

CALIFORNIA HORSE RACING BOARD  
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## REGULAR MEETING

of the California Horse Racing Board will be held on **Thursday, April 19, 2007**, commencing at **9:30 a.m.**, at the **Arcadia City Hall**, 240 West Huntington Drive, **Arcadia**, California.

### AGENDA

#### Action Items

1. Approval of the **minutes of the regular meeting of March 22, 2007**.
2. Discussion and action by the Board on the **Application to Conduct a Horse Racing Meeting of the San Joaquin County Fair (F) at Stockton**, commencing June 14 through June 24, 2007, inclusive.
3. Discussion and action by the Board on the **Application to Conduct a Horse Racing Meeting of the Alameda County Fair (F) at Pleasanton**, commencing June 27 through July 8, 2007, inclusive.
4. Public hearing by the Board on the adoption of the **proposed addition of CHRB Rule 1843.3, Penalties for Medication Violations** and the **proposed amendment to CHRB Rule 1843.2, Classification of Drug Substances**.
5. Report by representatives of Magna Entertainment Corporation (MEC) on the **progress of the redevelopment of the barn area at the Santa Anita Park Race Track**.
6. Discussion and action by the Board on the **proposed amendment of CHRB Rule 1486, Term of License**, to add "backstretch event personnel" to the class of licenses whose term is one year.
7. Discussion and action by the Board on the **proposed amendment of CHRB Rule 1978, Select Four**, to provide other alternatives, instead of substituting the off-time favorite for a horse scratched from any leg of the Select Four.
8. Discussion and action by the Board on the **proposed addition of: Article 10.5, Mule Racing**, to provide an Article unique to mule racing; **CHRB Rule 1747, Mule Racing Rules**, to specify that mule races must adhere to Board rules in general, but rules unique to mules will be placed under Article 10.5. and **CHRB Rule 1748, Shoeing Mules**, to provide that mules may run unshod.
9. Report from the CHRB Equine Medical Director on the **current protocols for horses injured at California racetracks**.

10. Discussion and action by the Board regarding **the status of retirement farms for horses that have retired from racing, as well as other efforts being made to out place race horses at the conclusion of their racing careers.**
11. Report and discussion by the Board on the **recently concluded training sessions held for CHRB investigators and stewards.**
12. Discussion and action by the Board on the **progress report from staff on the status of the Jockey Guild's Health and Welfare Program.**
13. Discussion and action related to **Northern California racing calendar and wagering opportunities for 2008.**
14. Discussion and action by the Board regarding the **status of the letter of credit received from the Capitol Racing, LLC, which is currently on file with the Board.**

### **Other Business**

15. **General Business:** Communications, reports, requests for future actions of the Board.  
**Note:** Persons addressing the Board under this item will be restricted to **five (5) minutes** for their presentation.
16. **Closed Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by Section 11126 of the Government Code.
  - A. Personnel
  - B. Board may convene a Closed Session to consider any of the attached pending litigation.
  - C. The Board may also convene a Closed Session to consider any of the attached pending administrative licensing and disciplinary hearings.

Additional information regarding this meeting may be obtained from the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. This notice is located on the CHRB website at [www.chrb.ca.gov](http://www.chrb.ca.gov). \*Information for requesting disability related accommodation for persons with a disability who require aid or services in order to participate in this public meeting, should contact Jacqueline Wagner.

### **CALIFORNIA HORSE RACING BOARD**

Richard B. Shapiro, Chairman  
John C. Harris, Vice Chairman  
John W. Amerman, Member  
John Andreini, Member  
Jesse Choper, Member  
Marie G. Moretti, Member  
Jerry Moss, Member  
Ingrid J. Fermin, Executive Director

**PROCEEDINGS** of the Regular Meeting of the **California Horse Racing Board** held at the **Bay Meadows Racetrack**, 2600 South Delaware Street, San Mateo, California, on **March 22, 2007**.

Present: Richard B. Shapiro, Chairman  
John C. Harris, Vice-Chairman  
John W. Amerman, Member  
John Andreini, Member  
Marie G. Moretti, Member  
Jerry Moss, Member  
Ingrid J. Fermin, Executive Director  
Derry L. Knight, Deputy Attorney General

## **MINUTES**

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Chairman Shapiro asked for approval of the minutes of the Regular Meeting of February 22, 2007. Vice-Chairman Harris stated he had a correction regarding item six of the February 2007 agenda, which was the proposed amendment of CHRB Rule 1606, Coupling of Horses. He said his thought regarding partnerships was that if they were not mirror images, there should be some latitude to uncouple the entries. In addition, in item 10, regarding the jockey health and welfare fund, the State of California's contribution funded more than 21 percent of the California program. Vice-Chairman Harris stated the 21 percent might have been in reference to the national program. Commissioner Moretti **motioned** to approve the minutes as amended by Vice-Chairman Harris. Commissioner Moss **seconded** the motion, which was **unanimously carried**.

**Proceedings of the Regular Board Meeting of March 22, 2007****DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION TO CONDUCT A HORSE RACING MEETING OF THE PACIFIC RACING ASSOCIATION (T) AT GOLDEN GATE FIELDS, COMMENCING APRIL 25, 2007 THROUGH JUNE 10, 2007, INCLUSIVE.**

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Jacqueline Wagner, CHRB staff, said the Pacific Racing Association (PRA) proposed to run April 25, 2007, through June 10, 2007, or 37 days, for a total of 315 races. Ms. Wagner commented PRA did not run during the same time in 2006. PRA was allocated 35 race days for 2007, but was asking for two additional days: May 1 and May 30, 2007. PRA asked for the two additional days so it could coordinate with the south. The first post time would be 10:05 a.m., daily; 12:45 a.m. on April 29; and 12:15 p.m. on May 5 and June 9. A signed horsemen's agreement was received, so the application was complete. Ms. Wagner stated staff recommended the Board adopt the application as presented. Chairman Shapiro said the Board was on record as opposing six-day race weeks. PRA's request to run May 1 and May 30 would create more six-day weeks. So why, Chairman Shapiro asked, was PRA requesting the additional days? Peter Tunney of PRA said his organization wanted the days so it could cover the signal north and south. He stated PRA could give up May 1, but would like to keep May 30, as it was the Wednesday following Memorial Day. Mr. Tunney said PRA did not overlap with Stockton, so there would be no shortage of horses. He added the day was historically run north and south, and the handle was always very good. Chairman Shapiro said Bay Meadows was having trouble filling races and had to cancel a few Wednesdays because of the horse shortage. He asked if PRA's request would perpetuate that problem, and eventually cause a shortage of horses at the fairs. Mr. Tunney said there would only be one six-day week, and two year olds would be coming on, so there would be new inventory. Vice-Chairman Harris stated he appreciated it would be nice to run every day of the year, and Hollywood Park would

like to have a signal from the north, but there were only so many horses. He added there were other tracks Hollywood could take without much hardship. Mr. Tunney said Vice-Chairman Harris was correct, but in California it was irrefutable that the north/south signal improved the handle. Chairman Shapiro stated the application showed \$5 million for total purses. He said he understood the prior meeting was not exactly comparable, but its total purses were \$5.2 million. On the current application the meet estimate for non-overnight stakes was nearly \$400,000 higher, and the percentage of purse distribution for all stakes races to be distributed to Cal Breds was zero. He asked Mr. Tunney to explain the numbers. Mr. Tunney said there were really three separate meetings, and to have a stakes schedule with continuity, the better races were held in the spring, or late or early summer. With the agreement of Thoroughbred Owners of California a few stakes were run in January and February and the more important stakes would run in April, May and June of 2007. There would be fewer stakes races when PRA returned in the fall. It was difficult for PRA to schedule stakes on a year-round basis, but if one looked at the entire year there was continuity and the numbers were comparable to the prior year. Chairman Shapiro asked if PRA's agreements with its advance deposit wagering (ADW) providers were in order. Mr. Tunney said to his knowledge all the ADW agreements were in order. Chairman Shapiro asked what facility improvements PRA made to benefit the general public. Mr. Tunney said an upgrade to the Turf Club was being implemented, and PRA would soon have the permits to install a Tapeta synthetic surface. The synthetic track project would commence around June 15, 2007, and would be finished as early as Labor Day. Commissioner Amerman stated PRA's marketing plan was well presented and he appreciated that the advertising budget was more than doubled. Charlie Dougherty of California

Thoroughbred Trainers, Richard Castro of the Pari-Mutuel Employee's Guild and Eual Wyatt of Hollywood Park spoke in favor of PRA's application. Vice-Chairman Harris said he supported PRA's meeting, but the Board had worked hard to eliminate six-day weeks, and bringing back more six-day weeks did not make sense. He commented the number one complaint he received from fans was that there was too much racing. One additional day might not seem like a lot, but Vice-Chairman Harris said he did not see where it was needed or how it would do anything for horse racing, so he would vote "no" on the item. Chairman Shapiro **motioned** to approve PRA's application for license to conduct a horse racing meeting with the addition of May 30, 2007. Commissioner Moss **seconded** the motion, which was **carried** with Vice-Chairman Harris voting "no."

**DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION TO CONDUCT A HORSE RACING MEETING OF THE HOLLYWOOD PARK RACING ASSOCIATION, LLC (T) AT HOLLYWOOD PARK, COMMENCING APRIL 25, 2007 THROUGH JULY 15, 2007, INCLUSIVE.**

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Jacqueline Wagner, CHRB staff, said Hollywood Park Racing Association (HPRA) proposed to race April 25, 2007 through July 15, 2007, or 63 days, for a total of 542 races. Ms. Wagner commented HPRA was allocated 61 race days in 2006. HPRA requested to close July 15 versus July 16, and run on May 1, 2007, to coordinate racing between north and south. Ms. Wagner said the changes would not increase HPRA's total allocated race dates. The first post time would be 1:20 p.m., daily. Staff received the signed horsemen's agreement, and the application was complete. Ms. Wagner stated staff recommended the Board approve the application as submitted. Chairman Shapiro said HPRA issued a letter in January 2007 stating the California Thoroughbred Breeder's Association (CTBA) viewed HPRA's spring/summer

meeting and its fall meeting as one meeting for the purpose of calculating the percentage of total stakes from purses allocated to Cal Bred Stakes, and the parties were confident the 10 percent requirement for Cal Bred Stakes, of total stakes, would be met for 2007. He asked what that statement meant. Eual Wyatt of HPRA said every year his organization ran two race meetings under different racing association names. Horse Racing Law required that Cal Breds receive 10 percent of the total stakes money in purses. The CTBA understood HPRA's fall meeting directly followed Cal Cup Day, which inhibited its ability to present Cal Bred Stakes during the meeting. To achieve the 10 percent required by law, CTBA agreed the meetings would be combined. Chairman Shapiro asked if HPRA had any advance deposit wagering issues that could affect the conduct of its meeting. Mr. Wyatt said to his knowledge there were no such issues. Chairman Shapiro asked if – in light of the Board's refusal to allocate May 1, 2007, to Pacific Racing Association – HPRA would eliminate the date from its application. Mr. Wyatt said he would not eliminate the date. He stated HPRA's request was for the same amount of race days it was allocated, and it was trading one six-day race week for another. HPRA believed the Tuesday it requested was a better day to run for purses and commissions. The date also provided a two-day break before Del Mar. Mr. Wyatt commented the closer HPRA's meeting got to Del Mar, the harder it was to fill races. Running the six-day week at the beginning of HPRA's meeting provided more opportunity. Chairman Shapiro said HPRA wanted to run 11 races on May 5 (Kentucky Derby Day), June 9, June 30 and July 7. He asked if HPRA was talking about running 11 races on May 5 in addition to the Kentucky Derby card. Mr. Wyatt said it mirrored exactly what HPRA did in 2006, which was very successful. Vice-Chairman Harris said he did not like six-day race weeks, but a six-day week

was approved for HPRA's original 2007 allocation, so no additional days were being granted. He commented the Board needed to continue eliminating six-day weeks when it looked at the 2008 calendar. Chairman Shapiro **motioned** to approve the application for license to conduct a horse racing meeting of HPRA. Commissioner Moss **seconded** the motion, which was **unanimously carried**.

**PUBLIC HEARING BY THE BOARD ON THE ADOPTION OF THE PROPOSED AMENDMENT OF CHRB RULE 1481, OCCUPATIONAL LICENSES AND FEES, TO ADD THE OCCUPATIONAL LICENSE CLASS "BACKSTRETCH EVENT PERSONNEL."**

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Jacqueline Wagner, CHRB staff, said the proposed amendment to Rule 1481, Occupational Licenses and Fees, added backstretch event personnel to the list of occupational licenses issued by the Board. The term of the license would be one year; the initial license would cost \$35 and \$20 for each renewal. The proposed amendment was heard at the February 2007 Regular Board Meeting, but the Board determined the name of the occupational license should be changed to better reflect its purpose. That required an additional 15-day public comment period. Staff received no comments during the comment period. Ms. Wagner stated staff recommended the Board adopt the amendment as presented. Chairman Shapiro said he recalled conversation regarding who would hold the licenses when the backstretch event personnel were not working. Eual Wyatt of Hollywood Park stated that was a concern, and it was suggested the associations hold the licenses so they would not be misused. Chairman Shapiro said his understanding of the process was that special events personnel would get a license, work a day, and before being paid, turn in the license. The association would hold the licenses and the licenses could travel within the Southern California circuit. Mr. Wyatt stated

although Santa Anita and Hollywood Park were relatively close, he was not sure they would hire the same special events personnel; hiring would probably be association specific. Chairman Shapiro said that was fine, but would the associations hold the licenses? Mr. Wyatt said the associations would hold the licenses. Vice-Chairman Harris stated he was concerned there was no protocol regarding the duties of backstretch event personnel, or how they might be trained to carry out their duties. Mr. Wyatt said the initiative started with the Board requesting security guards at stakes races. Hollywood Park briefed the guards about how to behave around horses, and then Hollywood Park's own security personnel took those lessons further and were conducting sessions on other aspects of the security operation. Mr. Wyatt stated it would be a good idea for the associations to draft a manual. Lee Hall of Local 1877 said he was working with the associations, and he had security guards who were trained to take care of the backside facilities. His organization had a system wherein if the guards were licensed it could control those licenses as it did with janitors, clerks and any other personnel the union sent to the tracks. Dave Stillwell of Local 1877 said the union contracted with the largest security firms in Northern and Southern California. Mr. Stillwell explained how the security guards were trained in both general security and in the specific needs of the properties they guarded. Ron Charles of Magna Entertainment Corporation said he and Mr. Wyatt would work to address the security issues and return to the Board with a plan at a future date. Jerry Jamgotchian, a horse owner, spoke regarding the proposed amendment. Commissioner Shapiro **motioned** to adopt the amendment to Rule 1481. Commissioner Moss **seconded** the motion, which was **unanimously carried**.

**PUBLIC HEARING BY THE BOARD ON THE ADOPTION OF THE PROPOSED AMENDMENT OF CHRB RULE 1844, AUTHORIZED MEDICATION, TO INCREASE THE PERMITTED LEVEL OF FLUNIXIN (BANAMINE) IN AN OFFICIAL URINE TEST SAMPLE FROM 20 NANOGRAMS TO 50 NANOGRAMS, AND ALLOW 25 PICOGRAMS OF CLENBUTEROL IN THE OFFICIAL BLOOD TEST SAMPLE.**

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Jacqueline Wagner, CHRB staff, said the proposed amendment to Rule 1844, Authorized Medication, would change the allowable level of flunixin from 20 nanograms to 50 nanograms per milliliter of blood plasma or serum. In addition, the official blood test sample would be allowed to contain clenbuterol in an amount not to exceed 25 picograms per milliliter of serum or plasma. Ms. Wagner stated no comments were received during the 45-day public comment period, and staff recommended the Board adopt the amendment as presented. Vice-Chairman Harris asked how far out could Banamine be administered. Dr. Rick Arthur, Equine Medical Director, said when a standard dosage of 500 milligrams was administered by IV 24 hours prior to racing about 5 percent of horses tested over the allowed level. After administration studies were completed the 50 nanogram per milliliter level was recommended. That would allow a standard dosage of 500 milligrams, IV, 24 hours prior to racing with no chance of a false positive. Additionally, it was determined that a pharmacologically significant level of Banamine could not be administered on race day without detection. Vice-Chairman Harris asked if blood tests for clenbuterol would replace the urine test. Dr. Arthur said the test would be blood and urine. The blood test allowed for a solid withdrawal time of 72 hours for clenbuterol. The recommendation was 4 days out with clenbuterol, but it became common practice to administer the drug up to 48 hours before racing. Administration studies for clenbuterol allowed a recommendation of 25 picograms and a withdrawal time that could not be violated. Marsha Naify of Thoroughbred Owners of California asked if the 72-hour

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withdrawal time was adequate when compared with the longer time frames of other jurisdictions. Dr. Arthur said almost all the other jurisdictions tested for clenbuterol in the urine. With urine there was a significant variation in withdrawal times. He commented the Racing Medication and Testing Consortium was recommending all threshold levels for clenbuterol eventually go to serum. If the Board wanted to change the withdrawal time for clenbuterol there would have to be additional studies. Chairman Shapiro said he thought Dr. Arthur was working on such studies. Dr. Arthur stated studies needed to be designed and funding identified. Vice-Chairman Harris said as he understood it, the threshold level was an exact number, and if one was over that number, one was in violation. A trainer could not use the defense that he administered the drug within the 72-hour limit and the Board could not state the 72 hours was absolutely ok because it was the level of clenbuterol that mattered. Dr. Scott Stanley of UC Davis said the blood level gave better information, and while the Board could not state exactly what a trainer did, it could state the blood level was a safe threshold with 99.99 percent accuracy. Vice-Chairman Harris asked if there were any threshold issues with a horse on a six-month clenbuterol regime versus a horse on a four or five day regime. Would that make a difference? Dr. Stanley said a six-month regime was not studied, but testing was done on horses that had a long administration period. Commissioner Amerman stated a 28-day withdrawal time was discussed by the Medication Committee, but was rejected as not practical. He asked if there was a middle ground that would assure no positives. Dr. Arthur stated mistakes were made when withdrawal times did not match entry times. Research indicated there was no pharmacological effect at 72 hours. That meant a withdrawal time could be recommended that would match entry time and accidents avoided. Withdrawal times at other

levels could be set, but there would have to be additional research. Vice-Chairman Harris said he understood the level assured a horse did not have enhanced performance as a result of the drug. It did not matter what regime the horse was on. Dr. Arthur stated when the measurement was done at 72 hours it did not look like anyone had an advantage. Chairman Shapiro said testing through urine and blood made certain no horse had an advantage by having clenbuterol in its system. It also meant anyone who administered clenbuterol within 24 or 48 hours of a race would come up with a positive. Dr. Arthur said that was correct. The unanswered question was the partitioning effect in horses of beta-two agonists. That would take extensive research, which was currently beyond the Board's capabilities. Chairman Shapiro stated, however, the partitioning effect would not show in the test. Dr. Arthur said that was correct. A study of the partitioning effect would be difficult to conduct and might even be impossible to accomplish. Chairman Shapiro said there was also a concern that sudden deaths in horses could be related to prolonged use of clenbuterol. Dr. Arthur stated there were reports of beta-two agonists causing cardiomyopathies in other species. There was one paper that indicated a decrease in cardiac function with long-term clenbuterol use. Dr. Arthur said it was something that needed to be investigated, and was a fairly complex problem. Chairman Shapiro asked who was doing the studies and when could the industry expect to see some answers. Dr. Arthur said the analysis would take a long time and could take years to finish. Jerry Jamgotchian, a horse owner, spoke regarding the proposed amendment to Rule 1844. Vice-Chairman Harris **motioned** to adopt the amendment to Rule 1844. Commissioner Moss **seconded** the motion, which was **unanimously carried**.

**PUBLIC HEARING BY THE BOARD ON THE ADOPTION OF THE PROPOSED ADDITION OF CHRB RULE 1874.1, BREATH ALCOHOL TESTING, TO INITIATE A BREATH ALCOHOL TESTING PROGRAM FOR JOCKEYS, APPRENTICE JOCKEYS AND DRIVERS, AND TO AUTHORIZE BREATH ALCOHOL TESTING OF ALL OTHER LICENSEES IF REASONABLE CAUSE EXISTS.**

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Jacqueline Wagner, CHRB staff, said the proposed addition of Rule 1874.1, Breath Alcohol Testing, provided that jockeys, apprentice jockeys and drivers would be subject to a breath alcohol test prior to the commencement of each program in which they participated. If a test demonstrated a concentration of 0.05 percent or more, by weight, of alcohol in the blood the jockey, apprentice jockey or driver would not be allowed to ride/drive and would be referred to the stewards. Before the jockey, apprentice jockey or driver could ride/drive again; he would have to take an additional breath alcohol test. In addition, any licensee on the premises would be subject to a breath alcohol test if there were reasonable cause. Ms. Wagner stated staff identified a breath alcohol testing machine and printer that would be acceptable for use in the jockey's room. The machine was also used by the California Department of Justice. No comments were received during the 45-day public comment period, and staff recommended the Board adopt the proposed regulation as presented. Chairman Shapiro said he was in favor of the regulation. The harness industry had been testing its drivers for many years, and there were times when a driver failed the test. Chairman Shapiro commented the regulation harmed no one, and would benefit the horses, fans and participants. Darrell Haire of the Jockey's Guild said his organization supported the proposed regulation; however, he stated he would like to see random testing or testing if there was probable cause. Otherwise, it seemed the jockeys were being singled out for testing every day. Chairman Shapiro said the test did not take a long time; there were no bodily fluids drawn, yet it ensured other riders, the horses and

the public were protected. Harness drivers tested every day and there were no problems. The Board did not intend to single out jockeys; however, they rode the horses, and no one – including the riders – would want an incident on the track. If there was cause, trainers and others could be tested under the regulation. Richard Castro representing the Pari-Mutuel Employee's Guild asked that pari-mutuel employees be exempt from the regulation because the contracts with the associations allowed testing if there was cause. Deputy Attorney General Derry Knight suggested Subparagraph 1874.1(a) be amended to include consequences if a jockey, apprentice jockey or driver refused to take a breath alcohol test. Chairman Shapiro stated the regulation would be **deferred** to address the issues.

#### **DISCUSSION AND ACTION BY THE BOARD ON THE APPROVAL OF STEWARDS' CONTRACTS.**

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Assistant Executive Director Bon Smith stated pursuant to Section 2.06 of the State Contracting Manual, boards and commissions with contracts in excess of \$5,000 must provide a motion approving and authorizing execution of such contracts. Mr. Smith said a steward assignment was proposed for Michael Oak to begin at the Cal Expo harness meeting from April 25, 2007 through June 30, 2007, the end of the fiscal year. The contract was for approximately \$26,000. Chairman Shapiro commented the contract was not an added cost, but was money allocated for the purpose. Mr. Smith said that was correct. Chairman Shapiro **motioned** to approve the stewards' contracts. Commissioner Moss **seconded** the motion, which was **unanimously carried**.

**DISCUSSION AND ACTION BY THE BOARD ON THE REQUEST FROM THE SOLANO COUNTY FAIR AND THE SONOMA COUNTY FAIR TO CONDUCT A JOINT FAIR RACE MEETING TO BE CALLED "SONOMA SOLANO WINE COUNTRY RACING" COMMENCING JULY 11, 2007 THROUGH JULY 15, 2007 AND JULY 18, 2007 THROUGH AUGUST 6, 2007.**

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Jacqueline Wagner, CHRB staff, said in October 2006 the Solano County Fair was approved to conduct horse racing from July 11, 2007 through July 22, 2007, and Sonoma County Fair was approved to run from July 25, 2007 through August 6, 2007. Ms. Wagner stated the fairs created a joint powers authority to combine their racing dates and were requesting to conduct a four-week mixed breed race meeting to be called the "Sonoma Solano Wine Country Race Meet" (SSWCRM). Chairman Shapiro thanked both racing fairs for taking the initiative to do something different for horse racing. He stated the joint meeting would prove to be a benefit for Northern California racing. Joe Barkett of the Solano County Fair said the SSWCRM was an experiment that had the support of the Northern California racing fairs. The primary objectives of the meeting were to demonstrate that fairs could work together in the best interests of horse racing, and to gather information to understand racing at fairs that extended beyond traditional fair dates. Mr. Barkett said the preparations for the meeting were progressing smoothly. The Solano and Sonoma County fairs were working to make their joint meeting a successful step to a future in which racing fairs would play a more pivotal role. Corey Oakley of the Sonoma County Fair said the meeting would run at Vallejo then would run for an extended period in Santa Rosa. The first two weeks of the meeting would be concurrent with the fair and the third week would be after the fair was concluded. A substantial amount of money was dedicated to making the third week an important community event, so there would be promotions, concerts and special events. July 23, which was the first

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Monday at Del Mar, was being moved from Vallejo to Santa Rosa to allow a Northern signal. Commissioner Moretti congratulated the fairs for their initiative. She stated the Board would be interested in seeing the marketing plan for the joint meeting, and asked how the fairs would measure their success. Mr. Barkett said the individual performance of each fair would be used as a benchmark. The results of the combined four-week race meeting would be measured against the results of the two separate meetings. He stated the experiment was important because it included a week of racing when the fair was not open. Chairman Shapiro asked if the fairs would be engaging any vintners in the combined meeting. Mr. Oakley said the name "Wine Country Racing" was trademarked, and he hoped to announce a major sponsor when the license application was heard. The meeting would be wine oriented and would continue the tradition of strong community support. Chairman Shapiro **motioned** to approve the dates of the SSWRM as presented. Commissioner Moss **seconded** the motion, which was **unanimously carried**. Tom Bachman of Thoroughbred Owners of California (TOC) said his organization was excited about the combined meeting. However, the joint meeting represented a precedent setting venue and TOC wanted the industry to be aware of what the agreement was and how the revenues were split. TOC was also concerned about Vallejo continuing to receive a revenue stream from its dates if it sent its second week over and essentially got out of horse racing. A mechanism should be developed wherein fairs that were no longer in racing would be grandfathered out of the income stream. Vice-Chairman Harris stated he agreed with Mr. Bachman, but some legislation was needed to allow a fair to race more days.

