

CALIFORNIA HORSE RACING BOARD  
1010 HURLEY WAY, SUITE 300  
SACRAMENTO, CA 95825  
(916) 263-6000  
FAX (916) 263-6042



## REGULAR MEETING

of the California Horse Racing Board will be held on, **Thursday, August 21, 2003**, commencing at **10:00a.m.**, at the Del Mar Satellite Wagering Facility, 2260 Jimmy Durante Blvd., Del Mar, California.

### AGENDA

#### Action Items

1. Discussion and action by the Board on the **Application for License to Conduct a Horse Racing Meeting of the Fresno District Fair (F)** at Fresno, commencing October 1 through October 13, 2003, inclusive.
2. Discussion and action by the Board on the **allocation of one additional race day, September 28, 2003**, to Santa Anita Race Track.
3. Discussion and action by the Board on the **Application for License to Conduct a Horse Racing Meeting of the Oak Tree Racing Association (T)**, at Santa Anita, commencing September 28 through November 9, 2003, inclusive.
4. Discussion and action by the Board on the **2004 Race Dates**.
5. Discussion and action by the Board on the **resolution to participate in the National Licensing Compact a.k.a. Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering**.
6. Report by the California Animal Health and Food Safety Laboratory on the **Post Mortem Program**.
7. Discussion and action by the Board on a report by the **California Marketing Committee**.
8. Discussion by the Board on **ways to improve the license application and to review the current requirements necessary for conducting a race meet**.
9. Staff report on the following concluded race meetings:
  - A. **Churchill Downs California Company** at Hollywood Park from April 23 to July 20, 2003.
  - B. **Solano County Fair** at Vallejo from July 9 to July 20, 2003.

**Committee Reports**

10. Report from the **Pari-mutuel Operations Committee**.  
Commissioner Alan Landsburg, Chairman  
Chairman Roger Licht, Member
11. Report from the **Race Dates Committee**.  
Chairman Roger Licht, Chairman  
Commissioner Sheryl Granzella, Member

**Other Business**

12. **General Business:** Communications, reports, requests for future action of the Board.
13. **Old Business:** Issues that may be raised for discussion purposes only, which have already been brought before the Board.
14. **Executive 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 an Executive Session to consider any of the attached pending litigation.
  - C. The Board may also convene an Executive Session to consider any of the attached pending administrative licensing and disciplinary hearings.

Additional information regarding this meeting may be obtained from Roy Minami, at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be 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 requires aids or services in order to participate in this public meeting, should contact Roy Minami.

**CALIFORNIA HORSE RACING BOARD**

Roger H. Licht, Chairman  
John C. Harris, Vice Chairman  
William A. Bianco, Member  
Sheryl L. Granzella, Member  
Alan W. Landsburg, Member  
Marie G. Moretti, Member  
John C. Sperry, Member  
Roy C. Wood, Jr., Executive Director

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**PENDING LITIGATION**  
**AUGUST 2003**

**CASE**

**CASE NUMBER**

**MARTIN, JOHN v.**  
California Horse Racing Board

Sacramento County Superior Court  
No. 98 CS00952

**PLANO, RICHARD v.**  
California Horse Racing Board

Sacramento County Superior Court  
No. 98 CS00909

**DELONG, GREGORY KENNETH v.**  
California Horse Racing Board

Los Angeles County Superior Court  
No. BS 076967

**BURNETT-NUTTER, LAURIE v.**  
California Horse Racing Board

Riverside County Superior Court  
No. RIC 382077

**DUFFY, NORMA v.**  
California Horse Racing Board  
and Pacific Racing Association

Hayward Superior Court  
No. VG 03079504

**LONG, GREGORY ALLEN v.**  
California Horse Racing Board

Los Angeles County Superior Court  
No. BS 082483

**CALIFORNIA HARNESS HORSEMEN'S  
ASSOCIATION and CAPITOL RACING,  
LLC, v.**  
California Horse Racing Board

Sacramento County Superior Court  
No. 03 CS01033

**STAFF ANALYSIS**  
August 21, 2003

**Issue:** APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE FRESNO DISTRICT FAIR AT FRESNO OCTOBER 1, 2003 THROUGH OCTOBER 13, 2003.

- Fresno District Fair filed its application to conduct a horse racing meeting at Fresno:
- October 1 through October 13, 2003, or 11 days, one more than 2002. They propose to race a total of 98 races, the same as 2002.

| October – 2003 |      |     |     |     |     |     |
|----------------|------|-----|-----|-----|-----|-----|
| Sun            | Mon  | Tue | Wed | Thu | Fri | Sat |
|                |      |     | 1   | 2   | 3   | 4   |
| 5              | 6    | 7   | 8   | 9   | 10  | 11  |
| 12             | 13 H | 14  | 15  | 16  | 17  | 18  |
| 19             | 20   | 21  | 22  | 23  | 24  | 25  |
| 26             | 27   | 28  | 29  | 30  | 31  |     |

- Racing 5 days the first week and 6 days the second week with 8 races per day Monday, Wednesday and Thursday, 10 Friday and Saturday and 11 Sunday.
  - Number of horses available determines the number of daily races programmed by breed.
  - No racing Monday, October 6 and Tuesday, October 7.
- First post 12:37 p.m. Saturday and Sunday, 12:45 p.m. Friday and 1:37 p.m. Monday, Wednesday and Thursday.
- Specific changes from the 2002 license application:
  - Joe Gibson replaces Lester Oster as paddock judge, Matt Nichols replaces Lester Oster as patrol judge, Robert Mooneyhan replaces Hugh Morgan as starter, Charles Palmer replaces Grant Baker as racing secretary and James Dreyer replaces Ken Sjoldal as assistant racing secretary.
  - General admission increased from \$7 to \$8.
  - Reduced the number of races Friday and Saturday by one and Sunday by two.
- Request Darrell Sparks be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
  - 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 THE FAIR:

1. Fire clearance.

RECOMMENDATION:

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





CHRB-18 (Rev. 7/01)

### 2003 BIG FRESNO FAIR STAKES SCHEDULE

|  |  |   |
|--|--|---|
| Saturday, October 4, 2003<br>Arabians, 3 Years Old & Up<br>1 1/16 Miles  | K Cuch Jedah Stakes<br>6 <sup>th</sup> Running               | \$ 10,000 Guaranteed<br>Noms Close 10/1/03<br>(Includes \$1,000 ARAC) |
| Sunday, October 12, 2003<br>Mules, 3 Year Olds<br>350 Yards              | AMRA World<br>Championship<br>Futurity                       | \$ 10,000 Added   |
| Saturday, October 11, 2003<br>Arabians, 3 Years Old & Up<br>Six Furlongs | California ARC Gold Cup                                      | \$ 10,000<br>(Includes \$100 from ARAC)<br>Noms Close 10/9/02         |
| Sunday, October 12, 2003<br>Quarter Horses, Two Years Old<br>400 Yards   | Fresno Quarter Horse<br>Futurity<br>10 <sup>th</sup> Running | \$ 10,000 Guaranteed<br>Noms Close 10/8/03                            |
| Sunday, October 5, 2003<br>Mules, 3 Years Old & Up<br>440 Yards          | Fresno AMRA Gold Cup<br>9 <sup>th</sup> Running              | \$ 10,000 Guaranteed<br>Noms Close 10/2/03                            |

### OVERNIGHT STAKE SCHEDULE

|  |  |   |
|--|--|---|
| Sunday, October 12, 2003<br>3 Year Olds & Up<br>Bred in California<br>6 Furlongs | Bulldog Stakes<br>12 <sup>th</sup> Running | \$ 50,000 Guaranteed<br>Noms Close 10/5/03 Noon |
|--|--|---|

Racing Secretary's Office - (559) 253-7383, 7384, 7385

Racing Office, Toll Free for Entries - 1-866-400-3247

Racing Operations (Grandstand) -(559) 253-7431; (559) 650-3330

Racing Operations (Grandstand Fax) - (559) 253-2881

Stable Gate - (559) 650-3269

Linda Mae Balakian-Hunsucker  
 Ardie Der Manouel  
 Besley Lewis  
 Brian Pacheco  
 Thomas Richards  
 David Yancey

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

Chief Executive Officer Scott Anderson; Director Ardie Der Manouel

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:

Scott Anderson, CEO  
 Stacy Rianda, Deputy Manager  
 Chris Chatoian, Deputy Manager  
 George Vidak, Pari-Mutuel Manager  
 Anita Ortega, Stable Superintendent  
 Steve Wood, Track Foreman

**5. PURSE PROGRAM**

A. Estimated purse distribution:

- 1. All races other than stakes: \$565,100
- 2. Overnight stakes: \$ 50,000
- 3. Non-overnight stakes: \$ 50,000

B. Estimated purse distribution for all **stakes** races: \$100,000

C. Estimated funds to be generated for all California-bred incentive awards: \$20,200

D. Estimated amount of payment to each recognized horsemen's organization contracting with the fair and the name(s) of the organization(s):

| Recognized Horsemen's Organization | Estimated Payment |
|------------------------------------|-------------------|
| TOC                                | \$3,927           |
| CTT                                | \$1,963           |
| NTRA                               | \$5,486           |
| CWAR                               | \$1,433           |
| ARAC                               | \$7,723           |
| PCQHRA                             | \$ 948            |
| AMRA                               | \$4,812           |
| CHBPAPEN                           | \$5,890           |
| CTHF                               | <u>\$5,890</u>    |
| TOTAL                              | \$38,072          |

- E. Total estimated amount from **all sources** to be distributed at the meeting in the form of purses or other benefits to horsemen: \$723,372
- F. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: \$465,000
- G. Estimated purse funds to be generated from interstate handle: \$145,000
- H. Bank or depository for the Paymaster of Purses' purse account and the account number:  
West America Bank – Account #060106 – 4512 (CARF)
- I. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:  
Edward D. Roland & Associates  
1755 N. Community Drive #208, Anaheim, Ca. 92806, (714) 986-9183

**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: 740
- B. Minimum number of stalls believed necessary for the meeting: 740
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: None
- D. Name or location of each off-site stabling area and the number of stalls to be maintained at each site: N/A
- E. Attach each contract or agreement between the fair and the person(s) furnishing off-site stabling accommodations for eligible racehorses which cannot be provided stabling on-site. N/A

Complete subsections F through I 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: 1,037
- G. Estimated cost to provide **off-site** stalls for this meeting: N/A
- H. Estimated cost to provide **vanning** from off-site stalls for this meeting. Show fees to be paid for vanning **per-horse**: N/A
- I. Total estimated cost for off-site stabling and vanning for this meeting. Show cost per-day **per-stall**: N/A

**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), LS for limited sweepstakes (pick 6), PK3 for pick three, PK4 for select four, PK6 for pick 6 one pool, PK7 for pick seven, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for Superfecta, SS1 for special sweepstakes (pick 6) alternate 1, SS2 for special sweepstakes (pick 6) alternate 2, SS3 for special sweepstakes (pick 6) alternate 3, SRUS for special reserved unlimited sweepstakes (pick 9), SUS for special unlimited sweepstakes (pick 9), TRI for trifecta, and US for unlimited sweepstakes (pick 9).

| TYPE OF WAGERS              | APPLICABLE RULES                      |
|-----------------------------|---------------------------------------|
| \$1 E; \$2 Twin Trifecta    | CHRB #1959; RCI #VP                   |
| Exacta (E) - CHRB #1959     | Quinella (Q) - CHRB #1958             |
| Trifecta (TRI) - CHRB #1979 | Superfecta (Superfecta) - CHRB 1979.1 |
| Pick 3 (PK3) - CHRB #1977   | Daily Double (DD) - CHRB 1957         |
|                             | Select PNP - CHRB 1976.9              |

|          |   |  |
|----------|---|--|
| Race #1  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF          |  |
| Race #2  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF          |  |
| Race #3  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF          |  |
| Race #4  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF          |  |
| Race #5  | \$1 E, \$1 PK3, \$1 PNP, \$1 TRI, \$2 Q, \$2 DD, \$1 SF |  |
| Race #6  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF          |  |
| Race #7  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1SF           | (\$1 PK3 for 11 Race Program )   |
| Race #8  | \$1 E, \$1 PK3, \$1 PNP, \$1 TRI, \$2 Q, \$2 DD, \$1SF  | (\$1 PK3 for 11 Race Program)<br>(\$1 PNP for 11 Race Program)<br>(\$2 DD for 11 Race Program) |
| Race #9  | \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1SF           | (\$1 PK3 for 11 Race Program)  |
| Race #10 | \$1 E, \$1 TRI, \$2 Q, \$2 DD, \$1 SF                   |  |
| Race #11 | \$1 E, \$1 TRI, \$2 Q, \$2 DD, \$1 SF                   |  |

- B. The maximum carryover pool to be allowed to accumulate before its distribution **OR** the date(s) designated for distribution of the carryover pool: N/A
- C. List any options requested with regard to exotic wagering: N/A

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: Autotote, September 30, 2004

**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.
- C. California simulcast facilities the fair proposes to offer its live audiovisual signal:  
 All California Facilities authorized to accept the signal.
- 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 |
|--------------------|--------------|---|
| Examples:          |              |   |
| Calder Race Course | 1/1 & 1/2/99 | Full Card   |
| Fair Grounds       | 3/14/99      | Selected Feature and/or Stakes Races              |

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

Out of State Wagering Systems to which the Fair proposes to offer its live audiovisual signal

**Commingled Pools**

Acoma Pueblo, NM  
 American Tab, OH  
 Arapahoe Park, CO  
 Arlington International Race Course, IL  
 Attheraces, Ireland  
 Atlantic City Casino Assn., NJ  
 Atlantic City Race Course, NJ  
 Atokad Downs, NE  
 Balmoral Park, IL  
 Batavia Downs, NY  
 Bettor Racing OTB, SD  
 Beulah Park, OH  
 Birmingham Race Course, AL  
 Blue Ribbon Downs, OK  
 Bluff's Run, IA  
 Boyd Gaming d/b/a Delta Downs-LA  
 Buffalo Trotting Association, NY  
 Calder Race Course, FL  
 Canterbury Park, MN  
 \*Capital District OTB, NY  
 \*Catskill Off-Track Betting, NY  
 Charles Town Races, WV  
 Choctaw Racing Services, L.L.C., OK  
 Churchill Downs, KY  
 Churchill Downs Trackside, KY  
 Coeur d' Alene Hotel & Casino, ID  
 \*Coeur d' Alene Hotel & Casino, ID  
 Colonial Downs, VA  
 Columbus Races, NE  
 Comanche Nation Games, OK  
 \*Connecticut OTB, CT  
 Corpus Christi Greyhound Track, TX  
 Dairyland Greyhound Park, WI  
 Darwin All Sports AKA IASbet.com, MD  
 Delaware Park, DE  
 Delta Downs, LA  
 Dover Downs, DE  
 Downs at Albuquerque, NM  
 Ellis Park, KY  
 Emerald Downs, WA  
 Eureka Downs, KS  
 Euro-Offtrack  
 Evangeline Downs, LA  
 Excelsior Hotel, Aruba  
 Fair Grounds, LA  
 Fair Meadows, IL  
 Fairmount Park, IL  
 Finger Lakes Race Track, NY  
 Fire Lakes d/b/a Citizen Band Potawatomi, OK  
 Fonner Park, NE  
 Foxwoods Casino, CT  
 Freehold Raceway, NJ  
 Garden State Park, NJ  
 Geneva Lakes Kennel Club, WI  
 Great Lakes Downs, MI  
 Greentrack, AL  
 Gulfstream Park, FL  
 Harrington Raceway & Simulcast Facility, DE  
 Hawthorne Race Course, IL  
 Hazel Park, MI  
 Hinsdale Greyhound Park, NH  
 \*Holiday Beach Hotel, NV  
 Hoosier Park, IN  
 \*Horsemen's Atokad Park, NE  
 \*Horsemen's Park, NE  
 Jackson Harness Raceway, MI  
 Juarez, TX  
 Keeneland, KY  
 Kentucky Downs, KY  
 Kentucky OTB, KY  
 Las Vegas Dissemination Services, NV  
 Lebanon Trotting Club, OH

