

APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman

Oscar Gonzales, Vice Chair

Wendy Mitchell, Commissioner

Dennis Alfieri, Commissioner

Damascus Castellanos, Commissioner

Brenda Washington Davis, Commissioner

STAFF

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

Robert Brodник, General Counsel

Amanda Brown, Staff Counsel

Amanda Drummond, Policy, Regulations, and Administrative
Hearings Manager

Shawn Loehr, Chief of Licensing and Enforcement

Darrel McHargue, Chief Steward

Rick Arthur, Equine Medical Director

Mike Marten, Associate Analyst

ALSO PRESENT

Denny Kanakaris, 58 Flat

Mark Tewksbury

Rick Baedeker, SCOTWINC

Alex Burelli

APPEARANCES

ALSO PRESENT

Shane Gusman, Jockeys' Guild

Greg Avioli, Thoroughbred Owners of California

PUBLIC COMMENT

Michele Walther

Martha Sullivan

Bonnie Croker

Lynn Frudenberg

Oscar de la Torre

Wayne Johnson

Kim Marrs, KTM Equine

Doug O'Neill

Liz Jacobelly

Sara Siegal

Elvia Sedano

Andrew Lesser

Sue Jones

Jane Cartmill

Patricia Olgar

Christine Sanchez

Kim Schaffer

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violation of, or conspiring to violate,
Rule 1890(c) shall be referred to the Stewards
for hearing and adjudication.

7. Public Comment: Communications, reports, requests 71
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.
8. Closed Session: For the purpose of receiving 93
advice from counsel, considering pending
litigation, reaching decisions on administrative
licensing and disciplinary hearings, and personnel
matters, as authorized by section 11126 of the
Government Code.
- A. The Board may convene a Closed Session to
confer with and receive advice from its
legal counsel regarding the pending
litigation described in the attachment
to this agenda captioned "Pending
Litigation," and as authorized by

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PAGEClosed Session:

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

9:31 A.M.

TELECONFERENCE, WEDNESDAY, APRIL 21, 2021

CHAIR FERRARO: Thank you. Good morning everyone.

Welcome. 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; Mr. Oscar Gonzales, Vice Chair; Mr. Dennis Alfieri, Commissioner; Mr. Damascus Castellanos, Commissioner; Ms. Brenda Washington Davis, Commissioner ; and Ms. Wendy Mitchell, Commissioner.

We are joined by: Scott Chaney, Executive Director; Cynthia Alameda, Assistant Executive Director; Robert Brodnik, Chief Counsel; Amanda Brown, Counsel; Amanda Drummond, Manager of Policy and Regulations; Shawn Loehr, Chief of Licensing and Enforcement; Darrel McHargue, Chief Steward; 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. This is for comment, not questions. Those wishing to speak must follow the

1 directions of the operator to have their individual phone
2 lines open for comment.

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

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

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

1 minute time limit for each unsolicited speaker.

2 And with that, I call the meeting to order, and
3 ask for a motion to approve the minutes of the last meeting
4 on March 23rd, 2021.

5 COMMISSIONER DAVIS: Davis moves.

6 COMMISSIONER ALFIERI: I'll second.

7 CHAIR FERRARO: Second?

8 COMMISSIONER ALFIERI: Alfieri.

9 CHAIR FERRARO: Okay. I'll take the vote.
10 Commissioner Gonzales?

11 VICE CHAIR GONZALES: Yes.

12 CHAIR FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIR FERRARO: Commissioner Castellanos?

15 COMMISSIONER CASTELLANOS: Yes.

16 CHAIR FERRARO: Commissioner Davis?

17 COMMISSIONER DAVIS: Yes.

18 CHAIR FERRARO: Commissioner Mitchell?

19 COMMISSIONER MITCHELL: Yes.

20 CHAIR FERRARO: And the Chair votes yes. The
21 minutes are approved.

22 Moving on to item number two, we'll start with the
23 Executive Director's Report.

24 Mr. Chaney?

25 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.

1 Chairman and Commissioners. This month I will begin with
2 the handle figures.

3 For context, we are now entering the comparison
4 period last year when tracks were closed at the beginning of
5 the pandemic. This March, daytime handle is up 28 percent
6 on 12 more programs as compared to 2020. Night handle is up
7 seven percent on seven more programs compared to last March.
8 Overall handle is up 25 percent compared to this month of
9 2020. Lastly, for the first quarter of 2021, day, night,
10 and total handle are all up 15 percent as compared to the
11 first quarter last year.

12 Beginning April 1st, pursuant to the Governor's
13 Blueprint for a Safer Economy, tracks began admitting a
14 limited number of spectators under strict protocols. Those
15 standards progressively loosened as counties moved through
16 the tiered system.

17 Additionally, all open tracks have either
18 vaccinated employees and stable area personnel or are in the
19 process of setting up onsite vaccination clinics, or aiding
20 in procuring appointments for vaccination, or both.

21 Next, I want to point out some additional
22 information on the CHRB website with respect to monitoring
23 equine fatalities and our progress in addressing this
24 problem.

25 Beneath the current link to the fatality chart,

1 you will find another link to several graphs that visually
2 depict track fatality numbers, both over the last ten years,
3 and in terms of a comparison of current year to date and the
4 previous year to date.

5 April 17th marked one year for me in the role of
6 Executive Director. In some ways it feels as if it has
7 lasted an eternity. And still, in other ways, I feel as if
8 it has passed in the blink of an eye. What is still true is
9 that I wake up every day, first and foremost, with the
10 intention of promoting animal welfare. While we have made
11 significant progress over the last year, we still have work
12 to do.

13 This year to date there has been a 25 percent
14 reduction in fatalities as compared to last year. We have
15 made significant progress with respect to racing fatalities
16 which have been reduced by half this year to date as
17 compared to last.

18 In the past year, over 20 regulations went into
19 effect that pertain to animal welfare, in addition to the
20 protections and measures outlined in SB 800 and AB 1974.
21 One of those regulations, Continuing Education for Trainers
22 and Assistant Trainers, is evolving into a robust program
23 with positive feedback from trainers themselves.

24 More regulations are in the pipeline and should
25 become effective in the next few months, including intra-

1 articular injection restrictions, vet list diagnostic
2 requirements, and strict regulation of thyroxine. More will
3 be considered today, and still others, like a 72-hour vet
4 check requirement before racing and working, will be
5 considered in the coming months.

6 Beyond regulations, CHRB Staff continues to work
7 tirelessly for the protection of horses and riders. In the
8 next few days we will begin posting summaries of the
9 fatality reviews that the CHRB has been conducting since
10 July. In addition, after solving a few technical issues, we
11 will be posting the necropsy reports associated with those
12 reviews.

13 I would also like to announce and Entry Review
14 Panel from Northern California, which will be Golden Gate
15 Fields and the fairs, that will begin its work in the next
16 few weeks. This will create a panel at all of the
17 thoroughbred and Quarter Horse tracks at California.

