



APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman

Wendy Mitchell, Commissioner

Dennis Alfieri, Commissioner

Damascus Castellanos, Commissioner

Brenda Washington Davis, Commissioner

STAFF

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

Robert Brodnik, General Counsel

Sara Smith, Acting Staff Counsel

Amanda Drummond, Policy, Regulations, and Administrative  
Hearings Manager

Rick Arthur, Equine Medical Director

Zachary Voss, Regulation Analyst

Mike Marten, Associate Analyst

Darrel McHargue, Chief Steward

ALSO PRESENT

Larry Swartzlander, California Authority of Racing Fairs

Ted Kingston, Sahara Dunes Casino

Shane Gusman, Jockeys' Guild

Greg Avioli, Thoroughbred Owners of California

APPEARANCES

ALSO PRESENT

Jane Cartmill

Kimberly Shaffer, ATM Equine

Wayne Johnson

Wendy Lembke

Martha Sullivan

Mary Johnson

Marla Zanelli

Lynn Frudenburg

Heather Wilson

Terri Eaton, Arabian Racing Association of California

Christina Gindt, Intervision Equine Physiotherapy

Patty Shenker

Jenine Sahadi, Grayson Foundation

Doug O'Neill

Christine Sanchez

Pavla Nygaard

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| 4. | Discussion and action by the Board on the Renewal Application for License to Operate a Minisatellite Wagering Facility at the Sahara Dunes Casino dba Lake Elsinore Hotel and Casino in Lake Elsinore, California.  | 25 |

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5. Discussion and action by the Board regarding the proposed amendments to CHRB Rule 1688, Use of Riding Crop, to regulate the use of the riding crop to protect the safety of the horse and rider.
6. Public Comment: Communications, reports, requests 31  
for future actions of the Board. Note: During the public comment period, a total of thirty minutes will be allowed for public comments via the teleconference line. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes.
7. Closed Session: For the purpose of receiving 70  
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

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PAGEClosed Session:

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 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

9:32 A.M.

TELECONFERENCE, TUESDAY, MARCH 23, 2021

CHAIR FERRARO: Thank you. This is the noticed meeting of the California Horse Racing Board conducted by teleconference pursuant to Executive Order N-29-20.

Participating in this meeting are: myself, Dr. Gregory Ferraro, Chair; Commissioner Oscar Gonzales, Vice Chair; Commissioner Dennis Alfieri; Commissioner Damascus Castellanos; Commissioner Brenda Washington Davis; Commissioner Wendy Mitchell; and Commissioner Alex Solis.

We are joined, also, by: Scott Chaney, Executive Director; Cynthia Alameda, Assistant Executive Director; Robert Brodnik, Chief Counsel; Sara Smith, Acting Staff Counsel; Amanda Drummond, Manager of Policy and Regulations; and Dr. Rick Arthur, Equine Medical Director.

The Board invites comments 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 item. The Board will not answer questions from the public. This item is for comment, not questions. I repeat, the Board will not answer questions from the public. Those wishing to speak must follow the directions of the operator to have

1 their individual phone lines open for comment. Unsolicited  
2 speakers are limited to two minutes.

3           During all public comments, a bell will be rung  
4 after the first 90 seconds, meaning the speaker will have  
5 30 seconds remaining to conclude his or her remarks. At  
6 two minutes a more distinctive sound will be heard to  
7 indicate the speaker's time is up. The Board may ask  
8 questions of individuals who speak which may extend their  
9 two-minute time limit.

10           I will insist that all speakers stay strictly on  
11 topic for each agenda item. If a speaker strays off topic,  
12 I will ask the operator to move on to the next caller. If  
13 the speaker repeats himself or herself, I will ask if the  
14 speaker has any new comments to make. If there are none,  
15 the speaker will be asked to let others make comments to  
16 the Board.

17           If anyone has comments of a more general nature  
18 that are not specific to earlier agenda items, those  
19 comments must wait until agenda item number six, Public  
20 Comment period. Under that period there will be a 30-  
21 minute time limit for item six, Public Comment. In order  
22 to allow as many individuals to speak as possible within  
23 that half-hour, I will strictly enforce the two-minute time  
24 limit for each unsolicited speaker.

25           And with that, I will open the meeting by asking

1 for approval of the minutes of February 17th, 2020.

2 COMMISSIONER DAVIS: Davis moves.

3 CHAIR FERRARO: Second.

4 Commissioner Alfieri?

5 COMMISSIONER ALFIERI: Yes.

6 CHAIR FERRARO: Commissioner Gonzales?

7 VICE CHAIR GONZALES: Abstain, sir. I wasn't

8 here.

9 CHAIR FERRARO: Oh, correct.

10 Commissioner Castellanos?

11 COMMISSIONER CASTELLANOS: Yes.

12 CHAIR FERRARO: Commissioner Davis?

13 COMMISSIONER DAVIS: Yes.

14 CHAIR FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIR FERRARO: And Commissioner Solis?

17 COMMISSIONER SOLIS: Yes.

18 CHAIR FERRARO: And the Chair votes yes. Motion

19 approved.

20 Item number two. Can we have the Executive

21 Director's Report please?

22 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.

23 Chairman and Commissioners.

24 Just one quick correction to the introduction.

25 Amanda Brown, Staff Counsel, is on the call, rather than

1 Sara Smith, who was acting in her stead while she was on  
2 leave.

3           This month's report mirrors the agenda and will  
4 be somewhat brief. However, I would be remiss in not  
5 recognizing Staff's hard work with respect to regulatory  
6 changes as we have several more which go into effect April  
7 1st. Those regs includes tighter regulations on the  
8 practice of program training, enhanced penalties for  
9 multiple medication violations, including those from out of  
10 state, more strict regulation of shockwave therapy, the  
11 racing veterinarian reporting to the official veterinarian,  
12 and a seven-day requirement for stabling prior to racing.

13           All of those go into effect in the next ten days.  
14 Of course, there is always more work to be done. But these  
15 regulations will have a direct and immediate impact on  
16 animal welfare.

17           Financial. Handle is very positive as compared  
18 to pre-pandemic February 2020. This February, daytime  
19 handle is up 11 percent on the same number of programs as  
20 compared to 2020. Night handle is up nine percent on three  
21 less programs compared to last February. Lastly, overall  
22 handle is up ten percent compared to February 2020.

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

24           CHAIR FERRARO: Thank you.

25           Any questions from the Board, Commissioners?

1           If there are none, we'll ask for the Equine  
2 Medical Director's Report please.

3           EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Good  
4 morning, Commissioners. This is Dr. Rick Arthur, Equine  
5 Medical Director.

6           Since the last Board meeting there have been four  
7 continuing education webinars for trainers and assistant  
8 trainers on MRIs, PDT, and drug testing, plus another on  
9 COVID-19-related safety protocols. Attendance has been  
10 quite good with over 150 or more people attending the MR.  
11 ISOLA, PDT, and drug testing webinars, and over 100  
12 attending the COVID webinars. The presentations have been  
13 generally well received by horsemen. The immediate goal is  
14 to have enough approved continuing education courses by  
15 June so that trainers can get their 12 hours of CE that's  
16 required to renew their licenses.

17           Long-term, California is not the only  
18 jurisdiction or horse racing entity working on CE for horse  
19 trainers. Alan Balch, Angie Carmona and I met with Andy  
20 Billicore (phonetic) with the Thoroughbred Horsemen's  
21 Association which represents seven jurisdictions in the  
22 mid-Atlantic area just yesterday. With a little  
23 cooperation, there should be many more continuing education  
24 opportunity options in the future with a robust national  
25 trainers CE infrastructure in place.

1           Statewide, there were seven fatalities in  
2 February, none were racing, six were training, and one non-  
3 exercise. Two of the training fatalities were sudden  
4 deaths and a third was a horse bolting into the outside  
5 rail and sustaining a major laceration. Both the exercise  
6 rider and outrider were injured in that same accident.

7           There was only one medication violation in  
8 February, a Class 3 procaine finding. Even though the  
9 investigation is just starting, I will say, I've never seen  
10 a procaine violation that was not related to a recent  
11 procaine penicillin administration. I expect that we'll  
12 find that to be the case here as well.

13           January sampling totals were not available before  
14 a February Board meeting, so I'll provide the January and  
15 February numbers. In January, Maddy analyzed 1,750 post-  
16 race samples and an additional 74 samples obtained for  
17 horses working for the official veterinarian. The 1,824  
18 samples were from 893 horses.

19           In February, Maddy analyzed 1,560 post-race  
20 samples and an additional 72 samples obtained for horses  
21 working for the official veterinarian. Those 1,632 samples  
22 were from 900 horses. And these numbers do not include  
23 TCO<sub>2</sub>, out-of-competition blood, urine or hair samples.

24           Happy to answer any questions.

25           CHAIR FERRARO: Any questions by the Board

1 Members?

2           If there are none, we'll open it up to public  
3 comment.

4           Operator, we can take our first caller.

5           OPERATOR: Thank you.

6           And again, if you'd like to make public comment,  
7 you may do so by pressing star one.

8           Our first commenter is Jane Cartmill.

9           MS. CARTMILL: Regarding horse fatalities, on  
10 March 4th, four animal activists lay on the track together  
11 at Golden Gate Fields, connected by PVC pipes, caused the  
12 cancellation of one race and delay in following races. The  
13 action garnered a great deal of press attention and  
14 highlighted the ongoing carnage at California racetracks.  
15 Curiously, a nearby COVID vaccination site was temporarily  
16 closed in reaction to the protest, although it was not  
17 clear how four tethered activists on the racetrack were  
18 going to impede the vaccination process.

19           Predictably, The Stronach Group, owner of Golden  
20 Gate Fields, filed a retaliatory claim suit against the  
21 activists, ludicrously claiming that the protest risked the  
22 health of the racehorses by preventing them from getting  
23 necessary exercise, this when six horses have died at  
24 Golden Gate Fields already this year due to racing  
25 activities. Clearly, the track presents the real risk in

1 the horses' health.

2 In 2020, more than 20 horses died on their track,  
3 causing Berkeley City officials to request a special  
4 investigation into equine fatalities. The lawsuit alleges  
5 that the protest caused risks to the health and safety of  
6 track workers. Hmm. In November of 2020, Berkeley Health  
7 officials shut down due to the outbreak of some 300 cases  
8 of COVID. Again, the health risk is not caused by  
9 protestors.

10 In the world of animal activism, those who expose  
11 and try to stop the abuse are usually treated much more  
12 harshly than those who inflict it. But the efforts to  
13 expose and end the cruelty haven't stopped and won't stop.

14 I could not agree more with spokesman Matt  
15 Johnson of the protest group who said, "This is a  
16 brutal" --

17 OPERATOR: Our next commenter is Kimberly Shaffer  
18 with ATM Equine.

19 MS. SHAFFER: Hello.

20 CHAIR FERRARO: Go ahead please.

21 MS. SHAFFER: I just wanted to say thank you in  
22 recognizing the continuing education courses. I'm getting  
23 a lot out of them. And I have heard from several of my  
24 fellow trainers that they are really enjoying them and  
25 getting a lot of information. And these are some of these

1 hardcore guys who don't think they need to be taught are  
2 learning a lot.

3 Looking forward to you really building a  
4 storehouse of good information. I think that this has been  
5 a long time coming, and I'm really happy that you're doing  
6 it and that we're involved in, so keep up the good work.

7 CHAIR FERRARO: Thank you.

8 Next please.

9 OPERATOR: Thank you.

10 Next commenter is citizen Dr. Wayne Johnson.

11 CHAIR FERRARO: Go ahead please.

12 DR. JOHNSON: Good morning, Chairman Ferraro.

13 Good morning to the Committee [sic].

14 Muni (phonetic), Temple City, My Three Kids,  
15 Sweet Boy, Ocadeo (phonetic), Surfside Sunset, One Famous  
16 Prize, and Squiggy (phonetic), the Equine Medical Director  
17 continues to dehumanize and disrespect the horses by not  
18 even mentioning their names, even though they have died n  
19 the service of horse racing.

20 As I mentioned to you two months ago, I marched  
21 with Dr. King on two separate occasions. Dr. King would  
22 have been proud of the classic nonviolent civil  
23 disobedience at Golden Gate Park. It was a just cause and  
24 it met his criteria of being willing to accept the results  
25 of that protest.

1 Thank you.

2 CHAIR FERRARO: Thank you.

3 Next please.

4 OPERATOR: Thank you.

5 Next commenter is Wendy Lembke, racehorse owner.

6 MS. LEMBKE: Hello.

7 CHAIR FERRARO: Go ahead please.

8 MS. LEMBKE: Hello. Thank you for having me.

9 My comment is when all horse vets are lumped  
10 together by extremists as murderers, it's clear that  
11 science is not a priority. Things like colic are very  
12 common in horses. Ten percent of the U.S. population will  
13 colic annually and only 6.5 of those result in death.  
14 Colic is not a racehorse malady. It's a reality for all  
15 horses during their lifetime.

16 We need some science to show up here. And a lot  
17 of the comments are not showing science at all. They're  
18 just showing sheer emotion.

19 Thank you.

20 CHAIR FERRARO: Thank you.

21 Next please.

22 OPERATOR: Thank you.

23 Next commenter, Martha Sullivan, San Diego County  
24 resident.

25 CHAIR FERRARO: Good morning, Martha. Go ahead

1 please.

2 MS. SULLIVAN: Good morning. I want to follow up  
3 on comments that Executive Director Chaney has made at  
4 recent Board meetings.

5 As a result of a Public Records Act request that  
6 I made to the Board in late December, which I finally got  
7 all your responses to earlier this month, you know, I was  
8 finally able to determine that there actually was  
9 legislation proposed to make horse racing without a license  
10 or approval from this Board a felony. This was introduced  
11 in early 2019, February 19th, 2019. And, unfortunately,  
12 there was no action on it in the legislature and it died a  
13 year later.