Les Bois Park, ID  
 Lewiston OTB, ME  
 Lincoln Park, RI  
 Lincoln State Fair, NE  
 Lone Star Race Park, TX  
 Louisiana Downs, LA  
 Manor Downs, TX  
 Maryland Jockey Club, MD  
 Maywood Park, IL  
 Meskwaki Casino, IA  
 Mobile Greyhound Park, AL  
 Monmouth Park, NJ  
 Montana Simulcast Partners (IMS), MT  
 Monticello Raceway, NY  
 Mountaineer Park, WV  
 Mt. Pleasant Meadows, MI  
 Multnomah Greyhound Park, OR  
 \*Nassau Downs Regional OTB, NY  
 Nebraska State Fair Park, NE  
 Nevada Pari-Mutuel Association, NV  
 New Jersey Sports & Exposition, NJ  
 New Mexico State Fair, NM  
 \*New York City Off-Track Betting, NY  
 \*New York Racing Association, NY  
 Newport Jai Alai, RI  
 Northfield Park, OH  
 Northville Downs, MI  
 Northville Racing Corp., MI  
 Oaklawn Park, AR  
 Ocean Downs, MD  
 \*Penn National Race Course, PA  
 \*Philadelphia Park, PA  
 Plainridge Racecourse, MA  
 Playfair Race Course, WA  
 Pocono Downs, PA  
 Pojoaque Pueblo Gaming, Inc., NM  
 Portland Meadows, OR  
 Potawatomi Indian Tribe of OK  
 Prairie Meadows, IA  
 Raceway Park, OH  
 \*Racing & Gaming Services, W.I  
 Racing Services, Inc., ND  
 Randall Doc James, St. Croix, USVI  
 Remington Park, OK  
 Retama Park, TX  
 Rillito Park, AZ  
 River Downs, OH  
 Rockingham Park, NH  
 \*Rockingham Park Acct. Wagering, NH  
 Rosecroft Raceway, NY  
 Ruidoso Downs, NM  
 Saginaw Harness, MI  
 Sam Houston Park, TX  
 Saratoga Raceway, NY  
 Scarborough Downs, ME  
 Schenectady OTB, NY  
 Scioto Downs, OH  
 Southland Greyhound Park-AR  
 Sports Creek Raceway, MI  
 Sportsman's Park, IL  
 St. Croix Greyhound Park, WI  
 St. Thomas, VI  
 Suffolk Downs, MA  
 Sunland Park Racetrack, NM  
 SunRay Park and Casino, NM  
 Tampa Bay Downs, FL  
 \*The Meadows, PA  
 \*The Racing Channel, OR  
 The Stables, OK  
 The Texas Hub, TX  
 Thistledown Racing Club, OH  
 \*Thoroughbred Racing International, PA  
 Tonkawa Bingo, OK

Tri-State Greyhound, WV  
 \*TRN International  
 Tucson Greyhound Park, AZ  
 Turfway Park, KY  
 Turf Paradise, AZ  
 Turning Stone Casino, NY  
 \*US Offtrack d/b/a Greyhound Channel-OR  
 Valley Race Park, TX  
 Vernon Downs, NY  
 \*Western Regional OTB, NY  
 Wichita Greyhound Park, KS  
 Will Rogers Downs, OK  
 Wonderland Greyhound Park, MA  
 Woodlands, KS  
 Wyoming OTB, WY  
 Yavapai Downs, AZ  
 Yonkers Raceway, NY  
 \*Youbet.com, PA

**Separate Pools**

Assiniboia Downs, CAN  
 Caliente (Hipodromo De Agua Caliente), MEX  
 Caymanas Park, JA  
 Edmonton Northlands, AL, CAN  
 Elmira Raceway, ON, CAN  
 Flamboro Downs, ON, CAN  
 Fraser Downs, BC, CAN  
 Hiawatha Downs, ON, CAN  
 Hipodromo d'Aymer, QU, CAN  
 Hipodromo Presidente Remon, PA  
 Juarez, MEX  
 Las Vegas Dissemination Co., NV  
 l' Hippodrome de Montreal, ML, CAN  
 Marquis Downs, SA, CA  
 Ontario Jockey Club, ON, CAN  
 Pacific Racing Association, BC, CAN  
 Queensbury Downs, SA, CAN  
 Rideau Carlton, ON, CAN  
 Stampede Park, AL, CAN  
 Stevenson & Associates, MD  
 Western Fair, ON, CAN  
 Windsor Raceway, ON, CAN

\*Locations offering phone and/or internet wagering.

## HOST TRACKS FROM WHICH THE FAIR PROPOSES TO IMPORT RACES

| <u>HOST TRACK</u> | <u>RACE DATES</u>             | <u>FEATURE AND/OR<br/>STAKES RACES</u> |
|-------------------|-------------------------------|--|
| Arlington Park    | May 9 - September 27, 2003    | TBD                                    |
| Calder            | April 25 - October 24, 2003   | TBD                                    |
| Canterbury Park   | May 16 - September 1, 2003    | TBD                                    |
| Delaware Park     | April 26 - November 9, 2003   | TBD                                    |
| Ellis Park        | July 9 - September 1, 2003    | TBD                                    |
| Emerald Downs     | April 19 - September 22, 2003 | TBD                                    |
| Hastings Park     | April 26 - November 30, 2003  | TBD                                    |
| Laurel            | July 24 - August 22, 2003     | TBD                                    |
| Louisiana Downs   | June 27 - November 9, 2003    | TBD                                    |
| Monmouth Park     | May 24 - September 28, 2003   | TBD                                    |
| Philadelphia Park | January 1 - December 31, 2003 | TBD                                    |
| Remington Park    | August 9 - December 20, 2003  | TBD                                    |
| River Downs       | April 12 - September 1, 2003  | TBD                                    |
| Saratoga          | July 23 - September 1, 2003   | TBD                                    |
| Thistledown       | March 15 - December 15, 2003  | TBD                                    |
| Woodbine          | March 22 - November 30, 2003  | TBD                                    |

Additional cards and/or races pending negotiations

## OTHER BREED SIMULCAST RACES TO BE IMPORTED

| Name of Host Track | Breed of Horse | Race Dates | Number of Races to be Imported |
|--------------------|----------------|------------|--------------------------------|
| Examples:          |                |            |                                |
| Meadowlands        | H              | 8/7/99     | 1                              |
| Ruidoso Downs      | QH             | 9/6/99     | 3                              |

- 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(d), attach a copy showing agreement by the appropriate racing association(s).

**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, 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:

|                             |   |
|-----------------------------|---|
| Associate Judges            | N/A   |
| Association Veterinarian(s) | Henry Cook – DVM Track Fitness Veterinarian |
| Clerk of Scales             | Fred Alexander                              |
| Assistant Clerk of Scales   | Cheryl White                                |
| Clerk of the Course TB      | Bettie Flaniken                             |
| EB                          | Dolores Collins                             |
| Horse Identifier            | Darrell Sparks                              |
| Horseshoe Inspector         | Duke Bonde                                  |
| Paddock Judge               | Joe Gibson                                  |
| Patrol Judges               | Joe Gibson<br>Matt Nichols                  |
| Placing Judges              | Charla Dreyer<br>Gary Lawless               |
| Starter                     | Robert Mooneyhan                            |
| Timer                       | Melody Truitt                               |

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

|                                     |                |
|-------------------------------------|----------------|
| Director of Racing                  | Dan White      |
| Racing Secretary                    | Charles Palmer |
| Assistant Racing Secretary          | James Dreyer   |
| Paymaster of Purses                 | Anna Hamilton  |
| Track Announcer                     | John McGary    |
| 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:  
Esquire Deposition Services, 516 W. Shaw, Suite 200, Fresno, Ca. 93704 (559) 261-2324
- 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, November 1, 2003
- E. Photopatro video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract:  
Pegasus Communications, Inc., April 30, 2008
- G. 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., April 30, 2004

## 10. SECURITY CONTROLS AND EMERGENCY SERVICES

- A. Name and title of the person responsible for security controls on the premises:  
Dan White, Director of Racing
- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis. Describe the electronic security system:  
12 Security/Gatemen complimented by the Fresno Police Department  
Central Alarm controls Money Room and Satellite Room with door sensors and motion detectors. Vault room has separate motion sensors. Grandstand controlled by ADT Security Systems with motion and door sensors.
- C. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:  
American Ambulance, 2911 E. Tulare, Fresno, Ca. 93721 (559) 443-5900.
- D. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites: N/A
- E. Attach a fire clearance from the fire authority having jurisdiction over the premises.  
With the CHRB's approval, fire clearance will be provided when Fire Marshall inspects the portable stalls, usually a week or so before the start of the Fair's Race Meet.
- F. Name of the workers' compensation insurance carrier for the fair and the number of the insurance policy (if self-insured, provide details): Self Insured  
California Fair Services Authority (916) 921-2213  
Workmen's Compensation Insurance Claims  
1776 Tribute Road, Suite 100, Sacramento, Ca. 95815
- G. 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 which secures the liability of the fair for payment of workers' compensation.

July 21, 2003

To: California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Attn: Pat Noble

Re: Fresno Fair/21st DAA  
1121 S. Chance Avenue  
Fresno, CA 93702

Please be advised that the Fresno Fair/21st 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 million 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 California Public Entity Insurance Authority  
Excess Workers' Compensation Program  
Term: 07/01/2003 to 07/01/2004

CFSA represents to the California Horse Racing Board 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 Fresno Fair/21st DAA as set forth in the California Horse Racing Board'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

**11. 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 (Food & Beverage)  
 Charles Neary  
 2031 San Ramon Valley Blvd.  
 San Ramon, Ca. 94583

Speeda Sound (Sound)  
 Mike King  
 5617 W. San Madele  
 Fresno, Ca. 93722

Bob's Card, Inc. (Tip Sheets)  
 Tiffany Bohland  
 420 S. Rolling Hills Place  
 Anaheim Hills, Ca. 92807

Photos by Frank (Winner's Circle Photos)  
 Patricia Visco  
 3015 E. Bayshore Freeway #422  
 Redwood City, Ca. 94583

Silver Bar Leasing (Portable Stalls)  
 Al Foote  
 2445 S. Fruit  
 Fresno, Ca. 93706

United Puett Start Gate (Starting Gate)  
 1 Sound View Loop  
 South Salem, NY 10590

Bailey Mobile Laundry (Jockeys' Laundry)  
 Frances Lorene Dutton  
 1129 Avenida Sevilla #7-B  
 Walnut Creek, Ca. 94595-3741

Winner's Circle Restaurant (Café)  
 Don Fowler  
 1100 Howe Avenue, #450  
 Sacramento, Ca. 95825

**12. SCHEDULE OF CHARGES**

A. Proposed charges for admissions, seating or boxes, parking and programs. Note any changes from previous year:

|                              |   |                                  |
|------------------------------|---|----------------------------------|
| Admission (general)          | - | \$8.00 (increased \$1)           |
| Admission (clubhouse)        | - | \$5.00                           |
| Reserved seating (general)   | - | \$4.00                           |
| Reserved seating (clubhouse) | - | N/A                              |
| Parking (general)            | - | \$4.00                           |
| Parking (preferred)          | - | \$6.00                           |
| Parking (valet)              | - | N/A                              |
| Programs (on-track)          | - | \$1.00                           |
| (off-track)                  | - | Programs provided by Bay Meadows |

B. Describe any "Season Boxes" or other special accommodation fees: \$539.00 (Box of 4)

C. Describe any "package" plans such as combined parking, admission and program: None

**13. 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="22"/>     |
| <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:

Same as men's quarters. Built in 1990 and 1991. Separate locker rooms, restrooms, sauna room, bunkroom, and shower room for female jockeys.

**14. BACKSTRETCH EMPLOYEE HOUSING**

A. Attach written certification that an inspection of the backstretch employee housing has been conducted by a lead agency designated by the CHRB and the applicant is not aware of any known violations of the local housing ordinances. Inspection completed.

B. Number of rooms used for housing on the backstretch of the racetrack:  
106 tack rooms, a possible 54 to be used for housing.

C. Number of restrooms available on the backstretch of the racetrack:  
Four Trailers – Two, 48 foot Restroom Trailers with five restrooms each available for both men and women; and two, 28 foot Shower Trailers with four showers and 1 restroom each available for both men and women.

D. Estimated ratio of restrooms to the number of backstretch personnel: One for every 7 people.  
1 – Receiving Barn; 58 in RV Trailer Park; 3 Portable Toilets (2 @Gate 10, 1 @Gap);  
1 – Racing Secretary's Office; 2 in Winner's Circle Café.

**15. TRACK SAFETY**

A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line: approximately 5,129 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, metal (powder coated); outer rail, metal, aluminum & galvanized chain link; inner rail supports, metal gooseneck; inner rail top shield is made of sheet metal; shield is 39" above the track surface.

B. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474:  
Track Masters, Inc., Steve Wood

- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474.
- 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

**16. 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):  
No Exceptions
- B. Attach each horsemen's agreement pursuant to CHRB Rule 2044.  
  
CARF will provide
- 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

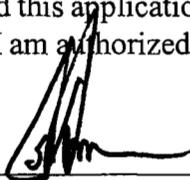
**NOTICE TO APPLICANT** Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

**17. 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.

Scott Anderson  
 Print Name

Chief Executive Officer  
 Print Title

  
 Signature

June 27, 2003  
 Date

**STAFF ANALYSIS**  
**ALLOCATION OF ADDITIONAL DAY AT OAK TREE**  
**REGULAR BOARD MEETING**  
**AUGUST 21, 2003**

**Background:**

At the January and February Board meetings this year, the subject of additional days of racing at Oak Tree's 2003 race meet to accommodate Breeders' Cup was discussed. At the conclusion of the discussion at the February meeting, the Board agreed to support the concept of one additional day of racing (overlapping the Los Angeles County Fair's last day, Sunday, September 28). The Board encouraged the interested parties to work on the necessary legislation to enable the extra day since it exceeded the limits set forth in the Horse Racing Law.

The next item on the agenda is the Oak Tree application for license. It includes the one additional day of racing (9/28/03) that is now allowed by the Horse Racing Law with the passage of AB 1128 (Chapter 8/2003). However, the Board has not officially allocated the day yet. By allocating the additional day of racing, the Board can then take action on the Oak Tree application as presented since it includes September 28 as the first day of its 2003 race meet.

**Recommendation:**

Staff recommends that the Board approve the allocation of the one additional day at Oak Tree.

**Assembly Bill No. 1128**

**CHAPTER 8**

An act relating to horse racing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 2003. Filed with Secretary of State May 1, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1128, Liu. Horse racing: racing weeks.

Existing law, the Horse Racing Law, provides for the operation of live horse racing in this state, subject to regulation by the California Horse Racing Board. Existing law further provides the board with the exclusive authority to allocate racing weeks, days, and hours for horse racing, with specified maximum numbers of racing weeks permitted in a year for racing associations that are not fairs. In the central zone, one of the 3 zones into which existing law divides the state for purposes of horse racing regulation, existing law permits the board to allocate up to 42 weeks per year of thoroughbred racing, as specified.

This bill would permit the board to authorize a thoroughbred racing association in the central zone to conduct a racing program that includes Breeders' Cup prep races on September 28, 2003, a date when a fair is also conducting live racing in the central zone. This bill would indicate that this Breeders' Cup prep racing program shall not be counted against any otherwise applicable limitation on the number of racing days or racing weeks that may be allocated by the board.

By authorizing additional wagering, this bill would increase the amount of continuously appropriated license fees collected as a percentage of wagering, thereby making an appropriation. The bill would also authorize the imposition of a state tax for the purposes of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. In addition to any other authorization for horse racing, the board may authorize a thoroughbred association in the central zone

to conduct a racing program that includes Breeders' Cup prep races on September 28, 2003, a date when a fair in the central zone is also conducting a live racing program, and the program that includes Breeders' Cup prep races shall not be counted against any limitation otherwise applicable to the number of racing days or racing weeks that may be allocated by the California Horse Racing Board.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that certain Breeders Cup prep races can be run in the State of California, it is necessary that this bill take effect immediately.

O





RECEIVED  
CHRB

2003 AUG -7 PM 11:02

August 5, 2003

Mr. Roy C. Wood, Jr.  
California Horse Racing Board  
1010 Hurley Way  
Suite 300  
Sacramento, CA 95616

Dear Mr. Wood:

Previously, the Oak Tree Racing Association applied for and was allocated, by the California Horse Racing Board, an additional day of overlap racing with the Los Angeles County Fair to be held on Sunday, September 28, 2003.

Because the racing dates are allocated by statute to the racetrack as opposed to the racing association, Los Angeles Turf Club is concurring in that request as Lessor to the Oak Tree Racing Association.

Thank you in advance for your consideration.

Very truly yours,

George Haines  
Vice President – Operations  
Assistant General Manager

c.c. – Mr. Roy Minami  
Sherwood Chillingworth

**STAFF ANALYSIS**

August 21, 2003

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE OAK TREE RACING ASSOCIATION AT SANTA ANITA SEPTEMBER 28, 2003 THROUGH NOVEMBER 9, 2003.

Oak Tree Racing Association filed its application to conduct a thoroughbred horse racing meeting at Santa Anita:

- September 28 through November 9, 2003, or 32 days, 6 more than 2002. The association proposes to race 273 races, or 8.5 per day.
  - They meet the 10% requirement of stakes purses paid for Cal-bred stakes races.

| September - 2003 |     |     |     |     |     |     |
|------------------|-----|-----|-----|-----|-----|-----|
| Sun              | Mon | Tue | Wed | Thu | Fri | Sat |
|                  | 1 H | 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 - 2003 |     |     |     |     |     |     |
|----------------|-----|-----|-----|-----|-----|-----|
| Sun            | Mon | Tue | Wed | Thu | Fri | Sat |
|                |     |     |     | 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 - 2003 |     |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|-----|-----|
| Sun             | Mon | Tue | Wed | Thu | Fri | Sat |
|                 |     |     |     |     |     |     |
| 2               | 3   | 4   | 5   | 6   | 7   | 8   |
| 9               | 10  | 11  | 12  | 13  | 14  | 15  |
| 16              | 17  | 18  | 19  | 20  | 21  | 22  |
| 23/3            | 24  | 25  | 26  | 27  | 28  | 29  |

- Racing 5 days per week, Wednesday through Sunday, with 8 races weekdays, 9 opening day, weekends and Monday, October 13 and 12 Saturday, October 25, Breeders' Cup Day.
  - Request option to program 10 races on opening day, weekends and October 13.
  - Racing Monday, October 13, which makes 6 days the week of October 13-19.
- First post 1:00 p.m. weekdays and 12:30 p.m. weekends and holidays.
  - 12:30 p.m. Monday, October 13, Columbus Day.
  - 9:40 a.m. Saturday, October 25, Breeders' Cup Day.
  - 12:00 noon Saturday, November 8, California Cup Day.
- Specific changes from the 2002 license application:
  - Rick Hammerle replaces Michael Harlow as racing secretary and Richard Wheeler replaces Rick Hammerle as assistant racing secretary.
  - Clubhouse reserved seating increased from \$2.50 to \$5.
- Request Dianne Piper be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
  - Early wagering 8:30 a.m. to 10:00 a.m. each day except Breeders' Cup Day and California Cup Day.

