

STATE OF CALIFORNIA

HORSE RACING BOARD

In the Matter of: )

)

Regular Meeting )

)

DEL MAR HILTON

15575 JIMMY DURANTE BOULEVARD

DEL MAR, CA

WEDNESDAY, AUGUST 17, 2022

12:30 P.M.

Reported by:

Elise Hicks

APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman  
Oscar Gonzales, Vice Chair  
Dennis Alfieri  
Wendy Mitchell  
Damascus Castellanos

STAFF

Scott Chaney, Executive Director  
Cynthia Alameda, Assistant Executive Director  
Robert Brodnik, Chief Counsel  
Amanda Brown, Staff Counsel  
Amanda Drummond, Policy, Regulations, and Administrative  
Hearings Manager  
Shawn Loehr, Chief of Licensing and Enforcement  
Darrel McHargue, Chief Steward  
Francisco Gonzales, Audit Supervisor  
Zachary Voss, Regulation Analyst  
Mike Marten, Public Information Officer

ALSO PRESENT

Orlando Gutierrez, Los Alamitos Race Course  
Eric Sindler, Santa Anita Race Track  
Nate Newby, Santa Anita Race Track  
Jordyn Egan, Thoroughbred Owners of California  
Cliff Goodrich, California Thoroughbred Horsemen's  
Foundation

APPEARANCES

PUBLIC COMMENT

Bonnie Croker

Jane Cartmill

Martha Sullivan

Ronnie Steinau

Lynn Freudenberg

Steven Blake

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| 3. | Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Los Alamitos Horse Racing Association (LARA) at Los Alamitos Race Course, commencing September 14, 2022 through September 27, 2022, inclusive.   | 4  |
| 4. | Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Los Angeles Turf Club II (T), at Santa Anita, commencing September 28, 2022 through November 8, 2022, inclusive.   | 9  |

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| 5. | Discussion and Action by the Board on the Approval for the continuation of a distribution from ADW Market Access fees for wagers placed by California residents on all live and imported races hosted by the signatory racing associations for the period August 1, 2022, through December 31, 2022, to be utilized to fund a California co-op marketing program as permitted under Business & Professions Code section 19604(f)(5)(E). | 32 |
| 6. | Discussion and action by the Board regarding the request for approval of the nominated members to the Board of Directors of the California Thoroughbred Horsemen's Foundation, Inc., pursuant to CHRB Rule 2049(a), Designation and Approval of Horsemen's Welfare Fund.  | 35 |
| 7. | Reports   | 37 |
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teleconference line. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes.

9. Closed Session: For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code. --
- A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
- B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending

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Closed Session:

Administrative Adjudications," as authorized by Government Code section 11126(e).

- C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).

Adjournment

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P R O C E E D I N G S

12:35 A.M.

WEDNESDAY, AUGUST 17, 2022

CHAIR FERRARO: Ladies and gentlemen, this meeting of the California Horse Racing Board will please come to order.

This is a regular noticed meeting of the California Horse Racing Board conducted on Wednesday, August 17, 2022, at the Del Mar --

COURT REPORTER: Is your mic on?

CHAIR FERRARO: -- yes, it is -- Hilton in Del Mar, California.

Present at today's meeting are: myself, Dr. Gregory Ferraro, Chair; also, Oscar Gonzales, Vice Chair; Dennis Alfieri, Commissioner; Wendy Mitchell, Commissioner; Damascus Castellanos, Commissioner; and Scott Stanley [sic], Executive Director. Commissioners Brenda Washington Davis and Thomas Hudnut are not available to join us today.

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

The Board invites public comment on matters appearing on the meeting agenda. Procedurally, the Board will first hear from those directly involved in the agenda item. I will then invite public comment on the agenda

1 item's.

2 (Off mic colloquy)

3 CHAIR FERRARO: The Board will not answer  
4 questions. This item is for comment only.

5 I don't understand it. I can hear it fine.

6 Unsolicited speakers are limited to two minutes  
7 each. During all public comments a sign will be raised  
8 after the first 90 seconds, meaning the speaker will have 30  
9 seconds remaining to conclude their remarks. At two minutes  
10 a second sign will be raised to indicate the speaker's time  
11 is up. The Board may ask questions of individuals who speak  
12 which may extend their two-minute time limit.

13 There are public comment sign-in sheets located at  
14 the designated table for each agenda item on which the Board  
15 invites comments. There is also a sign-in sheet for those  
16 wishing to speak during the public comment period for  
17 matters not on the Board's agenda if it concerns horse  
18 racing in California. Please print your name legibly on all  
19 sign-in sheets.

20 When a matter is open for public comment, your  
21 name will be called. Please come to the podium and  
22 introduce yourself by stating your name and organization.  
23 This is necessary for the court reporter to have a clear  
24 record of all who speak. When your two minutes are up, I  
25 will ask you to return to your seat so that others can be

1 heard.

2 I will insist that all speakers stay strictly on  
3 topic for each agenda item. If a speaker strays off topic,  
4 I will ask to move on to the next speaker. If a speaker  
5 repeats themselves, I will ask if the speaker has any new  
6 comments to make. If there are none, the speaker will be  
7 asked to let others comment to the Board.

8 If anyone has comments of a more general nature  
9 that are not specific to earlier agenda items, those  
10 comments must wait until agenda item number eight, Public  
11 Comment. There will be a 30-minute time limit for public  
12 comment. In order to allow as many individuals to speak as  
13 possible within that half-hour, I will strictly enforce the  
14 two-minute time limit for each individual speaker.

15 And with that we can proceed in the meeting.

16 Item number one is approval of the minutes. We  
17 will not deal with that at this meeting because we don't  
18 have a quorum of the Commissioners that were here for that  
19 meeting, so we'll take up approval of the minutes at our  
20 next meeting when everyone's here.

21 So we'll open our discussions by discussion and  
22 action by the Board regarding approval of an agreement,  
23 pursuant to CHRB Rule 1581, Racing Secretary to Establish  
24 Conditions, between the Los Alamitos Horse Racing  
25 Association and the Thoroughbred Owners of

1 California, regarding entry conditions and specified drug  
2 substances or medications to be implemented by LARA at the  
3 Los Alamitos Racetrack.

4 It's my understanding that agreement is signed by  
5 all parties. This is a standard agreement that we use for  
6 every race meet.

7 Any comments or questions from the Board?

8 Do we have a public comment on this? No.

9 Can we have a motion to approve?

10 VICE CHAIR GONZALES: Motion.

11 CHAIR FERRARO: Second?

12 COMMISSIONER ALFIERI: Second.

13 CHAIR FERRARO: Commissioner Castellanos?

14 COMMISSIONER CASTELLANOS: Yes.

15 CHAIR FERRARO: Commissioner Davis?

16 EXECUTIVE DIRECTOR CHANEY: It's Mitchell.

17 CHAIR FERRARO: Mitchell? This is a bad start.

18 We're getting off to a bad start here.

19 COMMISSIONER MITCHELL: Aye.

20 VICE CHAIR GONZALES: Yes.

21 CHAIR FERRARO: Mr. Gonzales? Yes.

22 Commissioner Alfieri?

23 COMMISSIONER ALFIERI: Yes.

24 CHAIR FERRARO: And the Chairman votes yes.

25 Item number three, discussion and action by the

1 Board on the Application for License to Conduct a Horse  
2 Racing Meeting of the Los Alamitos Horse Racing Association  
3 at Los Alamitos Race Course, commencing September 14, 2022  
4 through September 27, 2022, inclusive.