14 So, one, I find it interesting that I had to do a  
15 Public Records Act to get this answer from the Board.

16 Two, clearly, despite Director Chaney's comments  
17 that this is needed in order for, you know, the Board to  
18 get action taken on illegal match races, nothing's  
19 happened. And since I asked for anything since December  
20 1st of 2018, apparently nothing happened since that was  
21 introduced and died.

22 So once again, your words are hallow.

23 OPERATOR: I'm sorry.

24 CHAIR FERRARO: Thank you.

25 OPERATOR: Your time is reached.

1           Our next comment is Mary Johnson, an equine  
2 advocate.

3           MS. JOHNSON: Yes.

4           CHAIR FERRARO: Go ahead please.

5           MS. JOHNSON: Thank you. Good morning.

6           And we were talking previously about the  
7 fatalities at Golden Gate and other tracks in California,  
8 and this happens throughout the country, but I want to zero  
9 in the horse by the name of Possession. She was not a  
10 track fatality. But as a two-year-old, she won \$35,000.  
11 Julie Krone was her jockey. And she raced two times at  
12 Santa Anita. She sold as a yearling for \$2 million. So  
13 obviously at that time her owners had high hopes for her.

14           In 2019, she was found at the Unadilla livestock  
15 auction in the New York area where she was purchased for  
16 \$200 to keep her from going to slaughter in Canada, where  
17 she would be on a meat hook bleeding out. Again, she sold  
18 for \$2 million as a yearling, two starts, she won \$35,000.  
19 She was owned by Darling (phonetic) when she last raced.  
20 And again, she raced at Santa Anita.

21           How is it that a mare from one of the most elite  
22 racing families in America was left unprotected from  
23 landing in the slaughter pipeline. With all of the notable  
24 and successful people in her past, and the systematic  
25 sophistication (indiscernible), it's hard to fathom how she

1 slipped away. She did not die in the dirt, as so many of  
2 them do. But she would have died if not --

3 OPERATOR: I'm sorry. We've reached time.

4 Our next commenter is Marla Zanelli, horse owner.

5 MS. ZANELLI: Hello.

6 CHAIR FERRARO: Go ahead please.

7 MS. ZANELLI: Thank you. Good morning.

8 I just want to say I applaud Golden Gate Fields  
9 for bringing a lawsuit against the people that disrupted  
10 horse racing. And I hope that all racetracks will take  
11 that stand in the future if there is any further botherings  
12 and trespassing by people like that.

13 So thank you and that's it. Thank you. Bye-bye.

14 CHAIR FERRARO: Thank you.

15 Next please.

16 OPERATOR: Thank you.

17 Next commenter, Lynn Frudenburg, concerned  
18 citizen.

19 MS. FRUDENBURG: Hi. Good morning Board. My  
20 comment is also regarding the protest at Golden Gate  
21 Fields.

22 The reason why DxE did this protest is because  
23 last year the Berkeley City Council, they requested an  
24 investigation into the welfare of the horses and all these  
25 deaths at Golden Gate Fields. Since nothing was brought up

1 regarding that and it was just kind of like thrown to the  
2 side, a whole years passed by, so the protestors wanted to  
3 make a point. They wanted to bring public attention to the  
4 racetrack deaths.

5           Since December 31st there has been six deaths at  
6 the field, so nothing is changing, and this is why they had  
7 to do something so drastic to make public attention and  
8 actually get into the newspapers to bring attention to the  
9 general public.

10           One of your callers was saying, let's bring  
11 science into this, and that we're acting on our feelings.  
12 This is all factual. This has nothing to do with feelings.

13           Of course, there are feelings for horses because we do --  
14 we are looking out for the horses.

15           So if you guys aren't going to respond to the  
16 deaths at the racetracks you're going to be seeing this  
17 more and more because the general public is aware and they  
18 are following this. And the horse tracks are reflecting  
19 that with the racing bids (phonetic). They're not as --  
20 you're -- the public is declining not to come to the  
21 racetracks.

22           So please take this into attention and look at  
23 the deaths and do something about it. You're the Horse  
24 Racing Board.

25           Thank you.

1 CHAIR FERRARO: Hold up, Operator. Let me just  
2 interject here.

3 These comments really have nothing to do with  
4 either the Equine Medical Director's Report or the  
5 Executive Director's Report and they should be made --  
6 reserved for the public comment period.

7 So going forward from here, unless it's -- your  
8 comment is particular pertinent to the Equine Medical  
9 Director's Report or the Executive Director's Report, then  
10 we will not allow it. You'll have to wait until item  
11 number six.

12 Okay, Operator, go ahead.

13 OPERATOR: Thank you.

14 Next commenter, Heather Wilson, California  
15 resident.

16 CHAIR FERRARO: Go ahead please.

17 MS. WILSON: Yes. Yes. Thank you. Good  
18 morning.

19 Yeah, it's pretty convenient that Dr. Ferraro  
20 makes a point to say that we are not able to ask questions  
21 but you're allowed to ask questions of us. So, of course,  
22 you're not going to answer if I bring up the point, why  
23 aren't you doing anything about these match races? I have  
24 found at least one jockey who is still actively racing at  
25 Rancho Los Alamos and Los Alamitos, and what are you going

1 to do about this?

2 But, of course, you will not answer. You have no  
3 answers because you all are useless.

4 CHAIR FERRARO: Thank you.

5 Next please.

6 OPERATOR: Thank you.

7 Next commenter, Kimberly Shaffer, ATM Equine.

8 CHAIR FERRARO: Go ahead please.

9 MS. SHAFFER: I digress. No public comment.  
10 I'll wait until public comment.

11 CHAIR FERRARO: Okay.

12 Next, Operator. Let's go on to the next person.

13 OPERATOR: At this time, no further commenters.

14 CHAIR FERRARO: All right. Any further comments  
15 from the Board regarding the two reports?

16 If there are none, we will move on to item number  
17 three, which is discussion and action by the Board on the  
18 request from the California Authority of Racing Fairs,  
19 CARF, to designate the following 2021 allocated race dates  
20 as a combined fair horse racing meeting, pursuant to  
21 Business and Professions Code section 19549.1: Alameda  
22 County Fair at Pleasanton, June 16th, 2021 through July  
23 13th, 2021; California Exposition and State Fair, July  
24 14th, 2021 through August 3rd, 2021, Humboldt County Fair  
25 at Ferndale, August 18th, 2021 through August 31st, 2021;

1 and The Big Fresno Fair, October 6th, 2021, through October  
2 19th, 2021.

3 Amanda, can you lead us off on this please?

4 MS. DRUMMOND: Yes. Good morning, Commissioners.

5 Amanda Drummond, Policy, Regulations, and Administrative  
6 Hearings Manager for the CHRB.

7 So agenda item three is a request from CARF to  
8 designate the Pleasanton, Cal Expo, Ferndale, and Fresno  
9 Fairs as a combined meet. This request is made annually to  
10 the Board. And the sole purpose of this request is to  
11 allow the fairs to carry over pools from one fair to the  
12 other.

13 And I do believe we also have Larry Swartzlander  
14 on the line from CARF if the Board has any questions as  
15 well.

16 CHAIR FERRARO: Any questions for Amanda?

17 Let's hear from Mr. Swartzlander, please,  
18 Operator.

19 OPERATOR: One moment while I open his line. Mr.  
20 Swartzlander's line is now open.

21 MR. SWARTZLANDER: Go ahead, Larry.

22 MR. SWARTZLANDER: Good morning, Chairman. Good  
23 morning, Chairman, Commissioners. This is Larry  
24 Swartzlander, Executive Director of California Authority of  
25 Racing Fairs.

1           Again, I think the Staff has summed it up very  
2 clearly. This is the sixth year we've had this request.  
3 With the onsite of potluck wagering six or seven years ago,  
4 it became quite apparent that these type of wages generated  
5 large pools as they grew. The fairs being small meets of  
6 two to four weeks, they simply could not generate large  
7 amounts of carryover pools. And with the combined fair  
8 concept, we now can go from the start of our meet to the  
9 end. To give you an example, in 2019, when both these  
10 pools carried into Fresno, they generated over \$1 million  
11 just on these two wagers.

12           So again, this is the opportunity to compete and  
13 to create large handles and, obviously, generate more  
14 purses in racing.

15           CHAIR FERRARO: Thank you.

16           Any questions from the Commissioners?

17           Thank you, Larry.

18           And we'll have public comment now, Operator.

19           OPERATOR: Thank you.

20           Again, if you'd like to make public comment,  
21 please press star one now.

22           Our first commenter is Heather Wilson, California  
23 resident.

24           CHAIR FERRARO: Go ahead please.

25           MS. WILSON: Yes. Hello again.

1           So you want to bring up more dates at Pleasanton.  
2 I have heard so many comments over the last several months  
3 about how safe the fair racing is and that is not true.

4           Jaime James (phonetic) is a mare. She was six  
5 years old, it looks like, no, maybe less, four or five  
6 years old. On June 27th, race number eight, she is said to  
7 have went wrong, was pulled up and walked off. If she was  
8 pulled up, then why did she place fourth out of seven? And  
9 she has not reappeared in the databases.

10           Then on -- the 4th of July weekend was particular  
11 dangerous. On July 3rd there was nearly a four-horse  
12 pileup. Nice Blaze is a three-year-old filly with only two  
13 starts and she's still unaccounted for. She clipped heels,  
14 she fell and was vanned off, and she has still not  
15 resurfaced.

16           Check Out Pappys Corona, this horse is probably  
17 dead, but maybe Mr. Aleman can come forward and answer  
18 these very simple questions: Is she dead or alive? How is  
19 she doing? She flipped in the starting gate. This two-  
20 year-old (phonetic) mare had only one start and then she  
21 was vanned off and scratched and she has not resurfaced.

22           California Candy is another horse, racing number  
23 ten at Pleasanton on July 4th, she was stopped, eased,  
24 walked off after placing last, and this horse has not  
25 resurfaced.

1           So you've got at least four horses here that are  
2 unaccounted for after racing at Pleasanton, which you're  
3 claiming to be so safe. It's not safe. Horse racing is  
4 not safe. These are the facts. These horses have not  
5 resurfaced.

6           If you take such excellent care of these animals,  
7 then let the public know. You're putting them on public  
8 display. You're whipping them, you're beating them, you're  
9 shoving them to the starting gate, and we have a right to  
10 know what has happened to them. This is being done in  
11 public.

12           CHAIR FERRARO: Thank you.

13           Operator, just hold up a minute.

14           I'm going to remind the public, we're talking  
15 about a regulation to share racing pools, betting pools.  
16 We're not talking about applying racing dates, giving  
17 permission to run. All we're doing is discussing a  
18 regulation that allows these fairs to pool their handle.

19           All right, Operator, go ahead with the next  
20 person.

21           OPERATOR: Thank you.

22           Next commenter, Terri Eaton, the president of the  
23 Arabian Racing Association of California.

24           CHAIR FERRARO: Go ahead please.

25           OPERATOR: Ms. Eaton, your line is open. You may

1 need to un-mute to ask -- to make your comment.

2 MS. EATON: Yes. Gentlemen, this is Terri Eaton.  
3 Can you hear me now?

4 CHAIR FERRARO: Yes.

5 MS. EATON: Hello?

6 CHAIR FERRARO: Go ahead.

7 MS. EATON: Okay. I'm just calling in because I  
8 am hoping to make the Board aware of the state of Arabian  
9 racing in that it's not very good. And part of the  
10 reason --

11 CHAIR FERRARO: Those comments will have to be  
12 made to the end, ma'am. I'm sorry. It has nothing to do  
13 with the agenda item. Bring that up --

14 MS. EATON: Okay. All right. That's fine.

15 CHAIR FERRARO: -- under item number six.

16 MS. EATON: That's fine.

17 CHAIR FERRARO: Next please.

18 MS. EATON: Thank you.

19 OPERATOR: Thank you.

20 Next commenter, Martha Sullivan, San Diego County  
21 resident.

22 CHAIR FERRARO: Go ahead, Martha.

23 MS. SULLIVAN: Yes. This is Martha Sullivan.

24 I know you don't want to hear about this but you  
25 need to hear about it. A two-year-old colt was pulled up

1 and vanned off at Pleasanton near the end of the meet in  
2 July last year.

3 OPERATOR: Our next commenter, Christina Gindt.

4 MS. GINDT: Board, can you --

5 CHAIR FERRARO: Go ahead please.

6 MS. GINDT: Hi Board. Can you hear me?

7 CHAIR FERRARO: Yes. Go ahead.

8 MS. GINDT: So I would just like to note that the  
9 CHRB, all licensees, go to support these fair facilities.  
10 And with the comingled fair pool, I think that will draw  
11 much more people, and also more wagering dollars to help  
12 fund these facilities. They are self-funded facilities.  
13 So racing actually helps fund these facilities that  
14 contribute to the community and community services for  
15 things like COVID vaccines, emergency shelters, et cetera.

16 Thank you.

17 CHAIR FERRARO: Thank you.

18 Next please.

19 OPERATOR: Thank you.

20 Next commenter, Wendy Lembke, horse owner.

21 CHAIR FERRARO: Go ahead please.

22 MS. LEMBKE: Hi. Thanks again.

23 I'm happy to hear about the dates you presented  
24 for the fair racing, horse racing, in California for this  
25 year. California needs our racing. We need our fairs and

1 we need the racing.

2           And everybody is concerned about horse racing  
3 safety. It's not just one group of people. We love and  
4 care for our horses too.