- 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:

1. Horsemen's agreement.
2. Fire clearance.

**RECOMMENDATION:**

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

STATE OF CALIFORNIA  
CALIFORNIA HORSE RACING BOARD  
APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING  
CHRB-17 (Rev. 7/01)

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horseracing meeting in accordance with the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

**1. APPLICANT ASSOCIATION**

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

*Oak Tree Racing Association  
Santa Anita Park  
285 W. Huntington Drive  
Arcadia, CA 91007*

*Telephone: 626/574-6345 or 574-7223  
Fax Phone: 626/447-2940*

B. Breed of horse:  TB  QH  H

C. Racetrack name: *Santa Anita Park*

D. Attach a certified check payable to the Treasurer of the State of California in the amount of \$10,000 as deposit for license fees pursuant to B&P Code Section 19490.

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 MEETING**

A. Inclusive dates for the entire meeting: *September 28, 2003 through November 9, 2003*

B. Actual dates racing will be held: *Opening Day, Sunday, September 28  
October 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 15,  
16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31;  
November 1, 2, 5, 6, 7, 8, 9*

C. Total number of days or nights of racing: *32 Days*

D. Days or nights of the week races will be held:

Wed - Sun  Tues - Sat  Other (specify) *Sunday, September 28  
Monday, October 13*

E. Number of days or nights of racing per week: *5 Days* *Exception: 6 Days Monday, October 13 thru Sunday, October 19, 2003; one day September 28<sup>th</sup>.*

**3. RACING PROGRAM**

A. Total number of races: *Estimate 273\**

**CHRB CERTIFICATION**

Application received: *6/30/03*  
Deposit received: *\$10,000 AG*  
Reviewed: *fn*

Hearing date: *8/21/03*  
Approved date:  
License number:

- B. Number of races for each day or night:  
*\*Eight races on weekdays.*  
*\*Nine races Opening Day, Weekends, and Monday, October 13, with the Option to program ten races on such days.*  
*\*Twelve races on Saturday, October 25, Breeders' Cup Day*
- C. Total number of stakes races: 40 (Including Breeders' Cup Day and California Cup Day)
- D. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each. Note the races that are designated for California-bred horses.  
*Proposed 2003 Stakes Schedule Attached*
- E. 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:

| <u>Weekdays</u> |                             | <u>Weekends &amp; Holidays</u> |
|-----------------|-----------------------------|--------------------------------|
| Race 1          | 1:00 p.m.                   | 12:30 p.m.                     |
| Race 2          | 1:30 p.m.                   | 1:00 p.m.                      |
| Race 3          | 2:00 p.m.                   | 1:30 p.m.                      |
| Race 4          | 2:30 p.m.                   | 2:00 p.m.                      |
| Race 5          | 3:00 p.m.                   | 2:30 p.m.                      |
| Race 6          | 3:30 p.m.                   | 3:00 p.m.                      |
| Race 7          | 4:00 p.m.                   | 3:30 p.m.                      |
| Race 8          | 4:30 p.m.                   | 4:00 p.m.                      |
| Race 9          | 5:00 p.m. (When applicable) | 4:30 p.m. (When applicable)    |
| Race 10         | 5:30 p.m. (When Applicable) | 5:00 p.m. (When applicable)    |

*Exceptions:*

|   |                 |
|---|-----------------|
| <i>Columbus Day, Monday, October 13</i>         | <i>12:30 PM</i> |
| <i>Breeders' Cup Day, Saturday, October 25</i>  | <i>9:40 AM</i>  |
| <i>California Cup Day, Saturday, November 8</i> | <i>12:00 PM</i> |

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. For thoroughbred and quarter horse meetings, the total amount distributed for California-bred stakes races from the purse account, including overnight stakes, shall not be less than 10% of the total amount distributed for all stakes races pursuant to B&P Code Section 19568(b).

**4. RACING ASSOCIATION**

- A. Association is a:  Corporation (complete subsection C)  
 LLC (complete subsection D)  
 Other (specify, and complete subsection E)
- B. Complete the applicable subsection and attached Addendum, Background Information and Ownership. Addendum A on file with the Board.

2003 OAK TREE STAKES SCHEDULE  
(Pending TOC approval)

| RACE DATE    | RACE  | PURSE       | AGE              | DISTANCE        | CLOSE DATE    | NET COST  | BC       |
|--------------|---|-------------|------------------|-----------------|---------------|-----------|----------|
| Sun, Sept 28 | LADY'S SECRET BREEDERS' CUP HANDICAP (G II)             | \$200,000+* | F/M, 3 & UP      | 1 1/16 M        | Thur, Sept 4  | \$150,000 | \$50,000 |
| Sun, Sept 28 | YELLOW RIBBON STAKES (G I)                              | \$500,000   | F/M, 3 & UP      | 1 1/4 M (T)     | Thur, Sept 4  | 450,000   |          |
| Sun, Sept 28 | OAK LEAF STAKES (G II)                                  | \$250,000   | F, 2 YO          | 1 1/16 M        | Thur, Sept 4  | 230,000   |          |
| Sun, Sept 28 | CLEMENT L. HIRSCH MEMORIAL TURF CHAMPIONSHIP (G I)      | \$250,000   | 3 & UP           | 1 1/4 M (T)     | Thur, Sept 4  | 230,000   |          |
| Wed, Oct 1   | COVER GAL STAKES  | \$75,000+   | F, 2 YO (CA)     | 7 F             | Thur, Sept 25 | 1         |          |
| Wed, Oct 1   | CAVONNIER STAKES  | \$75,000+   | 2 YO (CA)        | 7 F             | Thur, Sept 25 | 1         |          |
| Sat, Oct 4   | GOODWOOD BREEDERS' CUP HANDICAP (G II)                  | \$500,000*  | 3 & UP           | 1 1/8 M         | Thur, Sept 4  | 360,000   | 100,000  |
| Sat, Oct 4   | OAK TREE DERBY (G II)                                   | \$150,000   | 3 YO             | 1 1/8 M (T)     | Thur, Sept 4  | 135,000   |          |
| Sun, Oct 5   | ANCIENT TITLE BREEDERS' CUP HANDICAP (G I)              | \$200,000+* | 3 & UP           | 6 F             | Thur, Sept 4  | 150,000   | 50,000   |
| Sun, Oct 5   | OAK TREE BREEDERS' CUP MILE (G II)                      | \$300,000*  | 3 & UP           | 1 M (T)         | Thur, Sept 4  | 230,000   | 50,000   |
| Sun, Oct 5   | NORFOLK STAKES (G II)                                   | \$250,000   | 2 YO             | 1 1/16 M        | Thur, Sept 4  | 230,000   |          |
| Sat, Oct 11  | SEN. KEN MADDY HANDICAP (G III)                         | \$100,000+  | F/M, 3 & UP      | abt. 6 1/2 (T)  | Thur, Oct 2   | 100,000   |          |
| Sun, Oct 12  | HAROLD C. RAMSER, SR. HANDICAP                          | \$100,000+  | F, 3 YO          | 1 M (T)         | Thur, Oct 2   | 100,000   |          |
| Sat, Oct 18  | SUNNY SLOPE STAKES                                      | \$75,000+   | 2 YO             | 6 F             | Thur, Oct 9   | 1         |          |
| Sun, Oct 19  | ANOAKIA STAKES  | \$75,000+   | F, 2 YO          | 6 F             | Thur, Oct 9   | 1         |          |
| Fri, Oct 24  | MORVICH HANDICAP (G III)                                | \$100,000+  | 3 & UP           | abt 6 1/2 F (T) | Thur, Oct 16  | 100,000   |          |
| Fri, Oct 24  | CARLETON F. BURKE HANDICAP (G III)                      | \$125,000+  | 3 & UP           | 1 1/2 M (T)     | Thur, Oct 16  | 125,000   |          |
| Sat, Oct 25  | SEABISCUIT HANDICAP                                     | \$150,000   | 3 & UP           | 1 1/16 M        | Thur, Oct 16  | 2         |          |
| Sat, Oct 25  | VERY SUBTLE HANDICAP                                    | \$100,000+  | F/M, 3 & UP      | 6 F             | Thur, Oct 16  | 2         |          |
| Sat, Oct 25  | NEXTEL BREEDERS' CUP DISTAFF (G I)                      | \$2,000,000 | F/M, 3 & UP      | 1 1/8 M         |               |           |          |
| Sat, Oct 25  | LONG JOHN SILVER'S BREEDERS' CUP JUVENILE FILLIES (G I) | \$1,000,000 | F, 2 YO          | 1 1/16 M        |               |           |          |
| Sat, Oct 25  | NetJets BREEDERS' CUP MILE (G I)                        | \$1,500,000 | 3 & UP           | 1 M (T)         |               |           |          |
| Sat, Oct 25  | BREEDERS' CUP SPRINT (G I)                              | \$1,000,000 | 3 & UP           | 6 F             |               |           |          |
| Sat, Oct 25  | BREEDERS' CUP FILLY & MARE TURF (G I)                   | \$1,000,000 | F/M, 3 & UP      | 1 1/4 M (T)     |               |           |          |
| Sat, Oct 25  | BESSEMER TRUST BREEDERS' CUP JUVENILE (G I)             | \$1,500,000 | 2 YO             | 1 1/16 M        |               |           |          |
| Sat, Oct 25  | JOHN DEERE BREEDERS' CUP TURF (G I)                     | \$2,000,000 | 3 & UP           | 1 1/2 M (T)     |               |           |          |
| Sat, Oct 25  | BREEDERS' CUP CLASSIC, POWERED BY DODGE (G I)           | \$4,000,000 | 3 & UP           | 1 1/4 M         |               |           |          |
| Sat, Nov 1   | PINJARA STAKES  | \$75,000+   | 2 YO             | 1 M (T)         | Thur, Oct 23  | 1         |          |
| Sun, Nov 2   | HIDDEN LIGHT STAKES                                     | \$75,000+   | F, 2 YO          | 1 M (T)         | Thur, Oct 23  | 1         |          |
| Sat, Nov 8   | CALIFORNIA CUP CLASSIC                                  | \$250,000   | 3 & UP (CA)      | 1 1/8 M         | Mon, Aug 18   |           |          |
| Sat, Nov 8   | CALIFORNIA CUP MILE                                     | \$175,000   | 3 & UP (CA)      | 1 M (T)         | Mon, Aug 18   |           |          |
| Sat, Nov 8   | CALIFORNIA CUP MATRON                                   | \$150,000   | F/M, 3 & UP (CA) | 1 1/16 M        | Mon, Aug 18   |           |          |
| Sat, Nov 8   | CALIFORNIA CUP SPRINT                                   | \$150,000   | 3 & UP (CA)      | 6 F             | Mon, Aug 18   |           |          |
| Sat, Nov 8   | CALIFORNIA CUP DISTAFF                                  | \$150,000   | F/M, 3 & UP (CA) | abt 6 1/2 f (T) | Mon, Aug 18   |           |          |

2003 OAK TREE STAKES SCHEDULE  
(Pending TOC approval)

|            |  |           |              |             |              |         |
|------------|--|-----------|--------------|-------------|--------------|---------|
| Sat, Nov 8 | CALIFORNIA CUP JUVENILE (COLTS & GELDINGS) | \$125,000 | 2 YO (CA)    | 1 1/16 M    | Mon, Aug 18  |         |
| Sat, Nov 8 | CALIFORNIA CUP JUVENILE (FILLIES)          | \$125,000 | F, 2 YO (CA) | 1 1/16M     | Mon, Aug 18  |         |
| Sat, Nov 8 | CALIFORNIA CUP DISTANCE HANDICAP           | \$100,000 | F/M, 3 & UP  | 1 1/4 M (T) | Mon, Aug 18  |         |
| Sat, Nov 8 | CALIFORNIA CUP STARTER HANDICAP            | \$50,000  | 3 & UP (CA)  | 1 1/2 M (T) | Thur, Oct 30 |         |
| Sat, Nov 8 | CALIFORNIA CUP STARTER SPRINT HANDICAP     | \$50,000  | 3 & UP (CA)  | 6 F         | Thur, Oct 30 |         |
| Sun, Nov 9 | LAS PALMAS HANDICAP (G II)                 | \$200,000 | F/M, 3 & UP  | 1 1/8 M (T) | Thur, Oct 30 | 180,000 |

Supplemental nominations available for all stakes...

Net Cost>>> \$2,770,000 \$250,000

1 - Overnight Stakes      2 - Breeders' Cup Fund Money

All Purses are Guaranteed unless indicated ¥ + Added Money ¥ \* Includes Breeders' Cup Fund Money

## C. CORPORATION

1. Registered name of the corporation: *OAK TREE RACING ASSOCIATION*
2. State where incorporated: *California*
3. Registry or file number for the corporation: *D5468-730*
4. Names of all officers and directors, titles, and the number of shares of the corporation held by each:
  - Dr. Jack K. Robbins, President and Director*
  - Sherwood C. Chillingworth, Executive Vice President, Director*
  - Dr. Rick M. Arthur, Vice-President, Director*
  - John H. Barr, Vice-President, Director*
  - Thomas R. Capehart, Vice-President, Director*

*Note: There are no shares of stock, but there are six membership certificates issued; One to each Director. Oak Tree Racing Association is a not-for-profit and Non-dividend paying corporation.*

5. Names (true names) of all persons, other than the officers and directors listed above, that hold 5% or more of the outstanding shares in the corporation and the number of shares held by each:
  - None. Each of the Directors owns one (1) membership.*
6. Number of outstanding shares in the corporation:
  - Six (6) memberships outstanding. (Oak Tree Board meeting scheduled for August 25, 2003, at which time a new director will be named to replace Mr. Pascoe.)*
7. Are the shares listed for public trading?  Yes  No  
 If yes, on what exchange and how is the stock listed:
8. Name of the custodian of the list of shareholders and/or the transfer agent for the share holdings of the corporation:
  - Thomas R. Capehart, Acting Corporate Secretary-Treasurer*
9. If more than 50% of the shares are held by a parent corporation or are paired with any other corporation or entity, give the name of the parent and/or paired corporation or entity: *N/A*
10. Attach the most recent annual financial statement for the corporation, including balance sheet and profit and loss statement, and a copy of a report made during the preceding 12 months to shareholders in the corporation and/or the Securities and Exchange Commission and/or the California Corporations Commission.
  - Financial statements as of May 31, 2003, are presently being prepared by our independent auditors, Vicente, Lloyd & Stutzman. It is anticipated that these statements will be completed by late August and will be promptly forwarded to the Board. Latest available statements as of May 31, 2002 are on file with the Board.*

D. LLC N/A

1. Registered name of the LLC:

2. State where articles of organization are filed:
3. Registry or file number for the LLC:
4. Names of all officers and directors, titles, and the number of shares of the LLC held by each:
5. Names (true names) of all members, other than the officers and directors listed above, that hold 5% or more of the outstanding shares in the LLC and the number of shares held by each:
6. Are the shares listed for public trading? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, on what exchange and how is the stock listed:
7. If more than 50% of the shares are held by a parent corporation or are paired with any other corporation or entity, give the name of the parent and/or paired corporation or entity:
8. Attach the most recent annual financial statement for the LLC, including balance sheet and profit and loss statement, and a copy of a report made during the preceding 12 months to shareholders in the LLC and/or the Securities and Exchange Commission and/or the California Corporations Commission.