18 I would also like to announce the creation of a
19 new position in California racing, the Chief Official
20 Veterinarian, who will not only be charged with
21 standardizing OV practices in the state but will also be
22 tasked with perfecting the Entry Review Panel system, in
23 addition to other duties.

24 Additionally, we will be pursuing the remaining
25 items on the racing reform recommendations chart.

1 None of this progress would be possible and no
2 future reform could be possible without CHRB Staff who work
3 tirelessly to make this Board's vision a reality and who
4 have been made -- who have made my first year invigorating
5 and consequential. Pushed by stakeholders, state
6 government, and animal welfare advocates, CHRB Staff is
7 dedicated and resourceful. I would like to thank them for
8 their past year and continued work.

9 I'd also like to thank the Board itself for its
10 competence and vision over the past year with respect to my
11 work in this role. Needless to point out, it has been
12 challenging for everyone, but I appreciate the commitment to
13 reform. Despite unfair criticism from varied sources, each
14 member is nevertheless committed to affective reform and
15 continue to lead the country in this respect. To be sure,
16 there is more work to be done. And I look forward to
17 enacting and realizing this Board's vision in the months and
18 years to come.

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

20 CHAIR FERRARO: Thank you, Mr. Chaney. I would
21 like to thank you and your staff for an excellent job over
22 the past year. As a leader of the CHRB, you've done an
23 excellent job and we all appreciate it.

24 Do we have other comments on the Board?

25 COMMISSIONER ALFIERI: Alfieri here.

1 CHAIR FERRARO: If we have none, let's move --

2 COMMISSIONER ALFIERI: I would just second --

3 CHAIR FERRARO: Go ahead, Dennis.

4 COMMISSIONER ALFIERI: I would just second as to
5 what you just said, Mr. Chair.

6 Thank you, Scott.

7 CHAIR FERRARO: Thank you.

8 Let's move on to Equine Medical Director's Report.
9 Dr. Arthur?

10 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Thank you.
11 Good morning Commissioners. This is Dr. Rick Arthur, the
12 Equine Medical Director.

13 Two webinars were held for trainers and assistant
14 trainers since our last meeting, one of the CHRB Postmortem
15 Program with Doctors Uzal and Samole (phonetic), and another
16 with the -- on the Equine Fetlock with Dr. Susan Stover last
17 night. Both were well attended with between 130 and 150
18 attendees for both.

19 The California Thorough Trainers Association has
20 partnered with the Thoroughbred Horsemen's Association which
21 is a group of seven racing states, primarily in the mid-
22 Atlantic plus Illinois, to provide a learning management
23 system to handle trainer's CE content and attendance
24 verification. This will facilitate a national CE program
25 cooperation with expanded content and options for trainers.

1 The previous webinars we've had will soon be
2 available on the CTT/THA learning management system portal,
3 tentatively named Horsemen U.

4 I want to mention to other relevant webinar
5 series. The first is the Racing Medication and Testing
6 Consortium. It's conducting a series of race-approved
7 continuing education webinars races. It doesn't have
8 anything to do with races. It actually has to do with the
9 American Board of Veterinary Practitioners -- or American
10 Board of -- medical boards from each state.

11 And these webinars are specifically designed for
12 racing regulatory veterinarians. They've been biweekly from
13 March through June. A number of CHRB regulatory
14 veterinarians are attending. And both Doctors Moeller and I
15 have presented webinars. The audience includes both U.S.
16 and international racing regulatory veterinarians.

17 Another webinar series is the International Forum
18 for the Aftercare of Racehorses. Racehorse aftercare, as
19 racehorse welfare in general, is an international issue.
20 The presenters and topics have been wide-ranging. And the
21 international perspective is always very interesting. As
22 one would expect, social and cultural differences influence
23 how different parts of the world address racehorse aftercare
24 and, specifically, in racehorse welfare in general. The
25 webinars are available to the public. And you can search

1 Google for International Forum for the Aftercare of
2 Racehorses to find the webinars.

3 Statewide there were six fatalities in March,
4 there was one racing, two training, and three non-exercise.
5 The latter included a colic, a pleuropneumonia, and a
6 neurological case in a pony.

7 There was one racing-related medication in March,
8 a Class 4 methocarbamol above the authorized level. The
9 trainer has requested a split-sample confirmation which is
10 still pending.

11 In addition, the lab reported two Class 4
12 nonsteroidal anti-inflammatory findings from out-of-
13 competition samples obtained during routine training that
14 are potential violations. I say potential because the
15 investigation needs to confirm these findings. They're
16 violations under 1868 which restricts nonsteroidal anti-
17 inflammatories in horses during official workouts. And
18 those investigations are pending.

19 In March, Maddy analyzed 1,599 post-race samples
20 and an additional 88 samples obtained from horses working
21 for the official veterinarians. The 1,687 samples were from
22 915 horses. These do not include PC02, out-of-competition
23 blood, urine, and hair samples.

24 And I'm happy to answer any questions.

25 CHAIR FERRARO: Dr. Arthur, regarding the programs

1 for trainer education, continuing education, we've come
2 quite a ways. Do you actually see this ending up as a
3 national program? And if so, who would run it, and where
4 would the -- how would the educational units be developed?

5 EQUINE MEDICAL DIRECTOR ARTHUR: Both New York and
6 California, and the Jockey Club, have developed continuing
7 education modules, either as webinars or as online
8 continuing education modules. The issue is housing those in
9 a learning management system. And that is what the
10 arrangement is that the CTT and the Thoroughbred Horsemen's
11 Association is actually managing.

12 As a CE, in general, for us as veterinarians, for
13 example, and any other professionals, there eventually is a
14 commercial market for these. We're providing them for free.
15 But as more states adopt this particular requirement there
16 will be additional options that can be housed in the
17 learning management system which would be very similar. As
18 an American Association of Equine Members, for example, I
19 can go online and I can get a whole series of webinars that
20 are approved for continuing education.

21 And the Executive Director and I met with the
22 group from the THA. They have a group that they've put
23 together that approves continuing education, including my
24 counterpart in New York, Dr. Scott Palmer. And we're going
25 through a process as to how continuing education would be

1 approved, similar to the way that the veterinary medical
2 boards have put together the racing organizations.

3 So all that is moving along. And there will be --
4 there is going to be a national portal. And, as I said,
5 tentatively, that is named as Horsemen U. And what trainers
6 do, they log in, it monitors their attendance to a webinar
7 or an online module. And they will get a certificate
8 similar to -- both you and I have worked for the university,
9 and a lot of companies have this, where you have to take
10 certain training at certain times, and that's how it's
11 monitored.

12 So I think it's moved along very well. I'm quite
13 happy with the way it's progressed. And I'm very happy with
14 the attendance we've had from trainers here in California in
15 the webinars that we put on, that are being recorded, and
16 they will be put up on the Horsemen U website.