5           So thank you for the dates for the California  
6 Fair this year. Thank you.

7           CHAIR FERRARO: Thank you.

8           Next please.

9           OPERATOR: Thank you.

10           Next commenter, Lynn Frudenburg, concerned  
11 citizen.

12           CHAIR FERRARO: Go ahead please.

13           MS. FRUDENBURG: Hey. Good morning,  
14 Commissioner.

15           Hey, I just want to thank you for clarifying that  
16 you're just concerned about the financial aspects of the  
17 racing. We're not going to bother discussing about all the  
18 deaths and the abuses that are going on within the industry  
19 and are caused by the industry, whether it be just the --  
20 everything.

21           So anyways, thank you for clarifying that. Now  
22 we know exactly where you're at. You stated it for us.  
23 Thank you.

24           CHAIR FERRARO: Next please, Operator.

25           OPERATOR: Thank you.

1 Next commenter, Dr. Wayne Johnson, citizen.

2 DR. JOHNSON: Ms. Wilson is --

3 CHAIR FERRARO: Go ahead please.

4 DR. JOHNSON: -- Ms. Wilson and Ms. Sullivan are  
5 commenting on the deaths at Pleasanton. That's an agenda  
6 item. It's a very narrow interpretation to shut them off.

7 Thank you.

8 CHAIR FERRARO: Next please.

9 OPERATOR: Thank you. At this time, no further  
10 commenters.

11 CHAIR FERRARO: Okay. Can I have a motion from  
12 the Board to accept?

13 COMMISSIONER CASTELLANOS: Castellanos' motion.

14 CHAIR FERRARO: Second?

15 COMMISSIONER SOLIS: Solis seconds.

16 CHAIR FERRARO: Commissioner Gonzales?

17 COMMISSIONER SOLIS: Solis Seconds.

18 VICE CHAIR GONZALES: Aye.

19 CHAIR FERRARO: Commissioner Alfieri?

20 COMMISSIONER ALFIERI: Yes.

21 CHAIR FERRARO: Commissioner Castellanos?

22 COMMISSIONER CASTELLANOS: Yes.

23 CHAIR FERRARO: Commissioner Davis?

24 COMMISSIONER DAVIS: Yes.

25 CHAIR FERRARO: Commissioner Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIR FERRARO: Commissioner Solis?

3 COMMISSIONER SOLIS: Yes.

4 CHAIR FERRARO: And the Chair votes yes. Motion  
5 is accepted.

6 Item number four, discussion and action by the  
7 Board on the Renewal Application for License to Operate a  
8 Minisatellite Wagering Facility at the Sahara Dunes Casino  
9 dba Lake Elsinore Hotel and Casino in Lake Elsinore,  
10 California.

11 Mr. Voss, I think you're going to introduce this.

12 But Rob Brodник, also, is going to make comments, I  
13 believe; is that correct?

14 MR. VOSS: Yes, that is correct. And thank you,  
15 Mr. Chairman, and good morning, Commissioners. This is  
16 Zachary Voss, Regulation Analyst for the California Horse  
17 Racing Board.

18 Before you is the application for renewal of a  
19 license to operate a minisatellite wagering facility at the  
20 Sahara Dunes Casino dba Lake Elsinore Hotel and Casino in  
21 Lake Elsinore, California. The renewed license period, if  
22 approved, would be from March 24th, 2021 through March  
23 24th, 2026, for a period of time years.

24 If you'll recall, this item was on the Board's  
25 agenda last month at the February 17th regarding Board

1 meeting but it was tabled to allow the Board's Licensing  
2 and Enforcement Department time to complete its background  
3 check and review the full disclosure statement received  
4 shortly before the February Board meeting. That review is  
5 now complete. And Robert Brodnik, Chief Counsel, is  
6 available to comment on the results of the background check  
7 and answer any of the Board's questions.

8 Other items received since the February Board  
9 meeting are a valid fire clearance for the premises. And  
10 the local fire authority was able to make it out and  
11 complete their inspection. With that, all of the necessary  
12 documents have been received and the application is  
13 complete.

14 Mr. Ted Kingston, General Partner at Sahara Dunes  
15 Casino, is also available to speak on behalf of the  
16 application this morning.

17 Thank you.

18 CHAIR FERRARO: Mr. Brodnik?

19 MR. BRODNIK: Yes. Thank you. Good morning,  
20 Commissioners. Robert Brodnik, California Horse Racing  
21 Board.

22 Just to follow up on what Mr. Voss said, during  
23 the review of this application our Chief of Enforcement  
24 became aware of a pending matter before the California  
25 Gambling Control Commission involving the Sahara Dunes

1 Casino, which is where this minisatellite is located.  
2 Specifically, the Bureau of Gambling Control is seeking to  
3 deny Sahara Dunes Casino's application for a state gambling  
4 license and to cancel its provisional license. The Bureau  
5 is also seeking to deny Mr. Kingston's application for a  
6 state gambling license.

7 This action before the State Gambling Commission  
8 has been ongoing for some time. The most recent  
9 development was in 2016 where the Commission requested  
10 additional information and a rehearing. That hearing has  
11 not yet taken place. And Sahara Dunes still maintains its  
12 provisional license.

13 In light of this action pending before the State  
14 Gambling Commission, Staff wanted to make the Board aware  
15 as the license you are considering today is for a period of  
16 five years, and the minisatellite would be located within  
17 the casino as a whole.

18 Happy to answer any questions if you have any.

19 CHAIR FERRARO: Questions from the Board?

20 COMMISSIONER DAVIS: Davis has a question.

21 What becomes of the minisatellite wagering if  
22 they lose their bid before the Gambling Commission and  
23 don't get approved?

24 MR. BRODNIK: This is Mr. Brodник. That's a  
25 great question, Commissioner Davis. It would be somewhat

1 unknown. It's not clear that the -- there are two separate  
2 licenses, so the minisatellite, in theory, could exist  
3 irrespective of the casino. However, given the location,  
4 that could be a consideration for the Board on whether the  
5 Board wanted to grant the minisatellite license within a  
6 location that does not or will not have or potentially  
7 could not, excuse me, because it's not yet adjudicated,  
8 could not have its state gambling license.

9           So one option that the Board may consider today  
10 is it could grant the license that Mr. Kingston is seeking  
11 today conditioned on the California Gambling Control  
12 Commission's approval of Mr. Kingston's gaming license,  
13 which he's seeking. And this matter could be agendaized for  
14 the next regularly scheduled Board meeting following a  
15 decision from the California Gambling Control Commission,  
16 so that Staff can provide the Board with updated  
17 information on what the results are of the Gambling Control  
18 Commission's decision with regard to Sahara Dunes Casino.

19           COMMISSIONER DAVIS: Thank you. I like that  
20 idea.

21           CHAIR FERRARO: Yeah. It's my understanding,  
22 Robert, that the minisatellite facility is located within  
23 the gambling casino; is that correct?

24           MR. BRODNIK: Yes, that's my understanding. Mr.  
25 Kingston could correct me if I'm wrong but I believe that's

1 correct, yes.

2 CHAIR FERRARO: Okay. Operator, can we queue in  
3 Mr. Kingston please?

4 OPERATOR: One moment to locate his line. All  
5 right. Mr. Kingston's line is now open.

6 MR. KINGSTON: Good morning, Chairman and  
7 Commissioners.

8 CHAIR FERRARO: Go ahead please.

9 MR. KINGSTON: How are you this morning?

10 The -- there is, actually, two licenses within  
11 the -- well, it's actually on the property. But there is a  
12 casino. And then there is also a restaurant and lounge.  
13 The satellite facility is located in the lounge. And there  
14 are additional machines on the floor for the convenience of  
15 anybody wanting to be able to bet there. So the -- if the,  
16 for whatever reason, the license for the casino is denied,  
17 the bar/restaurant still exists as a minisatellite  
18 facility, like others do, without having a Gambling  
19 Control-sanctioned gaming license on the property. Just a  
20 clarification.

21 CHAIR FERRARO: Okay. And when is your hearing  
22 for the -- before the Gambling Commission?

23 MR. KINGSTON: It's supposed to be somewhere in  
24 October. This has been going on for about 20 years, so I'm  
25 not sure if that's going to take place or not, but it is

1 scheduled to be in October.

2 CHAIR FERRARO: Any questions from the  
3 Commissioners? Okay. Thank you.

4 I might make a suggestion in the form of a motion  
5 to the Board to see how it flies. We would award the  
6 license, in other words a license would be granted,  
7 conditioned on the California Gambling Control Commission's  
8 approval of Mr. Kingston's gaming license and so that our  
9 license would be dependent upon the license of the Gaming  
10 Commission be awarded.

11 Do the Commissioners have any comment regarding  
12 that sort of approach? No comment.

13 We need to open this to public comment, Operator,  
14 so let's do that.

15 OPERATOR: Thank you.

16 Again, if you'd like to make a comment, you may  
17 do so by pressing star one now.

18 CHAIR FERRARO: No comments?

19 OPERATOR: At this time, no commenters.

20 CHAIR FERRARO: Okay. So I'll put my -- I make a  
21 motion. I motion that we grant the license for a  
22 minisatellite to Mr. Kingston's facility conditioned on the  
23 fact that the California Gambling and Control Commission's  
24 approve his gaming license. Should it not be approved,  
25 then our license would be canceled.

1 Do I have a second for that?

2 COMMISSIONER CASTELLANOS: Castellanos seconds.

3 CHAIR FERRARO: Commissioner Gonzales?

4 VICE CHAIR GONZALES: Aye.

5 CHAIR FERRARO: Commissioner Alfieri?

6 COMMISSIONER ALFIERI: Yes.

7 CHAIR FERRARO: Commissioner Castellanos?

8 COMMISSIONER CASTELLANOS: Yes.

9 CHAIR FERRARO: Commissioner Davis?

10 COMMISSIONER DAVIS: Yes.

11 CHAIR FERRARO: Commissioner Mitchell?

12 COMMISSIONER MITCHELL: Yes.

13 CHAIR FERRARO: Commissioner Solis?

14 COMMISSIONER SOLIS: Yes.

15 CHAIR FERRARO: And, obviously, the Chairman

16 votes yes. The motion passes.

17 This moves us to item number five, discussion and  
18 action by the Board regarding the proposed amendments to  
19 CHRB Rule 1688, Use of Riding Crop, to regulate the use of  
20 the riding crop to protect the safety of the horse and  
21 rider.

22 I'm going to preface this discussion right off  
23 the bat by saying we're not talking about changing the  
24 Riding Crop Rule, how the riding crop can be used, and will  
25 not entertain any discussion regarding that. This is about

1 the penalties for misuse of the riding crop under the given  
2 rules that we have now.

3 And we have Mr. Voss. Open this up please.

4 MR. VOSS: Thank you, Mr. Chairman. And Good  
5 morning again, Commissioners. This is Zach Voss,  
6 Regulation Analyst for the California Horse Racing Board.

7 Before you is the proposed amendment to Board  
8 Rule 1688, Use of Riding Crop. The proposed amendment  
9 modifies and clarifies the penalties for riding contrary to  
10 Board Rule 1688, to allow the stewards more flexibility  
11 when imposing penalties for violating the Board's rules  
12 regarding crop use during a race. The amendment modifies  
13 the penalties outlined in Subsection 1688(b), changing them  
14 from a maximum fine of \$1,000 and a minimum suspension of  
15 three days to a minimum fine of \$500 but with the ability  
16 to oppose a greater fine, a minimum suspension of three  
17 days, or both should the stewards determine that the  
18 violation was egregious or intentional. By changing the  
19 fine from a maximum to a minimum fine, and then they  
20 changed the "and" text to an "or" text, the proposed  
21 amendment allows the stewards more discretion when choosing  
22 a penalty that is commensurate with the severity of the  
23 violation.

24 For further clarity, the proposed amendment  
25 defines the factors determining whether a violation is

1 egregious, including but not limited to a recent history of  
2 similar violations, a number of uses over the total and  
3 consecutive limits described in Subsections (b)(7) and  
4 (b)(8), and the use of the crop in the overhand position  
5 which is a violation of current Subsection (c)(2).

6           There's also a new Subsection 1888(s) and it  
7 provides that in graded stocks, if a jockey rides in a  
8 manner contrary to Board Rule 1688 and finishes first,  
9 second or third, the stewards shall impose a fine  
10 equivalent to 50 percent of the jockey's earnings for that  
11 race, in addition to any suspension pursuant to Subsection  
12 (d). The new subsection provides that in graded stakes,  
13 where the purses can be quite high, there is a significant  
14 enough penalty to disincentivize anything but strict  
15 adherence to the Board's rules regarding the use of the  
16 riding crop during a race.

17           There is also a new Subsection 1688(g) and it's a  
18 clarification of our former Subsection (d) providing that  
19 in trial heat, any suspension shall include the subsequent  
20 related stakes race, regardless of whether the related  
21 stakes race is designated pursuant to Board Rule 1766,  
22 Designated Races. That rule provides the Board of Stewards  
23 appointed for the race meet shall immediately prior to  
24 commencement of the meeting designate the stakes,  
25 futurities, or futurity trials or other races in which a

1 jockey or a driver who is under suspension for ten days or  
2 less for a riding or driving infraction will be permitted  
3 to compete, notwithstanding the fact that such jockey or  
4 driver is technically under suspension at the time the  
5 designated race is to be run.

6 So the proposed amendment clarifies that the  
7 suspensions imposed as a result of violating Board Rule  
8 1688 during a trial heat do prohibit jockeys from  
9 participating, even in designated races while they're under  
10 suspension.

11 Lastly, there's an amendment to Subsection  
12 1688(a) that adds that in all races where a jockey will not  
13 ride with a riding crop, such a fact shall be noted in the  
14 official program, in addition to being announced over the  
15 public address system. And this is just to increase  
16 transparency about the racing conditions and the crop use  
17 for the wagering public.