E. OTHER N/A

1. Name(s) of partners/sole proprietor:
2. If a partnership, attach partnership agreement.

F. Management and Staff

1. Name and title of the managing officer and/or general manager of the association and the name and title of all department managers and staff, other than those listed in 10B, who will be listed in the official program:

*Dr. Jack K. Robbins, President and Director*  
*Sherwood C. Chillingworth, Executive Vice President and Managing Officer, Director*  
*Dr. Rick M. Arthur, Vice-President, Director*  
*John H. Barr, Vice-President, Director*  
*Thomas R. Capehart, Vice-President, Assistant Secretary & Treasurer, Director*

*Jack Liebau, President, Los Angeles Turf Club, Inc.*  
*Chris McCarron, General Manager*  
*George Haines II, Assistant General Manager-Operations*  
*Mike Ziegler, Assistant General Manager-Administration*  
*Candace Coder-Chew, Director of Print & Graphics*  
*Mary Forney, Co-Simulcast Coordinator*  
*Alex Furer, Plant Superintendent*  
*Dyan Grealish, Director of Group Sales*  
*Randy Hartzell, Pari-Mutuel Manager*  
*Barbara Helm, Controller*  
*Dick Honaker, Director of Operations & Guest Services*  
*Dick Hughes, Industrial Relations*  
*Richard Price, Director of Operations and Guest Services*  
*Mary Saenz, Office Operations Manager*  
*Pete Siberell, Director of Community Services & Special Projects*  
*Stuart Zanville, Director of Marketing & Public Relations*  
*Amy J. Zimmerman, Director of Broadcasting*  
*Nina Zukin, Director of Information Services*  
*Trevor Denman, Public Address Commentator*

*Steve Wood, Track Superintendent  
Jay Cohen, Hornblower*

2. Name and title of the person(s) authorized to receive notices on behalf of the association and the mailing address of such person(s) if other than the mailing address of the association:  
*Sherwood C. Chillingworth, Executive Vice President  
Oak Tree Racing Association, 285 W. Huntington Drive, Arcadia, CA 91007*

**5. PURSE PROGRAM**

A. Estimated purse distribution:

1. All races other than stakes: *\$7,280,000*
2. Overnight stakes: *\$450,000*
3. Non-overnight stakes: *\$2,770,000*

B. Stakes Races:

1. Estimated purse distribution for all stakes races: *\$3,220,000*
2. Percentage of the estimated purse distribution for all stakes races that will be distributed for California-bred stakes races: *Cal Cup (\$1,325,000)\*  
(\* ) Not included in stakes figure.*

C. Estimated funds to be generated for all California-bred incentive awards: *\$1,400,000*

D. Estimated amount of payment to each recognized horsemen's organization contracting with the association and the name(s) of the organization(s): *\$450,000*

| Recognized Horsemen's Organization            | Estimated Payment  |
|---|--|
| <i>NTRA</i>                                   | <i>\$185,000</i>   |
| <i>Thoroughbred Owners of California</i>      | <i>\$106,000</i>   |
| <i>California Thoroughbred Trainers, Inc.</i> | <i>\$159,000</i>   |
|   | <i>(* ) \$119,250 Pension Fund + \$39,750 Administration</i> |

E. Total estimated amount from all sources to be distributed at the meeting in the form of purses or other benefits to horsemen: *\$12,350,000*

F. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: *\$8,358,000*

G. Estimated purse funds to be generated from interstate handle: *\$2,300,000*

H. Bank or depository for the Paymaster of Purses' purse account and the account number:  
*Wells Fargo Regional Commercial Bank, West Covina Office and paid through the  
Paymaster of Purses Account #4761-070515*

## I. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:

*Bowen, McBeth Co.**10722 Arrow Route, Suite 110, Rancho Cucamonga, CA 91730 (909) 944-6465*

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 association 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 association 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 association 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 association is entitled 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 association 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 association 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: *1,950*
- B. Minimum number of stalls believed necessary for the meeting: *1,853*
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: *2,500 (Estimated)*
- D. Name or location of each off-site stabling area and the number of stalls to be maintained at each site:  
*Hollywood Park 1,500 San Luis Rey Downs, 500 Fairplex, 500*
- E. Attach each contract or agreement between the association and the person(s) furnishing off-site stabling accommodations for eligible racehorses which cannot be provided stabling on-site. *On file.*

Complete subsections F through I if the association 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: *1,950*
- G. Estimated cost to provide off-site stalls for this meeting: *\$670,000*
- H. Estimated cost to provide vanning from off-site stalls for this meeting. Show fees to be paid for vanning per-horse: *\$100,000*  
*\$160 RT for Hollywood and Pomona \$290 RT for San Luis Rey Downs*
- I. Estimated cost for off-site stabling and vanning for this meeting. Show cost per-day per-stall:  
*\$770,000 (approximately \$90/per day/per stall)*

**7. PARI-MUTUEL WAGERING PROGRAM**

A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, associations 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), LS for limited sweepstakes (pick 6), PK3 for pick three, PK4 for select four, PK6 for pick 6 one pool, PK7 for pick 7, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for superfecta, SS1 for special sweepstakes (pick 6) alternate 1, SS2 for special sweepstakes (pick 6) alternate 2, SS3 for special sweepstakes (pick 6) alternate 3, SRUS for special reserved unlimited sweepstakes (pick 9), SUS for special unlimited sweepstakes (pick 9), TRI for trifecta, and US for unlimited sweepstakes (pick 9).

| Example Race: | TYPE OF WAGERS |      |       |         |        | APPLICABLE RULES                     |
|---------------|----------------|------|-------|---------|--------|--------------------------------------|
|               | \$5E           | \$2Q | \$2DD | \$1PK 3 | \$1PPN | CHRB#1959; ARCI#V.E.                 |
| Race #1       | \$1E           | \$2Q | \$2DD | \$1PK 3 | \$1PPN | CHRB #1959, 1958, 1957, 1977, 1976.8 |
| Race #2       | \$1E           | \$2Q | \$2DD | \$1PK 3 |        | CHRB #1959, 1958, 1957, 1977         |
| Race #3       | \$1E           | \$2Q | \$2DD | \$1PK 3 |        | CHRB #1959, 1958, 1957, 1977         |
| Race #4       | \$1E           | \$2Q | \$2DD | \$1PK 3 | \$1PNP | CHRB #1959, 1958, 1957, 1977, 1976.9 |
| Race #5       | \$1E           | \$2Q | \$2DD | \$1PK 3 | \$1PK4 | CHRB #1959, 1958, 1957, 1977, 1978   |
| Race #6       | \$1E           | \$2Q | \$2DD | \$1PK 3 | \$1PK4 | CHRB #1959, 1958, 1957, 1977, 1978   |
| Race #7       | \$1E           | \$2Q | \$2DD | \$1PK 3 | \$1PK4 | CHRB #1959, 1958, 1957, 1977, 1978   |
| Race #8       | \$1E           | \$2Q | \$2DD | \$1PK 3 |        | CHRB #1959, 1958, 1957, 1977         |
| Race #9       | \$1E           | \$2Q | \$2DD |         |        | CHRB #1959, 1958, 1957               |
| Race #10      | \$1E           | \$2Q | \$2DD |         |        | CHRB #1959, 1958, 1957               |

- Rolling Daily Doubles beginning with Race #1. (CHRB #1957)
- \$1 Trifecta on all eligible Races. (CHRB #1979)
- \$1 Superfecta wagering as follows: All qualifying races. (CHRB #1979.1)
- Incoming simulcasts will follow host track format.
- Place PK-8 on 8-race program; Place PK-9 on 9-race program, Place PK-10 on 10-race program. Alternate runner provision. (CHRB 1976.8)
- PK-6 Last six live races 70% Carryover, 30%Minor. Alternate runner provision, if available. (CHRB #1976.9)
- PK-4 Last four live Races. (CHRB #1978)
- Parlay Wagering Races 1-10 (CHRB #1954.1)
- Additional deduction provided by subdivision (a) of Section 19611.5 will be made.

EXCEPTION: Breeders' Cup Day (Saturday, October 25, 2003) wagering format will be submitted at a later date.

B. The maximum carryover pool to be allowed to accumulate before its distribution **OR** the date(s) designated for distribution of the carryover pool: *Sunday, November 9, 2003*

C. List any options requested with regard to exotic wagering: *N/A*

D. Will "advance" or "early bird" wagering be offered?  Yes  No

If yes, when will such wagering begin:

*8:30 AM to 10:00 AM each day* Exception: *Breeders' Cup Day and California Cup Day*

- E. Type(s) of pari-mutuel or totalizator equipment to be used by the association and the simulcast organization, name of the person(s) supplying equipment, and expiration date of the service contract:  
*Autotote Limited Expires: 9/2004*  
*One-hundred Bellevue Road, PO Box 6009, Newark, DE 19714-8009*

## 8. SIMULCASTING WAGERING PROGRAM

- A. Simulcast organization engaged by the association to conduct simulcast wagering:  
*Southern California Off-Track Wagering, Inc.*
- B. Attach the agreement between the association and simulcast organization permitting the organization to use the association'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.  
*Agreement on file with Board.*
- C. California simulcast facilities the association proposes to offer its live audiovisual signal:  
*Antelope Valley Fair, Lancaster*  
*Barona Casino, Lakeside*  
*Bay Meadows and Northern California Simulcast Locations*  
*California Mid-State Fair, Paso Robles*  
*Del Mar Fair, Del Mar*  
*Derby Club at Seaside Park, Ventura*  
*Earl Warren Showgrounds, Santa Barbara*  
*Fairplex, Pomona*  
*Golden Gate Fields and Northern California Simulcast Locations*  
*Hollywood Park, Inglewood*  
*Indian Fantasy Springs Casino, Indio*  
*Los Alamitos Race Track, Los Alamitos*  
*National Orange Show, San Bernardino*  
*Santa Barbara County Fair, Santa Maria*  
*Shalimar Sports Center, Indio*  
*Sports Pavilion, Lake Perris*  
*Sports Pavilion, Victorville*  
*Sycuan Casino, El Cajon*  
*Viejas Casino, Alpine*
- D. Out-of-state wagering systems the association proposes to offer its live audiovisual signal:  
*See Attached exhibits for Common Pool Sites and Separate Pool/Flat Fee Sites.*
- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the association:  
*See Attached*
- F. For thoroughbred racing associations, list the host track from which the association 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": *See 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.

Out-of-state wagering systems the association proposes to offer its live audio-visual signal:

We anticipate simulcasts to locations outside of the United States including:

Antigua (Antigua Turf Club, Casino Rivera)  
Aruba (Excelsior Casino, Crystal Casino)  
Barbados (Barbados Turf Club, Federal Bookmakers)  
Bermuda (Sea Horses, Ltd., Triple Crown Racing)  
Canada (Woodbine Entertainment Group and related sites)  
Colombia (Hipodromo Los Comuneros and OTBs)  
Costa Rica (Agentes de Negocias SA)  
Curacao (Holiday Beach)  
Dominican Republic (Hipodromo Quinto Centenario and OTBs)  
Guyana (Goodwood Racing)  
Jamaica (Caymanas Park and various books)  
Mexico (Caliente and related books, Juarez and OTBs)  
Panama (Hipodromo Presidente Remon and OTBs)  
Peru (Jockey Club de Peru and OTBs)  
Puerto Rico (El Comandante Racetrack and OTBs)  
South America (Caliente books)  
St. Croix (Randall "Doc" James Racetrack)  
St. Kitts (RGS)  
St. Maarten (Lightning Casino)  
St. Thomas (Clinton Phipps Racetrack and OTBs)  
Trinidad & Tobago (Arima Race Club, various OTBs)  
Uruguay (Hipodromo Moronas and OTBs)

# Oak Tree 2003 Proposed Common Pool Sites

| <u>Guest Site</u>                   | <u>State</u> |
|-------------------------------------|--------------|
| America Tab                         | OH           |
| Arapahoe Park                       | CO           |
| Arlington International Racecourse  | IL           |
| Atlantic City Casino Assn.          | NJ           |
| Atlantic City Race Course           | NJ           |
| Atokad Downs                        | NE           |
| Attheraces, Plc                     | UK           |
| Balmoral Park/Maywood               | IL           |
| Bettor Racing OTB                   | SD           |
| Beulah Park                         | OH           |
| Birmingham Race Course              | AL           |
| Blue Ribbon Downs                   | OK           |
| Bluffs Run Greyhound Park & Casino  | IA           |
| Boyd Gaming, dba Delta Downs        | LA           |
| Buffalo Trotting Association        | NY           |
| Calder Race Course                  | FL           |
| Canterbury Park                     | MN           |
| Capital District OTB                | NY           |
| Catskill OTB                        | NY           |
| Charles Town Races                  | WV           |
| Choctaw Racing Services, LLC        | OK           |
| Churchill Downs                     | KY           |
| Churchill Downs Sports Spectrum     | KY           |
| Coeur d' Alene Casino               | ID           |
| Colonial Downs                      | VA           |
| Columbus Races                      | NE           |
| Connecticut OTB                     | CT           |
| Corpus Christi Greyhound Race Track | TX           |
| Dairyland Greyhound Park            | WI           |
| Delaware Park                       | DE           |
| Dover Downs                         | DE           |
| Downs at Albuquerque                | NM           |
| Ellis Park                          | KY           |
| Emerald Downs                       | WA           |

# Oak Tree 2003 Proposed Common Pool Sites

| <u>Guest Site</u>                   | <u>State</u> |
|-------------------------------------|--------------|
| Evangeline Downs                    | LA           |
| Fair Meadows at Tulsa               | OK           |
| Fairgrounds Race Course             | LA           |
| Fairmount Park                      | IL           |
| Finger Lakes Race Track             | NY           |
| Fonner Park                         | NE           |
| Freehold Raceway                    | NJ           |
| Geneva Lakes Kennel Club            | WI           |
| Gillespie County Fair Race Meet     | TX           |
| Great Lakes Downs                   | MI           |
| Gulfstream Park                     | FL           |
| Hawthorne National LLC              | IL           |
| Hawthorne Race Course               | IL           |
| Hazel Park                          | MI           |
| Hinsdale Greyhound Park             | NH           |
| Hoosier Park                        | IN           |
| Horsemen's Park                     | NE           |
| Indiana Downs                       | IN           |
| International All Sports Limited    | MD           |
| Jackson Harness Raceway             | MI           |
| Keeneland Association               | KY           |
| Kentucky OTB                        | KY           |
| Las Vegas Dissemination Co.         | NV           |
| Lebanon Raceway                     | OH           |
| Les Bois Park Simulcast Network     | ID           |
| Lewiston Raceways, Inc.             | ME           |
| Lincoln Park                        | RI           |
| Lone Star Race Park Ltd.            | TX           |
| Louisiana Downs                     | LA           |
| LVDC / Holiday Beach Hotel & Casino | NV           |
| LVDC / Tonkawa Bingo                | OK           |
| LVDC / Tribal Locations             | NV           |
| Manor Downs                         | TX           |
| Maryland Jockey Club                | MD           |
| Midway Slots & Simulcast            | DE           |

# Oak Tree 2003 Proposed Common Pool Sites

| <u>Guest Site</u>                        | <u>State</u> |
|--|--------------|
| Monmouth Park                            | NJ           |
| Montana Simulcast Partners               | MT           |
| Monticello Raceway                       | NY           |
| Mount Pleasant Meadows                   | MI           |
| Mountaineer Park                         | WV           |
| Multnomah Greyhound Park                 | OR           |
| Nassau/Suffolk OTB                       | NY           |
| Nevada Pari-Mutuel Association           | NV           |
| New Jersey Sports & Exposition Authority | NJ           |
| New York City Off-Track Betting          | NY           |
| New York Racing Association              | NY           |
| Newport Jai-Alai                         | RI           |
| Northfield Park                          | OH           |
| Northville Downs Partnership             | MI           |
| Northville Racing Corp.                  | MI           |
| Oaklawn Park                             | AR           |
| Ocean Downs                              | MD           |
| Penn National Race Course                | PA           |
| Philadelphia Park                        | PA           |
| Plainridge Race Course                   | MA           |
| Playfair Race Course                     | WA           |
| Pocatello Downs                          | ID           |
| Portland Meadows                         | OR           |
| Prairie Meadows                          | IA           |
| Raceway Park                             | OH           |
| Racing & Gaming Services, Inc.           | British      |
| Racing Channel dba oneclickbetting.com   | PA           |
| Racing Services, Inc.                    | ND           |
| Remington Park                           | OK           |
| Retama Park                              | TX           |
| River Downs                              | OH           |
| Rockingham Park                          | NH           |
| Ruidoso Downs                            | NM           |
| Saginaw Harness Raceway                  | MI           |
| Sam Houston Race Park, LTD               | TX           |

# Oak Tree 2003 Proposed Common Pool Sites

| <u>Guest Site</u>                     | <u>State</u> |
|---------------------------------------|--------------|
| Saratoga Raceway                      | NY           |
| Scarborough Downs                     | ME           |
| Scioto Downs                          | OH           |
| Southland Greyhound Park              | AR           |
| Sports Creek Raceway                  | MI           |
| Sportsman's Park                      | IL           |
| State Fair Park                       | NE           |
| Stevenson & Associates, Inc. (Common) | MD           |
| Suffolk Downs                         | MA           |
| Sunland Park                          | NM           |
| Sunray Park                           | NM           |
| Tampa Bay Downs                       | FL           |
| The Green Track                       | AL           |
| The Greyhound Park at Post Falls      | ID           |
| The Meadows                           | PA           |
| The Texas Hub at Gulf Greyhound       | TX           |
| Thistledown Racing                    | OH           |
| Tri-State Racetrack & Gaming Center   | WV           |
| TRN International                     | PA           |
| Turf Paradise                         | AZ           |
| Turfway Park                          | KY           |
| U.S. Off Track, LLC                   | FL           |
| Vernon Downs                          | NY           |
| Western Regional OTB                  | NY           |
| Wheeling Downs                        | WV           |
| Wichita Greyhound Park                | KS           |
| Wonderland Greyhound Park             | MA           |
| Woodlands                             | KS           |
| Wyoming OTB                           | WY           |
| XpressBet, Inc.                       | CA           |
| Yonkers Raceway                       | NY           |
| Youbet                                | CA           |