**DISCUSSION AND ACTION BY THE BOARD ON THE REQUEST FROM THE BAY MEADOWS RACING ASSOCIATION FOR A TWO-YEAR WAIVER OF CHRB RULE 1433(B), APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING, WHICH REQUIRES A RACING ASSOCIATION THAT CONDUCTS FOUR OR MORE WEEKS OF CONTINUOUS THOROUGHBRED RACING IN A CALENDAR YEAR TO INSTALL A POLYMER SYNTHETIC RACING SURFACE AT ITS FACILITY BY JANUARY 1, 2008.**

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Jacqueline Wagner, CHRB staff, said in 2006 the Board amended Rule 1433, Application for License to Conduct a Horse Racing Meeting, to provide that as of January 1, 2008, no racing association that conducted four or more continuous weeks of racing in a calendar year would be licensed to conduct a horse racing meeting at a facility that had not installed a polymer synthetic type racing surface. Bay Meadows Racing Association (BMRA) requested a two-year waiver until December 31, 2009, to comply with the regulation. Ms. Wagner stated staff received a letter from the Pari-Mutual Employee's Guild in support of the request. Chairman Shapiro said the issue concerned the entire industry, and he personally would like to see BMRA stay in racing; yet, the reality was that BMRA would close in the near future. Bernie Thurman of BMRA said her organization was a significant piece of the Northern California industry. In 2006 BMRA handled 160 million, which was 31 percent more than the next best site, and 45 percent of the on-track handle in Northern California was generated at BMRA. Chairman Shapiro asked if BMRA could continue simulcasting if it was not conducting live racing. Ms. Thurman said the law stated San Mateo County Fair would assume the simulcasting rights. The problem with San Mateo was its location, and its parking. Historically, when a venue was moved handle decreased. If San Mateo were to improve its facility and parking, some handle would return, but it would not equal BMRA's. Chairman Shapiro asked if the waiver were granted, would BMRA guarantee it would operate live racing

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in 2008 and 2009. Jack Liebau of BMRA said he could not make guarantees regarding how long the facility would be available. Chairman Shapiro stated the industry wanted BMRA continue as a racing venue, but the Board created a mandate for the safety of the horse and rider. He said miraculous results were seen at Hollywood Park's recent meeting, and to make the comparison he reviewed statistics regarding fatalities at Hollywood Park between 2003 and 2006. Mr. Liebau said the Board's statistics regarding fatalities included deaths that occurred for reasons other than track accidents. Chairman Shapiro stated he was aware of how the statistics were compiled and he made allowances. Dr. Rick Arthur, CHRB Equine Medical Director, said at the Hollywood Park fall meeting there were no fatalities on the cushion track. There were also no fatalities from musculoskeletal injuries on the facility in the first three months of 2007. Dr. Arthur stated that, in itself, demonstrated the safety of a synthetic surface. There was no question such surfaces would save horse's lives and would be related to sounder horses in the future. Dr. Arthur said the current BMRA meeting was averaging one fatality per 100 starts, which was a poor performance. He stated when the necropsy program started the average for fatalities were one per 600 starts. Commissioner Amerman said at the October 2006 Regular Board Meeting a discussion was held regarding capital expenditures at racetracks. He commented he heard Mr. Liebau state he would rather spend money for the good of the horse. Commissioner Amerman said when the request for a waiver of Rule 1433 was submitted by BMRA he looked at the data regarding its latest meetings and saw there were a lot of problems. He stated the Board was aware that when synthetic tracks were installed the numbers of break downs dropped significantly. Commissioner Amerman sited Turfway, Woodbine and Hollywood Park as examples of tracks with synthetic surfaces. He commented

there could be the added benefit of cost savings with regards to synthetic surfaces, and asked why BMRA was not spending the money to put in a track that was desperately needed. Mr. Liebau said Hollywood Park found no cost savings associated with its synthetic track; it cost as much as a dirt track to maintain. He stated he agreed a synthetic track would make BMRA a better facility, but it did not make economic sense. Commissioner Amerman said that led him back to Mr. Liebau's statement regarding investments for the good of horses; a synthetic racing surface was just such an investment. Mr. Liebau said he understood, but when the investment was made at Hollywood Park there was a longer operating window. With BMRA the choice was shutting down on December 31, 2007, or continue racing for a couple years under a waiver of Rule 1433. Vice-Chairman Harris said synthetic tracks were preferable over conventional tracks, but at BMRA it was not economically feasible to install a synthetic surface for only two years. Would it be worthwhile for racing to continue at BMRA for another two years, or for the track to cease operations? Who else in Northern California had a synthetic track? Chairman Shapiro said the industry needed to look to Golden Gate Fields and the other tracks to see what was available. The Board did not want to harm or displace the horsemen, however, in the first 23 days of racing at BMRA there were 12 fatalities on the dirt track and three other serious injuries. If those 15 horses were valued at an average of \$25,000, \$1.7 million was lost. The issue was about saving horses and protecting riders. Mr. Liebau said the synthetic track at Hollywood Park was a success; however, there were synthetic tracks that were not so successful. Woodbine had problems, and Turfway's statistics went awry. Chairman Shapiro said those tracks had problems with extremely cold weather. Mr. Liebau stated every synthetic track had the same problems when it got cold. Hollywood Park had

problems and learned to deal with them. Jerry Hollendorfer, a trainer, spoke in favor of the waiver. Tom Martin, representing ticket sellers, parking workers and outriders spoke in favor of the waiver. Jim Duval of Local 1877, which represented janitors, security guards, receiving barns and valets, stated his organization supported BMRA's request for a waiver. Trainers Armando Lage and Brian Pitnick spoke in favor of granting BMRA a waiver. Commissioner Amerman asked what the purchase price of BMRA was. Mr. Liebau said BMRA was bought in the early 1990s, but he did not know the purchase price. Commissioner Amerman stated the horsemen's investment in livestock added to the purchase price of BMRA, relative to what the land would be developed for, seemed like a small amount to pay for ensuring the safety of horse and rider. The land company that owned BMRA would profit. Mr. Liebau agreed there would be a profit, but the underlying investors were better off not putting in a synthetic track, and that was the problem. Chairman Shapiro said if BMRA put in an \$8 million track it could later sell the top surface, which was half the cost, and if the legislation that subsidized the installation was a fact, BMRA could recoup another \$1.5 million. If BMRA raced for two years it would make a profit, the horsemen could stay and owners would be happy because their horses would remain sound. That was a win-win situation for BMRA and the industry. Mr. Liebau said he could not make the decision for the land company. Commissioner Moss stated as long as he was familiar with racing in Northern California he heard BMRA would close. He commented he was not aware the land was for sale, so it was either horse racing or development with BMRA. Commissioner Moss said as much as he felt for the horsemen, the closure of BMRA was not a surprise; it would either close in 2007 or 2009. So, the real question was: what did the industry do with training, and what racing facilities would replace

BMRA? Those were questions the Board could not explore because it was reacting to problems as they occurred. Trainers Osbaldo Jauregui and William Morey spoke in favor of the waiver. Commissioner Moretti asked if BMRA trainers were planning for the facility's closure. Mr. Morey said the trainers were trying to accomplish that goal, but December 2007 was swiftly approaching, and there was not sufficient time to determine where to house, train and race Northern California based horses. The trainers all agreed synthetic racing surfaces were desirable, but more time was needed to plan. Lee Hall, a trainer, spoke in favor of granting BMRA a waiver. Jerry Jamgotchian, a horse owner, spoke in favor of the waiver. Tom Bachman of Thoroughbred Owners of California (TOC) said his organization would ask the Board not to grant a waiver of Rule 1433 to BMRA. He stated over the past several years the ownership entity of BMRA held up the calendar in Northern California without giving an end date to the development. The bottom line for the ownership entity was always the return to investors, not to the industry. TOC believed it was time to look at alternatives and to reward those who were willing to step forward. As long as BMRA was operating and controlling Northern California race dates, those who would ensure the future of racing could not move forward with a plan for investments in their facilities. Mr. Bachman stated the pool of horses was challenged and race dates needed to be reduced. As long as BMRA operated no one would be willing to give up dates. The way to change was to have BMRA invest in a synthetic racing surface, or the industry needed to look at a racing future in Northern California that did not include BMRA. Ed Halpern of California Thoroughbred Trainers (CTT) stated his organization would like to see BMRA stay open; however, the issue before the Board was whether it should enforce its mandate for synthetic surfaces. If BMRA wanted

to question the wisdom of the rule, it should have done so during the rulemaking process. The CTT board of directors believed BMRA should be forced to install a synthetic surface. Vice-Chairman Harris stated it was bothersome that all the trainers who spoke before the Board wanted the waiver approved, yet the CTT took the opposite stance. He asked if Mr. Halpern talked to many Northern California thoroughbred trainers. Mr. Halpern said the CTT was elected by trainers to represent their interests and the interests of the industry. The view of the CTT was based on a larger mandate, and it agreed with trainers when they say they prefer BMRA continue operating; however, that was not the question. Until the Board knew exactly where BMRA was going it was impossible to make plans for the future. Richard Castro of the Pari-Mutuel Employees Guild stated his organization would like to see the waiver granted. Rick Pickering of the Alameda County Fairgrounds (ACF) said he was speaking only for ACF. He stated in the summer of 2007 ACF and other fairs would host training for Golden Gate Fields' thoroughbreds, so the question of fairs stepping up to assist in accommodating and training thoroughbreds would be answered. Mr. Pickering stated the Northern California fairs were planning for the future, but they were having trouble picking a date to plan towards. He added each time he appeared before the Strategic Planning Committee he was asked about ACF's capital spending plans, and he always answered that when there was a date to plan for, he could answer the question. A plan for Northern California racing would come forward if BMRA could state a definitive closure date. Commissioner Moretti said the Board did not wish to see BMRA close, and she would not wish economic harm to those employed in the industry; however, an exemption was already written into Rule 1433 in that without four continuous weeks of racing in a year, a track did not have to install a synthetic surface. She

stated BMRA could take under four weeks, but that was as much as she would allow. Commissioner Moretti said traditional dirt racetracks were proven to have a profound affect on the health of the horse, and in turn, the rider. Commissioner Moretti stated she would vote to deny BMRA a waiver of Rule 1433. Commissioner Moss said his experience on the Board was that the safety of the horse was prioritized. He stated granting a waiver of the rule was contrary to that ideal. There were times when change was inevitable, and the change that was before Northern California would provide new plans, ideas and investments. Commissioner Moss said when he looked at horse sales and the fans who wanted to wager on horses, he was optimistic about horse racing's future. Northern California was a prime area, and it could be developed to provide fans with more opportunities to wager in comfortable and attractive surroundings. He stated for those reasons, and for the safety of the horse, he would vote "no" on the waiver. Vice-Chairman Harris said granting a waiver to BMRA was not the same as giving it dates. The waiver merely indicated it was possible for BMRA to have more than four weeks, depending on what the Strategic Planning Committee and the Board decided in future hearings. California racing would be better off with BMRA operating for two more years. Vice-Chairman Harris stated he recognized BMRA would cease operations at some point, but a synthetic track in another location would take some time for planning, funding and construction. Synthetic tracks were a factor in the future, but they were in somewhat of an experimental stage, and a two-year wait might have some merit. Commissioner Andreini said he agreed with Vice-Chairman Harris. Closing BMRA would be a tragedy, as it was an institution, and it would affect the horsemen and those who worked at the facility. He added it would be wonderful if BMRA could provide a definitive closing date. Commissioner Andreini

stated the waiver should be granted in the interest of horse racing. Commissioner Amerman said the future of horse racing could be bright if decisions were made in the best interest of tracks, owners and the horsemen. The Board created a clear mandate that required synthetic surfaces at thoroughbred racing facilities with four or more continuous weeks of racing in a year. It appeared BMRA did not agree with the mandate, and would not invest in a synthetic racing surface, so Commissioner Amerman said he would vote against granting a waiver. Chairman Shapiro thanked everyone who spoke regarding the waiver. He stated the industry knew what would eventually happen to BMRA. The facility had a lot of history and the decision before the Board was not an easy one to make. However the industry had to move forward, and there were solutions that could involve the fairs, and possibly a new racing facility in Dixon. Golden Gate Fields was installing a synthetic racing surface and there would be stabling opportunities. Chairman Shapiro said he was not indicating the future would be easy, but it was something the entire industry would have to work towards. Golden Gate Fields, the horsemen and TOC needed to meet to develop a racetrack network so Northern California could have a viable racing circuit. Chairman Shapiro said he would vote against granting BMRA a waiver. Vice-Chairman Harris **motioned** to approve the request by BMRA for a two-year waiver of Rule 1433(b). Commissioner Andreini **seconded** the motion, which was **denied** with Vice-Chairman Harris and Commissioner Andreini voting "yes" and Chairman Shapiro, Commissioner Amerman, Commissioner Moretti and Commissioner Moss voting "no."

**DISCUSSION AND ACTION BY THE BOARD ON THE PROPOSED AMENDMENT OF CHRB RULE 1481, OCCUPATIONAL LICENSES AND FEES, TO INCREASE THE FEES PAID FOR OCCUPATIONAL LICENSES.**

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Chairman Shapiro said the item was **deferred**.

**DISCUSSION AND ACTION BY THE BOARD ON THE PROPOSED AMENDMENT OF RULE 1657, OPENING OF CLAIM, TO REQUIRE THAT ALL CLAIMS IN A CLAIMING RACE, EXCEPT THE SUCCESSFUL CLAIMANT, BE NULL AND VOID AFTER THE CLAIMING RACE IS DECLARED OFFICIAL.**

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Jacqueline Wagner, CHRB staff, said Board Rule 1657, Opening of Claim, described the procedures for filing a claim. Problems occasionally arose with claims that caused them to be voided. The question then became would the horse go back to the original owner, or would there be another shake? The proposed amendment would make all claims void in a claiming race, except the winning claim, after the race was declared official. Executive Director Ingrid Fermin said an example of the problem would be if a horse was claimed in the sixth race, and an error was later found in the claim that caused another shake. Perhaps the person who was not the successful claimant actually claimed another horse in the ninth race and no longer had the money, yet was told after the second shake he had to take the horse from the sixth race. Chairman Shapiro said the regulation should state "prior to a subsequent race occurring" or "no later than the end of the race day" but it could not be "declared official." Ron Charles of Magna Entertainment Corporation stated most shakes occurred after the race was declared official. There could be a lot of confusion regarding reasons for redrawing during the day. Vice-Chairman Harris said he was disturbed that the stewards did not discuss the issue with the racing association before proposing a rule change. Mr. Charles stated he would meet with the stewards to talk about the issue. Chairman Shapiro said the item would be **deferred**.

**DISCUSSION AND ACTION BY THE BOARD ON THE PROPOSED AMENDMENT OF CHRB RULE 1690.1, TOE GRABS PROHIBITED, TO PROHIBIT THE USE OF TOE GRABS GREATER THAN FOUR MILLIMETERS ON THE FRONT SHOES OF QUARTER HORSES WHILE RACING.**

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Chairman Shapiro said he spoke with Dr. Edward Allred of Los Alamitos Race Course, and learned he was in favor of the proposed regulation. He added the proposed amendment was similar to that adopted for thoroughbreds, as it prohibited the use of toe grabs with a height greater than four millimeters on the front shoes of quarter horses while racing. Darrell Haire of the Jockey's Guild stated his organization supported the proposed amendment. Kirk Breed, representing Pacific Coast Quarter Horse Racing Association, said his organization was neutral regarding the proposed amendment. Commissioner Andreini said he also spoke to Dr. Allred, who was in favor of the change, as were the quarter horse trainers he spoke with. Commissioner Moretti **motioned** to put the proposed amendment out for a 45-day public comment period. Commissioner Andreini **seconded** the motion, which was **unanimously carried**.

**REPORT OF THE MEDICATION COMMITTEE.**

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Chairman Shapiro said the Medication Committee (committee) discussed Rule 1850, Posterior Digital Neurectomy, and Rule 1851, List of Nerved Horses. He stated the Equine Medical Director gave a presentation regarding posterior digital neurectomy, and it was evident that although it may be common with horses, it was not as common with racehorses. The committee decided to recommend that the Board eliminate the practice, which would entail repealing Rules 1850 and 1851. The committee also discussed the transferability of equine medical records when horse ownership changed. It was an issue the committee would pursue

in conjunction with a number of horse racing organizations. Vice-Chairman Harris commented the rulemaking process could take a long time, so the committee encouraged owners, trainers and veterinarians to voluntarily share such information. Jerry Jamgotchian, a horse owner, spoke about his concerns regarding medication issues.

### **GENERAL BUSINESS**

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Eual Wyatt of Hollywood Park said when the Board allocated 2007 race dates it stated Hollywood Park Fall Operating Company (HPFOC) could run three days the week of December 16, 2007. The Board stipulated HPFOC could choose the three days it would run during the week of December 16. Mr. Wyatt said HPFOC chose to run December 16, December 21 and December 22, 2007. In addition HPFOC was excited that Mr. Paul Redham of Cash Call would sponsor the Cash Call Mile during Hollywood Park's spring/summer meeting, and was sponsoring the Cash Call Futurity with a value of a \$750,000 guaranteed race. Vice-Chairman Harris stated Dixon was holding a referendum on the Dixon Downs project, and the industry should support the pro-Dixon Downs forces. Chairman Shapiro said the Board and the industry supported the possibility of a new horse racing venue, and he hoped the Dixon Downs referendum passed. Jerry Jamgotchian, a horse owner, spoke regarding his concerns about a number of horse racing related issues.

**MEETING ADJOURNED AT 1:30 P.M.**

**Proceedings of the Regular Board Meeting of March 22, 2007**

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A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof.

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Chairman

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Executive Director

## STAFF ANALYSIS

April 19, 2007

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE SAN JOAQUIN FAIR AT STOCKTON JUNE 14-24, 2007.

San Joaquin Fair filed its application to conduct a horse racing meeting at Stockton:

- June 14-24, 2007, or 9 days, one day less than 2006. The fair proposes to race a total of 94 races, ten less than 2006.

June - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Racing Thursday through Sunday the first week and Wednesday through Sunday the second week. 10 races per day Wednesday through Friday and 11 races per day Saturday and Sunday.
  - Number of horses available determines the number of daily races programmed by breed.
    - 2006 Race Meeting: Average number of runners per race (TB): 6.89
    - 2006 Race Meeting: Average number of runners per race (Arabian): 6.64
    - 2006 Race Meeting: Average number of runners per race (Quarterhorse): 7.11
    - 2006 Race Meeting: Average number of runners per race (Mules): 6.23
- First post 12:45 p.m.
- Request Darrell Sparks be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
  - Request the option of a \$1.00 wager on all exactas and trifectas.
  - \$1 pick 4 on the first 4 and last 4 races and \$2 pick 6 on last 6 races.
  - Early wagering will not be offered.
- Simulcasting conducted with other out-of-state racing jurisdictions pursuant to Business and Professions Code Section 19602; and with authorized locations throughout California.
- Inspection of backstretch worker housing completed.

Specific information **still needed** to complete this application includes:

FROM CARF:

1. All horsemen's agreements.
2. Vanning & Stabling contract

CARF reported the following April 8, 2007:

Golden Gate Fields will close its stabling and training facilities from June through September this year to install a synthetic surface on its race track. Several Fairs have stepped up to offer their stabling and track facilities to accommodate the horses that will be displaced during that construction. This is a departure from the arrangements in past years, when GGF was open an auxiliary stabling facility through the summer.

Consequently, the Stabling and Vanning Agreement for Northern California must to be revised to fit the changed circumstances. The revisions are still in negotiation; the agreement will be submitted as soon as it is completed.

These circumstances are unique to this year. All the parties concerned in Northern California are working together to accommodate the upgrade work at GGF. We ask for the Board's understanding in this matter.

Respectfully submitted,

Christopher Korby  
Executive Director  
California Authority of Racing Fairs

RECOMMENDATION:

Staff recommends the Board approve the application conditioned upon receiving the additional information necessary to conduct the racing meeting.

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horse racing meeting of a California fair as authorized by Article 6.5 of the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and in accordance with applicable provisions and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

**1. APPLICANT FAIR ASSOCIATION**

A. Name, mailing address, telephone and fax numbers of fair:

**San Joaquin Fair**

**1658 S. Airport Way  
Stockton, CA 95206**

**Phone: 209-466-5041**

**Fax: 209-466-5739**

B. Fair association is a:  District Fair  County Fair  Citrus Fruit Fair  
 California Exposition and State Fair  Other qualified fair

NOTICE TO APPLICANT: Application must be filed not later than 90 days before the scheduled start date for the proposed meeting pursuant to CHRB Rule 1433.

**2. DATES OF RACE MEETING**

A. Inclusive dates of race meeting: **June 14-24, 2007**

**Note: The Fair will be the Host on June 13, 2007.**

B. Dates racing will NOT be held: **June 18 - 19, 2007**

C. Total number of racing days: **9 days**

**3. RACING PROGRAM**

A. Total number of races: **94**

B. Number of races by breed:

<input type="text" value="67"/>	Thoroughbreds	<input type="text" value="9"/>	Quarter Horses	<input type="text" value="0"/>	Appaloosas
<input type="text" value="9"/>	Arabians	<input type="text" value="0"/>	Paints	<input type="text" value="9"/>	Mules

C. Number of races daily:

**10 Races / day Wednesday thru Friday, and 11 Races / day Sat and Sun**

<b>CHRB CERTIFICATION</b>		
Application received: <i>3/15/07</i>		Hearing date: <i>4/12/07</i>
Reviewed: <i>[Signature]</i>		Approved date:
		License number:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Thoroughbred	8			7	7	7	8
Other Breeds	3			3	3	3	3
Total	11			10	10	10	11

D. Total number of stakes races by breed:

<input type="text" value="0"/>	Thoroughbreds	<input type="text" value="1"/>	Quarter Horses	<input type="text" value="0"/>	Appaloosas
<input type="text" value="0"/>	Arabians	<input type="text" value="0"/>	Paints	<input type="text" value="0"/>	Mules

E. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each.

**Saturday, June 16, 2007. Stockton Derby – Quarter Horse (12<sup>th</sup> running)  
\$10,000 guaranteed for Three Year Olds; 350 yards.**

F. Will provisions be made for owners and trainers to use their own registered colors?

Yes  No      If no, what racing colors are to be used:

F. List all post times for the daily racing program:

- Wed – Sun**
- Race #1.....12:45 p.m.**
  - Race #2.....1:15 p.m.**
  - Race #3.....1:45 p.m.**
  - Race #4.....2:15 p.m.**
  - Race #5.....2:45 p.m.**
  - Race #6.....3:15 p.m.**
  - Race #7.....3:45 p.m.**
  - Race #8.....4:15 p.m.**
  - Race #9.....4:45 p.m.**
  - Race #10.....5:15 p.m.**
  - Race #11.....5:45 p.m.**

**NOTICE TO APPLICANT:** Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race" pursuant to CHRB Rule 1813.

**4. FAIR ASSOCIATION**

- A. Names of the fair directors: Arthur Perry, President; Dr. Thomas Streeter, Vice President; Karylene Mann, Nanette Martin, Gregory O’Leary, Eddie Rishwain, Victoria Salazar, Mitch Slater, Ken Yasui**
- B. Names of the directors serving on the Racing Committee or otherwise responsible for the conduct of the racing program: Karylene Mann and Dr. Thomas Streeter**

C. Name and title of the fair manager or executive officer and the names and titles of all department managers and fair staff, other than those listed in 9B, who will be listed in the official program:

<b>Forrest J. White</b>	<b>Chief Executive Officer</b>
<b>Debbie Cook</b>	<b>Deputy Manager</b>
<b>Annette Snezek</b>	<b>Pari-Mutuel Coordinator</b>
<b>Frank Mirahmadi</b>	<b>Announcer and Morning Line Maker</b>
<b>Mike Chapman</b>	<b>Maintenance Supervisor</b>
<b>Jack Hatch</b>	<b>Stable Superintendent</b>
<b>Tammy McDuffie</b>	<b>Stewards' Aide</b>
<b>Steve McCollum</b>	<b>Satellite Supervisor</b>

**5. PURSE PROGRAM**

A. Purse distribution:

1. All races other than stakes:
 

Current meet estimate:	<b>\$1,010,000</b>
Prior meet actual:	<b>\$836,993</b>
  
2. Overnight stakes:
 

Current meet estimate:	<b>\$80,000</b>
Prior meet actual:	<b>\$50,000</b>
  
3. Non-overnight stakes:
 

Current meet estimate:	<b>\$10,000</b>
Prior meet actual:	<b>\$10,000</b>

B. Funds to be generated for all California-bred incentive awards:

Current meet estimate:	<b>\$85,000</b>
Prior meet actual:	<b>\$73,687</b>

C. Payment to each recognized horsemen's organization contracting with the fair:

Current meet estimate:		Prior meet actual:	
CTT	\$2,750		\$2,384
TOC	5,250		4,768
NTRA	5,000		4,207
PCQHRA	2,250		2,254
CWAR	-0-		-0-
ARAC	4,500		5,691
AMRA	6,000		7,367
CHBPAPEN	8,000		7,151
CTHF	8,000		7,151
<b>Total</b>	<b>\$41,750</b>	<b>Total:</b>	<b>\$40,973</b>

- D. Amount from all sources to be distributed at the meeting in the form of purses or other benefits to horsemen (5A+5B+5C):  
 Current meet estimate:  $\$1,100,000 + 85,000 + 41,750 = \$1,226,750$   
 Prior meet actual:  $\$896,993 + 73,687 + 40,973 = \$1,011,653$
- E. Purse funds to be generated from on-track handle and intrastate off-track handle:  
 Current meet estimate:  $\$950,000$   
 Prior meet actual:  $\$822,112$
- F. Purse funds to be generated from interstate handle:  
 Current meet estimate:  $\$150,000$   
 Prior meet actual:  $\$74,881$
- G. Bank and account number for the Paymaster of Purses' purse account:  
**West American Bank – Account # On file.**
- H. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:  
**Disher Accountancy Corp.**  
**1816 Maryal Drive, Sacramento, CA 95864**  
**Phone: 916-482-4224**

**NOTICE TO APPLICANT:** All funds generated and retained from on-track pari-mutuel handle which are obligated by law for distribution in the form of purses, breeders' awards or other benefits to horsemen, **shall not** be deemed as income to the fair and **shall**, within 3 calendar days following receipt, be deposited in a segregated and separate liability account in a depository approved by the CHRB and shall be at the disposition of the Paymaster of Purses, who shall pay or distribute such funds to the persons entitled thereto. All funds generated from off-track simulcast wagering, interstate wagering, and out-of-state wagering which are obligated by law for distribution in the form of purses and breeders' awards, shall also be deposited within 3 calendar days following receipt into such liability account. In the event the fair is obligated to the payment of purses prior to those obligated amounts being retained from pari-mutuel wagering for such purpose, or as a result of overpayment of earned purses at the conclusion of the meeting, the fair shall transfer from its own funds such amounts as are necessary for the Paymaster of Purses to distribute to the horse owners statutorily or contractually entitled thereto. The fair is entitled thereafter to recover such transferred funds from the Paymaster of Purses' account; and if insufficient funds remain in the account at the conclusion of the meeting, the fair is entitled to carry forward the deficit to its next succeeding meeting as provided by B&P Code Section 19615(c) or (d). In the event of **underpayment** of purses which results in a balance remaining in the Paymaster of Purses' account at the conclusion of the meeting after distribution of amounts due to horsemen and breeders and horsemen's organizations, the fair may carry forward the surplus amount to its next succeeding meeting; provided, however, that the amount so retained does not exceed an amount equivalent to the average daily distribution of purses and breeders' awards during the meeting. All amounts in excess shall be distributed retroactively and proportionally in the form of purses and breeders' awards to the horse owners and breeders having earned purses or awards during the conduct of the meeting.

## 6. STABLE ACCOMMODATIONS

- A. Number of usable stalls available for racehorses at the track where the meeting is held:  
**695 permanent stalls plus portable stalls as needed**
- B. Minimum number of stalls believed necessary for the meeting: **1,795**
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: **2,144**
- D. Name and location of each off-site auxiliary stabling area and the number of stalls to be maintained at each site: **Alameda County Fair: 684 Solano County Fair: 800 Bay Meadows: 660**

- E. Attach each contract or agreement between the fair and the person(s) furnishing off-site stabling accommodations for eligible racehorses that cannot be provided stabling on-site.