17 CHAIR FERRARO: Great. Thank you very much.

18 Any questions from the Commissioners? No
19 questions?

20 Then we'll open this to public comment. I'll
21 remind you again, just confine your comments to the items
22 that were reported in these reports. Anything that's not
23 related to those items will have to go in public comment.

24 Operator, can you open your queue please?

25 OPERATOR: Absolutely.

1 As a reminder to our audience, you may enter the
2 comment queue by pressing star one.

3 Our first comment is coming from Michele Walther,
4 a citizen.

5 Please go ahead.

6 MS. WALTHER: Hi. My name is --

7 CHAIR FERRARO: Go ahead please.

8 MS. WALTHER: Can you hear me?

9 CHAIR FERRARO: Yes. Go ahead.

10 MS. WALTHER: Hello? Okay. My name is --

11 CHAIR FERRARO: Go ahead.

12 MS. WALTHER: My name is Michele Walther and I'm
13 calling on item number two please.

14 I'm calling because recently there has been three
15 deaths at the racetrack, My Child Sbud, Lady of the House,
16 and Multiplier, and this past weekend. Now I have estimated
17 that there has been 26 deaths, 26 deaths reported by the
18 CHRB since 2021 at the race -- since the racing season has
19 began.

20 So I'm calling, and I'd like this on record, that
21 I would like the CHRB to suspend racing under its emergency
22 powers in Rule 1435. And what I understand is either the
23 Executive Director Report or the Equine Medical Director's
24 report must, under Rule 1435, file a petition with the Board
25 to suspend racing on an emergency basis. And I want this on

1 record.

2 Thank you very much.

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Next we will go to Martha Sullivan, a
6 citizen.

7 Please go ahead.

8 CHAIR FERRARO: Good morning, Martha.

9 MS. SULLIVAN: Good morning from San Diego County.

10 Yes, there's actually been 28 fatalities reported
11 by CHRB since the 2021 season started on December 26th of
12 2020, and four of those, you know, have just been reported
13 in the last two days, three racing fatalities at -- two at
14 Santa Anita and one at Golden Gate, and pony horse that was
15 previously a racing thoroughbred at Golden Gate.

16 So I, too, think that, in light of the fact that
17 seven of the ten Santa Anita fatalities were ankle
18 fractures, you know, that's a high percentage, I believe
19 that this warrants the Executive Director and/or the Equine
20 Medical Director to file a petition under Rule 1435 for this
21 Board to suspend racing on an emergency basis, to look at
22 these very disturbing upward trends early this year. I
23 mean, with all the ankle scans and intra-articular injection
24 bans at Santa Anita, we had this spike of ankle fractures at
25 the beginning of this year.

1 So I call on this Board to use its emergency
2 powers granted by the legislature and suspend racing.

3 CHAIR FERRARO: Thank you. Thank you.

4 Next please.

5 OPERATOR: Next is Bonnie Croker, a citizen.

6 Please go ahead.

7 MS. CROKER: Yes. Good morning. I'm Bonnie
8 Croker, concerned citizen.

9 I have equine medical concerns, requesting the
10 attention of both the Executive Director and the Medical
11 Director. I'm concerned that the highly-publicized equine
12 ankle scanner is functioning as you expected for the
13 diagnosis of preexisting conditions. Consider the fact that
14 seven out of the ten horse fatalities at Santa Anita since
15 the current race meet started on 12/27/20 were due to ankle
16 fractures.

17 This past weekend, as you know, was extremely
18 deadly for horses racing at Santa Anita and Golden Gate
19 Fields. On April 17th, many watched in horror as horse
20 three, My Child Sbud, in Santa Anita's race two fractured
21 his left front ankle. Was vanned off and euthanized.

22 On April 18th, also at Santa Anita, horse one,
23 Multiplier, in race three sustained a fracture to his right
24 front ankle. He was vanned off and euthanized the next day.

25 On April 18th at Golden Gate Fields, horse one,

1 Lady of the House, in race two went wrong, which usually
2 means a catastrophic, non-survivable injury. She has been
3 euthanized. Her injury details have not been released.

4 Considering Dr. Arthur's past statements
5 indicating that 90 percent of breakdowns are the result of
6 preexisting conditions, the continued high number of ankle
7 fractures during racing points to the ineffectiveness of the
8 ankle scanner. Your restriction on the use of intra-
9 articular injections appears ineffective as well.

10 Another medical concern relates to the blatant
11 misuse of Lasix, which is diuretic and not an anti-bleeder
12 medication, as you have proposed. Horses on Lasix continue
13 to suffer from bleeding lungs while racing. Additionally,
14 since Lasix is a diuretic, you may be dehydrating horses,
15 which is extremely dangerous for their health.

16 I'm asking the CHRB to utilize their power under
17 Rule 1435 to suspend all horse racing in California at once.

18 Horse racing is murder. Pretending it is
19 something else by employing ineffective tactics to lower the
20 number of victims is like throwing a couple of
21 malfunctioning life preservers at a sinking ship full of
22 people, too little, too late, and game over.

23 Thank you.

24 CHAIR FERRARO: Thank you.

25 Next please.

1 OPERATOR: Next is Lynn Frudenberg, a citizen.
2 Please go ahead.

3 MS. FRUDENBERG: Good morning. My comment is
4 regarding starting gate issues. Not every horse who becomes
5 (indiscernible) or difficult to load is scratched, despite
6 video footage appearing that the horse should, at minimum,
7 be examined by a veterinarian.

8 Furthermore, there does not appear to be any rules
9 or regulations regarding physical abuse by assistant
10 starters or gate crew.

11 CHAIR FERRARO: Sorry. I'm sorry --

12 MS. FRUDENBERG: Examples --

13 CHAIR FERRARO: -- but you're not addressing the
14 items that were reported in the Director's -- in the report,
15 in the Medical Director's Report. So I --

16 MS. FRUDENBERG: Okay.

17 CHAIR FERRARO: -- request that you --

18 MS. FRUDENBERG: Okay.

19 CHAIR FERRARO: -- hold your comments to the
20 public comment period please.

21 MS. FRUDENBERG: Sure. I can save these.

22 CHAIR FERRARO: Thank you.

23 Next please.

24 MS. FRUDENBERG: That's what I thought but I will
25 hold it.

1 CHAIR FERRARO: Thanks.

2 MS. FRUDENBERG: Thank you.

3 CHAIR FERRARO: Next please.

4 OPERATOR: Next is Oscar de la Torre, a worker
5 advocate.

6 CHAIR FERRARO: Go ahead, Oscar.

7 MR. DE LA TORRE: Good morning. Yes, hello. Good
8 morning Board Members.

9 First off, I want to acknowledge all the work that
10 the CHRB has been doing in terms of protecting horses and
11 putting horse safety number one. The facts speak for
12 themselves. We've seen all the positive work that has
13 resulted from the reform effort. I think the report came
14 out today that 25 percent less accidental horse racing
15 fatalities. That's something that we should all celebrate.
16 We should acknowledge the good work that's being done.

