

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

of the California Horse Racing Board will be held on, **Thursday, August 19, 2004**, commencing at **9:30 a.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 approval of the **minutes of the regular meeting of June 3, 2004.**
2. Discussion and action by the Board on the **Application for License to Conduct a Horse Racing Meeting of the Oak Tree Racing Association (T)**, from September 29 through October 31, 2004, inclusive.
3. Discussion and action by the Board on the **Application for License to Conduct a Horse Racing Meeting of the Fresno District Fair (F)**, from October 6 through October 17, 2004, inclusive.
4. Discussion and action by the Board on the **request of the Bay Meadows Operating Company to amend their license application to change the commencement of the Racing Meeting from September 3, 2004 to September 4, 2004.**
5. Discussion and action by the Board on the approval of the **Race Dates calendar for 2005.**
6. Public hearing by the Board on the adoption of the **following proposed regulatory amendments of CHRB Rules:**
 - A. **Rule 1420** – Definitions.
 - B. **Rule 1615** – Scale of Weights for Age.
 - C. **Repeal of Rules 1616 & 1684.**
7. Discussion and action by the Board for the 45-day notice, **on the proposed regulatory amendment to CHRB Medication Rules 1843.5, 1844 and 1845.**
8. Public hearing by the Board on the adoption of the **proposed regulatory amendment of CHRB Rule 1846.5 – Postmortem Examination.**

9. Discussion and action by the Board on the request of the **Los Angeles Turf Club to distribute \$262,800 in charity racing proceeds to 44 beneficiaries.**
10. Discussion and action by the Board on the request of the **Pacific Racing Association to distribute \$60,000 in charity racing proceeds to 12 beneficiaries.**
11. Discussion and action by the Board on the request by **Capitol Racing, LLC concerning the location and availability of the Satellite Signal at the Los Alamitos Race Course.**
12. Report by representatives of the California Animal Health and Food Safety Laboratory on **the Postmortem Program.**
13. Discussion by the Board on the recently published report of the **California Performance Review Commission and its specific recommendations concerning the California Horse Racing Board.**
14. Staff report on the following concluded race meetings:
 - A. **Churchill Downs California Company** at Hollywood Park from April 21 through July 18, 2004.
 - B. **Alameda County Fair** at Pleasanton from June 30 through July 11, 2004.
 - C. **Solano County Fair** at Vallejo from July 14 through July 26, 2004.

Committee Reports

15. Report of the **Race Dates Committee**
Commissioner Sheryl L. Granzella, Chairman
Commissioner Marie G. Moretti, Member
16. Report of the **Medication Committee**
Chairman John Harris, Chairman
Commissioner William Bianco, Member

Other Business

17. **General Business:** Communications, reports, requests for future action of the Board.
18. **Old Business:** Issues that may be raised for discussion purposes only, which have already been brought before the Board.

19. **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. *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

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

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PENDING LITIGATION
AUGUST 2004

CASE

CASE NUMBER

MARTIN, JOHN v.
California Horse Racing Board

Sacramento County Superior Court
No. 98CS00952

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

Hayward Superior Court
No. VG03079504

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

Sacramento County Superior Court
No. 03CS01033

PROCEEDINGS of the Regular Meeting of the California Horse Racing Board held at the State Capitol, Room 2040, Sacramento, California, on June 3, 2004.

Present: John C. Harris, Chairman
Roger H. Licht, Vice-Chairman
Sheryl L. Granzella, Member
Marie G. Moretti, Member
Jerry Moss, Member
John C. Sperry, Member
Roy C. Wood, Jr., Executive Director
Derry Knight, Deputy Attorney General

MINUTES

Chairman Harris asked for approval of the minutes of the Regular Board Meeting of March 25, 2004. Commissioner Sperry **motioned** to approve the minutes. Vice-Chairman Licht **seconded** the motion, which was **unanimously carried**. Chairman Harris asked for approval of the minutes of the Regular Board Meeting of April 22, 2004. Commissioner Sperry **motioned** to approve the minutes. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE JOCKEYS' GUILD PROPOSAL FOR JOCKEY WEIGHT ALLOWANCES AMENDING CHRB RULE 1615 - SCALE OF WEIGHTS FOR AGE.

Harold Coburn, CHRB staff, said at the March 2004 Regular Board Meeting the Jockeys' Guild (Guild) proposed changes to jockey weight allowances. The Guild's presentation resulted in the proposal to amend Board Rule 1615, Scale of Weights For Age. Mr. Coburn stated the proposed amendment would require every horse running in a race to carry ten pounds of riding gear. In addition, the amendment would provide

a definition of riding gear and would require the official program to state that in addition to the listed jockey weights, every horse carried ten pounds of riding gear. Mr. Coburn said the proposed amendment also defined jockey weight as the weight of the jockey, nude, absent any riding gear, or clothing, as recorded by the clerk of scales when the jockey weighed out. Under the proposed amendment the minimum jockey weights would be 118 pounds for jockeys riding Arabian or Thoroughbred horses, and 123 pounds for jockeys riding paint, quarter horses or mules. The proposed amendment would not alter apprentice allowances. Mr. Coburn stated the proposed amendment also required jockeys to maintain a minimum body fat content of not less than 5 percent. Jockeys whose body fat content was below 5 percent would be placed on warning and suspended from riding if they did not meet the minimum within three calendar days. Jockeys whose body fat was below 4 percent total body mass would be suspended from riding in any race. Compliance with the body fat requirements would be optional for jockeys licensed before December 31, 2003. Mr. Coburn said Board rules 1616, Minimum Weights to Be Carried; 1684, Items Included in Weight; and 1420, Definitions would be affected by the proposed amendment to Rule 1615. He stated rules 1616 and 1648 would no longer apply and could be repealed. Subsection (AA) of Rule 1420 could also be repealed. Mr. Coburn said staff recommended the Board instruct staff to initiate a 45-day public comment period. Vice-Chairman Licht asked if the moratorium on rule changes had been lifted. Mr. Coburn said the Board could proceed with regulatory actions initiated after the advent of the current administration. Vice-Chairman Licht stated the proposal was important for the industry

as it addressed health issues, and would inform the public regarding the weights carried by horses. He said as he understood the rule, if a horse did not belong in a race, the racing secretary would assign it 118 pounds, and a champion might be assigned 130 pounds. With the ten pounds of riding gear, the champion would actually carry 140 pounds. Darrell Haire of the Guild said Vice-Chairman Licht was correct. Chairman Harris asked what was the rationale for exempting jockeys licensed prior to December 31, 2003, from the minimum body fat requirements. Barry Broad, representing the Guild, said jockeys who worked under the current rules were used to a certain lifestyle and could resist sudden change. He stated the Guild believed once such jockeys witnessed the benefits of higher weight standards they would voluntarily comply. Commissioner Moretti asked how the Guild arrived at the 5 percent body fat requirement. Mr. Broad said the Guild based the requirement on medically accepted concepts of the appropriate minimum level of body fat for a human being. He stated medical technology had advanced to the point where instruments that measured body fat content were less than one hundred dollars on average. Mr. Broad said the Guild supported the proposed regulatory amendment and believed it would ultimately benefit the entire industry. Vice-Chairman Licht commented he thought December 26, 2004, would be a logical time to initiate the proposed changes. Executive Director Roy Wood, Jr., said the process of approval and implementation of regulatory actions was time consuming. He stated if staff was directed to implement a 45-day public comment period, it would not be unreasonable to expect the proposed amendments would not be effective until late December 2004. Commissioner Moretti asked if California would

be the first state to introduce the new scale of weights. Mr. Broad said other racing jurisdictions were considering the Guild's proposals. Mr. Haire stated the proposed amendment would set three standards: a minimum weight, the 10-pounds of equipment, and the minimum body fat requirements. Commissioner Moss asked how the apprentice allowance would work. Mr. Haire said apprentices would receive five to ten pounds in allowances, which would come off the minimum weight. Drew Couto of Thoroughbred Owners of California (TOC) said his organization would like to see the 45-day comment period start in July 2004. He stated his organization was not opposed to the proposal; however, it could not give its support, as it had not had an opportunity to fully discuss the issue with the Guild. He stated TOC and a Guild representative met once, but there were many questions left unanswered. Mr. Couto said if the Board initiated a 45-day comment period before the July meeting, TOC feared there would not be time to raise any concerns it had. Executive Director Wood said if comments were received that indicated the regulatory process would be difficult to complete, the Board had the option to hear the proposal at its August 2004 meeting. The 45-day public comment period was required by statute. The amendment did not have to be heard for adoption until sometime after the comment period ended. Chairman Harris said if the proposed regulation was immediately noticed for 45-days, the Board could not adopt it at its July 2004 meeting due to time constraints. The earliest it could be heard would be August. Mr. Couto said TOC did not foresee a problem with an August hearing. John Van de Kamp of TOC said if there were changes to the amendment, it would be sent out for an additional notice period. The TOC wanted everyone to understand what

the actual weight of the jockeys would be and what additional weight the horses would carry. Chairman Harris said he believed the amendment would probably go out for additional notice, as it was not in its final form. He stated the Board was not taking a position on the amendment; it was merely starting the process so the industry could begin a discussion. Mr. Couto said TOC had questions regarding the riding gear. He stated there were a number of variables that went into the calculation, and the TOC was working with the Guild to arrive at answers. Chris McCarron of Santa Anita Park said Magna Entertainment (MEC) supported raising the scale of weights. He stated MEC recognized the health risks many jockeys faced to maintain their weight. Mr. McCarron said there should be an educational component, as many younger jockeys did not understand the long-term effects of weight reduction practices. He stated there were also psychological aspects as many jockeys engaged in such activities due to pressure and stress. Mr. McCarron said MEC wanted to use the start of the Santa Anita meeting in December 2004 to implement the new scale of weights. He stated he was not necessarily in favor of raising weights using the regulatory process. Weights were currently set by house rules at racetracks throughout the nation. Mr. McCarron stated he favored continuing the practice as it would give tracks the flexibility to raise or lower weights as needed. Vice-Chairman Licht asked if Mr. McCarron was in favor of the rule change. Mr. McCarron said he had not determined if he was in favor of the Board amending the rules. Chairman Harris said under the rules the track would have the latitude of assigning higher rates. The proposed regulations merely set minimum weights. The tracks could do anything they wished as long as they did not assign

weights under 118 pounds. Mr. McCarron said several years ago TOC persuaded racing secretaries in southern California to raise the minimum weight by two or three pounds. He stated the increase was accomplished quietly and without objection. The industry needed to take one more step and raise weights to the point where jockeys were not riding with a dangerously low body fat level. Chairman Harris said the purpose of the comment period was to raise such issues. Perhaps an exception for handicaps that allowed greater flexibility could be written. The proposed regulations would ensure everyone understood and complied with the base weights. Chairman Harris asked what the current requirements were for jockeys regarding physical examinations. Mr. McCarron said during the first two weeks of January a physician conducted physical examinations in the jockeys' room. He stated the physicals were required under the Board's rules. If a jockey avoided his examination, the stewards would prevent him from riding until he resolved the issue. Occasionally a physical would reveal a health problem, but most jockeys were given a clean bill of health. Ed Halpern of California Thoroughbred Trainers (CTT) said increasing the scale of weights was too complex an issue to decide in a 45-day public comment period. He stated CTT was concerned the 45-day comment period would compress the issue into an unrealistic timeframe. Mr. Halpern said the industry should consider the effect on the entire jockey colony of raising the scale of weights. The proposed regulation would open the colony to heavier, larger, individuals who would suffer through the same weight reduction practices to meet weight. Commissioner Moretti asked what period of time CTT believed was appropriate for public comment. Mr. Halpern said the issue

should be referred to a committee of the Board for full study. Chairman Harris said he thought the approximately two months provided by the comment period was sufficient and he did not wish to see the process take a long time. Commissioner Moss asked how much proof was needed regarding the body fat issue. How many doctors did CTT want to substantiate that less than 5 percent body fat was dangerous for any human being engaged in athletics? Mr. Halpern said there might be differences regarding the standards of proof. He stated he did not know anything about the medical doctor who testified at the May 2004 Regular Board Meeting. There could be many others who would testify to a different standard. It was the kind of information the industry should have before instituting changes that would have wide-ranging effects. Chairman Harris said Dr. Seftel had impressive credentials, however, he agreed the industry should not rely on one person's testimony. He stated there was a large body of research available on the issue, and he had no problem with taking time to look. Chairman Harris said he just did not want the issue to be looked at until it went away. The Board needed to move forward. Mr. Haire stated the Guild would work with anyone in the industry to educate him or her regarding the proposed amendment. He stated the ten pounds of riding gear used the small riding saddle. It represented the minimum weight. If a jockey were assigned a weight of 118 pounds and only weighed 115 pounds nude, he would have his ten pounds of equipment plus three pounds of lead, or a little larger saddle. Mr. Haire said the proposal sounded more complex than it was. Eventually, the ten pounds of riding gear would be uniform throughout the country. Commissioner Granzella **motioned** to initiate a 45-day public comment period on the proposed

amendment to Board Rule 1615, Scale of Weights for Age. Commissioner Sperry seconded the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE DEL MAR THOROUGHBRED CLUB (T), AT DEL MAR, COMMENCING JULY 21 THROUGH SEPTEMBER 8, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said Del Mar Thoroughbred Club (DMTC) proposed to run 43 days, the same number of days as in 2003, for a total of 371 races. The first post time would be 2:00 p.m. daily, 4:00 p.m. Fridays through August 13, and 3:30 p.m. Fridays, until the end of the meeting. Ms. Noble said the fire clearance and horsemen's agreement were missing from the application. She stated staff recommended approval of the application conditioned on receipt of any missing items noted in the analysis. Joe Harper of DMTC said there were no problems with the horsemen's agreement. Drew Couto of Thoroughbred Owners of California (TOC) said his organization agreed in principle. The horsemen's agreement would be finalized after corrections. Vice-Chairman Licht said he was concerned about the group offshoot of Thoroughbred Owners and Breeders Association (TOBA) and their proposed stakes program. He stated the integrity of the National Thoroughbred Racing Association and the Breeders' Cup, as well as existing stakes programs in California, was important. He asked if DMTC had a position on the issue. Mr. Harper said DMTC heard a presentation from the TOBA group, and DMTC saw the same problems as Vice-Chairman Licht. DMTC was concerned about the impact the program would have from track to track, so it was opposed to it until it could be reworked. Chairman

Harris said he noted some prices were increasing on the Pacific Classic Day opening. He asked if the other prices would remain at 2003 levels. Mr. Harper said as much as possible, yes. He stated DMTC would have a good meeting as its dates had changed a little and preseason sales were up and strong. Vice-Chairman Licht asked if TOC had a position regarding the TOBA group. Mr. Couto said his organization heard a presentation from the group. He stated it raised some concerns, so the organization would meet in June with TOC and the racing associations to discuss their proposal in more detail. Vice-Chairman Licht **motioned** to approve the application for license to conduct a horseracing meeting of DMTC. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE ALLOCATION OF ONE (1) ADDITIONAL DAY OF FAIR RACING FOR THE SOLANO COUNTY FAIR ON JULY 26, 2004.