**Northern California Stabling and Vanning Fund**

Complete subsections F through H if the fair will request reimbursement for off-site stabling as provided by B&P Code Sections 19607, 19607.1, 19607.2, and 19607.3; otherwise, skip to Section 7.

- F. Total number of usable stalls made available on-site for the **1986** meeting:  
**695 permanent stalls plus 200 portable stalls**
- G. Estimated cost to provide off-site stalls for this meeting. Show cost per-day per stall:  
**Northern California Stabling and Vanning Fund**
- H. Estimated cost to provide vanning from off-site stalls for this meeting. Show fees to be paid for vanning per-horse: **-0-**

**7. PARI-MUTUEL WAGERING PROGRAM**

- A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, fairs may elect to offer wagering programs using CHRB Pari-mutuel Rules, the Association of Racing Commissioners International (RCI) Uniform Rules of Racing, Chapter 9, Pari-mutuel Wagering, or a combination of both. Please complete the following schedule for the types of wagering other than WPS and the minimum wager amount for each:

Use DD for daily double, E for exacta (special quinella), PK3 for pick three, PK4 for select four, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for superfecta, TRI for trifecta, and US for unlimited sweepstakes (pick 9).

	<b>TYPE OF WAGERS</b>	<b>APPLICABLE RULES</b>
Example Race	\$1 E; \$1 Double	CHRB #1959; RCI #VE
Race #1	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$PK4**	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1, 1978
Race #2	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1
Race #3	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1
Race #4	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9
Race #5	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9
Race #6	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9
Race #7	\$1E, \$1PK3, \$1PK4**, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9
Race #8	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9
Race #9	\$1E, \$1PK3, \$1PK4**, \$1TRI, \$2Q, \$2DD, \$ .10SF, \$2PNP*	CHRB# 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9
Race #10	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$ .10SF	CHRB# 1959, 1977, 1979, 1958, 1957, 1979.1
Race #11	\$1E, \$1TRI, \$2Q, \$2DD, \$ .10SF	CHRB#1959, 1979, 1958, 1957, 1979.1

\* \$2PNP Pick 6 on last 6 thoroughbred races  
\*\* \$1PK4 on first 4 and last 4 races

- B. Maximum carryover pool to be allowed to accumulate before its distribution OR the date(s) designated for distribution of the carryover pool: **Last day of Meet - June 24, 2007**
- C. List any options requested with regard to exotic wagering:  
**Request the option of \$1.00 wager on all exactas and trifectas.**
- D. Will "advance" or "early bird" wagering be offered?  Yes  No  
If yes, when will such wagering begin:

- E. Type(s) of pari-mutuel or totalizator equipment to be used by the fair and the simulcast organization, the name of the person(s) supplying equipment, and expiration date of the service contract:

**Scientific Games Racing / Autotote, David Payton      Contract Expires: September 30, 2007**  
**Equipment description on file with the Board.**

**8. SIMULCAST WAGERING PROGRAM**

- A. Simulcast organization engaged by the fair to conduct simulcast wagering:

**California Authority of Racing Fairs**  
**Northern California Off-Track Wagering, Inc. (NOTWINC)**

- B. Attach the agreement between the fair and simulcast organization permitting the organization to use the fair's live audiovisual signal for wagering purposes and providing access to its totalizator for the purpose of combining on-track and off-track pari-mutuel pools. **On file.**

- C. California simulcast facilities the fair proposes to offer its live audiovisual signal:

**All California facilities authorized to accept the signal, including:**

**NORTHERN CALIFORNIA**

Alameda County Fair, Pleasanton  
 Bay Meadows, San Mateo  
 Big Fresno Fair, Fresno  
 California State Fair & Exposition, Sacramento  
 Club One, Fresno  
 Golden Gate Fields, Albany  
 Kern County Fair, Bakersfield  
 Monterey County Fair, Monterey  
 Redwood Acres Fair, Eureka  
 San Mateo County Fair, San Mateo  
 San Joaquin County Fair, Stockton  
 Santa Clara County Fair, San Jose  
 Shasta District Fair, Anderson  
 Solano County Fair, Vallejo  
 Sonoma County Fair, Santa Rosa  
 Stanislaus County Fair, Turlock  
 Tulare County Fair, Tulare

**SOUTHERN CALIFORNIA**

Barona Casino, Lakeside  
 Fantasy Springs Casino (Cabazon), Indio  
 Del Mar Thoroughbred Club, Del Mar  
 Hollywood Park, Inglewood  
 Desert ExpoCentre, Indio  
 The Farmers Fair, Perris  
 Antelope Valley Fair, Lancaster  
 Santa Barbara County Fair, Santa Maria  
 Los Alamitos Racecourse, Los Alamitos  
 Mid-State Fair, Paso Robles  
 National Orange Show, San Bernardino  
 Fairplex Park, Pomona  
 Santa Anita, Arcadia  
 Viejas Casino & Turf Club, Alpine  
 Earl Warren Showgrounds, Santa Barbara  
 Sycuan Gaming Center, El Cajon  
 Ventura County Fair, Ventura  
 San Bernardino County Fair, Victorville

- D. Out-of-state wagering systems the fair proposes to offer its live audiovisual signal:

**Attached**

- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the fair:

**Attached**

- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state “selected feature and/or stakes races”:

**NOTICE TO APPLICANT:** B&P Code Section 19596.2(a) stipulates that on days when live thoroughbred or fair racing is being conducted in the state, the number of thoroughbred races which may be imported by an association or fair during the calendar period the association or fair is conducting its racing meeting cannot exceed a combined daily total of 23 imported thoroughbred races statewide. The limitation of 23 imported thoroughbred races per day statewide does not apply to those races specified in B&P Code Section 19596.2(a)(1), (2), (3) and (4).

**THOROUGHBRED SIMULCAST RACES TO BE IMPORTED**

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Arlington Park	7/11/07-7/15/07	Full or Partial Cards
Assiniboia Downs	7/11/07-7/15/07	Full or Partial Cards (International)
Calder	7/11/07-7/15/07	Full or Partial Cards
Canterbury	7/11/07-7/15/07	Full or Partial Cards
Delaware Park	7/11/07-7/15/07	Full or Partial Cards
Ellis Park	7/11/07-7/15/07	Full or Partial Cards
Emerald Downs	7/11/07-7/15/07	Full or Partial Cards
Fort Erie	7/11/07-7/15/07	Full or Partial Cards (International)
Hastings Park	7/11/07-7/15/07	Full or Partial Cards (International)
Lone Star	7/11/07-7/15/07	Full or Partial Cards
Louisiana Downs	7/11/07-7/15/07	Full or Partial Cards
Monmouth	7/11/07-7/15/07	Full or Partial Cards
NYRA (Belmont)	7/11/07-7/15/07	Full or Partial Cards
Northlands Park	7/11/07-7/15/07	Full or Partial Cards (International)
Penn National	7/11/07-7/15/07	Full or Partial Cards
Philadelphia Park	7/11/07-7/15/07	Full or Partial Cards
Prairie Meadows	7/11/07-7/15/07	Full or Partial Cards
River Downs	7/11/07-7/15/07	Full or Partial Cards
South America	7/11/07-7/15/07	Full or Partial Cards (International)
Suffolk Downs	7/11/07-7/15/07	Full or Partial Cards
Thistledown	7/11/07-7/15/07	Full or Partial Cards
Woodbine	7/11/07-7/15/07	Full or Partial Cards (International)

- G. List imported simulcast races the fair plans to receive during the racing meeting which use breeds other than the breed of the majority of horses racing at its live horse racing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported:  
**Not applicable**

**OTHER BREED SIMULCAST RACES TO BE IMPORTED**

Name of Host Track	Breed of Horse	Race Dates	Number of Races to be Imported
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- H. If any out-of-state or out-of-country races will commence outside of the time constraints set forth in B&P Code Sections 19596.2 and 19596.3, attach a copy showing agreement by the appropriate racing association(s). **Not applicable**

**NOTICE TO APPLICANT:** All interstate wagering to be conducted by a fair is subject to the provisions of Title 15, United States Codes, which require specific **written** approval of the CHRB and of the racing commission having jurisdiction in the out-of-state venue. All international wagering to be conducted by a fair is subject to the provisions of B&P Code Sections 19596, 19596.1, 19596.2, 19596.3, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every fair shall pay to the simulcast organization within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained from off-track simulcast wagering, interstate and out-of-state wagering and which are obligated by statute for guest commissions, simulcast operator's expenses and promotions, equine research, local government

## Attachment A

Acoma Pueblo Casino	Nassau Regional OTB
AmericaTab	Nebraska State Fair Park
AmWest Entertainment	Nevada Pari-Mutuel Association
Arapahoe Park	New Jersey Casinos
Arima Race Club	New York City OTB
Arlington Park	NYRA
Atlantic City Race Course	Newport Jai-Alai
Atlantis Casino	Northfield Park
Atokad Downs	Northville Downs
Balmoral Park	Oaklawn Park
Bangor Historic Track	Ocean Downs Racetrack
Batavia Downs	Penn National
Beulah Park	Philadelphia Park
Birmingham Race Course	Plainfield Greyhound
Blue Ribbon Downs	Plainridge Racecourse
Bluff's Run Greyhound Park	Pojoaque Casino
Buffalo Raceway	Portland Meadows
Calder Race Course	Potawatomi Casino
Canterbury Park	Prairie Meadows
Capital District OTB	Raceway Park
Capital Sports Party LTD	Racing World (UK & IRE)
Catskill District OTB	Randall James Racetrack
Charles Town Race Course	Raynham Taunton Greyhound
Choctaw Racing Services	Remington Park
Churchill Downs	Retama Park
Colonial Downs	RGS
Columbus Races	River Downs
Comanche Nation Games	Rockingham Park
Connecticut OTB	Royal Beach Casino
Corpus Christi Greyhound Park	Royal River Racing
Crystal Palace Casino	Ruidoso Downs
Dairyland Greyhound	Saginaw Harness
Delaware Park	Sam Houston Race Park
Delta Downs	Saratoga Harness
Divi Carina Bay Casino	Scarborough Downs
Dover Downs	Scioto Downs
Downs at Albuquerque	Shoreline Star Greyhound
Dubuque GHP	Southland Greyhound Park
Elite Turf Club	Sports Creek
Ellis Park	Stables Casino
Emerald Downs	Suffolk Downs
Eureka GHP	Suffolk District OTB
Evangeline Downs	Sunland Park
Excelsior Casino	Sun Ray Park
Fair Grounds	Tampa Bay Downs
Fair Meadows	Tioga Downs
Fairmount Park	Tonkawa Bingo
Finger Lakes	Tote Investment Racing Group
Fire Lake	TVG
Fonner Park	The Meadows
Foxswoods Casino	The Stables Casino
Freehold Raceway	Thistledown
Geneva Lakes Kennel Club	Tri-State Greyhound Park

<p><b>Attachment A (continued)</b></p> <p>Gillespie County Fair  Great Lakes Downs  Greenetrack  Greyhound Track at Post Falls  Gulf Greyhound Park  Gulfstream Park  Harrington Raceway  Hawthorne  Hazel Park  Hinsdale Greyhound Park  *Hippodromo Presidente Ramon  Hoosier Park  Horsemen's Park  Indiana Downs  International Racing Group  Isle of Capri Racebook  Jackson Harness  John Martin's Manor Restaurant  Keeneland  *LVDC  Lebanon Raceway  Lewiston Raceway  Lien Games  Lincoln Greyhound Park  Lone Star Park  Louisiana Downs  Manor Downs  Maryland Jockey Club  Maywood Park  Meadowlands  MEC International  Meskwaki Casino  *MIR/Caliente  Mobile Greyhound Park  Mohegan Sun Casino  Mohegan Sun at Pocono Downs  Monmouth Park  Montana Simulcast Partners  Monticello Raceway  Mountaineer Park  Mt. Pleasant Meadows</p>	<p>Turf Paradise  Turfway Park  Valley Race Park  Western Idaho Fair  Western Regional OTB  Wheeling Downs  Wichita Greyhound Park  Will Rogers Downs  Winners OTB  Wonderland Greyhound Park  Woodbine Entertainment Group  Woodlands  Wyoming OTB  Xpressbet  Yavapai Downs  Yonkers Raceway  Youbet.com  Zia Park</p>
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\* Out-of-state wagering systems that will not combine their pari-mutuel pools with those of the association.

Other out-of-state wagering systems to be determined.

in-lieu taxes, and stabling and vaning deductions. Every fair shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained or obligated from off-track simulcast wagering, interstate and out-of-state wagering for purses, breeders' awards or other benefits to horsemen. (See Notice to Applicant, Section 5.)

## 9. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT

### A. Racing officials nominated:

<b>Association Veterinarian(s)</b>	<b>Forrest Franklin, DVM</b>
<b>Clerk of Scales</b>	<b>Gary Lawless</b>
<b>Assistant Clerk of Scales</b>	<b>Cheryl White</b>
<b>Clerk of the Course</b>	<b>Dawn Schmid – Thoroughbreds</b>
	<b>Dolores Collins – Emerging Breeds</b>
<b>Film Specialist</b>	<b>Danny Winick</b>
<b>Horse Identifier</b>	<b>Darrel Sparks</b>
<b>Horseshoe Inspector</b>	<b>Jack Hammonds</b>
<b>Paddock Judge</b>	<b>Joe Gibson</b>
<b>Patrol Judges</b>	<b>Joe Gibson, Danny Winick</b>
<b>Placing Judges</b>	<b>Mathew Nichols, Myra Truitt</b>
<b>Starter</b>	<b>Robert Mooneyhan</b>
<b>Timer</b>	<b>Melody Truitt</b>

### B. Management officials in the racing department:

<b>Director of Racing</b>	<b>Forrest J. White</b>
<b>Racing Secretary</b>	<b>Bob Moreno</b>
<b>Assistant Racing Secretary</b>	<b>James Dreyer</b>
<b>Paymaster of Purses</b>	<b>Vicki Layne</b>
Others (identify by name and title)	

### C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:

**Kelly Girl, 723 N. Main Street, Manteca, CA 95336. Phone: 209-823-9356**

### D. Photographic device to be used for photographing the finish of all races, name of the person supplying the service, and expiration date of the service contract:

**Plusmic Corp, USA, Bill O'Brien. Contract Expires: December 7, 2007**

### E. Photopatrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract. Specify the number and location of cameras for dirt and turf tracks.

**Pegasus Communications, Inc. - Jim Porep Contract Expires: April 30, 2008**

**Equipment description on file with the Board. 5 cameras, (3 tower, 1 pan, 1 hand-held)**

### B. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract:

**Pegasus Communications, Inc. - Jim Porep Contract Expires: April 30, 2008**

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**10. SECURITY CONTROLS**

- A. Name and title of the person responsible for security controls on the premises. Include an organizational chart of the security department and a list of the names of security personnel and contact telephone numbers.

**Forrest J. White, CEO - Office: 209-466-5041; Cell: 209-482-6652**

**Debbie Cook, Deputy Manager - Office: 209-466-5041; Cell: 209-481-6391**

**Organizational Chart and List of Security Personnel attached.**

- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis: **Stable area gate persons - 7; Stable area patrol – 2; Grandstand security guards – 8.**

1. Attach a written plan for enhanced security for graded/stakes races, and races of \$100,000 or more, to include the number of security guards in the restricted areas during a 24-hour period and a plan for detention barns. **Not applicable.**

2. Detention Barns: **Not applicable.**

A. Attach a plan for use of graded stakes or overnight races.

B. Number of security guards in the detention barn area during a 24-hour period.

C. Describe number and location of surveillance cameras in detention barn area.

3. TCO2 Testing:

A. Number of races to be tested, and number of horses entered in each race to be tested.

**All thoroughbred races and all horses.**

B. Plan for enhanced surveillance for trainers with high-test results.

**Trainer with high test results will be moved to the Detention Area.**

C. Plan for detention barns for repeat offenders.

**Ten (10) stalls adjacent to Test Barn which are under 24-hour video surveillance.**

D. Number of security personnel assigned to the TCO2 program.

**One (1) 24-hour security guard when Detention Stalls are occupied.**

- C. Describe the electronic security system.

**The Grandstand has a complete Electronic System including cameras, motion and contact security measures.**

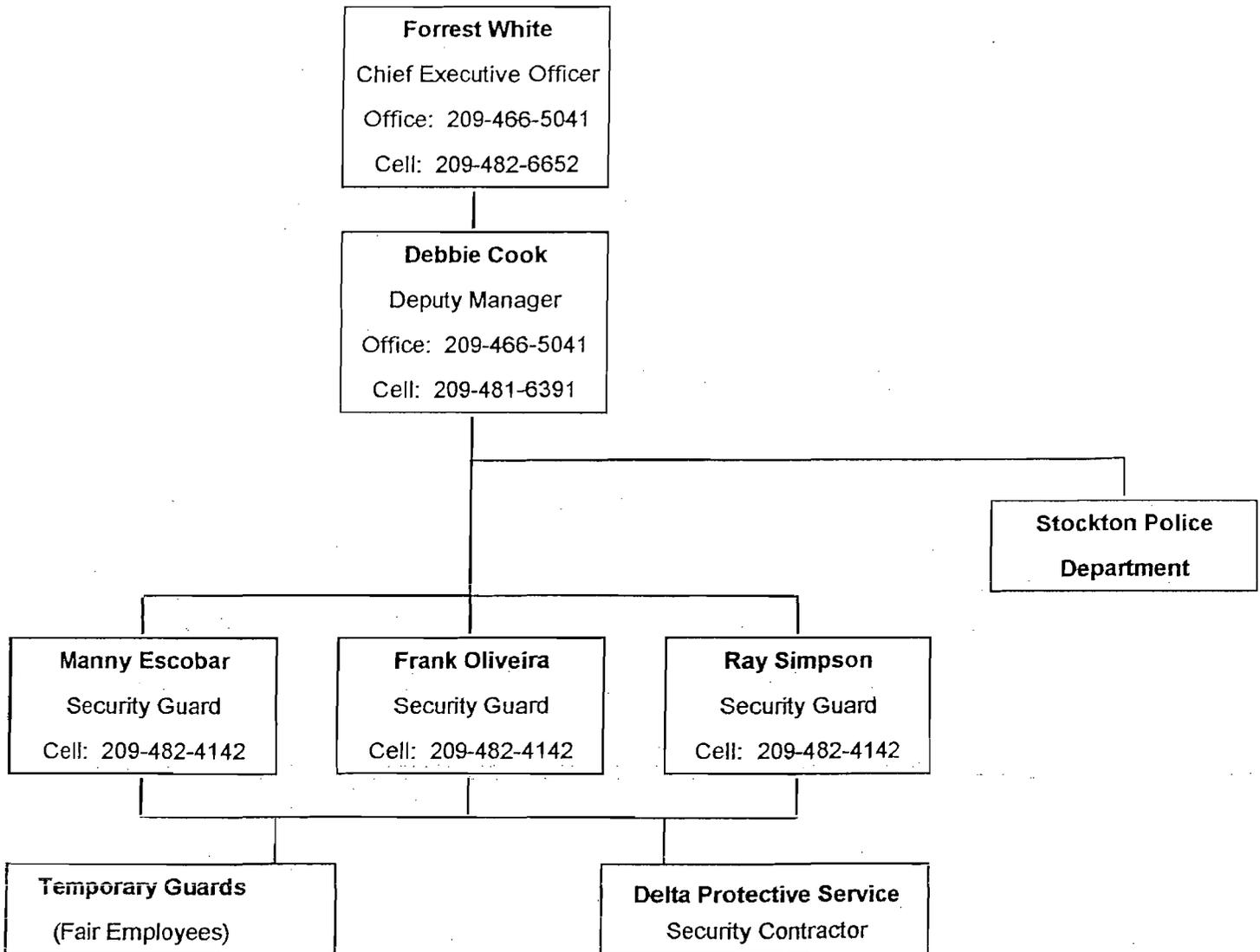
1. Location and number of video surveillance cameras for the detention barn and stable gate.

**Four (4) video cameras installed on TC02 Testing Trailer which cover the entire Detention Barn area.**

**11. EMERGENCY SERVICES**

- A. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:

San Joaquin Fair  
Racing Security Controls  
Organizational Chart  
2007



**San Joaquin Fair  
Backstretch Security Measures  
2007**

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In 2007, the San Joaquin Fair will work with CHRB and California Authority of Racing Fairs (CARF) to achieve a dispersed presence of uniformed track security personnel in the backstretch throughout the day, in addition to the normal complement of CHRB investigative staff. The Fair proposes to proceed as follows:

1. Work with CARF and CHRB staff to train designated track security supervisors and personnel prior to each Fair meeting. CARF will coordinate this training between the Fair and CHRB staff.
2. Coordinate track backstretch security oversight on a daily basis with CHRB investigative staff.
3. Deploy uniformed track security personnel on random security patrols through backstretch area from 7:00 a.m. until the last race.
4. Provide radio communication between track security personnel and CHRB investigative staff.

**American Medical Response**  
**888 E. Lindsay Street, Stockton, CA 95202.**

**Phone: 209-948-5136**

- B. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:

**Alameda County Fair: American Medical Response**      **Phone: 510-895-7600**  
**640 – 143<sup>rd</sup> Avenue, San Leandro, CA 94577**

**Solano County Fair: Medic Ambulance Service**      **Phone: 916-564-9040**  
**2349 Lexington Street, Sacramento, CA 95815**

**Bay Meadows: Bayshore Ambulance**      **Phone: 650-525-9700**  
**P.O. Box 4622, Foster City, CA 94404**

- C. Attach a fire clearance from the fire authority having jurisdiction over the premises.

**Inspection scheduled for April 12, 2007.**

- D. Attach a Certificate of Insurance for workers' compensation coverage. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of insurance that secures the liability of the fair for payment of workers' compensation.

**Attached.**

## 12. CONCESSIONAIRES AND SERVICE CONTRACTORS

Names and addresses of all persons to whom a concession or service contract has been given, **other than those already identified**, and the goods and/or services to be provided by each:

**Ovations/FanFare LP**      Food, Alcoholic and Non-alcoholic beverage vendor  
 4501 Pleasanton Avenue, Pleasanton, CA 94566

**Patricia Visco, Photos by Frank**      Winner's Circle Photos  
 5016 Royal Drive, Las Vegas, NV 89103

**Speeda Sound**      Racing Grandstand Sound System  
 5717 W. San Madele, Fresno, CA 93722

**Lorene Dutton**      Jockey's Laundry  
 1129 Avenida Sevilla, #7B, Walnut Creek, CA 94595

**NOTWINC**      Armored Car Service  
 11875 Dublin Blvd, Dublin, CA 94568

**Daily Racing Form**      Program Printing and Delivery  
 100 Broadway, 7<sup>th</sup> Floor, New York, NY 10005



February 20, 2007

To: California Horse Racing Board (CHRB)  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825

Re: San Joaquin Fair/2nd DAA  
1658 S. Airport Way  
Stockton, CA 95206

Please be advised that the San Joaquin Fair/2nd DAA is a member of the California Fair Services Authority (CFSA), and participates in the following self-insurance and loss pooling programs which are administered by CFSA:

#### I. COMPREHENSIVE GENERAL LIABILITY PROGRAM

Limit \$10,000,000 CSL per occurrence  
Coverage continuous until cancelled

#### II. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

- A. Primary Coverage \$500,000 self-insured retention California Fair Services Authority  
Coverage continuous until cancelled
- B. Excess Coverage (a) Workers' Compensation: \$199,500,000 in excess of \$500,000  
(b) Employers' Liability: \$4,500,000 in excess of \$500,000  
Coverage provided by CSAC Excess Insurance Authority  
Term: 07/01/2006 to 07/01/2007

CFSA represents to CHRB that within the above limits, terms and provisions of the coverage stated, to the extent provided by law, CFSA will provide defense, payment, and indemnification on loss funding in accordance with the terms of the contractual assumption of the San Joaquin Fair/2nd DAA as set forth in CHRB's "Insurance Requirements".

You will be given at least thirty (30) days notice of any change in the foregoing information. We trust that this commitment will satisfy your insurance requirements.

Please feel free to contact this office on all matters including possible claims.

Sincerely,

Lianne Lewellen  
Risk Analyst

**United Puett Starting Gate Co. - Michael Costello** Starting Gate  
 224 Tater Hill Road, East Haddam, CT 06423

**Nikki's Secrets, Jan Reed** Tip Sheets  
 P.O. Box 70207, Point Richmond, CA 94807-0207

**13. ON-TRACK ATTENDANCE/FAN DEVELOPMENT**

- A. Describe any promotional plans: **Free Admission until 3:00 p.m. on Opening Day; Big Screen TV (24' x 18') in Exhibit Building which carries the daily racing program; Plasma TV Giveaway on both Saturdays.**
- B. Number of hosts and hostesses employed for meeting: **10**
- C. Describe facilities set aside for new fans: **Fan Education Kiosk with attendants and educational giveaways.**
- D. Describe any improvements to the physical facility in advance of the meeting that directly benefits:
  - 1. Horsemen **Stall Renovation**
  - 2. Fans **Renovated Box Holder Gate and Main Grandstand Entrance**
  - 3. Facilities in the restricted areas **Infield: Planting of Grass**

**14. SCHEDULE OF CHARGES**

- A. Proposed charges, note any changes from previous year:
 

Admission (general)	<b>\$8.00 Adult</b>	<b>\$5.00 Child</b>
Admission (clubhouse)	N/A	
Reserved seating (general)	N/A	
Reserved seating (clubhouse)	N/A	
Parking (general)	<b>\$5.00</b>	
Parking (preferred)	<b>\$7.00</b>	
Parking (valet)	N/A	
Programs (on-track)	<b>\$1.00</b>	
(off-track)	<b>\$2.00</b>	
- B. Describe any "Season Boxes" or other special accommodation fees:  
**All Box Seats are sold out in advance.**
- C. Describe any "package" plans such as combined parking, admission and program: **None**

**15. JOCKEYS' QUARTERS**

- A. Check the applicable amenities available in the jockeys' quarters:
 

<input checked="" type="checkbox"/> Corners (lockers and cubicles)	How many	<input type="text" value="25"/>
<input checked="" type="checkbox"/> Showers	<input checked="" type="checkbox"/> Steam room, sauna or steam cabinets	<input checked="" type="checkbox"/> Lounge area
<input checked="" type="checkbox"/> Masseur	<input checked="" type="checkbox"/> Food/beverage service	<input checked="" type="checkbox"/> Certified platform scale



*Your ticket to fun!*

## Promotion of Live Horse Racing at the 2007 San Joaquin Fair

The San Joaquin Fair is putting forth an extremely concentrated effort to promote live horse racing at the San Joaquin Fair in 2007. These are some of the efforts toward that goal:

- This year's Fair theme is: "Celebrating 75 Years of Horse Racing at the San Joaquin Fair – Our Diamond Jubilee." The front cover of this year's Exhibitor's Guidebook displays our Diamond Jubilee logo as our theme. In addition, our theme is incorporated throughout the Exhibit Department in everything from Feature Exhibits to Photography, Floriculture, Quilting, Cake Decorating, and Youth "Create-a-Horse" projects. (See attached)
- Additional promotions that are planned include:
  1. Opening Day "Free 'Till Three" promotion (free admission from Noon until 3:00 p.m.)
  2. Two "Free Seniors Days" on both Fridays.
  3. Two "Flat Screen TV" give-aways, both Saturdays, at the Horse Races. This promotion will be in conjunction with the top-rated oldies station in the area and will require entries be made at the Horse Racing Grandstand.
  4. "Kentucky Derby T-Shirt Give-Away" for customers at the satellite wagering facility, located on the Fairgrounds. Over 1200 t-shirts, with the San Joaquin Fair Diamond Jubilee logo, will be given away on May 6<sup>th</sup>, Derby Day, promoting the upcoming June Fair meet.
  5. TV advertising on both cable and standard stations promoting the horse racing venue at the San Joaquin Fair. These 15-second ads will appear during the AM news slot on standard TV and at various times on cable.
  6. Print advertising specific to horse racing will run in six local newspapers, covering all cities in San Joaquin County.