18 The proposed amendment has received one comment  
19 so far from the Jockeys' Guild. And the comment is in the  
20 Board package materials for reference.

21 Thank you.

22 CHAIR FERRARO: Thank you.

23 Mr. Chaney, do you want to comment on this  
24 please?

25 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.

1 Chairman. Executive Director Scott Chaney. Yeah

2 Obviously, most of the amendment has to do with  
3 the penalty, notwithstanding the first part with respect to  
4 the official program. They stem from, basically, two  
5 concerns, that is more consistency throughout the penalty  
6 structure in California, and so the Board of Stewards treat  
7 similar actions similarly, and also kind of a concern with  
8 respect to especially large races to disincentivize  
9 breaking -- violating the rule when the purse is  
10 particularly large.

11 CHAIR FERRARO: Questions from the Board?  
12 Comments?

13 Okay, I think we have some representatives,  
14 Operator, one from the Jockeys' Guild and one from the  
15 Breeders' Cup. Can we hear from those people please?

16 OPERATOR: Certainly.

17 Commenter Shane Gusman with Broad and Gusman, on  
18 behalf of the Jockeys' Guild.

19 Mr. Gusman, your line is live.

20 CHAIR FERRARO: Go ahead please.

21 OPERATOR: Mr. Gusman, if you can hear us, your  
22 line is live. You may need to un-mute to ask your  
23 question.

24 Okay, our next commenter is Marla Zanelli, horse  
25 owner.

1 MS. ZANELLI: You know, I --

2 CHAIR FERRARO: We had someone from the Breeders'  
3 Cup first please.

4 MS. ZANELLI: Well, that's fine, but, you know,  
5 I'm on the line right now. Can I just say what I wanted to  
6 say?

7 CHAIR FERRARO: Go ahead.

8 MS. ZANELLI: Okay. You know, I just want to say  
9 that, as a woman that has rode racehorses for 20 years and,  
10 you know, watched races for 40 years, you know, I think the  
11 Board that -- of Stewards that do not have experience  
12 riding horses should not be inflicting such severe  
13 penalties on riders, that maybe that there could be a  
14 second group of riders that pass judgment on whether that  
15 rider abused his whip, abused, you know, his ride on the  
16 horse instead? Because, you know, your penalty is quite  
17 severe at taking half of the jock's purse.

18 And, you know, you're all of a sudden changing  
19 something that somebody has learned all their life in how  
20 they've ridden those horses. And you expect them to snap  
21 their fingers and change the way they do things, you know,  
22 like that, and I think it's really, you know, not an easy  
23 thing to do.

24 And plus, you know, there's so much adrenaline  
25 going when you're in the middle of a race. You know, I

1 just think your penalty is a bit severe. And for  
2 separating graded stakes to other races and all that kind  
3 of stuff, I don't agree.

4 That's my comment. Thank you.

5 CHAIR FERRARO: Thank you.

6 Can we have the Breeders' Cup representative  
7 please, Operator? I'm sorry I don't have her name.

8 So, mike, if you could intercede?

9 OPERATOR: I don't show any Breeders' Cup parties  
10 queued up. We did have a Courtney Reed dialed in but she  
11 has since disconnected.

12 CHAIR FERRARO: Okay. Courtney Reed is no longer  
13 on the line?

14 OPERATOR: That is correct, sir.

15 CHAIR FERRARO: Okay. Then we'll take public  
16 comment on this.

17 OPERATOR: Okay.

18 CHAIR FERRARO: Go ahead with the next.

19 OPERATOR: Our next commenter is Greg Avioli with  
20 TOC.

21 CHAIR FERRARO: Go ahead please.

22 MR. AVIOLI: Good morning. Greg Avioli,  
23 Thoroughbred Owners of California.

24 The TOC appreciates the intent of the Executive  
25 Director and the Chair in bringing forth these additional

1 amendments to the crop rule. At the same time, we remain  
2 concerned regarding unintended impacts of the proposed  
3 amendment to 1688. With California having already  
4 established a substantially stricter crop rule than the  
5 rest of the country, we believe the new penalty provisions  
6 in 1688 will place the California jockeys at further  
7 competitive disadvantages to riders in the rest of the  
8 country.

9 We believe we share the position with the CHRB  
10 that the ideal solution to this issue is a national rule.  
11 We would request the CHRB postpone further modifications to  
12 1688 until such time as a national rule can be negotiated  
13 and implemented.

14 Thank you.

15 CHAIR FERRARO: Thank you.

16 Next please.

17 OPERATOR: Thank you.

18 Next commenter is Shane Gusman with Broad and  
19 Gusman.

20 CHAIR FERRARO: Go ahead please.

21 OPERATOR: Mr. Gusman, your line is live.

22 MR. GUSMAN: Oh, thank you. I'm sorry. I was  
23 having trouble with my line. Good morning, Mr. Chairman,  
24 Board Members. Shane Gusman on behalf of the Jockeys'  
25 Guild.

1 I just want to say that we strongly believe in a  
2 regulatory framework that protects the safety of horses and  
3 riders alike. And we appreciate that the Board is  
4 considering revisions to the penalty structure for the  
5 riding crop because we do think it needs to be revised.  
6 However, unfortunately, the penalty revisions, they act in  
7 a way that exacerbates what is already an unfair system, in  
8 our view, that continues to focus on the conduct of the  
9 jockeys rather than a more equal system that looks at the  
10 conduct in racing as a whole.

11 Just to get at the specifics, the draft, you  
12 know, while it eliminates that high \$1,000 fine, having a  
13 minimum \$500 fine or penalty, even for conduct where, in  
14 our view, it's de minimis, like, you know, the jock can't  
15 remember if they used the crop five or six times in the  
16 heat of a race and accidentally uses it one extra time. A  
17 minimum \$500 fine is, in our view, extremely high for that  
18 kind of conduct, particularly if you look at, you know, the  
19 economics that -- the economic realities for most jockeys.  
20 They're not, you know, NFL players here. Many of them,  
21 for them, \$500 is, you know, the difference between, you  
22 know, having stable housing and healthcare, et cetera. So  
23 we do think that is extremely high.

24 Additionally, you know, suspension has the same  
25 issues for them. Three days of work is -- could mean a big

1 difference for them, particularly if the conduct is not  
2 extreme.

3           And then the equivalent of 50 percent of the  
4 earnings for a violation, even, you know, if it's a  
5 technical violation like the example I just gave, you know,  
6 that could be, you know, fines that go into the hundreds of  
7 thousands of dollars. That's an incredible fine for using  
8 the riding crop one extra time.

9           And then, lastly, I would say that the penalty  
10 structure, the reason that we -- one of the reasons that we  
11 think it's unfair is that it, like I said before, it  
12 continues to focus on the jockey. There are other  
13 provisions and penalty structures under CHRB rules where  
14 there's a violation and the entire, you know, team is  
15 penalized, including the jockey, even though the jockey  
16 didn't engage in the conduct. So to penalize --

17           CHAIR FERRARO: The jockey is the only one --

18           MR. GUSMAN: -- the jockey here --

19           CHAIR FERRARO: -- that has a crop in his hand;  
20 is that correct --

21           MR. GUSMAN: Yeah, but, you know, when a horse --

22           CHAIR FERRARO: -- sir? The jockey is the only  
23 one --

24           MR. GUSMAN: -- when a --

25           CHAIR FERRARO: -- that has a crop in his hand.

1 What's the owner and the trainer got to do with it?

2 MR. GUSMAN: Well, the owner and the trainer may,  
3 you know, despite what we might think about, you know,  
4 folks in the racing industry, it wouldn't be absurd to  
5 think that an owner or a trainer might say to their jockey,  
6 yay, win at all costs, I don't care if you use the riding  
7 crop, we'll figure it out, so -- and you have other --

8 CHAIR FERRARO: So you think a trainer is going  
9 to be --

10 MR. GUSMAN: -- penalty structures where there is  
11 no conduct of the jockey at all and the jockey is penalized  
12 because of the conduct of another person on the team,  
13 whether it's the trainer or the owner, so we just think  
14 that's unfair and --

15 CHAIR FERRARO: Again, the jockey is the one that  
16 has control of the crop, sir. So --

17 MR. GUSMAN: Yeah, but --

18 CHAIR FERRARO: -- is his trainer willing to pay  
19 the 50 percent fine? I doubt it. There's an easy to avoid  
20 the fine and that's not to violate the rule.

21 MR. GUSMAN: But aren't there other rules, other  
22 schemes, penalty schemes under the CHRB rules where there  
23 is no conduct by the jockey yet the jockey is the one that,  
24 along with the rest of -- the owner, the trainer, et  
25 cetera, forfeit the purse?

1 CHAIR FERRARO: The only one I can think of  
2 that --

3 MR. GUSMAN: That's my understanding.

4 CHAIR FERRARO: -- is disqualification for bad  
5 riding.

6 MR. GUSMAN: Well, in any event --

7 COMMISSIONER SOLIS: But that's --

8 MR. GUSMAN: -- we think it's unfair. I get  
9 that, you know, the entire focus of this has been on the  
10 conduct of the jockeys. But we don't consider this, you  
11 know, particularly a de minimis violation where someone  
12 uses the riding crop one extra time because they can't  
13 remember when they're going 45 miles per hour on a horse,  
14 whether they've used it five or six times, that they  
15 should, you know, forfeit a significant amount of money.

16 So we, you know, we understand that you have to  
17 have rules and they have to be enforceable, and we respect  
18 that. And we -- just from the Jockeys' Guild point of  
19 view, we would like the opportunity to participate, as  
20 we've said over and over again, before these rules kind of  
21 get hoisted on us as the regulated community to sort of  
22 participate with the regulators to figure out rules that  
23 actually work.

24 So with that, we oppose this amendment.

25 COMMISSIONER SOLIS: One thing that I like --

1 CHAIR FERRARO: Okay. Thank you.

2 COMMISSIONER SOLIS: Yeah.

3 CHAIR FERRARO: Go ahead, Alex.

4 COMMISSIONER SOLIS: One thing that I'd like  
5 to -- yeah. One thing that I'd like to point out, I mean,  
6 I'm watching the races here and I feel like all jockeys are  
7 doing a great job of riding with the -- you know, hitting  
8 with the crop down and so on. I mean, I haven't seen where  
9 they're violating any of these rules. I mean, all these  
10 things, if it's happening somewhere else, fine. But I see  
11 all the guys are doing a good job. I don't understand why  
12 we have to add more penalty to them. I mean, plus, in the  
13 future, we're going to have the whole Racing Integrity and  
14 Safety Act. They're going -- who knows when they're going  
15 to come out with it.

16 And another thing, we keep losing the riders.  
17 What's his name just left -- is going to leave town --  
18 Drayden Van Dyke and have lost a bunch of riders. And I am  
19 afraid we're going to lose riders.

20 And worst of all, if we really think about it,  
21 people think that the jockeys make so much money but they  
22 don't remember, you still have to pay 20 percent to your  
23 agent, you have to pay 5 percent to your ballot, plus, of  
24 course, just like everybody else, you have to pay your  
25 taxes. I mean, and this is the state of California that is

1 very expensive to live.

2 I think at this point I don't feel like we really  
3 need to add more to a rule that is very strict. We have  
4 strict fines. And I think they -- I don't -- I haven't  
5 seen they have really done anything to say, okay, we're  
6 going to take 50 percent of your purse. I don't feel that  
7 that's fair to them. I mean, I know.

8 Like I said, I've been watching all the races and  
9 I feel that they're doing a really good job. And I hope  
10 that just to move it and table it and let them do their job  
11 because I feel, again, that they are doing a very good job.

12 CHAIR FERRARO: All right. Could we have another  
13 commenter in the queue, Operator?

14 OPERATOR: Yes, sir.

15 Next commenter, Patty Shenker, concerned citizen.

16 MS. SHENKER: Yes. Good morning, Commissioners.

17 CHAIR FERRARO: Go ahead please.

18 MS. SHENKER: Good morning, Commissioners.

19 So we turn to the whip issue again, this time  
20 proposing to penalize the jockeys who defy the rules about  
21 its use. Instead of punishing the jockeys, you should just  
22 ban the use of the whips which is upsetting to the general  
23 public.

24 Your industry has suffered some very ugly  
25 situations, especially recently, what with two jockeys

1 sitting and standing on dead horses, and other horses  
2 accused of domestic abuse. These issues should be  
3 addressed.

4 I propose that you clean your act by banning  
5 whips all together and perhaps, even more importantly, save  
6 some horses from dying by doing that.

7 Thank you.

8 CHAIR FERRARO: Thank you.

9 Next please.

10 OPERATOR: Thank you.

11 Next commenter is Dr. Wayne Johnson, citizen.

12 CHAIR FERRARO: Go ahead please.

13 DR. JOHNSON: Yes. Thank you very much.

14 Love the dialogue between Chairman Ferraro and  
15 Mr. Gusman. There should be a lot more of that kind of  
16 dialogue. That's great stuff. It's informative, it's --  
17 more of that.

18 1688(a), transparency, who could be against  
19 transparency? If I beat my dog, I go to jail. If a jockey  
20 and an owner and a trainer beat their horse, they should go  
21 to jail. Ban the whip.

22 Thank you.

23 CHAIR FERRARO: Thank you. Thank you.

24 Next please.

25 OPERATOR: Thank you.

1           Next commenter is Heather Wilson, California  
2 resident.

3           CHAIR FERRARO: Go ahead please.

4           MS. WILSON: Thank you. Dr. Ferraro, I  
5 appreciate your pointing out that the jockey is the only  
6 one with the whip in hand.

7           I would argue the penalties are not stiff enough.  
8 Every single stewards minutes shows clear examples of  
9 violations of the current whipping rules.