5 I believe Mr. Gutierrez is going to address us on  
6 this matter.

7 EXECUTIVE DIRECTOR CHANEY: Yeah. Orlando, you  
8 can have a seat there. Thanks.

9 MR. GUITIERREZ: Okay. Good afternoon. Orlando  
10 Gutierrez, Los Alamitos Racing Association, Director of  
11 Marketing. Thank you, honorable Board.

12 Commissioner Ferraro, we're here to humbly  
13 request -- grant a request for racing for our Los Alamitos  
14 September meet, commencing on September 14th through the  
15 27th. Our opening day would be Friday, September 16th.  
16 We're looking forward to having three stakes' races during  
17 the course of the meet, with a possible fourth, as well.  
18 And looking forward to having a good meet at Los Alamitos.

19 Our condition book will be out on our website  
20 on -- tomorrow morning and for our horsemen to take a look  
21 at. Our Racing Office has done a really good job in what we  
22 believe will be competitive racing at Los Alamitos.

23 So thank you. I'll be happy to answer any  
24 questions and --

25 CHAIR FERRARO: Thank you very much.

1 Any questions from the Board?

2 If there are none, do we have public comment on  
3 this? Thank you.

4 Bonnie Croker?

5 MS. CROKER: Good afternoon. Thank you for this  
6 opportunity to speak.

7 Please do not grant a license for the Los Al horse  
8 killers. I have the list of the first five they killed this  
9 year.

10 Big Fabuloso, three-year-old gelding, born in  
11 Mexico, had 15 starts, all at Los Al, killed for a seven-  
12 second race, a 110-yard dash.

13 Killed 03/13/22, Valet Royalty, five-year-old  
14 mare, cause of death listed as sudden death which has become  
15 synonymous for killed by the horse racing industry but we're  
16 too lazy or too crooked to tell you the real reason he died.

17 Killed 03/19/22, Fastidious, three-year-old filly,  
18 race seven, horse five, pulled up, DNF, did not finish,  
19 owned by ED Allred, the owner of Los Al, cause of death,  
20 broken back.

21 Killed 03/20/22, Stolen Lives, four-year-old  
22 horse, race nine, horse four, placed last in race, got  
23 pulled up during gallop out, video shows him bobble, dead.  
24 Such a prophetic name, Stolen Lives.

25 Killed 03/23/22, See You at Front (phonetic),

1 unraced two-year-old colt, metacarpal injury, another dead  
2 baby.

3           Stop the killing. Stop licensing Los Alamitos.  
4 Kill Racing Not Horses.

5           Thank you.

6           CHAIR FERRARO: Thank you.

7           Jane Cartmill?

8           MS. CARTMILL: My comment today is regarding the  
9 racehorses considered to be missing in action. Horses last  
10 seen injured or in distress in a race who subsequently do  
11 not show up in the databases. No subsequent workouts or  
12 races are identified and they, essentially, disappear from  
13 the records. Here are four missing-in-action horses last  
14 seen at Los Alamitos.

15           Nash Eye Special, four-year-old mare, on March  
16 6th, 2022 she was a late scratch, flipped in the paddock,  
17 last workout November 20th, 2021, last start January 8th,  
18 2022.

19           Ed Gatty, four-year-old gelding, on March 6, 2022  
20 he pulled up, did not finish, was vanned out, last workout  
21 June 27th, 2021.

22           Intenses Suspenses, three-year-old filly, on April  
23 3rd, 2022 she placed last and was vanned off. She was on  
24 the vet list as unsound. Zero workouts posted on Cal  
25 Racing.

1 Wynona Dash (phonetic), two-year-old filly, on  
2 April 23rd, 2022 she pinballed, placed last, did not look  
3 right. Zero workouts posted on Cal Racing.

4 The Jockey Club manages one of the most  
5 sophisticated computer databases in the country, holding the  
6 names of over 3 million horses, and handling the daily  
7 results of every thoroughbred race in North America.  
8 Nevertheless, as of August 11th, 2022 these horses remain  
9 invisible and unaccounted for.

10 Please do not grant a license for the Los Alamitos  
11 meet.

12 CHAIR FERRARO: Thank you.

13 Martha?

14 MS. SULLIVAN: Good afternoon. My name is Martha  
15 Sullivan. I live in San Diego County.

16 I ask this Board to not approve this new race  
17 meeting license for Los Alamitos for the thoroughbred meet  
18 in September.

19 The reality of horse racing in California is that  
20 we this year have 39 horses that have been killed for  
21 gambling. Every track contributes to this because we know,  
22 like at Los Alamitos for their last thoroughbred meet, many  
23 horses were shipped in from Northern California, so it's a  
24 circuit, it's a statewide circuit. It doesn't really matter  
25 what the death count for each track is. What matters is the

1 statewide count because all of the tracks contribute to it.

2 Every time a horse is involved in racing is  
3 another round of Russian roulette. You're gambling with  
4 their lives. And so far, 39 horses have lost.

5 Do not approve this license.

6 CHAIR FERRARO: Thank you.

7 Any further comments or questions from the Board?

8 Can I have a motion?

9 COMMISSIONER CASTELLANOS: Motion.

10 CHAIR FERRARO: Second?

11 VICE CHAIR GONZALES: Gonzales seconds.

12 CHAIR FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIR FERRARO: Commissioner Gonzales?

15 VICE CHAIR GONZALES: Yes.

16 CHAIR FERRARO: Commissioner Mitchell?

17 COMMISSIONER MITCHELL: Yes.

18 CHAIR FERRARO: Commissioner -- Damascus?

19 COMMISSIONER CASTELLANOS: Yes.

20 CHAIR FERRARO: And the Chairman votes yes.

21 MR. GUITIERREZ: Thank you.

22 CHAIR FERRARO: Moving on to item number for is  
23 discussion and action by the Board on the Application for  
24 License to Conduct a Horse Racing Meeting of the Los Angeles  
25 Turf Club II at Santa Anita, commencing September 28, 2022

1 through November 8, 2022, inclusive.

2 I believe we have Mr. Sindler, yes, and Nate  
3 Newby.

4 Would you like to address the Board, please?

5 MR. SINDLER: Good afternoon. I believe there's  
6 only one item outstanding for the race meet application, and  
7 that's the CTT race meet agreement.

8 And as you know, the Los Angeles Turf Club II does  
9 not have a contract with the CTT. I have spoken to the  
10 CTT's lawyer regarding a new race meet agreement and we have  
11 made some progress. We are trying to simplify the  
12 progress -- I'm sorry, simplify the process and we are  
13 making progress. As has been the case for a while, we have  
14 no disagreement with the CTT regarding the provisions that  
15 deal with the operations of the meet.

16 The last time that LATC II and the CTT were  
17 parties to a contract was 2019. When the parties entered  
18 into that agreement, we thought we had a mutual  
19 understanding on the terms of the agreement. However, as of  
20 today, it is clear that LATC II and CTT unquestionably do  
21 not have a mutual understanding of the terms of that expired  
22 contract, specifically regarding Sections 5 and 6. And it's  
23 that lack of a mutual understanding that has been part of  
24 recent litigation. And also tied to that litigation is  
25 application of certain CHRB Rules, such as 1989 and 1485.