17 We're not just making the reform effort work,
18 we're changing the culture. The State of California is
19 leading, right now, the nation in horse racing safety
20 measures, and it's having an impact nationwide. That's
21 something that we should all celebrate.

22 We also have to acknowledge that horse racing
23 provides -- the revenue provides many workers and their
24 families the stability that's needed so that they can feed
25 their families, they can move their families forward.

1 I had the privilege of working with backstretch
2 workers at Santa Anita when we welcomed back a percentage of
3 spectators and it was very positive. All the horse -- all
4 the backstretch workers that I've talked to said they feel
5 really confident with all the measures that have been
6 implemented to keep them safe from COVID infection. And the
7 vaccinations are increasing and people feel that they're
8 being taken care of.

9 And so we should celebrate that fact, as well,
10 that we're prioritizing the safety of horses, but we're also
11 prioritizing the safety of workers, and that these workers
12 and their families can continue to make a living in the
13 middle of a pandemic. That's something that we should all
14 celebrate right now as a state that's focusing on economic
15 recovery.

16 Thank you very much.

17 CHAIR FERRARO: Thank you.

18 Next please.

19 OPERATOR: Next we are going to Wayne Johnson, a
20 citizen.

21 Please go ahead.

22 CHAIR FERRARO: Go ahead please.

23 MR. JOHNSON: Yes. Good morning, Dr. Ferraro.
24 Good morning Committee [sic]. Happy Earth Day.

25 Dr. Arthur says there were six horses that have

1 died since we met last. Those horses have names.

2 John's Jewel, March 24th, Golden Gate.

3 Nomadess, March 30th, Los Al.

4 Forjaw (phonetic), April 1st, Golden Gate.

5 Velocemente, April 3rd, Golden Gate.

6 My Child Sbud, April 17th, Santa Anita.

7 Multiplier, April 18th, Santa Anita.

8 Lady of the House, Golden Gate on April the 18th.

9 Hopefully the new Equine Medical Director will
10 have the respect for these horses to say their names.

11 Veterinarians who are charged with protecting
12 animals are presiding over the deaths of these animals. You
13 are on your way in California to another 100 horse deaths.
14 How are those reforms working out for you?

15 Thank you.

16 CHAIR FERRARO: Thank you.

17 Next please.

18 OPERATOR: Next is Kim Marrs with KTM Equine.

19 Please go ahead.

20 MS. MARRS: Hi there. Can you hear me?

21 CHAIR FERRARO: Go ahead.

22 MS. MARRS: Okay. Hey, I just wanted --

23 CHAIR FERRARO: Yes. Go ahead.

24 MS. MARRS: Okay. I just wanted to say, keep up
25 the great work you guys are doing. You guys are doing an

1 amazing job.

2 And regarding the continuing education webinars, I
3 have to say, they are absolutely awesome. There is so much
4 really, really good information in there, and I've been
5 doing this. I take a lot of webinars outside of all these
6 things on animal care. These are really, really good. And
7 they're providing a lot of great information for these
8 trainers. And, hopefully, they'll keep them coming because
9 I think that we're on the right road. The reforms are
10 working.

11 And one thing I just wanted to mention, with all
12 these people bringing up the horse fatalities and the
13 numbers, and we've had this brought up before, too, horses,
14 regardless of racing, or family horses, or show horses,
15 they're all subject to certain issues, such as colic, EPM,
16 and neurological issues, sudden death issues. This is not a
17 horse racing-specific issue. So to have those numbers added
18 into the total death count and these people to keep pumping
19 up the numbers, when these are absolute issues that happen
20 to horses all across the spectrum, it's not a racing issue.

21 So I think you've really got to take that into
22 consideration when you're hearing about these high amounts
23 of numbers. You have to break it down to what they actually
24 are. And being regular horse husbandry issues, they
25 shouldn't be counted.

1 Thanks.

2 CHAIR FERRARO: Thank you very much.

3 Next please.

4 OPERATOR: Next we have Doug O'Neill, a horse
5 trainer at Del Mar and Santa Anita.

6 Please go ahead.

7 MR. O'NEILL: Good morning, Board Members.

8 CHAIR FERRARO: Go ahead please.

9 MR. O'NEILL: How are you guys?

10 CHAIR FERRARO: Good. Thank you.

11 MR. O'NEILL: Can you hear me?

12 CHAIR FERRARO: Go ahead.

13 MR. O'NEILL: Good.

14 CHAIR FERRARO: Yes.

15 MR. O'NEILL: Okay.

16 CHAIR FERRARO: Go ahead.

17 MR. O'NEILL: So I just wanted to add on about
18 what a great job you guys are doing. And I can -- I'm just
19 speaking on behalf of a lot of men and women that I work
20 alongside with and who I know really well who have chosen to
21 work alongside with horses for a living. And you know, the
22 environment has completely changed from, say, 20 years ago
23 or so. It's a much safer environment with veterinarian
24 stations all around the tracks. And there's just safety
25 nets left and right for everyone.

1 And no one loves these horses more than the men
2 and women who are working alongside them. And like Oscar
3 had mentioned, you know, the dormitories and the healthcare
4 provided for the men and women who work alongside the horses
5 is priceless too.

6 So I just wanted to add that the protocols are
7 working. What you guys have implemented is working. And
8 you know, I just, I couldn't be more proud of being part of
9 a great sport and great business. And horses are mirrors of
10 us. And if we give them love, we get love back. And I'm
11 telling you, our racehorses are loved every day.

12 So thank you, guys. You have a great day. Keep
13 up the great work.

14 CHAIR FERRARO: Thank you. Thank you.

15 Next please.

16 OPERATOR: Next is Liz Jacobelly, a citizen.

17 Please go ahead.

18 MS. JACOBELLY: Hi. This is Liz Jacobelly. Can
19 you hear me?

20 CHAIR FERRARO: Yes. Go ahead.

21 MS. JACOBELLY: Hi. I just wanted to support what
22 Martha Sullivan and Michele Walther said about the Rule of
23 the 1435, that you need to file a petition with the Board to
24 suspend racing on an emergency basis. I'm calling for the
25 California Horse Racing Board to suspend racing under its

1 emergency powers, Rule 1435.

2 The latest four deaths of My Child {sic}, Lady of
3 the House, Multiplier at California -- and Champagne Born
4 Baby (phonetic), now 28 deaths reported since 2021.

5 Also, as the other people have talked about, the
6 seven out of ten horse fatalities since Santa Anita's 2021
7 race meet started were due to ankle fractures. And how is
8 that (indiscernible) ankle scanner working out? It doesn't
9 look so good. Plus the ban in intra-articular injections
10 around the time of racing, not good.