[sanjoaquinfair.com](http://sanjoaquinfair.com)

Second District Agricultural Association • 1658 S. Airport Way • Stockton, CA 95206  
209/466-5041 • 209/466-5739 fax • e-mail: [fun@sanjoaquinfair.com](mailto:fun@sanjoaquinfair.com)

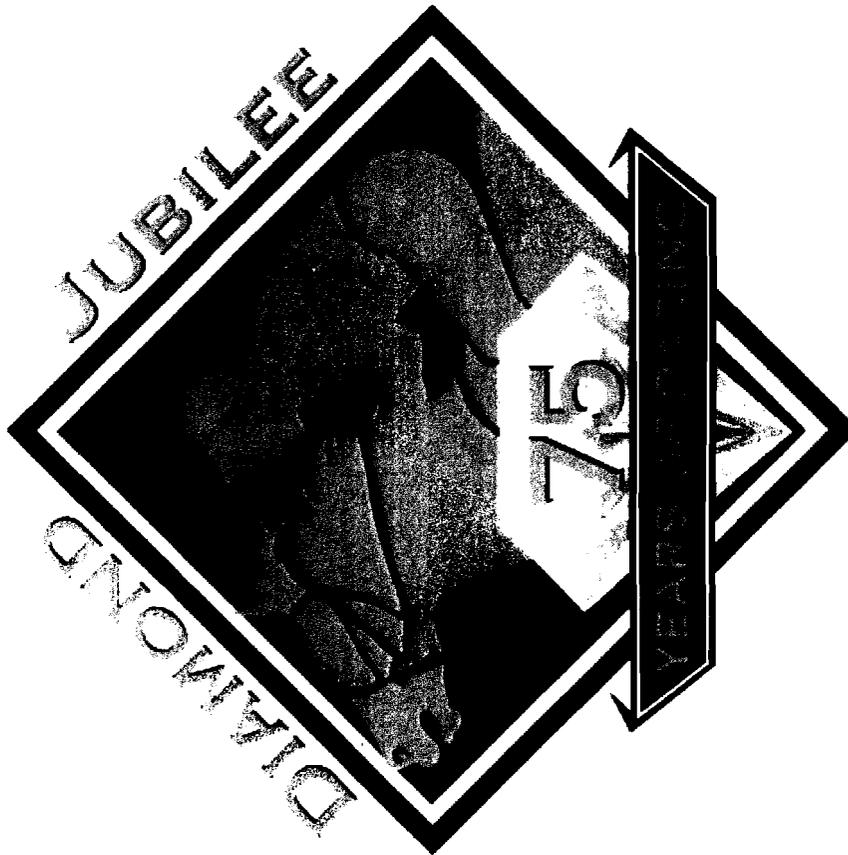
7. **Radio advertising specific to horse racing will run on the top ranked stations in San Joaquin County, with the top-rated oldies station, KHKK - 104.1, being the sponsoring station of the horse racing venue.**
8. **Pre-Fair direct mail piece will be sent to over 5,000 residences.**
9. **“Statement Stuffers” will be included in monthly statements from both Pacific State Bank (7,000) and Comcast Cable. These will have specific information about the horse racing meet.**

***(The total promotional budget dedicated to promoting horse racing at the 2007 Fair, including in-kind services, exceeds \$100,000.00.)***

**In addition to the above described promotions, The San Joaquin Fair has undertaken several improvement projects to compliment the efforts to promote live horse racing. Those projects include:**

1. **Re-painting of the exterior of the Horse Racing Grandstand, repainting of the interior mezzanine roof at same location.  
Total cost: \$87,000.00.**
2. **Installation of roll-up door and installation of wrought iron fence.  
Total cost: \$20,000.00.**
3. **Repainting of all backside bathroom facilities and wash racks, filling and leveling all horse stalls, repainting outside of paddock.**
4. **Infield grass planting.**

**SAN JOAQUIN FAIR**



# EXHIBITORS' GUIDEBOOK

**JUNE 14-24, 2007**

**SAN JOAQUIN FAIR ... JUNE 14-24, 2007**



*Your ticket to fun!*

- CONTAINER GROWN PLANTS • CACTUS & SUCCULENTS
- ORCHIDS & CUT FLOWERS • ARRANGEMENTS
- HOMEGROWN VEGETABLES • CROCHETING • QUILTING
- PIES, CAKES & CANDIES • JAMS, JELLIES & PICKLES

**AND SO MUCH MORE!**



NON-PROFIT  
ORGANIZATION  
U.S. POSTAGE  
**PAID**  
STOCKTON, CA  
PERMIT NO. 366

OR CURRENT RESIDENT

- B. Describe the quarters to be used for female jockeys:  
**14' x 30' Modular facility with three dressing stalls, three showers, two toilets, lounge area, one steam bath and three sinks.**

## 16. BACKSTRETCH EMPLOYEE HOUSING

- A. Inspection of backstretch housing was completed by **CHRB Supervising Investigator Anne Glasscock on March 15, 2007.**
- B. Number of rooms used for housing on the backstretch of the racetrack: **82**
- C. Number of restrooms available on the backstretch of the racetrack:  
**5 Restroom facilities containing toilets and showers**
- D. Estimated ratio of restrooms to the number of backstretch personnel:  
**One (1) restroom facility per 100 people (each restroom contains 4 toilets)**

## 17. TRACK SAFETY

- A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line: 

5,280
-------

 feet.
- B. Describe the type(s) of materials used for the inner and outer railings of the race course, the type of inner railing supports (i.e., metal gooseneck, wood 4" x 4" uprights, offset wood 4" x 4" supports, etc.), the coverings, if any, on the top of the inner railing, and the approximate height of the top of the inner railing from the level of the race course.  
**Outer rail comprised of 3" aluminum posts with 3" aluminum railing on top at a height of 40" (a portion of outside rail is chain link fence). A Sterline inner rail is made up of off-set galvanized posts with extended aluminum railing on top at a height of 42" with an overhang of 24".**
- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: **Track Masters (Steve Wood)**
- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474. **On file.**
- E. If the fair is requesting approval to implement alternate methodologies to the provisions of Article 3.5, Track Safety Standards, pursuant to CHRB Rule 1471, attach a Certificate of Insurance for liability insurance which will be in force for the duration of the meeting specified in Section 2. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of liability insurance. Additionally, the CHRB must be listed as additionally insured on the liability policy at a minimum amount of \$3 million per incident. The liability insurance certificate must be on file in the CHRB headquarters office prior to the conduct of any racing. **N/A**

## 18. DECLARATIONS

- A. All labor agreements, concession and service contracts, and other agreements necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state):  
**Horsemen agreements pending**

B. Attach each horsemen's agreement pursuant to CHRB Rule 2044.

**Negotiations pending**

C. All service contractors and concessionaires have valid state, county or city licenses authorizing each to engage in the type of service to be provided and have valid labor agreements, when applicable, which remain in effect for the entire term of the meeting except as follows (if no exceptions, so state): **No exceptions**

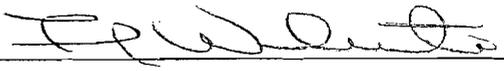
D. Absent natural disasters or causes beyond the control of the fair, its service contractors, concessionaires or horsemen participating at the meeting, no reasons are believed to exist that may result in a stoppage to racing at the meeting or the withholding of any vital service to the fair except as follows (if no exceptions, so state): **No exceptions**

**NOTICE TO APPLICANT:** Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

**19. CERTIFICATION BY APPLICANT**

I hereby certify under penalty of perjury that I have examined this application, that all of the foregoing statements in this application are true and correct, and that I am authorized by the fair to attest to this application on its behalf.

FORREST J. WHITE  
Print Name

  
Signature

C.E.O.  
Print Title

3-13-07  
Date

STAFF ANALYSIS

April 19, 2007

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE ALAMEDA COUNTY FAIR AT PLEASANTON JUNE 27, 2007 THROUGH JULY 8, 2007.

Alameda County Fair (ACF) filed its application to conduct a horse racing meeting at Pleasanton:

- June 27 through July 8, 2007, or 11 days, the same as 2006. The fair proposes to race a total of 122 races, the same as 2006.

June - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Racing Wednesday through Monday the first week and Wednesday through Sunday the second week. 10 races per day Wednesday, June 27, Thursday, and Friday with 12 races Monday, Wednesday, July 4, Saturday and Sunday.
  - Number of horses available determines the number of daily races programmed by breed.
  - No races Tuesday, July 3.
  - 2006 Race Meeting: Average number of runners per race (TB): 7.24
  - 2006 Race Meeting: Average number of runners per race (Arabian): 6.29
  - 2006 Race Meeting: Average number of runners per race (Quarterhorse): 6.29
  - 2006 Race Meeting: Average number of runners per race (Mules): 6.55

Hollywood Park (HP) and ACF are racing concurrently June 27 through July 8, 2007. HP's application was approved at the March 2007 meeting of the Board. Their racing dates are shown below:

April - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July - 2007						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	29	30	31			

- First post 12:15 p.m.
- Specific changes from the 2006 license application:
  - Two-dollar increase for Parking/Western Pacific Lot and Parking preferred.
- Request Patrick Kealy be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
  - \$1 pick 4 on the first 4 and last 4 races and \$2 pick 6 on the last 6 races.
  - \$1 place pick all on all races carded.
  - Early wagering will not be offered.
- Simulcasting conducted with other out-of-state racing jurisdictions pursuant to Business and Professions Code Section 19602; and with authorized locations throughout California.
- Inspection of backstretch worker housing completed.

Specific information **still needed** to complete this application includes:

FROM CARF:

1. All horsemen's agreements.
2. Vanning & Stabling contract

CARF reported the following April 8, 2007:

Golden Gate Fields will close its stabling and training facilities from June through September this year to install a synthetic surface on its race track. Several Fairs have stepped up to offer their stabling and track facilities to accommodate the horses that will be displaced during that construction. This is a departure from the arrangements in past years, when GGF was open an auxiliary stabling facility through the summer.

Consequently, the Stabling and Vanning Agreement for Northern California must to be revised to fit the changed circumstances. The revisions are still in negotiation; the agreement will be submitted as soon as it is completed.

These circumstances are unique to this year. All the parties concerned in Northern California are working together to accommodate the upgrade work at GGF. We ask for the Board's understanding in this matter.

Respectfully submitted,

Christopher Korby  
Executive Director  
California Authority of Racing Fairs

RECOMMENDATION:

Staff recommends the Board approve the application conditioned upon receiving the additional information necessary to conduct the racing meeting.

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horse racing meeting of a California fair as authorized by Article 6.5 of the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and in accordance with applicable provisions and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

**1. APPLICANT FAIR ASSOCIATION**

A. Name, mailing address, telephone and fax numbers of fair:

**Alameda County Agricultural Fair Association**  
**4501 Pleasanton Avenue, Pleasanton, CA 94566**  
**925-426-7600 925-426-7699 (Fax)**

B. Fair association is a:  District Fair  County Fair  Citrus Fruit Fair  
 California Exposition and State Fair  Other qualified fair

NOTICE TO APPLICANT Application must be filed not later than 90 days before the scheduled start date for the proposed meeting pursuant to CHRB Rule 1433.

**2. DATES OF RACE MEETING**

A. Inclusive dates of race meeting: **June 27, 2006– July 8, 2007**

B. Dates racing will NOT be held: **July 3, 2007**

C. Total number of racing days: **11**

**3. RACING PROGRAM**

A. Total number of races: **122**

B. Number of races by breed:

Thoroughbreds  Quarter Horses  Appaloosas  
 Arabians  Paints  Mules

C. Number of races daily: **Running Monday, July 2 and Dark on Tuesday, July 3**

	Wed 6/27	Thurs 6/28	Fri 6/29	Sat 6/30	Sun 7/1	Mon 7/2	Wed 7/4	Thurs 7/5	Fri 7/6	Sat 7/7	Sun 7/8
Thoroughbred	7	8	8	9	10	9	9	8	8	10	9
Other Breeds	3	2	2	3	2	3	3	2	2	2	3
<b>Total</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>10</b>	<b>10</b>	<b>12</b>	<b>12</b>

D. Total number of stakes races by breed:

<b>CHRB CERTIFICATION</b>	
Application received: <i>3/26/07</i>	Hearing date: <i>4/17/07</i>
Reviewed: <i>apv</i>	Approved date:
	License number:

<input type="text" value="5"/>	Thoroughbreds	<input type="text" value="2"/>	Quarter Horses	<input type="text" value="0"/>	Appaloosas
<input type="text" value="2"/>	Arabians	<input type="text" value="0"/>	Paints	<input type="text" value="0"/>	Mules

E. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each.

**ALAMEDA COUNTY FAIR ASSOCIATION PROPOSED 2007 STAKES SCHEDULE**  
**2007 ALAMEDA COUNTY FAIR STAKES RACES PROPOSED**

**THOROUGHBRED:**

- Alameda County Fillies and Mares Handicap – 39<sup>th</sup> Running \$50,000 Guar. Wed. July 4*  
*Fillies and Mares 3 years old and upward – 1 1/16 Miles*
- Sam J. Whiting Memorial Handicap – 45th Running \$50,000 Guar. Sat. July 7*  
*3-year olds and upward – 6 Furlongs*
- Alamedan Handicap – 42<sup>h</sup> Running \$50,000 Guar. Sun. July 8*  
*3-year olds and upward 1 1/16 Miles*

*The rest of the proposed stakes will be overnight stakes.*

**QUARTER HORSE:**

- P.C.Q.H.R.A. Handicap – 38<sup>th</sup> Running \$10,000 Guar. Sat. June 30*  
*3-year olds and upward, 350 yards*
- Jack Robinson Handicap – 34<sup>rd</sup> Running \$10,000 Guar. Sun. July 8*  
*3-year olds and upward, 870 yards*

**ARABIAN:**

- Pleasanton Arabian Distaff – 8<sup>th</sup> Running \$10,000 Guar. Wed. July 4*  
*Fillies and Mares 3- years old and upward – 5 ½ Furlongs*
- Pleasanton Arabian Handicap – 12<sup>th</sup> Running \$10,000 Guar. Sat. July 7*  
*3-years old and upward – 5 ½ Furlongs*

**THOROUGHBRED OVERNIGHT STAKES**

- Juan Gonzalez Memorial Stakes – 29<sup>th</sup> Running \$40,000 Added Sat. June 30*  
*Fillies 2-years old – 5 Furlongs (Plus up to \$12,000 for Cal-Breds)*
- Everett Nevin Alameda County Futurity – 46<sup>th</sup> Running \$50,000 Added Sun. July 1*  
*2-year olds bred in California – 5 Furlongs (Inc. \$10,000 from Cal-Bred Race Fund)*

F. Will provisions be made for owners and trainers to use their own registered colors?

Yes  No If no, what racing colors are to be used:

G. List all post times for the daily racing program:

Race Number	Weekdays	Weekends & July 4
Race # 1	12:35 p.m.	12:35 p.m.

Race # 2	1:05 p.m.	1:05 p.m.
Race # 3	1:35 p.m.	1:35 p.m.
Race # 4	2:05 p.m.	2:05 p.m.
Race # 5	2:35 p.m.	2:35 p.m.
Race # 6	3:05 p.m.	3:05 p.m.
Race # 7	3:35 p.m.	3:35 p.m.
Race # 8	4:05p.m.	4:05 p.m.
Race # 9	4:35 p.m.	4:35 p.m.
Race # 10	5:05 p.m.	5:05 p.m.
Race # 11		5:35 p.m.
Race # 12		6:05 p.m.

*\* As much as possible, we intend to align our post times to compliment the Hollywood Park post times*

**NOTICE TO APPLICANT** Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race" pursuant to CHRB Rule 1813.

#### 4. FAIR ASSOCIATION

##### A. Names of the fair directors:

<b>Lil Arnerich</b>	<b>Jackie Courtright</b>	<b>Tim Koopmann</b>	<b>Anthony Pegram</b>	<b>Richard Sealana</b>
<b>Sherman Balch</b>	<b>Patsy Gilbert</b>	<b>Janet Lockhart</b>	<b>John Penna</b>	<b>Harvey Smith</b>
<b>Nell Barnett</b>	<b>Frank Imhof</b>	<b>Tony Macchiano</b>	<b>Pete Ruggeri</b>	<b>Anthony Varni</b>
<b>Keith Boyer</b>	<b>Patricia Ising</b>	<b>Michael Nieto</b>	<b>Tracy Saia</b>	<b>Naomi Wallace</b>
	<b>Jack Kavanagh</b>	<b>Patrick O'Brien</b>	<b>Arthur Scott</b>	<b>Ario Ysit</b>

##### B. Names of the directors serving on the Racing Committee or otherwise responsible for the conduct of the racing program:

<b>Lil Arnerich</b>	<b>Patty Ising</b>	<b>Jack Kavanagh</b>	<b>Janet Lockhart</b>	<b>Tracy Saia</b>
<b>Tony Macchiano</b>	<b>Naomi Wallace</b>	<b>Ario Ysit</b>		

##### C. Name and title of the fair manager or executive officer and the names and titles of all department managers and fair staff, **other than those listed in 9B**, who will be listed in the official program:

<b>Name</b>	<b>Title</b>
<b>Rick K. Pickering</b>	<b>C.E.O. and Director of Racing</b>
<b>Randy Magee</b>	<b>C.F.O.</b>
<b>Anthony Varni</b>	<b>President, Board of Directors</b>
<b>Bob Moreno</b>	<b>Racing Secretary</b>
<b>Tony Macchiano</b>	<b>Chairman, Satellite/Racing Committee</b>
<b>Jeanne Wasserman</b>	<b>Satellite Manager</b>
<b>Jim Burns</b>	<b>Racetrack Superintendent/Maintenance</b>
<b>Bryan Wayte</b>	<b>Mutual Manager</b>
<b>Frank Mirahmadi</b>	<b>Announcer</b>

**5. PURSE PROGRAM****A. Purse distribution:**

## 1. All races other than stakes:

Current meet estimate: **\$1,383,823**Prior meet actual: **\$1,383,823**

## 2. Overnight stakes:

Current meet estimate: **\$ 130,000 (Includes \$10,000 from C.T.B.A.)**Prior meet actual: **\$ 130,000**

## 3. Non-overnight stakes:

Current meet estimate: **\$ 150,000**Prior meet actual: **\$ 150,000****B. Funds to be generated for all California-bred incentive awards:**Current meet estimate: **\$ 146,379**Prior meet actual: **\$ 146,379****C. Payment to each recognized horsemen's organization contracting with the fair:**

	Current Meet Estimate	Prior Meet Actual
<b>CTT</b>	<b>\$ 5,154</b>	<b>\$ 5,154</b>
<b>TOC</b>	<b>\$ 10,307</b>	<b>\$ 10,307</b>
<b>NTRA</b>	<b>\$ 8,310</b>	<b>\$ 8,310</b>
<b>PCQHRA</b>	<b>\$ 1,180</b>	<b>\$ 1,180</b>
<b>CWAR</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>ARAC</b>	<b>\$ 2,522</b>	<b>\$ 2,522</b>
<b>AMRA</b>	<b>\$ 1,467</b>	<b>\$ 1,467</b>
<b>CHBPAPEN</b>	<b>\$ 15,461</b>	<b>\$ 15,461</b>
<b>CTHF</b>	<b>\$ 15,461</b>	<b>\$ 15,461</b>
<b>TOTAL</b>	<b>\$ 59,862</b>	<b>\$ 59,862</b>

**D. Amount from all sources to be distributed at the meeting in the form of purses or other benefits to horsemen (5A+5B+5C):**Current meet estimate: **\$ 1,870,064**Prior meet actual: **\$1,870,064****E. Purse funds to be generated from on-track handle and intrastate off-track handle:**Current meet estimate: **\$1,219,590**Prior meet actual: **\$1,219,590****F. Purse funds to be generated from interstate handle:**Current meet estimate: **\$178,245**Prior meet actual: **\$178,245**

- G. Bank and account number for the Paymaster of Purses' purse account:  
**West America Bank (C.A.R.F.) Account No: On file**
- H. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:  
**Disher Accountancy Corp., 1816 Maryal Dr., Sacramento, CA 95864 (916-482-4224)**

**NOTICE TO APPLICANT** All funds generated and retained from on-track pari-mutuel handle which are obligated by law for distribution in the form of purses, breeders' awards or other benefits to horsemen, **shall not** be deemed as income to the fair and **shall**, within 3 calendar days following receipt, be deposited in a segregated and separate liability account in a depository approved by the CHRB and shall be at the disposition of the Paymaster of Purses, who shall pay or distribute such funds to the persons entitled thereto. All funds generated from off-track simulcast wagering, interstate wagering, and out-of-state wagering which are obligated by law for distribution in the form of purses and breeders' awards, shall also be deposited within 3 calendar days following receipt into such liability account. In the event the fair is obligated to the payment of purses prior to those obligated amounts being retained from pari-mutuel wagering for such purpose, or as a result of overpayment of earned purses at the conclusion of the meeting, the fair shall transfer from its own funds such amounts as are necessary for the Paymaster of Purses to distribute to the horse owners statutorily or contractually entitled thereto. The fair is entitled thereafter to recover such transferred funds from the Paymaster of Purses' account; and if insufficient funds remain in the account at the conclusion of the meeting, the fair is entitled to carry forward the deficit to its next succeeding meeting as provided by B&P Code Section 19615(c) or (d). In the event of **underpayment** of purses which results in a balance remaining in the Paymaster of Purses' account at the conclusion of the meeting after distribution of amounts due to horsemen and breeders and horsemen's organizations, the fair may carry forward the surplus amount to its next succeeding meeting; provided, however, that the amount so retained does not exceed an amount equivalent to the average daily distribution of purses and breeders' awards during the meeting. All amounts in excess shall be distributed retroactively and proportionally in the form of purses and breeders' awards to the horse owners and breeders having earned purses or awards during the conduct of the meeting.

## 6. STABLE ACCOMMODATIONS

- A. Number of usable stalls available for racehorses at the track where the meet is held:  
**684 – (Portables also available if needed)**
- B. Minimum number of stalls believed necessary for the meeting:  
**2,000**
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers:  
**1,600**
- D. Name and location of each off-site auxiliary stabling area and the number of stalls to be maintained at each site:

<b>Bay Meadows, San Mateo, California</b>	<b>700 stalls</b>
<b>Solano County Fair, Vallejo, California</b>	<b>900 stalls</b>
<b>Golden Gate Fields (barn area will be closed this summer due to the installation of a synthetic track surface)</b>	

- E. Attach each contract or agreement between the fair and the person(s) furnishing off-site stabling accommodations for eligible racehorses that cannot be provided stabling on-site. **To be submitted**

Complete subsections F through H if the fair will request reimbursement for off-site stabling as provided by B&P Code Sections 19607, 19607.1, 19607.2, and 19607.3; otherwise, skip to Section 7.

- F. Total number of usable stalls made available **on-site** for the **1986** meet: **884**
- G. Estimated cost to provide **off-site** stalls for this meet. Show cost per-day per stall:  
**Northern California Stabling and Vanning Fund**
- H. Estimated cost to provide **vanning** from off-site stalls for this meeting. Show fees to be paid for vanning **per-horse**: **None**

## 7. PARI-MUTUEL WAGERING PROGRAM

- A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, fairs may elect to offer wagering programs using CHRB Pari-mutuel Rules, the Association of Racing Commissioners International (RCI) Uniform Rules of Racing, Chapter 9, Pari-mutuel Wagering, or a combination of both. Please complete the following schedule for the types of wagering other than WPS and the minimum wager amount for each:

Use DD for daily double, E for exacta (special quinella), PK3 for pick three, PK4 for select four, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for Superfecta, TRI for trifecta, and US for unlimited sweepstakes (pick 9).

	<u>TYPE OF WAGERS</u>	<u>APPLICABLE RULES</u>
Example Race	\$1 E; \$1 Double	CHRB #1959; RCI #VE
Race #1	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$1PPN% \$1PK4	CHRB #1959, CHRB #1977, CHRB 1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.8, CHRB#1978
Race #2	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.8
Race #3	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1979 CHRB #1958, CHAB #1957, CHRB #1979.1 CHRB #1976.8
Race #4	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.8
Race #5	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1979 CHRB #1958, CHRB#1957, CHRB #1979.1 CHRB #1976.9, CHRB #1976.8
Race #6	\$1E, \$1PK3, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.9, CHRB #1976.8
Race #7	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1978, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB#CHRB #1976.9, CHRB #1976.8
Race #8	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1978, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.9, CHRB #1976.8
Race #9	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1978, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.9, CHRB #1976.8
Race #10	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q \$2DD, \$.10SF, \$2PNP@, \$1PPN%	CHRB #1959, CHRB #1977, CHRB #1978, CHRB #1979 CHRB #1958, CHRB #1957, CHRB #1979.1 CHRB #1976.9, CHRB #1976.8
Race #11	\$1E, \$1TRI, \$2Q, \$1PK4*	CHRB #1959, CHRB #1979, CHRB #1958, CHRB #1978

	<b>\$2DD, \$.10SF, \$2PNP@, \$1PPN%</b>	<b>CHRB #1957, CHRB #1979.1</b>
<b>Race #12</b>	<b>\$1E, \$1TRI, \$2Q, \$1PK4*</b>	<b>CHRB #1976.9, CHRB #1976.8</b>
	<b>\$2DD, \$.10SF, \$2PNP@, \$1PPN%</b>	<b>CHRB #1959, CHRB #1979, CHRB #1958, CHRB #1978</b>
		<b>CHRB #1957, CHRB #1979.1</b>
		<b>CHRB #1976.9, CHRB #1976.8</b>

B. Maximum carryover pool to be allowed to accumulate before its distribution **OR** the date(s) designated for distribution of the carryover pool:

**July 8, 2007 (Closing Day)**

C. List any options requested with regard to exotic wagering:

**\$1pk4\* on first race and last 4 races**

**@\$2Pick 6 on last 6 races**

**% \$1 Place Pick All on all races carded**

D. Will "advance" or "early bird" wagering be offered?  Yes  No  
If yes, when will such wagering begin:

E. Type(s) of pari-mutuel or totalizator equipment to be used by the fair and the simulcast organization, the name of the person(s) supplying equipment, and expiration date of the service contract:

**Scientific Games Racing (George Brannon) Expiration: September 30, 2007.**

**Equipment description on file with Board.**

## 8. SIMULCAST WAGERING PROGRAM

A. Simulcast organization engaged by the fair to conduct simulcast wagering:  
**California Authority of Racing Fairs (Northern California Off-Track Wagering, Inc.)**

B. Attach the agreement between the fair and simulcast organization permitting the organization to use the fair's live audiovisual signal for wagering purposes and providing access to its totalizator for the purpose of combining on-track and off-track pari-mutuel pools. **On file.**

C. California simulcast facilities the fair proposes to offer its live audiovisual signal:  
**All California facilities authorized to accept the signal, including:**

### NORTHERN CALIFORNIA

Alameda County Fair, Pleasanton  
Bay Meadows, San Mateo  
Big Fresno Fair, Fresno  
California State Fair & Exposition, Sacramento  
Club One, Fresno  
Golden Gate Fields, Albany  
Kern County Fair, Bakersfield  
Monterey County Fair, Monterey  
Redwood Acres Fair, Eureka  
San Mateo County Fair, San Mateo  
San Joaquin County Fair, Stockton  
Santa Clara County Fair, San Jose  
Shasta District Fair, Anderson  
Solano County Fair, Vallejo

### SOUTHERN CALIFORNIA

Barona Casino, Lakeside  
Fantasy Springs Casino (Cabazon), Indio  
Del Mar Thoroughbred Club, Del Mar  
Hollywood Park, Inglewood  
Desert ExpoCentre, Indio  
The Farmers Fair, Perris  
Antelope Valley Fair, Lancaster  
Santa Barbara County Fair, Santa Maria  
Los Alamitos Racecourse, Los Alamitos  
Mid-State Fair, Paso Robles  
National Orange Show, San Bernardino  
Fairplex Park, Pomona  
Santa Anita, Arcadia  
Viejas Casino & Turf Club, Alpine

Sonoma County Fair, Santa Rosa  
Stanislaus County Fair, Turlock  
Tulare County Fair, Tulare

Earl Warren Showgrounds, Santa Barbara  
Sycuan Gaming Center, El Cajon  
Ventura County Fair, Ventura  
San Bernardino County Fair, Victorville

- D. Out-of-state wagering systems the fair proposes to offer its live audiovisual signal:  
**Attached**
- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the fair:  
**Attached**
- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state “selected feature and/or stakes races”:  
**Attached**

**NOTICE TO APPLICANT** B&P Code Section 19596.2(a) stipulates that on days when live thoroughbred or fair racing is being conducted in the state, the number of thoroughbred races which may be imported by an association or fair during the calendar period the association or fair is conducting its racing meeting cannot exceed a combined daily total of 23 imported thoroughbred races statewide. The limitation of 23 imported thoroughbred races per day statewide does not apply to those races specified in B&P Code Section 19596.2(a)(1), (2), (3) and (4).

#### THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Arlington Park	6/27/07-7/8/07	Full or Partial Cards
Assiniboia Downs	6/27/07-7/8/07	Full or Partial Cards (International)
Calder	6/27/07-7/8/07	Full or Partial Cards
Canterbury	6/27/07-7/8/07	Full or Partial Cards
Delaware Park	6/27/07-7/8/07	Full or Partial Cards
Ellis Park	6/27/07-7/8/07	Full or Partial Cards
Emerald Downs	6/27/07-7/8/07	Full or Partial Cards
Fort Erie	6/27/07-7/8/07	Full or Partial Cards (International)
Hastings Park	6/27/07-7/8/07	Full or Partial Cards (International)
Lone Star	6/27/07-7/8/07	Full or Partial Cards
Louisiana Downs	6/27/07-7/8/07	Full or Partial Cards
Monmouth	6/27/07-7/8/07	Full or Partial Cards
NYRA (Belmont)	6/27/07-7/8/07	Full or Partial Cards
Northlands Park	6/27/07-7/8/07	Full or Partial Cards (International)
Penn National	6/27/07-7/8/07	Full or Partial Cards
Philadelphia Park	6/27/07-7/8/07	Full or Partial Cards
Prairie Meadows	6/27/07-7/8/07	Full or Partial Cards
River Downs	6/27/07-7/8/07	Full or Partial Cards
South America	6/27/07-7/8/07	Full or Partial Cards (International)
Suffolk Downs	6/27/07-7/8/07	Full or Partial Cards
Thistledown	6/27/07-7/8/07	Full or Partial Cards
Woodbine	6/27/07-7/8/07	Full or Partial Cards (International)

- G. List imported simulcast races the fair plans to receive during the racing meeting which use breeds other than the breed of the majority of horses racing at its live horse racing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported:  
N/A

**Attachment A**

Acoma Pueblo Casino	Nassau Regional OTB
AmericaTab	Nebraska State Fair Park
AmWest Entertainment	Nevada Pari-Mutuel Association
Arapahoe Park	New Jersey Casinos
Arima Race Club	New York City OTB
Arlington Park	NYRA
Atlantic City Race Course	Newport Jai-Alai
Atlantis Casino	Northfield Park
Atokad Downs	Northville Downs
Balmoral Park	Oaklawn Park
Bangor Historic Track	Ocean Downs Racetrack
Batavia Downs	Penn National
Beulah Park	Philadelphia Park
Birmingham Race Course	Plainfield Greyhound
Blue Ribbon Downs	Plainridge Racecourse
Bluff's Run Greyhound Park	Pojoaque Casino
Buffalo Raceway	Portland Meadows
Calder Race Course	Potawatomi Casino
Canterbury Park	Prairie Meadows
Capital District OTB	Raceway Park
Capital Sports Party LTD	Racing World (UK & IRE)
Catskill District OTB	Randall James Racetrack
Charles Town Race Course	Raynham Taunton Greyhound
Choctaw Racing Services	Remington Park
Churchill Downs	Retama Park
Colonial Downs	RGS
Columbus Races	River Downs
Comanche Nation Games	Rockingham Park
Connecticut OTB	Royal Beach Casino
Corpus Christi Greyhound Park	Royal River Racing
Crystal Palace Casino	Ruidoso Downs
Dairyland Greyhound	Saginaw Harness
Delaware Park	Sam Houston Race Park
Delta Downs	Saratoga Harness
Divi Carina Bay Casino	Scarborough Downs
Dover Downs	Scioto Downs
Downs at Albuquerque	Shoreline Star Greyhound
Dubuque GHP	Southland Greyhound Park
Elite Turf Club	Sports Creek
Ellis Park	Stables Casino
Emerald Downs	Suffolk Downs
Eureka GHP	Suffolk District OTB
Evangeline Downs	Sunland Park
Excelsior Casino	Sun Ray Park
Fair Grounds	Tampa Bay Downs
Fair Meadows	Tioga Downs
Fairmount Park	Tonkawa Bingo
Finger Lakes	Tote Investment Racing Group
Fire Lake	TVG
Fonner Park	The Meadows
Foxswoods Casino	The Stables Casino
Freehold Raceway	Thistledown
Geneva Lakes Kennel Club	Tri-State Greyhound Park

<p><b>Attachment A (continued)</b></p> <p>Gillespie County Fair  Great Lakes Downs  Greenetrack  Greyhound Track at Post Falls  Gulf Greyhound Park  Gulfstream Park  Harrington Raceway  Hawthorne  Hazel Park  Hinsdale Greyhound Park  *Hippodromo Presidente Ramon  Hoosier Park  Horsemen's Park  Indiana Downs  International Racing Group  Isle of Capri Racebook  Jackson Harness  John Martin's Manor Restaurant  Keeneland  *LVDC  Lebanon Raceway  Lewiston Raceway  Lien Games  Lincoln Greyhound Park  Lone Star Park  Louisiana Downs  Manor Downs  Maryland Jockey Club  Maywood Park  Meadowlands  MEC International  Meskwaki Casino  *MIR/Caliente  Mobile Greyhound Park  Mohegan Sun Casino  Mohegan Sun at Pocono Downs  Monmouth Park  Montana Simulcast Partners  Monticello Raceway  Mountaineer Park  Mt. Pleasant Meadows</p>	<p>Turf Paradise  Turfway Park  Valley Race Park  Western Idaho Fair  Western Regional OTB  Wheeling Downs  Wichita Greyhound Park  Will Rogers Downs  Winners OTB  Wonderland Greyhound Park  Woodbine Entertainment Group  Woodlands  Wyoming OTB  Xpressbet  Yavapai Downs  Yonkers Raceway  Youbet.com  Zia Park</p>
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\* Out-of-state wagering systems that will not combine their pari-mutuel pools with those of the association.

Other out-of-state wagering systems to be determined.

## OTHER BREED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Breed of Horse	Race Dates	Number of Races to be Imported
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- H. . If any out-of-state or out-of-country races will commence outside of the time constraints set forth in B&P Code Section 19596.2 and 19596.3, attach a copy showing agreement by the appropriate racing association(s). **N/A**

**NOTICE TO APPLICANT** All interstate wagering to be conducted by a fair is subject to the provisions of Title 15, United States Codes, which require specific **written** approval of the CHRB and of the racing commission having jurisdiction in the out-of-state venue. All international wagering to be conducted by a fair is subject to the provisions of B&P Code Sections 19596, 19596.1, 19596.2, 19596.3, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every fair shall pay to the simulcast organization within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained from off-track simulcast wagering, interstate and out-of-state wagering and which are obligated by statute for guest commissions, simulcast operator's expenses and promotions, equine research, local government in-lieu taxes, and stabling and vanning deductions. Every fair shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained or obligated from off-track simulcast wagering, interstate and out-of-state wagering for purses, breeders' awards or other benefits to horsemen. (See **Notice to Applicant, Section 5.**)

## 9. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT

- A. Racing officials nominated:

Association Veterinarian(s)	<b>Forest Franklin (Track) &amp; (Fitness) Dr. Don Dooley</b>
Clerk of Scales	<b>Gary Lawless</b>
Assistant Clerk of Scales	<b>Danny Winick</b>
Clerk of the Course	<b>Dolores Collins (E-Breeds) &amp; Tina Walker (Thoroughbreds)</b>
Assistant Clerk of the Course	<b>Lisa Jones</b>
Film Specialist	<b>James Dreyer</b>
Horse Identifier	<b>Patrick Kealy</b>
Horseshoe Inspector	<b>Jack Hammonds</b>
Paddock Judge	<b>Joe Gibson</b>
Patrol Judges	<b>James Dreyer &amp; Kenneth Sjoldal</b>
Placing Judges	<b>Greg Brent &amp; Ella Robinson</b>
Starter	<b>Robert Mooneyhan</b>
Timer	<b>Melody Trutt</b>

- B. Management officials in the racing department:

Director of Racing	<b>Rick K. Pickering</b>
Racing Secretary	<b>Bob Moreno</b>
Assistant Racing Secretary	<b>Linda Anderson</b>
Paymaster of Purses	<b>Vicki Layne (C.A.R.F.)</b>
Others (identify by name and title)	

- C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:

**Secretary, Alameda County Agricultural Fair Association  
4501 Pleasanton Avenue, Pleasanton, CA 94566, 925-426-7600**

- D. Photographic device to be used for photographing the finish of all races, name of the person supplying the service, and expiration date of the service contract:

**Plusmic Corporation, USA – Bill O'Brien (Expires 12/7/07)**

- E. Photopatrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract. Specify the number and location of cameras for dirt and turf tracks.

**Pegasus Communication, Inc. (Jim Porep) (Expires April 30, 2008)**

- F. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract:

**Pegasus Communication, Inc. (Jim Porep) (Expires April 30, 2008)**

## 10. SECURITY CONTROLS

- A. Name and title of the person responsible for security controls on the premises. Include an organizational chart of the security department and a list of the names of security personnel and contact telephone numbers.

**Organizational chart attached.**

**Racetrack/Grandstand: Alameda County Sheriff Chief in Charge**

**Barn Area: David Rezendes, President, Security Eye Patrol, Inc.**

- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis:

**Racetrack/Grandstand: 8 Sheriff's Deputies**

**Barn Area: 5 Security Officers, 2 Security Rovers, 3 Licensed Gatemen based on 8/hour shifts**

1. Attach a written plan for enhanced security for graded/stakes races and races of \$100,000 or more, to include the number of security guards in the restricted areas during a 24-hour period and a plan for detention barns. **N/A**

2. Detention Barns: *(The Fair is not running graded stakes)*

- B. Attach a plan for use of graded stakes or overnight races.

**N/A**

- C. Number of security guards in the detention barn area during a 24-hour period.

**N/A**

- D. Describe number and location of surveillance cameras in detention barn area.

**N/A**

3. TCO2 Testing:

- A. Number of races to be tested, and number of horses entered in each race to be tested.

**All thoroughbred races and all horses**

- B. Plan for enhanced surveillance for trainers with high-test results.

**Trainer with high test results will be moved to the detention area**

- C. Plan for detention barns for repeat offenders.

**Ten (10) stalls adjacent to Test Barn, which are under 24-hour video surveillance**

- E. Number of security personnel assigned to the TCO2 program.

**One (1) 24-hour security guard when detention stalls are occupied.**

- C. Describe the electronic security system.

**Monitored electronic surveillance of key areas by the Sheriff's Department**

1. Location and number of video surveillance cameras for the detention barn and stable gate.

**4 surveillance cameras monitoring this area**

Item 10 A:

## **Security Organizational Chart**

Security during the Live Race Meet is coordinated by a number of groups. Day-to-day security items are handled the Stable Manager in concert with Security Eye personnel assigned to the Guard Shacks and Barn Area. As issues escalate, Fair Management, Security Eye Management, and the Sheriff's Department become involved as necessary.

### **Alameda County Agricultural Fair Association**

Rick K. Pickering, CEO	925-426-7501
Ed Johnson, Manager of Maintenance Operations	925-426-7500
Judy Carrico, Fair Operations Manager	925-426-7500

### **Security Eye**

Dave Rezendes, President	925-455-6585
Dave Graber, Vice President	925-455-6585
Barn Area Guard Shack, various personnel	925-426-7519
Roadway 12 Guard Shack, various personnel	925-426-7519

### **Alameda County Sheriff Department**

Fairgrounds Command Center	925-426-7525
Sergeant J.D. Nelson, Sheriff Liaison Officer	510-272-6901

**Note: Confidential cell phone numbers are made available to CHRB staff. Additional security related personnel are available by direct radio contact.**

**11. EMERGENCY SERVICES**

- A. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:  
**American Medical Response (A.M.R.), 640 143<sup>rd</sup> Avenue, San Leandro, CA 94577, 510-895-7600**
  
- B. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:  

<b>Solano County Fair</b>	<b>Bay Meadows</b>
<b>Medic Ambulance</b>	<b>Bayshore Ambulance</b>
<b>506 Couch</b>	<b>P.O. Box 4622</b>
<b>Vallejo, CA 94590</b>	<b>Foster City, CA 94404</b>
<b>707-644-8989</b>	<b>650-525-9700</b>
  
- C. Attach a fire clearance from the fire authority having jurisdiction over the premises.  
**Inspection scheduled May 1, 2007.**
  
- D. Attach a Certificate of Insurance for workers’ compensation coverage. The CHRB is to be named as a certificate holder and given not less than 10 days’ notice of any cancellation or termination of insurance that secures the liability of the fair for payment of workers’ compensation. **Attached**

**12. CONCESSIONAIRES AND SERVICE CONTRACTORS**

Names and addresses of all persons to whom a concession or service contract has been given, **other than those already identified**, and the goods and/or services to be provided by each:

CONCESSION/SERVICE	COMPANY	OWNER	ADDRESS
Food & Beverage (Non-Alcoholic)	Stroud Enterprises	Tom Stroud	5119 North Archerdale, Linden, CA 95236
Food Service	Ovations Fanfare	Charlie Neary Nick Nicora	4501 Pleasanton Avenue, Pleasanton, CA 94566
Food & Beverage (Alcoholic & Non)	Ovations Fanfare	Charlie Neary Nick Nicora	4501 Pleasanton Avenue, Pleasanton, CA 94566
Tip Sheets	Nikki’s Secrets	Jan Reed	P.O. Box 70207, Point Richmond, CA 94807
Tip Sheets	Jack’s Blue Card	Lisa Wasserman	127 Sun Avenue, San Leandro, CA 94544
Race Program and Daily Racing Form	Daily Racing Form	Wicks Sports Information Grp	100 Broadway, 7 <sup>th</sup> floor, New York City, N.Y. 10005
Winners Circle Pictures	Vassar Photography	Bill Vassar	5075 Double Point Way, Discovery Bay, CA 94514
Jockey Laundry Service	Bailey Mobile	Lorene Dutton	3263 Vineyard venue, #35, Pleasanton, CA 94566
Starting Gate	United/Puett Start Gate	Michael Costello	1 Soundview Loop, S. Salem, N.Y. 10590
Sound System	Speeda Sound	Mike King	5617 W. San Madele, Freson, CA 93722
Armor Car Service	NOTWINC		11875 Dublin Blvd., #D275, Dublin, CA 94568

**13. ON-TRACK ATTENDANCE/FAN DEVELOPMENT**

- A. Describe any promotional plans: **(See Attached for A-D)**
  
- B. Number of hosts and hostesses employed for meeting:
  
- C. Describe facilities set aside for new fans:

March 13, 2007

To: California Horse Racing Board (CHRB)  
Attn: Andrea  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825

Re: Alameda County Fair Association  
4506 Pleasanton Avenue  
Pleasanton, CA 94566

Please be advised that the Alameda County Fair Association is a member of the California Fair Services Authority (CFSA), and participates in the following self-insurance and loss pooling programs which are administered by CFSA:

#### I. COMPREHENSIVE GENERAL LIABILITY PROGRAM

Limit \$10,000,000 CSL per occurrence  
Coverage continuous until cancelled

#### II. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

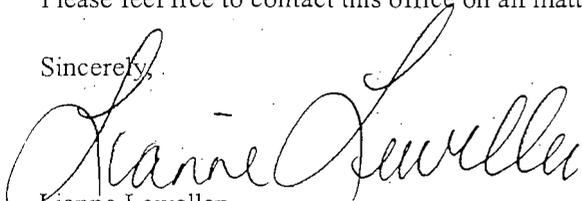
- A. Primary Coverage \$500,000 self-insured retention California Fair Services Authority  
Coverage continuous until cancelled
- B. Excess Coverage (a) Workers' Compensation: \$199,500,000 in excess of \$500,000  
(b) Employers' Liability: \$4,500,000 in excess of \$500,000  
Coverage provided by CSAC Excess Insurance Authority  
Term: 07/01/2006 to 07/01/2007

CFSA represents to CHRB that within the above limits, terms and provisions of the coverage stated, to the extent provided by law, CFSA will provide defense, payment, and indemnification on loss funding in accordance with the terms of the contractual assumption of the Alameda County Fair Association as set forth in CHRB's "Insurance Requirements".

You will be given at least thirty (30) days notice of any change in the foregoing information. We trust that this commitment will satisfy your insurance requirements.

Please feel free to contact this office on all matters including possible claims.

Sincerely,



Lianne Lewellen  
Risk Analyst



"The Oldest One-mile Racetrack in America"

## **On-Track Attendance & Fan Development Plan 2007 Alameda County Fair Live Horse Race Meet**

The 2007 Alameda County Fair will operate 17 days this summer from June 22 – July 8, with an estimated attendance in excess of 400,000 patrons. The Live Horse Race Meet will be conducted during 11 days of the Fair, June 27 – July 8 (dark on Tuesday, July 3). More than \$1.9 million in cash and cash equivalents (in-kind advertising) will be spent to promote the 2007 Annual Fair and Race Meet. The majority of advertising for the Annual Fair includes advertising of the Race Meet.

Fair Horse Racing takes racing to the public in a very unique manner. The thrill and excitement of concerts, carnival rides, unique food items, exhibits, etc., all combine to provide a one-of-a-kind experience in a local community. Many first timers and casual players, who might never attend a private track, are exposed to Horse Racing in an exciting manner at California's Racing Fairs. Consequently, the Alameda County Fair utilizes a wide variety of methods to market, promote and advertise Live Horse Racing during its 17-day Annual Fair event.

Our Horse Racing Marketing is designed to enhance on-track attendance and develop fans through a variety of multifaceted marketing channels and on-site experiences. Each element is designed to interconnect into a successful and effective program, helping to create exposure for the Fair Race Meet and Horse Racing in general.

The 2006 Alameda County Fair Horse Racing Meet was successful in attaining many of its goals. The closing weekend heat took its toll on the horses, but the "Call to Post" trumpet still sounded to the tune of the 3<sup>rd</sup> highest Meet Handle in Fair history, estimated at \$35,537,385. Mr. Pickering commented, "We are very pleased with the 2006 racing results considering the heat and the declining number of

thoroughbred horses in California. This resulted in 6% fewer horses running than in 2005.”

This success was attributed to the even greater inclusion of Horse Racing in the Fair’s overall advertising campaigns, and additional promotion from the “Seabiscuit Goes to the Fair” coloring contest and Jockey Photo Day. Also contributing was the significant amount of publicity generated by the local media especially the cloned mule race.

The Live Race Meet continues to gain new customers while retaining existing patrons. The continued and increased participation of the Fair patrons in the many Live Racing promotions offered by the Fair further attests to the fact that our marketing campaigns are attaining many of their objectives.

### **Trackside Terrace:**

Fairgoers can experience a winning view of the races at the all-new Trackside Terrace, a VIP lounge with an elevated view of the racetrack. The Trackside Terrace offers a gourmet buffet including carving stations and private betting windows with open-air terrace seating overlooking the finish line. This site is perfect for corporate parties and group reservations. The Trackside Terrace is marketed in several ways which include county wide Chamber of Commerce marketing channels, local events, guerilla marketing, electronic newsletters and Fair website.

### **Sponsorships and Partnerships:**

The Marketing Department works year-round to develop strong relationships with local and national companies. Additionally, the Fair develops new advertising partnerships, and strengthens existing partnerships, in an effort to incorporate more “in-kind” trade and promotion into the advertising mix. For example, the Fair Staff will once again partner with the Oakland Coliseum to trade on-site booth presence in the Racing Grandstand for all 11 days of Racing, in exchange for advertising on the Oakland Coliseum’s highly visible electronic reader board (along side Highway 880.) Additionally, the Valley Times, a local newspaper, will continue to sponsor the Live Race meet due to the great exposure and high subscription sign-up rates the paper received in prior years. Budweiser will once again sponsor the Grandstands. Cross-promotions with Budweiser are currently being planned to increase on-track attendance.

### **Paid Advertising:**

Buying advertising on radio, television, and in print is necessary to encourage more people to come to the Fair and Race Meet. The Fair’s general marketing strategy is to include the Race Meet in all advertising mediums whenever possible. For example, a portion of the Fair TV commercial focuses on shots of the horse races. Fair Staff targets sports-related and older generation-formatted radio stations to advertise the Live Race Meet. Print is especially important in advertising the Horse Races. Advertising for the Live Race Meet is included in all general Fair print ads. Additionally, racing-specific ads are created for the sports sections of the newspapers and for sports-focused print media.

### **Grassroots Marketing:**

Poster placement is a grassroots marketing method employed by the Fair. Businesses and public organizations displaying posters, flyers, and brochures advertising the Fair and the

Live Race Meet show their community support and enthusiasm for the Fair. Organizations in Alameda County continually support the Fair by allowing Fair information to be included in their internal and external communications, such as newsletters, email programs, direct mail pieces, etc.

### **Online Marketing:**

The Alameda County Fair utilizes the Web to communicate and promote the Fair's message. The website is an informative and functional tool because of the number of ways it can be used. Email newsletters with Horse Racing information are sent via the Internet to the Fair's continually growing database of patrons. Additionally, the website lists the daily schedule and links to real-time race results each day of the Fair's Live Race Meet.

### **Box Seat Sales:**

The Marketing Department is responsible for selling the over 200 Box Seats in the Race Track Grandstands. A number of methods are used to achieve the sale of Box Seats including direct mail, print advertising and online banner ads at partner websites. Promotion of the Fair's Live Horse Race Meet is incorporated in the Box Seat Sales strategy.

### **Non-profit Outreach:**

Each year the Marketing Department makes available on a daily basis a select number of Box Seats to various non-profit organizations. The non-profits in turn raffle off "A Day at the Races." This includes parking, Fair admission and box seat admission.

### **Publicity:**

The Marketing Manager meets with area media prior to the Race Meet to disseminate information on the Race Meet and the many promotions occurring at the Race Track. Print, radio and television media are all used to promote the Race Meet. The Fair Association's Marketing Manager serves as the Racing Publicist and provides information and statistics to various media outlets daily during the Race Meet.

### **Educational Programs:**

The Fair, in partnership with CARF, holds educational seminars every morning before the first Post Time to educate beginners on how to wager at the races. The panel consists of experienced and well-known personalities within the racing industry. Seminars have included such guests as owners, trainers, jockeys, handicappers, racing officials, racing reporters, "tipsters," and information on how to make various wagers. The Fair, CARF and the Daily Racing Form sponsor the daily racing seminars. The Racing Seminars have become quite popular, with attendance increasing year after year.

### **Promotions:**

Many types of promotions have been developed for the 2007 Live Horse Race Meet. Some are designed to attract new patrons, while others cater to existing customers. A sampling includes:

- **"Seabiscuit Goes to the Fair" Coloring Contest** -in the Valley Times newspaper. Each youth who participates will receive a Free Admission ticket to the Fair.
- **Win, Place and Show Contest** -is a randomly drawn voucher giveaway to those who enter the correct Win, Place and Show horses in the ballot box. The prize amount is \$600 per day: \$300 Win, \$200 Place & \$100 Show. The winners are drawn every day after the 8<sup>th</sup> Race.

- **Horse Racing Themed T-shirt Giveaway** -to the first 1000 people who enter the Win, Place and Show contest on Wednesday, June 27<sup>th</sup>. This years T-shirt will feature the winniest jockey of all-time Russell Baze.
- **\$10,000 Putting Contest** –was such a success in 2005 & 2006 that the Fair will expand this contest. Each day randomly selected fairgoers will try to qualify for the chance to compete in a 40-yard, \$10,000 Putt on Saturday July 7<sup>th</sup>.
- **Jockey Photo Day** –Monday, July 2<sup>nd</sup>, where fairgoers can get their picture taken with their favorite jockey.
- **NTRA Racing Commercials** -will air on the Fairgrounds Public Address System periodically during the races to promote the Live Race Meet to all Fair patrons.
- **Chamber of Commerce Days at the Races** -where all Chambers within Alameda County are invited to attend the Race Meet on their own day. Chamber Presidents and Executives are hosted in the Fair Director's VIP Lounge for lunch. These honored guests in-turn present a basket in the Winner's Circle during their named race.
- **City Days at the Races** -each Mayor, City Council and City Manager in Alameda County are invited to attend the Race Meet in concert with their local Chamber of Commerce. City Officials are hosted as VIP's and participate in the Winner's Circle presentation.
- **VIP Director's Lounge** -each Director of the Fair Association Board has the opportunity to entertain dignitaries, VIPs, elected officials, business leaders, etc., daily in an air-conditioned lounge at the top of the Race Track Grandstand.
- **The Palm Pavilion** -will offer patrons the opportunity to enjoy full meal and bar services alongside the Rail of the Race Track. Patrons may also place their wagers in the Palm Pavilion.
- **Advertising of Local Businesses** -occurs on the Jumbotron during racing. Many of these businesses cannot afford to advertise at the private tracks.
- **Naming of Feature Races** -is another opportunity provided to businesses, families, local wineries, etc., to showcase their name and products in the Winner's Circle.
- **Public Service Announcements** -appear on the Jumbotron during racing.

### **Commentator at the Race Track Paddock:**

For 2007 the Fair Association has once again scheduled a commentator to do interviews with jockeys and report on race results at the Paddock. Known as the "The Professor" within the racing industry, this well-known personality will solicit fairgoer participation and interest with trivia, contests, giveaways and lively racing commentary.