John Reagan, CHRB staff, said Solano County Fair (SCF) requested one additional day of fair racing on July 26, 2004. He stated SCF requested the date because Del Mar Thoroughbred Club would be running on that date and it would keep the coordination between north-south signals. Mr. Reagan said staff recommended approval of the request. Commissioner Granzella **motioned** to approve the request to allocate one additional day of fair racing for SCF on July 26, 2004. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A FAIR RACING MEETING OF THE SOLANO COUNTY FAIR (F), AT VALLEJO, COMMENCING JULY 14 THROUGH JULY 26, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said Solano County Fair (SCF) proposed to run 11 days, one more day than in 2003, for a total of 125 races. The first post time would be 12:45 p.m., daily. Ms. Noble stated the fire clearance was missing from the application. She said staff recommended approval of the application conditioned on receipt of any missing items noted in the analysis. Commissioner Sperry **motioned** to approve the application for license to conduct a fair racing meeting of SCF. Vice-Chairman Licht **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A FAIR RACING MEETING OF THE SONOMA COUNTY FAIR (F), AT SANTA ROSA, COMMENCING JULY 28 THROUGH AUGUST 9, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said Sonoma County Fair (SCF) proposed to run 12 days, the same number of days as in 2003, for a total of 134 races. The first post time would be 12:45 p.m., daily. Ms. Noble stated the fire clearance and the name of the second association veterinarian were missing from the application. Staff recommended approval of the application conditioned on receipt of any missing items noted in the analysis. Chairman Harris asked how the turf course was progressing. Jim Moore, of SCF said the turf course probably would not be planted until September for use in 2005. Vice-Chairman Licht asked if there was any indication regarding northern California park trainers participating in the fairs in 2004. Charlie Dougherty of

California Thoroughbred Trainers said he had not heard of any trainers who were planning to leave California. Mr. Dougherty said since the workmen's compensation relief legislation was announced there was renewed interest from out-of-state trainers. Commissioner Moss **motioned** to approve the application for license to conduct a fair racing meeting of SCF. Vice-Chairman Licht **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A FAIR RACING MEETING OF THE SAN MATEO COUNTY FAIR (F), AT BAY MEADOWS, COMMENCING AUGUST 11 THROUGH AUGUST 23, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said San Mateo County Fair (SMCF) proposed to run 12 days, the same number of days as in 2003, for a total of 116 races. The first post time would be 1:15 p.m. Saturdays and Sundays, and 1:45 p.m. weekdays. Ms. Noble stated the fire clearance was missing from the application. She said staff recommended approval of the application conditioned on receipt of any missing items noted in the analysis. Vice-Chairman Licht **motioned** to approve the application for license to conduct a fair racing meeting of SMCF. Commissioner Moretti **seconded** the motion, which was **unanimously carried**. Chairman Harris asked if SMCF would adjust its post time for the overlap with the Pacific Classic. Bernie Thurman of Bay Meadows said SMCF would have a post time of 1:15 p.m. on that date.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A FAIR RACING MEETING OF THE HUMBOLDT COUNTY FAIR (F), AT FERNDALE, COMMENCING AUGUST 12 THROUGH AUGUST 22, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said Humboldt County Fair (HCF) proposed to run 10 days, the same number of days as in 2003, for a total of 74 races. The first post time would be 1:55 p.m. Saturdays and Sundays, 2:25 p.m. Monday, Wednesday and Thursday, and 2:55 p.m. Fridays. Ms. Noble said the fire clearance was missing from the application. Staff recommended approval of the application conditioned on receipt of any items noted as missing in the analysis. Commissioner Sperry **motioned** to approve the application for license to conduct a fair race meeting of HCF. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A FAIR RACING MEETING OF THE CALIFORNIA EXPOSITION AND STATE FAIR (F), AT CAL-EXPO, COMMENCING AUGUST 25 THROUGH SEPTEMBER 6, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said California Exposition and State Fair (CESF) proposed to run 11 days, the same number of days as in 2003, for a total of 128 races. The first post time would be 1:00 p.m., daily, and 2:30 p.m. on September 3, 2004. Ms. Noble stated the name of the paddock judge, the entity that would provide the electronic timing device, and the on-track ambulance service were missing from the application. Staff recommended approval of the application conditioned on receipt of any items noted as missing in the analysis. Chairman Harris said two programs in one day was a novel idea. He stated he was pleased CESF was able to get the cooperation of the

horsemen. Dave Elliott of CESF said he had to make some concessions, but he believed the idea would work. Commissioner Moss asked what type of races would be run at 9:05 p.m. Mr. Elliott said CESF had not decided what races would be run. He stated a condition book with 17 races would be produced with the best card possible. Chairman Harris said CESF would overlap Bay Meadows the last four days of its meeting. He asked if there were any talks regarding the races that would be written during that time. Mr. Elliott said there was no communication. He stated the horses running at Bay Meadows were the same class that were running at the fairs, so the racetracks were going after the same herd. Executive Director Roy Wood asked if all track employees and the horsemen agreed on the one-day, 17-race card. Mr. Elliott said he spoke with Local 280 representatives who were agreeable to the idea. He stated he also had a list of about 30 persons whom he personally spoke to regarding their reservations, and they all signed off on the concept. Chairman Harris asked if one got a box seat including fair admission for \$11. Mr. Elliott said that was correct. He stated general admission to the fair was \$10 and that included everything, but if one wanted admission to the races with a box seat, it would be \$11. Mr. Elliott added CESF wished to take care of its core satellite-wagering patrons, so it had a program wherein such person got free parking and entry into the fair. Commissioner Sperry **motioned** to approve the application for license to conduct a fair racing meeting of CESF. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPROVAL OF SERVICE, OFFICIAL VETERINARIAN AND STEWARD CONTRACTS FOR THE 2004/2005 FISCAL YEAR.

Wendy Voss, CHRB staff, said the state contracting manual required boards and commissions to approve all contracts over \$5,000. Ms. Voss said the listed official veterinarian; steward and service contracts were expiring June 30, 2004, and required Board approval to begin July 1, 2004. Chairman Harris asked if there were any additional contracts to be approved later in the year. Ms. Voss said there were no additional contracts for the next fiscal year. Commissioner Granzella **motioned** to approve the service; official veterinarian and steward contracts for the 2004/2005 fiscal year. Commissioner Sperry **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE REQUEST OF CAPITOL RACING, LLC, TO ADJUST THE APPROVED OPENING DATE FOR THE FALL RACE MEET OF 2004. THEY PROPOSE OPENING TWO WEEKS EARLIER THAN CURRENTLY APPROVED (SEPTEMBER 24 INSTEAD OF OCTOBER 7). THE EARLIER OPENING WILL NOT REQUIRE AN INCREASE IN THE NUMBER OF ALLOCATED RACE DATES (45) BECAUSE CAPITOL WILL CLOSE ONE WEEK EARLIER THAN CURRENTLY ALLOCATED.

John Reagan, CHRB staff, said Capitol Racing, LLC (CR), requested an adjustment to the allocated harness racing dates at Cal-Expo. Mr. Reagan stated CR was not requesting additional race dates. CR was allocated dates to begin October 7, 2004, after discussion about dates in Stockton. Traditionally, CR started racing in late September. After it became evident the Stockton dates would not be allocated, CR requested its dates be rearranged to include a September 24, 2004 opening date. Mr. Reagan reviewed the schedule of CR's proposed race dates. Alan Horowitz of CR said

the requested starting date was essentially the same Friday start as each of the previous three years. Kim Hankins of the California Harness Horsemen's Association stated his organization supported the request. Vice-Chairman Licht **motioned** to approve the request of CR to adjust the approved opening date for the fall race meeting of 2004. Commissioner Sperry **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSING TO CONDUCT A HORSE RACING MEETING OF CAPITOL RACING, LLC (H), AT CAL-EXPO, COMMENCING SEPTEMBER 24 THROUGH DECEMBER 18, 2004, INCLUSIVE.

Pat Noble, CHRB staff, said Capitol Racing, LLC (CR), proposed to run 45 nights for a total of 587 races. Ms. Noble stated the first post time would be 5:35 p.m. The fire clearance was missing from the application. Ms. Noble said staff recommended approval of the application conditioned on the receipt of any items noted as missing in the analysis. Vice-Chairman Licht **motioned** to approve the license for application to conduct a horse racing meeting of CR. Commissioner Granzella **seconded** the motion. Rod Blonien, representing Los Alamitos Race Course (LARC), said his organization received a letter from the quarter horse horsemen. He stated the horsemen objected to LARC taking the harness signal while LARC was conducting a live race meeting. Mr. Blonien said under horse racing law horsemen had the right to object to LARC taking the signal. Vice-Chairman Licht said it was clear the law provided that if the horsemen objected, LARC did not have to take the harness signal. Mr. Blonien said the horsemen objected in the past, but the Board indicated it wanted LARC to take the signal and come to an understanding. Kirk Breed, representing Pacific Coast Quarter

Horse Racing Association (PCQHRA), read a letter from his organization to Dr. Edward Allred of LARC into the record. The letter notified Dr. Allred that the Board of Directors of PCQHRA withheld consent for the harness signal to be received by LARC during the conduct of the live quarter horse race meeting. The letter stated PCQHRA attempted to come to an agreement with CR regarding an equitable impact fee, but failed due to CR's refusal to bargain in good faith. It stated since LARC had confined the harness signal to a specific area, the quarter horse handle increased - confirming PCQHRA's position that the harness signal had a negative impact. The letter concluded by stating the quarter horse purse account was overpaid, and as it was the responsibility of the directors to represent the quarter horse men, it was withholding consent. Commissioner Harris asked if PCQHRA's action would affect all of southern California or just LARC. Mr. Breed said it only affected the agreement between LARC and CR. Vice-Chairman Licht said CR provided a letter detailing the drop in harness handle at LARC subsequent to the confinement of its signal to a specific area. He asked if the increase in the quarter horse handle offset the loss to harness horse men. Mr. Breed said he could only state the quarter horse purse account went up. He did not have specific numbers. Alan Horowitz of CR said the issue hinged on whether LARC was considered a live race meeting or satellite facility. He stated LARC provided both services when it was operating. Mr. Horowitz said the horse men could withhold consent if it was a live race meeting. However, LARC served as a satellite for harness, thoroughbred, and fair racing. It was difficult to see how consent could apply to the satellite as opposed to the live race meeting. Mr. Horowitz stated for three weeks the

harness signal had been confined to a separate area at LARC. He said he analyzed the harness income and projected two weeks into the future. After three weeks the total loss for harness was \$942,000. If one looked at the quarter horse handles at LARC during the same period on the three nights of overlap there was only a gain of \$139,000 for the three weeks; a loss in handle of over \$800,000. If no action was taken for the remainder of the current harness meeting the loss in handle at the end of July 2004, would be \$3.2 million. Vice-Chairman Licht stated Mr. Horowitz's characterization of LARC as a live meeting and a simulcast facility could be applied to every racetrack. He asked if Mr. Horowitz looked at advance deposit wagering (ADW) to see if the loss in handle was made up by increases in ADW, or other forms of wagering. Mr. Horowitz said there was a slight increase in ADW. However, he stated there were patrons who did not go to see a live meeting; they went to the simulcast facility. If they lived near another facility, they would use its services. Mr. Horowitz said harness patrons could no longer go to the Vessels Club at LARC, and the drop-off in handle spoke for itself. LARC moved harness racing to a restricted area and the results were detrimental to harness racing and the harness handle. Mr. Horowitz said throughout the LARC facility patrons could only wager on harness races sponsored by the PCQHRA and imported from Illinois. The same patrons were denied access to machines to wager on California harness racing. Mr. Horowitz stated such restrictions were not the concept Ken Maddy and other legislators envisioned for satellite wagering in California. Executive Director Wood asked if the issues were not part of the Superior Court filing the harness horsemen filed against the CHRB. Mr. Horowitz said

there were two issues. One was the entire issue was under ongoing litigation. The other was that to get approval of its application for the meeting that began in March 2004, the harness horsemen were required to pay fees based on past situations and make payments for every night it overlapped LARC. Mr. Horowitz said CR was complying with that agreement. He stated the changes at LARC, and PCQHRA's withdrawal of consent was contrary to that agreement – which was signed by all the parties. Chairman Harris asked if the money was being paid into an escrow account. Mr. Horowitz said the funds were paid weekly to the CHRB for placement into an escrow account. When the Superior Court issued a decision, the funds would be distributed. John Reagan, CHRB staff, said since the beginning of the current harness meeting funds were paid weekly in compliance with the agreement. As part of the agreement LARC also received its normal two percent guest commission that it retained. Dr. Allred said the only issue was the license for CR and the quarter horsemen's withdrawal of consent for LARC to receive the signal. He stated if he were motivated by a fair and equitable distribution of the funds he would take the harness signal and increase the handle significantly. David Neumeister of California Harness Horsemen's Association (CHHA) said he did not agree with PCQHRA's interpretation of the law. He stated CHHA was the organization with the option of withholding consent, not PCQHRA. Mr. Neumeister said he knew of no provision in the law that allowed the horsemen's association at the satellite facility to object to the signal. Executive Director Wood said each time the license application for CR was before the Board the quarter horse horsemen would state they did not agree to the signal. He

stated there was ongoing litigation, and whether one parties' interpretation of the law was correct, or whether federal law took precedence was a matter before the Superior Court. Executive Director Wood said the issue before the Board was not the litigation it was the license application. Chairman Harris asked if staff had received an audited financial statement from CR. He stated there had been comments from other parties regarding CR's financial strength. Mr. Reagan said the latest financial statement was from 2002. He stated staff expected to receive an audited statement through December 31, 2003. Mr. Blonien said the Business and Profession (B&P) Code required the horsemen's consent. He stated the Board made that determination by virtue of its June 2003 ruling, which LARC sought to take effect, and which was the basis for the negotiations in February and March of 2004. Vice-Chairman Licht asked Deputy Attorney General Derry Knight for a review of the law. Mr. Knight said the issue of the horsemen's consent was the issue that was before the Superior Court. He stated the best course for the Board was to avoid entering into such issues. Mr. Knight said he could not recommend any Board action regarding the license application. However, with regard to making a decision about the application based on consent, an order of the Board was challenged and the issue was currently in Superior Court. Executive Director Wood recommended that the Board address whether it wanted to approve or table the application as it was submitted, and not let the issues before the Superior Court affect that decision. Vice-Chairman Licht commented the application could be tabled, as the meeting would not begin until October 2004. Kim Hankins of CHHA urged the Board to approve the application. He stated the horsemen needed to know

their racing schedule as far in advance as possible. Vice-Chairman Licht stated he had letters from Chris Bardis and Edward Friedberg. He asked if they had any comments. Chris Bardis, a horse owner and ex-commissioner, said the letters were originally given to the Board at a previous meeting. He stated the subject of the letters was the purse pool and its proper accounting. Mr. Bardis said the purse pool had not been audited for ten years, so he did not know if the horsemen were properly paid, where the funds went or what they were used for. He stated the purse pool was important as it was used for horsemen's purses; it should not be used to subsidize management. Mr. Bardis said the funds in the purse pool were improperly used and he would like an audit. He suggested if the Board approved CR's application, it might include a deadline for a financial statement. Mr. Horowitz said CR did not receive a copy of the letters Mr. Bardis referenced, so it was not aware of their content. He stated for ten years CR operated at Cal-Expo and no one ever had a complaint with the timely payment of monies. Mr. Horowitz said CR always carried the horsemen's association when the purses generated were insufficient. He stated CR had done nothing inappropriate and it welcomed the Board's interest. Vice-Chairman Licht asked if Mr. Horowitz was stating CR had never used purse account monies for any purpose. Mr. Horowitz said the funds were deposited in the purse account weekly and used to pay out the purses that were generated. He stated the horsemen need the funds to run their operations. If there was a problem it was that CR was too generous and was overpaying purses. Commissioner Sperry said considering the accusations, he thought CR would bring documents forward to verify its claims. Mr. Horowitz said CR talked to its auditors

who stated the documentation would be ready shortly. He stated, however, the horsemen needed to know if CR's license would be granted. Chairman Harris said he was concerned that the only document the Board had was an 18-month old unaudited statement. Mr. Horowitz stated every audit ever submitted by CR was reviewed without issue. If there were issues with the upcoming audit the Board had the power to hold CR's license. Commissioner Moretti asked if staff had any comments regarding CR's audit record. Mr. Reagan said each time he reviewed the accounts they were overpaid. Mr. Reagan stated it was a common occurrence as other organizations such as SCOTWINC and NOTWINC would withhold funds from the handle to cover their expenses. Often, they withheld more than they needed, and the funds would be returned to the racing associations on a pro-rata basis at the end of the year. Racing associations anticipated the refunds and would put those amounts into the purse schedule in an attempt to keep the purses level throughout the year. This would result in overpayment of purses in anticipation of refunds from various sources. Vice-Chairman Licht **withdrew** his motion to approve the application for license to conduct a horse racing meeting of CR. Chairman Harris said if no action was taken on the application it could be reconsidered with a review of financial data at the July 2004 Regular Meeting. Mr. Horowitz said the CR license application was important to the horsemen. The Board could make the financial statement a condition of license. He stated the financial statement would be available prior to the July 2004 meeting and could be thoroughly reviewed. The issue of the horsemen's consent and whether LARC was a live meeting or a satellite facility was before the Superior Court and

probably would not be decided before the July 2004 meeting. Dr. Allred said the quarter horse horsemen and LARC did not object to CR receiving its license. He stated the horsemen only wished to lodge their objection to taking the harness signal without compensation. Commissioner Moretti **motioned** to approve the application for license to conduct a horse racing meeting of CR conditioned upon receipt of a financial statement. Steve Bieri of CR said his organization always provided a reviewed statement and had never been told there was an objection. Mr. Bieri said CR did not have a problem with an audited statement, but if that was what the Board wanted, CR needed to have more time. A reviewed statement would be ready within a couple weeks; if there were questions, CR would be happy to provide an audited statement. Mr. Bieri said if CR knew its application would be conditioned on the preparation of its financial statement it would have reacted differently. Executive Director Wood said for years staff asked that CR's financial statements be submitted on a timely basis, and over the past several years Board members stated audited financial statements were more productive than reviewed financial statements. Chairman Harris said the Board was not focusing on CR. Any racing association should submit an audited statement. Mr. Bieri said CR would provide a reviewed statement. If the Board directed CR to provide an audited statement, it would. Commissioner Sperry said Mr. Bardis' letter raised certain issues that CR should answer to the satisfaction of the Board. Mr. Bieri said he had not seen the letter, nor had he talked to Mr. Bardis. He stated he hoped the letter had specific charges so they could be addressed. Executive Director Wood asked if Mr. Bieri thought the letter could be addressed before July 22, 2004. Mr. Bieri said he

assumed that was a reasonable time to respond. He asked the Board to approve CR's license under such conditions. Commissioner Moretti **restated** her **motion** to approve the application for license of CR conditioned upon receipt of a reviewed financial statement and an examination of the purse account at least 15 days prior to the July 22, 2004, Regular Board Meeting. Commissioner Sperry **seconded** the motion, which was **unanimously carried**.