## OAK TREE 2003 Proposed Imports\*

| <b>Dates</b>     | <b>Track</b>      | <b>Race(s)</b>              | <b>First Post</b> |
|------------------|-------------------|-----------------------------|-------------------|
| Oct 29 – Nov 9   | Aqueduct          | Full/Partial Card or Stakes | 10:30 a.m.        |
| Sept 28 – Oct 26 | Belmont           | Full/Partial Card or Stakes | 10:30 a.m.        |
| Sept 28 – Nov 9  | Calder            | Full/Partial Card or Stakes | 10:30 a.m.        |
| Oct 26 – Nov 9   | Churchill         | Full/Partial Card or Stakes | 10:30 a.m.        |
| Sept 28 – Oct 28 | Great Lakes Downs | Full/Partial Card or Stakes | 3:00 p.m.         |
| Sept 28 – Nov 9  | Hawthorne         | Full/Partial Card or Stakes | 11:00 a.m.        |
| Sept 28 – Nov 9  | Hoosier Downs     | Full/Partial Card or Stakes | 10:30 a.m.        |
| Oct 3 – Oct 25   | Keeneland         | Full/Partial Card or Stakes | 10:30 a.m.        |
| Oct 7 – Nov 9    | Laurel            | Full/Partial Card or Stakes | 10:10 a.m.        |
| Sept 28 – Nov 9  | Louisiana Downs   | Full/Partial Card or Stakes | 11:45 a.m.        |
| Sept 28 – Oct 4  | Pimlico           | Full/Partial Card or Stakes | 10:10 a.m.        |
| Sept 28 – Nov 9  | Remington         | Full/Partial Card or Stakes | 10:30 a.m.        |
| Sept 28 – Nov 9  | Thistledown       | Full/Partial Card or Stakes | 10:30 a.m.        |
| Sept 28 – Nov 9  | Turf Paradise     | Full/Partial Card or Stakes | 12:30 p.m.        |

*\*Subject to change. A finalized schedule, including rates, will be provided upon completion of negotiations.*

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 |
|--------------------|--------------|---|
| Examples:          |              |   |
| Calder Race Course | 1/1 & 1/2/99 | Full Card   |
| Fair Grounds       | 3/14/99      | Selected Feature and/or Stakes Races              |

- G. For **QUARTER HORSE** racing associations, list the host track from which the association proposes to import out-of-state and/or out-of-country quarter horse 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":
- H. For **STANDARD BRED** racing associations, list the host tracks from which the association proposes to import out-of-state and/or out-of-country harness 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":
- I. For **ALL** racing associations, list imported simulcast races the association plans to receive which use breeds other than the breed of the majority of horses racing at its live horseracing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported: N/A
- J. For **ALL** racing associations, 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(d), attach a copy showing the agreement by the appropriate racing association(s). N/A

**NOTICE TO APPLICANT** ALL interstate wagering to be conducted by an association 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 an association is subject to the provision of B&P Code Sections 19596, 19596.1, 19596.2, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every association shall pay over to the simulcast organization within 3 calendar days following the closing of wagering for any day or night 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 association shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each day or night 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. CHARITY RACING DAYS

- A. Name and address of the distributing agent (charity foundation) for the net proceeds from charity racing days held by the association:  
*Oak Tree Charitable Foundation, 285 W. Huntington Drive, Arcadia, CA 91007*
- B. Names and addresses of the trustees or directors of the distributing agent:  
*Dr. Jack K. Robbins, President and Director*  
*Sherwood C. Chillingworth, Executive Vice President and Director*  
*Dr. Rick M. Arthur, Vice-President and Director*  
*John H. Barr, Vice-President and Director*

*Thomas R. Capehart, Vice-President and Director*  
*William T. Pascoe III, Vice President, Secretary-Treasurer and Director*

*285 W. Huntington Drive, Arcadia, CA 91007*

- C. Dates the association will conduct races as charity racing days OR:
- D. Will the association pay the distributing agent an amount equal to the maximum required under B&P Code Section 19550(b)?  Yes

NOTICE TO APPLICANT NET proceeds from charity racing days shall be paid to the designated and approved distributing agent within 180 days following the conclusion of the association's race meeting in accordance with the provisions of B&P Code Section 19555. Thereafter, the distributing agent shall distribute not less than 90% of the aggregate proceeds from such charity racing days within 12 calendar months after the last day of the meeting during which the charity racing days were conducted and shall distribute the remaining funds as soon thereafter as is practicable. At least 20% of the distribution shall be made to charities associated with the horse racing industry in accordance with the provisions of B&P Code Section 19556(b).

**10. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT**

- A. Racing Officials nominated:
 

|                             |  |
|-----------------------------|--|
| Associate Judges            | N/A                                      |
| Association Veterinarian(s) | Dr. Ray Baran                            |
| Clerk of Scales             | Kevin Colosi                             |
| Clerk of the Course         | Melanie Stubblefield                     |
| Horse Identifier            | Dianne Piper                             |
| Horseshoe Inspector         | Harry Toston                             |
| Paddock Judge               | Ken Goldberg                             |
| Patrol Judges               | Ken Goldberg, Dennis Flowers, Lisa Jones |
| Placing Judges              | Bob Moreno, David Samuel, Zachary Soto   |
| Starter                     | Jay Slender                              |
| Timer                       | Jeff Tufts                               |
  
- B. Management officials in the racing department:
 

|                                     |                   |
|-------------------------------------|-------------------|
| Director of Racing                  | Michael J. Harlow |
| Racing Secretary                    | Rick Hammerle     |
| Assistant Racing Secretary          | Richard Wheeler   |
| Paymaster of Purses                 | Cece Connor       |
| Others (identify by name and title) |                   |
| Assistant Horse Identifier          | Jennifer Paige    |
| Assistant Clerk of Scales           | Charles McCaul    |
  
- C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:
 

*Ms. Barbara Weinstein*  
*9582 Hamilton Avenue, Suite 265, Huntington Beach CA 92646, 714/964-7102*
  
- 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 Expires: 5/1/2004*  
*Bill O'Brien, PO Box 6379, Napa, CA 94581-1379*

- 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:

*In-house Video System as follows.*

### MAJOR VIDEO EQUIPMENT LISTING

#### **Cameras:**

All cameras, except ENG cameras, are BTS LDK 91 or BTS LDK 100 broadcast color cameras. All cameras are equi camera Support Equipment. All cameras (except the 2 wireless) are on triax camera control systems. ENG cameras a Enclosed saddling stall cameras are high-8 lock-down cameras.

#### **Camera Positions:**

- 1) 3/8 tower on grass 55:1 lens
- 2) 3/8 tower on dirt 55:1 lens
- 3) hillside/square box on hill grass (remote) 18:1 lens
- 4) 1/4 tower on both grass and dirt 24:1 lens
- 5) tight pan camera on both grass and dirt 70:1 lens
- 6) loose pan camera on both grass and dirt 36:1 lens
- 7) 7/8 tower on grass 55:1 lens
- 8) 7/8 tower on dirt 55:1 lens
- 9) winner's circle 24:1 lens
- 10) wireless starting gate and saddling barn 18:1 lens
- 11) wireless lower finish line and interviews 14:1 lens
- 12) walking ring 14:1 lens
- 13) east saddling barn (remote) 7:1 lens
- 14) west saddling barn (remote) 7:1 lens
- 15) studio 18:1 lens
- 16) infield speaker pole (remote) 18:1 lens
- 17) ENG camera 20:1 lens
- 18) ENG camera 15:1 lens
- 19) East saddling barn enclosed saddling stall (lock-down)
- 20) West saddling barn enclosed saddling stall (lock-down)

#### Control Room Equipment

- 1-Tektronix 4-channel digital profile file server.
- 1-Digital Betacam VTP
- 2-Composite Digital Video Tape recorders
- 6-Betacam record/play VCRs with slo-mo
- 2-Betacam record/play VCRs
- 1-3/4" Umatic record/play VCR
- 1-3/4" Umatic VCR
- 5 Digital Betacam VCR's
- 1-GVG IPS-110 Editor
- 4-Hi 8 record/play VCR
- 8-VHS record/play VCR
- 1-BTS 128x128 video router with 64x64 stereo audio follow
- 1-GVG 3000 composite digital switcher w/dual MEs, PVW/PGM
- 2-Dual channel GVG DPM 700 digital effects system
- GVG video DAs
- 1-GVG GF-40 character generator/paint system
- 1-GVG DSS-4 stillstore

- 1-Quanta character generator
- Sony video monitors
- 5-Tektronix WFM and V-scopes
- 2-GVG 100 video switchers
- 2-Soundcraft Delta audio mixers
- 1-GVG 251 Editor
- 30-Jerold TV Modulators
- 2-Chyron MAX! Graphics Generators
- 2-Chyron Maxine! Graphics Generators

**Public**

- 2 40" Mitsubishi
- over 600 9" Sony receivers
- over 500 27" Sony receivers
- over 350 32" Sony receivers
- over 75 13" Sony receivers
- over 150 10" Sony receivers
- 150 20" Sony receivers
- 1 Barco 8100 Video Projectors
- 1 40'x53' Display Ad Large screen LED video board

- 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:  
*Electronic timing systems on both dirt and turf courses, maintained and operated by Santa Anita personnel. Systems backed by hand timing.*

**11. SECURITY CONTROLS AND EMERGENCY SERVICES**

- A. Name and title of the person responsible for security controls on the premises:  
*Dick Honaker, Chief of Security*
- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis. Describe the electronic security system:  
*7 Investigators            1 Dispatcher/Child Care            40 Security Guards*  
*1 Secretary                2 Fire Marshall's                        13 Gatemen*  
*1 Secretary-Stable Credentials*  
  
*Surveillance cameras are placed strategically throughout the facility.*
- C. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:  
*Huntington Ambulance Service, PO Box 145, Sunset Beach, CA 90742    (562) 904-1550*
- D. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:  
*Hollywood Park:                        Huntington Ambulance Service (same as above)*  
*Fairplex:                                    E.M.S., 10765 Noel St., Los Alamitos, CA 90720 (562) 493-2070*  
*San Luis Rey Downs:                    Emergency procedures plan on file with the Board.*

- E. Attach a fire clearance from the fire authority having jurisdiction over the premises.  
*Fire clearances for the stabling area at Santa Anita Park will be submitted after inspections of the facilities by the respective Fire Agencies and will be made within the requires 45 days and submitted to the Board.*
  
- F. Name of the workers' compensation insurance carrier for the association and the number of the insurance policy (if self-insured, provide details):  

|   |                                  |
|---|----------------------------------|
| <i>State Compensation Insurance Fund</i>                | <i>Policy WC 1679603-03</i>      |
| <i>C/o Cal-Surance Associates, Inc.</i>                 | <i>Effective 4/1/03 – 4/1/04</i> |
| <i>333 City Blvd. West, Suite 900, Orange, CA 92863</i> |                                  |
  
- G. 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 which secures the liability of the association 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:

**HANDICAPPERS**

- |   |   |
|---|---|
| Bob's Card Incorporated<br>Tiffany Bohland<br>420 S. Rolling Hills Place, Anaheim, CA 92807                             | (CHRB-25A and CHRB-87 on file with CHRB.) |
| Mr. Toby Turrell (Winners)<br>14112 Enfield Circle, Westminster, CA 92683   | (CHRB-25A and CHRB-87 on file with CHRB.) |
| Baedeker's Incorporated<br>Mr. Robert Baedeker<br>130 W. El Portal, San Clemente, CA 92672                              | (CHRB-25A and CHRB-87 on file with CHRB.) |
| Duke Racing Selections<br>c/o Harry Acquarelli<br>6632 West 87th Street, Los Angeles, CA 90045                          | (CHRB-25A and CHRB-87 on file with CHRB.) |
| Today's Racing Digest, Inc.<br>Tony Dubreville, General Manager<br>5411 Avenida Encinas, Suite #270, Carlsbad, CA 92008 | (Exempt from CHRB-25A and CHRB-87)        |
| Triangle Turf Publications<br>William R. & Karen S. Archer<br>PO Box 871, Del Mar, CA 92014                             | (CHRB-25A and CHRB-87 on file with CHRB.) |

**13. SCHEDULE OF CHARGES**

- A. Proposed charges for admissions, seating or boxes, parking and programs. Note any changes from the previous year:

|                     |         |
|---------------------|---------|
| Admission (general) | \$ 5.00 |
|---------------------|---------|

**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

APRIL 1, 2003

POLICY NUMBER: **1679603 - 03**  
CERTIFICATE EXPIRES: **4-1-04**

**CALIFORNIA HORSE RACING BOARD  
ATTN: SUE ROSS  
1010 HURLEY WAY STE. 300  
SACRAMENTO, CA 95825**

**JOB: ALL OPERATIONS**

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon ten days' advance written notice to the employer.

We will also give you TEN days' advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

*Tom Hansen*  
AUTHORIZED REPRESENTATIVE

*Kc Bollier*  
PRESIDENT

**EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.**

EMPLOYER

**OAK TREE RACING ASSOCIATION  
285 W. HUNTINGTON DRIVE  
ARCADIA, CA 91007**

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
03/25/2003

PRODUCER (714)939-7458 FAX (714)923-2712  
**CalSurance - Commercial**  
 PO Box 7048  
 Joyce M. Lee  
 Orange, CA 92863-7048

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

INSURED **Oak Tree Racing Association**  
 285 W. Huntington Drive  
 Arcadia, CA 91007

INSURER A: **COM - State Fund**  
 INSURER B:  
 INSURER C:  
 INSURER D:  
 INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

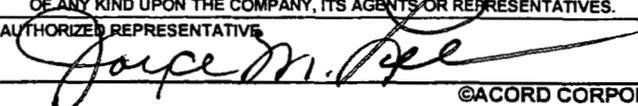
| INSR LTR | TYPE OF INSURANCE  | POLICY NUMBER     | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS  |                                |
|----------|--|-------------------|----------------------------------|-----------------------------------|---|--------------------------------|
|          | <b>GENERAL LIABILITY</b><br><input type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |                   |                                  |                                   | EACH OCCURRENCE   | \$                             |
|          |  |                   |                                  |                                   | FIRE DAMAGE (Any one fire)                              | \$                             |
|          |  |                   |                                  |                                   | MED EXP (Any one person)                                | \$                             |
|          |  |                   |                                  |                                   | PERSONAL & ADV INJURY                                   | \$                             |
|          |  |                   |                                  |                                   | GENERAL AGGREGATE                                       | \$                             |
|          |  |                   |                                  |                                   | PRODUCTS - COMP/OP AGG                                  | \$                             |
|          | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> NON-OWNED AUTOS   |                   |                                  |                                   | COMBINED SINGLE LIMIT (Ea accident)                     | \$                             |
|          |  |                   |                                  |                                   | BODILY INJURY (Per person)                              | \$                             |
|          |  |                   |                                  |                                   | BODILY INJURY (Per accident)                            | \$                             |
|          |  |                   |                                  |                                   | PROPERTY DAMAGE (Per accident)                          | \$                             |
|          | <b>GARAGE LIABILITY</b><br><input type="checkbox"/> ANY AUTO   |                   |                                  |                                   | AUTO ONLY - EA ACCIDENT                                 | \$                             |
|          |  |                   |                                  |                                   | OTHER THAN AUTO ONLY: EA ACC                            | \$                             |
|          |  |                   |                                  |                                   | AGG   | \$                             |
|          | <b>EXCESS LIABILITY</b><br><input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br><br>DEDUCTIBLE<br>RETENTION \$   |                   |                                  |                                   | EACH OCCURRENCE   | \$                             |
|          |  |                   |                                  |                                   | AGGREGATE   | \$                             |
|          |  |                   |                                  |                                   |   | \$                             |
|          |  |                   |                                  |                                   |   | \$                             |
|          |  |                   |                                  |                                   |   | \$                             |
| <b>A</b> | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>   | <b>1679603-03</b> | <b>04/01/2003</b>                | <b>04/01/2004</b>                 | <input checked="" type="checkbox"/> WC STATUTORY LIMITS | <input type="checkbox"/> OTHER |
|          |  |                   |                                  |                                   | E.L. EACH ACCIDENT                                      | \$ 1,000,000                   |
|          |  |                   |                                  |                                   | E.L. DISEASE - EA EMPLOYEE                              | \$ 1,000,000                   |
|          |  |                   |                                  |                                   | E.L. DISEASE - POLICY LIMIT                             | \$ 1,000,000                   |
|          | OTHER  |                   |                                  |                                   |   |                                |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER: ADDITIONAL INSURED; INSURER LETTER: CANCELLATION

**California Horse Racing Board**  
 1010 Hurley Way  
 Suite 300  
 Sacramento, CA 95825

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  


|                              |   |
|------------------------------|---|
| Admission (clubhouse)        | \$ 8.50   |
| Admission (turf club)        | \$15.00   |
| Reserved seating (general)   | Free  |
| Reserved seating (clubhouse) | \$ 7.50 Box Seat  |
|                              | \$ 5.00 CH Reserved Seat (Sold on premium days only)<br>(Formally \$2.50) |
| Parking (general)            | \$ 4.00   |
| Parking (preferred)          | \$ 6.00   |
| Parking (valet)              | \$10.00   |
| Programs (on-track)          | \$ 2.00   |
| (off-track)                  | \$ 2.00   |

