness, and so that's just kind of where I'm coming  
6 from.

7           And, you know, a message to trainers, whether  
8 you're in this room or whether you're listening, we  
9 appreciate your sacrifice, your commitment. We appreciate  
10 your expertise. We know you care about horses. And we  
11 need you. We need you here. We need for you to be  
12 competitive with one another. We need for you to be  
13 honorable to the rules and regulations. And we also need  
14 for the exercise of love and passion you have for the  
15 horses that are underneath you.

16           So, again, Mr. Balch, I really appreciate you  
17 being, you know, the advocate and bringing this matter to  
18 our attention.

19           CHAIRMAN FERRARO: Anybody else? Any comments  
20 from the Board?

21           MR. SINDLER: Well, if I may, just real quickly?  
22 Eric Sindler.

23           I just want to make sure I get on the record that  
24 Mr. Balch did make a lot of legal conclusions. And I don't  
25 want to respond to all of them right now but, just, they're

1 all wrong and we object to every -- all of them. Just want  
2 to make sure that's on the record.

3 COMMISSIONER MITCHELL: And I would just say that  
4 however -- whoever is responsible, and I'm not  
5 volunteering, for the meeting to bring this all together,  
6 that I appreciate what Commissioner Gonzalez's perspective.  
7 I happen to agree, though, that, you know, trainers and  
8 their engagement with the horses and, you know, what that  
9 looks like is a big part of this equation of fixing  
10 horseracing and the welfare of the horses.

11 So, I mean, I agree that the agreement needs to  
12 allow for flexibility of the tracks. Because, as we know  
13 at the CHRB, for us to promulgate a regulation takes years,  
14 where the tracks, and I, you know, harped on this last  
15 time, can make decisions quickly, sometimes they don't but  
16 we'd like them to, but can address this. And I do think  
17 that there is -- there needs to be a process, obviously,  
18 that's legal and that can hold up. But if trainers aren't  
19 doing their jobs and they have a higher number of  
20 fatalities, I mean, I think that they should be kicked off.

21 That's my opinion, like that -- this is an  
22 important part of the equation and they, you know, need to  
23 be held accountable, so I'd like that just to be considered  
24 with whoever is responsible.

25 COMMISSIONER ALFIERI: Mr. Chairman, I, you know,

1 second what you're saying. And I, also, you know, I, for  
2 one, for quite some time now have said I would like to take  
3 a look at the licensing requirements accreditation of  
4 trainers and take a look at that. I don't know what -- it  
5 would be under one of our subcommittees.

6 You know, I feel in my heart that there are some  
7 trainers that should not be training. That's just my  
8 opinion. I want to take a hard look at that at some point.

9 Robert, secondly, there's other items on here  
10 that are still needed. You didn't mention anything about  
11 item number one, number two, and other things that need  
12 updating.

13 MR. BRODNIK: Yes. Thank you.

14 COMMISSIONER ALFIERI: The ADW agreement, other  
15 things, is that -- what's the comment? Anything on that,  
16 one and two, and those agreements?

17 MR. BRODNIK: As far as I know, Commissioner  
18 Alfieri, Staff has not received any of those agreements.

19 COMMISSIONER ALFIERI: So are there other things  
20 missing in this? I don't know.

21 MR. SINDLER: So, if I may address those, please?

22 As far as item number two, the horsemen's  
23 approval for the ADW agreement, we have requested that.  
24 Typically, the TOC does not issue that until the TOC  
25 agreement has been signed. Now that that's been signed, I

1 would invite someone from the TOC to comment on when that  
2 approval would be coming.

3           And while Greg is walking up here, as it relates  
4 to item number one, the ADW agreements, as I explained last  
5 time, a little bit is just timing. So simulcast contracts  
6 are typically signed once a year. And Monarch Content  
7 Management represents a number of thoroughbred racetracks  
8 in the state of California. The agreements typically start  
9 with Santa Anita and Golden Gate. And that's why sometimes  
10 it looks like Santa Anita and Golden Gate doesn't have  
11 (indiscernible) on time where other tracks do, but that's  
12 just kind of a timing issue.

13           Those agreements for Xpressbet and TVG should be  
14 sent out today. As far as BetAmerica goes, we're in the  
15 same situation we've been in with BetAmerica for the last  
16 few race meets where, currently, they are not wagering on  
17 our signal but we've listed them in the event that we're  
18 able to work out a deal with them. So the TVG and  
19 Xpressbet should be coming but, again, it's a timing issue  
20 more than anything else. It's just where we happen to fall  
21 in the calendar compared to some other thoroughbred  
22 racetracks.

23           CHAIRMAN FERRARO: Mr. Avioli?

24           MR. AVIOLI: Greg Avioli, TOC.

25           There's a couple different things going on with

1 the ADW agreements. This Board licensed all the ADWs a few  
2 months ago through the end of 2020, so they all have  
3 licenses, but their hub agreements, which is an agreement  
4 that allows them to operate in California, those -- and  
5 that's between, usually, the ADW and a racetrack,  
6 occasionally the ADW and the TOC, those hub agreements all  
7 are set to expire on December 31st. So we've been working  
8 to extend all those.

9 We were hoping to do long term three- to five-  
10 year deals. Unfortunately, we kind of ran out of time this  
11 year. So we've reached agreement with all the parties,  
12 meaning the TOC and all the racetracks, that we will extend  
13 all the ADW hub agreements for one year on the same terms.

14 And based on that, which was just agreed to in  
15 the last few days, we will have no problem signing all the  
16 ADW agreements in the same form as we have in the past.  
17 There's no substantive issues. We could have them signed  
18 as soon as we get the paperwork turned around, 24 hours.

19 CHAIRMAN FERRARO: Thank you.

20 Does that satisfy your concerns, Dennis?

21 So it seems like we have two things to deal with  
22 here. One is if we're going to have a hearing to try to  
23 get an agreement between these two parties, we need  
24 somebody to do that hearing. And at the pleasure of the  
25 Board, who would you like that to be?

1 COMMISSIONER ALFIERI: I nominate Oscar.

2 CHAIRMAN FERRARO: I second that.

3 VICE CHAIR GONZALES: Thank you, very much,  
4 Dennis.

5 Thank you, very much, Mr. Chairman.

6 CHAIRMAN FERRARO: Okay.

7 MR. BAEDEKER: Do you want to have a vote?

8 CHAIRMAN FERRARO: Huh?

9 MR. BAEDEKER: Go ahead and have a vote --

10 CHAIRMAN FERRARO: Yeah. Can --

11 MR. BAEDEKER: -- and a motion.

12 CHAIRMAN FERRARO: Do we have a motion to --

13 COMMISSIONER ALFIERI: So moved --

14 CHAIRMAN FERRARO: Okay.

15 COMMISSIONER ALFIERI: -- to have Oscar --

16 CHAIRMAN FERRARO: Yeah.

17 COMMISSIONER ALFIERI: -- lead that --

18 CHAIRMAN FERRARO: I'll second.

19 COMMISSIONER ALFIERI: -- and take the role.

20 CHAIRMAN FERRARO: So we need a vote.

21 So Commissioner Alfieri?

22 COMMISSIONER ALFIERI: Yes.

23 CHAIRMAN FERRARO: Commissioner Solis?

24 COMMISSIONER SOLIS: Yes.

25 CHAIRMAN FERRARO: Commissioner Ferraro, yes.

1 Commissioner Gonzalez?

2 VICE CHAIR GONZALES: Yes.

3 COMMISSIONER MITCHELL: Then, yes.

4 CHAIRMAN FERRARO: All right, the second motion  
5 to be made is to accept the application of the LATC to run  
6 their meet beginning December 26th at Santa Anita Race  
7 Track, given the stipulations we've already put in place.  
8 Is there a second for that motion?

9 COMMISSIONER ALFIERI: I'll move.

10 VICE CHAIR GONZALES: I second.

11 CHAIRMAN FERRARO: Vote, Mr. Alfieri?

12 COMMISSIONER ALFIERI: Yes.

13 CHAIRMAN FERRARO: Mr. Solis?

14 COMMISSIONER SOLIS: Yes.

15 CHAIRMAN FERRARO: Yes.

16 VICE CHAIR GONZALES: I'm going to abstain, just  
17 given my role.

18 COMMISSIONER MITCHELL: Yes.

19 CHAIRMAN FERRARO: So passed.

20 Congratulations.

21 MR. SINDLER: Thank you very much.

22 CHAIRMAN FERRARO: You'll be hearing from my  
23 friend here very shortly.

24 Where are we? Number five is our next. This is  
25 discussion and action by the Board regarding approval of an

1 agreement, pursuant to CHRB Rule 1581, Racing Secretary to  
2 Establish Conditions, between Los Angeles Turf Club, LATC,  
3 and the Thoroughbred Owners of California (TOC), regarding  
4 entry conditions and specified drug substances or  
5 medications to be implemented by LATC, December 18th  
6 through June 23rd.

7 I'm assuming we already have that agreement; is  
8 that correct?

9 MR. BRODNIK: Yes. Good morning, Commissioners.  
10 Robert Brodnik, California Horse Racing Board.

11 Today I was provided a signed copy from the  
12 Thoroughbred Owners of California and Los Angeles Turf Club  
13 under 1581. And just for the record I'll read what the  
14 agreement is.

15 CHAIRMAN FERRARO: Yeah.

16 MR. BRODNIK: It says, with regard to this, for  
17 it says,

18 "Two-year-old races, all foals born in 2018, two-year-  
19 olds of 2020, will race during both LATC and Golden  
20 Gate's 2020 spring race with no race day medications  
21 which include, without limitation, the use of Lasix."

22 It says,

23 "Three-year-olds and up races, all horses foaled prior  
24 to 2018 during both LATC and PRA winter-spring race  
25 meet shall only be permitted to receive a maximum

1 half of the dosage of Lasix otherwise permitted under  
2 California regulation, which is half or 250  
3 milligrams."

4 There's a section for joint injections.

5 "No horse of any age shall be permitted to race during  
6 either Santa Anita or Golden Gate's 2020 winter-spring  
7 race meet if it received a joint injection within 14  
8 days of racing.

9 "Further, corticosteroid interarticular joint  
10 injections are limited as follows: A, within 14 days  
11 of racing, if such injection is for any joint other  
12 than the" --

13 CHAIRMAN FERRARO: Metacarpal.

14 MR. BRODNIK: -- yes, thank you, "metacarpal" --  
15 yes, thank you -- "joint, and within 30 days of racing, if  
16 such injection is performed on any of the named joint  
17 above. Additionally, no horse shall be permitted to have a  
18 timed work within ten days of receiving a corticosteroid  
19 interarticular injection of the joint," that I just named.

20 And so the Board is free to approve, if it  
21 wishes, under 1581, that agreement that's been signed and  
22 agreed to by the association and the owners.

23 CHAIRMAN FERRARO: Any question?

24 I'll make a motion to accept.

25 COMMISSIONER SOLIS: Second.

1 CHAIRMAN FERRARO: Mr. Alfieri?

2 COMMISSIONER ALFIERI: Yes.

3 CHAIRMAN FERRARO: Alex?

4 COMMISSIONER SOLIS: Yes.

5 CHAIRMAN FERRARO: Yes.

6 Wendy?

7 COMMISSIONER MITCHELL: Yes.

8 CHAIRMAN FERRARO: So moved.

9 MR. BRODNIK: Thank you.

10 CHAIRMAN FERRARO: Thank you.

11 Item number six -- let's see, we already did that  
12 one, didn't we? No.

13 Item number six, discussion and action by the  
14 Board regarding approval of an agreement, pursuant to CHRB  
15 Rule 1581, Racing Secretary to Establish Conditions,  
16 between Los Alamitos Quarter Horse Racing Association and  
17 the Pacific Coast Quarter Horse Association regarding  
18 entry conditions and specified drug substances or  
19 medications to be implemented by the LAQHRA at its December  
20 27th through December 20th race meeting at the Los Alamitos  
21 Racetrack.

22 MR. BRODNIK: Thank you, Commissioners. Robert  
23 Brodnik, California Horse Racing Board.

24 I believe next to me is Mr. Perez, who represents  
25 the -- sorry --

1 MR. PEREZ: PCQHRA.

2 MR. BRODNIK: -- yes, PCQHRA. Today I received  
3 the -- or, excuse me, earlier this week I received a signed  
4 agreement between the Los Alamitos Race Course and Pacific  
5 Coast Quarter Horse Racing Association under 1581. The  
6 agreement would -- is a reduction of Lasix for Quarter  
7 Horses to half of the current permitted levels, which is  
8 250 milligrams, as well as any horse -- it states, "Any  
9 horse that receives an interarticular injection within 14  
10 days of a race is ineligible to start at Los Alamitos," so  
11 it's a 14-day stand down as well. And that was the request  
12 of the Board, I believe at the last Board meeting, and we  
13 received a signed agreement.

14 So the Board, if it wishes, under 1581, can  
15 approve this agreement for this upcoming race meet.

16 MR. PEREZ: Hi. Good morning. Dino Perez,  
17 Pacific Coast Quarter Horse.

18 At the last meeting this Board was pretty adamant  
19 that we got that signed. So Dr. Allred and Vince Genco,  
20 the President of Pacific Coast, signed the agreement about  
21 a week or so ago, so --

22 CHAIRMAN FERRARO: Okay. So let's make it quick.  
23 Let's make a motion.

24 COMMISSIONER ALFIERI: Motion to approve.

25 CHAIRMAN FERRARO: Motion to approve. Second?

1 VICE CHAIR GONZALES: Second.

2 CHAIRMAN FERRARO: Wendy?

3 COMMISSIONER MITCHELL: Aye.

4 CHAIRMAN FERRARO: Yes.

5 COMMISSIONER SOLIS: Yes.

6 COMMISSIONER ALFIERI: Yes.

7 CHAIRMAN FERRARO: So moved. Congratulations.

8 Now the one that many have been waiting for, item  
9 number seven is race dates in Northern California.

10 I'm going to hand off the administration of this  
11 to my friend here --

12 VICE CHAIR GONZALES: Thank you.

13 CHAIRMAN FERRARO: -- Commissioner Gonzalez.

14 VICE CHAIR GONZALES: Thank you very much.

15 Again, appreciate the group coming back together. Once you  
16 get seated, we'll get started.

17 As we're getting organized, Dr. Ferraro has asked  
18 me, given that we're now starting to allocate Committee  
19 assignments, that if I would be willing to assist with the  
20 Racing Dates Committee. And he's also asked Commissioner  
21 Mitchell to assist with providing leadership in that  
22 Committee. And in the few meetings that Wendy and I have  
23 been part of we know this is an item and an issue that  
24 people take seriously. It, you know, goes beyond, you  
25 know, revenue, it goes beyond racing, but it also goes, you

1 know, to the heart of -- again, you're going to be hearing  
2 this a lot -- to fairness.

3           And so I just want to just say, I'm looking  
4 forward to working on that Committee. It looks like my  
5 workload is increasing here. Somebody's going to have to  
6 tell my wife that I am going to be really busy here in the  
7 coming months. But, again, just want to say thank you.

8           So why don't we just turn it over to Larry and  
9 the others here.

10           MR. SWARTZLANDER: Chairman and Commissioners,  
11 Larry Swartzlander, Executive Director of CARF.

12           Just for the record, state again that the CARF  
13 position on the race dates is, again, that we start racing  
14 on June 19th and we complete on October 18th, which is 42  
15 race dates, and that the first week of Humboldt would be  
16 un-overlapped with Golden Gate Fields.

17           The stabling negotiations with the PRA currently  
18 is status quo, as it was last month. We've offered two  
19 percent for stabling, along with Santa Rosa, which is  
20 approximately \$787,000 for stabling at Golden Gate. You  
21 know, the position of CARF is that we support stabling at  
22 Golden Gate, we think it's important. In the event that we  
23 don't feel we need it, we have enough stables for our own  
24 horses. But for the good and best of horse racing in the  
25 north, Golden Gate should stay open to support racing for

1 the fairs as an auxiliary stable.

2           The position hasn't changed. It simply is that.  
3 And I have the other fair manager up here if they'd like to  
4 add or make any clarifications.

5           MS. BARTLING: Ready to go. Becky Bartling,  
6 Sonoma County Fairgrounds.

7           We, unfortunately, are relegated to take the  
8 dates that CARF has presented because our carnival is the  
9 same carnival as State Fair, and also Alameda, so that  
10 forces us into those dates. What I'm hoping is in the near  
11 future we can actually have some good discussions about  
12 what's best for racing, and which is actually having us  
13 follow Alameda and then State Fair follow us, because of us  
14 having the turf track.

15           We also -- our on-track daily attendance is  
16 actually very high compared to our population. We're about  
17 499,000 people in Sonoma County. And if you look at our  
18 on-track handle, it's significant compared to State Fair's.  
19 So we're hoping in the future we can look at trying to make  
20 it a little more equitable. It's going to be tough for us  
21 this year. We have a whole week of school happening during  
22 our fair and we only have an 11-day fair. So hopefully in  
23 the future we can move forward to something that's a little  
24 bit more equitable.

25           MR. SWARTZLANDER: And I would like to add, too,

1 you know, Becky and I have been talking about, you know,  
2 the fact of bringing (indiscernible) back in as an  
3 associate member to work with CARF in the future.

4 VICE CHAIR GONZALES: Great to hear. Great.

5 Any questions?

6 Okay. Thank you.

7 MR. MORGAN: Jim Morgan, Humboldt County Fair.

8 This Board has challenged us all to get together  
9 and work as a team, as a group, to try to work things out,  
10 to have additional engagement. I understand there was a  
11 letter circulated to the Board that involved Humboldt and  
12 it came from The Stronach Group. I did not receive a copy  
13 of the letter, nor did Mr. Swartzlander, as I understand  
14 it. But a few of the issues, I understand, were raised I  
15 think I ought to address quickly on behalf of Humboldt.

16 It's true, all fairs have purses that are smaller  
17 than Golden Gate Fields. That's not really the issue. I  
18 think the letter indicated that we do not share a horse  
19 population. That would be incorrect. Golden Gate has been  
20 ordered not to run races below \$5,000 since 2013 during a  
21 period of overlap, so we have to lower into the claiming  
22 scale. But those horses call go back to Golden Gate, they  
23 all go to Fresno, they are -- most all of them. The ones --  
24 some of them go back up to Oregon but that's a decreasing  
25 number because of the insurance issues that they have

1 trying to get their horses insured.

2           They also mentioned the AB 763 legislation that  
3 provides Humboldt with a small percentage of revenue when  
4 they have to race with overlap. Only three years has  
5 Humboldt not had a share of the host status or has it not  
6 had to run its whole meet without -- with overlap. The  
7 rest of the years, that agreement has been superseded by  
8 agreement to share host status or we've had a week without  
9 overlap. All meets need a week without overlap.

10           I respectfully object to the letter that was not  
11 circulated that went to you that seemed to be trying to  
12 influence the Board not to allow Humboldt a week without  
13 overlap.

14           That would be my comment.

15           VICE CHAIR GONZALES: Any other comments? We do  
16 have two public comment cards here and I'll call them up  
17 here in a second. But are there any -- anybody else that  
18 wants to make a comment?

19           We have Avioli, TOC.

20           MR. AVIOLI: Greg Avioli, TOC.

21           I wanted to clarify. I wasn't able to be here of  
22 the last meeting and there was some misunderstanding at the  
23 time exactly what the TOC's position is on this issue, so  
24 I'd like to clarify that for the Board.

25           We believe that it's very important for owners in

1 Northern California to have Golden Gate remain open in the  
2 summertime as a training center. And that's really the --  
3 to the TOC, that's the most important part of this  
4 discussion. And we also believe that the issue of an  
5 overlapped or an un-overlapped week at Ferndale is 100  
6 percent financial. It's not about which horses are going  
7 to run where because of the distance between the two  
8 facilities and the type of horses that run there. This is  
9 about money.