**DISCUSSION BY CAPITOL RACING, LLC, ON THE MATTER OF THE
SIMULCAST SIGNAL DISPLAY AT LOS ALAMITOS FOR HARNESS
RACING FROM CAL-EXPO.**

Steve Bieri of Capitol Racing, LLC (CR) said Los Alamitos Race Course (LARC) was mistreating harness racing fans. Harness patrons were segregated into an inferior portion of the LARC facility. Mr. Bieri stated the Board was presented with a petition from LARC harness fans in which they voiced their desire to have LARC rectify the situation. Mr. Bieri distributed and discussed photographs of the LARC wagering facility and the "Capitol Harness Racing from Cal-Expo Wagering Area." In conclusion he asked that the Board direct LARC to cease its policy of segregating harness fans and permit all fans of horse racing to wager anywhere in the facility. Commissioner Sperry asked if the Board had such authority. Mr. Bieri said Section 19400, subsection (d) of the Business and Profession (B&P) Code granted the authority. Deputy Attorney General Derry Knight said the section stated "The intent of this chapter is to allow pari-mutuel wagering on horse races while: (d) providing for maximum expansion of horse racing opportunities in the public interest." Mr. Bieri

said the authority was in the law. However, there was also a human consideration, as no fan should be treated in such a manner by any racing facility. Dr. Edward Allred of LARC said if the Board wished to enforce a particular management style at LARC, it would have to be consistent throughout the state. He stated a quarter horse fan would have difficulty making a wager at Del Mar. Dr. Allred said live racing and simulcast racing were two different things in California. He stated LARC could import the signal as part of its live racing program. The horsemen benefited from such broadcasts as LARC paid 2 or 3 percent to the track that exported the signal and kept the remainder, which was divided with the horsemen. Dr. Allred said CR harness expected to rent the quarter horse fans for nothing. LARC only received 2 percent of the handle and the quarter horse horsemen received nothing. He stated every California track that ran a live meeting was a live track and a simulcast facility. During the live racing program LARC moved harness to a designated area. Dr. Allred said some of the large harness players were lost, but they were wagering elsewhere. If the average fan wagered on harness races between quarter horse races, LARC would only receive 2 percent, which was something it could not accept. He stated he would like to resolve LARC's issues with CR, but there had to be an equitable distribution. Dr. Allred said another factor was that harness had the highest takeout in the state. Every time an exotic wager was made 24 percent was taken out. Contrary to what was said, the takeout did impact handle. Chairman Harris asked what percentage was taken from quarter horse wagers. Dr. Allred said the maximum take was 15.5 percent for straight wagers and 20 percent for exotic wagers. He stated if LARC was going to compete with the slot machine

states it had to feature live racing. If LARC conducted promotional programs to bring in fans, and some of those fans wagered on the CR signal, LARC would lose on the promotion because it only received 2 percent. Rod Blonien, representing LARC, said there were no provisions in the law that required LARC to show CR's signal throughout its facility. He stated the Board had detailed regulations governing the conduct of a satellite facility, and LARC was in compliance. Mr. Blonien said CR was asking LARC to favor harness horsemen over quarter horse horsemen. Considering the differences in the handle, which was something LARC could not do. Mr. Bieri said the Horse Racing Law stated it was the intent of the law to provide for maximum expansion of horse racing opportunities in the public interest. He stated LARC's actions were not in the public's interest. The law also provided for uniformity of regulation for each type of horse racing. The word "regulation" in that context did not just mean written regulation. In addition, Section 19605.3(b) of the B&P Code required the Board to approve accommodations and equipment used in conducting wagering at satellite facilities. He stated to his knowledge the particular accommodations had not been approved. Executive Director Wood said once a satellite facility was approved it did not come up for renewal each year. Mr. Neumeister said he understood, but the Board did have the authority to regulate. He stated under Board Rule 2057 plans for remodeling existing satellite facilities must be submitted to the Board for review and approval. If LARC wished to make such changes it needed to have Board approval.

STAFF REPORT ON THE FOLLOWING CONCLUDED RACE MEETING:

A. LOS ANGELES TURF CLUB AT SANTA ANITA FROM DECEMBER 26, 2003 THROUGH APRIL 18, 2004.

John Reagan, CHRB staff, said Los Angeles Turf Club (LATC) opened on December 26, 2003, and conducted an 84-day meeting. He stated the average daily handle was down 3 percent. The intrastate exported handle was down almost 9 percent; with large increases in advance deposit wagering (ADW). Vice-Chairman Licht said the LATC meeting had some positive aspects. However, the ADW portion was so poor it deserved extensive review. He stated it was imperative that XpressBet did something to improve its dismal figures. TVG and YouBet outperformed XpressBet during the period. Chairman Harris said declining revenues were a real concern, especially during a time of rising expenses. He stated LATC held a good meeting, but the industry needed to figure out how it could turn around the negative trends. Jack McDaniel of LATC said on-track attendance was up during the meeting. He stated that had not happened in over four years. Mr. McDaniel said during the second half of the meeting attendance increased consistent with LATC's outreach on radio, television and promotions to a new class of visitors. LATC found that the mix of regular patrons and new patrons had changed. For the first time there were more new patrons on big days. The flat handle was consistent with the trend as new patrons tended to wager less. Mr. McDaniel stated ADW was a challenge that was forcing LATC to create an attractive, visitor friendly facility. He stated in the near future LATC hoped to announce a new venture that would involve broadcast television and would make the experience of on-

track attendance more relevant. Mr. McDaniel outlined additional actions LATC took to regenerate interest in the on-track attendance.

REPORT FROM THE PARI-MUTUEL OPERATIONS COMMITTEE

Vice-Chairman Licht said the pari-mutuel operations committee met on April 23, 2004, at Hollywood Park. He stated the committee talked at length about the practice of rebating. Vice-Chairman Licht said he would like the committee to devote a future meeting entirely to the subject. In addition, he stated he would like the committee to look at distribution of the handle.

GENERAL BUSINESS

Ron Liccardo on the Pari-mutuel Employee's Guild (Guild) said at the April 2004 Regular Board Meeting he raised some issues regarding promises made to the Guild when the ADW legislation was initiated. He stated he had the transcript for the January 24, 2002, Regular Board Meeting minutes in which such representations were made. Mr. Liccardo read excerpts from the January 24, 2002, Regular Board Meeting minutes. He stated he would not be present in December 2004 when advance deposit wagering licenses would be discussed, and wished the Board to be aware of the promises made to the Guild.

MEETING ADJOURNED AT 12:55 P.M.

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

Chairman

Executive Director

STAFF ANALYSIS

August 19, 2004

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE OAK TREE RACING ASSOCIATION AT SANTA ANITA SEPTEMBER 29, 2004 THROUGH OCTOBER 31, 2004.

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

- September 29 through October 31, 2004, or 26 days, 6 less than 2003. The association proposes to race 223 races, or 8.6 per day.
 - They meet the 10% requirement of stakes purses paid for Cal-bred stakes races.

September - 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 H	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 - 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 H	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

- Racing 5 days per week, Wednesday through Sunday, with 8 races weekdays, 9 opening day, weekends and Monday, October 11.
 - Request the option to program 10 races on opening day, weekends and October 11.
 - Racing Monday, October 11, which makes 6 days the week of October 11-17.
- First post 1:00 p.m. Wednesday and Thursday, 2:30 p.m. Friday and 12:30 p.m. weekends and holidays.
 - 12:00 noon Saturday, October 16, California Cup Day.
 - Post to be determined for Saturday, October 30, Breeders' Cup Day.
- Specific changes from the 2003 license application:
 - Victor Tovar replaces Harry Toston as horseshoe inspector, Ruben Hernandez and Dawn Jackson replace Lisa Jones and Dennis Flowers as patrol judges and Lisa Jones replaces Dave Samuel and Zachary Sotto as placing judge.
 - Off-track programs increased from \$2 to \$2.25.
 - 1 p.m. Friday post in 2003.
 - Offering a Pick 5 wager.
- 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 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 29, 2004 through October 31, 2004

B. Actual dates racing will be held: September 29, 30
October 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15,
16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31

C. Total number of days or nights of racing: 26 Days

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

Wed - Sun Tues - Sat Other (specify) Monday, October 11

E. Number of days or nights of racing per week: 5 Days
Exception: 6 Days, October 11 thru October 17, 2004;

3. RACING PROGRAM

A. Total number of races: Estimate 223*

CHRB CERTIFICATION

Application received: 6/23/04
Deposit received: 10,000 VP
Reviewed: PN

Hearing date: 8/19/04
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 11
(With the option to program ten races on such days)*

C. Total number of stakes races: 28 (Including 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 2004 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:

	Tuesday & Wednesday	Weekends & Holidays	Friday
Race 1	1:00 p.m.	12:30 p.m.	2:30 p.m.
Race 2	1:30 p.m.	1:00 p.m.	3:00 p.m.
Race 3	2:00 p.m.	1:30 p.m.	3:30 p.m.
Race 4	2:30 p.m.	2:00 p.m.	4:00 p.m.
Race 5	3:00 p.m.	2:30 p.m.	4:30 p.m.
Race 6	3:30 p.m.	3:00 p.m.	5:00 p.m.
Race 7	4:00 p.m.	3:30 p.m.	5:30 p.m.
Race 8	4:30 p.m.	4:00 p.m.	6:00 p.m.
Race 9	5:00 p.m. <i>(When applicable)</i>	4:30 p.m. <i>(When applicable)</i>	
Race 10	5:30 p.m. <i>(When Applicable)</i>	5:00 p.m. <i>(When applicable)</i>	

Exceptions: *Breeders' Cup Day, Saturday, October 30* *TBD*
California Cup Day, Saturday, October 16 *12:00 PM*

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.*

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*

2004 OAK TREE STAKES

RACE DATE	RACE	PURSE	AGE	DISTANCE	B/C \$	COST
Wed, Sep 29	SEN. KEN MADDY HANDICAP (G III)	\$100,000	F/M, 3 & UP	abt. 6 1/2 (T)		\$90,000
Wed, Sep 29	COVER GAL STAKES	\$75,000+	F, 2 YO (CA)	7 F		
Thu, Sep 30	CAVONNIER STAKES	\$75,000+	2 YO (CA)	7 F		
Sat, Oct 2	GOODWOOD BREEDERS' CUP HANDICAP (G II)	\$500,000*	3 & UP	1 1/8 M	\$100,000	\$350,000
Sat, Oct 2	YELLOW RIBBON STAKES (G I)	\$500,000	F/M, 3 & UP	1 1/4 M (T)		\$440,000
Sat, Oct 2	OAK LEAF STAKES (G II)	\$200,000	F, 2 YO	1 1/16 M		\$180,000
Sun, Oct 3	CLEMENT L. HIRSCH TURF CHAMPIONSHIP (G I)	\$250,000	3 & UP	1 1/4 M (T)		\$230,000
Sun, Oct 3	LADY'S SECRET BREEDERS' CUP HANDICAP (G II)	\$250,000	F/M, 3 & UP	1 1/16 M	\$75,000	\$165,000
Sun, Oct 3	NORFOLK STAKES (G II)	\$200,000	2 YO	1 1/16 M		\$180,000
Sat, Oct 9	OAK TREE BREEDERS' CUP MILE (G II)	\$250,000*	3 & UP	1 M (T)	\$50,000	\$185,000
Sun, Oct 10	ANCIENT TITLE BREEDERS' CUP HANDICAP (G I)	\$250,000*	3 & UP	6 F	\$50,000	\$185,000
Mon, Oct 11	HAROLD C. RAMSER, SR. HANDICAP	\$100,000	F, 3 YO	1 M (T)		\$90,000
Sat, Oct 16	CALIFORNIA CUP CLASSIC	\$250,000	3 & UP (CA)	1 1/8 M		
Sat, Oct 16	CALIFORNIA CUP MILE	\$175,000	3 & UP (CA)	1 M (T)		
Sat, Oct 16	CALIFORNIA CUP MATRON	\$150,000	F/M, 3 & UP (CA)	1 1/16 M		
Sat, Oct 16	CALIFORNIA CUP SPRINT	\$150,000	3 & UP (CA)	6 F		
Sat, Oct 16	CALIFORNIA CUP DISTAFF	\$150,000	F/M, 3 & UP (CA)	abt 6 1/2 f (T)		
Sat, Oct 16	CALIFORNIA CUP JUVENILE (COLTS & GELDINGS)	\$125,000	2 YO (CA)	1 1/16 M		
Sat, Oct 16	CALIFORNIA CUP JUVENILE (FILLIES)	\$125,000	F, 2 YO (CA)	1 1/16M		
Sat, Oct 16	CALIFORNIA CUP DISTANCE HANDICAP	\$100,000	F/M, 3 & UP	1 1/4 M (T)		
Sat, Oct 16	CALIFORNIA CUP STARTER HANDICAP	\$50,000	3 & UP (CA)	1 1/2 M (T)		
Sat, Oct 16	CALIFORNIA CUP STARTER SPRINT HANDICAP	\$50,000	3 & UP (CA)	6 F		
Sun, Oct 17	OAK TREE DERBY (G II)	\$150,000	3 YO	1 1/8 M (T)		\$140,000
Sat, Oct 23	CARLETON F. BURKE HANDICAP (G III)	\$100,000	3 & UP	1 1/2 M (T)		\$90,000
Sat, Oct 23	SUNNY SLOPE STAKES	\$75,000+	2 YO	6 F		
Sun, Oct 24	ANOAKIA STAKES	\$75,000+	F, 2 YO	6 F		
Sat, Oct 30	BREEDERS' CUP DAY					
Sat, Oct 30	MORVICH HANDICAP (G III)	\$100,000	3 & UP	abt 6 1/2 F (T)		\$90,000
Sun, Oct 31	LAS PALMAS HANDICAP (G II)	\$150,000	F/M, 3 & UP	1 1/8 M (T)		\$140,000

\$2,555,000

Supplemental nominations available for all stakes...

**Pending TOC Approval

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

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
 Thomas R. Capehart, Vice-President-Secretary, Director
 Dr. Rick M. Arthur, Vice-President-Assistant Secretary, Director
 John H. Barr, Vice-President, Director
 Robert B. Lewis, Vice-President, Director
 Trudy V. McCaffery, Vice President, Director*

Note: There are no shares of stock, but there are seven 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: *Seven (7) memberships outstanding.*

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, Vice President-Secretary*

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, 2004, 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, 2003 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 & Managing Officer, Director
Thomas R. Capehart, Vice-President-Secretary, Director
Dr. Rick M. Arthur, Vice-President-Assistant Secretary, Director
John H. Barr, Vice-President, Director
Robert B. Lewis, Vice-President, Director
Trudy V. McCaffery, Vice President, Director
Jack McDaniel, President, Los Angeles Turf Club, Inc.
Chris McCarron, General Manager
George Haines II, Assistant General Manager-Operations
Candace Coder-Chew, Director of Print & Graphics
Mary Forney, Simulcast Coordinator
Steve Guise, Director of Facility & Grounds
Randy Hartzell, Pari-Mutuel Manager
Barbara Helm, Controller
Dick Honaker, Director of Security
Dick Hughes, Industrial Relations
Richard Price, Director of Operations and Guest Services
Pete Siberell, Director of Community Services & Special Projects
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

5. PURSE PROGRAM

A. Estimated purse distribution:

- | | |
|---------------------------------|--------------|
| 1. All races other than stakes: | \$ 5,600,000 |
| 2. Overnight stakes: | \$ 300,000 |
| 3. Non-overnight stakes: | \$ 2,555,000 |

B. Stakes Races:

- 1. **Estimated purse distribution for all stakes races:** **\$ 2,855,000**
- 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: **\$ 1,100,000**

D. Estimated amount of payment to each recognized horsemen's organization contracting with the association and the name(s) of the organization(s): **\$ 328,000**

Recognized Horsemen's Organization	Estimated Payment
<i>NTRA</i>	\$ 100,000
<i>Thoroughbred Owners of California</i>	\$ 91,200
<i>California Thoroughbred Trainers, Inc.</i>	\$ 136,800
<i>(*) \$102,600 Pension Fund + \$34,200 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: **\$ 9,883,000**

F. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: **\$ 7,123,000**

G. Estimated purse funds to be generated from interstate handle: **\$ 1,862,000**

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 with the board)

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:** \$540,000
- H. **Estimated cost to provide vanning from off-site stalls for this meeting. Show fees to be paid for vanning per-horse:** \$ 80,000
\$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:**
\$620,000 (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).

	TYPE OF WAGERS	APPLICABLE RULES
Example Race:	\$1 E; \$2 Twin Trifecta	CHRB #1959; RCI #VP

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 \$1PNP5 \$1PNP	CHRB #1959, 1958, 1957, 1977, 1976.9
Race #5	\$1E \$2Q \$2DD \$1PK 3 \$1PNP5 \$1PK4	CHRB #1959, 1958, 1957, 1977, 1978,1976.9
Race #6	\$1E \$2Q \$2DD \$1PK 3 \$1PNP5 \$1PK4	CHRB #1959, 1958, 1957, 1977, 1978,1976.9
Race #7	\$1E \$2Q \$2DD \$1PK 3 \$1PNP5 \$1PK4	CHRB #1959, 1958, 1957, 1977, 1978,1976.9
Race #8	\$1E \$2Q \$2DD \$1PK 3 \$1PNP5 \$1PK4	CHRB #1959, 1958, 1957, 1977, 1976.9
Race #9	\$1E \$2Q \$2DD \$1PNP5	CHRB #1959, 1958, 1957, 1976.9
Race #10	\$1E \$2Q \$2DD	CHRB #1959, 1958, 1957

- Rolling \$2 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.
- \$1 Place PK-8 on 8-race program; Place PK-9 on 9-race program, Place PK-10 on 10-race program. Alternate runner provision. [All \$1 Wagers] No carryover. Pay all tickets with most winners (CHRB 1976.8)
- \$2 PK-6 Last six live races 70% Carryover, 30% Minor. Closing Line Favorite evidenced by the amounts wagered in the win pool (CHRB #1976.9)
- \$1 PK-5 Last five live races. No carryover. Pay all tickets with most winners. (CHRB #1976.9)
- \$1 PK-4 last four live Races. (CHRB #1978)
- \$2 Parlay Wagering Races 1-10 (CHRB #1954.1)
- Additional deduction provided by subdivision (a) of Section 19611.5 will be made.