### **Improvements to the Grandstands:**

Aesthetic improvements are scheduled in the Grandstands including the painting of scenic murals behind the mutuel lines and other prominent locations, pictures, flags and banners.

### **Satellite Wagering Facility:**

The Fair Association operates the most successful Fair Satellite Wagering Facility in Northern California. The Fair Association's Satellite Wagering Manager takes a very active role in the Live Race Meet and actively cross promotes with Satellite Wagering customers. In-turn the Fair Association also promotes its Satellite Wagering Facility to patrons of the Live Race Meet.

### **13. D. Improvements to the physical facility:**

#### **Horsemen, Fans & Restricted Area**

**The Palm Pavilion**, located trackside, has been fully remodeled. This remodel included installing outdoor patio viewing of the track, indoor large screen TV's to broadcast racing, self-serve wagering terminals, etc... The Palm Pavilion also serves food and beverages & includes a full bar.

**The Racing Paddock** has been remodeled so that more fans can gather in the general area. The roof was elevated to enhance the safety of riders. A grass oval was installed to accommodate owners and trainers. Additional cameras were used to enhance the broadcasting of the Paddock area.

**The VIP Directors Lounge** has been refurbished with new carpet, air conditioning, paint, etc., to better accommodate VIP's. Every Mayor, City Council Member and Chambers of Commerce from throughout the County of Alameda, is extended an invitation to visit the VIP Directors Lounge. Racing VIP's, elected officials from the County, State and National level also attend the lounge.

**The Jockey's Club House** has been remodeled to open up the dining area, relocate the laundry facilities, add more sleeping areas, etc...

**Restrooms & Showers** in the barn area have been remodeled to provide upgraded facilities for employees.

**Roadway #12** has been upgraded and widened to better accommodate horse trailers. Catch basins and a storm drain line have been installed to prevent flooding that previously occurred in this area.

**Campgrounds** have been upgraded and more spaces added to better house out-of-the-area trainers and racing employees during the Race Meet.

**Barn Roofs & Solar Energy** – All barns received new roofs in 2004, in advance of the Fair installing a 1 Megawatt Solar Energy System on the barns. According to PG&E, the Fair is the largest nonprofit generator of solar energy in the nation.

**The Pole Barn Arena** has been upgraded to better allow training under a covered roof during the winter.

**Upgrades** to "cash management areas."

D. Describe any improvements to the physical facility in advance of the meeting that directly benefits:

1. Horsemen
2. Fans
3. Facilities in the restricted areas

**14. SCHEDULE OF CHARGES**

A. Proposed charges, note any changes from previous year:

<b>General Admission/Grand Stand</b>	<b>Free with Fair Admission</b>
<b>Fair Admission/Adults (13 &amp; older)</b>	<b>\$ 9.00</b>
<b>Advanced Sale Tickets (On-line)</b>	<b>30% discount</b>
<b>Fair Admission/Children (6-12)</b>	<b>\$ 6.00 (Free on Fridays)</b>
<b>Fair Admission/Seniors</b>	<b>\$ 7.00 (Free on Wednesdays)</b>
<b>Fair Admission/V.I.P. Discount</b>	<b>\$ 5.00</b>
<b>Admission (clubhouse)</b>	<b>N/A</b>
<b>Reserved Seating (general)</b>	<b>\$ 3.00</b>
<b>Reserved Seating (clubhouse)</b>	<b>N/A</b>
<b>Parking (general)</b>	<b>\$ 8.00</b>
<b>Parking/Western Pacific Lot</b>	<b>\$15.00</b>
<b>Parking (preferred)</b>	<b>\$15.00</b>
<b>Parking (valet)</b>	<b>N/A</b>
<b>Programs/on track</b>	<b>\$ 1.00</b>
<b>Programs/off track</b>	<b>\$ 2.00</b>

B. Describe any "Season Boxes" or other special accommodation fees:

**Daily box seat sales - \$3.50 (if available). All box seats usually sell out 30-60 days in advance.**

C. Describe any "package" plans such as combined parking, admission and program:

**Family Pack**

**1-General Parking**

**2-Adult Admissions, 2-Child Admissions**

**Coupon-redeem for Carnival Rides, 2/1 drink coupons for Midway**

**15. JOCKEYS' QUARTERS**

A. Check the applicable amenities available in the jockeys' quarters:

<input checked="" type="checkbox"/> Corners (lockers and cubicles)	How many	<input type="text" value="40"/>
<input checked="" type="checkbox"/> Showers	<input checked="" type="checkbox"/> Steam room, sauna or steam cabinets	<input checked="" type="checkbox"/> Lounge area
<input checked="" type="checkbox"/> Masseur	<input checked="" type="checkbox"/> Food/beverage service	<input checked="" type="checkbox"/> Certified platform scale

B. Describe the quarters to be used for female jockeys:

**Separate area containing an office, lounge area, sauna, showers, restroom facilities, lockers, & bunks. Jockeys & Jockettes share the scale.**

**16. BACKSTRETCH EMPLOYEE HOUSING**

- A. Inspection of backstretch housing was completed by **CHRB Supervising Investigator Anne Glasscock on, March 14, 2007.**
- B. Number of rooms used for housing on the backstretch of the racetrack: **60 Rooms**
- C. Number of restrooms available on the backstretch of the racetrack: **7 Restrooms**
- D. Estimated ratio of restrooms to the number of backstretch personnel: **11 to 1**

**17. TRACK SAFETY**

- A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line: 

5,280
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 feet.

- B. Describe the type(s) of materials used for the inner and outer railings of the race course, the type of inner railing supports (i.e., metal gooseneck, wood 4" x 4" uprights, offset wood 4" x 4" supports, etc.), the coverings, if any, on the top of the inner railing, and the approximate height of the top of the inner railing from the level of the race course.

**Inner rail: Fontana Safety Rail**

**Outer rail: Aluminum gooseneck supports with aluminum top rail**

**Inner rail height at: ¼ mile – 42"**

**½ mile – 40.5"**

**¾ mile – 40"**

**1 mile – 42"(finish line)**

- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: **Jim Burns**
- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474. **On file.**
- E. If the fair is requesting approval to implement alternate methodologies to the provisions of Article 3.5, Track Safety Standards, pursuant to CHRB Rule 1471, attach a Certificate of Insurance for liability insurance which will be in force for the duration of the meeting specified in Section 2. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of liability insurance. Additionally, the CHRB must be listed as additionally insured on the liability policy at a minimum amount of \$3 million per incident. The liability insurance certificate must be on file in the CHRB headquarters office prior to the conduct of any racing. **N/A**

**18. DECLARATIONS**

- A. All labor agreements, concession and service contracts, and other agreements necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state):  
**Horsemen's Agreement Pending.**
- B. Attach each Horsemen's Agreement pursuant to CHRB Rule 2044.  
**Horsemen's Agreement Pending.**

- C. All service contractors and concessionaires have valid state, county or city licenses authorizing each to engage in the type of service to be provided and have valid labor agreements, when applicable, which remain in effect for the entire term of the meeting except as follows (if no exceptions, so state): **No Exceptions**
  
- D. Absent natural disasters or causes beyond the control of the fair, its service contractors, concessionaires or horsemen participating at the meeting, no reasons are believed to exist that may result in a stoppage to racing at the meeting or the withholding of any vital service to the fair except as follows (if no exceptions, so state): **No Exceptions**

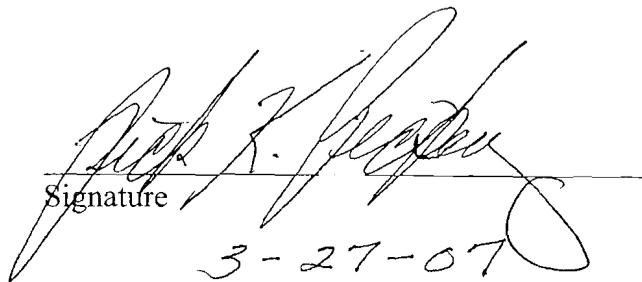
**NOTICE TO APPLICANT** Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

**19. CERTIFICATION BY APPLICANT**

I hereby certify under penalty of perjury that I have examined this application, that all of the foregoing statements in this application are true and correct, and that I am authorized by the fair to attest to this application on its behalf.

RICK K. PICKERING  
Print Name

C.E.O.  
Print Title

  
Signature  
3-27-07  
Date

STAFF ANALYSIS  
PROPOSED AMENDMENT OF  
RULE 1843.2, CLASSIFICATION OF DRUG SUBSTANCES  
AND  
PROPOSED ADDITION OF  
RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS

Regular Board Meeting  
April 19, 2007

**BACKGROUND**

Business and Professions Code (B&P Code) Section 19440 specifies that the Board shall have all powers, including but not limited to adopting rules and regulations for the protection of the public and the control of horseracing and pari-mutuel wagering. B&P Code 19580 states that the Board shall adopt regulations to establish policies, guidelines and penalties relating to equine medication to preserve and enhance the integrity of horse racing in this State. Section 19581 of the B&P Code specifies that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. B&P Code Section 19582 provides that violations of Section 19581, as determined by the Board, are punishable in regulations adopted by the Board, and that the Board may classify violations based upon each class of prohibited drug substances, prior violations within the previous three years and prior violations within the violator's lifetime. The Board may provide for suspensions of not more than 3 years, monetary penalties of not more than \$50,000 dollars, and disqualification from purses, except for a third violation during the lifetime of the licensee, for a drug substance determined to be class 1 or class 2, which shall result in the permanent revocation of the person's license. The punishment for second and subsequent violations of B&P Code Section 19581 shall be greater than for first violations for violations of each class of prohibited drug substance.

In July 2005 the Medication Committee (Committee) discussed establishing penalties for medication violations. It was suggested that the Racing Medication and Testing Consortium (RMTC) penalty guidelines be reviewed to determine how they could be incorporated into the Board's rules. In November 2005 the Committee proposed Rule 1843.3, Penalties for Medication Violations. At the November 2005 meeting further revisions were made to include mitigating circumstances for which a lesser or no penalty would be appropriate, and aggravating factors, which may increase the assessed penalty beyond the minimum. It was also recommended that the Equine Medical Director (EMD) and the Director of the Maddy Equine Analytical Chemistry Laboratory at U.C. Davis review the RMTC penalty categories to ensure they were in line with California's recommendations. At the January 2006 meeting of the Committee a decision on the proposed regulations was deferred to allow interested parties to meet and provide input and or clarification to the proposal. In the meantime

the Board's EMD would revise the proposals. The Committee met again on January 9, 2007, and January 23, 2007, to discuss further revisions to the proposed amendment to Rule 1843.2, Classification of Drug Substances, and Rule 1843.3. At the January 2007 Regular Board Meeting staff was instructed to initiate a 45-day public comment period regarding Rules 1843.2 and 1843.3.

## ANALYSIS

The RMTC Board of Directors has developed uniform penalty guidelines for medication violations. These guidelines were presented to the Association of Racing Commissioners International (ARCI) and the National Association of Professional Racing Administrators (NAPRA) Joint Model Rules Committee for consideration.

The proposed addition of Rule 1843.3 incorporates the recommendations of RMTC, the Board's Equine Medical Director, the Thoroughbred Owners of California (TOC) and the industry at large. The penalty guidelines will apply to all licenses including trainers, horse owners and veterinarians.

Presently Rule 1843.2 categorizes drug substances into seven classifications. The RMTC penalty guideline recommendations rely on the ARCI's five drug classifications. The RMTC penalty guideline recommendation and the ARCI Uniform Classifications are the basis for the CHRB Penalty Categories Listing By Classification.

The proposal to amend 1843.2 will delete the seven drug classifications and reference the CHRB document. The CHRB drug classifications are based on the ARCI recommendations with modifications recommended by the EMD.

During the 45-day public comment period TOC submitted comments regarding Rule 1843.3. The TOC recommended removing all monetary fines for owners, as it felt the loss of purse and disqualification of the horse, among other penalties, would serve the purpose of causing owners to monitor their stables more closely and communicating with their trainers. The TOC also suggested changes to the language on suspensions to ensure trainers would not profit from horse racing after being suspended.

## RECOMMENDATION

Comments were received from TOC during the 45-day public comment period. If the Board chooses to incorporate changes to the text suggested by TOC an additional 45-day public comment period would be required. This item is presented for Board discussion and action.

CALIFORNIA HORSE RACING BOARD  
 TITLE 4. CALIFORNIA CODE OF REGULATIONS  
 ARTICLE 15. VETERINARY PRACTICES  
 PROPOSED AMENDMENT  
 OF  
 RULE 1843.2  
 CLASSIFICATION OF DRUG SUBSTANCES

Regular Board Meeting  
 April 19, 2007

1843.2. Classification of Drug Substances.

The stewards, when adjudicating a hearing for the finding of a drug substance(s) in a test sample taken from a horse participating in a race, shall consider the classification level of the substance as established referenced in the California Horse Racing Board (CHRB) Penalty Category Listing By Classification (1/07), hereby incorporated by reference, which is based on the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances (4/05). below:

~~CLASS 1: Drug substances not approved by the Food and Drug Administration (FDA) for use or sale in the United States, and drug substances both medicinal and non-medicinal which have high abuse potential. These drug substances include, but are not limited to, stimulant and depressant drug substances, including opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines, and Drug Enforcement Agency Schedule I and Schedule II drugs, listed in Title 21 Code of Federal Regulations, Section 1308.11 and Section 1308.12, respectively, which is hereby incorporated by reference.~~

~~CLASS 2: Drug substances which are pharmacologically active in altering consciousness or the psychic state, or therapeutic drug substances with potential for abuse. These drug substances include, but are not limited to:~~

- ~~a. Opiate partial agonists, or agonist-antagonists.~~
- ~~b. Non-opiate psychotropic drugs.~~
- ~~c. Drug substances which have as their major pharmacological effect stimulation of the central nervous system.~~
- ~~d. Drug substances which have as their major pharmacological effect depression of the central nervous system.~~
- ~~e. Antidepressant and antipsychotic drugs.~~
- ~~f. Neuromuscular blocking agents.~~
- ~~g. Parenteral local anesthetics, excluding procaine.~~
- ~~h. Snake venoms and other biologic substances that may be used as nerve blocking agents.~~

~~CLASS 3: Drug substances whose major pharmacological effects are on the cardiovascular, respiratory and/or autonomic nervous systems. These drug substances include but are not limited to:~~

- ~~a. Bronchodilators.~~
- ~~b. Procaine.~~
- ~~c. Antihistamines that exert an excitatory or depressant action on the central nervous system.~~
- ~~d. Primary vasodilators or hypotensive agents.~~
- ~~e. Cardiac glycosides and antiarrhythmics:~~
  - ~~1. Cardiac glycosides.~~
  - ~~2. Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol).~~
- ~~f. Topical Anesthetics agents not available in injectable formulations.~~

~~CLASS 4: Drug substances which are approved by the FDA for human use, or used under extra-label guidelines as defined by the FDA. These drug substances include, but are not limited to, human-labeled non-steroidal anti-inflammatory agents, antihistamines, and some analgesics.~~

~~a. Non-opiate drug substances which have a mild central analgesic effect.~~

~~b. Drug substances pharmacologically active on the autonomic nervous system, not affecting the central nervous system, cardiovascular, or respiratory systems.~~

~~1. Drug substances used solely as topical vasoconstrictors or decongestants.~~

~~2. Drug substances used as gastrointestinal antispasmodics.~~

~~3. High ceiling and loop diuretics other than those authorized by the CHRB and carbonic anhydrase inhibitors.~~

~~4. Drug substances which have a major pharmacological effect on the central nervous system vasculature or smooth muscle of visceral organs.~~

~~c. Antihistamines whose pharmacological action is mediated by H<sub>1</sub> receptors.~~

~~CLASS 5: Drug substances which have accepted therapeutic use in the horse. These drug substances include, but are not limited to, non-steroidal anti-inflammatory agents approved for equine veterinary use by the FDA, but not authorized by the CHRB.~~

~~a. Expectorants with minimal other pharmacologic action.~~

~~b. Non-steroidal anti-inflammatory drug substances (NSAIDs) approved for veterinary use in the United States, but not authorized by the CHRB.~~

~~CLASS 6: Drug substances which are therapeutically used in the maintenance of the health care of the horse. These drug substances include, but are not limited to, skeletal muscle~~

~~relaxants, mucolytic agents, glucocorticoids, mineralocorticoids, osmotic and thiazide diuretics, anabolic and androgenic steroids, and specific peripheral vasodilators appearing in official test samples, as well as authorized medication exceeding the CHRB's authorized levels as established in Rule 1844(c)(1-4) of this division. ———~~

~~CLASS 7: Drug substances which are routinely used therapeutically to maintain the health of the horse. These drug substances include, but are not limited to, anthelmintic agents other than phenothiazine derivatives, oral adsorbent antidiarrheal agents, antihistamines whose pharmacological action is mediated by H2-receptors, antimicrobial such as sulfonamides, tetracyclines, and anti-fungal agents.~~

Authority: Sections 19580, 19581 and 19582,  
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,  
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4, CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15, VETERINARY PRACTICES  
PROPOSED ADDITION OF  
RULE 1843.3  
PENALTIES FOR MEDICATION VIOLATIONS

Regular Board Meeting  
April 19, 2007

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for violation of Business and Profession Code section 19581, the Board, the Board of Stewards, or the Hearing Officer shall consider the penalties set forth in subsections (e) and (f) of this rule including aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors, which may increase the penalties beyond the minimum.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

- (1) The past record of the licensee in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The steps taken by an owner to safeguard against subsequent violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;

(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found was one for which the horse was receiving treatment as determined by a Confidential Veterinarian Report Form;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

(c) For purposes of this regulation, the Board shall, upon determination that an official pre-or post-race test sample from a horse participating in any race contained any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in this article, consider the classification of the drug substances as referred to in Rule 1843.2 of this division and the California Horse Racing Board's (CHRB) Penalty Categories Listing by Classification, (1/07) hereby incorporated by reference.

(d) If a penalty is administered it shall be greater than the last penalty administered to the licensee for a violation concerning the same class of drug substance pursuant to Business and Professions Code 195829(a) (4).

(e) Penalties for violation of each classification level are as follows:

**CATEGORY “A” PENALTIES**

Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense</b>	<b>3<sup>rd</sup> LIFETIME offense</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum three -year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 100% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner’s stable</b>	<b>3<sup>rd</sup> LIFETIME offense in owner’s stable</b>
<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse may be placed on the veterinarian’s list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse, loss of purse and minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.</u></li> </ul>

## CATEGORY “B” PENALTIES

Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHR B drug classification is categorized as warranting a Category B penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in stable (365-day period)</b>	<b>3<sup>rd</sup> offense in stable (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse in the absence of mitigating circumstances.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse in the absence of mitigating circumstances.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse, loss of purse and minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$20,000.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>

**CATEGORY “B” PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO<sub>2</sub>) TESTING**

Penalties for violations due to exceeding permitted levels of TCO<sub>2</sub> as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>	<b>2<sup>nd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>	<b>3<sup>rd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>
<ul style="list-style-type: none"> <li>Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$1500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>	<b>2<sup>nd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>	<b>3<sup>rd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 37.0mml/l- &lt;39mml/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and \$2,500 fine in the absence of mitigating circumstances.</li> </ul>
<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>	<b>2<sup>nd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>	<b>3<sup>rd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>
<ul style="list-style-type: none"> <li>Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>	<b>2<sup>nd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>	<b>3<sup>rd</sup> offense Total CO<sub>2</sub> (<math>\geq</math> 39.0mml/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.</li> </ul>

**CATEGORY “C” PENALTIES**

Penalties for violations due to the presence of a drug substance in an official pre-or post race sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844, and furosemide as defined in Rule 1845 in an official pre- or post-race samples are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15-day suspension absent mitigating circumstances.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$2,500 and up to a 30-day suspension absent mitigating circumstances</u></li> </ul>

**CATEGORY “C” PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)**

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2), (3). All concentrations are for measurements in serum or plasma.

The Official Veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). After consultation with and permission of the Official Veterinarian the trainer may elect to pay the minimum fine in lieu of a Steward’s hearing. If the trainer has not had an 1844 (c) violation within the previous three years, the Official Veterinarian or the Board of Stewards may issue a warning in lieu of a fine for violations of 1844 (c) (1), phenylbutazone, provided the reported level is below 7.5mcg/ml.

<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Minimum fine of \$500 to a maximum fine of \$1,000</u>	◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500</u>	◦ <u>Minimum fine of \$2,500 to a maximum fine of \$5,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 30 days.</u>
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<u>No penalty administered.</u>	<u>No penalty administered.</u>	<u>No penalty administered.</u>
<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500.</u>	◦ <u>Minimum fine of \$2,500 to a maximum fine of \$5,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 30 days.</u>	◦ <u>Minimum fine of \$5,000 to a maximum fine of \$10,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 60 days.</u>
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.</u>	◦ <u>Loss of purse. If same horse, placed on veterinarian’s list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. The official Veterinarian shall withdraw permission for the trainer to use any NSAID for a period of up to 60 days.</u>	◦ <u>Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 120 days.</u>

(f) Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHRB drug classification is categorized as warranting a Category D penalty, may result in a written warning to the licensed trainer and owner.

(g) Any drug or metabolite thereof found to be present in an official pre- or post-race sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category “A” penalty until classified by the Board.

(h) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the filing of a Confidential Veterinarian Report form as described in Rule 1842 of this division.

(i) Any licensed veterinarian, owner or other licensee found to be responsible for the administration of any drug resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case. For purposes of this regulation owner means the individual owner (s) or entity that owns the horse from which the official pre-or post race test sample was taken. Any penalty for a violation will be imposed upon the entity owning the horse.

- (1) Any veterinarian found to be involved in the administration of any drug in Penalty Category “A” shall be referred to the California Veterinary Medical Board for consideration of further disciplinary action and not be allowed to practice at any California racetrack, indefinitely.
- (2) Any veterinarian found to be involved in the administration of any drug in Penalty Category “B” or “C” may be referred to the California Veterinary Medical Board for consideration of further disciplinary action upon the recommendation of the Equine Medical Director or hearing officers.

(j) Any licensee found to be in violation of state criminal statutes may be referred to the appropriate law enforcement agency.

(k) A licensed trainer who is suspended because of a medication violation is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(l) For the purposes of this section, licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, the suspended trainer shall forfeit all stall space assigned them and shall remove from the inclosures all advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19461, 19580, 19581 & 19582,  
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 & 19582,  
Business and Professions Code.

Section 11425.50,  
Government Code.



April 9, 2007

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**Re: TOC Comments on Proposed New Rule 1843.3 -  
Penalties for Medication Violations imposed on Owners**

Dear Mr. Coburn:

Pursuant to the Office of Administrative Law's procedures for the public comment period, the Thoroughbred Owners of California ("TOC") is pleased to submit its position on, and proposed revisions to, Rule 1843.3 Penalties for Medication Violations imposed on *Owners*.

The TOC Medication & Integrity Committee, chaired by TOC Vice Chair Marsha Naify, conducted its own diligence and held many deliberations over the last several months. Throughout this process we have been guided by the Committee's mission statement:

*The Medication and Integrity Committee of the TOC is dedicated to preserving the overall well being of the horse. It is also our duty to provide owners with the tools and training necessary to interact more effectively with veterinarians, trainers and other track personnel. Our mission is to protect the integrity of the sport, the health of the horse, the rights and interests of the owner and the safety of all involved.*

In the course of our diligence, three primary factors, among several others, shaped our position: (1) only one *major* racing jurisdiction – Kentucky – has implemented the Racing Medication & Testing Consortium's ("RMTC") model penalty guidelines (adjusted with milder penalties) to date; (2) California risks its competitiveness to retain/attract Owner investment if it were to have significantly greater Owner penalties relative to other major racing jurisdictions; and, (3) increasing the accountability of licensees – other than solely the trainer – is still achievable with revisions to proposed Rule 1843.3, as presented herein.

**Based on our findings, the TOC Board of Directors recommends eliminating all monetary fines to the owner. We feel that the loss of purse, the disqualification of the horse and the other recommended penalties will serve its purpose of putting owners on notice that they need to monitor their stables more closely, and have greater communication with their trainers and veterinarians. We are also proposing to slightly revise the language on suspensions in proposed Rule 1843.3 to eliminate the possibility of any trainers still being able to profit from thoroughbred racing after they have been suspended.**

**TOC Comments on Proposed New Rule 1843.3 - Penalties for Medication Violations on Owners**

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**The Board of Directors feels that these changes are in the best interests of California racing and in the best interests of the rights of the owners.**

**Implementation Status of RMTC Model Penalty Guidelines**

In an effort to standardize rules nationally, RMTC has made significant strides in developing model rules, including penalty guidelines. The next phase of this standardization initiative is the implementation of these guidelines across racing jurisdictions. To date, according to the RMTC, only Kentucky and Virginia have implemented the RMTC's model penalty guidelines, notwithstanding, on a modified format that includes penalties significantly less stringent than those in the RMTC's model. To our knowledge, a few other states are in the process of reviewing these guidelines for their own rules changes.

More importantly, however, several other major racing states are waiting for the RMTC to develop standardized withdrawal times and threshold levels for key medications/drugs before considering implementation of the RMTC penalty guidelines, particularly for owner penalties. It is our understanding this research could be three to five years away. We interpret this as a sign that, despite the RMTC's productive strides to this point, more progress is required in the areas of drug research and enlistment of states to adopt the RMTC's model guidelines (as written) in order to achieve a true, nationally-accepted standardization. As California moves toward adoption of the RMTC's penalty guidelines, TOC invites other states to implement similar, effective guidelines to create a more level national playing field.

**California's Competitive Position**

TOC conducted its own research to understand current penalty guidelines in other major racing jurisdictions and how they compared to the proposed penalty guidelines the CHRB is considering to implement. Accompanying this document are summary charts comparing penalty guidelines between the RMTC's model, the CHRB's proposed Rule 1843.3, and select major racing states: Florida, Illinois, Kentucky, Louisiana, New York, and Pennsylvania.

Based on our findings, we conclude that California would have significantly greater owner penalties – if we were to implement 1843.3 *as is* – as compared to existing rules in the aforementioned states. We believe this disparity would lead us to a greater competitive *disadvantage* in retaining and attracting Owner's investment in this state, especially when considering California's well-known "island effect." Moreover, California's racing industry is already addressing major competitive issues (e.g., out-of-state alternative gaming-supported purses, maintaining viable racing facilities, ADW legislation, etc.) at this time, that it does not need another reason to deter Owners' investment in this state.

**Accountability of Licensees**

TOC recognizes that one of the objectives of implementing Rule 1843.3 is to expand accountability beyond the trainer to other licensees, such as owners and veterinarians. We believe this objective is still achievable with the elimination of Owner fines considering:

- California's proposed penalties would still be significantly more severe than other major racing jurisdictions; Owner's would be subject to:
  - Disqualification and loss of purse
  - Owner's horse placed on vet's list
  - Suspension of license
  - Cost of drug testing

## TOC Comments on Proposed New Rule 1843.3 - Penalties for Medication Violations on Owners

March 30, 2007

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- Legislatures and racing commissions across the country recognize the preponderance of Owners are not involved in the direct, day-to-day care of the horse and have long had the “trainer insurer/responsibility rule” in place recognizing this fact.