11 I hear the people talking on here that are
12 trainers, horse owners, and everything like that, they love
13 their horse and everything. But if you loved anybody you
14 wouldn't put them through anything that you thought would
15 injure them.

16 And I know there's 25 percent less of injuries and
17 stuff like that. But you know what? Injuries are still
18 happening. Horses are still being injured and still
19 being -- dying. And as the person said, it's not all to do
20 with horse racing but they're there. And a lot of this
21 stuff has to do with racing horses.

22 So please, we're not trying to ruin anyone's
23 business or ruin anyone's job. And we just -- it's just
24 that you cannot do horse racing without the horses being
25 injured, and you should be able to see that by now. But

1 these people are profiting off of the exploitation of these
2 horses and, also, exploiting the workers because they get
3 paid very, very low. And there's the rich horse owners and
4 the rich people making a profit off of this. And please do
5 not call me racist. I think the people profiting off of the
6 low-paying workers that don't live in good conditions are
7 the one that's racist.

8 Thank you for your time.

9 CHAIR FERRARO: Thank you very much. Thank you.

10 Next please.

11 OPERATOR: Next is Sara Siegal, a citizen.

12 Please go ahead.

13 MS. SIEGAL: Good morning. Thank you. I am also
14 calling in to ask for the immediate suspension of all horse
15 racing for the Rule 1435. I just heard Oscar say that the
16 number one concern for you guys is animal welfare, so that's
17 great. I'm glad that he said that. So now that he's said
18 that, it needs to be going ahead and going forward to stop
19 this. Because why would you even have one death? You know,
20 that doesn't make any sense.

21 If this was Disneyworld and these people were, you
22 know, racing around, if one kid died, this would just be
23 shut down. There would be just no question about how many
24 horses have to die.

25 So 26 deaths. And it's not natural for the horses

1 to race. As we know, horses never carry their babies on
2 their back ever. I just want to repeat that. Horses do not
3 carry their babies on their backs. So why would humans get
4 on the backs of horses?

5 The only reason horse racing exists is so that
6 people can bet on them and gamble and make money and collect
7 money. But the horses, you know, they never get paid, we
8 all know that, so that's labor.

9 CHAIR FERRARO: You're drifting off the subject,
10 ma'am.

11 MS. SIEGAL: So, you know, we just need to ask --

12 CHAIR FERRARO: Will you come back to the --

13 MS. SIEGAL: -- you to (indiscernible) --

14 CHAIR FERRARO: -- Medical Director's Report.

15 MS. SIEGAL: And the Medical Director --

16 CHAIR FERRARO: Hello?

17 MS. SIEGAL: -- actually said that the number one

18 thing was he wanted to make sure that animal welfare and

19 animal safety, which there's nothing safe about

20 racehorses -- you know, horse racing. We all know that

21 because you wouldn't have this Board if you would, you know,

22 be meeting about all these rules and regulations for how

23 you're going to whip the horse, abuse the horse, give the

24 horse drugs. There's no horse that needs drugs. That --

25 CHAIR FERRARO: I'm sorry.

1 MS. SIEGAL: -- it's just outrageous.

2 CHAIR FERRARO: You're drifting of the subject.

3 MS. SIEGAL: I can't believe that.

4 CHAIR FERRARO: Operator, let's go on to the next
5 caller please.

6 MS. SIEGAL: I want you to --

7 OPERATOR: Thank you.

8 Our next comment comes from Elvia Sedano, a
9 concerned citizen.

10 Please go ahead.

11 MS. SEDANO: Good morning. I'm asking --

12 CHAIR FERRARO: Go ahead please.

13 MS. SEDANO: Good morning. I'm asking the CHRB to
14 please file a petition for Rule 1435 to suspend racing on an
15 emergency basis.

16 Thank you.

17 CHAIR FERRARO: Thank you.

18 Next please.

19 OPERATOR: There are no further comments at this
20 time.

21 CHAIR FERRARO: Thank you.

22 Any further comments from the Board?

23 We'll move on to agenda item number three. This
24 is discussion and action by the Board on the Renewal
25 Application for License to Operate a Minisatellite Wagering

1 Facility for Race & Sports Authority LLC, dba 58 Flat.

2 Amanda Drummond, can you inform the Board
3 regarding this matter please?

4 MS. DRUMMOND: Yes, I can. Good morning. Yes.
5 Good morning, Commissioners. Amanda Drummond, Policy,
6 Regulations, and Administrative Hearings Manager with the
7 CHRB.

8 Agenda item three is the discussion action for the
9 Renewal Application to Operate a Minisatellite Facility for
10 Race & Sports Authority, LLC, dba 58 Flat.

11 So at the January 20, 2021 meeting the Board
12 approved a change of ownership request for 58 Flat pursuant
13 to Rule 2066(h) following a partial sale of the business.
14 The license for 58 Flat was originally licensed in 2016 and
15 is currently active until May 26th, 2021.

16 The application is currently missing approval from
17 SCOTWINC, which has left to several outstanding items.
18 Additional items missing that are not related to the
19 approval of SCOTWINC that would still need to be received
20 are a valid fire clearance, all agreements with associations
21 and fairs, horsemen's approval from the TOC, PCQHRA, and
22 CHHA, a completed and signed part two of the application, a
23 full disclosure statement, and proof of Worker's
24 Compensation coverage. A full list of all the outstanding
25 items is reflected at the bottom of the Staff analysis in

1 the Board's packet.

2 The Renewal Application was received on February
3 2nd, 2021. And pursuant to Rule 2066(f), the Board is
4 required to approve or deny the application within 90 days
5 of receipt of the application.

6 Mr. Kanakaris, owner of 58 Flat, is available for
7 any questions the Board may have and provide any additional
8 information.

9 CHAIR FERRARO: Members of the Board have
10 questions for Amanda?

11 If so, we probably should hear from Mr. Kanakaris.
12 And I think there's a Mr. Tewksbury (phonetic), Operator,
13 that probably both want to speak to this item. Can we hear
14 from them please?

15 OPERATOR: Absolutely.

16 We now have Denny Kanakaris's line live.

17 CHAIR FERRARO: Go ahead please.

18 MR. KANAKARIS: Good morning, Chairman and
19 distinguished Board Members. My name is Denny Kanakaris and
20 I'm the owner/operator of Race & Sports Authority, LLC, dba
21 58 Flat. And, obviously, I'm calling in on this non-renewal
22 of minisatellite facility. This item is a very, very
23 sensitive and significant item to me because I've spent the
24 last five years -- and I've been a CHRB horse owner since
25 1999, so I'm a very passionate horse owner. And my facility

1 in San Diego, which is located in Bonita, is one of the
2 leading facilities in the state of California as per patron.
3 And I'm the number one facility in the state per patron and
4 average handle per patron.