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, October 31, 2004

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

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

If yes, when will such wagering begin:

8:30 AM to 10:00 AM each day.

Exception: 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: Scientific Games Racing Expires: 9/2005

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": *(TBD)*

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. 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":



**Oak Tree 2004
Proposed Out-of-State Simulcast Sites**

Arapahoe Park	Hazel Park	Retama Park
Arlington International Racecourse	Hinsdale Greyhound Park	River Downs
Atlantic City Casino Assn.	Hoosier Park	Rockingham Park
Atlantic City Race Course	Horsemen's Park	Rosecroft Raceway
Atokad Downs	Indiana Downs	Ruidoso Downs
Attheraces Plc	International All Sports Limited	Saginaw Harness Raceway
Balmoral Park/Maywood	Jackson Harness Raceway	Sam Houston Race Park, LTD
Bettor Racing OTB	Keeneland Association	Saratoga Raceway
Beulah Park	Las Vegas Dissemination Co.	Scarborough Downs
Birmingham Race Course	Lebanon Raceway	Scioto Downs
Blue Ribbon Downs	Les Bois Park Simulcast Network	Southland Greyhound Park
Bluffs Run Greyhound Park & Casino	Lewiston Raceways, Inc.	Sports Creek Raceway
Boyd Gaming, dba Delta Downs	Lien Games, Inc.	State Fair Park
Buffalo Trotting Association	Lincoln Park	Stevenson & Associates, Inc. (Common)
Calder Race Course	Lone Star Race Park Ltd.	Suffolk Downs
Canterbury Park	Louisiana Downs	Suffolk OTB
Capital District OTB	LVDC / Holiday Beach Hotel & Casino	Sunland Park
Capital Sports Pty Ltd.	LVDC / Tonkawa Bingo	Sunray Park
Catskill OTB	LVDC / Tribal Locations	The Green Track
Charles Town Races	Manor Downs	The Greyhound Park at Post Falls
Choctaw Racing Services, LLC	Maryland Jockey Club	The Meadows
Churchill Downs	Midway Slots & Simulcast	The Racing Network International, Inc.
Churchill Downs Sports Spectrum	Monmouth Park	The Texas Hub at Gulf Greyhound
Coeur d' Alene Casino	Montana Simulcast Partners	Thistledown Racing
Colonial Downs	Monticello Raceway	Tri-State Racetrack & Gaming Center
Columbus Races	Mount Pleasant Meadows	Turf Paradise
Connecticut OTB	Mountaineer Park	Turfway Park
Corpus Christi Greyhound Race Track	Multnomah Greyhound Park	TVG Network
Crystal Palace Casino	Nassau/Suffolk OTB	Valley Greyhound Park (Sam Houston site)
Dairyland Greyhound Park	Nevada Pari-Mutuel Association	Vernon Downs
Delaware Park	New Jersey Sports & Exposition Authority	Western Regional OTB
Dover Downs	New York City Off-Track Betting	Wheeling Downs
Downs at Albuquerque	New York Racing Association	Wichita Greyhound Park
Ellis Park	Newport Jai-Alai	Wonderland Greyhound Park
Emerald Downs	Northfield Park	Woodlands
Evangeline Downs	Northville Racing Corp.	Wyoming OTB
Fair Meadows at Tulsa	Oaklawn Park	Yonkers Raceway
Fairgrounds Race Course	Ocean Downs	Youbet
Fairmount Park	Penn National Race Course	
Finger Lakes Race Track	Philadelphia Park	SEPARATE POOL SITES
Fonner Park	Plainridge Race Course	Caliente
Freehold Raceway	Prairie Meadows	Caymanas Park
Geneva Lakes Kennel Club	Raceway Park	Stevenson & Associates
Gillespie County Fair Race Meet	Racing & Gaming Services, Inc.	Woodbine Entertainment
Great Lakes Downs	Racing Services, Inc.	
Hawthorne National LLC	Remington Park	



SIMULCASTING

OAK TREE 2004 Proposed Imports*

Dates	Track	Race(s)
Oct 27 – Oct 31	Aqueduct	Full/Partial Card or Stakes
Sept 29 – Oct 24	Belmont	Full/Partial Card or Stakes
Sept 29 – Oct 31	Calder	Full/Partial Card or Stakes
Oct 31	Churchill	Full/Partial Card or Stakes
Sept 29 – Oct 31	Delaware Park	Partial Card/Stakes
Sept 29 – Oct 30	Great Lakes Downs	Full/Partial Card or Stakes
Sept 29 – Oct 31	Hastings Park	Partial Card/Stakes
Sept 29 – Oct 31	Hawthorne	Full/Partial Card or Stakes
Sept 29 – Oct 31	Hoosier Downs	Full/Partial Card or Stakes
Oct 8 – Oct 30	Keeneland	Full/Partial Card or Stakes
Oct 4 – Oct 31	Laurel	Full/Partial Card or Stakes
Oct 1 – Oct 31	Lone Star Park	Full/Partial Card of Stakes
Sept 29 – Oct 31	Louisiana Downs	Full/Partial Card or Stakes
Sept 29 – Oct 31	Meadowlands	Partial Card/Stakes
Sept 29 – Oct 31	Philadelphia Park	Partial Card/Stakes
Sept 29 – Oct 3	Pimlico	Full/Partial Card or Stakes
Sept 29 – Oct 31	Remington	Full/Partial Card or Stakes
Sept 29 – Oct 31	Thistledown	Full/Partial Card or Stakes
Sept 29 – Oct 31	Turf Paradise	Full/Partial Card or Stakes
Sept 29 – Oct 7	Turfway Park	Partial Card/Stakes

***Subject to change.**

- H. For **STANDARDBRED** 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 19596.1, 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, Director
 Thomas R. Capehart, Vice-President-Secretary, Director
 Dr. Rick M. Arthur, Vice-President-Assistant Secretary, Director
 John H. Barr, Vice-President, Director
 Robert B. Lewis, Vice-President, Director
 Trudy V. McCaffery, Vice President, 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	Victor Tovar
Paddock Judge	Ken Goldberg
Patrol Judges	Ken Goldberg, Ruben Hernandez, Dawn Jackson
Placing Judges	Bob Moreno, Lisa Jones
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/Bill O'Brien (May 1, 2005)

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 Vinten camera Support Equipment. All cameras (except the 2 wireless) are on triax camera control systems. E] digital betacams. 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 Beta cam 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

- 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
- 4 Barco Video Projectors
- 1 40'x53' Display Ad Large screen LED video board
- 2 Barco LED Screens

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):

State Compensation Insurance Fund
C/o Cal-Surance Associates, Inc.

Policy WC 1679603-04
Effective 4/1/04 – 4/1/05

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

CERTHOLDER COPY

**STATE
COMPENSATION
INSURANCE
FUND**

P.O. BOX 807, SAN FRANCISCO, CA 94142-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 04-01-2004

 GROUP:
 POLICY NUMBER: 1679603-2004
 CERTIFICATE ID: 4
 CERTIFICATE EXPIRES: 04-01-2005
 04-01-2004/04-01-2005

 CALIFORNIA HORSE RACING BOARD SP
 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.

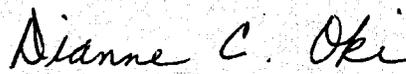
This policy is not subject to cancellation by the Fund except upon 10 days' advance written notice to the employer.

We will also give you 10 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.



AUTHORIZED REPRESENTATIVE



PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000.00 PER OCCURRENCE.

EMPLOYER

LEGAL NAME

 OAK TREE RACING ASSOCIATION
 285 W HUNTINGTON DR
 ARCADIA CA 91007

OAK TREE RACING ASSOCIATION

Admission (general)	\$ 5.00
Admission (clubhouse)	\$ 8.50
Admission (turf club)	\$15.00
Reserved seating (general)	Free
Reserved seating (clubhouse)	\$ 7.50 Box Seat
	\$ 5.00 CH Loge Reserved Seat
	(Sold on premium days only)
Parking (general)	\$ 4.00
Parking (preferred)	\$ 6.00
Parking (valet)	\$10.00
Programs (on-track)	\$ 2.00
(off-track)	\$ 2.25 [\$2.00 last year]

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 by the CHRB 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

16. 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:** *Steve Guise, Director of Facility & Grounds*
- D. **Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474.**
Maintenance information 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):**
 No exceptions.
- 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



Signature

Executive Vice President

Print Title

6/21/04

Date

STAFF ANALYSIS
August 19, 2004

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE FRESNO DISTRICT FAIR AT FRESNO OCTOBER 6, 2004 THROUGH OCTOBER 17, 2004.

- Fresno District Fair filed its application to conduct a horse racing meeting at Fresno:
- October 6 through October 17, 2004, or 11 days, the same as 2003. They propose to race a total of 98 races, three less than 2003.

October - 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11 H	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

- 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 9 Sunday.
 - Number of horses available determines the number of daily races programmed by breed.
 - No racing Tuesday, October 12.
- 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 2003 license application:
 - Gary Beck replaces Henry Cook as association veterinarian and Victoria Layne replaces Anna Hamilton as paymaster of purses.
 - Increases - general parking from \$4 to \$5 and a box for 4 from \$539 to \$642.
- 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.

FROM CARF:

1. Thoroughbred sign-off for the Fresno Fair on the horsemen's agreement.
2. Contract with Scientific Games Racing, LLC/Autotote Systems, Inc.

RECOMMENDATION:

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Thoroughbred	6	5		5	5	7	7
Other Breeds	3	3		3	3	3	3
Total	9	8	0	8	8	10	10

D. Total number of stakes races by breed:

Thoroughbreds Quarter Horses Appaloosas
 Arabians Paints Mules

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

Saturday, October 9, 2004 Arabians, 3 Years Old & Up 1 1/16 Miles	KCuch Jedah Stakes 7 th Running	\$ 10,000 Guaranteed Noms Close 10/6/04 (Includes \$1,000 ARAC)
Sunday, October 17, 2004 Mules, 3 Year Olds 350 Yards	AMRA World Championship Futurity	\$ 10,000 Added
Saturday, October 16, 2004 Arabians, 3 Years Old & Up Six Furlongs	California ARC Gold Cup	\$ 10,000 (Includes \$1,000 from ARAC) Noms Close 10/13/04
Sunday, October 17, 2004 Quarter Horses, Two Years Old 400 Yards	Fresno Quarter Horse Futurity 11 th Running	\$ 10,000 Guaranteed Noms Close 10/14/04
Sunday, October 10, 2004 Mules, 3 Years Old & Up 440 Yards	Fresno AMRA Gold Cup 10 th Running	\$ 10,000 Guaranteed Noms Close 10/6/04

OVERNIGHT STAKES SCHEDULE

Sunday, October 17, 2004 Thoroughbreds, 3 Year Olds & Up One Mile	Bulldog Stakes 12 th Running	\$ 50,000 Guaranteed Noms Close 10/10/04 12 Noon
Sunday, October 10, 2004 Six Furlongs, 2 Year Olds Thoroughbreds	The Harvest Futurity	\$ 30,000 Guaranteed Noms Close 10/7/04 12 Noon

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

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

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

	MON/WED/THUR	FRIDAY	SATURDAY	SUNDAY
1 st	1:37	12:45	12:37	12:37
2 nd	2:07	1:15	1:07	1:07
3 rd	2:37	1:45	1:37	1:37
4 th	3:07	2:15	2:07	2:07
5 th	3:37	2:45	2:37	2:37
6 th	4:07	3:15	3:07	3:07
7 th	4:37	3:45	3:37	3:37
8 th	5:07	4:15	4:07	4:07
9 th		4:45	4:37	4:37
10 th		5:15	5:07	

With the approval of the Board, the Big Fresno Fair will set its post times in a manner that will enhance the California racing product from Santa Anita and Bay Meadows.

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

4. FAIR ASSOCIATION

A. Names of the fair directors:

- | | |
|-------------------------------------|----------------------------------|
| David Yancey, President | Jack Hall, Vice-President |
| Susan Good | Ardie Der Manouel |
| Besley Lewis | Brian Pacheco |
| Thomas Richards | Allen M. Rush |
| Linda Mae Balakian-Hunsucker | |

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

Chief Executive Officer John C. Alkire; 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:

- | | |
|--|--|
| John C. Alkire, CEO | Stacy Rianda, Deputy Manager |
| Richard Horner, Pari-Mutuel Manager | Anita Ortega, Stable Superintendent |
| Bob Dunlap, Stable Maintenance & Operations | Steve Wood, Track Foreman |

5. PURSE PROGRAM

A. Estimated purse distribution:

1. All races other than stakes: **\$565,100**
2. Overnight stakes: **\$ 80,000**
3. Non-overnight stakes: **\$ 50,000**

B. Estimated purse distribution for all **stakes** races: **\$130,000**

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
CWAR	1,433
NTRA	5,486
ARAC	7,723
PCQHRA	948
AMRA	4,812
CHBPAPEN	5,890
CTHF	<u>5,890</u>
TOTAL	\$36,627

- E. Total estimated amount from **all sources** to be distributed at the meeting in the form of purses or other benefits to horsemen: **\$751,927**
- 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 #0601064512 (CARF)
- I. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:
Edward Roland & Associates, 1755 N. Community Dr. #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: **700**
- B. Minimum number of stalls believed necessary for the meeting: **700**
- 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
Example Race	\$1 E; \$2 Twin Trifecta	CHRB #1959; RCI #VP
	Exacta (E) - CHRB #1959	Quinella (Q) - CHRB #1958
	Pick 3 (PK3) - CHRB #1977	Daily Double (DD) - CHRB 1957
	Trifecta (TRI) - CHRB #1979	Superfecta (SF) - CHRB 1979.1
	Place Pick (n) (PPN) - CHRB #1976.8	Pick (n) Pool (PNP) - CHRB 1976.9

Race #1	\$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF, \$1 PPN	\$1PPN for 10 race program
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, \$1 PNP	
Race #5	\$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF, \$1 PNP	\$1PNP for 8 race program
Race #6	\$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF, \$1 PNP	\$1PNP for 9 race program
Race #7	\$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1 SF, \$1 PNP	\$1PNP for 10 race program

Race #8 \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1SF
 Race #9 \$1 E, \$1 PK3, \$1 TRI, \$2 Q, \$2 DD, \$1SF
 Race #10 \$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: **October 17, 2004**
- 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: **Scientific Games Racing, LLC/Autotote – 9/30/04**

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

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

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Examples:		
Calder Race Course	1/1 & 1/2/99	Full Card
Fair Grounds	3/14/99	Selected Feature and/or Stakes Races

8. SIMULCASTING WAGERING PROGRAM

D. Out-of-state wagering systems the association proposes to offer its live audiovisual signal.
Refer to E

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

Commingled Pools

Acoma Pueblo, NM
American Tab - OH
Arapahoe Park, CO
Arlington International Race Course, IL
Atlantic City Casino Assn., NJ
Atlantic City Race Course, NJ
Atokad Downs, NE
Attheraces, England
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 (Spectrum), KY
Citizen Band Potawatomi Indians, IA
Coeur d'Lene Hotel & Casino (ADW), ID
Coeur d'Lene Hotel & Casino, ID
Colonial Downs, VA
Columbus Races, NE
Connecticut OTB, CT
Corpus Christi Greyhound Track, TX
Dairyland Greyhound Park, WI
Delaware Park, DE
Delta Downs, LA
Dover Downs, DE
Downs at Albuquerque, NM
Ellis Park, KY
Emerald Downs, WA
Eureka Downs, KS
Evangeline Downs, LA
Excelsior Hotel (S&A), MD
Fair Grounds, LA
Fair Meadows, IL
Fairmount Park, IL
Finger Lakes Race Track, NY
Fonner Park, NE
Freehold Raceway, 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
Hoosier Park, IN
Horsemen's Atokad Park, NE
Horsemen's Park, NE
Indiana Downs, IN
Jackson Harness Raceway, MI
Juarez, TX
Keeneland, KY

Kentucky Downs, KY
Kentucky OTB, KY
Las Vegas Dissemination Services, NV
Comanche Tribe, OK
Cities of Gold Sports Bar, NM
Fire Lakes Entertainment, OK
Foxwoods Resorts Casino, CT
Holiday Beach, Cuaraco
Meskwaki Bingo & Casino, IW
The Stables, OK
Tonkawa Bingo, OK
Lebanon Trotting Club, OH
Les Bois Park, ID
Lewiston OTB, ME
Lien Games, ND
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
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
Penn National, PA Telebet, Dial-A-Bet, PA
Philadelphia Park, PA
Philadelphia Park, (PhoneBet), PA
Plainridge Racecourse, MA
Playfair Race Course, WA
Pocono Downs, PA
Portland Meadows, OR
Prairie Meadows, IA
Raceway Park, OH
Racing & Gaming Services (RGS), W.I
Randall Doc James (St.Croix) (S&A)
Remington Park, OK
Retama Park, TX
Rillito Park, AZ
River Downs, OH
Rockingham Park, NH
Rockingham Park (ADW), 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
Suffolk Downs, MA
Sunland Park Racetrack, NM
SunRay Park and Casino, NM
Tampa Bay Downs, FL
The Meadows, PA
The Meadows (ADW), PA
The Racing Channel, OR
The Texas Hub (Gulf Greyhound), TX
Thistledown Racing Club, OH
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