1           And our position is just very simple: LATC is  
2 reserving its rights and privileges it has under the laws,  
3 rules, and common law of California, and we think any party  
4 would do the same.

5           But I don't want the Board to get the wrong  
6 impression. While there is an issue that we disagree on,  
7 our relationship with the CTT is, actually, very good.  
8 Representatives of the CTT regularly communicate with Mr.  
9 Newby and our racing office. And, again, the issues that  
10 deal with the actual operations of the meet are worked on  
11 collaboratively, and we do actually have a very good  
12 relationship with the CTT.

13           And Nate is going to speak about the rest of the  
14 application, unless if you have any questions on this first  
15 part.

16           EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.  
17 Chairman. I thought I'd just give the Board just a quick  
18 update.

19           I have been spending some time over -- since we  
20 last met, really, at the urging of Commissioner Davis and a  
21 separate conversation with you, Dr. Ferraro, just about the  
22 need to nail down the race meet agreement one way or the  
23 other. And do appreciate both Mr. Balch and Josh from Del  
24 Mar and the CTT for spending time over the last couple of  
25 weeks looking at language, you know, good faith. You know,

1 did they have, you know, an application that was submitted,  
2 an agreement that was in place? And I just think they both  
3 understand that there has to be a process.

4           So we are, I would have to say, very close. I  
5 think it's down to probably a few sentences that we just  
6 have to get agreement on. And at least it would be an  
7 addendum to the application or race meet agreement.

8           I had a chance to speak with Mr. Sindler here  
9 earlier in the lobby, letting him know that I think patience  
10 is wearing thin, but we do appreciate the continued  
11 conversations.

12           So I've just got to tell you, as much as we have  
13 done in the past, colleagues, is accepting the application  
14 with the understanding that the last race meet agreement  
15 that was signed be as part of the application, and that's  
16 what we go by in the event that we have to deal with a  
17 trainer or any other issues.

18           So progress is being made. And Scott, to you and  
19 your team, also, for looking at what would get the teams a  
20 lot closer. But I think we're -- I think we're going to get  
21 there eventually, it's just going to take, you know, just  
22 some of the looking at the fine print.

23           Thank you.

24           CHAIR FERRARO: Is there anything you want to add?

25           EXECUTIVE DIRECTOR CHANEY: I don't.

1 CHAIR FERRARO: Nate, do you have something you'd  
2 like to present?

3 MR. NEWBY: Yeah. I'll just give you a quick --  
4 just, first of all, good afternoon, Commissioners and Cf.  
5 Nate Newby, Santa Anita Park.

6 We're really looking forward to our six-week  
7 autumn meet. It kicks off on Friday, September 30th. The  
8 season starts out extremely strong. Over the first two  
9 weekends, we run 16 stakes, including five Breeders' Cup  
10 Win-and-You're-In races, so it should start off with a  
11 strong first couple weeks over the six-week season.

12 Of course, safety of horse and rider will be  
13 always be our first priority. But this year we're  
14 especially focused on horse recruitment efforts. We plan to  
15 continue the momentum in California with our Ship-and-Win  
16 Program that provides a \$5,000 guaranteed bonus, plus 35  
17 percent purse boosts.

18 And just want to congratulate our friends at Del  
19 Mar. When I say continue the momentum, they're off to a  
20 fantastic start for the first half of their season.

21 Our racing team is actively recruiting horsemen  
22 and horsewomen that shipped in for the Del Mar meet this  
23 summer. And we are confident that many are going to stay  
24 for our autumn meet, as well as the winter-spring meet at  
25 Santa Anita.

1           Our promotion schedule is packed with events and  
2 promotions every weekend during the six-week season,  
3 targeting all types of racing fans, new customers, as well  
4 as core horseplayers.

5           Our wagering menu is highlighted by horse player-  
6 friendly wagers, including the Players Pick 5, and our  
7 popular Golden Hour wagers with low takeout, linking the  
8 last two races at Santa Anita and Golden Gate.

9           We're looking forward to a great season and I'm  
10 happy to answer any questions from the Board.

11           CHAIR FERRARO: Members of the Board have any  
12 questions, comments?

13           VICE CHAIR GONZALES: (Off mic.) Mr. Chairman,  
14 I've just got a question of, you know, just really, if you  
15 could, just you and I also had a chance to speak, you know,  
16 again, just building off of some of the --

17           UNIDENTIFIED MALE: (Indiscernible.)

18           VICE CHAIR GONZALES: Oh, pardon me. Thank you.  
19 (Back on mic.) Just some of the success that Del Mar is  
20 having, both in presenting full fields, you know, good foot  
21 traffic, but also the safety record.

22           Can you just touch on any conversations you've had  
23 with any of the trainers that might have just been thinking  
24 of Del Mar as a pitstop and maybe staying longer or making  
25 an exit? What's your sense of things so far leading into

1 Santa Anita?

2 MR. NEWBY: No. Absolutely. We are very  
3 optimistic. You know, I think from what we're talking to of  
4 trainers that came in from out of town, they're having a  
5 good time at Del Mar. They're competitive and winning,  
6 which is always very helpful, and some of which didn't know  
7 that we have some incentives, very similar with the Ship-  
8 and-Win Program. The \$5,000 guaranteed bonus is a big  
9 motivator, and the 35 percent purse boosts. And that --  
10 horses that have come in for the Ship-and-Win Program at Del  
11 Mar that qualified for that will get one start at Santa  
12 Anita during our autumn meet under the same conditions.

13 So it's a big incentive. We're looking at  
14 everything we can do to get people to come to California and  
15 stay in California year-round, make it attractive. So you  
16 know, our racing team is collaborating with the Del Mar  
17 racing team and reaching out to trainers and owners all  
18 around the country, so we feel like we're heading in the  
19 right direction and just look to continue the momentum.

20 VICE CHAIR GONZALES: Thank you for that.

21 CHAIR FERRARO: Do we have public comments on  
22 this?

23 Bonnie Croker?

24 MS. CROKER: Thank you and good afternoon. Once  
25 again, I appreciate this opportunity to speak at this

1 funeral -- excuse me, I mean meeting.

2 Please do not grant a license for the Santa Anita  
3 horse killers. Many have died there this year so far. I  
4 have the list of the first five horses that they killed this  
5 year.

6 Killed 02/22, Dylans Wild Cat, three-year-old  
7 filly, eight starts, all in Southern California, won her  
8 last race at Santa Anita, killed due to a training injury.

9 Killed 02/26/22, Warren's Showtime, five-year-old  
10 mare, multiple stakes' winner, killed due to training  
11 injury, broken front leg.

12 Killed, 04/07/22, Royally Command, four-year-old  
13 filly, killed on Easter. Santa Anita altered the video  
14 evidence.

15 Killed 04/25/22, Magnolia, three-year-old filly,  
16 killed due to training injury, humeral/scapula.

17 Killed 04/26/22, Kitten's Kid (phonetic), four-  
18 year-old filly, killed in training, owned by Kyle Ferraro,  
19 had seven starts, sesamoid injury, dead.

20 Kill Racing Not Horses. Stop licensing Santa  
21 Anita.

22 Thank you.

23 CHAIR FERRARO: Sorry.

24 Ronnie Steinau?

25 MS. STEINAU: Hi. Ronnie Steinau, San Diego

1 County.

2 I want to express to the Board my concern  
3 regarding the disposition of racehorses last seen in a race,  
4 injured or in distress, who subsequently are not found in  
5 the databases. There's no record of them working out or  
6 racing at a regulated racetrack. They are essentially,  
7 quote, "Missing in action," unquote. Here are the three  
8 last seen at Santa Anita.