- B. Describe any "Season Boxes" and "Turf Club Membership" fees:
- |                   |                |
|-------------------|----------------|
| Season Box Seats: | \$110 per seat |
| Season Turf Club: | \$250 (Single) |
|                   | \$450 (Double) |

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

**14. JOCKEYS QUARTERS**

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

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Corners (lockers and cubicles) | How many  | <input style="width: 50px;" 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/drivers:  
*Same amenities as above including sofas, but in separate quarters. Four corners.  
 They share the food and beverage service area.*

**15. BACKSTRETCH EMPLOYEE HOUSING**

- A. Attach written certification that an inspection of the backstretch employee housing has been conducted by a lead agency designated by the CHRB and the applicant is not aware of any known violations of the local housing ordinances. *Inspection completed.*
- B. Number of rooms used for housing on the backstretch of the racetrack: *445+*
- C. Number of restrooms available on the backstretch of the racetrack:  
*29 Restrooms (116 Toilets, 99 Lavatories, 45 Urinals, 64 Showers)*
- D. Estimated ratio of restroom facilities to the number of backstretch personnel: *47*



**DAILY ADMISSION**

|                       |          |         |   |
|-----------------------|----------|---------|---|
| General               |          | \$5.00  | EXCLUDES OCTOBER 25, 2003   |
| Club House            |          | \$8.50  | EXCLUDES OCTOBER 25, 2003   |
| General to Club House |          | \$3.50  | EXCLUDES OCTOBER 25, 2003   |
| John Henry Room       | Everyday | \$15.00 | Admission Only<br>John Henry Rm. Dress Code Observed<br>EXCLUDES OCTOBER 25, 2003 |
| Turf Club             | Everyday | \$15.00 | Admission Only<br>Turf Club Dress Code Observed<br>EXCLUDES OCTOBER 25, 2003      |

**GROUP SALES**

Package pricing / Contact Group Sales  
EXCLUDES OCTOBER 25, 2003

**DAILY SEAT SALES**

|                      |  |        |  |
|----------------------|--|--------|--|
| Club House Box Seats |  | \$7.50 | Box Seats sold everyday. Requires CH admission.<br>EXCLUDES OCTOBER 25, 2003 |
| CH Loge Seats        |  | \$5.00 | Sold on Premium Days ONLY<br>EXCLUDES OCTOBER 25, 2003                       |

**SEASON SALES**

|                             |          |          |  |
|-----------------------------|----------|----------|--|
| Turf Club Season Admission  |          |          |  |
| Single (1-Card)             |          | \$250.00 | Includes TC Preferred (self-parking) and<br>ITW through December 26, 2003<br>EXCLUDES OCTOBER 25, 2003                 |
| Double (2-Cards)            |          | \$450.00 |  |
| Box Seats                   | per seat | \$110.00 | Price does not include admission.  |
| 4 Seats                     |          | \$440.00 | Note: Horsemen credentials are valid for admission<br>to the Box Seat area and Turf Club.<br>EXCLUDES OCTOBER 25, 2003 |
| 6 Seats                     |          | \$660.00 |  |
| Weekend Box (13 Days)       | per seat | \$78.00  |  |
| Club House Season Admission |          | \$100.00 | Sold to Season Box Holders ONLY<br>Does not include ITW.<br>NOT VALID OCTOBER 25, 2003                                 |
| Season Valet Parking        |          | \$130.00 | NOT VALID OCTOBER 25, 2003   |

**PARKING**

|           |  |         |                           |
|-----------|--|---------|---------------------------|
| General   |  | \$4.00  | EXCLUDES OCTOBER 25, 2003 |
| Preferred |  | \$6.00  | EXCLUDES OCTOBER 25, 2003 |
| Valet     |  | \$10.00 | EXCLUDES OCTOBER 25, 2003 |
| Limo      |  | \$10.00 | EXCLUDES OCTOBER 25, 2003 |

**PROGRAMS**

|           |  |        |                              |
|-----------|--|--------|------------------------------|
| On-track  |  | \$2.00 | Not Sold on October 25, 2003 |
| Off-track |  | \$2.00 |                              |

Approved by:

Sherwood C. Chillingworth

Date: 5-30-03

**16. 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.  
*Metal gooseneck with sheet metal covering. Total rail height ranges from 38 to 42 inches.*
- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: *Alex Furer, Plant Superintendent*
- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474. *Attached*
- E. If the association 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*

**17. DECLARATIONS**

- A. All labor and lease agreements and concession and service contracts necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state):  
*Plusmic Corporation (pending)*
- B. Attach each horsemen's agreement pursuant to CHRB Rule 2044. *Pending.*
- C. Attach a lease agreement permitting the association to occupy the racing facility during the entire term of the meeting. (In the absence of either a lease agreement or a horsemen's agreement, a request for an extension pursuant to CHRB Rule 1407 shall be made). *On file with the Board.*
- D. 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.*
- E. Absent natural disasters or causes beyond the control of the association, 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 association 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.

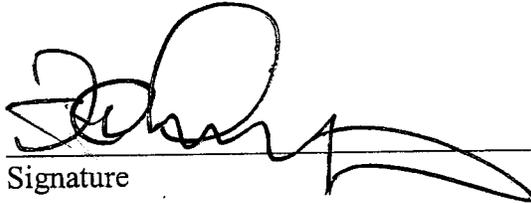
18. CERTIFICATION BY APPLICANT

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 association to attest to this application on its behalf.

**OAK TREE RACING ASSOCIATION**

Sherwood C. Chillingworth  
Print Name

Executive Vice President  
Print Title

  
Signature

6/27/03  
Date

**CALIFORNIA HORSE RACING BOARD**

**August 21, 2003 Regular Board Meeting**

**ITEM 4**

There is no board package material for this item.

Information to be presented at the board meeting.

STAFF ANALYSIS  
PROPOSED ADOPTION  
OF  
THE NATIONAL LICENSING COMPACT  
a.k.a.  
INTERSTATE COMPACT ON LICENSURE  
OF PARTICIPANTS IN LIVE RACING  
WITH PARI-MUTUEL WAGERING

Regular Board Meeting  
August 21, 2003

## BACKGROUND

The Association of Racing Commissioners International's Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering a.k.a. the National Racing License Compact, (Compact) is an interstate compact whose purpose is to simplify the licensing process for participants in live racing with pari-mutuel wagering in the participating or party states and to establish uniform requirements among the party states for the licensing of participants in those states.

The Compact Committee can issue a National License to applicants who meet its licensure and renewal requirements. A National License can be issued for owners, trainers and jockeys and is recognized in 22 racing jurisdictions. Compact **members** include Delaware, Florida, Kentucky, Louisiana, Nebraska, New York, Virginia, Washington and West Virginia. Participating jurisdictions are Arkansas, Colorado, Illinois, Iowa, Maryland, Michigan, New Jersey, Ohio, Ontario, Pennsylvania, Texas, and Wyoming.

California is currently a participating jurisdiction and was instrumental in the implementation of the Compact. Other participating jurisdictions have not yet adopted legislation granting authority to join the Compact.

Recently the FBI ruled that participating jurisdictions must become members in order to share the fingerprint records of applicants. In order to utilize this service of the Compact, California would need to become a Compact member.

Article 5.6, "Interstate Compact on Horse Racing Occupational Licensing," was added to the California Horse Racing Law in 2001. (SB 95 Statutes of 2001, Ch 935.) Article 5.6 consists of Business and Professions (B&P) code sections 19527 which describes the compact, and B&P code section 19528 which provides the authority for the CHRB to enter the Compact.

Staff has investigated the formal action, i.e. rulemaking or resolution; the Board would need to take in order to facilitate membership in the Compact. Board counsel has determined that the CHRB may enter into the Compact by adopting the attached resolution.

A copy of the Interstate Compact on Licensure of Participants in Live Racing With Pari-mutuel Wagering is attached for your review, as well as a copy of the B&P Code sections authorizing the CHRB to enter into the Compact.

Recommendation:

Staff recommends the Board adopt the attached resolution to enter into the Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering.

CALIFORNIA HORSE RACING BOARD  
RESOLUTION  
FOR  
NATIONAL LICENSING COMPACT

ITEM 5A

**WHEREAS**, the California Horse Racing Board (CHRB), in accordance with section 19528 of the Business and Professions Code, wishes to enter into the National Licensing Compact a.k.a. the Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering, that is identified in Business and Professions Code section 19527, provided that actual California participation under the terms of such compact: Does not result in the diminution of applicable existing standards established for licensure in California with regard to an applicants criminal history; and

**WHEREAS**, CHRB's participation in the National Licensing Compact;  
Does not prevent the enforcement of any state law or regulation affecting any licensee; and

**WHEREAS**, CHRB's participation in the National Licensing Compact;  
Shall not relieve any individual or entity of its duty to obtain any license or pay any fee otherwise required by the California Horse Racing Law; **NOW, THEREFORE, BE IT**

**RESOLVED** that the CHRB takes this formal action to adopt this resolution to enter into the National Licensing Compact a.k.a. as the Interstate Compact on Licensure of Participants in Live Racing with Pari-mutual Wagering.

*Adopted by the California Horse Racing Board in Del Mar, California, on August 21, 2003*

\_\_\_\_\_  
Robert H. Licht, Chairman

\_\_\_\_\_  
John C. Harris, Vice Chairman

\_\_\_\_\_  
William A. Bianco, Commissioner

\_\_\_\_\_  
Sheryl L. Granzella, Commissioner

\_\_\_\_\_  
Alan W. Landsburg, Commissioner

\_\_\_\_\_  
Marie G. Moretti, Commissioner

\_\_\_\_\_  
John C. Sperry, Commissioner

ATTEST:

\_\_\_\_\_  
Roy C. Wood, Jr., Executive Director

\_\_\_\_\_  
Derry L. Knight, Deputy Attorney General

**INTERSTATE COMPACT  
ON  
LICENSURE OF PARTICIPANTS  
IN LIVE  
RACING WITH PARI-MUTUEL WAGERING**

**INTRODUCTION**

This interstate compact is proposed to simplify the licensing process for participants in live racing with pari-mutuel wagering in the participating states (the "compacting states" or "party states") and to establish uniform requirements among the party states for the licensing of participants in those states. It is not intended to govern the licensure requirements for non-racing employees at racetracks or employees at separate satellite wagering facilities in the party states.

**Federal Constitutional Authority for Interstate Compacts**

A state's authority to enter into a compact with another state is contained in the "Compact Clause" of the United States Constitution, which provides that "[n]o state shall without the Consent of Congress, . . . enter into any Agreement or Compact with another State, or with a Foreign Power." U.S. Const. art. I, § 10, cl. 3; see 3 Sutherland, Statutes and Statutory Construction § 64.04 (Singer 5th ed. 1992 Rev.) ("Sutherland"). Although the Compact Clause specifically refers to the need for congressional consent for states to enter into a compact or other multistate agreement, the United States Supreme Court has held that this consent is necessary only in situations where the compact or interstate agreement may affect the political balance of the states within the federal system. *Virginia v. Tennessee*, 148 U.S. 503, 518 (1893). See also, *Northeast Bancorp, Inc. v. Board of Governors*, 472 U.S. 159, 175-76 (1985); *New Hampshire v. Maine*, 426 U.S. 363, 369-70 (1976); *United States Steel Corp. v. Multistate Tax Commission*, 434 U.S. 452, 459-71 (1978). Thus, compacts that increase the political power of states and that may encroach upon the supremacy of the United States require congressional consent, see *Virginia v. Tennessee*, 148 U.S. at 518, but compacts among states that do not implicate these principles fall outside the scope of the Compact Clause and do not require congressional consent. See *Cuyler v. Adams*, 449 U.S. 433, 440 (1981). An agreement between states to change boundaries that would result in an increase of political power to a state, for example, would require congressional consent, whereas a compact regarding the use of another state's waterways for the transportation of goods would not. See *Virginia v. Tennessee*, 148 U.S. at 518. Because it will not affect the balance of power among states or encroach upon the powers of the federal government, this proposed compact will not require congressional consent.

**State Constitutional and Legislative Authority for Interstate Compacts**

Interstate compacts are enacted into state law pursuant to a state's general law-making power and according to its normal legislative procedures. See 1A Sutherland §§ 32.03, 32.05 (Singer 5th ed. 1993). Specific procedures to adopt compacts are not typically found in state constitutions. As a result, states forming a compact simply adopt interstate compacts in the same manner by which ordinary legislation is adopted, or, again by ordinary legislation, state legislatures authorize the adoption of a compact by delegating that authority to an executive branch official, generally the governor. See *id.* at § 32.03. Accordingly, state constitutional limitations on legislative power that restrict a legislature's actions when adopting ordinary legislation also apply to the adoption of interstate compacts. *Id.* at § 32.05.

**Legislative Precedence of Interstate Compacts Over Ordinary State and Local Legislation**

Both compacts that require congressional consent and those that do not are considered superior to ordinary state statutes. See 2 Sutherland § 36.07 (Singer 5th ed. 1993). The granting of

congressional consent for an interstate compact transforms that compact into a law of the United States. *New Jersey v. New York*, 523 U.S. 767, 811 (1998); *Cuyler v. Adams*, 449 U.S. 433, 440 (1981). Accordingly, such compacts take precedence over state and local laws, and state statutes that conflict with an interstate compact approved by Congress are therefore inoperative. 2 Sutherland § 36.07 (Singer 5th ed. 1993). As a practical matter, compacts that do not require congressional consent also take precedence over ordinary state statutes because of the limits that are placed on the power of a compacting state to repeal or amend a compact without the consent of the other compacting states. See 1A id. at § 32.08 (Singer 5th ed. 1993), and 2 id. at § 36.07 (Singer 5th ed. 1993). Whereas ordinary state statutes may, of course, be repealed or amended through a state's normal legislative process, a compact may not be unilaterally repealed or amended by a compacting state unless the compact provides otherwise. See id.

## **ARTICLE I**

### **PURPOSES**

#### **SECTION 1. Purposes.**

**The purposes of this compact are to:**

- 1. Establish uniform requirements among the party states for the licensing of participants in live racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.
- 2. Facilitate the growth of the pari-mutuel racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live racing with pari-mutuel wagering.
- 3. Authorize the [agency of this state that has regulatory authority over the conduct of live racing with pari-mutuel wagering] to participate in this compact.
- 4. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and non-governmental persons to carry out the purposes of this compact.
- 5. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

#### *Comment*

The purposes of this compact are self-explanatory. As noted in the Introduction, this compact applies only to the licensing of participants in live racing with pari-mutuel wagering. It is not intended to govern the licensing of non-racing employees at a pari-mutuel racetrack, or of employees at separate satellite wagering facilities in a party state.

The 1999 version of the compact was limited to the licensing of participants in live horse racing. The 2000 version has been amended to include the licensing of participants in other forms of live racing with pari-mutuel wagering, such as dog racing. The compact does not authorize any particular state to conduct dog racing or any other form of racing with pari-mutuel wagering. It merely permits the compact committee to develop licensing standards for a multi-state license for dog racing and other forms of live racing with pari-mutuel wagering that could be used in those states that otherwise permit such racing. Thus, the compact does not conflict with any state law that prohibits dog racing or other forms of live racing with pari-mutuel wagering.

Uniformity in and greater simplicity in the licensing process for participants in live racing will help facilitate pari-mutuel racing in the party states and nationwide, and will reduce the costly nature of the current separate, duplicative licensing processes in the party states.

A key to simplifying the process will be for the compact committee created by this compact to be recognized as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and state and local law enforcement agencies.

## **ARTICLE II DEFINITIONS**

### **SECTION 2. Definitions.**

“Compact committee” means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purposes of this compact.

“Official” means the appointed, elected, designated or otherwise duly selected representative of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

“Participants in live racing” means participants in live racing with pari-mutuel wagering in the party states.

“Party state” means each state that has enacted this compact.

“State” means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and each territory or possession of the United States.

*Comment*

**The definitions are self-explanatory.**

## **ARTICLE III**

### **ENTRY INTO FORCE, ELIGIBLE PARTIES AND WITHDRAWAL**

#### **SECTION 3. Entry into force.**

This compact shall come into force when enacted by any four (4) states. Thereafter, this compact shall become effective as to any other state upon both (i) that state’s enactment of this compact and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in Section 8.

*Comment*

This compact shall become effective upon enactment by any four states and thereafter, as to any additional state, by both (i) enactment of the compact by that state and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in Section 8. This latter requirement is included because of paragraph 1 of Section 7, which provides that the licensing criteria adopted by the compact committee with regard to requests for criminal history record information and the effect of a criminal record on the issuance of a license shall be comparable to the most restrictive licensing requirements in any party state. The requirement for an affirmative vote of a majority of the officials on the compact committee, as provided in Section 8, will ensure that the then-existing party states have an opportunity to vote on whether to accept a new party state that has more restrictive criminal record licensure requirements than the compact committee’s criteria since that fact will require the compact committee to revise its criteria to be comparable to the requirements of that new party state.

#### **SECTION 4. States eligible to join compact.**

Any state that has adopted or authorized live racing with pari-mutuel wagering shall be eligible to become party to this compact.