Absent fines on Owners, the proposed rules would still be substantial relative to competitor states and continue to demonstrate California’s leadership in developing stronger penalty guidelines.

### Summary of TOC’s Position

TOC recognizes that the RMTC and its members (including the TOC) have undertaken a major initiative to standardize penalty guidelines nationally for the improvement of the sport. We believe it is prudent to approach this initiative in *measured phases* in such a way that would not impair California’s competitive position relative to other states, yet our research shows that only one major racing state (Kentucky) has implemented the RMTC’s model penalty guidelines *on a modified basis with significantly less stringent penalties*.

Nevertheless, we believe that California would be an early-adoption leader by implementing the CHRB’s proposed penalty guidelines – ones that appear to be among the most stringent in the country – with minor modifications to the penalties, including elimination of monetary fines on Owners. As we see further progress in the adoption of the RMTC’s guidelines in other states, California’s stakeholders could reassess its own rules at that time in a measured approach without further risking our ability to maintain Owner investment. To that end, TOC recommends making revisions to the CHRB’s proposed penalty guidelines as presented below in detail.

### Recommended Revisions to Proposed Rule 1843.3 Penalties for Medication Violations

TOC recommends the following revisions to Proposed Rule 1843.3 (a redline version of these revisions in Rule 1843.3 text is attached):

#### *Elimination of Owner Fines*

- Category “A” Penalties – Licensed Owner – 3<sup>rd</sup> Lifetime offense in owner’s stable:

~~“Disqualification of horse and, loss of purse, and minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000.”~~

- Category “B” Penalties – Licensed Owner – 3<sup>rd</sup> offense in stable (365-day period):

~~“Disqualification of horse, and loss of purse in the absence of mitigating circumstances, and minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$20,000.”~~

- Category “B” Penalties for Rule 1843.6 TCO2 Testing – Licensed Owner – 3<sup>rd</sup> offense Total CO2 (=37.0mmol/l – <39mmol/l):

~~“Disqualification of horse, and loss of purse and \$2,500 fine in the absence of mitigating circumstances.”~~

**TOC Comments on Proposed New Rule 1843.3 - Penalties for Medication Violations on Owners**

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- Category “B” Penalties for Rule 1843.6 TCO<sub>2</sub> Testing – Licensed Owner – 3<sup>rd</sup> offense Total CO<sub>2</sub> ( $\geq 39$ mmHg):

“Disqualification of horse; and loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.”

- Category “C” Penalties for Rule 1844, Authorized Medication (C) (1), (2), (3) – Licensed Owner - Phenylbutazone ( $\geq 10.0$  mcg/ml); Flunixin ( $\geq 100$  ng/ml); Ketoprofen ( $\geq 50$  ng/ml) – 3<sup>rd</sup> Offense (365-day period):

“Loss of purse. ~~Minimum \$5,000 fine.~~ If same horse, placed on veterinarian’s list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 120 days.”

*Suspension Language*

- Section 1843.3 (k):

“A licensed trainer who is suspended because of a medication violation is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members, spouses, domestic partners, significant others, employees and/or agents, such as an assistant trainer or anyone else under the employ of the trainer.”

- 1843.3 (l):

“For the purposes of this section, licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, the suspended trainer shall forfeit all stall space assigned them and shall remove from the inclosures all signage, advertisements, training-related equipment, tack, office equipment, and any other property.”

The TOC looks forward to working with the CHRB to adopting these penalty guidelines as recommended.

Respectfully submitted,



Drew J. Couto  
President

Cc: *Richard Shapiro, CHRB Chairman*  
*John Amerman, CHRB Commissioner*  
*John Andreini, CHRB Commissioner*  
*Jesse Choper, CHRB Commissioner*  
*John C. Harris, CHRB Commissioner*  
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*Rick Arthur, D.V.M., CHRB Equine Medical Director*  
*TOC Board of Directors*

CALIFORNIA HORSE RACING BOARD  
TITLE 4, CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15, VETERINARY PRACTICES  
PROPOSED ADDITION OF  
RULE 1843.3  
PENALTIES FOR MEDICATION VIOLATIONS

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for violation of Business and Profession Code section 19581, the Board, the Board of Stewards, or the Hearing Officer shall consider the penalties set forth in subsections (e) and (f) of this rule including aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors, which may increase the penalties beyond the minimum.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

- (1) The past record of the licensee in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The steps taken by an owner to safeguard against subsequent violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;
- (7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found was one for which the horse was receiving treatment as determined by a Confidential Veterinarian Report Form;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

(c) For purposes of this regulation, the Board shall, upon determination that an official pre-or post-race test sample from a horse participating in any race contained any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in this article, consider the classification of the drug substances as referred to in Rule 1843.2 of this division and the California Horse Racing Board's (CHRB) Penalty Categories Listing by Classification, (1/07) hereby incorporated by reference.

(d) If a penalty is administered it shall be greater than the last penalty administered to the licensee for a violation concerning the same class of drug substance pursuant to Business and Professions Code 195829(a) (4).

(e) Penalties for violation of each classification level are as follows:

**CATEGORY “A” PENALTIES**

Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense</b>	<b>3<sup>rd</sup> LIFETIME offense</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum three -year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 100% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner’s stable</b>	<b>3<sup>rd</sup> LIFETIME offense in owner’s stable</b>
<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse may be placed on the veterinarian’s list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse, and minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.</u></li> </ul>

**CATEGORY “B” PENALTIES**

Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension.</u></li> </ul> <p style="text-align: center;"><b><u>AND/OR</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two).</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>May be referred to the Board for any further action deemed necessary by the Board.</u></li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in stable (365-day period)</b>	<b>3<sup>rd</sup> offense in stable (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse in the absence of mitigating circumstances.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse in the absence of mitigating circumstances.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Disqualification of horse and loss of purse and minimum fine of \$5,000 absent in the absence of mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$20,000.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</u></li> </ul> <p style="text-align: center;"><b><u>AND</u></b></p> <ul style="list-style-type: none"> <li>◦ <u>Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</u></li> </ul>

**CATEGORY "B" PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO<sub>2</sub>) TESTING**

Penalties for violations due to exceeding permitted levels of TCO<sub>2</sub> as defined in Rule 1843.6 are as set forth

<b>LICENSED TRAINER:</b>		
<u>1<sup>st</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>	<u>2<sup>nd</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>	<u>3<sup>rd</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>
<ul style="list-style-type: none"> <li>Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$1500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<u>1<sup>st</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>	<u>2<sup>nd</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>	<u>3<sup>rd</sup> offense Total CO<sub>2</sub> (≥ 37.0mm/l- &lt;39mm/l)</u>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse and \$2,500 fine in the absence of mitigating circumstances.</li> </ul>
<b>LICENSED TRAINER:</b>		
<u>1<sup>st</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>	<u>2<sup>nd</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>	<u>3<sup>rd</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>
<ul style="list-style-type: none"> <li>Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<u>1<sup>st</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>	<u>2<sup>nd</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>	<u>3<sup>rd</sup> offense Total CO<sub>2</sub> (≥ 39.0mm/l)</u>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.</li> </ul>

below. All concentrations are for measurements in serum or plasma.

### **CATEGORY “C” PENALTIES**

Penalties for violations due to the presence of a drug substance in an official pre-or post race sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844, and furosemide as defined in Rule 1845 in an official pre- or post-race samples are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15-day suspension absent mitigating circumstances.</u></li> </ul>	<ul style="list-style-type: none"> <li>◦ <u>Minimum fine of \$2,500 and up to a 30-day suspension absent mitigating circumstances</u></li> </ul>

**CATEGORY “C” PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)**

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2), (3). All concentrations are for measurements in serum or plasma.

The Official Veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). After consultation with and permission of the Official Veterinarian the trainer may elect to pay the minimum fine in lieu of a Steward’s hearing. If the trainer has not had an 1844 (c) violation within the previous three years, the Official Veterinarian or the Board of Stewards may issue a warning in lieu of a fine for violations of 1844 (c) (1), phenylbutazone, provided the reported level is below 7.5mcg/ml.

(f) Penalties for violations due to the presence of a drug substance in an official pre- or post-race sample, which CHRB drug classification is categorized as warranting a Category D penalty, may result in a written warning to the licensed trainer and owner.

(g) Any drug or metabolite thereof found to be present in an official pre- or post-race sample that is

<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Minimum fine of \$500 to a maximum fine of \$1,000</u>	◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500</u>	◦ <u>Minimum fine of \$2,500 to a maximum fine of \$5,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 30 days.</u>
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>	<b>Phenylbutazone (5.1-&lt;10.0mcg/ml) Flunixin (50-100 ng/ml) Ketoprofen (11-49 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<u>No penalty administered.</u>	<u>No penalty administered.</u>	<u>No penalty administered.</u>
<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Minimum fine of \$1,000 to a maximum fine of \$2,500.</u>	◦ <u>Minimum fine of \$2,500 to a maximum fine of \$5,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 30 days.</u>	◦ <u>Minimum fine of \$5,000 to a maximum fine of \$10,000. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 60 days.</u>
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ <u>Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.</u>	◦ <u>Loss of purse. If same horse, placed on veterinarian's list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. The official Veterinarian shall withdraw permission for the trainer to use any NSAID for a period of up to 60 days.</u>	◦ <u>Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run. The Official Veterinarian may withdraw permission for the trainer to use any NSAID for a period of up to 120 days.</u>

not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category “A” penalty until classified by the Board.

(h) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the filing of a Confidential Veterinarian Report form as described in Rule 1842 of this division.

(i) Any licensed veterinarian, owner or other licensee found to be responsible for the administration of any drug resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case. For purposes of this regulation owner means the individual owner (s) or entity that owns the horse from which the official pre-or post race test sample was taken. Any penalty for a violation will be imposed upon the entity owning the horse.

- (1) Any veterinarian found to be involved in the administration of any drug in Penalty Category “A” shall be referred to the California Veterinary Medical Board for consideration of further disciplinary action and not be allowed to practice at any California racetrack, indefinitely.
- (2) Any veterinarian found to be involved in the administration of any drug in Penalty Category “B” or “C” may be referred to the California Veterinary Medical Board for consideration of further disciplinary action upon the recommendation of the Equine Medical Director or hearing officers.

(j) Any licensee found to be in violation of state criminal statutes may be referred to the appropriate law enforcement agency.

(k) A licensed trainer who is suspended because of a medication violation is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to,

ensuring that horses are not transferred to licensed family members, spouses, domestic partners, significant others, employees and/or agents, such as an assistant trainer or anyone else under the employ of the trainer.

(l) For the purposes of this section, licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, the suspended trainer shall forfeit all stall space assigned them and shall remove from the inclosures all signage, advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19461, 19580, 19581 & 19582,  
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 & 19582,  
Business and Professions Code.

Section 11425.50,  
Government Code.

**PENALTY GUIDELINES FOR OWNERS  
COMPARISON OF SELECT MAJOR STATES – PART 1**

<b>CATEGORY</b>	<b>RMTC MODEL RULES</b>	<b>CALIFORNIA (PROPOSED 1843.3)</b>	<b>NEW YORK</b>	<b>PENNSYLVANIA</b>	<b>KENTUCKY</b>
<b>CATEGORY A</b>			See "Penalty Guidelines – Additional Notes" below.	See "Penalty Guidelines – Additional Notes" below.	
1st Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 90 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 90 days			-Licensee suspended 0-3 yrs; <b>AND/OR</b> \$5K-\$10K Fine and/or Purse loss. -Horse suspended 0-60 days
2nd Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 120 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 120 days			-Licensee suspended 3-5 yrs; <b>AND/OR</b> \$10K-\$20K Fine and/or Purse loss. -Horse suspended 60-180 days
3rd Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 180 days <b>AND</b> - \$50,000 fine <b>AND</b> - subject to suspension of owners license for a minimum of 90 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 180 days <b>AND</b> - minimum fine of \$10,000 absent mitigating circumstances; aggravating factors could impose a maximum of \$50,000 <b>AND</b> subject to suspension of owners license for a minimum of 90 days			-Licensee suspended 5+ yrs; <b>AND/OR</b> \$20K-\$50K Fine and/or Purse loss. -Horse suspended 180-240 days
<b>CATEGORY B</b>					
1st Offense	- Loss of purse. - Horse must pass exam - Subject to drug testing	- Loss of purse. - Horse must pass exam - Subject to drug testing			-Licensee suspended 0-60 days; <b>AND/OR</b> \$500-\$1K Fine and/or Purse loss. - No horse suspension
2nd Offense	- Loss of purse. - Horse must pass exam - Subject to drug testing	- Loss of purse. - Horse must pass exam - Subject to drug testing			-Licensee suspended 1-6 months; <b>AND/OR</b> \$1K-\$2.5K Fine and/or Purse loss. -Horse suspended 0-60 days
3rd Offense	- Loss of purse <b>AND</b> - \$5,000 fine <b>AND</b>	- Loss of purse <b>AND</b> - minimum fine of \$5,000			-Licensee suspended 2-12 months; <b>AND/OR</b>

CATEGORY	RMTC MODEL RULES	CALIFORNIA (PROPOSED 1843.3)	NEW YORK	PENNSYLVANIA	KENTUCKY
	- Horse placed on vet's list for 45 days	absent mitigating circumstances; aggravating factors could impose a maximum of \$20,000 <b>AND</b> Horse placed on vet's list up to 45 days			\$2.5K-\$5K Fine and/or Purse loss. -Horse suspended 60-180 days
<b>TCO2 (CATEGORY B)</b>		<b>37-39 Millimoles</b>			<b>37 Millimole Limit</b>
1 <sup>st</sup> Offense		Loss of purse		[TCO2 rule cannot be found]	-Licensee suspended 0-3 months; <b>AND/OR</b> \$1.0K-\$1.5K Fine and/or Purse loss. -No Horse suspension
2nd Offense		Loss of purse			-Licensee suspended 3-6 months; <b>AND/OR</b> \$1.5K-\$3.0K Fine and/or Purse loss. -Horse suspended 15-60 days
3rd Offense		Loss of purse <b>AND</b> \$2,500 fine in the absence of mitigating circumstances.			-Licensee suspended 6-12 months; <b>AND/OR</b> \$3K-\$5K Fine and/or Purse loss. -Horse suspended 60-180 days
Subsequent Offenses					-Licensee suspended 1 year - Lifetime; <b>AND/OR</b> Purse loss. -Horse suspended 8 months-1 year
<b>TCO2 (CATEGORY B)</b>		<b>Over 39 Millimoles</b>			
1 <sup>st</sup> Offense		Loss of purse			
2nd Offense		Loss of purse			
3rd Offense		Loss of purse <b>AND</b> Fine ranging from minimum of \$5,000, up to a maximum of \$20,000.			

CATEGORY	RMTC MODEL RULES	CALIFORNIA (PROPOSED 1843.3)	NEW YORK	PENNSYLVANIA	KENTUCKY
<b>TCO2 - OTHER (CATEGORY B)</b>					
TCO2 without <i>furosemide (lasix)</i>			37 mlm limit: Loss of Purse and pre-race quarantine / surveillance		
TCO2 with <i>furosemide (lasix)</i>			39 mlm limit: Loss of Purse and pre-race quarantine / surveillance		
<b>CATEGORY C</b>					
1st Offense		Owner – N/A			-Licensee suspended 0-10 days; <b>AND/OR</b> \$250-\$500 Fine and/or Purse loss.
2nd Offense (within 365 days)		Owner – N/A			-Licensee suspended 10-30 days; <b>AND/OR</b> \$500-\$1K Fine and/or Purse loss.
3rd Offense (within 365 days)		Owner – N/A			-Licensee suspended 30-60 days; <b>AND/OR</b> \$1K-\$2.5K Fine and/or Purse loss.
<b>NSAIDs</b>				The presence of more than one NSAID at any test level is forbidden.	
<b>Phenylbutazone: 5.1-9.9 mcg/ml Flunixin: 21-99ng/ml Ketoprofen 11-49 ng/ml</b>					
1st Offense	Owner – N/A	Owner – N/A			-Licensee suspended 0-5 days; <b>AND/OR</b> \$250-\$500 Fine
2nd Offense (within 365 days)	Owner – N/A	Owner – N/A			-Licensee suspended 0-10 days; <b>AND/OR</b> \$500-\$1K Fine
3rd Offense (within 365 days)	Owner – N/A	Owner – N/A			-Licensee suspended 0-15 days; <b>AND/OR</b> \$1K-\$2.5K Fine and/or Purse loss.
<b>Phenylbutazone: ≥ 10.0 mcg/ml</b>					

CATEGORY	RMTC MODEL RULES	CALIFORNIA (PROPOSED 1843.3)	NEW YORK	PENNSYLVANIA	KENTUCKY
Flunixin: ≥ 100 ng/ml Ketoprofen: ≥ 50 ng/ml					
1st Offense	- Loss of purse AND - Horse must pass exam	- Horse must pass examination before being eligible to run.			-Licensee suspended 0-10 days; AND/OR \$250-\$500 Fine and/or Purse loss.
2nd Offense (within 365 days)	- Loss of purse AND - Horse placed on vet's list for 45 days	- Loss of purse. - Horse placed on vet's list up to 45-days. - May ban NSAID use up to 60 days			-Licensee suspended 10-30 days; AND/OR \$500-\$1K Fine and/or Purse loss.
3rd Offense (within 365 days)	- Loss of purse AND - Min. \$5,000 fine - Horse placed on vet's list for 60 days	- Loss of purse - Min. \$5,000 fine - Horse placed on vet's list up to 60-days. - May ban NSAID use up to 120 days			-Licensee suspended 30-60 days; AND/OR \$1K-\$2.5K Fine and/or Purse loss.
<b>CATEGORY D</b>					
1st Offense	Written warning.	Written warning.			Written warning.
Multiple Offenses					-Licensee suspended 0-5 days; AND/OR \$0-\$250 Fine
<b>OTHER</b>					
<b>Penalties</b>			See "Penalty Guidelines – Additional Notes" below.	See "Penalty Guidelines – Additional Notes" below.	See "Penalty Guidelines – Additional Notes" below.
<b>Veterinarian Penalties</b>	- Any vet found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or	- Any vet found to be involved in the administration of any drug in Penalty Category "A" shall be referred to the CVMB for further disciplinary action and not be allowed to practice at any California racetrack, indefinitely. - Any vet found to be involved in the administration of any drug in Penalty Category "B" or "C"			

CATEGORY	RMTC MODEL RULES	CALIFORNIA (PROPOSED 1843.3)	NEW YORK	PENNSYLVANIA	KENTUCKY
	the commission.	may be referred to the CVMB for further disciplinary.			

### Penalty Guidelines – Additional Notes

**New York:** Rules are structured such that different groups of drugs may not be administered 24 hours / 48 hours / 96 hours / or 1 week prior to post time ; no specific threshold numbers are specified.

#### **Results of disqualification (Rule 4042.4)**

- (a) Persons denied admission to tracks.
- (b) Persons barred from racing.
- (c) **Horses suspended.** All horses in the charge of a trainer whose license has been revoked or has been suspended, whether temporarily for investigation or otherwise, shall be automatically suspended from racing during the period of the trainer's exclusion or suspension. Permission may be given by the stewards for the transfer of such horses to another trainer during such period, and upon such approval such horses shall again be eligible to race.

#### **Disqualification (Rule 4043.5)**

**A horse**, in respect to which there has been any violation of the prohibitions contained in this Part or Part 4012 of this Subchapter, or from which a sample has resulted in a positive test, **may be disqualified from the race and from any share of the purse in the race.**

- Pennsylvania:**
1. Action may take the form of a fine, suspension, fine and suspension, revocation of license or ruling off for life.
  2. **Penalties MAY include:**
    - (i) Suspension of license
    - (ii) Fines not exceeding \$5,000 per violation.
    - (iii) Suspension from one or more activities at one or more tracks.
    - (iv) Expulsion from racing in the State.
    - (v) Purse forfeiture.
    - (vi) Other penalties permitted that appear appropriate to the Commission or stewards
  3. Any licensee in violation of the rules shall be subject to disciplinary action commensurate with the offense committed.
  4. Though "Owners" not specified, penalties may be exacted from all persons, whether licensed or not.

- Kentucky:**
1. The Authority has the authority to suspend or revoke the license of an owner, trainer, veterinarian, or other licensee.
  2. Penalties apply to "licensees." Owners not specified, except for "Owner's horse."
  3. The licensee whose licensing privileges may be suspended, and the Authority may enter into an **agreement to mitigate the suspension by agreeing to any or all of the following actions: a. Payment of a fine; and/or b. Forfeiture of purse money won.**

### Trainer Responsibility Rule

**RCI Model** The trainer is responsible for the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug.

- Rules:** medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a Commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible. A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.
- California:** 1894. Duties of Trainer. Trainers are responsible for the condition of horses in their care and are presumed to know the rules. A trainer represents the owner relative to horses which he is training in the matter of entries, declarations, and the naming of jockeys or drivers, unless the owner notifies the stewards in writing to the contrary. A trainer is responsible for the timely attendance of his horse at the receiving barn and paddock and he shall attend his horse in the paddock and be present to supervise the saddling except when relieved of such duty by the stewards. No trainer shall delegate or sublet his duties as a trainer except as provided in this article, nor shall a trainer have any interest in the earnings, winnings, or bonuses of any other trainer.
- New York:** 4043.4. Trainer's responsibility. A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start or permit a horse in his custody, care or control to be started if he knows, or he might have known or have cause to believe, that the horse has received any drug or other restricted substance that could result in a positive test. **The trainer shall be held responsible for any positive test unless he can show by substantial evidence that neither he nor any employee nor agent was responsible for the administration of the drug or other restricted substance.** Every trainer must guard each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person, whether or not employed by or connected with the owner or trainer, from administering any drug or other restricted substance to such horse contrary to this Part.
- Pennsylvania:** **The owner, trainer, groom or other person who is charged with the responsibility of the horse shall protect the horse** against the administration or attempted administration, either internally or externally, of a drug to the horse. If the stewards determine that an owner, trainer, groom or other person has failed to protect the horse they may immediately **suspend the trainer, groom or other person** and refer the matter to the Commission for final disposition.
- Kentucky:** 810 KAR 1:008. Trainers. Section 3. Duties and Responsibilities. **A licensed trainer shall bear primary responsibility for the proper care, health, training condition, safety, and protection against the administration of prohibited drugs or medication of horses in his charge. A licensed trainer:...(4) Shall bear primary responsibility for horses he enters as to eligibility; weight allowance claimed; physical fitness to perform creditably at the distance entered; absence of prohibited drugs or medications; proper shoes, bandages, and equipment; and timely arrival in the saddling paddock. A licensed trainer shall be jointly responsible with the licensed owner for horses he enters as to stakes payments and jockey fees due.**

### Suspension of Horses

- New York:** Horses suspended. All horses in the charge of a trainer whose license has been revoked or has been suspended, whether temporarily for investigation or otherwise, shall be automatically suspended from racing during the period of the trainer's exclusion or suspension. Permission may be given by the stewards for the transfer of such horses to another trainer during such period, and upon such approval such horses shall again be eligible to race.
- Pennsylvania:** Suspension of horses. Horses suspended under this section, in which the person suspended or ruled off holds an interest, aside from the trainer's percentage, in order to be eligible for reinstatement shall be sold, the sale subject to the approval of the stewards at the track where the horses are to be entered to race. Horses trained by a suspended person, in which he has no interest, are automatically reinstated when placed in the hands of a licensed trainer and the transfer is approved by the stewards of a meeting and the Commission.

**PENALTY GUIDELINES FOR OWNERS  
COMPARISON OF SELECT MAJOR STATES - PART 2**

<b>CATEGORY</b>	<b>RMTC MODEL RULES</b>	<b>CALIFORNIA (PROPOSED RULE 1843.3)</b>	<b>FLORIDA</b>	<b>LOUISIANA</b>	<b>ILLINOIS</b>
<b>CATEGORY A</b>			<b>CLASS 1 (RCI)</b>	<b>CLASS 1 (RCI)</b>	<b>N/A</b>
1st Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 90 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 90 days	Owner - N/A	- Potential loss of purse. (any time offense; see additional notes below)	
2nd Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 120 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 120 days	Owner - N/A		
3rd Offense	- Loss of purse. <b>AND</b> - Horse shall be placed on vet's list up to 180 days <b>AND</b> - \$50,000 fine <b>AND</b> - subject to suspension of owners license for a minimum of 90 days	- Loss of purse. <b>AND</b> - Horse may be placed on vet's list up to 180 days <b>AND</b> - minimum fine of \$10,000 absent mitigating circumstances; aggravating factors could impose a maximum of \$50,000 <b>AND</b> subject to suspension of owners license for a minimum of 90 days	Owner - N/A		
<b>CATEGORY B</b>			<b>CLASS 2 (RCI)</b>	<b>CLASS 2 (RCI)</b>	<b>N/A</b>
1st Offense	- Loss of purse. - Horse must pass exam - Subject to drug testing	- Loss of purse. - Horse must pass exam - Subject to drug testing	Owner - N/A	- Potential loss of purse. (any time offense; see additional notes below)	
2nd Offense	- Loss of purse. - Horse must pass exam - Subject to drug testing	- Loss of purse. - Horse must pass exam - Subject to drug testing	Owner - N/A		
3rd Offense	- Loss of purse <b>AND</b> - \$5,000 fine <b>AND</b> - Horse placed on vet's list for 45 days	- Loss of purse <b>AND</b> - minimum fine of \$5,000 absent mitigating circumstances; aggravating factors could impose a maximum of \$20,000 <b>AND</b> Horse placed on vet's list up to 45 days	Owner - N/A		

<b>CATEGORY</b>	<b>RMTC MODEL RULES</b>	<b>CALIFORNIA (PROPOSED RULE 1843.3)</b>	<b>FLORIDA</b>	<b>LOUISIANA</b>	<b>ILLINOIS</b>
<b>TCO2 (CATEGORY B)</b>		<b>37-39 Millimoles</b>		<b>36 Millimoles</b>	
1 <sup>st</sup> Offense		Loss of purse	Owner – N/A	-Potential loss of Purse	- Horse placed on stewards list or subject to pre-race quarantine (6.5 hours) for 60-90 days.
2nd Offense		Loss of purse	Owner – N/A	-Potential loss of Purse	- Horse placed on stewards list or subject to pre-race quarantine (6.5 hours) for 180 days.
3rd Offense		Loss of purse <b>AND</b> \$2,500 fine in the absence of mitigating circumstances.	Owner – N/A	-Potential loss of Purse	- Horse placed on stewards list or subject to pre-race quarantine (6.5 hours) for 180 days.
Subsequent Offenses				-Potential loss of Purse	
<b>TCO2 (CATEGORY B)</b>		<b>Over 39 Millimoles</b>			
1 <sup>st</sup> Offense		Loss of purse			
2nd Offense		Loss of purse			
3rd Offense		Loss of purse <b>AND</b> Fine ranging from minimum of \$5,000, up to a maximum of \$20,000.			
<b>CATEGORY C</b>			<b>CLASS 3 (RCI)</b>	<b>CLASS 3 (RCI)</b>	<b>N/A</b>
1st Offense		Owner – N/A	Owner – N/A	- Potential loss of purse. (any time offense; see additional notes below)	
2nd Offense (within 365 days)		Owner – N/A	Owner – N/A		
3rd Offense (within 365 days)		Owner – N/A	Owner – N/A		
<b>NSAIDs</b>					
<b>Phenylbutazone: 5.1-9.9 mcg/ml Flunixin: 21-99ng/ml Ketoprofen</b>			<b>Phenylbutazone: 5.1-7.9 mcg/ml Flunixin: n/a Ketoprofen: n/a</b>		

<b>CATEGORY</b>	<b>RMTC MODEL RULES</b>	<b>CALIFORNIA (PROPOSED RULE 1843.3)</b>	<b>FLORIDA</b>	<b>LOUISIANA</b>	<b>ILLINOIS</b>
<b>11-49 ng/ml</b>					
1st Offense	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A
2nd Offense (within 365 days)	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A
3rd Offense (within 365 days)	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A	Owner – N/A
<b>Phenylbutazone: ≥ 10.0 mcg/ml Flunixin: ≥ 100 ng/ml Ketoprofen: ≥ 50 ng/ml</b>			<b>Phenylbutazone: ≥ 8.0 mcg/ml Flunixin: n/a Ketoprofen: n/a</b>		
1st Offense	- Loss of purse <b>AND</b> - Horse must pass exam	- Horse must pass examination before being eligible to run.	Owner – N/A	Owner – N/A	Owner – N/A
2nd Offense (within 365 days)	- Loss of purse <b>AND</b> - Horse placed on vet’s list for 45 days	- Loss of purse. - Horse placed on vet’s list up to 45-days. - May ban NSAID use up to 60 days	Owner – N/A	Owner – N/A	Owner – N/A
3rd Offense (within 365 days)	- Loss of purse <b>AND</b> - Min. \$5,000 fine - Horse placed on vet’s list for 60 days	- Loss of purse - Min. \$5,000 fine - Horse placed on vet’s list up to 60-days. - May ban NSAID use up to 120 days	Owner – N/A	Owner – N/A	Owner – N/A
<b>CATEGORY D</b>			<b>CLASSES 4 &amp; 5 (RCI)</b>	<b>CLASSES 4 &amp; 5 (RCI)</b>	<b>N/A</b>
1st Offense	Written warning.	Written warning.	Owner – N/A	- Purse may be redistributed on referral to the commission at its discretion. - Potential loss of purse. (see additional notes below)	
<b>OTHER</b>					

CATEGORY	RMTC MODEL RULES	CALIFORNIA (PROPOSED RULE 1843.3)	FLORIDA	LOUISIANA	ILLINOIS
Penalties			FL adheres to a strict "Trainer Insurer" rule. Rules do NOT stipulate specific penalties on Owners. (See additional penalty notes below.)	See "Penalty Guidelines – Additional Notes" below.	
Veterinarian Penalties	- Any vet found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission.	- Any vet found to be involved in the administration of any drug in Penalty Category "A" shall be referred to the CVMB for further disciplinary action and not be allowed to practice at any California racetrack, indefinitely. - Any vet found to be involved in the administration of any drug in Penalty Category "B" or "C" may be referred to the CVMB for further disciplinary.			- If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the Veterinarian shall be subject to the same penalties as imposed on the Trainer.