9 Discretionary Day, a four-year-old colt, on  
10 February 5, 2022, the race chart indicates this horse did  
11 not finish, eased, and walked off. On April 30, 2022, the  
12 horse placed third-to-last and was walked into a van.

13 Equivalence, three-year-old filly, on February 18,  
14 2022, records show she was eased, finished last out of  
15 eight, bled, walked off. Last workout was February 21.  
16 They worked her out just three days after she had bled. No  
17 races or workouts identified since then.

18 Savvy Girl, a five-year-old mare, on April 10,  
19 2022, she placed eighth and walked into the van. Last  
20 workout was on March 27, 2022. As of August 11, still  
21 unaccounted for, as are all the others.

22 Please do not grant a license to Santa Anita for  
23 the fall meet.

24 Thank you.

25 CHAIR FERRARO: Thank you.

1 Jane Cartmill?

2 MS. CARTMILL: Another of the missing-in-action  
3 horses is Malibu Mayhem, a two-year-old colt. In his very  
4 first race, which took place at Santa Anita on January 23rd,  
5 2022, he pulled up, was injured in the stretch, did not  
6 finish and was vanned off.

7 In his owner's Security and Exchange Commission  
8 filing on January 27th, MyRacehorse reported that the horse,  
9 quote,

10 "Suffered injuries to his left front sesamoids at Santa  
11 Anita Race Track. It was determined on January 24 to  
12 have surgery performed and that the injuries were  
13 career-ending."

14 "After making the prorated distribution payment, if any  
15 members of the series into Summer '19 (phonetic)  
16 investment, net of any and all expenses, the manager  
17 intends to terminate and wind up the series into summer  
18 because it would no longer have any assets for  
19 liabilities," end of quote.

20 Where is Malibu Mayhem now? MyRacehorse reported,  
21 in its SEC filings, that other horses had been donated to a  
22 thorough aftercare program or put into a breeding program,  
23 but not Malibu Mayhem. There is no further information on  
24 him before -- beyond that his injuries were career-ending.

25 Horses like Malibu Mayhem are treated as

1 commodities, investment products, discarded when not  
2 profitable. Aftercare planning is weak and vague, and the  
3 unaccounted-for horses continue to add up. In all  
4 likelihood, most of the ones we call missing in action are  
5 dead. And they may be the lucky ones since there is no  
6 telling into whose hands and to what ends the horses have  
7 benefit delivered.

8 Thank you.

9 CHAIR FERRARO: Thank you.

10 Martha Sullivan?

11 MS. SULLIVAN: I wish to once more address this  
12 Board about the megadrought that faces the Western United  
13 States.

14 Just out in the last day from the Metropolitan  
15 Water District, quote,

16 "As these discussions continue, we urgently call on  
17 everyone who relies on Colorado River water, including  
18 communities across Southern California, to prepare for  
19 reduced supplies from this source permanently. This is  
20 not simply a drought that will end," said the general  
21 manager.

22 Santa Anita has turf tracks, it has dirt tracks,  
23 it has a lot of landscaping that has to be kept green and  
24 pretty. It has to water the horses, particular the hotter  
25 it gets. It has to clean the horses and clean the stables.

1           We know that at least 150,000 gallons of water was  
2 used each race day. This is not sustainable, not in  
3 Southern California, and not in the Western United States.

4           I ask you to not approve this license.

5           CHAIR FERRARO: Thank you.

6           Lynn Freudenberg? Pardon me if I mispronounced  
7 your name.

8           MS. FREUDENBERG: No, that's fine. Thank you.

9           All the reasons of why this Santa Anita should not  
10 have a license, so there are so many missing-in-action  
11 horses, so many deaths, and now we have a drought.

12           On May 19th, 2022, Speed Cooper (phonetic), four-  
13 year-old filly, did not finish, raced at Santa Anita on May  
14 7th, two days later was listed as dead with a sesamoid  
15 fracture from the racing injury. Santa Anita also altered  
16 the video and erased all evidence of her death.

17           There was another video of Speed Cooper at Santa  
18 Anita on February 6th, 2022, was injured during the race and  
19 vanned off. You could see the timeframe from February to  
20 May. This horse was back on the track running full speed  
21 again.

22           May 13th, 2022, Pray for My Owner, a four-year-old  
23 filly, fell after placing last, vanned, sudden death. This  
24 horse should have been pulled up and, instead, she was  
25 killed.

1           May 14th, 2022, Barraza, a four-year-old court --  
2 colt, sorry, announced (phonetic) on DRF, but it was a  
3 stakes' winner, hoping to save him for breeding, but a  
4 training injury ended that career with a metacarpal and a  
5 sesamoid injury.

6           May 31st, 2022, Twenty Fresh Lemonade (phonetic),  
7 two-year-old, accident in stall, tibia fracture.

8           Months ago, Dr. Stover gave an outstanding  
9 presentation with her colleagues at UC Davis. She went over  
10 how to avoid all these injuries. I'm only hoping that the  
11 mandatory education that was talked about in the past will  
12 be forwarded to the people who need this education, not just  
13 the Board members, the trainers, the backstretch workers who  
14 care for the horses.

15           Is there any update on mandatory training for  
16 these people?

17           Thank you. Please do not deny -- or please deny  
18 this license in total.

19           CHAIR FERRARO: Thank you.

20           Are there comments or questions from the Board?

21           COMMISSIONER CASTELLANOS: Mr. Chairman, I have a  
22 question.

23           On this license that we have in front of us today,  
24 is there a concern or is there -- are they not agreeing to  
25 the current CTT agreement, the outstanding one?

1 VICE CHAIR GONZALES: You know, I think the  
2 question for Ms. Sindler, but if I -- I think this is  
3 probably the third time I heard Mr. Sindler say that they  
4 don't recognize it, so that's why I wanted to make sure that  
5 in us accepting it, that we are recognizing it.

6 So I just want to make sure, Mr. Sindler, because  
7 I think you're asking a great question, Commissioner. Do  
8 you care to answer that? Because I think that's -- I think  
9 the Commissioners are really picking up on your choice of  
10 words, let's say.

11 MR. SINDLER: There is no contract. What the  
12 Board chooses to do is, obviously, the Board's discretion.  
13 In the past, it has recognized this old contract has  
14 expired. Obviously, the Board is free to do whatever it  
15 feels is in the best interest of racing.

16 COMMISSIONER CASTELLANOS: So is your --

17 VICE CHAIR GONZALES: Okay.

18 COMMISSIONER CASTELLANOS: -- is your association  
19 willing to agree to that as what this Board can do? Are you  
20 disagreeing with following that CTT agreement that is  
21 currently out there?

22 MR. SINDLER: What I'm saying is there is no  
23 mutual understanding on Section 5 and Section 6. And  
24 whatever action the Board takes is a Board action.

25 COMMISSIONER CASTELLANOS: So Section 5 and

1 Section 6, is that current language that has been in  
2 existence?

3 MR. SINDLER: It is language that was in the  
4 contract that was signed in 2019.

5 COMMISSIONER CASTELLANOS: Okay. So in 2019,  
6 everybody agreed to that, and now your association is not in  
7 agreement with it; correct?