10           And CARF, we believe, has put a reasonable offer  
11 on the table that, although they were not, the last few  
12 years, super excited about paying \$700,000-plus to stable  
13 at CARF -- excuse me, at Golden Gate during the summer,  
14 they were willing to do it if they got an un-overlapped  
15 week, meaning if they got the money from being the host  
16 location for simulcasting for that week and didn't have to  
17 share it with Golden Gate.

18           You all are new to this but I think you're  
19 figuring this out pretty quick, it's a money issue. I  
20 don't think you should look at it in terms of an un-  
21 overlapped week or an overlapped week, it's the money that  
22 would be generated by an un-overlapped week or an  
23 overlapped week.

24           So we support, kindly, either. We support  
25 whether it's with an un-overlapped week or not. We know

1 it's going to be a transfer of money one or the other;  
2 right? So our goal is to keep Golden Gate open for the  
3 summer. And we're a little disappointed that CARF and  
4 Golden Gate have not been able to work this out. My  
5 experience doing this for the last few years, it could be  
6 that this Board might need to just award the dates. At  
7 that point you'll have moved the process along and then  
8 there's going to be an economic resolution, but that's the  
9 TOC's position.

10 VICE CHAIR GONZALES: Thank you.

11 MR. AVIOLI: Does that make sense? Okay. Thank  
12 you.

13 VICE CHAIR GONZALES: Thank you, Greg. Thank  
14 you.

15 Next we have Terry Bingham, Attorney.

16 MS. BINGHAM: Our problem is horse population  
17 shortage. Ten years ago there were more than 100 Arabs at  
18 Los Alamitos. Last summer the fair started 27 Arabs, a 75  
19 percent decline.

20 Northern fairs have the most unsafe tracks.  
21 Alameda lets horses in nearly two months before any vets or  
22 investigators. Stall opened May 1st, 2018, but no vet  
23 arrived for seven weeks. In 2019, minutes indicate that  
24 vets were -- didn't login until June 17th. Horses had been  
25 working since May 1st. A lot of works with no vets, no

1 investigators, to see injections by a vet not licensed  
2 here.

3 In 2017, a man who is not licensed came through  
4 the front and stole my stallion from the track at  
5 Pleasanton. His photo was posted. Days later, he stole my  
6 other stallion from the back.

7 In 2019, the fairs had less than 100 horses with  
8 3 casualties. Northern fairs have a three percent casualty  
9 rate, the highest in this state. The fairs have no  
10 \$800,000 MRI, no PET scan, like Santa Anita, no hair  
11 follicle tests, like Los Alamitos. Fairs have no such  
12 safety aids.

13 Fair horses are strained moving to five tracks  
14 per summer. Trainers don't want to shift to five different  
15 Northern California fairs when they can race at one track  
16 in Southern California.

17 There's also a jockey shortage at northern fairs.  
18 Fair meets take horses that are needed to fill races at  
19 the four major tracks which will survive population  
20 decline.

21 The head of the United Arab Emirates first sent  
22 the fairs \$100,000 Arab purse. Now it's at Churchill  
23 Downs. Big purses are available for Arabs but royalty  
24 isn't going to send their largest purse back to the fairs.  
25 The royals prefer Southern California tracks because they

1 race great horses. Northern fairs do not attract top  
2 jockeys or purses.

3 A three-year deal is not prudent as the outcome  
4 of Stronach litigation is uncertain. Any overlap between  
5 Golden Gate and fair dates decreases vet availability.

6 In 2018, the vets up north went to Golden Gate.  
7 No vets were available for two months at Pleasanton.

8 CHAIRMAN FERRARO: Time is up. Wrap it up  
9 please.

10 MS. BINGHAM: Keeping Golden Gate open after its  
11 meet hurts us all by decreasing horse population in  
12 Southern California. Northern vets serve Golden Gate  
13 rather than the fairs. The unmitigable --

14 VICE CHAIR GONZALES: Terry --

15 MS. BINGHAM: -- result is --

16 VICE CHAIR GONZALES: -- we're trying to --

17 MS. BINGHAM: -- injured horses.

18 VICE CHAIR GONZALES: -- accomplish a lot today.

19 Thank you for your comments. Thank you.

20 MS. BINGHAM: Thank you.

21 VICE CHAIR GONZALES: Thank you very much.

22 If I could, is there any other comments?

23 I know, Aiden, I don't know if you have anything?  
24 I just, before, you know, Aiden says -- thank you for your  
25 letter, Aiden, truly appreciate it.

1           I want to just say that Wendy and I are going to  
2 be looking at this Committee in terms of two- to three-year  
3 increments. You know, things may go a facility's way, one  
4 meeting may not go their way the next one.

5           The one thing that I will say with regard to the  
6 fairs is I know there's a lot of leaders in this state that  
7 hold what you do near and dear to their heart. And I  
8 believe that each of your fairgrounds have leadership  
9 around them. So you can count on Wendy and I to be making  
10 sure that each of you are engaging very closely with those  
11 leaders, with other leaders, extended leaders, whether  
12 they're at the school district level and beyond, because we  
13 know that each of you need proper support, whether it's on  
14 the marketing front, whether it's on any other thing that's  
15 going to make you all stronger.

16           But I would like to do is the last time that we  
17 met at Del Mar, Fred Maas, our fellow Commissioner, had  
18 made a motion. And it appears as if nothing has really  
19 changed since that time, that motion, when it was made, and  
20 now. And I could just read what that motion was? This is  
21 just Fred, Commissioner Maas' statement. He said,

22           "My motion is to support the dates as presented by  
23 CARF. It would involve no overlap of the Humboldt  
24 dates with Golden Gate, and that the fairs and CARF  
25 would be responsible for all stabling and vanning."

1           Mr. Maas also clarified that one week would be  
2 overlapped with Golden Gate Fields and Humboldt Fair.

3           Is there any dispute as to what Mr. Maas said?

4           I know, Mr. Baedeker, I asked you and Rob to make  
5 sure that I was reading from the right citation. Is this  
6 accurate?

7           MR. BAEDEKER: That's correct, Mr. Vice Chair.  
8 That is the CARF proposal as submitted and as is indicated  
9 in your staff analysis.

10          VICE CHAIR GONZALES: In that case, I'd like to  
11 make a motion that we adopt Commissioner Maas' last motion.  
12 Is there a second?

13          COMMISSIONER MITCHELL: Second.

14          MR. BAEDEKER: Any discussion?

15          CHAIRMAN FERRARO: Any discussion?

16          COMMISSIONER MITCHELL: Well, just to say, I am  
17 excited and honored to be appointed to the Dates Committee,  
18 but I look forward to not having this discussion every year  
19 as we move forward and looking at a long-term solution to  
20 this. So thank you all for your time.

21          MR. SWARTZLANDER: Could I just have one point of  
22 clarification on the motion, that the first week of  
23 Humboldt would be un-overlapped with Golden Gate? This  
24 motion says it.

25          VICE CHAIR GONZALES: Okay. Duly noted.

1           You want to call the question, Dr. Ferraro?

2           CHAIRMAN FERRARO: Commissioner Mitchell?

3           COMMISSIONER MITCHELL: Yes.

4           CHAIRMAN FERRARO: Commissioner Gonzalez?

5           VICE CHAIR GONZALES: Yes.

6           CHAIRMAN FERRARO: Yes.

7           Commissioner Solis?

8           COMMISSIONER SOLIS: Yes.

9           CHAIRMAN FERRARO: Commissioner Alfieri?

10          COMMISSIONER ALFIERI: Yes.

11          CHAIRMAN FERRARO: Motion approved. Carry on.

12          MR. SWARTZLANDER: Thank you.

13          CHAIRMAN FERRARO: Okay. The next item is on --  
14 we've moved up and it's dealing with the use of the riding  
15 crop.

16          (Colloquy Between Commissioners)

17          MR. BAEDEKER: Take a ten minute break for  
18 everybody?

19          CHAIRMAN FERRARO: Yeah. Let's take a ten-minute  
20 break and we'll do -- and then we'll take it up after that.

21          (Off the record at 11:13 a.m.)

22          (On the record at 11:29 a.m.)

23          CHAIRMAN FERRARO: Well, we have a little change  
24 in schedule here again. I'm sorry about that. We have to  
25 go back to item number seven because we haven't completed

1 something.

2           So, Mr. Baedeker, do you want to explain what  
3 we're going to do here?

4           MR. BAEDEKER: Yes. Thank you, Mr. Chairman.

5           So in the previous discussion the Board approved  
6 the calendar for next year as submitted by CARF but the  
7 Board did not include the other race meets, did not include  
8 a specific allocation for Sonoma, also did not include  
9 specific allocations for the race meets that are run at  
10 Golden Gate. So I'm going to read the calendar now. All  
11 the interested parties, please pay attention to these  
12 dates, so that -- in case there's a mistake here.

13           Also, there is a little discrepancy here in what  
14 I'm going to read. It leaves a week open and it's simply  
15 because of the kind of anticipation of what the dates would  
16 be by Golden Gate. That's turned out to be different than  
17 what has been allocated. I'll talk more about that in a  
18 minute.

19           And as we always say, the dates I'm going to  
20 read, the race meet is presumed to start the Wednesday  
21 before opening day and conclude on the Tuesday following  
22 closing day.

23           So the dates for next year are as follows.

24           Eric, can you come forward here and answer a  
25 question for me, a question about Golden Gate and its

1 winter meet?

2 MR. SINDLER: Okay.

3 MR. BAEDEKER: And starting on December 18th?

4 MR. SINDLER: Yes, that is --

5 MR. BAEDEKER: Does that match the traditional  
6 allocation from previous years?

7 MR. SINDLER: It does. It deals with  
8 simulcasting. We wouldn't open until December 26th. But  
9 the current Golden Gate Fields' meets and the day before.

10 MR. BAEDEKER: Okay. Thank you.

11 So I'm going to read the dates as have been  
12 submitted or approved by the Board. And then I'm going to  
13 make a comment afterwards about one little glitch. Okay.

14 The dates for Northern California are as follows.

15 Golden Gate, December 18th, 2019 through June  
16 9th, 2020.

17 Pleasanton, Wednesday, June 17th through Tuesday  
18 July 14th.

19 State Fair, Wednesday, July 15th through Tuesday  
20 August 4th.

21 Sonoma, Wednesday August 5th through Tuesday,  
22 August 18th.

23 Humboldt, running un-overlapped Wednesday August  
24 19th through Tuesday August 25th, running overlapped  
25 Wednesday, August 26th through Tuesday, September 1st.

1 Golden Gate will be the other half of the overlap running  
2 Wednesday, August 26th through Tuesday, October 6th.

3 Fresno will run from Wednesday, October 7th  
4 through Tuesday October 20th.

5 And Golden Gate then, it's fall meet, will be  
6 Wednesday, October 21 through Tuesday, December 15th.

7 So the discrepancy here, Board Members, is the  
8 race meet application that was submitted by Golden Gate,  
9 that the next -- or a couple of agenda items -- maybe it's  
10 the next one, in any event, they submitted an application  
11 which contemplates their long winter meet and summer, and  
12 into the summer, concluding on June 9. That was with the  
13 understanding at the time that the application was  
14 submitted that Pleasanton would be starting a week earlier,  
15 so there wouldn't be any gap in between Golden Gate and  
16 Pleasanton. But with the allocation and the approval of  
17 the CARF calendar and all of the other dates that I've  
18 read, that leaves a week that would be unallocated. That  
19 is the week between July 9 and July 16.

20 So the pleasure of the Board, you can -- and  
21 Golden Gate is requesting that, as a matter of fact, their  
22 application, instead of reading closing day, June 9th, read  
23 closing day, June 16th. That's certainly an option for  
24 you. The other option is to leave that week unallocated.  
25 And so the Board should discuss and make a decision.

1 VICE CHAIR GONZALES: I'd like to make a motion  
2 to adopt the calendar as outlined by you, Mr. Baedeker.

3 MR. BAEDEKER: But as I read it, I think I read  
4 it with Golden Gate concluding on June 9th, rather than  
5 June 16th. Are you --

6 VICE CHAIR GONZALES: That's correct, with that  
7 modification, with --

8 MR. BAEDEKER: So with the modification being  
9 that Golden Gate would conclude on June 16?

10 VICE CHAIR GONZALES: That's correct. They get  
11 that extra week.

12 MR. BAEDEKER: Okay.

13 VICE CHAIR GONZALES: Right.

14 COMMISSIONER ALFIERI: I second.

15 CHAIRMAN FERRARO: Commissioner Mitchell?

16 COMMISSIONER MITCHELL: Aye.

17 CHAIRMAN FERRARO: Gonzalez?

18 VICE CHAIR GONZALES: Aye.

19 CHAIRMAN FERRARO: Aye.

20 COMMISSIONER SOLIS: Aye.

21 COMMISSIONER ALFIERI: Aye.

22 CHAIRMAN FERRARO: So moved.

23 MR. BAEDEKER: Thank you.

24 CHAIRMAN FERRARO: Does that conclude this item?

25 MR. BAEDEKER: We're done with it.

1 VICE CHAIR GONZALES: Thank you.

2 CHAIRMAN FERRARO: Okay. Now we get to the one  
3 everybody's been waiting for. This Board has --

4 MR. BAEDEKER: Do you want to go ahead and read  
5 the agenda item?

6 CHAIRMAN FERRARO: Discussion and action by the  
7 Board regarding the proposed addition of CHRB Rule 1688,  
8 Use of the Riding Crop.

9 As you're well aware, the Board has discussed  
10 this item many times before the Board. It is the intention  
11 of the Board today to try to make and craft a rule and  
12 adopt a riding crop rule. You have seen or heard or  
13 attended meetings where two other riding crop proposals  
14 have been outlined by the Board. This Board at this time  
15 intends to take up another course of action in addition to  
16 the two that have been mentioned.

17 So we're going to try to hear from everybody  
18 regarding this rule and their opinions of same. But I  
19 encourage people that come to the podium, there's no sense  
20 spending your time telling us what's wrong with the  
21 previous two rules we've discussed. We already know what's  
22 wrong with it. You should spend your time giving us  
23 positive information that will help us craft a new rule.  
24 In other words, we're looking for suggestions as to what  
25 the rule should include, how it should operate.

1           Secondly, the Board intends to make certain  
2 specifications about what type of riding crop can be used.  
3 Unfortunately, that has to be taken up as a separate item.  
4 It can't be considered in this agenda item. And since it's  
5 not on the agenda, we can't really discuss it until the  
6 next meeting.

7           So you're welcome to make comments about the type  
8 of riding crop but I would advise you to spend your time  
9 talking about the rule. And we'll take up the specifics  
10 and the kind of specifics we need on a riding crop in  
11 January.

12           Everyone understand?

13           So I'm going to let everyone speak before the  
14 Board gets involved. So I'd like to start with the jockeys  
15 if possible. I'd like to hear their comments.

16           Mr. McHargue, do you want to say something first?

17           CHIEF STEWARD MCHARGUE: I was going to address  
18 it any way you wanted to address it. If we want to hear  
19 from the other people first, that's fine.

20           CHAIRMAN FERRARO: Yeah.

21           CHIEF STEWARD MCHARGUE: That's fine.

22           CHAIRMAN FERRARO: I think we should.

23           CHIEF STEWARD MCHARGUE: Okay.

24           CHAIRMAN FERRARO: I think we should.

25           CHIEF STEWARD MCHARGUE: All right. Please

1 remember to state your name.

2 MR. GUSMAN: Mr. Chairman, Members of the Board,  
3 Shane Gusman on behalf of the Jockeys' Guild. I'm the  
4 Jockeys' Guild lobbyist in Sacramento. And we are -- we  
5 appreciate the opportunity to address you on this important  
6 issue.

7 We certainly appreciate that the position that  
8 the Board has been in over the last year or so with  
9 everything going on, it's been difficult for all parties,  
10 and we certainly are aware of that.

11 We'd also like to thank the Board Members that  
12 have listened to our concerns. We've had dialogue and that  
13 has been helpful.

14 I would also like to say the Guild, itself, has  
15 listened as well. We are not here advocating that there  
16 should be no change at all. We recognize that many parts  
17 of this industry need to change in order for it to thrive,  
18 including the issue at hand.

19 What we do ask is that the Guild and  
20 jockeys/riders are part of the rulemaking process, in other  
21 words, that they are consulted, as we are doing here right  
22 now, in order to formulate a rule that works, not the other  
23 way around where the rule is kind of handed to us and then  
24 we're left to respond to it. So we are glad to hear that  
25 we have this opportunity to participate in formulating a

1 rule.

2 As you know, we have submitted a proposal. It  
3 didn't make it in the Board packet but I believe all Board  
4 Members have the proposal. And since, I think, the  
5 direction is to talk positively about proposals that we  
6 believe will work, I think I would leave it to our  
7 President and CEO, Terry Meyocks, to discuss what's in that  
8 proposal. And then I think we would be happy to talk about  
9 other proposals that we've seen and our thoughts on those.

10 We have several jockeys here to discuss that,  
11 exactly how it works in their mind or how it might work,  
12 how a rule might work from a rider's perspective, which I  
13 think is very important because not many of us in this room  
14 have had the experience of riding a 1,200-pound animal, 40  
15 miles per hour down a racetrack. And so I think that  
16 perspective is very important and should be listened to.

17 So I'll turn it over to terry.

18 MR. MEYOCKS: Good morning. Terry Meyocks,  
19 President of Jockeys' Guild.

20 At the last Commission, we heard that there  
21 should be communication with the Thoroughbred Safety  
22 Coalition. We've had that discussion.

23 You know, we also, as Shane mentioned, we also  
24 heard what you were all saying. We heard what the industry  
25 is saying. We know we're at a crossroads. So we submitted

1 a proposal. We went it to you, the CHRB, this past week,  
2 as well as to TOC, CTT, and the Coalition. We've had a  
3 number of conversations with several members of the  
4 coalition, you know? And I think our proposal was very  
5 similar.

6           And we also heard from Commissioner Solis over  
7 the past several months that it should be International  
8 Federation guidelines. It should be similar to -- and what  
9 we did, our proposal is really based on the British Horse  
10 Racing Authority's proposal and what they were doing, so we  
11 think it's fair.

12           I think it's also very important that we have one  
13 rule in the United States, possibly North America and  
14 Canada, for just consistency, for the stewards, for the  
15 riders knowing.

16           And as I said, we know we're at a crossroads but  
17 I think it's very difficult, you know? And we got -- we  
18 got the paper that you all submitted, which is very similar  
19 to Woodbine, and they had a trial period of two months but  
20 it was after the major stake races. I talked to a number  
21 of jockeys from Woodbine this morning and they had  
22 expressed their concerns that it's, really, they've lost  
23 their timing. Their cadence, they thought, was dangerous.  
24 And they're hopeful that we can come up with a rule, one  
25 rule in the United States, that they can back to, you know,

1 Canada and try to have the rule changed in Canada.

2           We do -- you know, with the piece of paper that  
3 we had with -- that we received this morning, we have some  
4 concerns and some questions we'd like to go over, but in  
5 the rulemaking process. But as Shane alluded to, we need  
6 to, you know, think about we also represent, you know, not  
7 only the thoroughbred riders but the Quarter Horse riders.  
8 We need to take that into consideration.

9           You know, the fines and suspensions, we need to  
10 make sure, you know, the average purse here at Los Alamitos  
11 is \$7,500. The average purse, we'll say, at Golden Gate is  
12 \$12,000. So that's a proper conversation. But again, I  
13 think it's very important to look at and have this  
14 conversation, not only with the riders, but bring in the  
15 owners, the trainers, consider what handle could be  
16 affected. We were told by the riders in Woodbine that the  
17 first couple of weeks the handle was off 20 percent.

18           So we want to be a part of the process. We want  
19 to do what's best for not only California but the rest of  
20 the industry throughout the United States.