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'Aylmer, 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

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":

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Arlington Park	5/14-9/19/04	Full or Partial Cards
Calder	4/26-12/31/04	Full or Partial Cards
Canterbury Park	5/14-9/6/04	Full or Partial Cards
Churchill Downs	4/24-7/5/04	Full or Partial Cards
Delaware Park	4/24-10/31/04	Full or Partial Cards
Ellis Park	7/7-9/6/04	Full or Partial Cards
Emerald Downs	4/17-9/20/04	Full or Partial Cards
Hastings Park	4/17-11/28/04	Full or Partial Cards
Hawthorne Park	9/24-12/31	Full or Partial Cards
Hoosier Park	9/2-11/21/04	Full or Partial Cards
Laurel Park	7/22-8/27/04	Full or Partial Cards
Lone Star Park	4/15-7/11	Full or Partial Cards
Louisiana Downs	5/14-10/31	Full or Partial Cards
Meadowlands	9/6-12/11/04	Full or Partial Cards
Monmouth Park	5/29-9/5/04	Full or Partial Cards
NYRA	5/5-10/24/04	Full or Partial Cards
Penn National	1/1-12/31/04	Full or Partial Cards
Philadelphia Park	1/1-12/31/04	Full or Partial Cards
Pimlico	3/31-10/3/04	Full or Partial Cards
Prairie Meadows	4/16-7/4/04	Full or Partial Cards
Remington Park	7/30-11/28/04	Full or Partial Cards
River Downs	4/10-9/6/04	Full or Partial Cards
Suffolk Downs	5/1-11/30/04	Full or Partial Cards
Thistledown	4/8-12/31/04	Full or Partial Cards
Woodbine	4/17-12/12/04	Full or Partial Cards

Additional cards and/or races pending negotiations

- 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

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

9. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT

- A. Racing Officials nominated:

Associate Judges	N/A
Association Veterinarian(s)	Dr. Gary Beck – DVM Track Fitness Veterinarian
Clerk of Scales	Fred Alexander
Assistant Clerk of Scales	Cheryl White
Clerk of the Course TB	Wilda Lucas
EB	Dolores Collins
Horse Identifier	Darrell Sparks
Horseshoe Inspector	Duke Bonde
Paddock Judge	Joe Gibson
Patrol Judges	Joe Gibson
	Matt Nichols
Placing Judges	Charla Dreyer
Film Analyst	Danny Winick
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 Victoria Layne
 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, Bill O'Brien, Expires 12/07/07
- E. Photopatrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract:
Pegasus Communications, Inc., April 30, 2008
- F. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract:
Permanently installed system-laser, Pegasus Communications, Inc., April 30, 2008

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:
- E. Attach a fire clearance from the fire authority having jurisdiction over the premises.
With 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/CA Fair Services Authority**
- 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

July 15, 2004

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

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

Please be advised that the Big 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 (a) Workers' Compensation: \$50,000,000 in excess of \$500,000
(b) Employers' Liability: \$10,000,000 in excess of \$500,000
Coverage provided by California Public Entity Insurance Authority
Term: 07/01/2004 to 07/01/2005

CFSA represents to 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 Big Fresno Fair/21st DAA as set forth in 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

insurance which secures the liability of the fair for payment of workers' compensation.

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

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

Bob's Card, Inc. (Tip Sheets)
Tiffany Bohland
410 S. Rolling Hill Place
Anaheim Hills, CA 92807

Cal Horse (Tip Sheets)
Rick Harris
26807 Proveda
Mission Viejo, CA 92691

Photos by Frank (Winner's Circle Photos)
Patricia Visco
5024 Katella #124
Los Alamitos, Ca. 90720

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

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
Admission (clubhouse)	-	\$5.00
Reserved seating (general)	-	\$4.00
Reserved seating (clubhouse)	-	N/A
Parking (general)	-	\$5.00 (\$1 increase)
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: **\$642.00 (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"/>	Masseur	<input checked="" type="checkbox"/>	Food/beverage service
		<input checked="" type="checkbox"/>	Lounge area
		<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.

C. 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.
- 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.

John C. Alkire

 Print Name



 Signature

Chief Executive Officer

 Print Title

7/1/04

 Date

**STAFF ANALYSIS
REQUEST FOR AMENDMENT TO LICENSE**

**REGULAR BOARD MEETING
AUGUST 19, 2004**

Background:

The Bay Meadows Operating Company is requesting that the Board amend its current license. The requested amendment is to delete one day of racing, Friday, September 3, 2004, the approved opening day for their upcoming meet thereby commencing the race meet one day later on September 4, 2004. The deleted race day would be an overlap day with the State Fair racing program in Sacramento so that, if approved, the amendment would reduce overlap from 4 to 3 days.

Recommendation:

Staff recommends that the Board approve this request.



RECEIVED
2004 AUG -9 AM 6:51

2600 South Delaware Street
P.O. Box 5050
San Mateo, CA 94402
Telephone (650) 574-7223

August 6, 2004

Mr. Roy C. Wood, Jr.
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Roy,

In order to eliminate the overlap with the Sacramento State Fair, Bay Meadows Operating Company would like to withdraw its' request for racing on Friday, September 3, 2004, thereby commencing the start of the fall race meeting on Saturday, September 4, 2004. We respectfully ask the Board for reconsideration and approval of our license application to reflect this change.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter W. Tunney", written in a cursive style.

Peter W. Tunney
Vice President, Magna Entertainment

PWT:ekh

STAFF ANALYSIS
ALLOCATION OF RACE DATES FOR 2005

REGULAR BOARD MEETING
AUGUST 19, 2004

Background:

The Race Dates Committee has conducted a series of meetings to receive input from the entire California racing industry regarding the proposed dates for 2005. After extensive input from the industry and a thorough review of the voluminous data and many options, the Committee has set forth the attached proposal for the 2005 Race Dates.

Recommendation:

Staff recommends that the Board hear from the Race Dates Committee and others regarding this matter.

STAFF ANALYSIS
PROPOSED AMENDMENT OF RULES
1420. DEFINITIONS
AND
1615. SCALE OF WEIGHTS FOR AGE
AND REPEAL OF RULES
1616. MINIMUM WEIGHTS TO BE CARRIED
AND
1684. ITEMS INCLUDED IN WEIGHT

ITEM - 6

Regular Board Meeting
August 19, 2004

BACKGROUND

Business and Professions (B&P) Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings is vested in the California Horse Racing Board. B&P Code Section 19562 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results will be conducted in this state. Board Rule 1615, Scale of Weights For Age, mandates the weights to be carried if the conditions for a race do not specify otherwise.

A proposal to amend Rule 1615 to increase minimum jockey weights was heard at the June 3, 2004, Regular Board Meeting. The proposed amendment was based on recommendations made by the Jockeys' Guild. In addition, staff recommended that Rule 1420, Definitions, be amended, and rules 1616, Minimum Weights To Be Carried and 1684, Items Included In Weight, be repealed. After hearing testimony from industry representatives regarding the proposed regulatory amendment, the Board directed staff to initiate a 45-day public comment period.

ANALYSIS

The proposed amendment to Rule 1615 sets new minimum weights for California jockeys by replacing the scale of weights for the age of the horse. The minimum weight for jockeys riding an Arabian or Thoroughbred horse would be 118 pounds. The minimum weight for jockeys riding Appaloosas, Paints, Quarter Horses or mules would be 123 pounds. Additionally, the proposed amendment states every horse shall carry ten pounds of riding gear from withers to rump; provides a definition of riding gear; and requires that the official program include a statement regarding such gear. The proposed amendment also provides a definition of jockey weight, which is the weight of the jockey, nude, absent any riding gear or clothing, as recorded by the clerk of the scales when the jockey is weighed. In response to concerns regarding the health effects of low jockey body fat content, the proposed amendment requires jockeys to maintain a body fat content of not less than 5%. If a jockey's body fat content is below 5%, he will be placed on warning, and must meet the minimum requirement within three calendar days or be suspended from riding. A jockey whose body fat content measures below 4% shall be disqualified from riding in any race. Compliance with body fat requirements is optional for

jockeys licensed in the United States before December 31, 2003. The proposed amendment does not affect apprentice allowances.

The proposed amendment to Rule 1615 affects rules 1616, 1684 and 1420. The provisions of rules 1616 and 1684 would be included or rendered unnecessary under the new Rule 1615. Therefore, both rules may be repealed. Subsection (aa) of Rule 1420 may also be repealed, as the rules would no longer address weight for age.

During the 45-day comment period staff received comments in support of the proposed amendment from the California Labor Federation AFL-CIO, the California Teamsters Public Affairs Council, the California Medical Association, the Jockeys' Guild and Mr. Richard J. Holland, a horse owner. Ms. Aase Headley, a horse owner, wrote in favor of adjusting the current scale of weights nationally, but cautioned against "drastic" changes in California.

RECOMMENDATION

Staff recommends the Board adopt the proposed amendment to Board rules 1615 and 1420, and repeal rules 1616 and 1684 as proposed

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 2. DEFINITIONS
PROPOSED AMENDMENT OF
RULE 1420
Definitions

Regular Board Meeting
August 19, 2004

1420. Definitions.

As used in these rules:

(a) "Chairman" means the member elected by the Board to be Chairman of the Board and its presiding member.

(b) "Commissioner" means a member of the Board.

(c) "Age of Horse" means the age as reckoned beginning on the first day of January of the year in which the horse was foaled.

(d) "Authorized Agent" means an agent appointed by a written document, which is signed by the owner and filed with the Board.

(e) "Breeder" means the owner of the dam at the time of foaling.

(f) "Conviction" includes a plea of guilty, forfeiture of bail, a judgment or verdict of guilty, or a conviction following a plea of nolo contendere, whether or not the conviction is later set aside pursuant to the provisions of Section 1203.4 of the Penal Code.

(g) "Driver" means one who drives and controls the horse from a seated position on a two-wheel vehicle.

(h) "Horse" means an equine and includes a stallion, gelding, mare, colt, filly or ridgling and includes mule, jack, jenny, ginnet, and hinney.

(i) "Jockey" means a race rider.

(j) "Licensee" means a licensee of the California Horse Racing Board.

(k) "Maiden" means a horse which has never won a race on the flat in a state or country where the races are covered by the Daily Racing Form or other similar authorized publication. A maiden which has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

(l) "Nominator" means a person in whose name a horse is entered to race.

(m) "Objection" means a formal complaint filed before a race with the stewards or the Board objecting to the eligibility of any horse to compete in the race or the right of any person to participate in the race.

(n) "Owner" includes the owner, part owner and lessee of any horse. An interest only in the earnings of a horse does not constitute ownership. If husband and wife, it is presumed that joint ownership exists.

(o) "Post" means the place on the race course from which a start is made.

(p) "Post Time" means the definite time for the start of a race, and is indicated by a clock device set up as directed by the Board.

(q) "Premises" means the inclosure and all other areas collectively utilized by an association in connection with its conduct of a licensed race meeting, including parking lots, auxiliary stabling areas, public inclosure and restricted areas, whether or not the areas are adjacent to the inclosure.

(r) "Protest" means a formal complaint filed after a race with the stewards or the Board protesting the right of any horse to a place, purse or award in the race, or protesting any

decision of the stewards relating to the eligibility, participation or placing of any horse in a race.

(s) "Race" means a contest among horses for a purse, stake or reward, contested at an authorized race meeting. "Race" includes but is not limited to:

(1) Purse Race. A race for money or any other prize to which the owners of the horses engaged do not contribute.

(2) Stake Race. A race for which owners of horses entered or engaged for the race contribute to a purse for which money or any other prize may be added, nominations to which close 72 hours or more before starting.

(3) Claiming Race. A race in which any horse entered therein may be claimed in conformity with the rules established by the Board.

(4) Handicap Race. A race in which the weights to be carried by the entered horses are adjusted by a handicapper, board of handicappers or the racing secretary, to equalize their respective chances of winning.

(5) Overnight Race. A race in which entries close 72 hours or less, excluding Sundays, in advance of the first race of the day on which the race is to be run.

(6) Walkover. A stake race in which only one horse starts or in which all the starters are owned by the same interest.

(7) Invitational Stake Race. An invitational stake race or an invitational handicap race for which owners do not contribute to the purse, but which is advertised in the regular stakes program, shall also be considered a stake race.

(8) Non-wagering Race. A race contested without pari-mutuel wagering on its results including a race upon which pari-mutuel wagering is canceled.

(9) Match Race. A race contested between two horses under conditions of the contest agreed to by their owners.

(10) "Special Racing Event". A race of unique interest, magnitude or fame. "Special racing event" shall also mean an exhibition race when approved by the Board.

(11) "Exhibition Race". A race contested under conditions established by the association as a promotional event or to provide a special racing opportunity to a particular horse or class of horse or class of participants and to which the association contributes the purse or awards for the contest. No pari-mutuel wagering may be conducted on the results of an exhibition race.

(t) "Race on the Flat" means a race run over a course on which no jumps or other obstacles are placed.

(u) "Recognized Meeting," "Race Meeting," or "Authorized Meeting" means the entire period under the conduct of an association within the inclosure of the designated grounds, and for which a license has been granted by the Board. When the context in the rules applies, it may include a meeting conducted by an association in some other jurisdiction recognized by the Board.

(v) "Restricted Area" means those areas within the inclosure where admission can be obtained only upon presentation of authorized credentials, proper license or visitor's pass, including those areas designated as the stable area, receiving or detention barn, jockey room, saddling paddock, race course and pari-mutuel department.

(w) "Rules" means the Rules and Regulations of the California Horse Racing Board and the orders of the Board.

(x) "Starter" means a horse when it is in the starting gate stall, and, when the field is dispatched by the starter, the stall gate in front of the horse is opened.

(y) "Sulky" means a dual wheel racing vehicle with dual shafts not exceeding the height of the horses withers. Shafts must be hooked separately on each side.

(z) "Time of Race Meeting" means that period of time commencing at 12:01 A.M. on the first day of racing at a recognized meeting and concluding at 12:00 midnight after the final race of the last day of racing as allocated and licensed by the Board.

~~(aa) "Weight for Age" means the standard weight to be carried by a horse according to the scale established by the rules, and remains such though there be penalties or allowances.~~

Authority: Sections 19440, 19562 and 19563,
Business and Professions Code.

Reference: Sections 19401(e) and 19420,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
 TITLE 4. CALIFORNIA CODE OF REGULATIONS
 ARTICLE 6. ENTRIES AND DECLARATIONS
 PROPOSED AMENDMENT OF
 RULE 1615
 Scale of Weights For Age

Regular Board Meeting
 August 19, 2004

1615. Scale of Weights For Age.

The following scale of weights for age shall be carried if the conditions for a race do not specify otherwise:

Distance	Age	Jan. and Feb.	March and April	May	June	July	Aug	Sept.	Oct.	Nov. and Dec.
½ mile	2 years....	-	-	-	-	-	105	108	111	114
	3 years....	117	119	121	123	125	126	127	128	129
	4 years....	130	130	130	130	130	130	130	130	130
	5 years and —up....	130	130	130	130	130	130	130	130	130
¾ mile	2 years....	-	-	-	-	-	102	105	108	111
	3 years....	114	117	119	121	123	125	126	127	128
	4 years....	129	130	130	130	130	130	130	130	130
	5 years and —up....	130	130	130	130	130	130	130	130	130
1 mile	2 years....	-	-	-	-	-	-	96	99	102
	3 years....	107	111	113	115	117	119	121	122	123
	4 years....	127	128	127	126	126	126	126	126	126
	5 years and —up....	128	128	127	126	126	126	126	126	126
1 ¼ miles	2 years....	-	-	-	-	-	-	-	-	-
	3 years....	101	107	111	113	116	118	120	121	122
	4 years....	125	127	127	126	126	126	126	126	126
	5 years and —up....	127	127	127	126	126	126	126	126	126
1 ½ miles	2 years....	-	-	-	-	-	-	-	-	-
	3 years....	98	104	108	111	114	117	119	121	122
	4 years....	124	126	126	126	126	126	126	126	126
	5 years and —up	126	126	126	126	126	126	126	126	126
2 miles	3 years....	96	102	106	109	112	114	117	119	120

4 years....	124	126	126	126	126	125	125	124	124
5 years and —up....	126	126	126	126	126	125	125	124	124

In a race of intermediate distance weights for the shorter distance shall be carried.

(a) Every horse shall carry 10 pounds of riding gear from withers to rump.

“Riding gear” means any or all of the items listed below. It does not include equipment worn on the horse’s head, tail, or legs; nor a channel, breastplate, or running martingale; nor foul-weather gear, which is any additional riding apparel a jockey chooses to wear due to inclement weather.