10           And I would also like to ask -- well, you're not  
11 going to answer -- but it appears that there is no limit of  
12 the Standardbreds in the harness racing. They can get  
13 whipped as many time as the jockey wants. There is no  
14 limit.

15           CHAIR FERRARO: That's not correct.

16           MS. WILSON: So if the --

17           CHAIR FERRARO: That's not correct. That is not  
18 correct.

19           MS. WILSON: I have -- okay.

20           CHAIR FERRARO: They're limited to three times.

21           MS. WILSON: Thank you for answering. I do  
22 appreciate that. So I will -- I've asked numerous times  
23 and I have not been answered.

24           So as far as Los Alamitos, Los Alamitos is the  
25 track with the worst whipping record. And I was unable to

1 find any penalties for Victor Salazar. He whipped El  
2 Arcata (phonetic) at least 19 times. This horse placed  
3 fourth in race number six in Los Al on November 13th. It  
4 doesn't look like Victor has lost much work. And I didn't  
5 see anything about days suspended or fines, I mean,  
6 absolutely nothing. And this horse ended up getting vanned  
7 off and it's still unaccounted for. So these jockeys  
8 should be disqualified.

9           And you know what? If your living is so  
10 contingent upon winning a race, then you need to follow the  
11 rules and do it right. And if you can't count to two or  
12 six, then you should be in this business. The industry  
13 needs to evolve and change. And if people can't follow the  
14 rules and respect the rules that the CHRB has -- I mean,  
15 you've gone back and forth on this whipping rule so many  
16 times and you finally came to an agreement with the  
17 (indiscernible) rule and there's still arguments about it.  
18 It's like they don't -- nobody respects you. They have to  
19 respect you. And you want to have these people listening  
20 to you, then you need to start disqualifying them, because  
21 the current rules, the current penalties are not stiff  
22 enough.

23           CHAIR FERRARO: Thank you.

24           Next please.

25           OPERATOR: Thank you.

1 Next commenter is Jenine Sahadi with the Grayson  
2 Foundation.

3 MS. SAHADI: Hi.

4 CHAIR FERRARO: Go ahead please.

5 MS. SAHADI: Good morning. Good morning.

6 As President of the Grayson Foundation and a  
7 long-time trainer and advocate for the backstretch workers,  
8 I'm under the impression that the riders have done a very  
9 good job. I think they adapted very quickly. I think that  
10 this rule and this financial penalty is an overreach.  
11 Everybody's doing the best that they can.

12 But one thing that we need to be made aware of is  
13 the trickle down effect. You know, the riders not only pay  
14 their taxes and pay their valets and pay their agents, you  
15 know, it's a team effort. And they have a financial  
16 investment in the barn themselves and they donate part of  
17 their earnings. They give part of their earnings to the  
18 people that are actually taking care of the horses, the  
19 hotwalkers, the grooms. You know, they stake those guys in  
20 the stakes races. You're talking about a 50 percent fine  
21 in stakes races. If you win a Breeders' Cup, that's an  
22 enormous amount of money.

23 A, I think it's an overreach. And, B, it will  
24 have an effect on how they behave with rest of the  
25 industry.

1           So from the backside point of view, everybody is  
2 in this as a team. And to penalize the jockeys, I  
3 understand they're the only ones carrying the whip, but at  
4 some point it might be nice for everybody to acknowledge  
5 that, for the most part, overall these guys have adjusted  
6 and done a very, very good job.

7           I firmly believe that what Alex Solis is saying  
8 is right. He's the only guy that comes at it from a  
9 perspective where he knows what he's talking about. And I  
10 think we have to respect and, you know, have conversations  
11 with the guys that are actually doing the job.

12           So you know, there's a lot more at stake here  
13 than just taking half of it.

14           And I'd like to know where all the fine money  
15 goes. Maybe we should donate all of that to charity. The  
16 Grayson Foundation would be more than happy to take the  
17 fine money off of your hands.

18           So you're talking about a lot of money. And I  
19 hope that this is -- will be reconsidered because I think  
20 it's a complete overreach.

21           Thank you.

22           CHAIR FERRARO: Thank you.

23           Next please.

24           OPERATOR: Thank you.

25           Next commenter is Martha Sullivan, San Diego

1 County resident.

2 CHAIR FERRARO: Go ahead please.

3 MS. SULLIVAN: Yeah. Hello again.

4 Commissioner Solis clearly doesn't read the  
5 stewards minutes because, as another commenter said, there  
6 are many, many riding crop violations in those minutes. I  
7 mean, John Sherman of the L.A. Times even called that out  
8 as like the stewards ruling (indiscernible) is all about  
9 riding crop violations.

10 Now I think that the Jockeys' Guild  
11 representative this morning makes a very good point. I  
12 think that violations of the Board's crop rule should be  
13 treated the same way as like positive medication findings  
14 and interference in the race and so forth. I mean, just  
15 disqualify the horse and make them forfeit the purse. That  
16 will do it. That will take care of, you know, any  
17 incentive that the jockey has from the owner or the  
18 trainer, as well as, you know, his own incentive to beat  
19 the horse more to get it to go faster.

20 I want to point out, specifically at Los  
21 Alamitos, March 13th, race seven, a 300-yard dash, horse  
22 six, Your Painted Fate, was beaten by Jockey Cesar Franco  
23 17 times in 300 yards, 17 times.

24 You know, this is -- the jockeys are not doing  
25 great. Some of them are clearly making an effort but

1 they're not taking this seriously. And you've got to make  
2 it worth them taking it seriously, as well as the owners  
3 and the trainers. Just disqualify the horse and make them  
4 forfeit the purse.

5 CHAIR FERRARO: Thank you.

6 Next please.

7 OPERATOR: Thank you.

8 Next commenter is Jane Cartmill.

9 CHAIR FERRARO: Go ahead please.

10 MS. CARTMILL: When I hear that the jockeys can't  
11 remember how many times they struck the horse, it reminds  
12 me of a time that I was pulled over and got a traffic  
13 ticket. And the officer asked me how fast I was going and  
14 I didn't know. I said, gosh, I can't remember. Well, he  
15 said, in that case, we'll just give you the maximum penalty  
16 which turned out to be close to \$600. So I learned my  
17 lesson and I learned that I better pay attention and know  
18 how fast I'm driving.

19 I think if you make the fine high enough for the  
20 jockey, he's going to remember and he's going to pay  
21 attention. Penalties are supposed to hurt. It's supposed  
22 to hurt a lot. And a \$500 minimum is like nothing. My  
23 traffic ticket was more than that, so I think a \$5,000  
24 minimum would be just fine.

25 Ultimately, however, the ultimate penalty is that

1 jockeys who are repeat offenders need to be ejected from  
2 this sport. If you're going to be taken seriously, that  
3 you truly care about the well-being of the horses, you  
4 can't let these repeat offenders continue to ride. I hear  
5 you talking about penalties that, in some degree, are based  
6 on their history of previous offenses. There should be a  
7 history of previous offenses. And until you make that  
8 penalty the ultimate penalty, this is going to go on.

9 CHAIR FERRARO: Thank you.

10 Next please.

11 OPERATOR: Thank you.

12 Next commenter, Lynn Frudenburg with -- concerned  
13 citizen.

14 MS. FRUDENBURG: Hey.

15 CHAIR FERRARO: Go ahead please.

16 MS. ZANELLI: Good morning. Good morning. Hey,  
17 I just -- my comments are all in line with what's been  
18 said.

19 I want to thank you, Commissioner, for your input  
20 on -- to the jockey on why you want to keep the rules  
21 strict. I think that the maximum rule should be in place.  
22 There's no reason to keep beating a horse multiple times  
23 just to get it to go faster. That's just pure dominance.  
24 It's a military style.

25 If you want to educate the jockeys, they need to

1 learn natural horsemanship. You know, there are methods  
2 that are related to behavior that are safe, they're  
3 ethical, and they're affective. So if you want a horse to  
4 do what you want it to do, talk horse. Don't beat it with  
5 a stick and hope that it goes faster.

6 So, please, I urge you to enforce strict rules  
7 for the whip. It's not needed. The public hates it. And  
8 thank you for listening to my comment.

9 CHAIR FERRARO: Thank you.

10 Next please.

11 OPERATOR: Thank you.

12 Next commenter, Trainer Doug O'Neill.

13 CHAIR FERRARO: Go ahead please.

14 MR. O'NEILL: Good morning, you guys. Hi Board  
15 Members. How are you guys?

16 CHAIR FERRARO: Very good.

17 MR. O'NEILL: Hey, I just -- good.

18 CHAIR FERRARO: What's up?

19 MR. O'NEILL: Good. Good. I'm just listening to  
20 some of these people speak. I respect their opinion but  
21 just wanted to give you my opinion, that I've been training  
22 over 30 years now and I've got so much love and respect for  
23 the men and women who have chosen to work alongside horses  
24 for a living. And you know, I think what you guys have  
25 done as a Board to make our sport safer has been awesome.

1           And the one thing I think we need to educate  
2 people who maybe don't know is that the riding crops now  
3 are literally just poppers. I mean, you could  
4 (indiscernible). It just makes a noise. So they're very  
5 kind and safe. And it's just -- it's a safety tool for  
6 these men and women who are riding he horses, so I just  
7 wanted to add that.

8           And just in this era of -- knock on wood as we're  
9 coming out of this pandemic, I think the last thing we need  
10 to do is add any new regulations, especially this extreme.

11           I just don't see it as being a smart move, you  
12 know, as we're trying to make the game safer, which you  
13 guys are doing a tremendous job, and trying to educate the  
14 public which, by doing this, it makes it look like there's  
15 something going on which it's -- I can tell you firsthand,  
16 we run a lot of horses. And some of them need some, you  
17 know, correctness or a reminder. And there's no -- you  
18 know, back in the old days, you might have some broken skin  
19 from how hard those whips used to be but that's evolved a  
20 ton, thanks to you guys. And now we're just dealing with  
21 noisemakers. And they're very beneficial and safe for the  
22 riders.

23           So anyways, I just wanted to throw in my two  
24 sense and thank you guys for all you're doing and realizing  
25 how many men and women have chosen, whether some people

1 think it's right or wrong, but have chosen to work  
2 alongside horses for a living and what this business has  
3 done for so many people, whether it be dormitories, or  
4 medical care, or just helping their families get through  
5 college through Grayson Foundation.

6 I'm just blessed to be part of this game. And  
7 when I listen to some of the phone callers, I hear their  
8 passion on the other side, but a lot of it is just they  
9 don't have the knowledge. They don't really understand  
10 what's going on and how much love and attention goes on, on  
11 a daily basis.

12 That's it. I'm out. Thank you so much.

13 CHAIR FERRARO: Thank you.

14 Next please.

15 OPERATOR: Thank you.

16 Next commenter --

17 COMMISSIONER SOLIS: I just -- Doug, I just want  
18 to clear something up for the people. I don't think they  
19 understand what I'm trying to say. I'm not saying that you  
20 have to -- that we shouldn't -- that we have to change the  
21 fine. What I'm talking about is the 50 percent penalty  
22 that is going to be added to the rule. That's what I'm  
23 referring, myself, to. I'm saying that isn't fair. I just  
24 want to clear that up with the people that are concerned.

25 Thank you.

1 CHAIR FERRARO: Yes. I think we understand that,  
2 Alex, and it's appreciated.

3 Let's try and finish up on our public comment  
4 here.

5 Next please..

6 OPERATOR: Next commenter, equine advocate, Mary  
7 Johnson.

8 MS. JOHNSON: Yeah.

9 CHAIR FERRARO: Go ahead please.

10 MS. JOHNSON: I just want -- thank you very much.  
11 I appreciate it. I just want to make a comment about the  
12 penalties. And I do not think they should be decreased for  
13 inappropriate use of the whip. If anything, they should be  
14 increased.

15 California has a problem with the general public  
16 perceiving horse racing as being inhumane. Now there have  
17 been some good comments on both sides of this argument.  
18 But I want to quote Dr. Rick Arthur, and this goes back, I  
19 believe, to the fall of 2019. And he attended a meeting in  
20 France at the International Federation of Horse Racing  
21 Authority. This is a quote from Dr. Arthur.

22 "There are those that argue that whipping does not  
23 hurt horses. But that is nonsense and we all know  
24 that. Whips are a noxious stimuli. They hurt.  
25 That's why they are used, run fast or I'll hit you

1           again.”

2           They do hit the horse. Now, I know there are some new  
3 whips out there. But when Mr. O’Neill says that those  
4 don’t hurt, I think anybody who believes that will believe  
5 that the earth is flat. Whips are meant to hurt.

6           I showed hunters in the ’60s and ’70s. We did  
7 not beat our horses.

8           Go back to American Pharaoh. That horse was hit  
9 over 30 times from the top of the lane to the finish line.  
10 It’s unacceptable. And if you want to keep horse racing  
11 alive and well you better address the use or overuse of the  
12 whip.

13           So I think the penalties should be increased. I  
14 support your suggestion, which is 1688.

15           Thank you.

16           CHAIR FERRARO: Thank you.

17           Next please.

18           OPERATOR: Thank you.

19           Next commenter, Kimberly Shaffer with ATM Equine.

20           CHAIR FERRARO: Go ahead please.

21           MS. SHAFFER: Hi there. I just wanted to back up  
22 and say that I agree with Jenine Sahadi’s comment  
23 wholeheartedly. She basically articulated everything that  
24 I kind of had in my brain.

25           And I just want to let all the concerned citizens

1 armchair jockeys who have never ridden on a 1,000 pound  
2 animal at 40 miles an hour and have to rely on their  
3 athletic abilities to understand. There's a difference  
4 between them just being able to make a comment, say, yeah,  
5 do this, yeah, don't do this, as opposed to somebody who  
6 actually rides on these animals.