21           MR. GRYDER: My name is Aaron Gryder. I've been  
22 a professional jockey for 33 years. I've spent two-thirds  
23 of most of those days with the animals I love, the horses.  
24 When I look at horses, I don't just see an animal, I see a  
25 living being, I see a friend, I see a soul and somebody

1 that I become a partner with on the best days. To me,  
2 that's the greatest experience in the world is being able  
3 to be in rhythm and sync with the horse and become one  
4 together. To me, I wish everybody -- I could share that  
5 with everybody because it's a very powerful experience.

6 I will always stand up for what's right for these  
7 animals. As I said, I love them. I love being around  
8 them. They give me more than anybody could ever imagine.  
9 And I like to think that I give back to them. I give them  
10 that in the respect and, you know, the partnership that we  
11 have.

12 This is a great industry we're in. I know we're  
13 in tough times and I appreciate you guys all having us up  
14 here to discuss things and make sure that everything goes  
15 forward to better the industry. And, you know, what we  
16 need to do, obviously, as riders, I think we all need to  
17 improve in every aspect of this sport, whether it's the  
18 riders, management, everything, we've making these changes  
19 but we need to definitely educate others. I think, you  
20 know, there's a misconception of what racing is and how  
21 they're treated. And I would love to have everybody  
22 realize how well these horses are treated. I know there's  
23 some that have an agenda and not looking to help us with  
24 the solution. And we need to reach out and find a solution  
25 together.

1           So thank you all for taking this time. And I'm  
2 sure we can come up with something that works for  
3 everybody, most importantly, for the horses.

4           MR. JENSEN: My name is Cody Jensen. I'm a  
5 Quarter Horse rider, based mostly out of here, out of Los  
6 Alamitos. I've been doing this for 25 years. A lot of you  
7 have seen me before. I've been to a lot of these. I'm a  
8 strong proponent for -- the biggest case is to make sure  
9 horses and riders, and your fellow riders, not just  
10 yourself and your horse but the other horses, the other  
11 riders are safe out on the racetrack.

12           And we've had to adapt a lot over the last five  
13 years as we've implemented these different changes to the  
14 riding crop and how we've been able to use it. And I  
15 believe it's been kind of a hard process, you know? It's  
16 been a lot of change from what we've kind of been  
17 accustomed to before that. I believe we've adapted fairly  
18 well to it but it's still something, the rule that's  
19 currently in place, it's still something that we're all  
20 getting used to.

21           And I would strongly encourage any rule that we  
22 change and we come up with, we've got to consider the long-  
23 term effects of how this rule is going to affect safety out  
24 on the racetrack, not only the safety for the horses and  
25 the riders but, also, what is our fan base, our

1 constituents, our owners, our trainers, what are they going  
2 to consider the effects of how the race is run, how we're  
3 able to ride them horses on top of it?

4           So I would strongly encourage you to just  
5 consider the long-term effects of any rule that we put into  
6 place and not just as a short-term fix for perception at  
7 the moment.

8           MR. HAIRE: Darrel Haire, Western Regional  
9 Manager for the Jockeys' Guild.

10           We do understand the public perception and we've  
11 been told we don't get it. We understand with social media  
12 what's going on. But at the same time, for the safety of  
13 the riders, we need to work on this so we don't cause a  
14 catastrophe, which could happen.

15           So we're willing to work with the Coalition or  
16 the powers that be to do the right thing for the good of  
17 the industry, for the owners, trainers, betters, for the  
18 great state of California to come up with something that  
19 the rest of the country and North America can work with and  
20 be uniform. That's so important for all of us to be  
21 together on this. Appreciate it.

22           CHAIRMAN FERRARO: Questions from the Board?

23           VICE CHAIR GONZALES: If I could just ask,  
24 Darrell, I know you have some of your members, jockeys, and  
25 whether they go up to the podium or not, I just -- if you

1 could just ask them to stand, recognize them? I know I met  
2 a few back there. If you could just give your name and  
3 where you ride?

4 MR. BEDNAR: Vinnie Bednar, Quarter Horse and  
5 thoroughbred jockey here at Los Alamitos.

6 VICE CHAIR GONZALES: Thanks for being here.

7 MR. NICASIO: Eduardo Nicasio. I'm a Quarter  
8 Horse rider at Los Alamitos.

9 MR. GARCIA: Eddie Garcia, Quarter Horse from Los  
10 Alamitos.

11 VICE CHAIR GONZALES: Thank you.

12 MR. FIGUEROA: (Off mike.) Heriberto Figueroa.  
13 (indiscernible) Santa Anita.

14 MR. HERNANDEZ: Efrain Hernandez, Los Alamitos.

15 VICE CHAIR GONZALES: Thank you.

16 MR. HARVEY: Barrington Harvey, Jockey.

17 VICE CHAIR GONZALES: Thank you. Thank you all  
18 for being here. And I understand you had a convention not  
19 long ago but we're looking forward to, you know, a healthy  
20 interaction here.

21 And again, to the jocks back there, during public  
22 comment period, you're more than welcome to say something.  
23 But I just wanted to recognize you for the work that you do  
24 and for, again, being a voice that is organized and  
25 engaged. Thank you.

1 MR. GRYDER: Since we're talking about the  
2 riding crop, I'd like to mention that riders have very few  
3 tools when they get on a horse. We rely on our balance,  
4 our communication with our hands. We have a saddle that  
5 could weigh as little as a pound-and-a-half. A heavy  
6 saddle may weigh just a couple more pounds than that. We  
7 are up above their withers with great balance to be as  
8 aerodynamic, making it easier for the horses to carry our  
9 weight smoothly. Again, we try and stay in rhythm with  
10 them so that it's much easier on them. Outside the saddle,  
11 we've got the reins, a steering mechanism. And, you know,  
12 most of the time it's very accurate and most of the time  
13 they're very responsive but not always.

14 And then we have the riding crop. And I know the  
15 riding crop, the perception is that it's a weapon. It's  
16 not a weapon, it's a tool. It's a tool that is there to  
17 help guide, to communicate, to keep a horse's attention.  
18 It's never there to hurt a horse and never made sense to  
19 say -- you know, I've been an athlete all my life, even  
20 prior to being a jockey, and I never felt that if somebody  
21 hurt me when I was going after the soccer ball, I would get  
22 there faster. It's about attention. We use cushion  
23 poppers that are extremely soft. And we're still trying to  
24 modify things to where we even get better. We're always  
25 looking to improve.

1           But again, I want this to be known that horses  
2 aren't being abused. They don't come back hurt from the  
3 whips. Years ago we changed from whips that were in the  
4 past to modify them, to make major changes over the last 15  
5 years. And again, we're continuing to do that because we  
6 want the safety for them. And I believe that we have great  
7 horsemanship. It's not just being an athlete, it's about  
8 being a horsemen. It's different than being a football and  
9 having a team member that is also human. We have to  
10 understand them and what they want through our  
11 communication.

12           And if there's anybody that wants something for  
13 the good of the horse, it's the man sitting on their back  
14 because if something happens to those horses, we also risk  
15 injury. So, you know, whatever the public perception is, I  
16 would welcome them to come in and see how well these horses  
17 are taking care of, see how many hours we spend every day  
18 at the track.

19           I don't do it anymore for the money. I don't do  
20 it for the recognition. I'll still be at the racetrack  
21 when I retire because I love being around the horses and  
22 they're my main concern. And again, we're the ones that  
23 risk injury if something were to go wrong. We definitely  
24 want to look out for their best interest, because we love  
25 them, firsthand, and secondly, because we'd get injured as

1 well.

2 MR. MEYOCKS: Back in 2009, we worked with the  
3 industry to change the riding crop and the popper itself.  
4 And I think if you were to talk to Rick -- Dr. Arthur or  
5 someone just seeing, there's -- the horses are not getting  
6 cut up and welts, they've gone away, which is a great  
7 thing. But we work with the industry to try to do the  
8 right thing for the horse.

9 And what we should say, also, if anybody abuses a  
10 horse, they should be punished. But we feel that the  
11 riding crop today is a tool and it's used to control the  
12 horse and protect the horse and rider.

13 COMMISSIONER MITCHELL: Can I ask a question?

14 Aaron, what's your thought about, you know, a  
15 hand down versus hand up, sort of controlling the horse,  
16 you know, movement to control the horse?

17 MR. GRYDER: Well, you know, we've never been in  
18 a position where it had to keep the hands down. I do  
19 believe that if the crop is turned over, a lot of times,  
20 even if it's not to use to tap a horse with, it's a good  
21 tool to even just flag. A lot of times, you know, if  
22 you've got it down it's hard to get it up there just to  
23 flag them. And a lot of times they could be looking at  
24 something off to the side. And just that little, you know,  
25 attention, you know, open their eyes up to run forward,

1 just go straight, not even touching them with it, flagging  
2 them, but it's hard to do with the crop down.

3           But, you know, I don't think either way is in a  
4 position to hurt them. I don't think that we're out to do  
5 that. I don't believe that the rules need to be modified.  
6 I strongly agree that sometimes riders use it when we  
7 should put it away, when a horse isn't responding. And,  
8 you know, we need to work on that within the jockeys' room,  
9 as well, and teach the younger riders, and some of the  
10 older riders as well. It's like, you know, the horse is  
11 not responding, that's enough.

12           And -- but I do believe that if we have access to  
13 turn it over, even just to show them, it is a helpful tool  
14 to guide them straight.

15           MR. MEYOCKS: There was a comment to the whip,  
16 the riders this morning, they expressed their concern that  
17 they had to change their style. And Alex can go back to  
18 this. If you're hitting down, you can't get to the horses  
19 rump to use it on the riding crop. It winds up in the  
20 belly and stuff. So I think, you know, for the best  
21 interest of the horse is to use it so they can get back and  
22 hit -- use it on the rump.

23           COMMISSIONER SOLIS: Well, I think we can work on  
24 that, Terry. In Australia, they ride that way. I mean,  
25 there's a way that we can work on. I mean, as a rider, you

1 can change your style. I mean, they do it in Australia.  
2 So, I don't know, I mean, it's going to take a little while  
3 to change, just like anything else. I think it's important  
4 to, the way this rule is written. And I think it's just  
5 that we have to adjust to it. I think that's the best way  
6 I can put it.

7 MR. GUSMAN: Mr. Chairman, Shane Gusman again. A  
8 couple of process issues that I wanted to raise.

9 One is that whatever rule is ultimately adopted,  
10 we would urge that, like Woodbine, that it is made like a  
11 pilot project or a temporary rule, so we can go back and  
12 look at how the rule is being implemented and how it's  
13 working on the ground and make adjustments if necessary.  
14 Not to say that the rule would go away, but that we'd come  
15 back and look at it to make adjustments if necessary.

16 Secondly, I would urge that there be a committee  
17 formed. It doesn't have to be a formal committee but at  
18 least with the blessing of the Board, as while the rule is  
19 being in this temporary period, that jockeys, owners,  
20 trainers, the stakeholders would be -- would meet together  
21 to discuss, have open dialogue about how the rule is  
22 working and report back to the Board on a regular basis, so  
23 that we don't find ourselves reacting at the end of that  
24 period without adequate information.

25 And lastly, I would ask, do you want us to

1 address the specific issues that are raised, that we feel  
2 are raised in the document that we just saw this morning?  
3 Would that be helpful? I know that you've said we wanted  
4 to talk positive about our own suggestions but I think  
5 maybe we should also talk about this document. I don't  
6 know. I'm unclear if this is the document that we're  
7 working off of.

8 VICE CHAIR GONZALES: (Indiscernible.)

9 MR. GUSMAN: Okay.

10 CHAIRMAN FERRARO: (Indiscernible.)

11 MR. GUSMAN: Okay.

12 CHAIRMAN FERRARO: Thank you very much.

13 What I'd like to do now is hear from  
14 representatives of the racetracks.

15 MR. GRYDER: Can I say one more thing in closing?

16 CHAIRMAN FERRARO: Yeah. Go ahead.

17 MR. GRYDER: I just want to say, at best, I just  
18 wrote this, that, you know, a jockey and a horse are not  
19 joined by just a saddle but by trust. Each of us is  
20 totally reliant upon each other. And each of us is a  
21 selfless guardian of the other's well-being. And that's  
22 how I feel about horses and I know my fellow riders do as  
23 well.

24 CHAIRMAN FERRARO: Thank you very much.

25 VICE CHAIR GONZALES: Thank you, representatives.

1 CHAIRMAN FERRARO: Yeah. I'd like to hear from  
2 representatives of --

3 COMMISSIONER SOLIS: I'd like to ask Shane a  
4 question.

5 How long you said that the trial run should be  
6 for to -- what frame of time that you would like to --

7 MR. GUSMAN: Woodbine's trial was two months --

8 COMMISSIONER SOLIS: Two months.

9 MR. GUSMAN: -- you know?

10 MR. MEYOCKS: You know, I think that depends.  
11 There's, obviously, a lot of considerations here. You have  
12 multiple tracks running. You might need it to be a little  
13 longer so that you can address all the meets that you want  
14 them to address. That's obviously up to the Board. You  
15 want as much -- I would think you would want as much  
16 information as you can possibly get to make, ultimately,  
17 make a decision, so whatever the time period you deem  
18 necessary to gather that information.

19 COMMISSIONER SOLIS: Yeah. I'd like to have a  
20 little background or have a little more input into, how can  
21 I say, to try it out. Because my main concern is, like  
22 Aaron says, you know, to flag, to hit behind, I have no  
23 problem with it because I -- that's how I learned how to  
24 ride. That the set American style and we learned that.

25 But one of the main and most important things is

1 what Aaron just brought up, a lot of horses really respond  
2 when you flag the whip, when you have it up and flag them,  
3 they respond much better. It's very hard to try to flag a  
4 horse with a whip down. They don't pay that much attention  
5 to it. I think that's a very good point to keep in mind.  
6 And I'd like to have it take a little more time and see how  
7 it is going to work. I'm sure the jockeys will be happy to  
8 try it out and go from there.

9 MR. BAEDEKER: If I might, Mr. Chair and  
10 Commissioners, I'm not sure that that's how -- that the  
11 Board can function that way. I'll ask Rob Brodnik to jump  
12 in here if I'm wrong but I don't think that we can  
13 promulgate a rule, have it become effective, and say it  
14 ends in some period of time. Let's say that, you know, it  
15 was a two-month timeframe after it became effective. Well,  
16 as everybody knows, if the Board then decided, okay, based  
17 on the results of that test, we're going to modify the rule  
18 as follows, then it would take another nine months to ten  
19 months to get that modified rule on the books.

20 So the simple question is, Mr. Brodnik, can we,  
21 if the Board wanted to move a rule, saying that it would be  
22 effective for some test period, is there a mechanism to do  
23 that within the regulatory process?

24 MR. BRODNIK: That's a good question, Director.  
25 And I was just conferring with Ms. Brown and we don't have

1 an answer for that at this point. We're not aware of any  
2 regulation that has existed like that but we would need to  
3 do some more research before we could answer that question,  
4 so that's my answer, unfortunately.

5 MR. NOLAND: The next question I have is with  
6 this rule, whatever decided, is there a public period, a  
7 public comment period of 45 days?

8 MR. BAEDEKER: What's before the Board today, any  
9 version of the rule that -- by the way, the version that's  
10 being talked about, the Chairman asked Staff to put some  
11 new concepts into writing, which we've done, so there's  
12 actually two versions that were in the Board book. There's  
13 a third version that the Chairman would like to discuss  
14 today. Any one of them, if the Board acts on them, will go  
15 through the 45-day public comment period. And, of course,  
16 it takes a while to even get to the 45-day public comment  
17 period. But anybody and everybody can submit their  
18 comments in writing during that timeframe.

19 And then after that timeframe is closed, then it  
20 comes back to the Board for consideration, whether or not  
21 to adopt it, and they consider, at that time, all the  
22 comments that have been received.

23 MR. MEYOCKS: Could the pilot program be in that  
24 45-day public comment?

25 MR. BAEDEKER: Well, see, you can't have -- you

1 could do it. A racetrack could do it but there's -- but  
2 it's almost impossible for the racetrack to enforce because  
3 you have a state rule that currently says limited to three  
4 strikes without giving the horse a chance to respond. So,  
5 practically speaking, I don't think so.

6 CHAIRMAN FERRARO: Dr. Arthur?

7 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. Mr.  
8 Chairman, Dr. Arthur, Equine Medical Director. Two points.

9 Number one, we have had certain medication  
10 regulations where we have had a trial period before we've  
11 actually started enforcing those. We've done that both  
12 before a rule takes effect and for a few months afterwards.

13 And second --

14 MR. BAEDEKER: You're talking about a grace  
15 period; right?

16 EQUINE MEDICAL DIRECTOR ARTHUR: That's a grace  
17 period, essentially --

18 MR. BAEDEKER: Yeah. So --

19 EQUINE MEDICAL DIRECTOR ARTHUR: -- either before  
20 or after.

21 MR. BAEDEKER: -- let's say that the rule became  
22 adopted by the Board and became effective on such and --  
23 you know, May 1st, the Board has the ability to have a  
24 grace period where warnings are issued during that period  
25 of time before, you know, enforcement action is taken.

1 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah.

2 MR. BAEDEKER: But that's a little different, I  
3 think, than what you all are talking about.

4 EQUINE MEDICAL DIRECTOR ARTHUR: And the second  
5 point I'd like to make, unless I've misread this, is  
6 holding the reins, you can only hit the horse when you have  
7 your hands on the reins. You can take the whip up and hold  
8 it upright and shake it at the horse, you just can't hit  
9 the horse with your hands off the reins.

10 MR. JENSEN: That is, with all due respect,  
11 that's kind of impossible to do, Mr. Arthur, so --

12 CHAIRMAN FERRARO: That's in the -- that was  
13 discussed previously and that's one of the reasons that  
14 this Board is going in a different direction right now.

15 MR. JENSEN: Good. I appreciate that but the --

16 MR. GRYDER: That is in the document though.

17 CHAIRMAN FERRARO: Well, we'll --

18 MR. BAEDEKER: Hands on the reins applies only to  
19 tapping the horse on the shoulder.

20 MR. JENSEN: I'm not so sure we read it that way.

21 CHAIRMAN FERRARO: Okay. Thank you. Thanks  
22 gentlemen. I appreciate your comments.

23 I'd like to hear from the representatives of the  
24 racetracks right now if we could?

25 MR. GUSMAN: Thank you all.

1           CHAIRMAN FERRARO: Thank you very much.

2           Josh, Tom Robbins, Craig Fravel, you guys have  
3 been participants in many discussions with and without the  
4 riders and with and without the Commissioners. I know  
5 you've been talking back and forth with the consortium.  
6 I'd just like to see what you have to say.

7           MR. FRAVEL: Do you want me to jump in on this,  
8 Josh?

9           Well, let me just speak. Craig Fravel, CEO of  
10 Racing Operations for The Stronach Group.

11           I was not working at The Stronach Group back in,  
12 I believe the time the first rule was promulgated for  
13 notice and comment back in March but I believe that our  
14 company was fully supportive of that, which was a much more  
15 profound ban on the use of the whip other than for safety  
16 purposes. And I believe that that still would be our  
17 corporate position. Our chairman, I know, believes very  
18 strongly that this industry needs to change, that we need  
19 to be open to change.

20           And I do, as a personal matter, I've told this  
21 story many times with my child, who's main objection to  
22 watching horse races is the use of the riding crop, and I  
23 think that that is the kind of voice that needs to be  
24 listened to in this conversation.

25           I would agree with my friends, the riders. And,

1 look, I'd be the last one to tell you that I know what it's  
2 like to ride a 1,200-pound animal and try to control them.

3 But I have had a lot of experience watching horse races  
4 and it's amazing to me the amount of control that riders  
5 have in the first seven-eighths of a mile race with the  
6 whip hardly ever being used. It's only in the last eighth  
7 of a mile that control seems to become a factor.