*Comment*

This section limits eligibility to become a member of the compact to states that have adopted or authorized live racing with pari-mutuel wagering.

**SECTION 5. Withdrawal from compact and impact thereof on force and effect of compact.**

Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If as a result of withdrawals participation in this compact decreases to less than three (3) party states, this compact no longer shall be in force and effect unless and until there are at least three (3) or more party states again participating in this compact.

*Comment*

As noted in the Introduction, a compacting state normally may not unilaterally repeal a compact. This compact, however, permits party states to withdraw from the compact by enacting a statute repealing the compact in that state and by giving notice of the withdrawal to the head of the executive branch of the other party states (which in the case of the 50 states will be the governor). If at any point fewer than three states remain, the compact no longer will be in force and effect unless and until at least three states once again enact the compact.

**ARTICLE IV**

**COMPACT COMMITTEE**

**SECTION 6. Compact committee established.**

There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be comprised of one (1) official from the racing commission or its equivalent in each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the party state he represents. Pursuant to the laws of his party state, each official shall have the assistance of his state's racing commission or the equivalent thereof in considering issues related to licensing of participants in live racing and in fulfilling his responsibilities as the representative from his state to the compact committee. If an official is unable to perform any duty in connection with the powers and duties of the compact committee, the racing commission or equivalent thereof from his state shall designate an alternate who shall serve in his place and represent the party state as its official on the compact committee until that racing commission or equivalent thereof determines that the original representative official is able once again to perform his duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission or equivalent thereof to the compact committee as the committee's bylaws may provide.

*Comment*

Section 6 creates the "compact committee," the interstate governmental entity that implements the compact. The compact committee is comprised of one representative from, and selected by, the racing commission or equivalent entity of each party state, according to the laws of that state if any such laws govern that selection. Provision also is made for the selection of an alternate representative if the original representative is unable to perform his duties as a member of the committee.

**SECTION 7. Powers and duties of compact committee.**

In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

- 1. Determine which categories of participants in live horse racing, including but not limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and farriers, and which categories of equivalent participants in dog racing and other forms of live racing with pari-mutuel wagering authorized in two or more of the party states, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category. Provided, however, that with regard to requests for criminal history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.
- 2. Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, necessary to determine whether a license should be issued under the licensure requirements established by the committee as provided in paragraph 1 above. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. No such official or employee may disclose or disseminate such information to any person or entity other than another official on or employee of the compact committee. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or to an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.
- 3. Issue licenses to, and renew the licenses of, participants in live racing listed in paragraph 1 of this section who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process his application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 this section.

- 4. Enter into contracts or agreements with governmental agencies and with non-governmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.
- 5. Create, appoint, and abolish those offices, employments, and positions, including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties and qualifications, hire persons to fill those offices, employments and positions, and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits and other conditions of employment of its officers, employees and other positions.
- 6. Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation or other entity.
- 7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.
- 8. Charge a fee to each applicant for an initial license or renewal of a license.
- 9. Receive other funds through gifts, grants and appropriations.

*Comment*

- **Paragraph 1** of this section grants to the compact committee the authority to determine which categories of participants in live racing should be licensed and to establish the licensure requirements for applicants in each category, the term of the license for each category, and the requirements for renewal of licenses in each category. As provided in paragraph 2 of subsection A of Section 11, however, if the compact committee determines that a given category of participants in live racing does not need to be licensed, a party state still may decide to license that category of participants and may apply its own licensure requirements to that category.

The need to ensure honesty and integrity in live racing with pari-mutuel wagering is a critical issue in each of the states that has authorized such racing. One important aspect of this issue is the effect a criminal record should have on the issuance of a license to an applicant. Not surprisingly, states have adopted different approaches to the effect a criminal record will have on the issuance of a license. A key issue for the proposed compact, therefore, is how to address the different criminal record criteria of the party states. Paragraph 1 of this section requires that, for each category of participants in live racing, the licensure requirements established by the compact committee with regard to requests for criminal history record information on applicants in that category, and with regard to the effect of a criminal record on the issuance of a license to an applicant, must be comparable to the most restrictive requirements of any party state for that category of participants. This approach will avoid a debate in a potential party state over whether that state should enact a compact that would require that state to accept a compact committee license that was issued using criminal record criteria less stringent than those in that state. It also is a workable approach. Most applicants do not have a criminal record. Those applicants, and other applicants who still are able to meet the criminal record licensure requirements of the compact committee, will, by definition, meet any less restrictive requirements of

the party states. This means that, even using the most restrictive criminal record licensure requirements of the party states as the minimum compact committee requirements, the vast majority of applicants will be able to be licensed in all the party states. Furthermore, as provided in paragraph 3 of subsection A of Section 11, if an applicant does not meet the licensure requirements of the compact committee, a party state is still free to apply its less restrictive requirements and issue its own license to that applicant. As a result, the compact will dramatically reduce the burden both on the party states and on applicants who have no criminal record or otherwise can meet the criminal record requirements of the compact committee. A party state will have to deal separately only with those applicants seeking to participate in live racing in that state who do not meet the criminal record requirements for a compact committee license but might meet the requirements for a license in that party state.

Determining which licensure requirements of any party state are “the most restrictive” and then adopting licensure requirements that are “comparable” to those most restrictive requirements may well be difficult decisions requiring the exercise of judgment. In order to avoid argument after the fact over whether the compact committee’s decisions were correct, paragraph 1 therefore also makes it clear that these decisions are to be made by the compact committee in the exercise of its judgment.

- **Paragraph 2** authorizes the compact committee to investigate applicants for a compact committee license and, as permitted by federal and state law, to gather information on applicants, including criminal history record information from the Federal Bureau of Investigation and state and local law enforcement agencies and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies from other countries. To ensure that the confidentiality requirements of 28 U.S.C. § 534 and any comparable state law are satisfied and that criminal history record information is not disclosed or disseminated inappropriately, paragraph 2 restricts the receipt and review of such information to officials on the compact committee and compact committee employees, which subsection D of Section 9 makes clear are governmental employees. Such officials and employees may not disclose or disseminate criminal history record information to any other person or entity and may not use such information for any purpose other than the purposes of the compact. Paragraph 2 also requires that the fingerprints of each applicant must be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, must be forwarded to a state identification bureau, or to an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States (which currently includes only the Association of Racing Commissioners, International), for submission to the Federal Bureau of Investigation for a criminal history record check. Finally, paragraph 2 provides that fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.
- **Paragraph 3** authorizes the compact committee to issue initial licenses to, and renew the licenses of, applicants who meet its licensure and renewal

requirements. The compact expressly provides, however, that the compact committee does not have the power or authority to deny a license. Instead, if the committee decides that an applicant will not be eligible for the issuance or renewal of a compact committee license, it merely will notify the applicant that it will not be able to process his application further. Any such notification does not constitute the denial of a compact committee license and is not to be considered as such. This approach will avoid any stigma that might attach to an applicant later being required to indicate on a license or permit application in another state that he had been denied a license. While the fact that an applicant was denied a license or permit in another racing state may be relevant to a state that later was considering a license or permit application from that applicant, the same is not necessarily true of the compact committee's license, the criteria for which, pursuant to paragraph 1 of this section, could well be the most restrictive in the Nation and are likely to be more restrictive than those for any one party state. Finally, paragraph 3 provides that any applicant who has been notified by the compact committee that it will not be able to process his application further shall have the right to present additional evidence to, and to be heard by, the compact committee. But the final decision whether to issue or renew the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 of this section.

- **Paragraph 4** authorizes the compact committee to enter into contracts or agreements with governmental agencies or non-governmental persons to provide personal services for its activities and other services necessary to effectuate the purposes of the compact. Since the party states do not accept financial responsibility for the contracts of the compact committee, no requirement is included that contracts with the committee must contain certain provisions, that certain provisions are prohibited, or that the contracts must be reviewed by the Attorney General of each party state or other appropriate state official.
- **Paragraph 5** authorizes the compact committee to create offices and employment positions, to prescribe the qualifications for those offices and positions, to hire persons to fill them, and to establish the terms of their employment. Paragraph 6 authorizes the compact committee to borrow, accept or contract for personnel services from governmental and non-governmental entities. Paragraph 7 authorizes the committee to engage in real and personal property transactions.
- **Paragraphs 8 and 9** address funding. Paragraph 8 authorizes the compact committee to charge a fee for an initial license and any license renewal, and paragraph 9 authorizes the committee to receive other funding through gifts, grants and appropriations.

#### **SECTION 8. Voting requirements.**

- **A.** Each official shall be entitled to one (1) vote on the compact committee.
- **B.** All action taken by the compact committee with regard to the addition of party states as provided in Section 3, the licensure of participants in live racing, and the receipt and disbursement of funds shall require a majority vote of the total number of officials (or their alternates) on the committee. All other action by the compact committee shall require a majority vote of those officials (or their alternates) present and voting.

- **C.** No action of the compact committee may be taken unless a quorum is present. A majority of the officials (or their alternates) on the compact committee shall constitute a quorum.

*Comment*

The proposed compact provides that each party state shall have one vote. It would be possible, of course, to adopt a system under which the compact committee would be authorized to adopt (perhaps by a two-thirds or other supermajority vote) weighted voting to give a greater voice to states that have a greater commitment to live racing. One of the major concerns with weighted voting, however, is that states might not be willing to enact the compact if they do not have an equal voice on the compact committee. Thus, in an effort to attract as many states as possible, the proposed compact adopts a one-state-one-vote approach.

A vote of a majority of the total number of officials (or their alternates) on the compact committee is required for certain particularly critical actions by the compact committee: the admission of new party states to the compact after four states have enacted the compact; decisions on licensure of participants in live racing; and decisions regarding the receipt or disbursement of funds. All other action of the committee requires a majority vote of the officials (or their alternates) present and voting.

Finally, a majority of the officials (or their alternates) on the compact committee constitutes a quorum, and no action by the committee may be taken unless a quorum is present. This quorum requirement is intended to ensure adequate participation by the party states before action is taken by the committee.

**SECTION 9. Administration and management.**

- **A.** The compact committee shall elect annually from among its members a chairman, a vice-chairman, and a secretary/treasurer.
- **B.** The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the total number of officials (or their alternates) on the committee at that time and shall have the power by the same vote to amend and rescind these bylaws. The committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the secretary of state or equivalent agency of each of the party states.
- **C.** The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and his support staff.
- **D.** Employees of the compact committee shall be considered governmental employees.

*Comment*

This section provides for the annual election of officers of the compact committee and for the adoption and amendment or rescission of committee bylaws. It also authorizes the committee to delegate the day-to-day management and administration of its duties and responsibilities to an executive director and support staff. Finally, in order to ensure that criminal history record information received from the Federal Bureau of Investigation and other state and local law enforcement agencies is received and reviewed only by governmental employees, subsection D makes it clear that employees of the compact committee are governmental, not private, employees.

**SECTION 10. Immunity from liability for performance of official responsibilities and duties.**

No official of a party state or employee of the compact committee shall be held personally liable

for any good faith act or omission that occurs during the performance and within the scope of his responsibilities and duties under this compact.

*Comment*

This section provides party state officials and compact committee employees with immunity from personal liability for good faith acts and omissions occurring during the performance and within the scope of their official responsibilities and duties under this compact. Personal liability could arise, however, from acts and omissions that were not in good faith or were outside the scope of an official's or employee's compact responsibilities and duties.

**ARTICLE V**

**RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE**

**SECTION 11. Rights and responsibilities of each party state.**

- **A.** By enacting this compact, each party state:
  - **1.** Agrees (i) to accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in live racing pursuant to the committee's licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official representative on the compact committee or his alternate.
  - **2.** Agrees not to treat a notification to an applicant by the compact committee under paragraph 3 of Section 7 that the compact committee will not be able to process his application further as the denial of a license, or to penalize such an applicant in any other way based solely on such a decision by the compact committee.
  - **3.** Reserves the right (i) to charge a fee for the use of a compact committee license in that state, (ii) to apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked, (iii) to apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in live racing that the compact committee determines not to license and for individual participants in live racing who do not meet the licensure requirements of the compact committee, and (iv) to establish its own licensure standards for the licensure of non-racing employees at pari-mutuel racetracks and employees at separate satellite wagering facilities. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof or otherwise, promptly notify the compact committee of that suspension or revocation.
- **B.** No party state shall be held liable for the debts or other financial obligations incurred by the compact committee.

*Comment*

Under paragraph 1 of subsection A of this section, each party state agrees to accept the decision of the compact committee to issue its license to participants in live racing, and to be responsible for the expenses of its official representative to the compact committee or his alternate.

Paragraph 2 of subsection A provides that each party state agrees not to treat a notification by the compact committee to an applicant that the committee will not be able to proceed further with his application as the denial of a license, or to penalize such an applicant in any other way based solely on the committee's decision. This provision is a companion provision to paragraph 3 of Section 7, which provides that the compact committee has the authority to issue and renew a license, but not to deny a license. As the Comment to Section 7 indicates, the reason for not

authorizing the compact committee to deny a license is to avoid any stigma that might attach to an applicant later being required to indicate on a license or permit application in another state that he had been "denied" a license, especially since the compact committee's licensure requirements, at least with regard to the effect of a past criminal record, could well be the most restrictive in the Nation and are likely to be more restrictive than those for any one party state. A party state may, of course, still deny its own license to an applicant using its own licensure criteria. All that paragraph 2 of subsection A provides is that, in deciding whether to grant or deny a person a license from that state, a party state may not treat a decision by the compact committee not to proceed further with an application as the denial of a license or to penalize an applicant in any other way based solely on such a decision by the compact committee. Paragraph 3 of subsection A provides that, even though each party state agrees to accept the decision of the compact committee to issue its license to participants in live racing, each party state still reserves the right to charge a fee for the use of a compact committee license in that state, to apply its own standards in determining, on the facts of a particular case, whether a compact committee license should be suspended or revoked, and to apply its own licensure standards to categories of participants in live racing that the compact committee decides not to license and to individual participants who do not meet the committee's licensure requirements. This is the companion provision to paragraph 1 of Section 7, which provides that the compact committee's criminal record licensure requirements shall be comparable to the most restrictive requirements of any party state. Paragraph 3 also requires that a party state that suspends or revokes a compact committee license shall promptly notify the compact committee of that suspension or revocation. Finally, paragraph 3 also authorizes each party state to reserve the right to apply its own standards to the licensure of non-racing participants at its pari-mutuel racetracks and to employees at separate satellite wagering facilities in that party state. Subsection B provides that no party state shall be responsible for the debts or other financial obligations of the compact committee.

## **ARTICLE VI**

### **CONSTRUCTION AND SEVERABILITY**

#### **SECTION 12. Construction and severability.**

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or the applicability of this compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

#### *Comment*

This section contains standard liberal construction and severability provisions. The only exception is the last sentence, which contains a special severability provision for situations in which all or some portion of the compact is held to be contrary to the constitution of a party state.

**Senate Bill No. 95**

## CHAPTER 935

An act to add Article 5.6 (commencing with Section 19527) to Chapter 4 of Division 8 of the Business and Professions Code, relating to horse racing.

[Approved by Governor October 14, 2001. Filed  
with Secretary of State October 14, 2001.]

## LEGISLATIVE COUNSEL'S DIGEST

SB 95, Vincent. Horse racing: interstate licensing compact.

Existing law provides that the California Horse Racing Board is responsible for the licensing of each racing association and all persons, other than the public at large, who participate in a horse race meeting with parimutuel wagering. Existing law imposes various requirements on licensees as specified, and generally requires that all licenses granted under the Horse Racing Law be in writing, and are subject to all rules, regulations, and conditions prescribed by the board. Existing law provides that all licenses granted under the Horse Racing Board are subject to suspension or revocation by the board pursuant to specified procedures and standards.

This bill would state findings and declarations of the Legislature with respect to an interstate compact proposed by the Association of Racing Commissioners International concerning the delegation of California's licensing authority with respect to specified persons and occupations in the horse racing industry to a specified interstate committee, and would authorize the California Horse Racing Board to enter into that interstate compact for the purposes set forth in those findings, provided that California's participation in this compact does not result in the diminution of applicable existing standards established for licensure in California with regard to an applicant's criminal history and does not prevent the enforcement of any state law or regulation affecting any licensee. This bill would provide that California's entry into the compact will not relieve any individual or entity of its duty to obtain licenses or pay fees as required by state law. This bill would also authorize the board to designate an individual to represent California in conjunction with the administration of the compact.

*The people of the State of California do enact as follows:*

SECTION 1. Article 5.6 (commencing with Section 19527) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 5.6. Interstate Compact on Horse Racing Occupational  
Licensing

19527. The Legislature finds and declares all of the following:

(a) The Association of Racing Commissioners International has proposed a compact providing for the licensure of individuals involved in the horse racing industry.

(b) The intent of this compact is to preclude the necessity of individual owners, trainers, backstretch employees, and other race track personnel from having to be separately licensed in each state in which they may conduct business.

(c) This compact would provide for an individual to be licensed by the compact committee created therein, and thus be able to practice his or her profession in all states that are members of the compact.

(d) The purpose of the compact is to:

(1) Establish uniform requirements among the party states for the licensing of participants in live horse racing with parimutuel wagering, and ensure that all participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.