7           Like Doug said, we have new whips. They're  
8 basically noisemakers. A lot of the time the jockeys  
9 aren't even hitting the horses. They're basically waving  
10 the whip by. It's used as a tool to help with steering a  
11 horse, maybe to get them out of trouble.

12           I ride, just for myself, and I'll go out with a  
13 crop, just in case I have a horse that's going to, you  
14 know, maybe get spooked at something or whatever, just to  
15 guide him in a manner. I don't hit him. I just need to  
16 guide him so he can stay safe and he keeps me safe.

17           I just think that we just maybe need to settle  
18 down a little bit and just kind of hold back on these  
19 rules. This is a learning curve for the jockeys. They're  
20 doing a great job with these new rules. Just let it go and  
21 I think everybody's going to adapt even better down the  
22 road.

23           CHAIR FERRARO: Thank you.

24           Next please.

25           OPERATOR: Thank you.

1 Next commenter, horse owner, Marla Zanelli.

2 MS. ZANELLI: I already spoke.

3 CHAIR FERRARO: Go ahead please.

4 MS. ZANELLI: I already spoke. I'm sorry about  
5 that. Thank you.

6 CHAIR FERRARO: Okay. Thank you.

7 Next please.

8 OPERATOR: Thank you.

9 Next commenter is breeder and owner, Christine  
10 Sanchez.

11 CHAIR FERRARO: Go ahead please.

12 MS. SANCHEZ: Hi. Good morning and thank you for  
13 this opportunity to speak.

14 As an owner, I'm actually asking if you could  
15 pause this rule so we can really take a look more into  
16 detail of the science.

17 I'm now a concerned owner for the safe of my  
18 horse. I need my jockey to be completely focused on a safe  
19 ride for my horse. I don't need them thinking and  
20 counting, you know, how many strokes. They could easily do  
21 three just to get the horse in a safety position when they  
22 come out of the gate. Then to think that they have to be  
23 counting three or four?

24 I completely agree with excessive whipping. It's  
25 visual to everybody. But I really, really need us to look

1 -- not to be extreme -- I need our jockeys to be focused on  
2 the safety of the horse.

3           So I'd ask you to pause and let's have more  
4 conversation and get more from the jockeys point of view.  
5 How do they feel on that horse? What situations could  
6 occur that would cause them to use seven, eight?

7           So that's the point that I want to make. Thank  
8 you.

9           CHAIR FERRARO: Thank you.

10          Next please.

11          OPERATOR: Thank you. No further commenters at  
12 this time.

13          CHAIR FERRARO: Okay. I'm going to ask Darrel  
14 McHargue if he would comment? I'm kind of interested in  
15 what the stewards' viewpoint and opinion is on how it's  
16 been going and what they're weigh-in is on this?

17          CHIEF STEWARD MCHARGUE: Darrel McHargue, Chief  
18 Steward of the California Horse Racing Board.

19                 We had a stewards meeting earlier in the month  
20 and all the stewards reviewed the new provisions that are  
21 being proposed and talked about today. And we were needing  
22 to make some changes in the penalty phase so we can get  
23 consistency throughout the state. And I think the way it's  
24 worded, I think it does act as a deterrent as to violating  
25 the rule. And I think it gives the steward guidelines on

1 how to start out.

2           And we could envision the way it's written, the  
3 way they have a first-time offense of a \$500 fine, a second  
4 offense of a \$1,000, and then a third offense of whatever,  
5 that doesn't speak to a jockey that egregiously violates  
6 the rule and just disregards the rule. That's just for  
7 minor violations. And it acts as a deterrent.

8           We need to increase, or we felt we needed to  
9 increase it, because we were trying a minimum of \$300 to  
10 start out with. And you know, the rule actually says it's  
11 a three-day suspension or a -- and a \$1,000 fine as to  
12 mitigating circumstances. Well, that puts it in the hands  
13 where we needed to get some consistency throughout the  
14 state to where all the Boards of Stewards are reviewing it  
15 the same. So that's the penalty phase of the rule.

16           Now the last part of the rule, which is Section  
17 (f), and it talks about imposing a 50 percent penalty for a  
18 violation in a graded stakes, any jurisdiction that has  
19 started with a crop rule in limiting the number of crops  
20 that had problems, that had issues going forward, because  
21 it takes a while for it to take effect. And many  
22 jurisdictions have tweaked the rule as they've gone along,  
23 and I think that we're going through the same process.

24           You know, we -- in my opinion, when you see a  
25 race now and the whip being used the way it's being used,

1 to me, it's much more palatable than when you could have a  
2 jockey that raises that whip over his head and strikes a  
3 horse. And you know, that part, I think, the perception  
4 and all that is going well.

5 Now then, when we get into penalizing 50 percent  
6 of the purse, what I have seen in some other jurisdictions  
7 is this, and we talked about this when we were originally  
8 wanting to change the rule, and we had in the stewards  
9 meeting, they had a jockey in Australia that just totally  
10 disregarded the rule in a big race. Well, there was a call  
11 for disqualification of the horse, and they didn't want to  
12 do that. They didn't have that on their books and they  
13 couldn't disqualify the horse.

14 However, if you put in to where there's a 50  
15 percent penalty for a jockey's earnings, it disincentivizes  
16 that jockey from violating that rule. It also takes away,  
17 we heard earlier when they talked about trainers and owners  
18 may encourage (indiscernible), well, this, it takes away  
19 that as well. If that jockey thinks that he's going to  
20 lose part of his purse, he's going to think twice about --  
21 he's going to remember, how many times did I hit this  
22 horse? And you know, to me, it takes away that incentive  
23 to disregard the rule.

24 The trial heats is another part where the rule  
25 actually speaks to that because, originally, it was in

1 conflict with the designated race rule. So Subsection (g),  
2 I think, is appropriate as well.

3 All the stewards did -- no one had an objection  
4 on Subsection (f) from the stewards net throughout the  
5 state.

6 CHAIR FERRARO: Thank you, Darrel.

7 Commissioner Solis, I'm sympathetic to what you  
8 have to say. But you know, something came up in this rule  
9 and it was revised because you're racing for a couple-  
10 million-dollar purse and your share is \$200,000 and a fine  
11 of \$500, that's the cost of doing business. And that was  
12 what concerned stewards and some of the Commissioners and  
13 some of the public, that in those big races, unless the  
14 penalty was severe, you know, that it would just be  
15 disregarded.

16 What's your feeling on that?

17 COMMISSIONER SOLIS: Well, I mean, I disagree,  
18 completely disagree with all of that because, for one  
19 thing, I know these guys, I know, and they are going  
20 through a really hard time. We just changed this rule not  
21 even, what, a year ago, and everybody's struggling, too --

22 CHAIR FERRARO: Yeah.

23 COMMISSIONER SOLIS: -- and they're doing it.  
24 They are doing a good job. And they struggle. And it  
25 spoke to a lot of them and don't like it, of course, but

1 they say, we try, we do our best. Now we're going to  
2 penalize them even more after the year that we changed  
3 this? And these fines are ridiculous.

4           The same thing that I said before, I mean, to me,  
5 it should be -- it doesn't matter but I disagree. I don't  
6 think that we need to add more stuff to this. I mean,  
7 we're talking about something that happened in Australia,  
8 somewhere else. Is this thing happening in our back yard?  
9 I don't know.

10           I mean, these guys, they're trying really hard.  
11 And if we keep penalizing we're going to lose, I feel,  
12 we're going to lose a lot of jockeys and they're going to  
13 go out of state. And same thing with the owners, you know?

14           If we keep -- I mean, we have -- the breakdowns  
15 and all this, we have brought it way down. I feel like  
16 we're doing -- all of us are doing a really good job.  
17 We're all working hard. And to keep penalizing these guys  
18 more is -- I don't feel it's fair. I think that they're  
19 doing a good job and we should let them do it, should let  
20 them do their job.

21           I mean, we should -- we -- and again, who knows  
22 what the Horse Racing Integrity and Safety Act is going to  
23 come out with it. That's another thing that we should take  
24 a little time and see what the other states are going to  
25 do. I mean, we're (indiscernible) into more penalties.

1           And again, as people think that, you know, you  
2 don't have to pay -- you make a million dollars but, again,  
3 you know, you have to pay your agent, you have to pay your  
4 valet, you have to pay your bills. And we're talking about  
5 million-dollar races. We don't have that many million-  
6 dollar races in California anymore. I mean, actually, no,  
7 (indiscernible) has cut down way from what it was. I mean,  
8 and the cost of living is still the same.

9           But I think it's a (indiscernible). Give it some  
10 time and table this for now and let's see what everybody  
11 else is doing and let them keep doing their jobs. I mean,  
12 it's been only a year since we changed this rule.

13           VICE CHAIR GONZALES: Mr. Chairman?

14           CHAIR FERRARO: Yes.

15           VICE CHAIR GONZALES: Oscar Gonzales here. May I  
16 speak?

17           CHAIR FERRARO: Yes. Go ahead please.

18           VICE CHAIR GONZALES: Sir, I think we've had the  
19 opportunity to hear a very important discussion from two  
20 Hall of Famers. One, Commissioner Solis, a great rider,  
21 tremendous leader in terms of what he's provided to the  
22 industry and his role on this Commission. We also have our  
23 Chief Steward Darrel, who does a remarkable job.

24           The one thing that I believe unites all of us is  
25 that we are reform-minded. We want to make sure that horse

1 racing isn't just hanging on by a thread but that we  
2 thrive, and that we are looked at by the public and  
3 potential owners as an industry that really is in it for  
4 the long run.

5 I agree with Commissioner Solis, that California  
6 jockeys are doing a great job, and that they have proven to  
7 be resilient, and that they have proven to be understanding  
8 of what we're trying to accomplish. So I want to just say  
9 thank you to each and every jockey out there who might be  
10 listening.

11 We've got to get the big event right. We are  
12 here, right in the middle of, perhaps, one of the best  
13 sporting events that we all know called March Madness.  
14 Part of what the NCAA has done is innovative. They've  
15 gotten with the times. They tried to make this event one  
16 of the best. And, for us, it is the Breeders' Cup, I  
17 believe. This rule is just about as much of making sure  
18 that the upcoming Breeders' Cup goes off smoothly than  
19 anything else.

20 I stood and I watched the last year's Breeders'  
21 Cup 2020 when the horse had finished second, Improbable,  
22 with a jockey who I felt was way, way too aggressive.  
23 Granted, under the Kentucky rules, didn't break any fines.

24 But I feel that California riders who do go by  
25 the rules, if there are jockeys who come from out of town

1 and have a disregard, as our Chief Steward Darrel McHargue  
2 just mentioned, it could really create a really Wild West  
3 kind of a situation. I believe that any out-of-town jockey  
4 who comes in, they're going to be having to play by the  
5 same rules instead of walking away with potential purpose  
6 money and not having a problem paying the minimal fine.

7 I just believe that, in protecting the brand of  
8 horse racing, we have to continue to innovate. Perhaps the  
9 thinking on the timing of this had everything to do with  
10 making sure that the upcoming Breeders' Cup, of which I  
11 believe the public is going to be ready for such a sporting  
12 event, but that we don't have any challenges, any problems.

13 I also believe, Commissioner Solis, and I'm  
14 prepared to work with you on this, is what is it that we  
15 can do to retain our jockeys? You're right, everything  
16 that we've asked the jockeys to do they've done. They have  
17 great advocacy in their Sacramento lobby in Shane. They  
18 have great leadership at the national with Terry, Mindy,  
19 and Darrell Haire. So I want to just say thank you to each  
20 and every one of you.

21 But you're right, I believe that we have to do  
22 something. If the jockeys are going to innovate, then the  
23 industry has to innovate on their behalf. What looks like,  
24 what that is, I just don't know. But we are just as much  
25 defined as our great horses that we produce just as much as

1 the great jockeys that come out of California.

2 Those are my comments, sir.

3 CHAIR FERRARO: Thank you, Oscar.

4 Any other Commissioners have comments please?

5 Nobody?

6 I, also, was very appreciative Jenine Sahadi's  
7 comments. I thought they were quite pertinent. And it  
8 makes me believe that maybe we need to look at this a  
9 little longer before we make a move.

10 COMMISSIONER ALFIERI: Dennis Alfieri.

11 You know, I agree with you. I agree with what  
12 Oscar is saying. I also agree with what you just said, Dr.  
13 Ferraro. I would rather table this discussion again, I'm  
14 sorry, and re-look at each piece of this.

15 I do think our jockeys in California have adapted  
16 well. You know, some of the extreme instances that some of  
17 the public have mentioned on the call were not in this  
18 state, first of all.

19 Second of all, don't you think -- don't think  
20 that our jockeys are not taking it very seriously.

21 And I agree with what Alex Solis said, that  
22 what's happening here is we're making it so extreme that  
23 horses and jockeys are leaving the state and are planning  
24 to leave the state.

25 Enough is enough. I do think that we can be very

1 strict about this. I'm not -- you know, I'm just saying,  
2 let's re-look at this and maybe it's better to table this  
3 decision at the moment. And I'd like to collaborate with  
4 the stakeholders, again, and Members of our Board.

5 CHAIR FERRARO: Any other Commissioners want to  
6 comment now? Okay.

7 I will make a motion that we table this matter  
8 for another time, give us more time to study it. I would  
9 ask Alex Solis to maybe have discussion with the jock's  
10 room and come up with ways that we can ensure that the rule  
11 is more strictly adhered to, and get their input, and we  
12 can discuss this later.

13 I think the first part of this rule is fine in  
14 terms of trying to make it consistent throughout the state.

15 But I am concerned after this discussion that the rule  
16 concerning stakes races and graded races may be a little  
17 harsh.