8           So the one thing I would definitely agree with,  
9 and again, I don't -- you know, there were two proposals in  
10 the package. I realize that those were -- you know, had  
11 some issues that needed to be discussed and would be  
12 discussed in the notice and comment period, so I don't have  
13 a particular perspective on whatever else it is that you're  
14 going to present, but we will certainly make comments on  
15 that during the notice and comment period.

16           One thing I will say, I've heard on a number of  
17 occasions people say, well, we should go with the  
18 international standard. And having been a member of the  
19 IFHA, part of the Executive Council at the IFHA, I can tell  
20 you there is no international standard. There are a  
21 variety of rules. German, five strikes. I believe Great  
22 Britain is not seven strikes. I think Ireland is following  
23 the Great Britain rule. France is now down to five. And  
24 Hong Kong and Japan, there's virtually no limitation, no  
25 difference in that.

1           So one thing I think we would agree with is that  
2 it would be great if there were a national rule. I think  
3 it's tough for -- but, you know, everybody -- at some point  
4 somebody needs to take leadership and say what it is that  
5 they think is the right thing to do.

6           I will tell you that New Jersey has a rule  
7 pending that would prohibit any use of the crop except for  
8 safety purposes. And as we know, Woodbine has had an  
9 experiment for two months of time. My understanding, at  
10 least from the management side of that, is that they have  
11 not been unsatisfied with that outcome.

12           So again, you know, our view is that less is  
13 better in terms of actual utilization of the whip for  
14 encourage purposes. And we'll be happy, if there is  
15 something put out for notice and comment, we'll be happy to  
16 participate in that through that process.

17           MR. RUBENSTEIN: Josh Rubenstein, Del Mar  
18 Thoroughbred Club.

19           From an industry perspective, there have been  
20 significant conversations with stakeholders trying to reach  
21 some consensus on riding crop form. I would say we're  
22 close but not quite there.

23           In terms of the new rule that we received today,  
24 we'd like some time to review it and provide comments  
25 within the 45-day notice period.

1 MR. ROBBINS: Tom Robbins, Del Mar.

2 Listen, I think Chairman Ferraro said it best at  
3 the last meeting and I would echo those comments, I'm not,  
4 you know, I'm not in a position. I can write a condition  
5 book and I can talk to owners and trainers. But the folks  
6 that were up here right before us know more than I  
7 certainly will ever know. And, you know, I'd have to defer  
8 to folks, like Alex Solis and Darrell McHargue, that are  
9 representative of the CHRB.

10 But I think, as Josh pointed out, this is  
11 relatively new language. We want to look at it. We've had  
12 conversations with other Coalition tracks across the  
13 country and want to proceed in a respectful manner. We  
14 know changes have to be made, so willing to do that. But  
15 again, I'm not in a position to criticize any of the  
16 comments that were made up here prior to.

17 Thank you.

18 CHAIRMAN FERRARO: Thank you very much.

19 Can we read the rule?

20 MR. BAEDEKER: Yeah.

21 CHAIRMAN FERRARO: Can you read it for me?

22 You're better at reading than I am.

23 We're going to read the third proposal that we  
24 have before us. And then I'm going to ask Steward McHargue  
25 to make some comments about it. And then we'll take public

1 comments.

2 MR. BAEDEKER: All right, Mr. Chairman,  
3 Commissioners and members of the audience, this is the  
4 existing rule. Some of the -- some of what I'm going to  
5 read is already on the books but this would be the rule in  
6 its entirety based on input from the Chairman over the last  
7 several days. This is Rule 1688, Use of Riding Crop.

8 "In all races where a jockey will not ride with a crop  
9 an announcement shall be made over the public address  
10 system of such fact. Although the use of a riding  
11 crop is not required, any jockey or exercise rider who  
12 carries a riding crop during a race or training is  
13 prohibited from using a riding crop on a horse as  
14 follows: one, during training, except when necessary  
15 for the safety of horse or rider; two, on the head,  
16 flanks or any parts of its body, other than the  
17 shoulders or hindquarters; three, during the post  
18 parade or after the finish, except when necessary to  
19 control a horse; four, excessively or brutally,  
20 causing welts or breaks in the skin; five, when the  
21 horse is clearly out of the race and has obtained its  
22 maximum placing; six, persistently, even though the  
23 horse is showing no response under the riding crop" --  
24 and here's the substantive changes coming up here --  
25 "or, seven, more than two times in succession without

1 giving the horse a chance to respond before using the  
2 riding crop again or more than six times during a  
3 race, excluding" -- I think that should say, "and more  
4 than six times during a race, excluding showing or  
5 waiving the crop or tapping the horse on the shoulder  
6 as defined in subsection (d)," which follows here in a  
7 minute," and it says subsections (b) (3) and (5), and  
8 it talks about, "The post parade and the maximum  
9 placing do not apply to jockeys and exercise riders  
10 during training." That's obvious.

11 Now it says,

12 "Correct uses of the riding crop are: one, in an  
13 underhanded position with the crop always at or below  
14 the shoulder level of the jockey; two, showing or  
15 waiving the crop without touching the horse; three,  
16 tapping the horse on the shoulder with the crop in the  
17 down position while having both hands, A, holding onto  
18 the reins and, B, touching the next of the horse."

19 Subsection (e),

20 "Absent mitigating circumstances, if a jockey or  
21 exercise rider rides in a manner contrary to this rule  
22 the Steward shall impose a minimum fine of \$1,000 and  
23 a minimum suspension of three days. In trial heats  
24 the suspension shall include the subsequent related  
25 stake's race. The jockey or exercise rider shall not

1 be penalized if, in the opinion of the stewards, the  
2 use of the crop was necessary for the safety of the  
3 horse or rider."

4 CHAIRMAN FERRARO: Mr. McHargue, can you give us  
5 your thoughts please?

6 CHIEF STEWARD MCHARGUE: Darrell McHargue, Chief  
7 Steward for the California Horse Racing Board.

8 VICE CHAIR GONZALES: Chief, would you also just  
9 draw on your riding background as well? I know you're  
10 pretty humble when it comes to that, but I know you're a  
11 colleague of ours, but I'd also like for the audience and  
12 those listening to know just some -- a little snapshot of  
13 your previous life.

14 CHIEF STEWARD MCHARGUE: My previous life, before  
15 I became a steward, I've been a steward for approximately  
16 30 years, was I was a jockey for approximately 13 years. I  
17 rode throughout the world, extensively in California, and  
18 some in New York. And I did have an award. I have an  
19 Eclipse Award. I've ridden probably 20,000 horses. And  
20 I've won close to 2,500 races.

21 I come from this rule -- or I come at this rule  
22 from an experienced point of view. And I know that the --  
23 we've heard about perception and that's where we are in  
24 racing. And the use of the crop is a worldwide problem.  
25 It's not just a California problem. And I understand the

1 jockeys perspective, of they're going to want to get the  
2 utmost of their horse, and before, it was anyway possible.  
3 They didn't have restrictions on any of the crop usage.

4           When we implemented the crop rule that's in  
5 effect right now, you can hit a horse three times in  
6 succession, you pause, ask the horse to run, and then you  
7 can go back after a short pause and hit him again three  
8 times in succession. This allows a jockey to hit a horse  
9 multiple times through the race. There's no restriction on  
10 the total amount of times you can strike a horse.

11           The proposal that has been proposed that was  
12 issued this morning, it clearly defined the crop and how  
13 the jockey is allowed to get his mount to obtain it's  
14 maximum placing. It provides for a jockey to use a crop  
15 two times in succession. Our current rule allows three  
16 times in succession. The rule restricts a maximum use to  
17 six times during the race.

18           From an officiating standpoint and a jockey  
19 standpoint the rule is simple and straightforward. It the  
20 rule prohibits a jockey from using a crop in an up position  
21 and forces the rider to keep the crop below shoulder level.

22           This restriction will stop riders from raising their arms  
23 in an aggressive manner while using the crop. And I know  
24 that, for one, and you've heard my background, and as I've  
25 gotten older, when I witness the race and I see jockeys

1 striking horses in an aggressive manner, to me, it appears  
2 to be wrong. It's a perception problem, it's an optical  
3 problem, and it's a perception, that racing has to change  
4 that.

5 This proposal provides for sanctions for  
6 violators that are significant. In my opinion, those  
7 sanctions are sufficiently punitive and they will go a long  
8 ways in making this rule complied with.

9 This rule is more restrictive than any current  
10 crop rule. And as it's worded, it is the most restrictive  
11 crop rule in the United States and Canada, possibly the  
12 world, so we're making steps in the right direction. And I  
13 hope that this Board will take some actions to see that  
14 this rule is implemented.

15 CHAIRMAN FERRARO: Questions from the Board?

16 COMMISSIONER SOLIS: The only question that I  
17 have is about the fine. And my concern is the purse  
18 structure is so much different here and Golden Gate.  
19 Shouldn't we go with a percentage? Just because of the  
20 difference of purses here and down south and up north. I  
21 think if you fine a guy \$1,000 and the purse is \$5,000,  
22 he'd be losing money, so I don't think that would be fair.  
23 So I'd like to look into that a little bit.

24 MR. BAEDEKER: Yeah. The language says  
25 "minimum."

1 COMMISSIONER SOLIS: Minimum?

2 MR. BAEDEKER: So that doesn't mean at Santa  
3 Anita, for instance, it couldn't be more than that. I'm  
4 not suggesting that that's appropriate but these are  
5 minimums.

6 CHAIRMAN FERRARO: Well, I think the other intent  
7 was that it has to be a significant abuse of the rule  
8 before the fine, before this fine is instituted. In other  
9 words, it's a minor infraction that we leave it to the  
10 stewards to interpret what's a major offense and what isn't  
11 a major offense. If they feel it doesn't rise to the level  
12 of abuse, then they can dictate any penalty they want. But  
13 if it rises to the level of a major infraction, then that  
14 penalty could be instituted. But we could consider making  
15 it a percentage of the purse that they're riding for. I  
16 don't see that the dollar amount is as important as the  
17 three days out; right?

18 COMMISSIONER SOLIS: Um-hmm.

19 MR. BAEDEKER: Also, the language says, "absent  
20 mitigating circumstances." So it's up to the stewards to  
21 determine what might be a mitigating circumstance. The  
22 facts that you just mentioned might, in and of themselves,  
23 mitigate the fine or the suspension.

24 VICE CHAIR GONZALES: I've got a quick question  
25 for the Chairman and Commissioner Solis.

1 Do you both still intend to be on the Safety and  
2 Medication Committee? Because I have a feeling that the  
3 crop issue would go in that Committee. Is it both your  
4 plans to be, to remain on that?

5 CHAIRMAN FERRARO: Yes.

6 VICE CHAIR GONZALES: Okay. That's good to know.

7 The second question I have for Mr. McHargue is  
8 the current penalties, can you remind us, and for members  
9 of the audience and people listening, what's the -- I know  
10 it's very low. You know, we get the minutes and we get the  
11 penalties. But just remind us the current penalties so we  
12 have a reference point for what's being proposed.

13 CHIEF STEWARD MCHARGUE: Our penalty for Los  
14 Angeles on the Quarter Horses, I believe, \$50.00 is the  
15 first one. It goes up from there. They have given days.  
16 They have suspended jockeys for flagrant disregard for the  
17 rule. And in the north is, I think, is \$300 is the  
18 minimum, that's the beginning. And I believe that's what  
19 it is at Santa Anita, as well, or in Southern California.  
20 But it goes up on each subsequent violation that you have.

21 COMMISSIONER SOLIS: And that's my argument is I  
22 think it's unfair to the jockeys to be fined. I mean, the  
23 cost of living in California is the same and they're making  
24 less money up there and the fine is still the same, so it  
25 doesn't make sense to me. I strongly feel like it should

1 be a percentage to make it fair for these guys. They're  
2 making a living with less purses, so I'd like to look into  
3 that.

4 CHIEF STEWARD MCHARGUE: I can.

5 COMMISSIONER ALFIERI: What if you added -- what  
6 if it was a maximum or up to \$1,000 and a minimum  
7 suspension of the three days, leave that alone, so still  
8 three days? That's the bigger penalty than the --

9 CHAIRMAN FERRARO: Yeah, that's a serious  
10 penalty, it could be.

11 COMMISSIONER ALFIERI: So it's up to the  
12 stewards. It could be up to \$1,000 but still keep the  
13 minimum three-day suspension.

14 CHAIRMAN FERRARO: Alex.

15 COMMISSIONER SOLIS: Yeah.

16 CHAIRMAN FERRARO: Would that be more agreeable?

17 COMMISSIONER SOLIS: Yeah. I mean --

18 COMMISSIONER ALFIERI: Well, then they have the  
19 latitude, depending on the severity of the --

20 COMMISSIONER SOLIS: Let me add, I'd like to --

21 COMMISSIONER ALFIERI: -- circumstances.

22 COMMISSIONER SOLIS: -- hear from one of the  
23 jockeys, how they feel about it, I mean, Aaron or any of  
24 the riders, how they feel about it. I mean, this is -- I  
25 think it's important and they want to be here and this is a

1 better time to start working together.

2 MR. JENSEN: Now, I've been doing this a lot of  
3 years, as has Alex and as has Darrell. He did it for a lot  
4 of years and now he's on the other side of the court. And  
5 he's the one that has to enforce these new provisions that  
6 they keep putting up on the riders.

7 But one of the biggest parts that we tend to  
8 ignore as we look into these crop rules, due to the public  
9 perception, is the people we represent out there as we're  
10 riding that horse, which is, first and foremost, the owner  
11 of the horse, secondly, my trainer, and thirdly, the  
12 betting public. And we haven't been able to rely or we  
13 consistently ignore the testimony that these people put out  
14 there that the way we conduct business on the back of our  
15 horse needs to be, A, controlled, but needs to be used.  
16 And I think as riders, we can adapt to a lot of stuff.

17 But we need to make sure that everybody who has a  
18 part of the finish of that race, how it's going to end up,  
19 has a voice in this. And if the people who have the  
20 biggest stake in that race do not have a real problem with  
21 the way that business is being conducted right now, I  
22 believe we should all actually listen to that. And,  
23 mostly, what's the end product going to be out there as we  
24 continue to restrict the rules on how we conduct business.  
25 And it's something to consider the long-term effects. Like

1 I say, it's not just how the riders -- he's got to -- he  
2 has to adapt to how he rides and what he's doing and has to  
3 be the one who is subject to perception and public opinion,  
4 not hard facts, not -- we're the ones that have to be under  
5 the radar.

6           And it's a little bit -- it's tough for us to  
7 have to have these restrictions put on place when there's  
8 not necessarily the actual facts on how the whip is used in  
9 a racehorse that has much effect, but we're more  
10 considering what's the public perception? How do you guys  
11 look on the back of a horse? And it gets a little tough  
12 when we have to not -- we have to be only considered by how  
13 we look on the back of the horse, not actually how it  
14 effects the outcome of a race.

15           CHAIRMAN FERRARO: Could you address specifically  
16 the fine issue though?

17           COMMISSIONER SOLIS: Yeah, the fine issue, that's  
18 what I was talking about.

19           MR. JENSEN: Well, yeah, the fine issue, it's --  
20 I believe there should be less penalties for infractions  
21 but harder penalties, harsher penalties for complete  
22 infractions of the rules. I think we should have less  
23 penalties. I mean, as monetary penalties to enforce a rule  
24 are a good thing, I mean, that's how you get people's  
25 attention, that's how you like, hey, you've got to stay

1 within the rules, that's how it is, I'd like to see the  
2 stewards be a little more interactive on listening to the  
3 riders condition on why the whip use was infracted, you  
4 know, and consider harsher penalties for big infractions of  
5 the rules and less penalties for slight infractions of the  
6 rules.

7           Especially, riding a Quarter Horse race, when  
8 things are going 40-plus miles an hour the race lasts less  
9 than 18 seconds, you're reacting, a fourth strike versus a  
10 third strike is very easy to do, it wasn't a complete  
11 throwaway of the rule, disregard for the rule, I'd like to  
12 see the stewards have a little more leeway when it comes to  
13 small infractions of the rules that weren't meant to be,  
14 they were just reactions at the time.

15           But I think as far as the monetary value we're  
16 putting on the infractions, it has to be equivalent to what  
17 we are riding for, our bottom jock mount, our purse  
18 structure, stuff like that to where it has to be severe  
19 enough that these guys know that you guys mean business,  
20 the stewards and the rules mean business, but to where a  
21 guy is not really losing his livelihood. If he rides four  
22 or five horses, doesn't get a win, and he's relying on four  
23 or five losing jock mounts for that weekend, and he gets a  
24 whip infraction, he may end up going home with little to no  
25 money by the time it's said and done. He still has to pay

1 his bills. He still has to take care of his family. You  
2 need to let him know, harsh enough that the infraction is  
3 meant to be enforced, but don't take away what he has to  
4 take home to his family.

5 CHAIRMAN FERRARO: Thanks very much.

6 Aaron?

7 MR. GRYDER: Thank you. I believe it's very  
8 important to make sure, and I'm sure you will as the ruling  
9 comes down, but we need to make sure that the wording is  
10 extremely clear on this. I know it's up to \$1,000, what  
11 would make that. But, also, when a rider is suspended for  
12 three days, that could be -- now, Quarter Horses only race  
13 three days a week here, so you're actually out, from the  
14 last time you rode, it will be two weeks until you can  
15 ride, so it is a harsh penalty as it is, those three days.

16 With the purse structure not being great, we're racing  
17 here at Los Alamitos, it's a long time for a Quarter Horse  
18 rider to be off, it's two weeks, plus, possibly, another  
19 \$1,000 fine on top of that. A lot of them would have a  
20 tough time making their payments for that month. You know,  
21 Los Alamitos -- or Santa Anita and the thoroughbred, mostly  
22 we're down to four days a week, and some weeks maybe we'll  
23 be at three days a week.

24 So I think we have to definitely look at it. I  
25 do agree that, you know, we have to stand up to the rules

1 and we have to abide by those rules. And I think we're all  
2 looking at the same thing, is the betterment for our sport.

3 But we have to really look at, you know, the three days  
4 plus the thousand -- up to \$1,000 fine. It has to be  
5 extremely clear because that would have to be something  
6 extremely excessive because, you know, one rider might lose  
7 \$1,000 but he only makes \$1,000 in a month. You know, he  
8 doesn't ride for two weeks. Another man might lose, you  
9 know, \$15,000 to \$20,000 in those three days. It depends  
10 on what kind of business they have. But we need to make  
11 sure that the wording is extremely clear and not  
12 necessarily get a fine plus those three days because it's a  
13 huge penalty to begin with.

14 CHAIRMAN FERRARO: All right.

15 MR. GRYDER: Thank you.

16 CHAIRMAN FERRARO: Thank you very much.

17 MR. GUSMAN: Mr. Chairman, Shane Gusman, again,  
18 on behalf of the Jockeys' Guild.

19 I would just reiterate the points that were made  
20 by the previous two speakers. These folks are not NFL  
21 players. Many of them are struggling to pay rent, just  
22 like a lot of other people in the room. And I think, you  
23 know, having significant fines for egregious behavior is  
24 fine but it does need to be spelled out. Right now the  
25 rule says, "without mitigating circumstances." I think, to

1 us, that's not clear enough direction that this is a  
2 serious violation, as the Chair indicated.

3 So we would ask for some more clarifying  
4 language, whatever the penalty structure happens, so it's  
5 clear that it's a graduated penalty for, you know, a  
6 minimum violation versus a significant violation.

7 CHAIRMAN FERRARO: All right. Thank you.

8 Terry?

9 MR. MEYOCKS: Terry Meyocks with the Jockeys'  
10 Guild. I just want to clarify a couple of things.

11 One, Rick, you mentioned, on the piece of paper  
12 you gave us this morning where it talks about subsection,  
13 you know, (b) (2), I had (b) (2) and (4), but you had  
14 mentioned (3) and (5).