<u>Anti-slip pad</u>	<u>Metal stirrups</u>	<u>Safety vest</u>
<u>Arm number</u>	<u>Number cloth</u>	<u>Silks</u>
<u>Boots</u>	<u>Over-girth</u>	<u>Socks</u>
<u>Eye protection</u>	<u>Pants</u>	<u>Sock tie</u>
<u>Foam pad</u>	<u>Pommel pad</u>	<u>T-shirt</u>
<u>Gloves</u>	<u>Rubber bands</u>	<u>Turtleneck</u>
<u>Goggles (4 pair)</u>	<u>Saddle</u>	<u>Under-girth</u>
<u>Helmet cover</u>	<u>Saddle pad</u>	<u>Underwear</u>
<u>Leggings</u>	<u>Safety helmet</u>	<u>Whip</u>

(b) The official program shall include the following notice: “In addition to the listed jockey weight, all horses carry 10 pounds of riding gear from withers to rump.”

(c) “Jockey weight” means the weight of the jockey, nude, absent any riding gear or clothing, as recorded by the clerk of scales when the jockey is weighed. If the jockey uses a robe to be weighed, its weight shall be deducted to arrive at the nude weight.

(d) The minimum jockey weight for a jockey riding an Arabian or Thoroughbred horse is 118 pounds. The minimum jockey weight for a jockey riding an Appaloosa, Paint, Quarter Horse or mule is 123 pounds.

(e) Nothing in this rule shall affect or alter apprentice allowances.

(f) Jockeys shall maintain a minimum body fat content of not less than 5%. A jockey's body fat content shall be measured and recorded by the clerk of scales once each day of racing. A jockey whose body fat measures below 5% shall be placed on warning, and shall be suspended from riding if this minimum standard is not met within three calendar days of the date of the warning. A jockey whose body fat content measures below 4% of his total body mass shall be disqualified from riding in any race.

(g) Compliance with subsection (f) of this rule is optional for any jockey licensed in the United States before December 31, 2003.

Authority: Section 19420,
Business and Professions Code.

Reference: Section 19562,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED REPEAL OF
RULE 1616
Minimum Weights to Be Carried

Regular Board Meeting
August 19, 2004

~~1616. Minimum Weights to Be Carried.~~

~~Notwithstanding any other provisions of this Division, the minimum weight to be carried in all overnight races for two-year-olds only, for three-year-olds only, and for four-year-olds only and upward shall be 112 pounds subject to further sex and apprentice allowances. The minimum weight to be carried in all races except handicap and stakes races, shall be 103 pounds.~~

~~Authority: Sections 19562 and 19590,
Business and Professions Code.~~

~~Reference: Sections 19562 and 19590,
Business and Professions Code.~~

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 8. RUNNING THE RACE
PROPOSED REPEAL OF
RULE 1684
Items Included in Weight

Regular Board Meeting
August 19, 2004

~~1684. Items Included in Weight.~~

~~A Jockey's weight includes his riding clothing, saddle and pad. It shall not include the jockey's safety helmet, safety vest, whip or the horse's bridle.~~

~~Authority: Sections 19481 and 19562,
Business and Professions Code.~~

~~Reference: Section 19481,
Business and Professions Code.~~

ITEM - 7

**STAFF ANALYSIS
PROPOSED AMENDMENT OF RULES
1843.5. MEDICATION, DRUGS AND OTHER
SUBSTANCES PERMITTED AFTER ENTRY IN A RACE
1844. AUTHORIZED MEDICATION
1845 BLEEDER LIST**

Regular Board Meeting
August 19, 2004

BACKGROUND

Business and Professions Code Section 19580 states that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Board Rule 1843.5, Medication, Drugs and Other Substances Permitted After Entry in A Race, provides a list of substances that may be administered by injection until 24 hours before the post time of a race. Rule 1844, Authorized Medication, lists drugs that may be administered to a horse as well as maximum dosages that may be detected in test samples. Rule 1845 provides bleeder list procedures.

Proposed amendments to Board rules 1843.5, 1844 and 1845 were discussed at the August 13, 2004, Medication Committee meeting. The amendments were drafted to bring the regulations in line with recommendations made by the Racing Medication and Testing Consortium (RMTC); a national organization composed of industry representatives, and charged with the development of uniform national medication rules, policies and testing procedures.

ANALYSIS

The RMTC is a national organization consisting of several racing organizations that represent owners, trainers, regulatory agencies, and veterinarians. The consortium promotes the development of uniform medication rules, policies and testing procedures among racing jurisdictions throughout the United States. The RMTC presented its recommendations for model medication rules at the April 2004 joint meeting of the Association of Racing Commissioners International and the North American Pari-Mutual Regulators Association. Both organizations approved the recommendations. The proposed amendments to rules 1843.5, 1844 and 1845 would bring the regulations in line with the RMTC recommendations. The proposed amendment to Rule 1843.5 provides that veterinarians shall not have contact with an entered horse on race day except for the administration of furosemide or other bleeder medications. The proposed amendment to Rule 1844 changes the dosage amount that the test sample shall contain for Flunixin from 0.5 micrograms to 20 nanograms, and for Ketoprofen from 50 nanograms to 10 nanograms. The proposed amendment to Rule 1845 brings bleeder list procedures in line with RMTC recommendations.

RECOMMENDATION

Staff recommends the Board hear from the Medication Committee.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.5

Medication, Drugs and Other Substances Permitted After Entry in a Race

Regular Board Meeting
August 19, 2004

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this rule a horse is deemed "entered" in a race 48 hours before post time of the running of the race.

(b) Water and feed, including hay, grain, and feed supplements that do not contain prohibited drugs may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse within 48 hours of the post time of the race in which the horse is entered except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) ~~which~~ that do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse ~~which~~ that is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

- (1) Injectable Vitamins;
- (2) Electrolyte Solutions;
- (3) Amino Acid Solutions;
- (4) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

(g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division:

- (1) Phenylbutazone;
- (2) Flunixin;
- (3) Ketoprofen.

(h) In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

- (1) Furosemide;
- (2) Other Authorized Bleeder Medication.

(i) Veterinarians shall not have contact with an entered horse on raceday except for the administration of furosemide or other bleeder medication unless approved by the official veterinarian.

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

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code;
Section 337f, g and h, Penal Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1844
Authorized Medication

Regular Board Meeting
August 19, 2004

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse ~~which~~ that is entered to race and shall be only one of the following authorized drug substances:

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than ~~0.5 micrograms~~ 20 nanograms of the drug substance per milliliter of blood plasma or serum.

(3) Ketoprofen in a dosage amount that the test sample shall contain not more than ~~50 nanograms~~ 10 nanograms of the drug substance per milliliter of blood plasma or serum.

(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance which that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) ~~The~~ Official urine test samples may contain one of the following drug substances, their metabolites or analogs, in an amount that does not exceed the specified levels: :

- (1) Acepromazine; 25 nanograms per milliliter
- (2) Mepivacaine; 10 nanograms per milliliter
- (3) Promazine; 25 nanograms per milliliter
- (4) Albuterol; 1 nanogram per milliliter
- (5) Atropine; 10 nanograms per milliliter
- (6) Benzocaine; 50 nanograms per milliliter
- (7) Procaine; 10 nanograms per milliliter
- (8) Salicylates; 750 micrograms per milliliter
- (9) Clenbuterol; 5 nanograms per milliliter

(f) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1)-(9).

Authority: Sections 19440, 19562 and 19580,
Business and Professions Code.

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

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1845
~~Bleeder List~~ Authorized Bleeder Medication

Regular Board Meeting
August 19, 2004

1845. ~~Bleeder List.~~ Authorized Bleeder Medication.

Approved Authorized prophylactic bleeder medication for the control of bleeding exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the Bleeder List on the authorized bleeder medication list.

(a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form CHRB (Rev.), which is hereby incorporated by reference, shall be used to notify the official veterinarian prior to entry. A horse which during or following exercise of the race is observed by the Official Veterinarian or Steward to be shedding blood from one or both nostrils or is found to have bled internally may be placed on the Bleeder List by the Official Veterinarian.

(b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010. The official Veterinarian may require an endoscopic examination of the horse in order to confirm inclusion on the Bleeder List, and such endoscopic examination shall be conducted by a veterinarian employed by the owner or his agent in the presence of or in consultation with the Official Veterinarian subsequent to the finish of the race or exercise in which the horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract.

(c) If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma. The confirmation of a bleeder horse must be certified in writing by the Official Veterinarian, entered by him on the Bleeder List and a copy of such certification issued to the owner of the horse or his agent. A horse shall be removed from the Bleeder List only by the Official Veterinarian who shall enter his reason for the removal.

(d) Once a horse is placed on the Bleeder List, A horse qualified to race with authorized bleeder medication it must shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, to start and shall remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The Official Veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

(e) A Horse qualified for administration of bleeder medication authorized bleeder medication in accordance with these rules must be treated on the grounds of the racetrack where the horse will race no later than 4 four hours prior to post time of the race for which the horse is entered. As a condition for approval of the administration of furosemide, immediately prior to treatment, a blood sample shall be taken for testing when so directed by the Official Veterinarian. The authorized bleeder medication, furosemide, shall be administered by a single, intravenous injection only, in a dosage of not less than 250 mg. or not more than 500 mg. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample. The veterinarian administering the bleeder medication shall notify the official

veterinarian of the treatment of the horse. Such Notification shall be made using CHRB form-36, California Horse Racing Board Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered.

~~(f) Approved bleeder medication shall be administered by a veterinarian employed by the owner of the horse or by his agent at a maximum dose of 250 mg (5ml) to be given to any horse and at the time approved by the Official Veterinarian no later than four (4) hours prior to post time pursuant to the Board's instructions. This drug shall be given only by the intravenous (IV) route utilizing a single injection. The veterinarian administering the bleeder medication shall notify the Official Veterinarian of the treatment of the horse. Notification shall be made no later than 2 hours prior to post time of the race for which the horse is entered. A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form – (Rev. -), which is hereby incorporated by reference, and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.~~

~~(g) While in the security stall, the horse shall be in the care, custody and control of the trainer or a licensed person assigned by him and the trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:~~

- First incident—14 days;
- Second incident within 365-day period—30 days;
- Third incident within 365-day period—180 days;
- Fourth incident within 365-day period—barred for racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntary administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.

~~(h) A bleeder horse shipped into this State from another jurisdiction may be automatically placed on the Bleeder List provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this State and provided a current certificate setting forth its qualifications as a bleeder is presented to the Official Veterinarian.~~

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Sections 19440 and 19562,
Business and Professions Code.

STAFF ANALYSIS
PROPOSED AMENDMENT OF
RULE 1846.5
POSTMORTEM EXAMINATION

ITEM-8

Regular Board Meeting
August 19, 2004

BACKGROUND

Business and Professions (B&P) Code Section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of horse racing law. B&P Code Section 19444 provides that in performing its responsibilities the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on race horses, and the means for detection of foreign drug substances. Board Rule 1846.5, Postmortem Examination, requires every horse which suffers a fatal injury on the racetrack, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination.

Board Rule 1846.5 incorporates by reference form CHRB-72, Necropsy Submission Form. The form provides information regarding equines submitted for necropsy. Form CHRB-72 currently does not gather information regarding human injury, nor does it have a space for "additional requests" in connection with the necropsy. While all necropsies are thoroughly executed, information indicating human injury would provide the laboratory with an extra "heads-up" regarding the possibility of legal action. Subsection 1846.5(b) mandates the taking of test samples to be sent to the diagnostic test laboratory for testing of foreign substances. Such samples are not always required for the conduct of postmortem examinations and represent an unnecessary mandate.

ANALYSIS

The proposed amendment to Rule 1846.5 will add a "yes-no" question regarding human injury to form CHRB-72, and a line where "additional requests" may be written. These items were added at the request of the diagnostic laboratory and will act as a forewarning for those conducting the postmortem examination. If human injury occurred in connection with the death of the horse, there is greater potential for legal action that might involve testimony from laboratory personnel. Subsection 1846.5(b) mandates that test samples shall be taken from the carcass upon which the postmortem is to be conducted. The taking of test samples is not always necessary. Removing the mandate allows those conducting the postmortem examination to take test samples based on the circumstances of the equine's death. This will eliminate the taking of unnecessary samples.

RECOMMENDATION

Staff recommends the Board adopt the amendment to Rule 1846.5 as proposed.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1846.5
Postmortem Examination

Regular Board Meeting
August 19, 2004

1846.5. Postmortem Examination.

(a) Every horse which suffers a fatal injury on the racetrack in training or in competition, ~~and all other horses or~~ which dies or are ~~is~~ euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination at a diagnostic laboratory which is under contract with the Board to determine the injury or sickness which resulted in euthanasia or natural death.

(b) Test samples ~~shall~~ may be obtained from the carcass upon which the postmortem examination is to be conducted and ~~shall be sent to a~~ the diagnostic laboratory ~~which is under contract with the Board~~ for testing for foreign substances or their metabolites, and natural substances at abnormal levels. When practical, test samples shall be procured prior to euthanasia.

(c) The costs associated with transportation to the diagnostic laboratory of any horse which has ~~expired~~ died under the provisions of subparagraph (a) shall be the responsibility of the racing association conducting the meeting where the death occurred or the training center or racetrack where death occurred when no meeting is in progress. The services of the ~~O~~Official Veterinarian and the laboratory testing of postmortem samples for standard necropsy and special equine necropsy examinations shall be made available by the Board without charge to the owner. The cost of any additional necropsy examination(s) requested by the owner or trainer are the responsibility of the requesting individual.

(d) Requests for each postmortem shall be filed with the Official Veterinarian by the owner's or trainer's veterinarian within one (1) hour of the death and shall be submitted on the ~~CHRB~~ a Necropsy Submission Form, CHRB-72, (Rev. 3/00 6/04), hereby incorporated by reference, and which is available at all Official Veterinarian Offices. The trainer is co-responsible to supply all information to complete CHRB-72.

(e) If the Official Veterinarian is not available, the owner's or trainer's veterinarian must phone the diagnostic laboratory within one (1) hour of the death and fax CHRB-72 to the laboratory ~~for~~ as notification that the horse is due for necropsy. On the Official Veterinarian's next scheduled work day, the owner's or trainer's veterinarian shall give the original CHRB-72 to the Official Veterinarian.

(f) The racing association, racetrack or training center will notify the transporter within one (1) hour of death to have the horse conveyed to the designated laboratory for necropsy.

(g) Upon completion of the postmortem examination the diagnostic laboratory shall file
~~a~~ A written report of the postmortem examination conducted by the diagnostic laboratory which is under contract with the Board shall be filed by the laboratory with the Executive Director of the California Horse Racing Board, the Equine Medical Director and the Official Veterinarian upon completion of the postmortem.

(h) Each owner and trainer accepts the responsibility for the postmortem examination provided herein as a requisite for maintaining the an occupational license issued by the Board.

Authority: Section 19440,
Business and Professions Code.

Reference: Section 19444(c),
Business and Professions Code.

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
NECROPSY SUBMISSION FORM
CHRB-72 (Rev. 3/00 6/04)

Accession # _____

CAHFSL/Davis
W. Health Sciences Dr.
Davis, CA 95616
Phone (530) 752-7578
FAX (530) 752-6253

CAHFSL/San Bernardino
105 W. Central Ave.
San Bernardino, CA 92408
Phone (909) 383-4287
FAX (909) 884-5980

CAHFSL/Tulare
18830 Road 112
Tulare, CA 93274
Phone (559) 688-7543
FAX (559) 686-4231

Additional necropsy examination(s) that exceed the standard necropsy or equine special necropsy required by and provided through the California Horse Racing Board (CHRB) are the responsibility of the requesting individual (SEE REVERSE SIDE).

When a horse dies or is euthanized and the CHRB Official Veterinarian is not available; the owner's or trainer's attending veterinarian must phone the laboratory within one hour and fax this completed Necropsy Submission Form to the laboratory. A copy of the completed Necropsy Submission Form must be given to the CHRB Official Veterinarian on the Official Veterinarian's next scheduled work day.

Delay of necropsy makes some test results questionable in value. A necropsy will not be performed until the following information has been provided:

Name of CHRB Official Veterinarian _____			Name of Horse _____		Name of Owner _____		
Track Name _____			Age (years) _____ Breed _____		Address _____		
Address _____			Sex _____ Castrated _____		City _____ State _____ Zip Code _____		
City _____ State _____ Zip Code _____			Tattoo <input type="checkbox"/> Yes # _____		Phone _____		
Phone _____			<input type="checkbox"/> No If No, color and markings: _____				

Name of Attending Veterinarian _____
Address _____
City _____ State _____ Zip Code _____
() _____
Phone _____
Signature _____

Name of Trainer _____
Address _____
City _____ State _____ Zip Code _____
() _____
Phone _____

Medications _____
Track where injury occurred _____ Location on track where injury occurred (if available) _____
History: Died Euthanized _____
Agent used for Euthanasia _____ Date of Death _____ Time of Death _____ a.m. _____ p.m.

Horse Insured: Yes No Unknown Human Injury: Yes No

Clinical findings and Diagnosis: _____

Additional Requests: _____
The injury is related to one of the following: Running of the race Training Non-exercise related Other

Signature of CHRB Official Veterinarian _____ Date _____

(OVER)

REQUEST FOR ADDITIONAL NECROPSY EXAMINATION(S)

I accept financial responsibility for all charges from the California Animal Health and Food Safety Laboratories for the additional necropsy examination(s) requested below which exceed the standard necropsy or equine special necropsy required by and provided through the California Horse Racing Board.