#### Penalty Guidelines – Additional Notes

**Florida:** Florida still regulates medication violations using the "Uniform Classification Guidelines for Foreign Substances" as promulgated by the RCI; i.e., Class 1-5 drugs with fines ranging from \$100 - \$5,000 (maximum by law), or suspension or revocation of license **imposed specifically on the TRAINER.**

**[Per Kent Sterling, Florida HBPA]** "I've had very little feedback on owner penalties, because I have not exposed my board to it in detail. **I have no plans to even consider adoption until such time as the RMTC makes it clear that there will be 47 thresholds on therapeutic medications and several for environmental contaminants established over the next few years.** With those in place, then I don't think the penalties unfair, even for owners. The only serious owner penalty that I recall is for a third class A violation, and I think an owner should use better judgement than to employ that kind of trainer/s."

**Louisiana:** Louisiana still regulates medication violations using the "Uniform Classification Guidelines for Foreign Substances" as promulgated by the RCI; i.e., Class 1-5 drugs.

Penalty guidelines do not specify "Owners," and appear to be directed solely, if not predominately, on Trainers due to the "Trainer Insurer/Responsibility" rule. However, there is some ambiguity in the rules provided by the following rule:

**[§1727] Drug Which Affects Performance; Guarding Horse:** A. No person shall administer, or cause or knowingly permit to be administered, or connive at the administration of any drug not permitted by Chapter 15 to any horse to be entered or entered for a race. **Every owner, trainer or groom must guard, or cause to be guarded, each horse owned, trained or attended by him in such manner as to prevent any person or persons from administering to the horse, by any method, any drug, not permitted by Chapter 15.**

Nevertheless, penalty guidelines apparently directed on Trainers are as follows:

1. Class I: suspension of license for a period of not less than one year and not more than five years and a fine of \$5,000. The purse shall be redistributed.
2. Class II: suspension of license for a period of not less than six months and not more than one year and a fine of not less than \$1,500 and not more than \$2,500. The purse shall be redistributed.
3. Class III: suspension of license for a period of not less than sixty days and not more than six months and/or a fine of not more than \$1,500. The purse shall be redistributed.
4. Classes IV and V: the trainer may be suspended for a period not more than 60 days and a fine of not less than \$500 nor more than \$1,500, or both, depending on the severity and number of violations occurring within a 12-month period. The purse may be redistributed on referral to the commission at its discretion.
  - a. On ordinary violation(s) of Classes IV or V within a 12-month period the trainer shall be fined \$500 on the first violation; \$1,000 on the second violation; \$1,000 on the third and subsequent violations and referred to the commission.
  - b. On extraordinary violation(s) of Classes IV or V in a manner that might affect the performance of a horse within a 12-month period the trainer shall be fined \$1,000 on the first offense; \$1,000 and referred to the commission for further action on second and subsequent violations.
  - c. On gross violation(s) of Classes IV or V in a manner that intends to affect the performance of a horse the trainer shall be fined not less than \$1,000 and referred to the commission for further action.

**Louisiana:** Penalties specifically imposed on Trainers, not owners.

#### **Trainer Responsibility Rule**

**RCI Model Rules:** The trainer is responsible for the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a Commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible. A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

**California:** 1894. Duties of Trainer. Trainers are responsible for the condition of horses in their care and are presumed to know the rules. A trainer represents the owner relative to horses which he is training in the matter of entries, declarations, and the naming of jockeys or drivers, unless the owner notifies the stewards in writing to the contrary. A trainer is responsible for the timely attendance of his horse at the receiving barn and paddock and he shall attend his horse in the paddock and be present to supervise the saddling except when relieved of such duty by the stewards. No trainer shall delegate or sublet his duties as a trainer except as provided in this article, nor shall a trainer have any interest in the earnings, winnings, or bonuses of any other trainer.

**Florida:** **The trainer of record is the absolute insurer of the condition of an animal he or she enters to race.** Consequently, when evidence of the presence of an impermissible substance, or substances, is presented either to the Division or to a panel of stewards or judges, the division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties in accordance with the class of impermissible substance. Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 550.1155, F.S.

**Louisiana:** A trainer is responsible for the condition of each horse trained by him.

**Illinois:** Trainer Responsibility (Section 603.50): (a) Each trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of this Part; (b) Each trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to

administer, and that are administered by his/her veterinarian. (c) Each trainer has the duty to have each horse trained by him/her in its assigned security stall in accordance with 11 Ill. Adm. Code 436.

Trainer Responsibility (Section 1410.70): A trainer shall at all times be responsible for the condition of his horse, and for the protection of his horse against fraudulent practices, including administration of prohibited drugs by any persons.

**CALIFORNIA HORSE RACING BOARD**

**APRIL 19, 2007**  
**REGULAR BOARD MEETING**

**There is no board package material for item 5**

STAFF ANALYSIS  
PROPOSED AMENDMENT OF  
RULE 1486. TERM OF LICENSE

Regular Board Meeting  
April 19, 2007

**BACKGROUND**

Business and Professions (B&P) Code Section 19440 provides the Board shall license all persons, other than the public at large, who participate in a horse racing meeting with pari-mutuel wagering. B&P Code Section 19510 states no person required to be licensed may participate in any capacity in any horse race meeting without a valid and unrevoked license. B&P Code Section 19520 states every person not required to be licensed under Article 4 who participates in, or has anything to do with, the racing of horses shall be licensed by the Board pursuant to the rules and regulations the Board may adopt. B&P Code Section 19521 provides that an original license issued pursuant to this article shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period, not to exceed three years, which the Board may, by regulation, establish. B&P Code Section 19704 states the Board shall issue licenses for mule racing. The license shall be limited to mule races only. Board Rule 1486, Term of License, states every original occupational license for groom, stable employee, stable assistant and mule racing participant expires in the calendar year in which they are issued. Original licenses shall be automatically extended to expire on the last day of the birth month of the licensee, and renewal licenses shall expire on the last day of the birth month of the licensee on an annual basis. At the February 2007 Regular Board Meeting a proposal to add a new class of license for "backstretch event personnel" was heard. The proposal would add the license class to Board Rule 1481, Occupational Licenses and Fees. The new class of license would expire on an annual basis, which makes it necessary to add it to Rule 1486, the rule that describes the term of such "one-year" licenses.

**ANALYSIS**

The proposal to amend Rule 1486 would add "backstretch event personnel" to those classes of license whose term is one year. As with the other classes of occupational license under Rule 1486, the initial license would expire on the last day of the year in which it is issued, and would automatically be extended to the last day of the birth month of the licensee in the following year. Each subsequent license would expire on the licensee's birth date.

**RECOMMENDATION**

Staff recommends the Board direct staff to initiate a 45-day public comment period.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 4. OCCUPATIONAL LICENSES  
PROPOSED AMENDMENT OF  
RULE 1486. TERM OF LICENSE

Regular Board Meeting  
April 19, 2007

1486. Term of License.

(a) Every occupational license, original or renewal, granted by the Board under this Article, other than a license as a groom, stable employee, stable assistant and mule racing participant shall expire in its third year on the last day of the birth month of the licensee.

(b) Every original occupational license as groom, stable employee, stable assistant, backstretch event personnel and mule racing participant shall expire on the last day of the calendar year in which it is issued. Such original license shall be automatically extended to expire on the last day of the birth month of the licensee. Renewal licenses shall expire on the last day of the birth month of the licensee on an annual basis.

Authority: Sections 19440 and 19704,  
Business and Professions Code.

Reference: Sections 19510, 19520, 19521 and 19704,  
Business and Professions Code.

STAFF ANALYSIS  
PROPOSED AMENDMENT OF  
RULE 1978. SELECT FOUR

Regular Board Meeting  
April 19, 2007

## BACKGROUND

Business and Professions (B&P) Code Section 19420 provides that the Board shall have jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. B&P Code Section 19440 states the Board shall have all powers necessary and proper to enable it to adopt rules and regulations for the protection of the public and the control of horse racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. The proposed amendment is based on the recommendations submitted by the National Thoroughbred Racing Association (NTRA) Players Panel (Panel). The Panel is an advisory body charged with making policy recommendations of importance to bettors. In issuing policy recommendations the Panel in 2004 wrote that "when late scratches occur in the Pick Three and Pick Four wagering, after wagering pools have opened, most jurisdictions arbitrarily transfer the combinations that include the scratched horse to the betting favorites. The practice is patently and irredeemably unfair to bettors." The Panel recommended: "Where late scratches occur in the first leg, refund all monies for the combinations that include the scratched horse(s) (and) where late scratches occur in the middle and final legs, provide consolation payoffs to the bettors that have combined the scratched horses with the winners in the other legs, similar to traditional procedures applied to late scratches in Daily Doubles."

In 2005 the Board considered the Player's Panel recommendation to amend Rule 1977 (Pick Three) and adopted a proposal to eliminate the substitution of the favorite for the scratched horse and to provide for refunds and/or consolation pools for scratched horses. It was particularly important to amend the Pick Three rule because totalizator programming does not support the selection of alternates for scratched horses in the Pick Three, whereas in the Pick Four and other wagers involving four or more legs, bettors do have the option of designating an alternate to replace a scratched horse. This option for the selection of alternates is contained in Rule 1976.8 [Place Pick (n)] and 1976.9 (Pick (n) Pool). However, this language was not added to Rule 1978 (Select Four). Accordingly, associations wishing to provide the option of alternate selections for the Pick Four have been utilizing 1976.9 (Pick (n) Pool). The proposed amendment to Rule 1978, Pick Four is consistent with the Pick Three amendment adopted by the Board in 2005.

## ANALYSIS

The proposed amendment of Rule 1978 eliminates the practice of substituting the off-time favorite for a horse scratched from any leg of the Select Four prior to the running of the first leg. The association may then allow patrons the option of selecting an alternate wagering interest. If an alternate wagering interest is not selected all wagers containing such horse(s) shall be subject to the refund/consolidation-pool requirements of the Select Four.

## RECOMMENDATION

Staff recommends the Board direct staff to initiate a 45-day public comment period.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 18. PARI-MUTUEL WAGERING  
PROPOSED AMENDMENT OF  
SECTION 1978. SELECT FOUR

Regular Board Meeting  
April 19, 2007

1978. Select Four.

(a) The Select Four pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalizator board, nor to the rules governing the distribution of such other pools.

(b) A valid Select Four ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of Select Four provisions and rules contained in ~~A~~article 18.

(c) A Select Four may be given a distinctive name to be selected by the association conducting such races, such as "PICK 4", subject to the approval of the Board.

(d) The Select Four pari-mutuel pool consists of amounts contributed for a selection for win only in each of four races designated by the association with the approval of the Board. Each person purchasing a Select Four ticket shall designate the winning horse in each of the four races comprising the Select Four.

(e) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Select Four shall race as a single wagering interest for the purpose of the Select Four pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Select Four calculation, and the selection shall not be deemed a scratch.

(f) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all four races comprising the Select Four.

(g) If a ticket in any race compromising the Select Four designates a selection that was scratched, excused or determined by the Stewards to be a nonstarter in the race, the association may allow patrons the option of selecting an alternate wagering interest. The alternate betting interest will be substituted for the nonstarting selection for all purposes.

(h) If no ticket is sold combining the four winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winners of any three of the four races comprising the Select Four.

(i) If no ticket is sold combining at least three winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any two races comprising the Select Four.

(j) If no ticket is sold combining at least two winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any one race comprising the Select Four.

(k) If no ticket is sold that would require distribution of the Select Four pool to a winner under this rule, the association shall make a complete and full refund of the Select Four pool.

(l) If for any reason one of the races comprising the Select Four is cancelled, the net amount of the pari-mutuel pool shall be distributed as provided above in subsections (g), (h), (i) and (j).

(m) If for any reason two or more of the races comprising the Select Four is cancelled, a full and complete refund will be made of the Select Four pool.

(n) ~~In the event a Select Four ticket designates a selection in any one or more of the races comprising the Select Four and that selection is scratched, excused or determined by the Stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered~~

in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payouts. In the event a ticket in any race compromising the Select Four does not designate an alternate wagering interest the following conditions will apply. If a wagering interest is scratched (which hereinafter includes being excused or declared a non-starter) from any leg of the Select Four prior to the running of the first leg, all wagers containing such scratched wagering interest shall be refunded.

(o) If a wagering interest is scratched from the second leg after the start of the first leg, a consolation payout shall be computed for those wagers combining the winners of the first, third and fourth legs with such scratched horse(s) as follows: The amount represented by wagers on combinations involving horse(s) scratched from the second leg shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winners of the first, third and fourth legs with horse(s) scratched from the second leg.

(p) If a wagering interest is scratched from the third leg after the start of the second leg, a consolation payout shall be computed for those wagers combining the winners of the first, second and fourth legs with such scratched horse(s) as follows: The amount represented by wagers on combinations involving horse(s) scratched from the third leg shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winners of the first, second and fourth legs with horse(s) scratched from the third leg.

(q) If a wagering interest is scratched from the fourth leg after the start of the third leg, a consolation payout shall be computed for those wagers combining the winners of the first, second and third legs with such scratched horse(s) as follows: The amount represented by wagers on combinations involving horse(s) scratched from the fourth leg shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among

tickets combining the winners of the first, second and third legs with horse(s) scratched from the fourth leg.

(r) If wagering interests are scratched from the second, third and fourth legs after the start of the first leg, a consolation payout shall be computed for those wagers combining the winner of the first leg with horse(s) scratched from the second, third and fourth legs as follows: The amount wagered on the winner of the first leg combined with all other horse(s) scratched from the second, third and fourth legs shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winner of the first leg with horse(s) scratched from the second, third and fourth legs.

(s) ~~(r)~~ In the event of a dead heat for win between two or more horses in any Select Four race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(t) ~~(s)~~ No pari-mutuel ticket for the Select Four pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the four races comprising the Select Four, except for such refunds on Select Four tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Select Four pool or the number or amount of tickets selecting winners of Select Four races until such time as the Stewards have determined the last race comprising the Select Four to be official. Notwithstanding the above, at the conclusion of the third of the four races comprising the Select Four, an association may with the approval of the Board display potential distribution to ticket holders depending upon the outcome of the fourth race of the Select Four.

Authority: Sections 19420, 19440 and 19590,  
Business and Professions Code.

Reference: Section 19590,  
Business and Professions Code.

STAFF ANALYSIS  
PROPOSED ADDITION OF  
ARTICLE 10.5. MULE RACING  
AND  
RULE 1747. MULE RACING RULES  
AND  
RULE 1748. SHOEING MULES

Regular Board Meeting  
April 19, 2007

BACKGROUND

Business and Professions (B&P) Code Section 19440 provides that the Board shall have all powers necessary and proper for it to carry out the purposes of Chapter 4, B&P Code. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19703 states the Board, in cooperation with American Mule Association representatives, shall adopt rules governing, permitting, and regulating mule racing and wagering on the races under the pari-mutuel system. The American Mule Racing Association (AMRA), which is the recognized breed registry organization for mules, recently amended its Professional AMRA Racing Rules. Among its recommendations is a rule that allows mules to race without shoes. This is contrary to Board Rule 1853, Examination Required, which states that no horse shall be eligible to start in a race if it is found to be improperly shod. In addition, Rule 1402, Controlling Authority, states the rules of the Board supersede the conditions of a race meeting and govern mule racing. The AMRA has requested an exemption to Rule 1853 so unshod mules can run in California. In requesting a waiver to Rule 1853, the AMRA stated shoeing mules is very difficult, and usually requires that the mule be tranquilized. However, a tranquilized mule cannot be entered to race. The AMRA also claims mules prefer to run "barefoot."

ANALYSIS

The Board currently promulgates Articles and regulations that are unique to harness and quarter horse racing; however, there are no regulations that address conditions specific to mule racing. While mule races may be run according to AMRA rules, those rules are superseded by the Board's regulations. The proposed addition of Article 10.5, Mule Racing, will add an Article to the Board's rules and regulations that exclusively addresses mules. The proposed addition of Rule 1747, Mule Racing Rules, will make it clear that mule races must still adhere to the Board's regulations, in general, but if there were a condition unique to mules, it would be placed under Article 10.5. The proposed addition of Rule 1748, Shoeing Mules, will allow mules to run unshod. If a mule does run "barefoot" it must be printed in the racing program, or announced over the public address system prior to the race in which such mule runs.

RECOMMENDATION

The Board may wish to hear from an AMRA representative. Staff recommends the Board instruct staff to initiate a 45-day public comment period.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 10.5. MULE RACING  
PROPOSED ADDITION OF  
RULE 1747. MULE RACING RULES.

Regular Board Meeting  
April 19, 2007

1747. Mule Racing Rules.

The mule racing rules in this article shall apply to mule races in addition to other rules in this division.

Authority: Sections 19440 and 19703,  
Business and Professions Code.

Reference: Sections 19440 and 19703,  
Business and Professions Code.

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CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 10.5. MULE RACING  
PROPOSED ADDITION OF  
RULE 1748. SHOERING MULES

Regular Board Meeting  
April 19, 2007

1748. Shoeing Mules.

A mule that is not shod is eligible to start in a race provided the mule's "barefoot" participation in such race is printed in the racing program or announced over the public address system prior to the start of the race in which the mule participates.

Authority: Sections 19420 and 19703,  
Business and Professions Code.

Reference: Section 19703,  
Business and Professions Code.

**CALIFORNIA HORSE RACING BOARD**

**APRIL 19, 2007**  
**REGULAR BOARD MEETING**

**There is no board package material for item 9**

STAFF ANALYSIS  
DISCUSSION REGARDING  
STATUS OF RETIREMENT FARMS  
FOR  
HORSES THAT HAVE RETIRED FROM RACING

Regular Board Meeting  
April 19, 2007

BACKGROUND

Concerned individuals and institutions play a vital role in the care of retired racehorses. There are a number of organizations across the United States dedicated to the care of retired racehorses. On the East Coast retirement farms operate under the auspices of the Thoroughbred Retirement Foundation. On a national level the National Thoroughbred Racing Association Charities serves as a clearinghouse of information for people interested in adopting racehorses throughout the country, and the Thoroughbred Adoption and Retirement Association has been established to apply and monitor standards of accreditation to thoroughbred and retirement organizations. California's racehorse retirement organizations include: Glen Ellen Vocational Academy (GEVA), Inc. at Glen Ellen Farms; The Exceller Fund, Tranquility Farm, The Grace Foundation, The United Pegasus Foundation and California Equine Retirement Foundation, Inc.

RECOMMENDATION

This item is presented for Board discussion.

February 6, 2007

Richard B. Shapiro, Chairman  
Ingrid J. Fermin, Executive Director  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825

RECEIVED MAR 12 2007

Dear Mr. Shapiro and Ms. Fermin,

I am writing to you for two reasons. The first is to commend you on the CHRB's directive to install artificial surface at all California racetracks. After the Injuries of last season, I would say that Polytrack is well overdue and will not only help the horses but improve the racing industry's reputation which can only bring more patrons to the races.

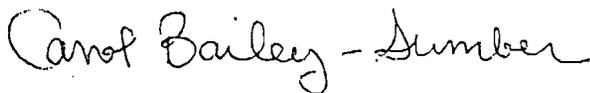
The second reason I am writing is to urge you to institute a system to provide for thoroughbred retirement, by setting aside a "penny per dollar" earned at all racetracks in California. A California racehorse retirement fund is another way in which the California Horse Racing Board can show its support for horses who run their hearts out and deserve a decent retirement once their racing days are over. Just like Polytrack, a retirement fund for thoroughbreds is well overdue.

The State of California is known for taking the lead nationwide on many issues, ranging from environmental to social. In fact, it is the one and only state in the US to have an approved proposition banning the slaughter of horses (Prop. 6). Why not show the way to the rest of the racing industry around the country and create a mandatory retirement fund for California racehorses from a single penny per dollar earned from betting, admission fees, and entry fees.

The California racehorse retirement fund could support organizations such as GEVA, at Glen Ellen Farms, The Exceller Fund, Tranquility Farm, The Grace Foundation, The United Pegasus Foundation and CERF, that function as retirement homes for horses but need the stability of a reliable donor. That donor could be the CA Horse Racing Board's "penny per dollar" earned fund.

I do appreciate the changes in the making at California's racetracks and I think more can be done. Considering that the racing industry generates \$14 billion a year, there shouldn't be any problem coming up with the money to make a thoroughbred retirement fund a reality.

With kind regards,



Carol Bailey-Sumber

[cbsummer@yahoo.com](mailto:cbsummer@yahoo.com)

1-858-534-7855

FOB (Fan of Barbaro)

STAFF ANALYSIS  
DISCUSSION ON THE  
RECENTLY CONCLUDED TRAINING SESSION  
HELD FOR CHRB INVESTIGATORS AND STEWARDS

Regular Board Meeting  
April 19, 2007

BACKGROUND

Attached is the outline of the CHRB Investigators and Stewards Seminar training sessions that were recently held at the University of California, Davis Maddy Equine Analytical Laboratory.

RECOMMENDATION

This item is presented for discussion.

# **Investigation, Preparation, and Presentation of Medication Cases Before the California Horse Racing Board**

Day 1 (Wednesday, March 7, 2007)

## **9:00 Classroom**

Introduction of Presenters

Dr. Rick Arthur

Dr. Scott Stanley

Mr. Darrell Vienna

Description of Course

Purpose

Duration

Overview

Daily Schedule

History of Racing

World

California

Drugging Historical Background

Agency

Role of Investigative Staff

## **10:30 Classroom**

Understanding the Horse and Veterinary Medical Practice

Anatomy (Rick)

Musculo-skeletal Injuries

## **12:00 - 1:00**

Lunch Break

## **1:00 Classroom**

Understanding the Horse and Veterinary Medical Practice Contd.

Respiratory Disease

Common Veterinary Medications

Nerve and Joint injections

## **2:30 Farm**

Overview of University Facility

Administration Demonstration

Day 2 (Thursday, March 8, 2007)

**10:00 Classroom**

CHRB Medication Policies and Enforcement  
Medication Rules  
Therapeutic v. Prohibited Medications

**12:00 - 1:00**

Lunch Break

**1:00 Laboratory**

Medication Testing  
Discussion of Preliminary Testing Techniques  
Screening/Preliminary Testing

**3:00 Classroom**

Principles of Confirmation

Day 3 (Friday, March 9, 2007)

**9:00 Classroom**

Split Sample  
Threshold Levels  
Trainer Insurer Rule

**10:30 Laboratory**

Confirmatory Testing

**12:00 - 1:00**

Lunch Break

**1:00 Classroom**

Discussion of Testing Techniques  
Preparation of the case  
Case Assignment  
Barn Search  
Interview  
Evidence Collection

Day 4 (Saturday, March 9, 2007)

**9:00 Classroom**

Preparation of the Investigative Report  
Forum  
Who Represents the State?  
Investigator as Prosecutor  
Case Organization  
Witness Preparation  
Case Presentation

**12:00 - 1:00**

Lunch Break

**1:00 Classroom**

Written Examination

**CALIFORNIA HORSE RACING BOARD**

**APRIL 19, 2007**  
**REGULAR BOARD MEETING**

**There is no board package material for item 12**

STAFF ANALYSIS  
2008 NORTHERN CALIFORNIA  
RACING CALENDAR

Regular Board Meeting  
April 19, 2007

**BACKGROUND**

At the March 2007 Regular Meeting the Board denied a request by Bay Meadows Racing Association (BMRA) for a two-year exemption to the synthetic racing surface requirement of Rule 1433, Application For License To Conduct a Horse Racing Meeting. Shortly thereafter, BMRA announced it would cease live racing on December 31, 2007. In response to BMRA's possible closure, the Thoroughbred Owners of California; California Thoroughbred Trainers; California Authority of Racing Fairs; and Pacific Racing Association met and developed a proposed 2008 Northern California Racing Calendar.

**RECOMMENDATION**

This item is presented for Board discussion and action.

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			26	27	28	29
30	31					

GGF Winter	94
GGF Spring	60
<b>Total GGF</b>	<b>154</b>

Pleasanton Spring	13
<b>Total Pleasanton</b>	<b>31</b>

Cal Expo	20
Stockton	10
<b>Total Fair Days</b>	<b>98</b>

Import

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		5	6	7	8	9
		12	13	14	15	16
	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**CALIFORNIA HORSE RACING BOARD**

**APRIL 19, 2007**  
**REGULAR BOARD MEETING**

**There is no board package material for item 14**