15 MR. BAEDEKER: Yeah, (b) (2) and (4) was  
16 incorrect.

17 MR. MEYOCKS: Okay. Thank you.

18 The other thing, you know, alluded to briefly  
19 this morning, the Jockeys' Guild sent a proposal, and they  
20 took it very seriously, considering the crossroads we're in  
21 now. So I would ask the Board to consider, you know, our  
22 changes. And again, we based it off of the British Horse  
23 Racing Authority, as well as the ARCI Model Rules. And  
24 there are a couple things with, you know, we talked about  
25 the maximum of seven strikes in -- but, also, you know,

1 we -- there's some clarification that we've had issues with  
2 here in California, the chance to respond and to clarify,  
3 and whether it be one stride, two strides, three strides.  
4 And then the ARCI, it spells it out more succinctly so  
5 there's no subjectiveness with the stewards interpretation.

6 As well as, you know, veterinarian, we're -- in  
7 the ARCI, we put in there,

8 "After the race, horses will be subject to inspection  
9 by a racing or official veterinarian looking for any  
10 signs of distress from the riding crop, including  
11 cuts, welts or bruises in the skin. Any adverse  
12 findings shall be reported to the stewards. If  
13 obeyed, it would lead to a violation of this rule and  
14 may result in disciplinary action being taken against  
15 the licensees who are given such instruction."

16 I think that's important. You know, again, the  
17 last ten years, we've worked with the ARCI. We put some  
18 language in there. And I think it's -- we're talking about  
19 perception, people outside the industry need to know we've  
20 been trying to do this and to benefit the horse and making  
21 sure the horse is protected.

22 Thank you.

23 CHAIRMAN FERRARO: Dr. Allred?

24 DR. ALLRED: Ed Allred, Chairman of Los Alamitos.

25 I don't feel qualified to get into the fine

1 points of how riders should ride. I think we should be  
2 very careful about that.

3           However, one thing that's come up today is the  
4 consistency around the country. In the case of  
5 thoroughbreds, there's New York, Florida, Kentucky,  
6 California, there should be a consistent rule in all those  
7 states. In the case of Quarter Horse racing, we have  
8 Texas, Oklahoma, New Mexico and California, and other  
9 places, of course.

10           But we're running, this weekend, we're running  
11 one race for a purse just short of \$2 million. We're  
12 running another one for a purse of \$600,000. And the most  
13 important thing is coming out of the gate. Again, I'm not  
14 a horseman, I mean, I can't comment on that, but the riders  
15 have to be able to keep the horses straight and do whatever  
16 necessary. The first 20 or 30 yards are vital. If a horse  
17 gets started wrong you've got to correct it.

18           And I just hope we get a consistent ruling and do  
19 it in coordination with other states and not just have a  
20 California situation.

21           Thank you.

22           CHAIRMAN FERRARO: Thanks very much. Okay.

23           We have some public comment cards here. Sarah  
24 Segal. And remind you, three minutes.

25           MS. SEGAL: I would just want to ask one of the

1 Board Members, who wants -- maybe, Alex, you'd like to have  
2 one of the jockeys use the soft crop, the whip that he  
3 brought in, because it doesn't hurt, you know, apparently,  
4 it corrects them?

5 CHAIRMAN FERRARO: The crop today, ma'am, that's  
6 not on the issue.

7 MS. SEGAL: Isn't that what's on this item  
8 agenda?

9 CHAIRMAN FERRARO: This specific --

10 MS. SEGAL: This is a public comment for item  
11 agenda number 12?

12 CHAIRMAN FERRARO: The speculations of the crop  
13 are not on the agenda today.

14 MS. SEGAL: He just brought the crop in. So why  
15 doesn't he --

16 CHAIRMAN FERRARO: It's not on the agenda.

17 MR. BAEDEKER: The Chairman explained that the  
18 specifications, the changes, are going to be considered but  
19 at the next meeting, it will be specifically on the agenda.

20 MS. SEGAL: So why aren't you open to feeling the  
21 crop on your body so --

22 CHAIRMAN FERRARO: Because we're not talking  
23 about the specific --

24 MS. SEGAL: -- they hit the horses with it and --

25 CHAIRMAN FERRARO: -- speculation to regard --

1 MS. SEGAL: Right.

2 CHAIRMAN FERRARO: -- of the crop today.

3 MS. SEGAL: So, basically, they're allowed to  
4 talk about whipping the horses and we're not allowed to  
5 talk about how it hurts the horse?

6 CHAIRMAN FERRARO: You can talk about the crop.

7 MS. SEGAL: You don't even talk about the horses  
8 here, actually, you just talk about yourself. So it's just  
9 all of these men in here --

10 CHAIRMAN FERRARO: If you want to talk about the  
11 rule that's on the agenda --

12 MS. SEGAL: -- talking about themselves and  
13 money --

14 CHAIRMAN FERRARO: -- you are able to speak.

15 MS. SEGAL: -- not about the horses.

16 CHAIRMAN FERRARO: If you want to talk about the  
17 crop, you have to come back next month when that is on the  
18 agenda.

19 MS. SEGAL: The crop is on the agenda. It's  
20 number 12.

21 CHAIRMAN FERRARO: It's not on the agenda.

22 MS. SEGAL: Do you not have the agenda in front  
23 of you?

24 CHAIRMAN FERRARO: The specifications for the --

25 MS. SEGAL: The use of the crop. The use of the

1 crop, just like the use of a bullhook on an elephant, a use  
2 of a crop to control a horse into doing something it's not  
3 naturally supposed to do. Horses do not hold their babies  
4 on their backs. That's unnatural.

5 COMMISSIONER SOLIS: And to answer your  
6 question --

7 MS. SEGAL: And horses --

8 COMMISSIONER SOLIS: -- yes, they have --

9 MS. SEGAL: -- are not supposed to be --

10 COMMISSIONER SOLIS: Yes.

11 MS. SEGAL: Well, yeah.

12 COMMISSIONER SOLIS: To answer your question --

13 MS. SEGAL: I have three minutes.

14 COMMISSIONER SOLIS: -- yes --

15 MS. SEGAL: You can talk in a minute.

16 COMMISSIONER SOLIS: -- I have --

17 MS. SEGAL: Yeah.

18 COMMISSIONER SOLIS: -- already approved of the -

19 -

20 MS. SEGAL: Yeah. So you felt it on your body?

21 COMMISSIONER SOLIS: Yes, I have.

22 MS. SEGAL: Okay.

23 COMMISSIONER SOLIS: Yeah.

24 MS. SEGAL: Why don't you do it now, then, in  
25 front of public, so we can see for ourselves? What are you

1 afraid of?

2 COMMISSIONER SOLIS: I'm not afraid of anything.

3 MS. SEGAL: Okay. Well, why don't you try this  
4 soft crop on yourself?

5 VICE CHAIR GONZALES: Excuse me for a minute,  
6 Alex.

7 MS. SEGAL: No. You just don't like --

8 CHAIRMAN FERRARO: Wait a minute.

9 MS. SEGAL: -- what I have to say --

10 CHAIRMAN FERRARO: This is not --

11 MS. SEGAL: -- because, yeah --

12 CHAIRMAN FERRARO: -- this is not --

13 MS. SEGAL: -- I can see that.

14 CHAIRMAN FERRARO: -- a theater show here.

15 MS. SEGAL: Well, let me just tell you

16 something --

17 CHAIRMAN FERRARO: Ma'am --

18 MS. SEGAL: -- I grew up in Louisville, Kentucky.

19 I'm born and raised. I was around a racetrack all my life

20 and I know about horses, so don't even try to talk to me

21 that way, because I have a right to say what I want to say.

22 I have my three minutes.

23 MR. BAEDEKER: Just let her talk.

24 MS. SEGAL: You do not -- I mean, I cannot even

25 believe I'm in a room with adults, adults that actually are

1 trying to justify cruelty to animals. These horses do not  
2 in the natural carry their babies on their backs. It is  
3 completely unnatural for horses to carry humans. Of  
4 course, they are forced to do this. They are forced to do  
5 this. How do they do this? By control.

6 I just heard all of you talk about control of the  
7 horse, using the crop, which is called a whip. So what, I  
8 mean, what is that? You can't, what, you can't ride a  
9 horse without a whip? No, because you're not supposed to  
10 ride horses. They're supposed to be in the wild. This is  
11 unnatural.

12 They're in their stalls 23 hours a day and you --  
13 I mean, I heard Aiden come up here earlier and talk about  
14 how the barns are in bad condition and you need to fix them  
15 up. I mean, this whole place is just a joke. It should be  
16 shut down. If you love horses so much, turn this into a  
17 horse sanctuary.

18 One guy just came up here and says he doesn't do  
19 this for money anymore. But then, yet, they're crying  
20 about the fines because --

21 CHAIRMAN FERRARO: Your three minutes are up.

22 MS. SEGAL: -- they're not going to be able to  
23 pay their bill.

24 CHAIRMAN FERRARO: Your three minutes are up.

25 MS. SEGAL: Yeah. Thank you so much for killing

1 horses.

2 CHAIRMAN FERRARO: Amanda Lundberg.

3 VICE CHAIR GONZALES: And just for the audience,  
4 Dr. Ferraro and I just conferred and we're going to allow  
5 for public comment. And we know the last time we met in  
6 Del Mar there was a little bit of a mix-up, so we believe  
7 voices are important but just, you know, just kind of keep  
8 it within the context of a productive conversation. I just  
9 thinking starting off a comment by asking if somebody, you  
10 know, wants to volunteer to have a whip made contact with,  
11 so I'm just hoping, you know, that as we give flexibility,  
12 that they're very constructive because your voices matter.  
13 We're about ready to deliberate and to decide on a rule, so  
14 we want productive comments, is how we'll frame it.

15 So, please, thank you for being here.

16 MS. LUNDBERG: I first want to start out by  
17 expressing how deeply it breaks my heart that we are even  
18 discussing using whips or any other tool or torment on  
19 innocent sentient beings.

20 I have re-watched the video of Mongolian Groom.  
21 You can clearly see that he was whipped right up until the  
22 time that the pain of his broken leg hurt worse than the  
23 lashings he was forced to endure by the cruel jockey on his  
24 back. He had no choice in the matter. Thirty  
25 veterinarians on scene and you still managed to take the

1 life of one of your alleged prized possessions.

2 Under your list of rules for the use of the  
3 riding crop, or let's just call it what it is, a whip, it  
4 states that, "One of the correct uses of the whip is  
5 showing the horses the whip before reading them."

6 When I read this a memory came to my mind of when  
7 I photographed an elephant who was traveling with Ringling  
8 Brothers Circus. This elephant named Bonnie had large  
9 welts, welts scrapes and bruising on her left hip, as well  
10 as her back near her spine. She wasn't being used in the  
11 show that night and, instead, was chained up in the back  
12 parking lot at the Honda Center. She just have been a bad  
13 girl that day. Her trainer, obviously very upset with her,  
14 continuously waived his bullhook in front of her face. The  
15 look of terror in her eyes is something that to this day  
16 gives me nightmares.

17 When you beat an animal so badly that just one  
18 look at the tool used to torment them is enough to keep  
19 them in line gives me chills to my very core.

20 The whips used to give small jockeys power and  
21 control over large magnificent animals should be banned in  
22 any form, just as California has done with the bullhook.  
23 Horses will be killed on your tracks either way. That's  
24 inevitable.

25 I know it's hard for greedy people, such as

1 yourselves, to comprehend but we activists are not  
2 motivated by anything except the love and respect we have  
3 for innocent beings. We care more for horses we've never  
4 met than you care about the money you're making off of  
5 exploiting them, and we are relentless. There will be an  
6 end to horse racing in California in the near future. We  
7 will make sure of it.

8           There are things in this world that we have no  
9 control over. Killing horses on racetracks is not one of  
10 them.

11           One final comment. I'd like to quote Dr. Rick  
12 Arthur, Equine Medical Director of the California Horse  
13 Racing Board.

14           "There are those who argue that whipping doesn't hurt  
15 horses but that's nonsense and we all know that.  
16 Whips are noxious stimuli. They hurt. That's why  
17 they're used. Run fast or I'll hit you again."

18           CHAIRMAN FERRARO: Valerie Traina.

19           MR. BAEDEKER: And can we ask, anybody that's  
20 videoing the comments, if you'd please stand to one side of  
21 the room or other?

22           Ma'am, in front of the podium, excuse me, ma'am?

23           UNIDENTIFIED FEMALE: (Off mike.) Oh. I'm  
24 sorry.

25           MR. BAEDEKER: If you'd stand to one side of the

1 room or the other please?

2 UNIDENTIFIED FEMALE: (Indiscernible) behind the  
3 microphone so I can hear.

4 MR. BAEDEKER: Well, we can -- we hate to do it,  
5 but if you're going to disrupt the meeting, then we're  
6 going to have to ask you to leave. Ma'am, please stand on  
7 the left aisle or the right.

8 UNIDENTIFIED FEMALE: (Indiscernible.)

9 MR. BAEDEKER: That's fine.

10 MS. TRAINA: Ladies and gentlemen, my name is  
11 Valerie Traina and I'm an independent activist addressing  
12 the whipping of horses to force them to race.

13 According to a San Diego Union Tribune article  
14 from last month, jockeys can choose either conventional  
15 leather whips with flexible leather tips or padded whips  
16 with dense foam tips. Two jockeys interviewed for that  
17 article claimed horses don't find the whips painful, a  
18 belief held industrywide.

19 However, research done in 2015 for ABC's Catalyst  
20 program reveals otherwise. Dr. Lydia Tong, a University of  
21 Sydney veterinary pathologist, looked into the difference  
22 between the skin thicknesses of humans versus horses on the  
23 flank. She said, quote,

24 "The really interesting part is that right up in the  
25 epidermis, which is the top layer and that's where the

1 pain-sensing C fibers are, in the human specimen,  
2 that's thicker than the horses. So by the old  
3 argument of a horses think is thicker and they feel it  
4 less, actually, you could argue a human's skin is  
5 thicker."

6 A video of former vet and Catalyst presenter, Dr.  
7 Jonica Newby, shows her submitting to a whip stroke on her  
8 leg in the backhanded fashion. After ten minutes, thermal  
9 imaging showed the impact clearly with a one degree  
10 temperature rise indicating inflammation. She then took a  
11 stronger strike, simulating a hard forehand hit. This hurt  
12 more and stung for longer, leaving a bruise where the  
13 unpadded knot hit, she said.

14 Dr. Paul McGreevy, a veterinarian from Sydney,  
15 did a series of studies on whipping racehorses. His 2012  
16 findings, based on 350 rider-horse interactions, were the  
17 whip caused a visual indentation on the horse in 83 percent  
18 of impacts. The unpadded section of the whip made contact  
19 on 64 percent of impacts. More than 75 percent of the  
20 time the whip struck the horse in the abdomen or flank.

21 Whips inflict more pain on horses than you'll  
22 admit to. Your refusal to give them up proves that you  
23 don't have the horses best interests at heart. The bottom  
24 line is the bottom line.

25 CHAIRMAN FERRARO: Thank you.

1 Patricia Folger.

2 UNIDENTIFIED FEMALE: (Off mike.) When your  
3 Board Members are just walking out during public comment  
4 shows how much you really care about what the public thinks  
5 of what's going on here. That's ridiculous.

6 CHAIRMAN FERRARO: He's not a Board Member. He's  
7 an executive.

8 UNIDENTIFIED FEMALE: Well, whatever. He's  
9 quitting anyway. He doesn't care. He's leaving.

10 CHAIRMAN FERRARO: Patricia Folger.

11 MS. FOLGER: Hello? "Trust me, there are horses  
12 I've won on that, if I hadn't used the whip, I wouldn't  
13 have finished in the top three." That was spoken by Joe  
14 Talamo, a prominent jockey.

15 A whip, by definition, is a strip of leather or a  
16 length of cord fastened to a handle used for flogging or  
17 beating a person or animal as punishment or to urge them  
18 on.

19 A jockeys whip is to make the horses run faster  
20 and to maintain speed as they grow tired. Whipping the  
21 horses over and over again inflicts physical and  
22 psychological pain and increases the likelihood of an  
23 injury. Somehow you have escaped accountability for this  
24 blatant act of cruelty.

25 A quote from an animal rights website states,

1       “The whipping of racehorses is our most public form of  
2       violence towards animals. If horses were whipped in  
3       the same way, away from the track, it would be a  
4       prosecutable animal cruelty offense.”

5               And as Tony McCoy, a former jockey, said, “I see  
6       marked horses every day and it’s not a pretty site.”

7               For most in racing, whipping is but a problem of  
8       perception. At the last CHRB meeting, new Board Member  
9       Wendy Mitchell said this, “The optics on it,” whipping,  
10      “are bad, the optics. Not that we agree it’s cruelty, mind  
11      you, it just looks bad.”

12              There are those who argue that whipping doesn’t  
13      hurt horses but that’s nonsense and we all know that.  
14      Whips are noxious stimuli. They hurt and that’s why they  
15      are used. “Run fast or I’ll hit you again;” Dr. Rick  
16      Arthur.

17              If a prey animal shows it’s pain very overtly  
18      they are more than likely to be noticed and picked out by a  
19      predator. So, actually, often prey animals, they kind of  
20      shut up and put up.

21              And finally this from Australian Racing, Peter  
22      McGowan,

23  
24              “That not shifting from pain would have been learned  
25      behavior,” agreed. “Under the old days, prior to the

1 new whip and whipping rules, I can see that the horses  
2 learned to absorb the punishment afforded them."

3 A prominent racing executive admitting that as  
4 recently as five years prior his jockeys inflicted  
5 punishment on his horses, punishment, by the well,  
6 seemingly well absorbed due to learned helplessness.

7 It is very clear, a whip in the hands of a  
8 racehorse jockey will always be an instrument of  
9 intimidation, a conveyor of pain. Put another way, your  
10 kindly, gentler whipping is a lie.

11 MS. WILSON: Thank you for allowing us to speak.

12 First off, enough of the euphemism. We're going  
13 to call them what they are, they are whips. And we've  
14 already heard Dr. Arthur's quote a couple times so there's  
15 no need to repeat that.

16 Can you name another sport where athletes are  
17 whipped to enhance performance?

18 The following are from the CHRB 2019 Los Alamitos  
19 Stewards Minutes.

20 "Jockey Jesus Ayala came to the office to review his  
21 crop use during the eighth race on September 22nd,  
22 which he won. He admitted to the violation, which was  
23 blatant, and that he used his crop 12 times in  
24 succession without giving his horse a chance to  
25 respond. He is fined \$300 for whipping Tequila

1 Sangria four times the allowable limit.”

2 Here we have another whip violation, same exact  
3 jockey, same exact track, less than two weeks later.

4 “Jockey Jesus Ayala is suspended for three racing days  
5 for a blatant violation of CHRB Rule 1688(b)(6) during  
6 the eighth race at Los Alamitos Race Course on October  
7 4th. The preceding ruling was issued as Mr. Ayala  
8 threw himself on the mercy of the Board of Stewards  
9 and acknowledged yet another severe violation of the  
10 crop rule.

11 This time the whipped horses was named Mr.  
12 Apollitcal. While the stewards did not disclose the number  
13 of blows, they did say the violation was as bad or worse  
14 than the previous, and the previous was unconscionable.  
15 And in just three days he will be allowed to ride and whip  
16 again. This is justice, CHRB style.

17 The most recent Los Alamitos Stewards Minutes  
18 have seven whipping violations. If these jockeys cannot  
19 count to three, how do you expect them to stop at two?

20 Then we have Mongolian Groom, the most famous  
21 horse of the killers cup. Anyone can watch the video in  
22 slow motion. This poor animal slows down in an effort to  
23 protect himself, knowing he has a serious injury, and he is  
24 whipped right up until the second he stops and is pulled up  
25 and his left hind leg is broken in two places.

1           From ABC News in San Diego, "Del Mar Thoroughbred  
2 Club CEO Joe Harper said he supports a phase-out of whips.  
3 'I'm hopeful we can get to a point where the whip is not  
4 used at all,' said Harper. 'It's a horrible visual.'"