8 MR. SINDLER: In 2019, we believed that we  
9 mutually understood what those provisions mean. It has come  
10 to light that there was never any mutual understanding of  
11 what those provisions meant.

12 COMMISSIONER CASTELLANOS: So today is your  
13 association in agreement with that 2019 CTT agreement moving  
14 forward?

15 MR. SINDLER: We have not signed a new contract  
16 with the CTT. I'm not sure -- maybe I'm not understanding  
17 your question properly.

18 COMMISSIONER CASTELLANOS: I understand you  
19 haven't signed an updated one that would read the way you  
20 would like, but we need to move forward if you want. And in  
21 order to move forward, your association needs to agree to  
22 that 2019 CTT agreement in its entirety was it was in 2019  
23 until you guys can come together and come up with something  
24 that you could agree upon.

25 MR. SINDLER: The Board is free to take whatever

1 action the Board thinks is proper.

2 COMMISSIONER CASTELLANOS: So moving forward, your  
3 request today is to move forward with your license without  
4 the understanding of 5 and 6 of the 2019 agreement; right?  
5 You don't agree to that, so therefore you won't agree to the  
6 2019 agreement?

7 MR. SINDLER: What I am saying is there is no  
8 agreement on what Section 5 or Section 6 means, so there is  
9 no agreement on those two sections.

10 VICE CHAIR GONZALES: Commissioner, I'm going to  
11 add you to the long list of Commissioners that are growing  
12 frustrated, so I do appreciate you raising this.

13 I got to tell you, though, even though I've heard  
14 Mr. Sindler say exactly what he has, I do know of at least  
15 two, maybe even three, instances where The Stronach Group  
16 did adhere to the racing agreement. One was with a trainer  
17 who committed a felony. And then there was another trainer  
18 who didn't want to wear a mask. And if I'm not mistaken,  
19 you did follow Section 5 and Section 6, which really, for  
20 the public that doesn't know, it really deals with how you  
21 deal with a problem trainer.

22 But Mr. Sindler, did you all not adhere to the  
23 agreement by going to the CTT, saying we're going to take  
24 action, and the CTT, I believe, even sided with you, and  
25 then those trainers were dealt with? Can you just confirm

1 that? I mean, you're the lawyers, so you had to have known  
2 about that process.

3 MR. SINDLER: We did inform the CTT of the action  
4 we were taking.

5 VICE CHAIR GONZALES: So stop right there. I  
6 think I'm just going to take that as an answer to the  
7 question, that you are going to recognize the race meet  
8 agreement. That will then allow for this application to be  
9 complete. If your answer is no to Commissioner Castellanos,  
10 then we're having an incomplete application, then I turn to  
11 Mr. Chaney and his team and what we do then with an  
12 incomplete application.

13 So I just want, again, I'm going to give you just,  
14 again, a little bit of the benefit of the doubt here that  
15 you all have recognized it and you've even acted upon it.  
16 So I'm just going to take that as an indication that if a  
17 situation were to arise with a trainer, a problem trainer,  
18 that you would then do what is in the application and what  
19 is in the agreement.

20 MR. SINDLER: We informed the CTT of actions we  
21 were taking.

22 VICE CHAIR GONZALES: And you will do that in  
23 future because that's what -- right? I mean, that's --

24 MR. SINDLER: In the future, we can inform the CTT  
25 of actions we have taken.

1 VICE CHAIR GONZALES: Okay. I mean, I'm not  
2 completely satisfied because there's not an updated  
3 agreement. But, again, that's just where we've been at  
4 here, Commissioner, for quite some time as it relates to --

5 COMMISSIONER CASTELLANOS: Mr. Sindler,  
6 Commissioner Gonzales is feeding you and you're not taking  
7 it. In my opinion, we have an incomplete application.  
8 Unless you can sit there right now and agree to the fact  
9 that in the 2019 agreement that everybody agreed to is going  
10 to be agreed moving forward in lieu of an agreement that is  
11 in the process of being made. Because, if not, then it's an  
12 incomplete application. And I, personally, won't move  
13 forward with an incomplete application.

14 MR. SINDLER: I'm sorry. What exactly is your  
15 question, so I can make sure I answer your question, or is  
16 this a statement that you are just making?

17 COMMISSIONER CASTELLANOS: Your association that  
18 you are representing needs to agree to the 2019 CTT  
19 agreement as it is written in its entirety until a new  
20 renewed CTT agreement can be negotiated, but you will work  
21 under that one for this licensing purposes. You need to  
22 agree to that. If you don't, then we've got issues.

23 MR. SINDLER: The --

24 VICE CHAIR GONZALES: If you all need some time,  
25 then we can just table this for now. I understand you have

1 others that you are accountable to. If we could just hold  
2 off, I don't know if that helps this Board or we,  
3 unfortunately, are going to have to decide here, so --

4 MR. SINDLER: I think we're good with saying that  
5 we will continue to act as we have for the last two years,  
6 since 2019, so nothing has changed on our end.

7 COMMISSIONER CASTELLANOS: So with that, then the  
8 CTT agreement from 2019 will be added to this application  
9 and will be followed as it was written in 2019 and agreed to  
10 in 2019.

11 MR. SINDLER: For the autumn meet, yes, for our  
12 upcoming season.

13 COMMISSIONER CASTELLANOS: Thank you.

14 EXECUTIVE DIRECTOR CHANEY: Yeah. And if I may, I  
15 can maybe -- I think, in some ways, maybe we're talking past  
16 each other a little bit. It is complete because there is --  
17 incomplete because there's no CTT agreement. But the Board  
18 has complete power to recognize the 2019 agreement and make  
19 it complete, whether they agree to it or not.

20 I guess then the real test would be if something  
21 happens and whether they go by the 2019 agreement or not  
22 will be interesting. Should they not, I wouldn't like their  
23 chances, knowing this Board, will future applications.

24 But I think the Board can make it complete by  
25 recognizing it, whether they want to or not.

1           COMMISSIONER CASTELLANOS: That's the concern.  
2 The concern for me is, is that we enforce something and it's  
3 not followed, right in front of us. If it's going to be  
4 told to our face that we're enforcing something and that  
5 they're not going to follow it, I've got an issue with that.  
6 If you're to tell me that you're going to follow it and then  
7 maybe sometime down the road they choose to do something  
8 different, then we'll treat is a case-by-case basis. But  
9 that's what we needed -- that's what I needed to hear today.

10           COMMISSIONER MITCHELL: Right. So I'm a little  
11 confused as to what's different in this conversation than  
12 has been for the last two years?

13           EXECUTIVE DIRECTOR CHANEY: Nothing is different  
14 in this conversation --

15           COMMISSIONER MITCHELL: Okay. And nothing is --

16           EXECUTIVE DIRECTOR CHANEY: -- just the passage of  
17 time.

18           COMMISSIONER MITCHELL: Right. Right. And the  
19 frustration, which is a legitimate issue.

20           So we're just talking about status quo? Nothing's  
21 happened at Santa Anita or at any other track with regard to  
22 this issue that is prompting a conversation except --  
23 prompting this dialogue from the Board except the passage of  
24 time and the frustration of not getting to agreement; is  
25 that correct?