5 This renewal is troublesome to me because I
6 understand that this is the first, from what I understand,
7 speaking to personnel at CHRB, I'm the first minisatellite
8 that has not been renewed.

9 We, as an industry, have been endured various
10 negative publicity over the years. The integrity of our
11 industry has been questioned. And, sadly, non-renewal of my
12 minisatellite without reason or cause is now questioning the
13 integrity of SCOTWINC.

14 I have, over the last five years, taken my
15 business, taken this minisatellite -- I have supported the
16 industry through donations to CARMA. I have supported it by
17 employing people at my minisatellite. And I'll repeat
18 again, it's very troubling to me because I've really focused
19 my complete attention to this minisatellite. I take it very
20 seriously.

21 I've endured COVID closures. I was closed last
22 year from March 17th to this year, February, 147 days, which
23 is approximately five months of complete closures. I was in
24 complete compliance with every COVID protocol. I never had
25 one COVID outbreak.

1 I took every measure by implementing face
2 coverings, mandatory face coverings, even when people were
3 sitting down. I did all the various plastic separations
4 between personnel, the social distancing. I added some
5 patio for outside dining when we were allowed to do outside
6 dining. And I put in 13 different hand sanitizers to be
7 able to allow people to be able to sanitize themselves and
8 keep a safe environment. I sanitized the facility daily.
9 That covers the COVID aspect of it.

10 I have never had any violation of suspension to my
11 facility or to me personally.

12 In the last approximately five years I have never
13 closed my facility on a race day. I have 100 percent
14 attendance record, a complete 100 percent attendance record.

15 I am a model facility. I think my facility should
16 be used in other satellite facilities to be a model of how
17 it should be owned and operated.

18 I hope in your packet that you received you would
19 see that I offer attire, marketing things, pens, jackets,
20 hats. On Kentucky Derby in a couple of weeks, even though
21 I'm in this process of non-renewal, I'm going to give away
22 free Kentucky Derby-licensed keychains. I do these various
23 things to support what I believe. I take great pride in
24 this facility.

25 And, again, I'm going to emphasize that there is

1 no reason or cost to SCOTWINC (indiscernible) will comment
2 shortly after I speak that we've attempted to contact
3 SCOTWINC's attorney, Ed Misau (phonetic), and we do not get
4 a return phone call. It's very frustrating.

5 I am committed to a point that I have an
6 obligation to this facility. I have a lease until next
7 March. If I am not granted my renewal I have a facility
8 that I have an obligation which would really, to me, will be
9 a death sentence penalty of being obligated to pay \$13,000 a
10 month for the next nine months, that's over \$100,000, not
11 being able to operate my minisatellite.

12 So our market in San Diego is not a saturated
13 market. It's myself, Villegas (phonetic), Del Mar, and San
14 Clemente, so it's not a saturated market. And there's no
15 question or disputing the fact that a minisatellite will be
16 awarded in my area if I'm not renewed. The rumors are out
17 there. I know it. I've been told. And in the past five
18 years (indiscernible) I think. I don't know. I would
19 welcome any comments or anybody to chime in and tell me what
20 may be something that I may have done that I'm not aware of,
21 but I operate a great facility.

22 The mystery of not being renewed is something I
23 hope the Board and Chairman and, maybe, hopefully, SCOTWINC
24 will chime in to give me a reason or cause why I'm not being
25 renewed.

1 CHAIR FERRARO: Well, I can give you some specific
2 reasons why you may not be renewed, and that's because you
3 haven't filled out all the parts of the application that are
4 necessary. There's five items here, including several items
5 under item five, that you haven't filed with the Board that
6 are required for you to run a facility. If you've been so
7 passionate about keeping this running, why haven't you filed
8 the proper paperwork?

9 MR. KANAKARIS: Chairman, I filed paperwork. And
10 I was -- I think today's phone call or renewal discussion is
11 more focused on me not being able to get SCOTWINC's
12 approval, which is necessary for me to proceed and be able
13 to provide the documents that are required.

14 If was to be renewed, those documents would be in
15 your hand in the next -- in 24 hours. I do apologize for
16 not having them. I provided documents with the application
17 process. I understand there are some items that are
18 pending. But the most significant item is having SCOTWINC's
19 approval. I cannot proceed without -- with any of those
20 other items if I don't get SCOTWINC's approval.

21 CHAIR FERRARO: Well, but, Mr. Kanakaris, you
22 know, this subject of your renewal and the problems that
23 you've had was on last month's agenda. I would think you've
24 had have plenty of time to file the second one, everything
25 but you haven't got SCOTWINC's approval. And the rest of

1 the application material should have been filed and it
2 hasn't.

3 MR. KANAKARIS: I have no problem. And I hope you
4 would welcome or accept the missed items left to SCOTWINC to
5 the next 24 to 48 hours and I will submit that. If I have
6 90 days from February 2nd, my application, that would take
7 me to May 2nd. And I would still be -- hopefully, you would
8 grant my request that I submit those documents that are
9 missing. And I will provide it no later than Monday or
10 Tuesday of next week which would be within the 90 days. And
11 I respectfully request that you will allow me or grant me
12 that opportunity.

13 CHAIR FERRARO: Okay. Do we have any questions
14 from any other Commissioners for Mr. Kanakaris? There are
15 none?

16 Does Mr. Tewksbury wish to speak?

17 MR. TEWKSBURY: Yes, Mr. Director.

18 CHAIR FERRARO: Operator?

19 MR. TEWKSBURY: This is Mark Tewksbury. Can you
20 hear me?

21 CHAIR FERRARO: Yes. Go ahead.

22 MR. TEWKSBURY: Thank you. Thank you, Director
23 and the Board. Good morning to you. As you know, I'm the
24 legal counsel for Mr. Kanakaris and Race & Sports Authority.

25 I'm still concerned that the legal ramifications

1 of non-renewal with no cause. He's the leading
2 minisatellite in the state. It just makes no sense that he
3 isn't going to be renewed.

4 But I'll reserve comment in legal aspects of this
5 for another time.

6 CHAIR FERRARO: Thank you.

7 MR. TEWKSBURY: Thank you.

8 CHAIR FERRARO: Do we have a representative of
9 SCOTWINC that could address the Board please?

10 OPERATOR: Yes, we do have Rick, a representative
11 from SCOTWINC.

12 Your line is now live.

13 MR. BAEDEKER: Thank you, Operator.

14 CHAIR FERRARO: Go ahead please.

15 MR. BAEDEKER: Good morning. Good morning. Can
16 you hear me?

17 CHAIR FERRARO: Yes. Go ahead.

18 MR. BAEDEKER: Yeah. Hi. Good morning,
19 Commissioners and Staff. This is Rick Baedeker. I'm doing
20 some part-time work for SCOTWINC. And, of course, when I
21 was with the Board I was aware of the minisatellite at --
22 down in San Diego, 58 Flat. And the contract that SCOTWINC
23 has with each of the satellites provides that SCOTWINC can
24 serve a 90-day notice of non-renewal, which it has done in
25 this case. And I would say the primary reason for issuing

1 that notice was problems between the applicants and the
2 landlord. And there's an ongoing, dating back to, well,
3 over the last couple of issues.