5           And if it looks horrible, imagine how it feels.  
6 Whips have always been an integral component of horse  
7 racing, so why now the urgency to ban them? Horse racing  
8 is what needs to be phased out. The whips are but a  
9 symptom of a much bigger problem.

10           CHAIRMAN FERRARO: Amanda Lundberg.

11           MS. LUNDBERG: I already spoke.

12           CHAIRMAN FERRARO: All right.

13           MS. LUNDBERG: I can speak again.

14           CHAIRMAN FERRARO: No, that's all right.

15           Swartzlander. Is there a Swartzlander?

16           MR. SWARTZLANDER: That was number eight.

17           VICE CHAIR GONZALES: Number eight.

18           CHAIRMAN FERRARO: No.

19           VICE CHAIR GONZALES: They've got a different --

20           CHAIRMAN FERRARO: They've go different --

21           VICE CHAIR GONZALES: -- item? Yeah.

22           CHAIRMAN FERRARO: Patty Shenker.

23           MS. SHENKER: Patty Shenker, Los Angeles,  
24 California.

25           John Clay, a sports columnist, said,

1 "Why do jockeys have to hit the horses with those  
2 whips? That might seem minor for those of us who grew  
3 up with the sport. It's an accepted practice. We  
4 barely notice. But in a society less agrarian and  
5 more urban, using a whip to hit a defenseless animal  
6 stands out. People might not be able to see the drugs  
7 or what goes on in the barns, but they can sure see  
8 those whips."

9 It is absolutely disgusting to see jockeys  
10 whipping the horses at any time. But it is especially  
11 disturbing to see them whipping horses as they are breaking  
12 their legs on the track. Have you no decency? The public  
13 is disgusted to see these whippings and will not buy the  
14 lie that you love them as you are whipping them to death.

15 Whips are not tools, they are weapons. I suggest  
16 you ban them.

17 CHAIRMAN FERRARO: Dino Perez.

18 MR. PEREZ: Dino Perez, Pacific Coast Quarter  
19 Horse.

20 I just wanted to reiterate what Dr. Allred said,  
21 that hopefully as we move down the path on this, that we  
22 can get a rule that is across several states so that we're  
23 in the same direction. And just as California moves over,  
24 to please take the Quarter Horse's input, as well, because  
25 I think our racing is a little different. And I know we

1 have some trainers and jockeys here that feel the same.

2 CHAIRMAN FERRARO: Patricia F.

3 MS. FOLGER: I already spoke, too, but I can  
4 speak again.

5 CHAIRMAN FERRARO: No, that's fine. We've got  
6 two cars.

7 Martha Sullivan. Martha, I've been waiting all  
8 afternoon for you.

9 MS. SULLIVAN: My father was in the Federal  
10 Bureau of Investigation for 27 years. He died last year at  
11 the age of 99. I'm reading this from the FBI's website  
12 because, you know, I believe the FBI knows about crime.

13 "Acts of cruelty against animals are now counted  
14 alongside felony crimes, like arson, burglary,  
15 assault, and homicide in the FBI's expansive criminal  
16 database."

17 On January 1st the Bureau's National Incident  
18 Base Reporting System began collecting detailed data from  
19 participating law enforcement agencies on acts of animal  
20 cruelty, including gross neglect, torture, organized abuse,  
21 and sexual abuse. Before this year, crimes that involved  
22 animals were lumped into all other offenses category. By  
23 adding animal cruelty offenses to its database, law  
24 enforcement agencies and the advocacy groups that pushed  
25 for the inclusion in the FBI database are hoping the

1 results will reveal a more complete picture of the nature  
2 of cruelty to animals.

3 "Some studies say that cruelty to animals is a  
4 precursor to larger crimes," said Nelson Ferry who works in  
5 the Bureau's Criminal Statistics Management Unit. "That's  
6 one of the items that we're looking at."

7 The National Sheriffs Association was the leading  
8 advocate for adding animal cruelty as a dataset in the  
9 Bureau's Collection of Crime Statistics. The Association  
10 for years has cited studies linking animal abuse and other  
11 types of crime, most famously, murders committed by serial  
12 killers. The organization also points out the overlap  
13 animal abuse has with domestic violence and child abuse.

14 "If someone is harming an animal there is a good  
15 chance they're also hurting a human," said Tom Johnson,  
16 Deputy Executive Director of the National Sheriffs  
17 Association. "If we see patterns of animal abuse the odds  
18 are that something else is going on."

19 I want to suggest to you that as part of your  
20 ongoing policy and regulations, that you start requiring  
21 people in the horse racing industry to have any convictions  
22 of violence be available as a public record. Because, as  
23 the FBI said, there is a link between animal cruelty and  
24 violence against humans. I think you need to study this  
25 link because we know that child predators work in schools

1 or work in, you know, Boy Scout troops, or work in  
2 churches. People go where their target is. There's no  
3 doubt that there's people in the horse racing industry that  
4 are there to abuse animals.

5 CHAIRMAN FERRARO: Thank you.

6 I might mention that if you're convicted of a  
7 felony, you can't get a Horse Racing Board license.

8 Andrew Lessor, M.D.

9 DR. LESSOR: Board Members, Commission Members,  
10 Andrew Lessor. I've spoken before in front of this body.  
11 I'm a retired E.R. physician. My family owned harness  
12 horses when I was younger. Most of what I'm going to say  
13 is because this is a public forum and I'm reaching out to  
14 the public because I'm not going to change the minds of  
15 most of horse racing industry people in this room, so I  
16 want to state some things for the record.

17 Number one, I'm with Horse Racing Wrongs. It's a  
18 nonprofit organization. All the volunteers that are here  
19 speaking for the horses are just that, volunteers, unlike  
20 nearly everyone else in this room who has a financial  
21 interest, okay? So our only interest is the horses, unlike  
22 most of you. So, obviously, you're living in a different  
23 world, an alternate reality.

24 I'm really surprised that you've actually had  
25 horse racing industry people use the correct term, whips,

1 striking, hitting, as opposed to applying the crop. I've  
2 heard euphemism, tool. This is animal cruelty. In what  
3 world is this not? It's in your world that this is not. A  
4 whip or a crop is an instrument used to make an animal or a  
5 person do something that it doesn't want to do, and it's  
6 through intimidation and/or pain, okay?

7 I know later you're going to discuss the  
8 materials. That's a different subject. This is all  
9 macabre. You say that you can't race without using the  
10 crops or the whips, so don't race horses. It's that  
11 simple.

12 And the last thing I'm going to say, and I saved  
13 it for last because how can any of you watch that video of  
14 Mongolian Groom being whipped and then seeing it's leg  
15 dangle like that? How can you support this industry? It's  
16 not a sport. What is wrong with you people? I can't watch  
17 that video. Why don't you try watching it a few times?  
18 That poor horse. What's wrong with you people?

19 CHAIRMAN FERRARO: Terry Bingham.

20 MS. BINGHAM: Hi. I'm really concerned that the  
21 fines are too high, obviously not for the futurity races  
22 and things like this, but if a jockey is racing at the  
23 fairs and the purses are only \$6,000, or what if they don't  
24 win and their total income for the whole month is \$500, and  
25 then you fine them \$1,000, already we have a jockey

1 shortage in this state, so I would be very careful with the  
2 language.

3           Maybe you could put something that for, you know,  
4 first-time offenders or minor infractions, like three to  
5 four counts, you know, very small, could it be a very, very  
6 minimal fine or suspension, a three-day suspension, if it's  
7 like totally egregious? Because to do both, to give them a  
8 fine and say they can't race for three days, as someone  
9 pointed out, would mean they don't -- they're out of a  
10 living for two weeks. And I think this is really dangerous  
11 and I would really make sure that those fines are really  
12 low and very, very sparingly applied.

13           Thank you.

14           CHAIRMAN FERRARO: Greg Avioli.

15           MR. AVIOLI: Greg Avioli, TOC.

16           It seems like, based on what you said earlier  
17 today, that following this public, you might be actually  
18 taking up this proposed rule for a vote. On behalf of the  
19 TOC, I would suggest that that might be a little quick  
20 since a lot of us actually had to write down the words to  
21 it as it was read to us. I think you've heard from a lot  
22 of people that I respect, you know, the importance of a  
23 national rule, and I wouldn't say necessarily wait until  
24 that gets done but at least, even if it's another 30 days  
25 for a meeting to have people have time to address this.

1           The TOC, as an example, had a detailed  
2 presentation by the Jockeys' Guild on their own rule, which  
3 is different from what was submitted today. And being a  
4 veteran of many CHRB rulemaking processes, I think this one  
5 is important enough that I'm not sure any immediate action  
6 is going to outweigh the potential benefits for thinking  
7 about this more.

8           As regards to public perception concerns, what's  
9 clear to me from listening for the last few minutes is you  
10 could outlaw the whip completely but the people who feel  
11 strongly that racing shouldn't exist are not going to all  
12 stand up and start applauding. So I think you've got to do  
13 what's right for the sport and right for the animal and  
14 right for the jocks.

15           And the TOC supports the Jockeys' Guild in that  
16 they are the ones who have the most directed stake in this.  
17 So we'd urge you to listen to them and try to find the  
18 resolution that works for them.

19           Thank you.

20           (Colloquy Between Commissioners)

21           MR. BAEDEKER: So looking -- going back to the  
22 wording, the Chairman is recommending a tweak of the  
23 language relative to the penalty. It currently says,  
24           "Absent mitigating circumstances, if a jockey or  
25           exercise rider rides in a manner contrary to this rule

1 the stewards shall impose a minimum fine of \$1,000,"  
2 the Chairman is recommending that language be changed  
3 to, "shall impose a fine up to \$1,000," the rest stays  
4 the same, "and a minimum suspension of three days."

5 CHAIRMAN FERRARO: Correct. I move that we adopt  
6 this rule as written at this time.

7 MR. BAEDEKER: To move to 45-day public comment.

8 CHAIRMAN FERRARO: And then it will move to 45-  
9 day public comment.

10 Do I have a second?

11 COMMISSIONER ALFIERI: Second.

12 CHAIRMAN FERRARO: Commissioner Mitchell?

13 COMMISSIONER MITCHELL: Are we having discussion?

14 CHAIRMAN FERRARO: We can, yes.

15 COMMISSIONER MITCHELL: Okay.

16 CHAIRMAN FERRARO: Would you like one?

17 COMMISSIONER MITCHELL: Only to say, I am  
18 sensitive to both sides of this issue and that there are, I  
19 think, concerns. I wish that the safety -- the new Safety  
20 Committee that was created would have included the jockeys,  
21 that that would have been a comprehensive group of all the  
22 people interested. Because this is really -- there -- it  
23 was announced with much fanfare but then didn't include  
24 some of the key players and weren't able to come to a  
25 conclusion on this.

1           You know, it's been a long -- I feel like my  
2 sense, this is my third meeting, is that this Board has  
3 gone to, you know, let's have the stakeholders work it out  
4 and, you know, come to us and we'll rubberstamp. I don't  
5 believe that that's the way this should work because we're  
6 the representatives of the public. But in this case, you  
7 know, I'm persuaded by the Chief's arguments about what can  
8 be done. I think this is an incredible optics issue and  
9 that we do need to address this sooner rather than later.

10           So going forward on a safety -- on the Safety  
11 Committee, I would like the jockeys to be a part of that,  
12 or the Safety Council, whatever it was called, so that  
13 their voice can be heard and that they're included in all  
14 of the dialogue around this.

15           Having said that, I will be voting aye for this  
16 motion.

17           VICE CHAIR GONZALES: Thank you, Commissioner  
18 Mitchell.

19           I, at the last meeting, was the Commissioner who  
20 requested 30-day postponement. And since then we have seen  
21 a lot of debate around this issue. It's been reported,  
22 it's been discussed. I do want to also applaud the newly  
23 established Thoroughbred Safety Coalition. They've been  
24 very responsive. I know it was communicated back to me  
25 that they really wish that they would have been able to

1 come to consensus. They're going to continue that  
2 deliberation. And it's also good to see that as part of  
3 that Coalition, from The Stronach Group to Del Mar and to  
4 other California stakeholders, are part of it.

5 I also want to go back to what Chief McHargue  
6 said, our Chief Steward, about this being the most  
7 restrictive, some may even say stern measure that we're  
8 about ready to vote on in the country, perhaps in the  
9 world. We know through the Committee that I wanted to  
10 confirm that both Commissioner Solis and Dr. Ferraro were  
11 going to be on, that we continue to refine this measure.  
12 But I really want to especially commend the jockeys who  
13 have opened up to Commissioner Solis and I and others as we  
14 either went into the jocks' room to meet or they shared  
15 information with us.

16 And I will also say that the voices that we just  
17 heard at the podium, they're -- those are relevant voices,  
18 I want to just say. And I'm glad that we agreed, Dr.  
19 Ferraro, you and I, to hear them out. I just think it's --  
20 to get better, for this industry, to get better we have to  
21 have a conscience. And it is the public that is going to  
22 help to remind us what this is about. This is a great  
23 business. It's a great industry. We have great athletes.  
24 We have just a range of people who really care deeply.

25 So I, too, will be voting aye on this measure,

1 especially hearing Chief Steward McHargue describe it in  
2 the manner of which he did, which is the most restrictive  
3 measure in the country and, perhaps, in the world. And we  
4 hope other jurisdictions follow the California lead.

5 CHAIRMAN FERRARO: Commissioner Solis?

6 COMMISSIONER SOLIS: Aye.

7 CHAIRMAN FERRARO: Commissioner Alfieri?

8 COMMISSIONER ALFIERI: A comment that I would  
9 like to hopefully direct Staff to give us when we discuss  
10 next month the consistency, the type of whip, the materials  
11 of the whip -- whip, here I am saying whip, there you go,  
12 right to your crop -- I would love to see some data on  
13 that. The type of crop that's been used since, I think,  
14 early, I guess it was winter, when we saw the new, I call  
15 it the Nerf ball type of material, is there any data on  
16 that and as far as any pain or, you know, any effect on the  
17 horses themselves? I would love to see that data. And --

18 CHAIRMAN FERRARO: Right. We will pursue that.

19 COMMISSIONER ALFIERI: Yeah. So I don't know who  
20 is collecting that but --

21 CHAIRMAN FERRARO: All right.

22 COMMISSIONER ALFIERI: -- please provide that for  
23 us and --

24 CHAIRMAN FERRARO: And your vote?

25 COMMISSIONER ALFIERI: On this matter, yes.

1           CHAIRMAN FERRARO: All right. We've just passed  
2 the most restrictive whip rule in North America, probably,  
3 maybe, in the world, as Mr. McHargue has said. I realize  
4 at this time, no one is happy, including me, but we've  
5 gotten to the point where we had to move. Somebody has to  
6 be first. We'd like to see a national rule. We'd  
7 certainly support it. Somebody has to be first. We're  
8 first.

9           So this rule now goes out for 45-day comment.  
10 And it will come back before us again and the public will  
11 have their input and the jockeys will have their input  
12 again.

13           Thank you all for participating.

14           And we'll move on to the next agenda item. Item  
15 number eight, discussion and action by the Board on the  
16 Application of a License to Conduct a Horse Racing Meet at  
17 Pacific Racing Association at Golden Gate Fields.

18           MR. BRODNIK: Good morning, Commissioners.  
19 Robert Brodник, California Horse Racing Board. I just  
20 wanted to briefly discuss the application that was  
21 submitted before Pacific Racing has an opportunity to  
22 address the Board.

23           Staff has reviewed the application submitted --  
24 and submitted an analysis which addresses numerous items  
25 that are still outstanding. But one in particular,

1 especially in light of the new members on the Board, I just  
2 wanted to give some background on.

3           One of the items that's still outstanding in  
4 Staff's view is that Pacific Racing Association's  
5 application fails to include any Northern California  
6 satellite wagering facilities. Staff views this proposal  
7 to be in violation of the law.

8           Business and Professions Code section 19608  
9 requires an association which makes more than \$1.5 million  
10 in daily average handle to make its audio-visual signal  
11 available to authorized satellite wagering facilities.

12           Furthermore, CHRB Rule 2058(e) states that, "All  
13 wagers made available by a host association shall be made  
14 available to all simulcast facilities."

15           PRA's proposal is to make its signal available to  
16 certain simulcast facilities only, specifically Southern  
17 California. And as stated, Staff believes that this is  
18 prohibited by both our regulations and the law.

19           And furthermore, it's important to note that  
20 this -- it's important to note that it has been an industry  
21 practice to conduct satellite wagering with all open  
22 satellite facilities and the application submitted by PRA  
23 is a significant departure from that practice. And as the  
24 TOC has stated in previous Board meetings with regard to  
25 applications from PRA, it would result, likely, in lower

1 handle.

2 Business and Professions Code section 19401(c)  
3 states that,

4 "One intent of the law and the Board which enforces it  
5 is to provide for the maximum expansion of horse  
6 racing opportunities. And denying certain satellites  
7 access to the signal and totalizator is inconsistent  
8 with that intent."

9 California Business and Professions Code section  
10 19460 states that,

11 "All licenses are subject to the conditions prescribed  
12 by the Board and shall contain such conditions as are  
13 deemed necessary or desirable by the Board for the  
14 best interest of horse racing and for the purposes of  
15 the Horse Racing Law," again, one of those, which is,  
16 "providing the maximum expansion of opportunities."

17 If the Board felt that this application was not  
18 in the public interest the Board could condition the  
19 application to achieve that goal. And previously, the  
20 Board has conditioned PRA's licenses to require them to  
21 obtain agreements with each satellite wagering facility as  
22 a condition of licensure to run a rate meet.

23 So I wanted to flag that for the Board. And if  
24 you have any questions, I'm happy to answer them as it  
25 pertains to that issue.

1 MR. BAEDEKER: And to expand on that just a  
2 little bit, the Board has put that condition that you just  
3 described on rate meets over the last little bit more than  
4 a year. I believe this, a year ago at the June Board  
5 meeting, the Board first imposed this condition and it's  
6 been imposed on subsequent applications for race meets at  
7 Golden Gate; isn't that correct?

8 MR. BRODNIK: That's correct. Just for a  
9 background, June of 2018 was the first time the Board  
10 conditioned the license to include contracts with each  
11 satellite wagering facility. And I believe, they can  
12 correct me, but I believe they've had somewhat, like four  
13 or five licenses since then and each time the Board has  
14 conditioned the license in the same manner.

15 This issue is being actively litigated. We  
16 actually have a court date on Monday. We were hopeful to  
17 have some finalization to this issue prior to today's date  
18 but the court had continued it, so just as an update.

19 MR. BAEDEKER: Thank you.

20 One other note. In the packet, the application  
21 indicates a closing day of June 7. And as the Board  
22 discussed earlier, the race dates for this meet have been  
23 allocated through June 16th.

24 MR. BRODNIK: I guess just a final note. The  
25 staff analysis does have items which are still outstanding.

1 They're somewhat similar to the same items that were  
2 outstanding under the LATC application. But those include  
3 the TOC agreement, a CTT agreement, and then the ADW  
4 agreements that they discussed. The TOC agreement that we  
5 received today was only for Santa Anita, so I don't know if  
6 they have a new agreement, but I just flag that for the  
7 Board.

8 MR. AVIOLI: Yeah. Greg Avioli, TOC.

9 We have not completed the agreement for Golden  
10 Gate because we didn't know what the dates were going to  
11 be. And now that we know those dates, again, I don't think  
12 it will be a difficult process, with the one exception I  
13 was just speaking to Eric about.

14 While they pursue their unique legal theory  
15 against the CHRB on not needing to have -- to send their  
16 signal for simulcast to the simulcast network up north, the  
17 TOC has consistently opposed that as a matter of practice  
18 because without it and without a guarantee from The  
19 Stronach Group, there's not money to pay the purses for the  
20 upcoming meet. So our expectation, as has been the case  
21 with the previous four meets, is that while they work  
22 through the legal system, regardless of that, our  
23 horsemen's agreement is going to be that they will, in  
24 fact, send it to the simulcast signal for this upcoming  
25 meet. If that is correct, it's going to be signed in a

1 matter of days. If not, we might not have a horsemen's  
2 agreement.