1 EXECUTIVE DIRECTOR CHANEY: No. I think there  
2 have been a case or two in the last two years, as the Vice  
3 Chairman voted out, that The Stronach Group did follow  
4 the --

5 COMMISSIONER MITCHELL: They followed the --

6 EXECUTIVE DIRECTOR CHANEY: -- recognized 2019 --

7 COMMISSIONER MITCHELL: Right.

8 EXECUTIVE DIRECTOR CHANEY: -- from the Board.

9 COMMISSIONER MITCHELL: Right. Right. Right.  
10 Right.

11 So I'm just saying, I'm with -- I agree with  
12 Commissioner Castellanos and Commissioner Gonzales that if  
13 they do not follow it, based on our approval today, we will  
14 have major concerns and we will enforce that, so just to --

15 CHAIR FERRARO: Well, we can -- we will -- we'll  
16 agree to license them with the stipulation that the 2019  
17 agreement is followed --

18 COMMISSIONER MITCHELL: Well, that's --

19 CHAIR FERRARO: -- to the letter.

20 COMMISSIONER MITCHELL: -- that's what we've  
21 always done, though --

22 CHAIR FERRARO: Yeah.

23 COMMISSIONER MITCHELL: -- and that's what we're  
24 doing.

25 CHAIR FERRARO: That's what we've done in the past

1 but --

2 COMMISSIONER CASTELLANOS: Yes, but --

3 COMMISSIONER MITCHELL: And I guess the question  
4 is enforcement, if there is an issue, and so --

5 COMMISSIONER CASTELLANOS: Just for, I guess,  
6 clarification on my end, Commissioner Mitchell, the reason  
7 why I've asked that question is the opening statement of Mr.  
8 Sindler. His opening statement was exactly what the  
9 intention is, is that there's an issue with 5 and 6 of the  
10 2019 CTT agreement that they were refusing to follow. So  
11 that is why the questioning ensued.

12 COMMISSIONER MITCHELL: So you caused this?

13 (Laughter)

14 COMMISSIONER MITCHELL: But otherwise --

15 COMMISSIONER CASTELLANOS: And I got --

16 COMMISSIONER MITCHELL: -- nothing --

17 COMMISSIONER CASTELLANOS: -- no problem doing it.

18 COMMISSIONER MITCHELL: Right? But otherwise,  
19 nothing -- from the Board's perspective and an enforcement  
20 perspective, nothing has changed, so --

21 VICE CHAIR GONZALES: Commissioner Mitchell and  
22 Commissioner Castellanos, I know on next month's will be the  
23 Del Mar application that's coming up. And I know, and I  
24 recognize Josh back there and I recognize Alan back there  
25 for, especially over the last week, really looking at the

1 language and coming extremely close, maybe two, maybe three  
2 words apart, from having Section 5 and Section 6 ironed out.  
3 And I'm hoping, I'm rooting for this, because I then think  
4 that it then, perhaps, gives a template for The Stronach  
5 Group and your team to look at that.

6           And this is difficult. And I know there's been  
7 lawsuits. And, perhaps, even the previous Board might have  
8 not had this kind of initiative that we're taking. But in  
9 order for us to hold, you know, the industrial accountable  
10 to reduce fatalities, to make sure that we're taking care of  
11 our horses, we have to make sure that there's a process in  
12 place to deal with any bad characters. So that's -- there  
13 is a process in place to deal with trainers that do not  
14 understand what we're trying to do here, I've mentioned that  
15 over and over again, and it is within that race meet  
16 agreement.

17           So I think, you know, we might even be prepared  
18 for a motion here with, as you mentioned Dr. Ferraro, with  
19 the condition that, as we've done in the past, that the race  
20 meet agreement is what we're adopting.

21           CHAIR FERRARO: Would someone like to make that  
22 motion?

23           VICE CHAIR GONZALES: I would if I could,  
24 Commissioner?

25           Yes, Commissioner Gonzales moves to approve the

1 application with the -- an amendment to that, as we've done  
2 in the past, that the 2019 race meet agreement is in effect.

3 COMMISSIONER MITCHELL: Second.

4 VICE CHAIR GONZALES: Did I get that right, Scott?  
5 Yeah? Okay.

6 COMMISSIONER MITCHELL: Second.

7 CHAIR FERRARO: Did hear a second? Commissioner  
8 Mitchell, are you seconding?

9 COMMISSIONER MITCHELL: Yes. Right.

10 CHAIR FERRARO: Okay.

11 COMMISSIONER MITCHELL: Commissioner Mitchell  
12 seconds.

13 CHAIR FERRARO: Commissioner Alfieri?

14 COMMISSIONER ALFIERI: Yes.

15 CHAIR FERRARO: Commissioner Gonzales?

16 VICE CHAIR GONZALES: Yes.

17 CHAIR FERRARO: Commissioner Mitchell?

18 COMMISSIONER MITCHELL: Yes.

19 CHAIR FERRARO: Commissioner Castellanos?

20 COMMISSIONER CASTELLANOS: Yes.

21 CHAIR FERRARO: Chairman votes no. Motion carries  
22 by the majority.

23 This is your warning. Get it settled.

24 We're moving on to item number five, discussion  
25 and action by the Board on the approval for the continuation

1 of a distribution from ADW Market Access fees for wagers  
2 placed by California residents on all live and imported  
3 races hosted by the signatory racing associations for the  
4 period August 1, 2022, through December 31, 2022, to be  
5 utilized to fund a California co-op marketing program as  
6 permitted under Business & Professions Code section  
7 19604(f)(5)(E).

8           And we have a TOC representative; correct? Yes,  
9 there you are.

10           EXECUTIVE DIRECTOR CHANEY: Yes, Mr. Chairman, I  
11 think this is Jordyn Egan, who is representing the TOC.  
12 Take it easy on her. She's only been in the job for about  
13 two weeks.

14           I should point out for the Commissioners, too,  
15 this is the agreement between -- as I always say, this is --  
16 market access fees are the track and the TOC's money. They  
17 just need your approval with respect to how to spend it.  
18 Typically, this request for marketing, to use for marketing  
19 purposes, comes before the meet. But as everyone knows, the  
20 Santa Rose meet just ended on Sunday, so they're looking to  
21 distribute this money according to their marketing plan.

22           Is that a fair assessment?

23           MS. EGAN: So I'm Jordyn Egan, Executive Director  
24 of Thoroughbred Owners of California.

25           We agree with this agreement. It's the same as

1 what we've approved for CARF in the past. The timing is  
2 just off, so we'll do better at getting it in the right  
3 order next time. The proposal is to use the money for  
4 shipping reimbursements to assist with field size.

5 CHAIR FERRARO: So there's not significant change  
6 from the way you've spent it in the past; is that my  
7 understanding?

8 MS. EGAN: Correct.

9 JUDGE MCCARRICK: Yeah.

10 Questions from the Board? Thank you.

11 Martha Sullivan?

12 MS. SULLIVAN: I just want to point out, you know,  
13 this is another illustration of the rubberstamp nature of  
14 this Board. They are very upfront that they want you to  
15 retroactively approve this back to August 1st. And I don't  
16 see any particular emergency or anything that would have  
17 prevented them to come forward to you earlier than this.

18 So I just think that this is yet another example  
19 of the disrespect shown to this Board, and we just heard it  
20 from Santa Anita, they don't respect you. They've got to  
21 come here because of state law but they don't respect you,  
22 and this is a perfect example of it.

23 And you just take it. You teach people how to  
24 treat you. You're not doing a good job for the people of  
25 California when you let them treat you like this.