4 There are other issues which I think are probably
5 maybe inappropriate for this public conversation. But our
6 attorney supports the rights of SCOTWINC to not renew this
7 contract with the application.

8 CHAIR FERRARO: Any questions from the Board?

9 Thank you, Rick.

10 Do we have industry, other industry people who
11 would like to speak?

12 MR. MARTEN: No. No one else from the industry.

13 CHAIR FERRARO: Okay. So we have a queue on this?

14 MR. MARTEN: One person.

15 CHAIR FERRARO: Go ahead please.

16 Operator, let them speak.

17 OPERATOR: Thank you.

18 We will now go to Sara Siegal, a citizen.

19 Please go ahead.

20 MS. SIEGAL: Thank you. I just ask the CHRB not
21 to renew his license because it's animal cruelty. And I
22 appreciate you not supporting animal cruelty.

23 Thank you.

24 CHAIR FERRARO: Thank you.

25 OPERATOR: There are no further comments.

1 CHAIR FERRARO: Okay. Any questions or comments
2 from the Board?

3 Well, given the fact that we really can't renew
4 this license without SCOTWINC's approval, and given the fact
5 that we have other agenda -- other required documents that
6 are not on file, I would make a motion not to approve the
7 relicensing of dba 58 Flat. Can I have a second for that
8 please?

9 COMMISSIONER CASTELLANOS: Castellanos seconds.

10 COMMISSIONER MITCHELL: Second.

11 CHAIR FERRARO: Okay. We'll take a vote.
12 Commissioner Gonzales?

13 VICE CHAIR GONZALES: Yes.

14 CHAIR FERRARO: Commissioner Alfieri?

15 COMMISSIONER ALFIERI: Yes.

16 CHAIR FERRARO: Commissioner Castellanos?

17 COMMISSIONER CASTELLANOS: Yes.

18 CHAIR FERRARO: Commissioner Davis?

19 COMMISSIONER DAVIS: Yes.

20 CHAIR FERRARO: Commissioner Mitchell?

21 COMMISSIONER MITCHELL: Yes.

22 CHAIR FERRARO: And the Chairman votes yes. Item
23 is denied.

24 Moving on to item number four, discussion and
25 action by the Board on the Initial Application for License

1 to Operate a Minisatellite Wagering Facility for Glen Arden
2 Club.

3 Amanda, you want to elucidate this for us?

4 MS. DRUMMOND: Yes. Good morning again,
5 Commissioners. Amanda Drummond here.

6 Agenda item four is the discussion and action for
7 the Initial Application to Operate a Minisatellite Facility
8 for Glen Arden Club. If the Board approves the application
9 today the license term will be effective starting today and
10 continue for five years, until April 20th, 2026. Everything
11 has been received for this application so this is considered
12 complete. Specific things would need to be updated during
13 the five-year license term, including the Worker's Comp
14 Insurance and fire clearance, but we have received it.

15 And I also believe we have representatives from
16 Glen Arden Club available for any questions the Board may
17 have.

18 CHAIR FERRARO: Any questions from the Board?

19 Do we have a representative for the Glen Arden
20 Club that would like to address the Board please, Operator?

21 OPERATOR: One moment while we join them live. We
22 now have Gregory with us.

23 MR. BURELLI: Please go ahead.

24 CHAIR FERRARO: Go ahead please.

25 MR. BURELLI: Good morning, Mr. Chairman,

1 Commissioners. My name is Alex Burelli (phonetic) and I'm
2 sitting here with my partners, Gregory and Edward.

3 I would first like to start off by thanking all of
4 you for your time and consideration for this wonderful
5 opportunity. We're very excited to offer the world of horse
6 racing to Glendale and our surrounding communities. We have
7 deep roots here in Glendale, from city management to first
8 responders, the community members in general. And everyone
9 from across the entire spectrum is asking us, almost on a
10 daily basis, when this is going to get started.

11 So we're very excited. And I'm here to answer any
12 questions the Board or the Commissioners may have.

13 Thank you very much.

14 CHAIR FERRARO: Thank you.

15 Any questions from the Board?

16 Amanda, all the proper paperwork has been filed on
17 this item; is that correct?

18 MS. DRUMMOND: Yes, everything has been received,
19 so we are good on our end.

20 CHAIR FERRARO: Okay. Do we have industry
21 representatives who would like to speak on this item?

22 Do we have a queue, Operator?

23 OPERATOR: Yes, we do.

24 CHAIR FERRARO: Go ahead and start the queue.

25 OPERATOR: Thank you.

1 We have a comment coming from Rick Baedeker with
2 SCOTWINC.

3 Please go ahead.

4 MR. BAEDEKER: Yes.

5 CHAIR FERRARO: Go ahead, Rick.

6 MR. BAEDEKER: Thank you again, Commissioners.
7 Hello. And I'm just here to answer any questions that you
8 might have about this site. I saw this site a couple of
9 weekends ago and I think it might be -- end up being the
10 premiere minisatellite location in the state. Lots of room.
11 Beautiful building just a couple of blocks off of Brand
12 Boulevard, right in the heart of Glendale. And, uniquely,
13 it has its own parking lot with 90 spaces, which is -- you
14 know, can be a problem for some of the minisatellite.

15 So everything looks good with this one.
16 SCOTWINC is enthusiastically supportive. And we have all
17 the approvals from the tracks and the horsemen.

18 CHAIR FERRARO: Thank you very much.

19 Next please.

20 OPERATOR: There are no further comments in queue.

21 CHAIR FERRARO: Do we have comments or questions
22 from the Board?

23 Given that everything looks in proper order, I
24 would move that we allow licensing of the Glen Arden Club.
25 Do I have a second?

1 COMMISSIONER ALFIERI: Second by Alfieri.

2 COMMISSIONER DAVIS: Davis seconds.

3 CHAIR FERRARO: Okay. Commissioner Gonzales?

4 VICE CHAIR GONZALES: Yes.

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: And the Chairman votes yes. The
14 item is approved. Good luck with your new endeavor.

15 Moving on to item number five, discussion and
16 action by the Board regarding the proposed amendments to
17 CHRB Rule 1688, Use of Riding Crop, to regulate penalties
18 for crop violations to create consistency throughout the
19 state.

20 Amanda, I think you're going to speak to this
21 today; is that correct?

22 MS. DRUMMOND: Yes, that is correct. Hello,
23 again, Commissioners. Amanda Drummond here again.

24 So rule six -- agenda item five is the proposal to
25 modify Rule 1688. If you recall, the Board did see this

1 revision at the last meeting. But following comments, it
2 was tabled until today to allow for additional revisions to
3 be made.