3 MR. BAEDEKER: Based on the previous testimony by  
4 Mr. Brodnik, it's anticipated the Board would probably add  
5 the same condition that it has to those previous four  
6 meets.

7 MR. SINDLER: Eric Sindler on behalf of Golden  
8 Gate Fields.

9 As Mr. Brodnik said, the non-Northern California  
10 licensed satellite agreements notwithstanding, the other  
11 outstanding items, he is correct, it's largely the same as  
12 what was the case with Santa Anita.

13 MR. AVIOLI: ADW.

14 MR. SINDLER: Right. The ADW agreement and  
15 everything is the same with Santa Anita. Mr. Avioli just  
16 commented on the TOC agreement and the ADW approval letter  
17 and it's the same situation with the CTT that Santa Anita  
18 is in.

19 (Colloquy Between Commissioners)

20 CHAIRMAN FERRARO: Mr. Jack Liebau, do you have  
21 something to say about this?

22 MR. LIEBAU: Jack Liebau for Los Alamitos.

23 This is of importance to Los Alamitos, the issue,  
24 as far as the continued existence of the Northern  
25 California satellites.

1           Just in way of background, at night the Northern  
2 California satellites are operated by SCOTWINC and they  
3 distribute the audio-visual signal of the racing card of  
4 Los Alamitos and, therefore, are essential to the continued  
5 viability of Los Alamitos. As long as you're going to  
6 continue to impose the same condition on the license of  
7 Golden Gate Fields, we have no problem.

8           And as I think Rob said, the court is supposedly  
9 going to hear the matter on the 16th of December. That is  
10 a suit that has been brought against the California Horse  
11 Racing Board by The Stronach Group. The California Horse  
12 Racing Board is the defendant. Los Alamitos and CARF are  
13 intervenors in that suit.

14           Thank you.

15           CHAIRMAN FERRARO: Swartzlander.

16           MR. BAEDEKER: Larry Swartzlander.

17           MR. SWARTZLANDER: Larry Swartzlander, CARF.

18           I just wanted to, again, as Jack said, that CARF  
19 is part of this lawsuit. And we support that we need to  
20 have it as a condition of the license. But CARF and Santa  
21 Rosa, we stand ready again to sign a satellite agreement,  
22 like we have done for the past four licenses.

23           CHAIRMAN FERRARO: Any questions from the Board?

24           Well, I have the language for a motion that we  
25 can make here. I move to approve the race meet license to

1 PRA for dates of December 18th through June 16th,  
2 contingent upon the receipt of agreements with each  
3 satellite wagering facility in Northern California as  
4 required by law, including the TOC horsemen's agreement and  
5 all other outstanding items mentioned in the staff analysis  
6 by close of business on June 19th, 2020. This motion is  
7 being made as these contingencies are in the public  
8 interest and serves the purpose of the Horse Racing Law.

9 Do we have a second?

10 MR. BRODNIK: Chairman, just to clarify, I might  
11 have heard it wrong, but the close of business on what  
12 date? December probably would be --

13 MR. BAEDEKER: Oh, December. That should be  
14 December 19th. My apologies.

15 CHAIRMAN FERRARO: I'm sorry. It's written wrong  
16 here. December 19th, 2020.

17 MR. BRODNIK: Thank you.

18 CHAIRMAN FERRARO: Do we have a second?

19 MR. BAEDEKER: We've got a comment.

20 CHAIRMAN FERRARO: Twenty-five words or less,  
21 remember; right? We have an agreement.

22 MR. BALCH: Alan Balch. I did put a card in.  
23 And in 25 words or considerably less, I'm assuming that the  
24 CTT agreement situation would be taken up with Mr.  
25 Gonzalez's group in arbitration for Santa Anita and Golden

1 Gate. Both agreements are identical in their language in  
2 all important respects. I think it made it under 25, Mr.  
3 Chairman.

4 CHAIRMAN FERRARO: You did. Yeah.

5 MR. BALCH: Thank you.

6 CHAIRMAN FERRARO: Good job. I highly approve.

7 MR. BAEDEKER: Is that accurate?

8 CHAIRMAN FERRARO: Will you take both?

9 VICE CHAIR GONZALES: Oh, I will absolutely take  
10 them both up. Yeah.

11 CHAIRMAN FERRARO: Yeah. Do we have a second for  
12 this motion?

13 VICE CHAIR GONZALES: I second.

14 CHAIRMAN FERRARO: Any discussion from the Board?  
15 Commissioner Alfieri?

16 COMMISSIONER ALFIERI: Yes.

17 CHAIRMAN FERRARO: Commissioner Solis?

18 COMMISSIONER SOLIS: Yes.

19 CHAIRMAN FERRARO: Yes.

20 Commissioner Gonzalez?

21 VICE CHAIR GONZALES: Yes.

22 CHAIRMAN FERRARO: Commissioner Mitchell?

23 COMMISSIONER MITCHELL: Yes.

24 CHAIRMAN FERRARO: Thank you.

25 Move on to item number nine, discussion and

1 action by the Board regarding approval of an agreement,  
2 pursuant to CHRB Rule 1581, Racing Secretary to Establish  
3 Conditions, between Pacific Racing Association and  
4 the Thoroughbred Owners of California regarding entry  
5 conditions and specified drug substances or medications to  
6 be implemented by PRA at its race meeting at Golden Gate  
7 Fields Racetrack.

8 MR. BRODNIK: Good morning again, Commissioners.  
9 Robert Brodnik, California Horse Racing Board.

10 The parties are here and can correct if I'm  
11 wrong, but the agreement that they submitted today that I  
12 read verbatim in the staff -- under the agenda item for  
13 Santa Anita was the same for Golden Gate Fields. It would  
14 include a reduction of Lasix, a 14-day stand down for  
15 corticosteroids, and then a more restrictive stand down for  
16 the specific joint injection, which I cannot pronounce.

17 CHAIRMAN FERRARO: Fetlock joints.

18 MR. BRODNIK: Thank you. Fetlock. Yes.

19 CHAIRMAN FERRARO: A fetlock joint.

20 MR. BRODNIK: Okay.

21 CHAIRMAN FERRARO: Is that correct? It's the  
22 same; right?

23 MR. BRODNIK: Yes.

24 CHAIRMAN FERRARO: Any discussion by the Board?  
25 Any motion to approve?

1 COMMISSIONER MITCHELL: So move.

2 CHAIRMAN FERRARO: Second?

3 VICE CHAIR GONZALES: I'll second.

4 CHAIRMAN FERRARO: Commissioner Alfieri?

5 COMMISSIONER ALFIERI: Yes.

6 CHAIRMAN FERRARO: Solis?

7 COMMISSIONER SOLIS: Yes.

8 CHAIRMAN FERRARO: Yes.

9 VICE CHAIR GONZALES: Yes.

10 COMMISSIONER MITCHELL: Yes.

11 CHAIRMAN FERRARO: So moved.

12 Item number ten, Public hearing and action by the  
13 Board regarding the proposed amendment to CHRB Rule 1660.1,  
14 Claimed Horse Health Record, to require pertinent  
15 medical information from a horse claimed in a claiming race  
16 be transferred from the horse's former attending  
17 veterinarian to the horse's new attending vet on the  
18 Claimed Horse Health Record, CHRB-245 form. Note: This  
19 concludes the 45-day public comment period. The Board may  
20 adopt the proposal as presented.

21 Doctor -- wait a minute.

22 MS. BROWN: Good afternoon, Commissioners.

23 Amanda Brown, California Horse Racing Board.

24 As you recall, this item was on the agenda at the  
25 November 21st Board meeting. There was discussion by Dr.

1 Arthur and public comment by Dr. Dionne Benson about  
2 requiring a more comprehensive health record for claimed  
3 horses than what was originally noticed at the public. So  
4 you tasked the Legal Unit with inquiring with the Office of  
5 Administrative Law whether these changes could be initiated  
6 with a 15-day notice to the public or whether a full 45-day  
7 notice was required. And we heard from the Office of  
8 Administrative Law that we can proceed with a 15-day notice  
9 because these changes are sufficiently related to the  
10 original proposal.

11 And I just want to note that modifying the form  
12 also necessitates clarifying changes to the text of 1660.1.

13 So in your Board binder, these changes are indicated by  
14 double underline and strikethrough. I think it's page  
15 three.

16 CHAIRMAN FERRARO: Dr. Arthur, do you have  
17 something say?

18 MS. BROWN: Oh. Okay.

19 CHAIRMAN FERRARO: Sorry.

20 MS. BROWN: That's okay.

21 EQUINE MEDICAL DIRECTOR ARTHUR: I'm only -- Dr.  
22 Arthur, Equine Medical Director. I was only here if  
23 there's any other questions.

24 This is a proposal we actually presented in the  
25 summer of 2018 and was the alternative to what the

1 Committee had actually moved forward. This is more  
2 comprehensive and I think it promotes horse health better  
3 than the form that was previously noticed.

4 CHAIRMAN FERRARO: Questions from the Board? A  
5 motion?

6 COMMISSIONER ALFIERI: This is the new form?

7 COMMISSIONER MITCHELL: Right. Just I would like  
8 to move the proposed amendments and say that I'm glad we  
9 were able to. I appreciate the staff's work, working with  
10 OAL to talk about whether or not this could be a 15-day  
11 small change and not go back from the beginning because  
12 this is a more comprehensive set of facts that will go with  
13 the horse. So I greatly appreciate it and the -- I'll be  
14 voting aye.

15 CHAIRMAN FERRARO: We have a motion. May I have  
16 a second?

17 VICE CHAIR GONZALES: I'll second it, yeah.

18 CHAIRMAN FERRARO: Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIRMAN FERRARO: Solis?

21 COMMISSIONER SOLIS: Yes.

22 CHAIRMAN FERRARO: Yes.

23 Gonzalez?

24 VICE CHAIR GONZALES: Yes.

25 CHAIRMAN FERRARO: Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIRMAN FERRARO: So moved.

3 Item number 11, public hearing and action by the  
4 Board regarding the proposed addition of CHRB Rule 1867.1,  
5 Use of Bisphosphonates Prohibited, to prohibit the  
6 administration of bisphosphonates to any horse within a  
7 CHRB inclosure. Note: This concludes the 45-day public  
8 comment period. The Board may adopt the proposal as  
9 presented.

10 Dr. Arthur, do you have a comment?

11 EQUINE MEDICAL DIRECTOR ARTHUR: No. I'm only  
12 here to answer any questions.

13 CHAIRMAN FERRARO: You're just taking up space,  
14 is that what you're saying?

15 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

16 CHAIRMAN FERRARO: How long do bisphosphonates  
17 last, do you know? Does anybody know for sure?

18 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. This was  
19 actually a discussion in Hong Kong. The testing methods  
20 have improved dramatically. It appears that 90 to 180 days  
21 is possible in plasma, and even longer in blood. The  
22 duration of action really as an inhibition for healing has  
23 not been documented and we only have anecdotal information.  
24 That's where we came up with the six months' information.  
25 That's based on experience and anecdotal comments from

1 human surgeons.

2           So bisphosphonates are a major issue  
3 internationally. They have a very strong analgesic  
4 property, as well as the inhibition of bone remodeling,  
5 which is so key to our equine athletes.

6           So I think internationally, the proposal is to  
7 limit -- to allow them in horses over four years of age and  
8 to have a 30-day stand down. But I will tell you, there  
9 was a lot of interest internationally into the more  
10 restrictive policy that this Board has before it here,  
11 which I hope they adopt.

12           CHAIRMAN FERRARO: Motion to approve?

13           COMMISSIONER MITCHELL: So moved.

14           CHAIRMAN FERRARO: Second?

15           VICE CHAIR GONZALES: I'll second.

16           CHAIRMAN FERRARO: Commissioner Alfieri?

17           COMMISSIONER ALFIERI: Yes.

18           CHAIRMAN FERRARO: Solis?

19           COMMISSIONER SOLIS: Yes.

20           CHAIRMAN FERRARO: Yes.

21           Gonzalez?

22           VICE CHAIR GONZALES: Yes.

23           CHAIRMAN FERRARO: Mitchell?

24           COMMISSIONER MITCHELL: Yes.

25           CHAIRMAN FERRARO: So moved.

1 EQUINE MEDICAL DIRECTOR ARTHUR: Mr. Chairman, I  
2 would like to say, we do have, on the website, a video and  
3 educational model on bisphosphonates if anybody wants to  
4 look and see what the concern is for health, horse health  
5 and welfare. That's been up for about a year.

6 COMMISSIONER MITCHELL: I would just like to  
7 applaud the staff and acknowledge that the CHRB has done a  
8 lot in this area moving forward on horse health. And so I  
9 don't think we get -- I don't think you all get enough  
10 credit for the hard work that you've done, and that's been  
11 going on for a while, so thank you very much.

12 EQUINE MEDICAL DIRECTOR ARTHUR: Thank you.

13 (Colloquy Between Commissioner)

14 CHAIRMAN FERRARO: That brings us to the public  
15 comment section. Is there anybody that hasn't spoken that  
16 would like to speak?

17 UNIDENTIFIED FEMALE: (Off mike.)

18 (Indiscernible.)

19 VICE CHAIR GONZALES: Could I ask, is this -- you  
20 know, if we could -- if I could just ask just a courtesy of  
21 the public? I know we normally give three minutes. But if  
22 we could maybe do a minute, minute-and-a-half? You know,  
23 we're going to go into closed session. I'm trying to  
24 catch -- you want your full three?

25 UNIDENTIFIED FEMALE: (Indiscernible.)

1 VICE CHAIR GONZALES: So you want to do -- okay.  
2 Go ahead. That's fine. All right. All right. That's  
3 fine.

4 (Colloquy Between Commissioners)

5 VICE CHAIR GONZALES: Time out. Break. Break.  
6 Yeah, a couple minute break. Yeah. We lost a couple.

7 Give us a couple minutes. They're just going to  
8 wash their hands and freshen up.

9 CHAIRMAN FERRARO: We have an extensive closed  
10 session to get to, so --

11 VICE CHAIR GONZALES: Yeah. It's busy.

12 CHAIRMAN FERRARO: -- I'm hoping that, unless you  
13 have something different to present, that --

14 (Off the record at 1:27 p.m.)

15 (On the record at 1:31 p.m.)

16 CHAIRMAN FERRARO: Dr. Lessor, do you want to  
17 start? Dr. Lessor, do you want to start?

18 MR. BAEDEKER: We'll reconvene the meeting now.  
19 If you'd all take your seats?

20 DR. LESSOR: Okay. Okay. I don't think I'll  
21 need three minutes but I do want to cover a few points.

22 Number one, I took the liberty of looking up the  
23 past agendas of California Horse Racing Board meetings for  
24 the past five years. And until the media started covering  
25 all the injuries and deaths at Santa Anita and then our

1 participation at these California Horse Racing Board  
2 meetings, I want you to note that the public participation  
3 item had always been item three, or perhaps four, every  
4 meeting. And then after we packed one of the meetings, I  
5 believe at the end of April, all of a sudden public  
6 participation was moved to the very end of the meeting.  
7 And I noticed the previous meeting at Los Alamitos,  
8 probably 85 percent of the media in attendance had already  
9 left before public participation.

10           And I know you guys want to get to closed session  
11 but, I mean, really, first you move it to the end and then  
12 suggest two minutes, but I won't need the full three  
13 minutes.

14           The second item, I've heard this mentioned  
15 several times, even by a speaker in the past ten minutes,  
16 using the term equine athletes. These are not athletes.  
17 These are not equine athletes. This is not a sport. If  
18 you want to call it the sport of kings, that's fine,  
19 because kings are disappearing. And, you know, when the  
20 kings all disappear maybe the sport of kings will  
21 disappear. These are horses. These are animals. And to  
22 use the euphemism equine athletes, at the very best, is  
23 disingenuous

24           Number three, none of us for the horses are for  
25 killing of jobs. We are not for the killing of jobs. We

1 are just to stop the killing of horses which is an  
2 inevitability of horse racing, no matter how reforms you  
3 enact. You know, I do appreciate that you say you're  
4 interested in horses and that you love them. And I want to  
5 say that we have wildfires in Southern California. And I  
6 know that no one in this room, horse racing industry  
7 people, jockeys, nobody would hesitate to run to a burning  
8 ranch, with or without a trailer, to save horses from being  
9 killed in a wildfire. But how many horses in California in  
10 the past few years have been killed in wildfire, compared  
11 with the number that are killed in horse racing?

12           If you love horses and you want to save them,  
13 gees, stop racing them.

14           Thank you.

15           CHAIRMAN FERRARO: Paul Jones?

16           Patty Shenker.

17           MS. SHENKER: Patty Shenker.

18           The L.A. Times just recently exposed American's  
19 horse racing industries association with Emirates and Saudi  
20 Arabia, two regime countries who have horrific records on  
21 human rights. The Saudi's have paid for terrorist militias  
22 in Syria and their war against Yemen is a humanitarian  
23 disaster with tens of thousands killed and millions on the  
24 brink of starvation.

25           According to the CIA, the Saudi Crown Prince

1 Mohammed bin Salman ordered the murder of U.S. journalist  
2 Jamal Khashoggi last year. After Khashoggi's killing,  
3 Riyadh stopped promoting the Crown Prince as a dynamic  
4 young reformer. But there's the probability that after the  
5 Saudi Cup the Crown Prince could be brought back to the  
6 world's stage as he awards the trophy to the winner of the  
7 Saudi Cup, which could elevate this regime government.

8           Now the Saudis are entering the \$20 million Saudi  
9 Cup in February. Top trainer, Bob Baffert, the man whose  
10 horse Justified failed the drug test, which your Board  
11 covered up, is heading to Riyadh. The kingdom is not only  
12 putting up a record purse but is also footing the bill for  
13 getting the horses there.

14           John Turman in the L.A. Times report wrote,  
15 quote,

16           "At some point the leading lights of the racing  
17 industry will have to take moral responsibility for  
18 lending legitimacy to thuggish regimes like the  
19 Emirates and Saudi Arabia. Genocide, terrorism,  
20 oppression and murder are already afoot. So  
21 apparently the answer is that no crime will earn the  
22 racing industry's disfavor. If it's all about money,  
23 the Saudis oil economy can keep pumping out plenty of  
24 that. We don't expect the horse trainers, jockeys and  
25 owners to be statesmen. We have a responsible, a

1 reasonable expectation, however, that they shouldn't  
2 be collaborators either," end of quote.

3 Every single person who is or supports this  
4 industry is complicit, and not only the murders of innocent  
5 horses but innocent humans as well. The doping scandals,  
6 the corruption, the greed, the murdering of horses, the  
7 public's outrage, and now your association with regime  
8 governments and murders will be the death of this industry.

9 CHAIRMAN FERRARO: Patricia F.

10 MS. FOLGER: An article was written recently  
11 after the writer attended the CHRB meeting in Del Mar. The  
12 article spoke about his experience being born to an  
13 immigrant family, like myself. He talked about how his  
14 father had crossed the border with no money, no job, and  
15 hardly an education, like my father, how he had built a  
16 life of family and home, like my father. But I'm sure his  
17 father didn't lose his job because their bosses played the  
18 horses. I'm sure he never felt helpless as he watched his  
19 mother cry or put on a uniform to make sure they could meet  
20 their mortgage. I'm sure he never laid awake listening to  
21 his parents worrying all night, praying he would find a new  
22 job.