1 CHAIR FERRARO: Thank you.

2 Any further questions or comments from the Board?

3 Can we have a motion?

4 COMMISSIONER CASTELLANOS: Motion.

5 COMMISSIONER ALFIERI: Second.

6 CHAIR FERRARO: Second?

7 COMMISSIONER ALFIERI: Second.

8 CHAIR FERRARO: Commissioner Castellanos?

9 COMMISSIONER CASTELLANOS: Yes.

10 CHAIR FERRARO: Commissioner Mitchell?

11 COMMISSIONER MITCHELL: Yes.

12 CHAIR FERRARO: Commissioner Gonzales?

13 VICE CHAIR GONZALES: Yes.

14 CHAIR FERRARO: Commissioner Alfieri?

15 COMMISSIONER ALFIERI: Yes.

16 CHAIR FERRARO: The Chairman votes yes.

17 Item number six, discussion and action by the  
18 Board regarding the request for approval of the nominated  
19 members to the Board of Directors of the California  
20 Thoroughbred Horsemen's Foundation, Incorporated, pursuant  
21 to CHRB Rule 2049(a), Designation and Approval of  
22 Horsemen's Welfare Fund.

23 Mr. Goodrich?

24 MR. GOODRICH: Thank you, Mr. Chairman,  
25 Commissioners.

1 COMMISSIONER ALFIERI: Only 49 on this.

2 MR. GOODRICH: There. Okay. That's better. I'm  
3 Cliff Goodrich, Executive Director of the California  
4 Thoroughbred Horsemen's Foundation. We provide medical and  
5 dental services for the backstretch community. And as the  
6 rule states, as the Chairman just read, we have to come  
7 before this Board annually, anytime we elect new directors.  
8 We have three incumbent directors.

9 I would like to add a little bit more than to what  
10 I normally say.

11 Our Board right now is made up of nine  
12 individuals. We have the capacity in the rules to go to 11  
13 and I think that is the plan. However, with my retirement  
14 in a little more than a year, we're taking a long look at  
15 our role in the racing industry, working with our  
16 shareholders, attempting to ensure that we are in sync with  
17 them over where we fit. And I'm sure we will reach  
18 agreement on that, but when we do, hopefully we'll do a few  
19 more things than we're doing now. And that will help  
20 identify the skillset for my successor and will also help  
21 identify the kinds of people we want to add to our Board.

22 So I just wanted the Board to be aware of that  
23 before the vote is taken.

24 CHAIR FERRARO: Questions or comments from the  
25 Board? It's pretty routine, standard. Nothing? Do we have

1 a motion?

2 COMMISSIONER ALFIERI: I'll so move.

3 VICE CHAIR GONZALES: Gonzales moves.

4 COMMISSIONER ALFIERI: Go ahead.

5 VICE CHAIR GONZALES: No. I'll go after Mr.

6 Alfieri. I'll second that after Dennis.

7 CHAIR FERRARO: Okay.

8 VICE CHAIR GONZALES: Yeah.

9 CHAIR FERRARO: Commissioner Castellanos?

10 COMMISSIONER CASTELLANOS: I have to recuse  
11 myself. I have the pleasure and honor of participating on  
12 this Board, so I will recuse myself from this vote.

13 CHAIR FERRARO: Very well.

14 Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIR FERRARO: Commissioner Gonzales?

17 VICE CHAIR GONZALES: Yes.

18 CHAIR FERRARO: Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIR FERRARO: Chairman votes yes.

21 MR. GOODRICH: Thank you.

22 CHAIR FERRARO: Thank you. Thank you, Cliff, for  
23 your work.

24 Moving on to the Executive Director's Report.

25 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.

1 Chairman, and good afternoon, Commissioners. My remarks  
2 will be brief.

3 And I will begin with the handle report for the  
4 month of July, night racing was down nine percent on eight  
5 less programs, day racing was down one percent on 14 less  
6 programs, and total handle was down two percent compared to  
7 the same month last year. Year to date, night racing is  
8 down nine percent, day racing is down one percent, and total  
9 handle is down two percent.

10 Secondly and lastly, a brief update on HISA  
11 implementation.

12 As the Board knows, there was a brief -- there  
13 was, briefly, an injunction on implementation in two states  
14 which possibly applied to Guild riders across the country.  
15 The Court of Appeals subsequently stayed the lower Court's  
16 ruling for the most part.

17 Through both the legal process and general safety  
18 rule implementation, our goal has been to create stability,  
19 transparency, and consistency for stakeholders in what is,  
20 naturally, a disruptive process. The ADMC, Anti-Doping and  
21 Medication Control measures are slated to go into effect  
22 January first. They will involve uniform medication and  
23 classification standards, as well as adjudication protocols.  
24 Drug Free Sport International, DFSI, is the agency  
25 contracting with the Authority to administer the new program

1 and is in the process of hiring and work toward the January  
2 1st effective date.

3           There is no real question whether the Maddy Lab at  
4 UC Davis will be used as one of the approved testing  
5 laboratories. My goal over the next few months is to ensure  
6 that the CHRB maintains our relationship with Davis, which  
7 is admittedly unique although, I'd argue, effective and  
8 efficient.

9           And that, Mr. Chairman, is my report.

10           CHAIR FERRARO: Questions from the Board?

11           Martha Sullivan?

12           MS. SULLIVAN: I wish to point out that the recent  
13 bifurcation of the Board's equine fatalities list, which  
14 normally the Executive Director will talk about fatalities  
15 but he didn't do so this time.

16           In this split of the equine fatalities list into  
17 musculoskeletal and then non-musculoskeletal and other  
18 deaths, at least six of those that are put in the non-  
19 musculoskeletal category, by your own description, have  
20 skeletal injuries.

21           Honey Dew (phonetic) injured her tibia. Urban  
22 Dance, injured head. Desert Fog was a gate accident, she  
23 flipped behind the gate. There was a two-year-old foal,  
24 tibia. Rapacious injured his back. And Show Your Cards is  
25 listed as humeral.

1           This is a misrepresentation of these fatalities  
2 when you're putting these skeletal injuries in what you're  
3 calling non-musculoskeletal.

4           I also would like to point out that Desert Fog  
5 died behind the starting gate in a race but is categorized  
6 as "other," not as a racing death. This should be -- she  
7 should be counted as a racing death. Rapacious died  
8 immediately after completing a workout and is categorized as  
9 an "other" death. That, Rapacious's death, should be  
10 categorized as a training death.

11           This is significant, as you know, because most  
12 media and most decisionmakers put more emphasis on racing  
13 deaths, and then training deaths, then they do on other  
14 deaths. So I see this as an intentional manipulation of  
15 data to reduce the severity of your fatality list and I urge  
16 you to correct it. It does not shine a good light on you.

17           CHAIR FERRARO: Thank you.

18           We will now move on to the public comment period.  
19 Remind everyone, each speaker has two minutes to make their  
20 statements.

21           Bonnie Croker.

22           MS. CROKER: I have some major points I wish to  
23 reiterate. I also have some demands.

24           During my public comment last month, I denounced  
25 slavery in all cases, in all forms, and at all levels of

1 severity. To support my points, I offer the following  
2 quotes.

3 Martin Luther King said,

4 "One day the absurdity of the almost universal belief  
5 in the slavery of other animals will be palpable. We  
6 shall have discovered our souls and become worthier of  
7 sharing this planet with them."

8 Abraham Lincoln said, "I am in favor of animal  
9 rights, as well as human rights. That is the way of the  
10 whole human being."