Additional necropsy examination(s) requested:

Horse insured: Yes No Unknown

Full insurance examinations required by insurance company: Yes No

Insurance Company _____

Address _____

() _____
Phone

City State Zip Code

Print Name _____

Signature _____

Date _____

**STAFF ANALYSIS
REQUEST FOR APPROVAL OF
CHARITY DISTRIBUTION**

**REGULAR BOARD MEETING
AUGUST 19, 2004**

Background:

The Los Angeles Turf Club is requesting that the Board approve its proposed distribution of charity racing day proceeds in the amount of \$262,800. The list of 44 beneficiaries is attached for your review. The distribution will give more than 81% to industry-related organizations. Staff finds this request to be in order.

Recommendation:

Staff recommends that the Board approve this request.



Frank De Marco, Jr., Esq.
General Counsel and Assistant Secretary

July 26, 2004

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

Attention: John Reagan

Re: Los Angeles Turf Club, Incorporated's Charity Days

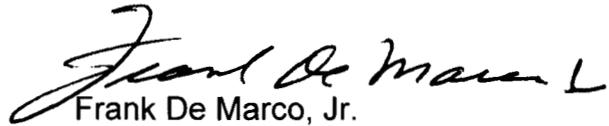
Gentlemen:

Los Angeles Turf Club, Incorporated, doing business as "Santa Anita Park," has determined the beneficiaries of proceeds from "Charity Days" races conducted at Santa Anita Park during its 2003-2004 winter meet. The net proceeds from the "Charity Days" totaled \$262,800.00. Attached hereto is the list of the organizations selected to be the beneficiaries of the Charity Days proceeds and the amount to be distributed to each. Distributions will be made upon approval of the proposed amounts by the California Horse Racing Board.

Please note that approximately 81.47% of the distributions are to horse related charities.

Should you have any questions regarding the distributions or the matters set forth herein, please do not hesitate to contact the undersigned.

Very truly yours,


Frank De Marco, Jr.

FDM:mr

Enclosure

Los Angeles Turf Club, Inc.

285 W. Huntington Drive, P.O. Box 60014, Arcadia, CA 91066-6014 (626) 574-7223 Fax (626) 446-9565

Los Angeles Turf Club, Incorporated
 Distribution of Charity Day Proceeds
 2003-2004 Meet

I. <u>Horse Related Charities – BP 19556(b)</u>	<u>Subtotals</u>	
California Equine Retirement Foundation, Inc.	\$ 1,000	
California Thoroughbred Foundation	1,500	
California Thoroughbred Horsemen’s Foundation	20,000	
California Council on Problem Gambling	5,000	
Del Mar Thoroughbred Charities	5,000	
Edwin Gregson Foundation	13,500	
Holy Angels Church (Backside Permanent Deacon)	12,000	
Kids to the Cup (Breeders’ Cup)	1,000	
Jockeys’ Guild	3,500	
Piedra Foundation	1,000	
Race for Education	1,000	
Racetrack Chaplaincy of America (Northern California Council)	12,500	
Racetrack Chaplaincy of America (Southern California Council)	12,500	
Racetrack Chaplaincy of American (San Luis Rey Downs Council)	10,000	
Shoemaker Foundation	5,000	
Southwest California Equine Foundation, Inc.	1,000	
Thoroughbred Adoption and Retirement Association, Inc.	1,000	
Tranquility Farm	1,000	
United Pegaus Foundation	1,000	
Winners Foundation	26,776	\$135,276
II. <u>Welfare Fund for Backside Personnel – BP 19641(b) (5%)</u>		
California Thoroughbred Horsemen’s Foundation	13,140	13,140
III. <u>Fund for Substance or Alcohol Abuse – BP 19556(b) (5%)</u>		
Winners Foundation	13,140	13,140

IV. Disabled Jockeys Fund – BP 19556(c) (20%)

Disabled Riders Endowment	52,562	52,562
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V. Other Qualified Charities

Arboretum Foundation, Arcadia	1,000	
Arcadia Welfare and Thrift Shop, Inc.	1,000	
Angeles Community Counseling Center	1,000	
Boys and Girls Club of the Foothills	1,000	
CFIDS Association of America	1,000	
Everybody Wins	1,000	
Five Acres Foundation, Altadena	1,000	
Foothill Unity Center	1,000	
Hóly Angels Church, Arcadia	1,000	
Hugo Reid School	1,000	
Independent Order of Foresters	1,000	
Methodist Hospital Foundation	12,682	
Pasadena Humane Society	2,000	
San Gabriel Valley Family YMCA	1,000	
Santa Anita Family YMCA	1,000	
Santa Anita Soccer Club	1,000	
USC Norris Cancer Hospital	12,500	
Urban League/Pasadena-Foothill	2,000	
West San Gabriel Boys Club	1,000	
WRAP Family Services (Asian Pacific Family Services)	1,000	
Young and Healthy (Pasadena)	1,000	
YMCA of Monrovia	2,500	<u>48,682</u>

Total		<u>\$262,800</u>
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ITEM 10

**STAFF ANALYSIS
REQUEST FOR APPROVAL OF
CHARITY DISTRIBUTION**

**REGULAR BOARD MEETING
AUGUST 19, 2004**

Background:

The Pacific Racing Association is requesting that the Board approve its proposed distribution of charity racing day proceeds in the amount of \$60,000. The list of 12 beneficiaries is attached for your review. The distribution will give more than 76% to industry-related organizations. Staff finds this request to be in order.

Recommendation:

Staff recommends that the Board approve this request.

Golden Gate Fields

July 26, 2004

Mr. John Reagan
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, California 95825

RE: Golden Gate Fields' Charity Days

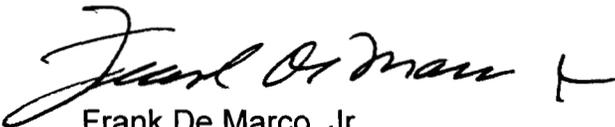
Dear Mr. Reagan:

Enclosed find the proposed list of Charity Day distributions to be made by Pacific Racing Association, doing business as Golden Gate Fields, which covers the net proceeds from the meet ending April 4, 2004 totaling \$60,000.00. Distributions will be made upon approval of the proposed amounts by the California Horse Racing Board.

Please note that approximately 76.66% of the distributions are to horse related charities.

Should you have any questions regarding the distributions or the matters set forth herein, please do not hesitate to contact the undersigned.

Very truly yours,



Frank De Marco, Jr.
Vice President, Regulatory Affairs

FDM:mr

Enclosure

Golden Gate Fields
Distribution of Charity Day Proceeds
Meet Ending April 4, 2004

I.	<u>Horse Related Charities – BP 19556(b)</u>	
	Racetrack Chaplaincy of America (Northern California Council)	\$18,300
II.	<u>Welfare Fund for Backside Personnel – BP 19641(b)</u>	
	California Thoroughbred Horsemen's Foundation	3,100
III.	<u>Fund for Substance or Alcohol Abuse – BP 19556(b)</u>	
	Winners Foundation	12,500
IV.	<u>Disabled Jockeys Fund – BP 19556(c)</u>	
	Disabled Riders Endowment	12,100
V.	<u>Other Qualified Charities</u>	
	City of Albany Endowment Fund	2,000
	Berkeley/Albany YMCA	2,500
	Friends of Albany Seniors	2,500
	Friends of Alameda County Library	2,000
	Kids to the Cup (Breeders' Cup)	2,000
	Clausen House	1,000
	Pacific Institute for Community Organization	1,000
	Jesuit School of Theology, UC Berkeley	<u>1,000</u>
	Total	<u>\$60,000</u>

STAFF ANALYSIS
DISCUSSION REGARDING AMENITIES AT LOS ALAMITOS FOR PATRONS
WAGERING ON THE CAPITOL RACING SIMULCAST PROGRAM

REGULAR BOARD MEETING
AUGUST 19, 2004

Background:

At the June meeting in Sacramento, representatives of Capitol Racing brought to the Board's attention that the facilities for patrons at Los Alamitos wishing to wager on Capitol's simulcast signal had been redesigned. Essentially those patrons were directed to a specific area of the Los Al facility and could wager on Capitol's races only in the newly designated area. Capitol felt that this was an inconvenience to their Los Al patrons and asked the Board to intervene. Capitol is now in between race meets with their next meet scheduled to commence on September 24, 2004. However, they submitted the attached letter in which they requested that this matter be placed on this agenda for further review and discussion.

Although the Board has broad plenary powers it has seldom chosen to use them to micromanage the day-to-day operations of a race track or simulcast facility. It is certain that representatives of both Capitol and Los Alamitos will be present at this meeting to address this issue.

Recommendation:

Staff recommends that the Board hear from interested parties regarding this matter.



August 6, 2004

Mr. John Harris, Chairman
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95815

Dear Chairman Harris:

Since the Board's regular monthly meeting in June of this year, the Los Alamitos satellite facility has continued to be "user-unfriendly" to patrons who wished to view and wager on the California harness races from Cal-Expo and the imported harness races that were sponsored by Capitol Racing at Cal-Expo. Many of these patrons have kept us apprised of their situation by phone calls and E-mails (see attached E-mail).

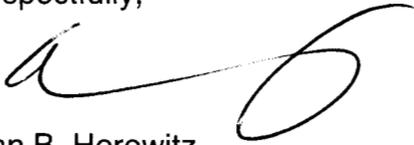
This singling-out of harness patrons at Los Alamitos, while restricting their viewing and wagering opportunities, has not only directly disenfranchised these patrons but also resulted in a major 60% decline in wagering on the California harness product from Cal-Expo. To-date, well over \$3 million in handle has been lost; and it has not been recovered by a shift in betting patterns from harness racing to quarterhorse racing at the Los Alamitos facility.

This substantial decline has had a correspondingly negative impact on all revenues that are traditionally generated from wagering: horsemen's purses (to-date almost \$300,000 lost), funds to the Standardbred Sires Stakes Program, Capitol Racing's commissions and the State of California's license fees. These losses will not be recovered. However, it is within the Board's discretion to take action against this deliberate and systematic battering of California harness patrons by requiring Los Alamitos Race Course, as a licensed satellite wagering facility, to treat all of its patrons in the same manner, and allow all of its patrons access to televisions throughout the facility and access to manned and un-manned wagering facilities throughout the enclosure. We are requesting that the California Horse Racing Board assure all of its patrons of California harness racing the same opportunities at this satellite wagering facility. Our fans should not be treated as third-class citizens.

Capitol Racing is now between race meets -- having concluded our Spring/Summer race meet on Saturday, July 31st and planning now for our Fall race meet that is scheduled to begin on Friday, September 24th. We are requesting that the Board place this item on its agenda for the upcoming August meeting and take action to ensure that fans and patrons of California harness racing are not openly discriminated against at Los Alamitos when harness racing starts back up this Fall. Your Board cannot condone the continuation of this unfair and discriminatory management practice.

Your consideration of this important matter is appreciated.

Respectfully,

A handwritten signature in black ink, appearing to be 'A. Horowitz', written in a cursive style.

Alan B. Horowitz
General Manager

CC: All Commissioners, California Horse Racing Board
Mr. Ben Kenney, California Harness Horsemen's Association

Current Folder: **INBOX**[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#) [Calendar](#) [Check Mail](#) [Spam Filter Settings](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Forward as Attachment](#) | [Reply](#) | [Reply All](#)**Subject:** hello many people shut out**From:** "steve" <sam3620@webtv.net>**Date:** Mon, July 26, 2004 3:40 pm**To:** john@capitolracing.com**Priority:** Normal**Options:** [View Full Header](#) | [View Printable Version](#)

just a note to tell you los alamos continues to offer not enough self service wagering for capital harness . there is right about 10 self serve and 4 manned . lines are still 6-12 deep around post time. as was back in may when started problem.

[Download this as a file](#)

AGENDA ITEM #12

CALIFORNIA HORSE RACING BOARD

August 19, 2004 Regular Board Meeting

There is no package material for this item.

Information to be presented at the board meeting.

STAFF ANALYSIS
CALIFORNIA PERFORMANCE REVIEW
Regular Board Meeting
August 19, 2004

ITEM 13

BACKGROUND

The California Performance Review (CPR) committee was charged with providing recommendations to Governor Schwarzenegger to restructure, reorganize and reform state government to make it more responsive to the needs of its citizens. Among the thousands of recommendations, the CPR recommends the elimination of the California Horse Racing Board (CHRB) and incorporating its functions into the new Department of Commerce and Consumer Protection.

The horse racing industry in California is a unique and complex business, with \$4 billion wagered annually. The impact of the industry adds another estimated \$10-12 billion to California's economy to support horseracing activity and also by fans coming into California for our racing and utilizing other California services.

The industry in California serves a broad base of customers, from a new groom coming to the track for the first time to the most experienced trainer or owner who travels the world with their racehorses. This customer base creates a need for a higher level of specialized service than is generally required by other State agencies.

The California Horse Racing Board is also a unique and complex agency, structured to serve the interests of the industry in many ways; Allocation of racing days, licensing, enforcement, development of policy and regulations, providing Stewards and Official Veterinarians, drug testing and oversight of all wagering via parimutuel auditors. The MIS unit develops and provides support for databases critical to the mission of the CHRB, and also to provide reliable data to the industry.

Now that the recommendations have been released, continued analysis of the document and specific responses to the recommendations affecting the CHRB will include:

1. Response to the CPR by CHRB staff by August 31, 2004.
2. Public hearings of the CPR.
3. Presentation of the report to the Little Hoover Commission.
4. Hearings by the Little Hoover Commission, including specific testimony from each Board or Commission to be discontinued.
5. Presentation to the Legislature, and Legislative hearings.
6. The results of the Little Hoover Commission review must be presented.
7. If opposed, either the Senate or the Assembly must adopt by a majority vote a resolution rejecting the plan.

RECOMMENDATION

Provide responses as required to the CPR. Continue to assess the impact of the recommendations on the CHRB, and the functions of the CHRB; solicit input and support from the horseracing industry.

STAFF ANALYSIS
STAFF REPORT ON END-OF-MEET RESULTS

REGULAR BOARD MEETING
AUGUST 19, 2004

Background:

This item contains end-of-meet reports for recently 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 19, 2004. This report includes a summary for the following racing meetings: CHURCHILL DOWNS at HOLLYWOOD PARK, the ALAMEDA COUNTY FAIR, and the SOLANO COUNTY FAIR.

Churchill Downs at Hollywood Park

April 21 – July 18, 2004

Race days: 65

AVERAGE DAILY STATISTICS

	PERCENTAGE CHANGE
Ave. Daily handle	-0.06%
Ave. On-track	-5.51%
Ave. Off-track	0.03%
Ave. Interstate-exported	-5.54%
Ave. ADW	38.51%
Ave. Daily attendance-Calif.	-2.98%
Ave. On-track	-1.77%
Ave. Off-track	-3.97%

Alameda County Fair at Pleasanton

June 30 – July 11, 2004

Race days: 11

AVERAGE DAILY STATISTICS

	PERCENTAGE CHANGE
Ave. daily handle	3.96%
Ave. On-track	2.66%
Ave. Off-track	-3.17%
Ave. Interstate-exported	12.27%
Ave. ADW	31.19%
Ave. daily attendance-Calif.	16.22%
Ave. On-track	41.81%
Ave. Off-track	-1.18%

August 19, 2004

Solano County Fair at Vallejo
July 14 – July 26, 2004
Race days: 11

AVERAGE DAILY STATISTICS

	PERCENTAGE CHANGE
Ave. daily handle	-3.32%
Ave. On-track	-3.70%
Ave. Off-track	-8.46%
Ave. Interstate-exported	3.40%
Ave. ADW	9.19%
Ave. daily attendance-Calif.	-9.94%
Ave. On-track	4.75%
Ave. Off-track	-14.16%