23 He writes, "Some people look at horse racing and  
24 see people who don't look like them who do menial work, who  
25 have minimal education, whose homes and cars aren't up to

1 West L.A. standards, and whose English may not be fluent.

2 I see my family.”

3 Well, guess what, so do I. And I'd like to tell  
4 him how you treat our family.

5 Chad Brown, a horse racing family man this year  
6 was fined \$1.6 million for violating federal labor and  
7 immigration laws to the H-2B employees, over 150 of them.  
8 He failed to pay grooms and hotwalkers overtime. He failed  
9 to keep payroll records. He failed to pay them wages they  
10 were offered. He collected money from employees for visa  
11 costs, which should be paid for by the employer. He failed  
12 to reimburse their transportation and sustenance for travel  
13 from their countries. He misrepresented the place of  
14 employment and job terms and conditions, such as the  
15 availability of free housing. He failed to disclose  
16 required information in a language understood by his  
17 employees. And he failed to post a notice of employees H-  
18 2B rights. Basically, Chad Brown, a complete failure.  
19 It's not the first time. And his horses, however, have  
20 earned him in excess of \$156 million.

21 Here's another family man for you, Steve  
22 Asmussen, sued by the U.S. Department of Labor for  
23 underpaying hot grooms and hotwalkers. But guess what?  
24 It's not the first lawsuit. It's the third. He had one in  
25 2012 and 2015.

1           Laurel Park, a racetrack in Maryland, owned by  
2 the famous Stronach Group, boy, they are all about family,  
3 aren't there? The love between father and daughter is very  
4 visible. The workers live in an adorable slum-like  
5 quarters. They don't have A.C. or heating. Their wires  
6 are exposed. They're using animal troughs as sinks. They  
7 have widespread mold, no food preparation or refrigeration  
8 facilities, and 32 employees using one shower and two  
9 stalls can only be reached by walking outside in the  
10 elements.

11           In 2016, Belmont and Santa Ana were also amongst  
12 the most defined living conditions that they had. These  
13 poor backstretch workers were living with cockroaches and  
14 rodents. That's how much you guys love your backstretch  
15 workers.

16           CHAIRMAN FERRARO: Sarah Segal.

17           MS. SEGAL: Since most of you are not paying  
18 attention, I want to make sure that maybe you possibly  
19 could be, you know, since you pay attention to the jockeys  
20 that are up here and all the other people, why don't you  
21 pay attention to the people that actually care about  
22 horses, us?

23           Horses do not carry their babies on their backs.  
24 I repeat, it's not natural for horses to carry anyone on  
25 their backs. The horses are forced to carry humans on

1 their backs. Just like Mr. Solis recommended the fine be  
2 less for using the whip, we don't think that you should use  
3 horses at all here for entertainment. Your exploiting  
4 them. They're in their stalls 23 hours a day. Can you  
5 imagine if this was a dog racing track? It would be shut  
6 down. So what's the difference between dog racing and  
7 horse racing? Nothing. You're using an animal unnaturally  
8 to do what he or she does not want to do. This is a male-  
9 dominated sport. This is a blood sport.

10           These horses are not equine athletes, as one of  
11 my colleagues mentioned. They are horses that are bred  
12 specifically to run on tracks for humans to bet on, to  
13 gamble on, to profit on, and it's all exploitation. It's  
14 all about money. I'm not sure why you don't see that, why  
15 you can't make the connection. It just baffles me that you  
16 could sit up here and be paid for being a Board Member and  
17 taking money for something that is just totally wrong. I  
18 mean, I don't know how you could justify doing any of this.  
19 There's nothing good about this race horsing industry.  
20 It's all just for human profit. And it's exploiting  
21 animals who did not want to ever be born into this  
22 industry.

23           When horses are born they should be born in the  
24 wild. They shouldn't have to endure this type of human  
25 trafficking, human -- I mean, using the whips, that's just

1 -- you know, I mean, they shouldn't even be used at all. I  
2 mean, I'm sorry that most of you aren't listening. I think  
3 there's one, two, three, there's maybe three people on the  
4 Board that are listening. That just says -- that speaks  
5 volumes to that you do not care about the public comment.  
6 You only care about what the jockeys said today and you  
7 only cared about what the horse trainers want, and all your  
8 different races overlapping because it might cause money  
9 issues. The whole thing was monies.

10           The horses were not represented here today,  
11 except for the people that love animals. If you love  
12 animals, you do not force them to race. Horses are in  
13 their stalls, I'm going to repeat, 23 hours a day. I heard  
14 Aiden talk earlier about how the barns were in very bad  
15 shape. You know, the horses are in bad shape. We just  
16 heard about the horse that had the broken leg that was  
17 whipped to death, basically. I mean, how many horses have  
18 to die here? Isn't one horse enough? If one child died at  
19 this track, you'd shut the whole track down. Why are you  
20 being speciesist (phonetic) and going against horses here?  
21 I don't understand how you guys could actually get paid  
22 for doing any of this. It's almost -- it's just so  
23 ridiculous.

24           CHAIRMAN FERRARO: Your time is up.

25           MS. SEGAL: Yeah. Well, you know what? Your

1 time is up because we're going to be shutting this place  
2 down.

3 CHAIRMAN FERRARO: Heather Wilson.

4 MS. WILSON: Good morning. Something that we  
5 cannot and must not forget, horse racing equals horse  
6 slaughter.

7 The USDA reports, every year over 130,000 horses  
8 from the U.S. are shipped outside of our borders to be  
9 slaughtered for consumption. Anywhere from 12 to 17,000 of  
10 these horses are thoroughbreds, and that does not even  
11 count the Standardbreds or the Quarter Horses, which are  
12 the other horses used in racing. The industry knows this  
13 is true. Even with their underestimations, the numbers are  
14 still staggering.

15 This is from USA Today in as recent as October of  
16 2019.

17 "An estimated 7,500 thoroughbreds a year are  
18 slaughtered for human consumption, according to Alex  
19 Waldrop, the President of the National Thoroughbred  
20 Racing Association. The last horse slaughterhouse in  
21 the United States closed its doors in 2007 but we are  
22 still killing thousands of these iconic animals  
23 annually, whether they are found dead in their stalls,  
24 they take a bad step, or they get vanned off, or they  
25 are exported live to their deaths. The Safe Act of

1           2019 would forbid the live export of horses to foreign  
2           lands for slaughter."

3           And this comes from the Horse Race Insider from  
4 August of 2019.

5           "The Jockey Club will not support a slaughter-free  
6           industry because it will cost \$120 million per year to  
7           fund the care of the 20,000-plus horses bred each  
8           year."

9           More from USA Today. Mike McBarron, one of the  
10 country's most prolific kill buyers, these are people who  
11 buy horses and sell them to slaughterhouses, they also  
12 represent an uncomfortable reality for the horse racing  
13 industry. McBarron, who acknowledged he has bought and  
14 sold retired racehorses for slaughter, has sent tens of  
15 thousands of horses to slaughter plants and made millions.

16           It is time to stop breeding thousands of horses  
17 into existence for the sole purpose of racing and with no  
18 plans to properly care for them for the remainder of their  
19 natural life, which is 25 to 30 years. Unwanted horses are  
20 massacred in abattoirs by the thousand every year and the  
21 industry knows it. The industry will not support  
22 legislation that could stop it.

23           According to the Jockey Club's California data  
24 over a five-year period from 2013 to '17, 8,900 foals were  
25 born, and I have the numbers right here. Can you, the

1 California Horse Racing Board or anyone else in this  
2 industry tell me where each and every single one of these  
3 horses is today? Of course you can't. You'll only squirm  
4 in your seats. But I openly invite any of you to answer  
5 that very simple question: Where exactly are these horses  
6 that you claim to love like family?

7 CHAIRMAN FERRARO: Amanda Lundberg.

8 MS. LUNDBERG: On the matter of casualties and  
9 catastrophic breakdowns, while drugs, preexisting injuries,  
10 track conditions are all certainly relevant, the simple  
11 truth is that the maiming and destruction of racehorses is  
12 inherent to this industry. Death at the track is, always  
13 has been and will be an inevitable part of racing, and  
14 here's why, the anatomy. The typical horse does not reach  
15 full maturity in their bones until around six. The typical  
16 racehorse is thrust into training at around 18 months and  
17 raced at two years old. The race itself is unequivocally  
18 unnatural -- is an unequivocally unnatural act. Born to  
19 run, love to compete is a lie, at least how the industry  
20 means it.

21 Horses running and playing in an open field bears  
22 no resemblance to what happens at the racetrack. There,  
23 perched humans compel their charges to a breakneck speed  
24 with a whip. There is no choice, no free will, not  
25 autonomy for naturally autonomous beings.

1           Furthermore, in nature, horses understand self-  
2 preservation. So if injured, they know to stop, rest and,  
3 if possible, heal. At the track, not only are many of the  
4 injured urged on by their whip-wielding mates, but in a  
5 cruel twist often try desperately to stay with their  
6 artificial herds. No change is forthcoming for the horse  
7 race can only exist by force.

8           The racing people are fond of saying, since our  
9 success depends on health, happy horses, why would we do  
10 anything to compromise that? Well, happy is more than mere  
11 sustenance and shelter. Healthy is more than a mere  
12 ability to run.

13           The evil, as we see it, begins and ends with  
14 animals as property. When the word owned is used to  
15 describe your relations with another beings, then talk of  
16 rights is meaningless. The people of this industry are  
17 simply incapable of understanding this. You see horses as  
18 things to be used, a commodity to be bought and sold,  
19 things to bring in money to your pockets, and things to  
20 bring glory to your name, fleeing glory as this industry  
21 comes to an end and your names will go down -- will all go  
22 down in history as those too greed, selfish or weak to step  
23 up and do the right thing for innocent beings.

24           I am here to argue that short of closing down the  
25 betting windows altogether, there is nothing that can be

1 done to stop the carnage, nothing. And what's more? You  
2 all know it.

3 CHAIRMAN FERRARO: Gail Matthews.

4 MS. MATTHEWS: I would prefer to not be videoed.  
5 I'm having a bad hair day.

6 UNIDENTIFIED FEMALE: Yeah. No problem.

7 MS. MATTHEWS: Thank you. Gail Matthews, Winning  
8 Hands Equine Massage Therapy.

9 Chairman Ferraro, Commissioner, Director  
10 Baedeker, first I wish to thank the CHRB Medical Director  
11 Rick Arthur and various other stakeholders for the sweeping  
12 measures that are being implemented for the health and  
13 safety of the horses and riders.

14 I would also like to acknowledge those who have  
15 brought racehorse fatalities into the light of public  
16 scrutiny. In a democracy, the public must be informed.  
17 It's what has brought us to this tipping point. The  
18 paradigm has shifted.

19 To the Thoroughbred Safety Coalition, as the new  
20 voice of horse racing, lobby like your lives depend on it.  
21 They do. Lobby for the American Safe Food Act, which would  
22 prevent horses from being exported from this country for  
23 slaughter. Lobby for the Horse Racing Integrity Act to be  
24 rescued from committee, put before congress and passed.  
25 You are in a position to move Mitch McConnell to put horses

1 before politics.

2           To you who clamor for an end to horse racing,  
3 should regulated horse racing be banned in California the  
4 sport will continue unchecked. Illegal match racing will  
5 continue. Tripping will continue. So-called Mexican rodeo  
6 will continue. And the regulatory agency will be the mob,  
7 not the California Horse Racing Board. A ban on regulated  
8 horse racing will have the same effect on the sport as  
9 prohibition had on the consumption of alcohol. Drinkers  
10 will continue to drink and horseplayers will continue to  
11 bet on horses. There is a demand for the sport that will  
12 find a market, an illegal one.

13           Abuse to the horses will proliferate in this  
14 unregulated context. The tragic deaths you witness here  
15 are nothing compared to the atrocities that occur in the  
16 absence of regulatory oversight.

17           I've got a personal stake in this and it's not  
18 the money I make massaging horses. I can do that anywhere.  
19 My stake is the horses themselves. You on the Board who  
20 know me know that for over the years I have been advocating  
21 for their welfare. My stake is the horses, each and every  
22 one of them. I want to see them competing where there are  
23 government licensed veterinarians, trainers, grooms and  
24 riders who care, and rules of play enforced by a  
25 government-backed regulatory agency.

1           It is beneath the dignity of the sport of horse  
2 racing to be left in the hands of criminals. It's either  
3 law or lawlessness.

4           CHAIRMAN FERRARO: Thank you, Gail. Your time is  
5 up.

6           Bonnie Crocker.

7           MS. CROCKER: Yes. Good afternoon. I appreciate  
8 this opportunity to speak. I'm going to set my stopwatch  
9 and stay cognizant of the time.

10           I'm from Loma Linda, California, speaking today  
11 as a general member of the public who is opposed to the  
12 horse racing industry in its entirety and that's because  
13 horse racing is fundamentally built upon the exploitation,  
14 enslavement and abuse of animals. Horse racing injures and  
15 kills horses. There is no argument there.

16           It is often said that with great power comes  
17 great responsibility. I know that you as the Board are  
18 aware of your great power. I came to remind you of your  
19 great responsibility.

20           With the passing of SB 469, aka the Horse Racing  
21 Law, on 06/26/19, the CHRB has been vested with the  
22 jurisdiction and supervision over all California horse  
23 racing meetings and events for which wagering is conducted.  
24 This jurisdiction encompasses all actions, proceedings and  
25 involved participants, human animals and non-human animals

1 alike. The CHRB can also at any time, with good cause,  
2 suspend a license to anyone that has one who wishes to  
3 conduct a horse racing event.

4           Nearly all institutions, especially governmental  
5 agencies like yours, have specified protocols which  
6 stipulate in certain terms what punitive or corrective  
7 measures are to be administered when prescribed standards  
8 are not met. I am assuming that the CHRB has such protocol  
9 in place.

10           Furthermore, the CHRB mission statement  
11 references that the Board exists to ensure the integrity,  
12 viability, safety and welfare of all horse racing  
13 participants, human animals and non-human animals alike. I  
14 share the belief with many others in this room that no  
15 horse, that is zero horses, should be used for human  
16 entertainment, games or financial gain. Currently, an  
17 infinite number of horses face death in the racing  
18 industry.

19           I would like to ask the California Horse Racing  
20 Board a question, and I'll pause for an answer. What  
21 actual number of horse deaths as a result of horse racing,  
22 according to your standards and protocols, will be accepted  
23 and allowed before the offending racing entity has its  
24 license suspended by you? And note, if you can't state a  
25 finite number, then you admit you will be accepting an

1 infinite number of deaths.

2 I'll pause now for a few seconds, if somebody on  
3 the Board would like to answer, if you've formulated a  
4 number that you're going to allow before you revoke or  
5 suspend the license of a horse racing entity. I have 40  
6 seconds -- no, 20 seconds left. Okay.

7 I'll leave you with a message about silence.  
8 Leaders who are silent and do nothing to prevent injustice  
9 and mistreatment of innocent victims are as guilty as the  
10 perpetrators of the injustice and mistreatment.

11 Thank you.

12 CHAIRMAN FERRARO: Martha Sullivan.

13 MS. SULLIVAN: I'd like to pass on some  
14 information from the Del Mar Fairgrounds Board of  
15 Directors. I attended their monthly meeting in December  
16 where they discussed at length and adopted their budget for  
17 next year. They reported that this year they, the  
18 fairgrounds, was required to pay \$2.6 million of the \$3.3  
19 million bond payment for the grandstand that the Del Mar  
20 races use. This is the first year that the fairgrounds has  
21 borne this brunt and they're now budgeting for it because  
22 of the downturn in the race revenues.

23 So I will remind you, I've alluded to this in the  
24 past, you may think that racing doesn't cost taxpayers or  
25 California public but that \$2.6 million that didn't go to

1 other things that could happen at that fairgrounds, didn't  
2 go to the San Diego County Fair, didn't go to environmental  
3 restoration, didn't go to environmental education. Their  
4 revenues are down 38-and-a-half percent this year, so I  
5 want you to think about that.

6 I've said this to you before, you've heard it  
7 from me before, this is just the tailspin of the decline of  
8 this industry since the California Lottery and Indian  
9 gaming was approved in the '80s. There's -- you know, the  
10 competition is just growing. It's not going to get less.  
11 You're struggling to keep an industry on life support. You  
12 need to unplug.

13 And with my remaining time, I just would like to  
14 respond to the contempt for public participation that's  
15 evident on this Board. And I want to also commend  
16 Commissioner Gonzalez for, you know, your chutzpah in  
17 asking us to reduce our comments after this Board, or an  
18 agent of yours, confiscated my sign, which all it did was  
19 remind you that 11 horses have been killed at Del Mar  
20 racetrack. And it was sitting right here where it wasn't  
21 blocking anybody's view. It wasn't in anybody's way. But  
22 this offended somebody so much that one of your employees  
23 directed track security to confiscate it from me. So I  
24 would like for you to direct them to bring that sign back  
25 to me before I have to leave when you guys go into closed

1 session.

2 CHAIRMAN FERRARO: Thank you, Martha.

3 Motion to adjourn?

4 Paula Nigard, is it? Pavla Nigard?

5 MS. NIGARD: Yes. It's Pavla Nigard, owner and  
6 breeder. I have been watching the proceedings and this  
7 year, of course, with much interest, having been affected  
8 by this as well.

9 For one thing, I do appreciate the media  
10 attention, as well as the activist attention in the sense  
11 that it has shone a lit on things that we as an industry do  
12 need to be focusing on. There are ways that we can do  
13 things better, and I appreciate and acknowledge the CHRB  
14 Board, as well as other members of the industry, such as  
15 the Thoroughbred Coalition and other people to get together  
16 and to think about the things that need and can be changed  
17 for the better, from anywhere from breeding strategies to  
18 produce a sounder athlete, more durable athlete, to  
19 medications such that they can heal but are not used for  
20 performance enhancement solely, to surfaces and paying  
21 attention to how surfaces can be put together in such a way  
22 so that they enable the horses to perform well and stay  
23 well.

24 At the same time, I want to acknowledge the  
25 difficulties that it takes for the activist to be focusing

1 solely on the worst of the worst of the worst statistics.  
2 And it is far easier to criticize than it is to create  
3 something that is good and that is healthy. If we look in  
4 any area of life there are risks. And the only way to not  
5 have a risk involved in anything is to simply not be born,  
6 and that is not the best way to approach things.

7           If we look at statistics in other parts of life,  
8 there are many sad things. There are a million or so  
9 roadkill deaths of animals and that is part of  
10 civilization. There are 40,000 fatalities of humans on the  
11 roads and, yet, we do not ban automobiles. We do look for  
12 ways to make driving better. There are 3,500 drownings  
13 every year and, yet, we do not ban swimming pools or  
14 swimming. We do look for ways to make those better. There  
15 are 5,000 workers every year who die on the job. We do not  
16 prohibit working. We look for ways to make work safer.

17           I continue to ask for the CHRB Board and everyone  
18 else involved in this industry to do and continue to do the  
19 hard work to look for the places where we can make things  
20 better. But I continue to believe that the best thing for  
21 the horses themselves is for this industry to be as healthy  
22 as possible so that horses can live well --

23           CHAIRMAN FERRARO: Thank you.

24           MS. NIGARD: -- race soundly and go on.

25           CHAIRMAN FERRARO: Thank you very much.

1 Motion to adjourn?

2 COMMISSIONER MITCHELL: Moved.

3 CHAIRMAN FERRARO: Second?

4 COMMISSIONER ALFIERI: Second.

5 CHAIRMAN FERRARO: Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIRMAN FERRARO: Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIRMAN FERRARO: Yes.

10 Gonzalez?

11 VICE CHAIR GONZALES: Yes.

12 COMMISSIONER MITCHELL: Yes.

13 CHAIRMAN FERRARO: Meeting is adjourned. We go  
14 into closed session now.

15 (The regular meeting of the California Horse Racing Board  
16 concluded at 2:04 p.m.)

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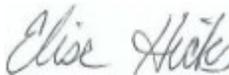
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of December, 2019.



ELISE HICKS, IAPRT CERT\*\*2176

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

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

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



MARTHA L. NELSON, CERT\*\*367

December 19, 2019