11 Cesar Chavez said,

12 "We know we cannot be kind to animals until we stop  
13 exploiting them, exploiting animals in the name of  
14 science, exploiting animals in the name of sport,  
15 exploiting animals in the name of fashion, and yes,  
16 exploiting animals in the name of food.

17 I am evoking the spirits and intentions of these  
18 celebrated leaders as I make the following demands of the  
19 horse racing industry: stop exploiting horses for money and  
20 sport. Get your chains out of their mouths. Get your reins  
21 off of their necks. Get your riders and whips off of their  
22 backs. Let's neither trivialize or emphasize the cruel and  
23 immoral practice of slavery based solely on who the victims  
24 are. One struggle, one fight, human freedom, animals  
25 rights.

1 Kill Racing Not Horses.

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Jane Cartmill is next.

5 MS. CARTMILL: It's easy to lose sight of the  
6 violence and the severity of the injuries sustained in  
7 racing. The pain and the suffering are intense, horrific.  
8 So let me just read some specifics which were obtained  
9 through a FOIA request to the California Horse Racing Board  
10 on some of this state's kills -- on some of this state's  
11 kills this year.

12 Warren's Showtime, February 26th, Santa Anita.  
13 Multiple open comminuted fractures, severe, open, complete  
14 luxation of the fetlock joint with lateral displacement of  
15 distal MC3 and complete rupture of collateral ligaments.  
16 Also degenerative joint disease, osteochondral disease,  
17 multifocal gastric ulceration. Warren's Showtime was five  
18 years old.

19 See You at Front, March 23rd, Los Alamitos,  
20 multiple open comminuted complete displaced fractures,  
21 multiple small bony fragments embedded in the suspensory  
22 ligament. Also, severe dorsal and metacarpal disease, both  
23 front limbs. Sever microdamage accumulation. Multifocal  
24 gastric ulceration. See You at Front had just turned two.  
25 At only two, massive gastric ulceration. Imaging the pain

1 endured by this horse even prior to the breakdown.

2           Scream and Shout, April 23rd, Los Alamitos,  
3 catastrophic complex fetlock breakdown with multiple open  
4 comminuted fractures and multiple complete ruptures. Scream  
5 and Shout was five years old.

6           These injuries are unnecessary and they are  
7 unspeakable. These animals are suffering tremendously at  
8 the hands of horse racing.

9           CHAIR FERRARO: Thank you.

10           Steven Blake?

11           MR. BLAKE: I believe we all know the things that  
12 go on in horse racing, many of which have been illustrated  
13 today. I'm simply asking you, as I believe that eventually  
14 horse racing will go away due to financial reasons, for  
15 humans' sake, humanity's sake, for humane treatment's sake,  
16 new generations are going to come up and replace us, and  
17 there will be other entertainment to replace horse racing.

18           To hasten that, I'm asking you to look into your  
19 hearts as human beings, as those with consciences, and  
20 understand, knowing what goes on with these horses, please  
21 stop granting licenses and put an end to this sooner rather  
22 than later.

23           Thank you.

24           CHAIR FERRARO: Thank you.

25           Lynn Freudenberg.

1 MS. FREUDENBERG: Good afternoon. I'm going to  
2 have -- a Twitter read from July 23rd of this year from ex-  
3 Commissioner Madeline Auerbach. Madeline states that,  
4 during her Twitter feed, that,

5 "In the state of California, we have many organizations  
6 that take the horses, when through racing, and place  
7 them into retirement world."

8 Then, she specifically states,  
9 "Our horses do not go to slaughter. We have rules and  
10 regulations against that. And if anybody is caught  
11 sending any of our horses to slaughter, they are banned  
12 and out of the sport."

13 In Santa Clarita, there are two California-bred  
14 mares, along with many others, but now they're sitting in a  
15 feedlot. They are both malnourished.

16 Papa's Lady was bred by ex-Commissioner Auerbach.  
17 Papa's Lady is now in urgent need of rescue. This mare ran  
18 in 40 starts with her last and her final start at Los  
19 Alamitos in November 2018. Sadly, her whereabouts are  
20 unknown since her last race, only known that she was dumped  
21 with four other horses. She is listed as long overdue for  
22 the farrier, has so feet, and will mostly need her teeth  
23 done. She does have a chip and lip tattoo.

24 My Aunt Annie, 2011 thoroughbred of some truly  
25 royal breeding, sired by Dixie Chatter and out of My Aunt T

1 (phonetic). My Aunt Annie has deep royal bloodline ties but  
2 there is no time to list her long history. After selling  
3 for \$50,000 as a yearling, My Aunt Annie raced in 23 starts  
4 at Golden Gate, Hollywood Park, Del Mar, and smaller  
5 fairground tracks. Despite her rich heritage, My Aunt Annie  
6 ended up seven years later discarded at a livestock auction,  
7 sold alongside sheep and pigs, underweight, long neglected.  
8 Her whereabouts are unknown since 2015.

9           These are two horses that were went to slaughter  
10 but saved by a rescue. There are many others.

11           How does this no-slaughter policy help the mares?  
12 Where is California horse racing industry for these mares,  
13 along many others?

14           Thank you.

15           CHAIR FERRARO: Thank you.

16           Martha?

17           (Colloquy between Chair Ferraro and Executive Director  
18 Chaney)

19           MS. SULLIVAN: I want to take this opportunity to  
20 remember the three two-year-old horses that have died at Del  
21 Mar in the last month. Three horses died in 15 days at Del  
22 Mar, two years old; two were sudden deaths, one was a stall  
23 accident, again listed as humeral but not listed under  
24 musculoskeletal.

25           Nite Girl (phonetic) died on July 20th at Del Mar.

1 She was a two-year-old filly. She's reported to have  
2 suffered a sudden death in training. She had never raced.

3 On July 31st, Money Won (phonetic), another two-  
4 year-old filly with one race on July 23rd, also suffered a  
5 sudden death.

6 On August 3rd, Show Your Cards, yet another two-  
7 year-old died at Del Mar, was listed as a stall accident,  
8 humeral.

9 This last one, August 3rd, was just reported on  
10 Monday. What took so long, 12 days to report this? What  
11 was the delay?

12 I want you to remember when you talk about how  
13 safe Del Mar is, it's not safe for two-year-olds, that's for  
14 sure. Three deaths in 15 days of two-year-old horses,  
15 that's not safe. Just remember that.

16 CHAIR FERRARO: Thank you.

17 That concludes our public comment period.

18 Can I have a motion for adjournment?

19 VICE CHAIR GONZALES: Gonzales moves.

20 COMMISSIONER CASTELLANOS: Second.

21 CHAIR FERRARO: Alfieri?

22 COMMISSIONER ALFIERI: Yes.

23 CHAIR FERRARO: Gonzales?

24 VICE CHAIR GONZALES: Yes.

25 CHAIR FERRARO: Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIR FERRARO: And Castellanos?

3 COMMISSIONER CASTELLANOS: Yes.

4 CHAIR FERRARO: And the Chairman votes yes.

5 Meeting is adjourned. Thank you all very much.

6 (The regular meeting of the California Horse Racing Board

7 adjourned at 1:40 p.m.)

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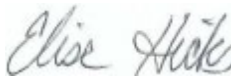
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## CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of September, 2022.



ELISE HICKS, IAPRT CERT\*\*2176

## CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT\*\*367

September 5, 2022