18 So I make a motion to table. Do I have a second?

19 COMMISSIONER ALFIERI: I'll second it.

20 COMMISSIONER SOLIS: I'll --

21 CHAIR FERRARO: Okay. Commissioner Gonzales?

22 VICE CHAIR GONZALES: No.

23 CHAIR FERRARO: Commissioner Alfieri?

24 COMMISSIONER ALFIERI: Yes.

25 CHAIR FERRARO: Commissioner Castellanos?

1 COMMISSIONER CASTELLANOS: Yes.

2 CHAIR FERRARO: Commissioner Davis?

3 COMMISSIONER DAVIS: No.

4 CHAIR FERRARO: Commissioner Mitchell?

5 COMMISSIONER MITCHELL: No.

6 CHAIR FERRARO: Commissioner Solis?

7 COMMISSIONER SOLIS: Yes.

8 CHAIR FERRARO: And the Chair votes yes. So does  
9 that give us a four-to-three situation; is that correct?  
10 Motion is tabled.

11 Now we move on to item number six, public  
12 comment. This is a period of communications, reports,  
13 requests for future actions of the Board. During the  
14 public comment period a total of 30 minutes will be allowed  
15 for public comments via the teleconference line. After 30  
16 minutes, no further comments will be accepted. Each person  
17 will be limited to two minutes.

18 Operator, you can start with your first caller.

19 OPERATOR: Thank you.

20 First commenter is owner and breeder, Pavla  
21 Nygaard.

22 CHAIR FERRARO: Go ahead please.

23 MS. NYGAARD: Yes. Hello. Thank you. Thank you  
24 for the time. I actually intended to speak on item five  
25 and somehow didn't end up in the queue.

1           But, in any case, when I went to the 2016 Welfare  
2 and Safety of the Racehorse Summit in Lexington, Kentucky,  
3 one of the memorable presentations was made by Ramon  
4 Dominguez, one of the top jockeys in the U.S., when they  
5 were speaking about whip rules. One of the -- and what I  
6 recall was that he said that the longer he rode in his  
7 career the less he relied on using the whip and the more he  
8 relied on other things.

9           And I have heard that comment from other top  
10 riders, as well, which makes me think that one of the  
11 important items is not just disincentivizing something we  
12 don't want but finding ways of incentivizing what we do  
13 want which is safe and competitive riding without the use  
14 of the whip.

15           One of my recommendations, if we are looking at  
16 fines, would be to, perhaps, look at ways similarly to what  
17 Jenine Sahadi had mentioned, where do the fines go? Could  
18 we use that for education of jockeys such that they are  
19 better able to and equipped to achieve a great ride without  
20 the use of the whip?

21           You know, I think that in California we have  
22 focused largely, you know, among the carrot and the stick  
23 approach of the -- of incentivization. We have, over the  
24 last couple of years, focused largely on the stick, on  
25 having more penalties and further penalties and further

1 penalties. And I do agree that results of that, on one  
2 hand, have been more safety for the horses and that is very  
3 important. But at the same time we have also lost owners  
4 and trainers and jockeys to go to other jurisdictions that  
5 are less onerous. And I believe it's extremely important  
6 for our industry to figure out how to reward people in the  
7 industry that do things right over only having more and  
8 more penalties.

9           And I would say that even if we have harsh  
10 penalties, which may be very appropriate for egregious,  
11 intentional situations, that using the words up to a  
12 certain amount, such as the 50 percent in a large stakes  
13 race, may be appropriate as opposed to a mandatory 50  
14 percent. But there are many, many different reasons for  
15 why a violation may happen. And it should range from an  
16 unintentional situation to egregious, repeated and  
17 otherwise. And, certainly, that should lie to the stewards  
18 to have the decisions.

19           Thank you so much for your time.

20           CHAIR FERRARO: Thank you. Your time is up.

21 Thank you very much.

22           Next please.

23           OPERATOR: Thank you.

24           Next commenter is citizen Dr. Wayne Johnson.

25           CHAIR FERRARO: Go ahead please.

1 DR. JOHNSON: Once again, I would like to  
2 congratulate the Chairman and Mr. Gusman for a fascinating  
3 dialogue. The world didn't fall apart because you had a  
4 dialogue with a caller. We need more of that.

5 You had an opportunity to have minimal reform on  
6 whipping. You backed off it. I'm not sure why. You  
7 thought Mr. Solis made some good points. The point is the  
8 public is going to perceive that you have backed off even  
9 the most minimum reform.

10 An earlier caller during the first part of the  
11 meeting said that she objected to our referring to the  
12 deaths of horses at these racetracks in California as  
13 murder. She cited, as an example, colic, which she claims  
14 didn't have anything to do with murder. Even if we concede  
15 that the colic didn't have to do with murder, what about  
16 all the other horses? That's murder.

17 Congratulations, again, to the brave members of  
18 Direct Action Now, DxE, for their nonviolent civil  
19 disobedience in shutting down the (indiscernible) house  
20 that is Golden Gate Fields.

21 Thank you.

22 CHAIR FERRARO: Thank you.

23 Next please.

24 OPERATOR: Thank you.

25 Next commenter is San Diego County resident

1 Martha Sullivan.

2 CHAIR FERRARO: Go ahead please.

3 MS. SULLIVAN: Yes. Hello. I want to finish up  
4 talking about Hendavid, the two-year-old colt making his  
5 second start in the sixth race at Pleasanton on July 25th  
6 of 2020. He was pulled up shortly after the finish line  
7 and vanned off. Hendavid's owner confirmed that Hendavid  
8 had broken his sesamoid and was euthanized, the owner said,  
9 at Del Mar on August 24th of 2020, almost a month later.

10 And upon our inquiries to the Board about  
11 Hendavid's death the CHRB finally advised us that Hendavid  
12 had actually been euthanized in Utah. Hendavid is still  
13 not included in the CHRB's fatalities for 2020, although he  
14 clearly died from racing.

15 I also want to share with you another product of  
16 my Public Records Act request to the Board, which I finally  
17 got early this month, in which the L.A. Times, Don Sherman  
18 actually put in a PRA about a L.A. County Sheriff's  
19 investigation of the shooting death of two horses which  
20 they thought, I think, I believe, they were thoroughbreds,  
21 although they didn't have a tattoo that said they raced  
22 legal races. He wanted to know -- he wanted a copy of that  
23 investigation by the sheriffs that was sent to the CHRB.  
24 This was heavily redacted, so I have no idea what's  
25 transpired from this.

1           But this is two horses found shot in the head in  
2 Los Angeles County that the L.A. County Sheriffs  
3 investigated, turned over to CHRB. And CHRB's Mike Marten  
4 said to a media contact in an email provided in this PRA,  
5 "They might have been victims of illegal match racing."

6           So once again the CHRB's failure to do anything  
7 about match racing continues to have horrible consequences.

8           CHAIR FERRARO: Thank you, Martha.

9           Next please.

10          OPERATOR: Thank you.

11          Next commenter is Kimberly Shaffer, ATM Equine.

12          CHAIR FERRARO: Go ahead please.

13          MS. SHAFFER: Hi. Can you hear me? Hi. I just  
14 wanted to bring up --

15          CHAIR FERRARO: Yes.

16          MS. SHAFFER: -- some stats about the economics  
17 of the horse industry in the United States.

18          The U.S. horse industry is a large and  
19 economically-diverse industry that is a key contributor to  
20 the overall fabric of the U.S. economy. Horse owners and  
21 the industry suppliers, racetracks, off-track betting, and  
22 horse shows, and other industry segments all generate  
23 discrete economic activity contributing to the vibrancy of  
24 the overall industry.

25          The spending generated within the horse industry

1 and the subsequent spending between codependent industries  
2 contributes to thousands of jobs and billions of dollars to  
3 the economy on an annual basis. Direct economic  
4 contributions to the U.S. economy's GDP on an annual basis  
5 is \$50 billion. And there is \$122 billion in indirect  
6 spending for the U.S. economy.

7           Approximately 1.8 million people own horses in  
8 the United States. Another 2 million people are involved  
9 as volunteers or through family affiliations. In total,  
10 30.5 percent of households contain horse enthusiasts.

11           The horse industry sustains approximately 1.7  
12 million full-time equivalent jobs on an annual basis with  
13 over 988,000 of those jobs created are direct employment to  
14 the industry.

15           Racing sectors contribute \$472,000 [sic], \$36  
16 billion in revenue, with a total economic impact of \$63  
17 billion annually. Competition sector contribute 417,000  
18 jobs, \$28 billion in revenue, with a total economic impact  
19 of \$50 billion. The recreation sector creates 273,000  
20 jobs, \$18 billion in revenue, and a total economic impact  
21 of \$31 billion.

22           So while many sectors of the U.S. economy have  
23 been impacted by COVID the horse industry was able to stay  
24 operational, to a large degree, and not contribute to the  
25 burden on the local, state, and federal economies. We all

1 need the sectors of horse industry not to be shut down and  
2 remain a viable U.S. economic contributor.

3           So congratulations to the CHRB Board with regards  
4 to taking up the horse welfare, the reforms, and the  
5 forward movement that we are taking to keep our industry  
6 safe, operational, and being a big contributor to the U.S.  
7 economy.

8           Thanks.

9           CHAIR FERRARO: Thank you.

10          Next please.

11          OPERATOR: Thank you.

12          Next commenter, equine advocate, Mary Johnson.

13          MS. JOHNSON: Oh, yes.

14          CHAIR FERRARO: Go ahead please.

15          MS. JOHNSON: I wanted to -- thank you. I wanted  
16 to make a comment.

17                 I think it was Wendy that commented earlier, and  
18 I apologize for not remembering her last name, but she was  
19 talking about colic and was really trying to say -- just  
20 kind of glossed it over -- that all horses colic. And if  
21 you have a pleasure horse that you take out on trails, that  
22 horse has as much of a risk of colicking as a racehorse,  
23 and that is simply not true. And she said to look at the  
24 science.

25                 So what I did is I Googled colic in horses. And

1 the July 2019 of issues of EQUUS Magazine, and this is a  
2 quote, it says,

3 "Over and over, research studies of predisposing  
4 factors in colic cases find that horses who spend the  
5 greatest part of the day standing in stalls are much  
6 more prone to abdominal disease/colic than those who  
7 live in turnout situations. Turnout with compatible  
8 companions keep horses happy, allows them social  
9 interaction, and gives them the opportunity to let off  
10 some steam, in addition to consuming their favorite  
11 food, which is grass."

12 So what she was saying was to look at the  
13 science. I am challenging her. I am looking at the  
14 science. Again, I've been a horse owner since 1963.  
15 Horses need to be out in a herd environment. Do you see  
16 that at the racetracks? Heck, no. Do you see horses  
17 locked in their stalls 23 hours a day? Heck, yes. I've  
18 seen horses wheezing, I've seen horses spinning in their  
19 stalls, and it's truly horrifying.

20 Again, perception is a reality in this situation.  
21 And the public perceives the way a racehorse lives as  
22 inhumane.

23 Thank you very much.

24 CHAIR FERRARO: Thank you.

25 Next please.

1 OPERATOR: Thank you.

2 Next commenter is horse owner Wendy Lembke.

3 CHAIR FERRARO: Go ahead please.

4 MS. LEMBKE: Hello. Thank you again. What a  
5 coincidence. I'd like to offer an alternative to the small  
6 group of voices and their continual drumbeat of how horse  
7 racing does not care for any horse and that horse racing is  
8 a business of murder, equine torture, all of that. That is  
9 the implication.

10 This is not what horse racing is about, even if  
11 people want to say that it is. Here are some facts that  
12 prove -- and these are things that the public needs to  
13 hear -- the Grayson-Jockey Club on February 21st of 2021  
14 has authorized an expenditure of \$1.6 million to fund 12  
15 new projects at 12 universities, and 12 continuing projects  
16 in career development awards worth \$20,000 each. That  
17 doesn't sound like people that are trying to gloss things  
18 over and trying to cover things over and just torture  
19 horses for fun.

20 They're looking at programs to optimize bone  
21 growth to reduce equine fractures, resulting in reduction  
22 of distal limb fracture. They're looking at diagnosis of  
23 insipid (phonetic) condylar stress fracture, greening, and  
24 using fetlock CT for diagnosis of the horse with high risk  
25 and saving lives, looking at all kinds of things. There's

1 multiple things. There's quite a few things on this, just  
2 this one list, looking to make changes, good changes,  
3 positive changes.

4           So, no, horse racing is not in the business of  
5 murder and torture, even though you want it to be.

6           Thank you.

7           CHAIR FERRARO: Thank you.

8           Next please.

9           OPERATOR: Thank you.

10           Next commenter is California resident Heather  
11 Wilson.

12           CHAIR FERRARO: Go ahead please.

13           MS. WILSON: Thank you, Dr. Ferraro.

14           According to Dr. Arthur, 90 percent of the  
15 catastrophic breakdowns, as you call them, have preexisting  
16 conditions. And you know, if you want to stop these  
17 breakdowns, you have to stop racing. I mean, there's  
18 really no other way around it.

19           The public are sick and tired of seeing these  
20 horses, yes, they're being tortured with whips, yes,  
21 they're stuffed into their stalls. Yes, we watch the races  
22 every single weekend. We watch these horses being shoved  
23 into the starting gate. You can see the look of sheer  
24 terror on their faces. They are not enjoying this.

25           And you know what? I've never had a pet elephant

1 but I can watch an elephant getting beaten with a bull hook  
2 and I can tell you that that is not right.

3 So watching these horses getting shut into the  
4 starting gate, being whipped, slipping and falling,  
5 breaking their limbs. It is not right.

6 Los Angeles City Council just voted unanimously  
7 to ban rodeos within the city limits.

8 The public are sick and tired of watching animals  
9 get abused, so you know the clock is ticking on horse  
10 racing.