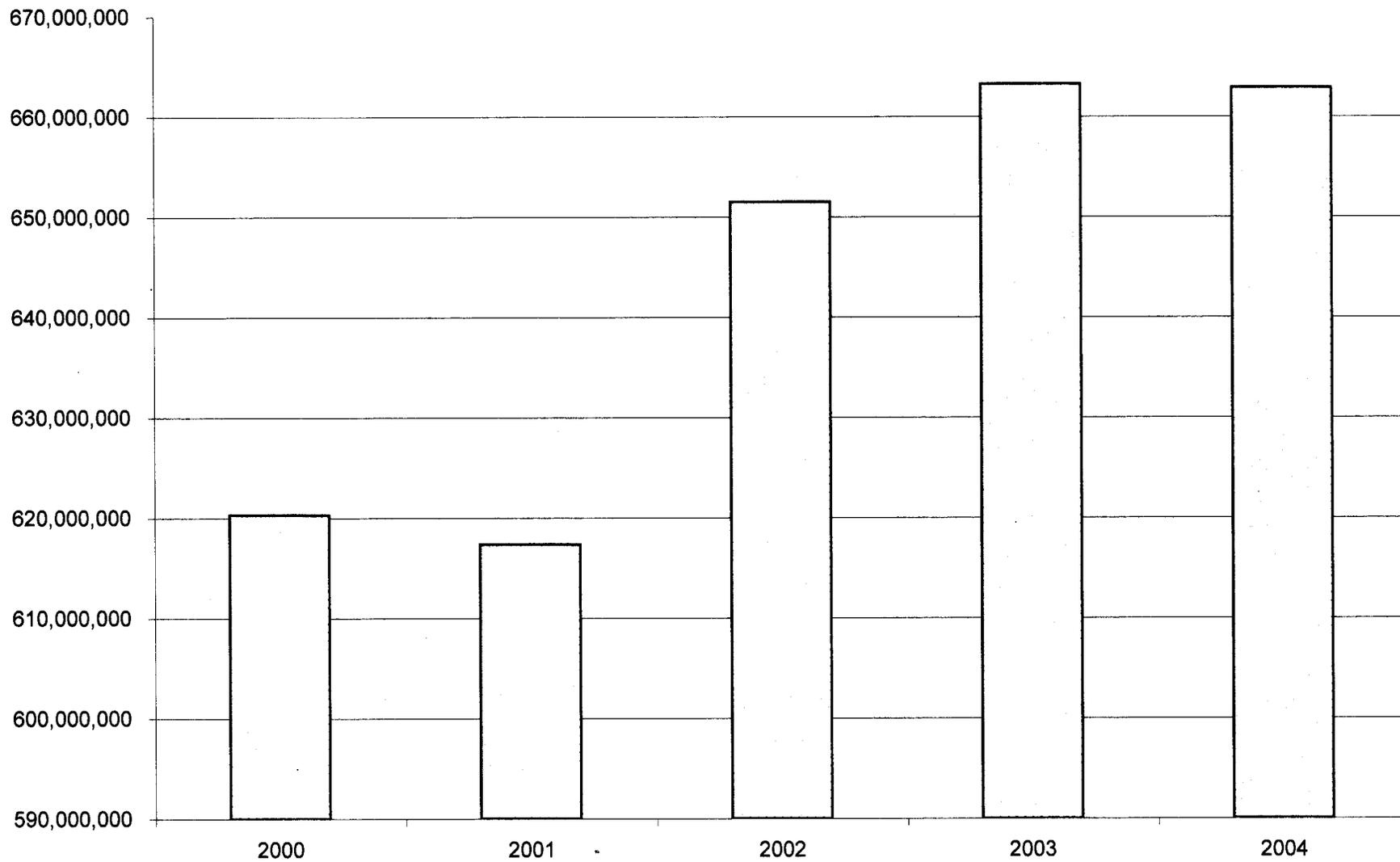
CHURCHILL DOWNS AT HOLLYWOOD PARK

YEAR	2000	2001	2002	2003	2004
TOTAL DAYS	65	67	65	65	65
TOTAL HANDLE	620,316,722	617,374,038	651,487,880	663,272,662	662,871,626
ON-TRACK	144,499,129	135,998,909	128,499,426	120,433,415	113,796,028
OFF-TRACK	226,615,509	227,757,299	220,785,642	213,261,776	213,326,568
INTER-STATE	249,202,084	253,617,830	266,343,795	274,740,167	259,792,380
ADW			35,859,017	54,837,304	75,956,651
LIVE	475,307,590	459,925,516	500,667,632	513,054,594	512,490,379
INTRA-STATE	72,601,664	65,991,770	60,896,619	58,332,995	56,475,116
INTER-STATE IMPORTED	72,407,468	91,456,752	89,329,715	91,885,073	93,906,131
INTERNATIONAL IMPORTED	-	-	593,914	-	-
AVE. DAILY HANDLE	9,543,334	9,214,538	10,022,890	10,204,195	10,198,025
ON-TRACK	2,223,064	2,029,834	1,976,914	1,852,822	1,750,708
OFF-TRACK	3,486,392	3,399,363	3,396,702	3,280,950	3,281,947
INTERSTATE	3,833,878	3,785,341	4,097,597	4,226,772	3,996,806
ADW			551,677	843,651	1,168,564
AVE. CALIFORNIA HANDLE	5,709,456	5,429,197	5,373,616	5,133,772	5,032,655
AVE. LIVE	7,312,424	6,864,560	7,702,579	7,893,148	7,884,467
INTRASTATE IMPORTED	1,116,949	984,952	936,871	897,431	868,848
INTERSTATE IMPORTED	1,113,961	1,365,026	1,374,303	1,413,617	1,444,710
INTERNATIONAL IMPORTED	-	-	9,137	-	-
TOTAL TAKEOUT	119,407,309	119,045,991	124,574,219	125,477,110	128,811,694
EFFECTIVE TAKEOUT	19.25%	19.28%	19.12%	18.92%	19.43%
STATE LICENSE FEES	8,462,332	8,267,140	8,018,148	7,760,408	7,616,045
STATE %	1.36%	1.34%	1.23%	1.17%	1.15%
TRACK COMMISSIONS	26,026,873	25,216,296	24,362,010	23,089,750	22,583,278
ADW COMMISSIONS	-	-	1,494,243	2,095,367	3,232,465
TOTAL COMMISSIONS	26,026,873	25,216,296	25,856,253	25,185,117	25,815,742
TRACK %	4.20%	4.08%	3.97%	3.80%	3.89%
HORSEMENS PURSES	25,523,501	24,756,210	23,892,949	22,647,298	22,147,572
ADW PURSES	-	-	1,464,348	2,045,598	3,162,571
TOTAL PURSES	25,523,501	24,756,210	25,357,297	24,692,896	25,310,143
HORSEMENS %	4.11%	4.01%	3.89%	3.72%	3.82%

CHURCHILL DOWNS AT HOLLYWOOD PARK

YEAR	2000	2001	2002	2003	2004
TOTAL DAYS	65	67	65	65	65
CAIFORNIA ATTENDANCE	1,391,937	1,271,571	1,307,378	1,221,782	1,185,404
ON-TRACK	620,009	550,794	592,789	552,396	542,595
OFF-TRACK	771,928	720,777	714,589	669,386	642,809
DAILY ATTENDANCE	21,414	18,979	20,114	18,797	18,237
AVERAGE DAILY ON - TRACK	9,539	8,221	9,120	8,498	8,348
AVERAGE DAILY OFF - TRACK	11,876	10,758	10,994	10,298	9,889
TOTAL RACE EVENTS	568	571	557	558	558
STARTS	4,579	4,452	4,393	4,293	4,461
AVERAGE STARTS PER EVENT	8.1	7.8	7.9	7.7	8.0
AVERAGE HANDLE PER START	103,802	103,308	113,969	119,510	114,882

**CHURCHILL DOWNS AT HOLLYWOOD PARK
TOTAL HANDLE**



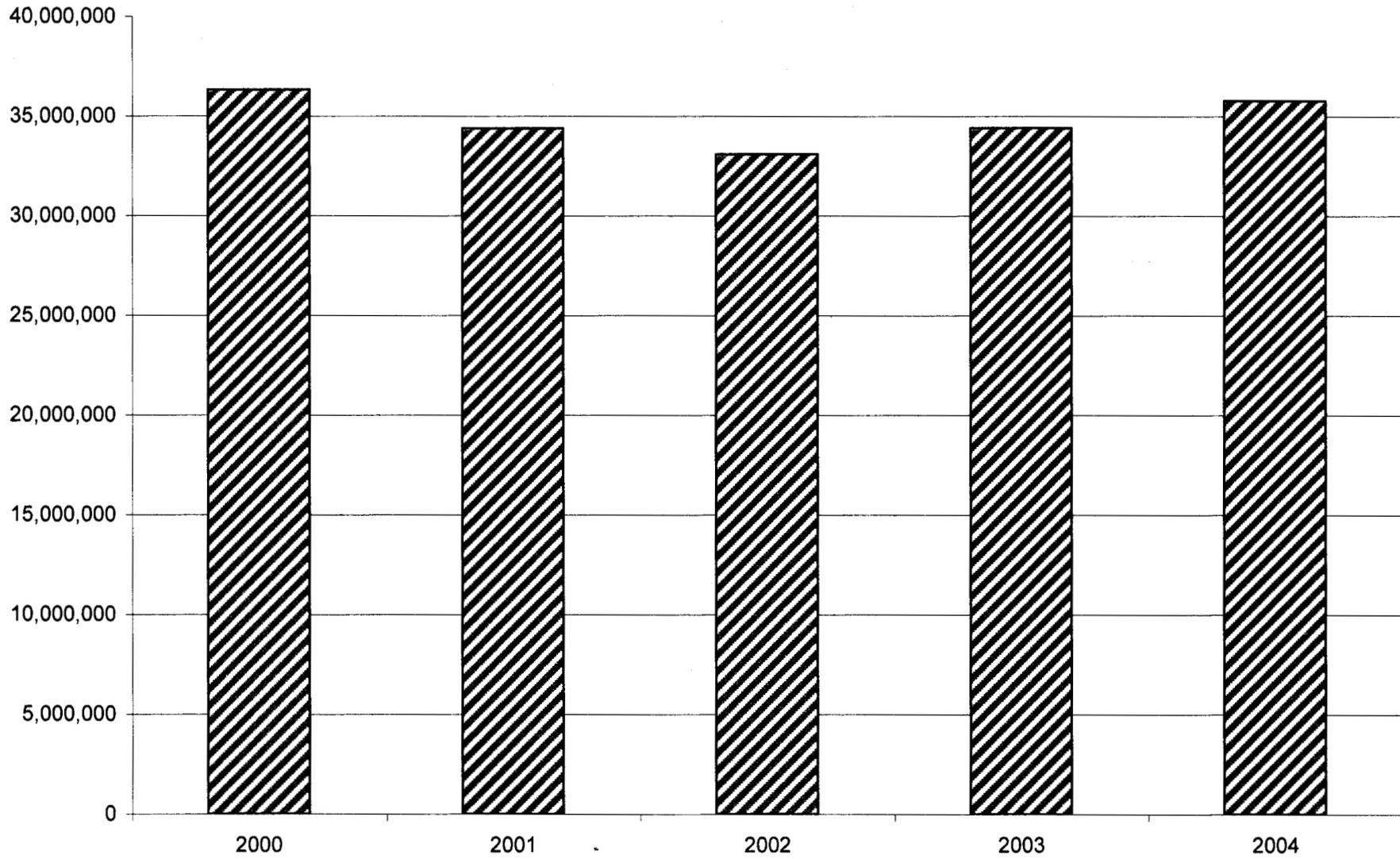
ALAMEDA COUNTY FAIR

YEAR	2000	2001	2002	2003	2004
TOTAL RACE DAYS	11	11	11	11	11
TOTAL HANDLE	36,317,177	34,378,981	33,088,663	34,419,955	35,782,995
ON-TRACK	7,770,672	7,384,200	6,802,265	6,134,946	6,298,354
OFF-TRACK	20,462,553	19,717,534	18,407,768	17,519,030	16,964,061
INTERSTATE	8,083,953	7,277,248	7,460,089	8,474,107	9,513,928
ADW		35,859,017	418,541	2,291,873	3,006,652
LIVE	20,880,440	18,300,588	17,922,142	20,045,504	21,870,024
INTRASTATE IMPORTED	8,975,981	8,785,023	7,988,183	7,293,359	6,632,560
INTERSTATE IMPORTED	6,460,757	7,293,371	7,056,167	7,081,093	7,280,411
INTERNATIONAL IMPORTED	0	0	122,172	0	0
AVERAGE DAILY HANDLE	3,301,562	3,125,362	3,008,060	3,129,087	3,253,000
ON-TRACK	706,425	671,291	618,388	557,722	572,578
OFF-TRACK	1,860,232	1,792,503	1,673,433	1,592,639	1,542,187
INTERSTATE	734,905	661,568	678,190	770,373	864,903
ADW		3,259,911	38,049	208,352	273,332
AVERAGE LIVE	1,898,222	1,663,690	1,640,392	1,822,319	1,988,184
INTRASTATE IMPORTED	815,998	798,638	726,198	663,033	602,960
INTERSTATE IMPORTED	587,342	663,034	641,470	643,736	661,856
INTERNATIONAL IMPORTED	0	0	11,107	0	0
TOTAL TAKEOUT	7,242,171	6,879,911	6,528,719	6,884,133	7,253,774
EFFECTIVE TAKEOUT	19.94%	20.01%	19.73%	20.00%	20.27%
STATE LICENSE FEES	429,086	399,496	372,305	352,091	353,000
STATE %	1.18%	1.16%	1.13%	1.02%	0.99%
TRACK COMMISSIONS	1,436,109	1,366,938	1,265,780	1,166,137	1,205,405
ADW COMMISSIONS	-	1,494,243	11,055	103,886	134,984
TOTAL COMMISSIONS	1,436,109	2,861,181	1,276,835	1,270,023	1,340,389
TRACK %	3.95%	3.98%	3.86%	3.69%	3.75%
HORSEMEN'S PURSES	1,458,827	1,385,716	1,282,759	1,180,660	1,221,859
ADW PURSES	-	1,464,348	11,195	105,325	136,637
TOTAL PURSES	1,458,827	2,850,064	1,293,954	1,285,985	1,358,496
HORSEMEN'S %	4.02%	4.03%	3.91%	3.74%	3.80%

ALAMEDA COUNTY FAIR

YEAR	2000	2001	2002	2003	2004
CALIFORNIA ATTENDANCE	106,383	96,201	93,482	83,850	97,447
ON-TRACK	42,619	38,474	38,462	33,926	48,112
OFF-TRACK	63,764	57,727	55,020	49,924	49,335
DAILY ATTENDANCE	9,671	8,746	8,498	7,623	8,859
AVERAGE DAILY ON - TRACK	3,874	3,498	3,497	3,084	4,374
AVERAGE DAILY OFF - TRACK	5,797	5,248	5,002	4,539	4,485
TOTAL RACE EVENTS	129	120	120	120	120
STARTS	1,057	928	880	927	916
AVERAGE STARTS PER EVENT	8.2	7.7	7.3	7.7	7.6
AVERAGE HANDLE PER START	19,754	19,720	20,366	21,624	23,876

**ALAMEDA COUNTY FAIR
TOTAL HANDLE**



SOLANO COUNTY FAIR

YEAR	2000	2001	2002	2003	2004
TOTAL RACE DAYS	12	12	11	10	11
TOTAL HANDLE	33,614,628	32,879,173	30,596,647	30,697,104	32,645,205
ON-TRACK	3,702,872	3,646,736	2,964,941	2,869,927	3,039,969
OFF-TRACK	19,862,369	20,400,516	18,360,752	16,744,773	16,861,379
INTERSTATE	10,049,387	8,831,921	8,081,325	8,899,491	10,122,082
ADW			1,189,628	2,182,913	2,621,775
LIVE	20,361,511	17,949,733	16,918,383	18,793,346	19,905,050
INTRASTATE IMPORTED	8,216,369	8,674,176	7,177,225	6,048,327	6,722,872
INTERSTATE IMPORTED	5,036,748	6,255,264	6,447,769	5,855,431	6,017,283
INTERNATIONAL IMPORTED	0	0	53,269	0	0
AVERAGE DAILY HANDLE	2,801,219	2,739,931	2,781,513	3,069,710	2,967,746
ON-TRACK	308,573	303,895	269,540	286,993	276,361
OFF-TRACK	1,655,197	1,700,043	1,669,159	1,674,477	1,532,853
INTERSTATE	837,449	735,993	734,666	889,949	920,189
ADW			108,148	218,291	238,343
AVERAGE LIVE	1,696,793	1,495,811	1,538,035	1,879,335	1,809,550
INTRASTATE IMPORTED	684,697	722,848	652,475	604,833	611,170
INTERSTATE IMPORTED	419,729	521,272	586,161	585,543	547,026
INTERNATIONAL IMPORTED	0	0	4,843	0	0
TOTAL TAKEOUT	6,799,475	6,659,189	6,204,695	6,201,118	6,703,749
EFFECTIVE TAKEOUT	20.23%	20.25%	20.28%	20.20%	20.54%
STATE LICENSE FEES	362,760	353,898	311,797	297,028	298,614
STATE %	1.08%	1.08%	1.02%	0.97%	0.91%
TRACK COMMISSIONS	1,210,616	1,208,148	1,060,964	979,580	1,016,436
ADW COMMISSIONS			58,581	101,496	120,626
TOTAL COMMISSIONS	1,210,616	1,208,148	1,119,545	1,081,076	1,137,063
TRACK %	3.60%	3.67%	3.66%	3.52%	3.48%
HORSEMEN'S PURSES	1,214,112	1,210,063	1,060,632	980,799	1,017,168
ADW PURSES			58,678	101,419	120,735
TOTAL PURSES	1,214,112	1,210,063	1,119,310	1,082,218	1,137,904
HORSEMEN'S %	3.61%	3.68%	3.66%	3.53%	3.49%

SOLANO COUNTY FAIR

YEAR	2000	2001	2002	2003	2004
TOTAL RACE DAYS	12	12	11	10	11
CALIFORNIA ATTENDANCE	89,950	80,966	73,416	63,131	62,540
ON-TRACK	23,667	21,692	19,721	14,084	16,229
OFF-TRACK	66,283	59,274	53,695	49,047	46,311
DAILY ATTENDANCE	7,496	6,747	6,674	6,313	5,685
AVERAGE DAILY ON - TRACK	1,972	1,808	1,793	1,408	1,475
AVERAGE DAILY OFF - TRACK	5,524	4,940	4,881	4,905	4,210
TOTAL RACE EVENTS	136	128	118	114	125
STARTS	1,145	1,019	921	948	986
AVERAGE STARTS PER EVENT	8.4	8.0	7.8	8.3	7.9
AVERAGE HANDLE PER START	17,783	17,615	18,370	19,824	20,188

**SOLANO COUNTY FAIR
TOTAL HANDLE**