(2) Facilitate the growth of the horse racing industry in each party state and nationwide by simplifying the licensing process for participants in the live racing industry, and reduce the duplicative and costly process of separate licensing by the applicable regulatory agency in each state.

(3) Authorize the California Horse Racing Board to participate in this compact.

(4) Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by the compact, to enter into contracts with governmental agencies and nongovernmental persons and entities to carry out the purposes of this compact.

(5) Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation, other federal law enforcement agencies, and state and local law enforcement agencies.



19528. The California Horse Racing Board is hereby authorized to enter into the interstate compact identified in Section 19527 for the purposes described therein, provided that this state's participation in this compact does not result in the diminution of applicable existing standards established for licensure in California with regard to an applicant's criminal history and does not prevent the enforcement of any state law or regulation affecting any licensee. The California Horse Racing Board's entry into the interstate compact identified in Section 19527 shall not relieve any individual or entity of its duty to obtain any license or pay any fee otherwise required by this chapter. An individual designated by the California Horse Racing Board shall be responsible for representing California in conjunction with the administration of the compact.

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**CALIFORNIA HORSE RACING BOARD**

**August 21, 2003 Regular Board Meeting**

**ITEM 6**

**ITEM 7**

**ITEM 8**

There is no board package material for these items

Information to be presented at the board meeting.

**STAFF ANALYSIS**  
STAFF REPORT ON END-OF-MEET RESULTS

REGULAR BOARD MEETING  
AUGUST 21, 2003

**Background:**

This item contains end-of-meet reports for concluded race meets. Staff is prepared to answer questions regarding the information presented.

**Recommendation:**

This item is for information and discussion.

## END-OF-MEET OUTLINE SUMMARY

For the California Horse Racing Board meeting, August 20, 2003. This report includes a summary for the following racing meetings: CHURCHILL DOWNS at HOLLYWOOD PARK, and the SOLANO COUNTY FAIR.

### **Churchill Downs at Hollywood Park**

April 23 – July 21, 2003

Race days: 65

#### AVERAGE DAILY STATISTICS

|                              | PERCENTAGE CHANGE |
|------------------------------|-------------------|
| Ave. Daily handle            | 1.81%             |
| Ave. On-track                | -6.28%            |
| Ave. Off-track               | -3.41%            |
| Ave. Interstate-exported     | 3.15%             |
| Ave. ADW                     | 52.92%            |
| Ave. Daily attendance-Calif. | -6.55%            |
| Ave. On-track                | -6.81%            |
| Ave. Off-track               | -6.33%            |

### **Solano County Fair at Vallejo**

July 9 – July 20, 2002

Race days: 10

#### AVERAGE DAILY STATISTICS

|                              | PERCENTAGE CHANGE |
|------------------------------|-------------------|
| Ave. daily handle            | 10.36%            |
| Ave. On-track                | 6.47%             |
| Ave. Off-track               | 0.32%             |
| Ave. Interstate-exported     | 21.14%            |
| Ave. ADW                     | 101.84%           |
| Ave. daily attendance-Calif. | -5.41%            |
| Ave. On-track                | -21.44%           |
| Ave. Off-track               | 0.48%             |

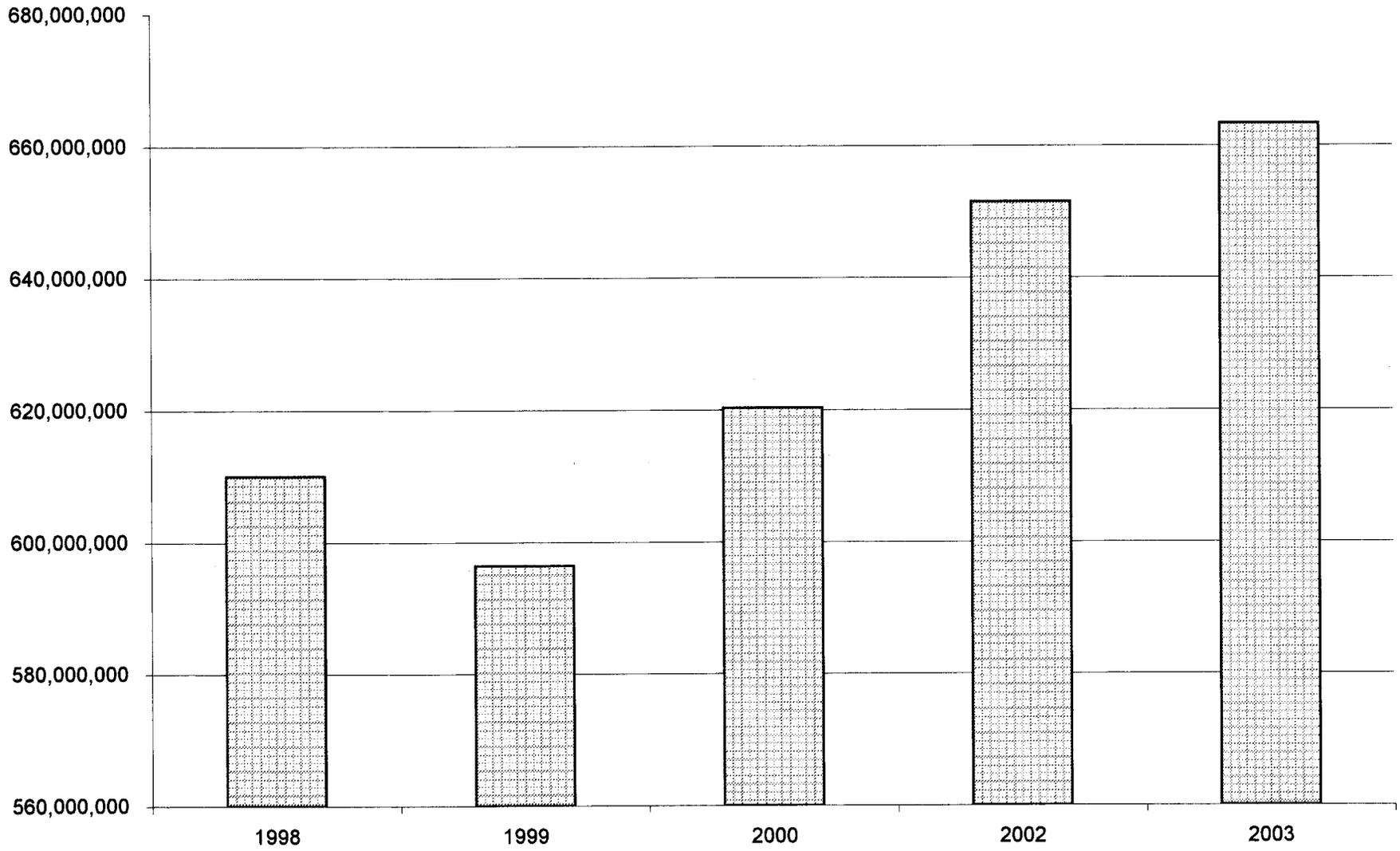
### CHURCHILL DOWNS AT HOLLYWOOD PARK

| YEAR                   | 1998        | 1999        | 2000        | 2002        | 2003        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| TOTAL DAYS             | 66          | 66          | 65          | 65          | 65          |
| TOTAL HANDLE           | 610,054,446 | 596,410,952 | 620,316,722 | 651,487,880 | 663,272,662 |
| ON-TRACK               | 146,315,964 | 139,842,318 | 144,499,129 | 128,499,426 | 120,433,415 |
| OFF-TRACK              | 222,937,689 | 224,439,811 | 226,615,509 | 220,785,642 | 213,261,776 |
| INTER-STATE            | 240,800,793 | 232,128,823 | 249,202,084 | 266,343,795 | 274,740,167 |
| ADW                    |             |             |             | 35,859,017  | 54,837,304  |
| LIVE                   | 480,886,480 | 446,131,549 | 475,307,590 | 500,667,632 | 513,054,594 |
| INTRA-STATE            | 79,330,536  | 77,799,704  | 72,601,664  | 60,896,619  | 58,332,995  |
| INTER-STATE IMPORTED   | 26,799,217  | 71,339,206  | 72,407,468  | 89,329,715  | 91,885,073  |
| INTERNATIONAL IMPORTED | 23,038,213  | 1,140,493   | -           | 593,914     | -           |
| AVE. DAILY HANDLE      | 9,243,249   | 9,036,530   | 9,543,334   | 10,022,890  | 10,204,195  |
| ON-TRACK               | 2,216,909   | 2,118,823   | 2,223,064   | 1,976,914   | 1,852,822   |
| OFF-TRACK              | 3,377,844   | 3,400,603   | 3,486,392   | 3,396,702   | 3,280,950   |
| INTERSTATE             | 3,648,497   | 3,517,103   | 3,833,878   | 4,097,597   | 4,226,772   |
| ADW                    |             |             |             |             | 843,651     |
| AVE. CALIFORNIA HANDLE | 5,594,752   | 5,519,426   | 5,709,456   | 5,373,616   | 5,133,772   |
| AVE. LIVE              | 7,286,159   | 6,759,569   | 7,312,424   | 7,702,579   | 7,893,148   |
| INTRASTATE IMPORTED    | 1,201,978   | 1,178,783   | 1,116,949   | 936,871     | 897,431     |
| INTERSTATE IMPORTED    | 406,049     | 1,080,897   | 1,113,961   | 1,374,303   | 1,413,617   |
| INTERNATIONAL IMPORTED | 349,064     | 17,280      | -           | 9,137       | -           |
| TOTAL TAKEOUT          | 118,065,352 | 114,774,902 | 119,407,309 | 124,574,219 | 125,477,110 |
| EFFECTIVE TAKEOUT      | 19.35%      | 19.24%      | 19.25%      | 19.12%      | 18.92%      |
| STATE LICENSE FEES     | 14,804,407  | 8,214,387   | 8,462,332   | 7,993,499   | 7,720,500   |
| STATE %                | 2.43%       | 1.38%       | 1.36%       | 1.23%       | 1.16%       |
| TRACK COMMISSIONS      | 23,386,710  | 25,343,793  | 26,026,873  | 24,362,010  | 23,089,750  |
| TRACK %                | 3.83%       | 4.25%       | 4.20%       | 3.74%       | 3.48%       |
| HORSEMENS PURSES       | 22,653,150  | 24,883,041  | 25,523,501  | 23,892,949  | 22,647,298  |
| HORSEMENS %            | 3.71%       | 4.17%       | 4.11%       | 3.67%       | 3.41%       |
| ADW LICENSE FEES       | -           | -           | -           | 24,649      | 39,908      |
| ADW COMMISSIONS        | -           | -           | -           | 1,494,243   | 2,318,033   |
| ADW PURSES             | -           | -           | -           | 1,464,348   | 2,268,263   |

### CHURCHILL DOWNS AT HOLLYWOOD PARK

| YEAR                      | 1998      | 1999      | 2000      | 2002      | 2003      |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| TOTAL DAYS                | 66        | 66        | 65        | 65        | 65        |
| CAIIFORNIA ATTENDANCE     | 1,543,843 | 1,449,927 | 1,391,937 | 1,307,378 | 1,221,782 |
| ON-TRACK                  | 685,080   | 646,185   | 620,009   | 592,789   | 552,396   |
| OFF-TRACK                 | 858,763   | 803,742   | 771,928   | 714,589   | 669,386   |
| DAILY ATTENDANCE          | 23,392    | 21,969    | 21,414    | 20,114    | 18,797    |
| AVERAGE DAILY ON - TRACK  | 10,380    | 9,791     | 9,539     | 9,120     | 8,498     |
| AVERAGE DAILY OFF - TRACK | 13,012    | 12,178    | 11,876    | 10,994    | 10,298    |
| TOTAL RACE EVENTS         | 580       | 571       | 568       | 557       | 558       |
| STARTS                    | 4,546     | 4,504     | 4,579     | 4,393     | 4,293     |
| AVERAGE STARTS PER EVENT  | 7.8       | 7.9       | 8.1       | 7.9       | 7.7       |
| AVERAGE HANDLE PER START  | 1,603     | 1,501     | 1,597     | 1,753     | 1,839     |

**CHURCHILL DOWNS AT HOLLYWOOD PARK  
TOTAL HANDLE**



**SOLANO COUNTY FAIR**

| YEAR                   | 1999       | 2000       | 2001       | 2002       | 2003       |
|------------------------|------------|------------|------------|------------|------------|
| TOTAL RACE DAYS        | 12         | 12         | 12         | 11         | 10         |
| TOTAL HANDLE           | 29,131,364 | 33,614,628 | 32,879,173 | 30,596,647 | 30,697,104 |
| ON-TRACK               | 3,528,752  | 3,702,872  | 3,646,736  | 2,964,941  | 2,869,927  |
| OFF-TRACK              | 19,120,942 | 19,862,369 | 20,400,516 | 18,360,752 | 16,744,773 |
| INTERSTATE             | 6,481,670  | 10,049,387 | 8,831,921  | 8,081,325  | 8,899,491  |
| ADW                    |            |            |            | 1,189,628  | 2,182,913  |
| LIVE                   | 16,626,113 | 20,361,511 | 17,949,733 | 16,918,383 | 18,793,346 |
| INTRASTATE IMPORTED    | 7,616,059  | 8,216,369  | 8,674,176  | 7,177,225  | 6,048,327  |
| INTERSTATE IMPORTED    | 4,803,009  | 5,036,748  | 6,255,264  | 6,447,769  | 5,855,431  |
| INTERNATIONAL IMPORTED | 86,182     | 0          | 0          | 53,269     | 0          |
| AVERAGE DAILY HANDLE   | 2,427,614  | 2,801,219  | 2,739,931  | 2,781,513  | 3,069,710  |
| ON-TRACK               | 294,063    | 308,573    | 303,895    | 269,540    | 286,993    |
| OFF-TRACK              | 1,593,412  | 1,655,197  | 1,700,043  | 1,669,159  | 1,674,477  |
| INTERSTATE             | 540,139    | 837,449    | 735,993    | 734,666    | 889,949    |
| ADW                    |            |            |            | 108,148    | 218,291    |
| AVERAGE LIVE           | 1,387,849  | 1,696,793  | 1,500,654  | 1,542,878  | 1,879,335  |
| INTRASTATE IMPORTED    | 634,672    | 684,697    | 722,848    | 652,475    | 604,833    |
| INTERSTATE IMPORTED    | 400,251    | 419,729    | 521,272    | 586,161    | 585,543    |
| INTERNATIONAL IMPORTED | 7,182      | 0          | 0          | 4,843      | 0          |
| TOTAL TAKEOUT          | 5,860,135  | 6,799,475  | 6,659,189  | 6,204,695  | 6,201,118  |
| EFFECTIVE TAKEOUT      | 20.12%     | 20.23%     | 20.25%     | 20.28%     | 20.20%     |
| STATE LICENSE FEES     | 343,084    | 362,760    | 353,898    | 311,515    | 295,954    |
| STATE %                | 1.18%      | 1.08%      | 1.08%      | 1.02%      | 0.96%      |
| TRACK COMMISSIONS      | 1,112,072  | 1,210,616  | 1,208,148  | 1,060,964  | 979,580    |
| TRACK %                | 3.82%      | 3.60%      | 3.67%      | 3.47%      | 3.19%      |
| HORSEMEN'S PURSES      | 1,115,101  | 1,214,112  | 1,210,063  | 1,060,632  | 980,799    |
| HORSEMEN'S %           | 3.83%      | 3.61%      | 3.68%      | 3.47%      | 3.20%      |
| ADW LICENSE FEES       | -          | -          | -          | 282        | 1,074      |
| ADW COMMISSIONS        | -          | -          | -          | 58,581     | 101,496    |
| ADW PURSES             | -          | -          | -          | 58,678     | 101,438    |

## SOLANO COUNTY FAIR

| YEAR                      | 1999   | 2000   | 2001   | 2002   | 2003   |
|---------------------------|--------|--------|--------|--------|--------|
| TOTAL RACE DAYS           | 12     | 12     | 12     | 11     | 10     |
| CAIIFORNIA ATTENDANCE     | 87,454 | 89,950 | 80,966 | 73,416 | 63,131 |
| ON-TRACK                  | 22,756 | 23,667 | 21,692 | 19,721 | 14,084 |
| OFF-TRACK                 | 64,698 | 66,283 | 59,274 | 53,695 | 49,047 |
| DAILY ATTENDANCE          | 7,288  | 7,496  | 6,747  | 6,674  | 6,313  |
| AVERAGE DAILY ON - TRACK  | 1,896  | 1,972  | 1,808  | 1,793  | 1,408  |
| AVERAGE DAILY OFF - TRACK | 5,392  | 5,524  | 4,940  | 4,881  | 4,905  |
| TOTAL RACE EVENTS         | 137    | 136    | 128    | 118    | 114    |
| STARTS                    | 1,173  | 1,145  | 1,019  | 921    | 948    |
| AVERAGE STARTS PER EVENT  | 8.6    | 8.4    | 8.0    | 7.8    | 8.3    |
| AVERAGE HANDLE PER START  | 14,174 | 17,783 | 17,615 | 18,370 | 19,824 |

**SOLANO COUNTY FAIR  
TOTAL HANDLE**