11 And you know, there's still a couple of horses at  
12 Los Alamitos that were put on display. And the race should  
13 have never happened. Last November, there was very, very  
14 thick fog. Every single racing chart from November 22nd  
15 talks about this thick fog. Even Mike Rona made a comment  
16 about, oh, he's going to go home and have some split pea  
17 soup. You couldn't see anything. And it was actually  
18 miraculous there was only one incident.

19 Just Agreed (phonetic), she tossed her rider, she  
20 fell and was vanned off. We still don't know what happened  
21 to her. She has not reappeared.

22 And then we have Gowdy on January 23rd. He  
23 slipped and fell in the pouring rain, the mud was so  
24 slippery. Where is he? And the chart was changed to say  
25 he locked up. This horse slipped and fell and it's on

1 video. Where is Gowdy?

2 Where are these horses?

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Thank you.

6 Next commenter is concerned citizen Patty  
7 Shenker.

8 CHAIR FERRARO: Go ahead please.

9 MS. SHENKER: This is my revised letter to the  
10 L.A. Times.

11 "On July 6, 2021, you wrote about horse owner and  
12 trainer Bob Baffert. But I feel obligated to remind  
13 you that Bob Baffert and the American horse racing  
14 industry associates with Mohammed bin Salman, the  
15 Saudi Crown Prince, who has been found responsible for  
16 approving the murder and dismemberment of journalist  
17 Jamal Khashoggi.

18 "In December of 2019, your paper exposed America's  
19 horse racing industry's association with Emirates and  
20 Saudi Arabia, two regime countries who have horrific  
21 records on human rights, with tens of thousands killed  
22 and millions on the brink of starvation.

23 "After Khashoggi's murder the Saudi's still entered  
24 this arena with a \$20 million Saudi Cup in February  
25 2020 with the hopes that the Crown Prince and his

1 regime could be elevated on the world stage as he  
2 awards the trophy to the winner of the richest horse  
3 race ever held, who ended up being Maximum Security,  
4 trained by Bob Baffert.

5 "John Sherman in an L.A. Times report said it best,  
6 quote, 'At some point the leading lights of the racing  
7 industry will have to take moral responsibility for  
8 lending legitimacy to thuggish regimes, like the  
9 Emirates and Saudi Arabia.

10 "What does Mohammed bin Salman have to do to earn  
11 their (indiscernible)? Genocide, terrorism,  
12 oppression and murder are already afoot. So,  
13 apparently, the answer is that no crime will earn the  
14 racing industry's disfavor.

15 "We don't expect horse trainers, jockey, and owners to  
16 be statesmen. We have a reasonable expectation,  
17 however, that they shouldn't be collaborators either.  
18 You should be ashamed."

19 Thank you.

20 CHAIR FERRARO: Thank you.

21 Next please.

22 OPERATOR: Thank you.

23 Next commenter is horse owner Marla Zanelli.

24 CHAIR FERRARO: Go ahead please.

25 MS. ZANELLI: Hello. I would like to suggest to

1 all these animal activists on these calls to put their  
2 money where their mouth is and, you know, donate to our  
3 retired racehorse foundations, such as Remember Me Rescue.  
4 They do an excellent job with retraining horses and finding  
5 them homes. With Thoroughbred Charities of America, they  
6 spread their money around at different rescue and  
7 retraining/rehoming organizations.

8           We also have, regarding horses that come off the  
9 track and go into other occupations, we have a project  
10 called the Retired Racehorse Project. And this year  
11 they've accepted 484 applications from 480 unique trainers  
12 and teams to the National Thoroughbred Makeover and  
13 National Symposium presented by the Thoroughbred Charities  
14 of America. The Thoroughbred Makeover is the world's  
15 largest and most lucrative competition for ex-racehorses,  
16 this year being the biggest ever.

17           Retraining and rehoming ex-racehorses has become  
18 a huge industry in its own right. And the notion of horses  
19 being dumped (indiscernible) is becoming a false narrative  
20 as many ex-racehorses when (indiscernible) just not  
21 competitive as a racehorse will go on to other disciplines.

22           Anyway, so you know, we do have many  
23 organizations where they can donate their money and put  
24 their money where their mouth is.

25           Thank you so much.

1 CHAIR FERRARO: Thank you.

2 Next please.

3 OPERATOR: Thank you.

4 Our next commenter is Christina Gindt with the  
5 Intervision Equine Physiotherapy.

6 CHAIR FERRARO: Go ahead please.

7 MS. GINDT: Hi Board. Thank you very much,  
8 Commissioners.

9 I just wanted to say that there's a feel-good  
10 story coming out of Golden Gate that contributes to all of  
11 the COVID new drug regimes.

12 On March 7th, 60 Minutes did a profile on Dr.  
13 Seftel, who is the Medical Director at Golden Gate Fields  
14 for the human side, for the backstretch workers. And  
15 through that, through the closed system of Golden Gate  
16 Fields, they were able to do a trial on an alternative drug  
17 therapy of Fluvoxamine, which actually has turned out, the  
18 backstretch workers who accepted that drug, the study  
19 showed that 65 percent of them showed anti-inflammatory  
20 signs after being tested positive for COVID. None of them  
21 were hospitalized. So that actually gives us another drug  
22 on this war for COVID.

23 Thank you.

24 CHAIR FERRARO: Thank you.

25 Next please.

1 OPERATOR: Thank you.

2 Our next commenter is Terri Eaton, President of  
3 the Arabian Racing Association of California.

4 CHAIR FERRARO: Go ahead, Terri.

5 MS. EATON: Hello.

6 CHAIR FERRARO: Go ahead.

7 MS. EATON: Can you hear me? Can you hear me?

8 CHAIR FERRARO: Yes.

9 MS. EATON: Okay. Gentleman, I just wanted to  
10 bring up the state of Arabian racing in the state of  
11 California. It's absolutely falling apart. And it's  
12 because of all the purse cuts that we have to have because  
13 of the overpayment.

14 I understand all of this and I'm not condemning  
15 anybody for it. But I'm not sure that you guys are aware,  
16 and maybe you could help us out, we have taken a \$2,000  
17 purse cut, and now they gave us \$1,000 back which we're  
18 very thankful for, but it's going to phase us out. And I  
19 think the fairs are a place where everybody should have  
20 equal opportunities. And we are mandated by law to be able  
21 to race there but I know that we're not as lucrative as the  
22 thoroughbreds and that we don't bring in as much money, our  
23 handle isn't as good. So the way to phase us out is to  
24 take our purse money away. I kind of feel like this is  
25 discrimination. Maybe that's not the right word for it.

1           We have added -- part of the reason we don't  
2 handle well is because we don't get placed on the card very  
3 well. We have to have the first three races, not only us  
4 but all of the emerging breeds, which those aren't  
5 simulcasted out to the bigger thoroughbred racetracks, so  
6 we don't have any way of getting our purse money back.

7           We also have added almost \$40,000 in the last  
8 three years to our purses. But I know last year, that was  
9 added into our overpayment, but I'm not sure about the  
10 other three years, and we haven't seen that. They don't  
11 give us any -- the CRIMS (phonetic) report, we can't find,  
12 isn't available to tell us whether that money was added  
13 into our overpayments or not.

14           I don't want to throw anybody over the -- under  
15 the bus, they've been good to us, but we can't sustain if  
16 we have these purse cuts. And I don't know if there's  
17 anything that you could do to help us?

18           So anyway, gentlemen, I just wanted to know --  
19 wanted you guys to know what our status is and that we  
20 would really appreciate it if we could get some help  
21 somewhere.

22           Thank you very much.

23           CHAIR FERRARO: Thank you.

24           Next please.

25           OPERATOR: Thank you

1 Next commenter is Jane Cartmill.

2 CHAIR FERRARO: Go ahead please.

3 MS. CARTMILL: I suppose it shouldn't come as a  
4 surprise that Trainer Doug O'Neill was recently named a  
5 finalist in the National Museum of Racing 2121 -- excuse  
6 me, 2021 Hall of Fame ballot. Because while a legitimate  
7 sports shun known cheaters and dopers and exclude them from  
8 their halls of fame, the horse racing industry happily  
9 embraces a double-digit repeat offender.

10 The only firm requirements for the Hall of Fame  
11 is, apparently, 25 years of licensing and some activity  
12 levels that can be weighed. A history of drug infractions  
13 is no impediment to being chosen.

14 Sports writer Bill Dwyre once asked why horse  
15 racing had made a poster boy of O'Neill, noting that  
16 O'Neill gets by on personal charm and that he denies the  
17 many charges of doping, Dwyre said that one race official  
18 summed it up well by asking, "How many times can you say  
19 the dog ate the homework?"

20 Comedian Tim Conway, Jr., a racing enthusiast  
21 himself, said in a celebrity roast of O'Neill that, quote,  
22 "Most horses, when they are done, go out to pasture.  
23 Doug's go to the Betty Ford Center." Guests at the roast  
24 were greatly amused by that. Are you amused?

25 If anyone needed more proof that the industry

1 doesn't care about the horses beyond what money they can  
2 pull in, this is it. O'Neill stated that he was blessed by  
3 the nomination. Blessed? Is there a deity in O'Neill's  
4 universe that rewards animal abuse?

5 Dwyre wrote that horse racing is the only sport  
6 where its customers are best served by putting on blinders.

7 Don't question why a suspended O'Neill, for example, was  
8 allowed to work out a deal with his assistant to share in  
9 winnings while he was suspended. And now, don't question  
10 why Doug O'Neill has been nominated to a Racing Industry  
11 Hall of Fame when, more aptly, it should be called a Hall  
12 of Shame. Just put your blinders on.

13 CHAIR FERRARO: Thank you.

14 Next please.

15 OPERATOR: Thank you

16 Next commenter is concerned citizen Lynn  
17 Frudenburg.

18 CHAIR FERRARO: Go ahead please.

19 MS. FRUDENBURG: Hey, good morning. Hey, I just  
20 want to give a quick thank you to Commissioners Gonzales,  
21 Mitchell and Davis. Thank you for standing behind to  
22 increase penalty for excessive whipping and crop use. I  
23 appreciate that you guys are trying to make the horse  
24 industry right versus their using no penalty for whipping  
25 horses severely.

1           But Mr. Solis decided to say that, you know, the  
2 jockeys are doing their best, that they'll have -- they'll  
3 have an economic impact on their careers if they aren't  
4 allowed to use the crop. But you know, when you are a  
5 jockey, you are, of course involved with everybody involved  
6 in the industry. But when a jockey is on the back, they  
7 need to be held responsible for their actions.

8           This reminds back when Dr. Allred, he said, at  
9 Los Alamitos, they wanted to suspend his license or just  
10 give it for six months, but he challenged the Board and  
11 only a few people said no to his challenge. And then the  
12 Board caved in and they gave Los Alamitos -- they got a  
13 year license. And now you want to go back in, not enforce  
14 the penalty for excessive whipping.

15           Please reconsider. I'm glad this is tabled. I  
16 think it needs to be discussed a lot further. This is not  
17 right, so, please.

18           Thank you doctor -- thank you, Commissioners, for  
19 standing up for the horses and not letting them be beat the  
20 whole time throughout the race.

21           Thank you.

22           CHAIR FERRARO: Thank you.

23           Next please.

24           OPERATOR: Thank you.

25           Next commenter, Kimberly Shaffer, ATM Equine.

1 MS. SHAFFER: So I have already commented. I'm  
2 good.

3 CHAIR FERRARO: Next please.

4 OPERATOR: Next commenter is equine advocate Mary  
5 Johnson.

6 MS. JOHNSON: Yes. I wanted to make two quick  
7 comments.

8 I believe it was Wendy that mentioned the Grayson  
9 Foundation doing research on injuries incurred when horses  
10 are racing. And I guess my point is if the horses weren't  
11 injured so frequently on the track, chips, which are  
12 fractures as we all know, and broken sesamoids and all  
13 kinds of other injuries, if racing didn't cause those  
14 injuries to the horses, we wouldn't need the Grayson  
15 Foundation. So they're doing what they should do to try to  
16 make things just a little bit better for the horses.

17 She also mentioned that they have donated, I  
18 believe, \$1.2 million for research. Racing is a \$40  
19 billion industry. Try dividing 1.2 million by 40 billion.  
20 It doesn't even register on your calculator. It's  
21 minuscule. It's like me donating \$5.00.

22 And then Ms. Zanelli mentioned that we need to  
23 put our money where our mouth is. I think the racing  
24 industry needs to step up for these horses that are  
25 discarded when they're productive racing days are over.

1 Dr. Patty Hogan, who was at (indiscernible), said  
2 that 10,000 to 12,000 thoroughbreds end up going to  
3 slaughter every year. That's Dr. Hogan. She's pro-racing.

4 So let Ms. Zanelli and the racing people start  
5 going to these auctions. Get these horses out of the kill  
6 pens. Possession was rescued for \$200. And again, she  
7 sold for \$2 million as a yearling. So Ms. Zanelli needs to  
8 put her money where her mouth is. I donate nonstop. I've  
9 got five off-track thoroughbreds that were dumped by  
10 racing.

11 Thank you.

12 CHAIR FERRARO: All right, that makes 30 minutes.  
13 That's the end of our public comment time. I apologize to  
14 anybody who didn't get a chance to speak but we are limited  
15 by time.

16 The Board will now go into executive session. At  
17 its conclusion, we will reconvene the public meeting for  
18 the sole purpose of adjourning the public meeting without  
19 further comment. Any one wishing to hear that meeting  
20 adjournment can use the link to audio webcast on the CHRB  
21 website.

22 At this point we are going into closed session.  
23 Thank you very much.

24 (The California Horse Racing Board recessed into closed  
25 session at 11:34 a.m. and was later adjourned.)

## 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 31st day of March, 2021.



MARTHA L. NELSON, CERT\*\*367

## 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

March 31, 2021