4 Specifically, what's before you today is very
5 similar to what we saw last month, with the exception that
6 subsection (f) was removed. So the new subsection (f) was
7 actually the prior subsection (g). And this is just because
8 the prior subsection (f) was just about taking up to 50
9 percent of the jockeys funds. And the Board believed that
10 was a bit too harsh, so we modified it accordingly.

11 Everything else has remained the same, so this
12 amendment is mostly just to modify and clarify penalties,
13 and to provide consistency throughout the state.

14 And I am available if you have any further
15 questions.

16 CHAIR FERRARO: Well, just to be clear, this
17 changes the rule from the fine being a maximum of \$1,000 to
18 a rule being a minimum fine of \$500; is that correct?

19 MS. DRUMMOND: Correct. Yeah. So it's changed
20 from a maximum fine of \$1,000 and to a minimum -- and a
21 minimum suspension of three days to a minimum fine of \$500
22 but with the ability, still, for the stewards to impose a
23 greater fine. So it allows more discretion for the stewards
24 to analyze the situation. And we also changed the text from
25 "and" to "or" which does provide more flexibility, as well,

1 depending on the severity of the situation and violation.

2 CHAIR FERRARO: Correct.

3 Mr. Chaney, do you have a comment on this, just to
4 clarify --

5 EXECUTIVE DIRECTOR CHANEY: Thank you.

6 CHAIR FERRARO: -- what the stewards --

7 EXECUTIVE DIRECTOR CHANEY: Yeah, thank you.

8 CHAIR FERRARO: -- are able to do?

9 EXECUTIVE DIRECTOR CHANEY: Yeah. Thank you, Mr.
10 Chairman. I think Amanda covered it pretty well.

11 But, yes, the idea is that it standardizes
12 penalties throughout the state. Based on existing language,
13 it appeared that we have sort of a disparate application
14 among Boards of Stewards. And so to be more fair to
15 jockeys, particularly in Northern California, it would
16 create a minimum fine. And also it would -- it delineates
17 the cases in which stewards would deviate from that fine.
18 And, obviously, it lists a few factors that define
19 egregious. Basically, it's hitting overhanded, or many
20 violations in recent pasts, and/or the number of times over
21 the limit would also be taken into account. So the idea is
22 to create uniformity throughout the state.

23 And then in the last section, (f), it's just a
24 clarification of the existing rule.

25 CHAIR FERRARO: So in how many races do stewards,

1 at their discretion, (indiscernible) with egregious
2 violation can impose a substantial fine over the \$500; is
3 that correct?

4 EXECUTIVE DIRECTOR CHANEY: That's correct. There
5 is no maximum, nor there is no -- nor is there a maximum
6 number of suspension days. It would be up to the stewards'
7 discretion, but certainly not required as last month's
8 incarnation of the rule.

9 CHAIR FERRARO: Okay. Any questions from the
10 Commissioners for Scott or Amanda?

11 VICE CHAIR GONZALES: Chairman --

12 COMMISSIONER DAVIS: Commissioner Davis here.

13 VICE CHAIR GONZALES: -- well, this is Oscar.
14 Oh, I'm sorry. I'll go after you Commissioner
15 Davis.

16 COMMISSIONER DAVIS: Oh, thank you.

17 I just had a concern on part (d) where it talks
18 about, "A greater fine or minimum of three suspension days
19 or both can be imposed," and it goes on to talk about, "if
20 it is egregious or intentional," and sets forth some of the
21 factors, "including but not limited to."

22 For the sake of removing any ambiguity, I think
23 that sentence that talks about factors in determining
24 whether a violation is egregious should also say,
25 "egregious or intentional, including but not limited to," so

1 that we have some --

2 CHAIR FERRARO: Yeah.

3 COMMISSIONER DAVIS: -- consistency, as well,
4 there.

5 CHAIR FERRARO: Well, I think that's a reasonable
6 addition.

7 Can we impose that, Mr. Chaney, please?

8 EXECUTIVE DIRECTOR CHANEY: You can. So the
9 change to what has been proposed would simply be under the
10 last sentence in (d), "Factors in determining whether a
11 violation is egregious or intentional," so add the words,
12 "or intentional."

13 What the Board would be doing today, if it so
14 chooses, would be sending it out for 45-day comment. So the
15 change that Commissioner Davis proposes would simply be made
16 and that version would be sent out for 45-day comment.

17 CHAIR FERRARO: Great. I think that sounds
18 reasonable.

19 COMMISSIONER DAVIS: Thank you.

20 CHAIR FERRARO: Oscar?

21 VICE CHAIR GONZALES: Yeah, Chairman. Thank you,
22 sir.

23 I just wanted to ask about the kind of information
24 that's going to be shared with riders going into the big
25 race. I mean, what we don't want to hear is, you know, that

1 they did not know and that they were not made aware.

2 So, Mr. Chaney, can you address just some kind of
3 information sharing that would be shared with, especially,
4 out-of-state riders about this rule?

5 EXECUTIVE DIRECTOR CHANEY: Sure. Obviously, for
6 in-state riders, it's pretty, you know, pretty clear. Our
7 Boards of Stewards, speaking from like this role and my
8 previous role as a steward, I can tell you that, you know,
9 in-state rider are certainly made well aware of any changes
10 to rules.

11 With respect to out-of-state riders or new riders,
12 they are also given a copy of the rules when they come,
13 specifically with extra-big races, like the Breeders' Cup,
14 for example, you know, which obviously has the largest
15 purses in our state. The stewards have meetings with the
16 entire riding colony each morning both Friday and Saturday.

17 And so those riders, both ones coming from other states and
18 other countries, are specifically alerted to both the riding
19 rules and potential for penalties, and a myriad of other
20 things in terms of, you know, safety and other regulations
21 and things like that.

22 So I would say there's pretty robust communication
23 between our contractors on the grounds, the stewards at each
24 track, and the jockeys.

25 VICE CHAIR GONZALES: Thank you.

1 And, Mr. Chairman, from my standpoint this
2 addresses the concern that I had. Right along, it's been
3 about, you know, any excessive whipping, and putting in-
4 state riders, those that are based locally, at a
5 disadvantage. And I believe this measure addresses any
6 concern that I had.

7 So the CHRB Staff, good work on this. I'm hoping
8 this is something that we can adopt with the hope that we
9 have it in place before the upcoming Breeders' Cup.

10 CHAIR FERRARO: I agree with you, Oscar. I think
11 this protects the domestic rider. Our concern had been that
12 the riders, particularly from foreign countries, could
13 violate the rule. And a \$500 fine and a three-day
14 suspension would be meaningless to them. So this allows for
15 considerably more punishment for egregious violations. And
16 it's increasingly fair to our domestic rider colony.

17 Any other comments from the Board?

18 Do we have industry or jockey colony people who
19 would wish to speak?

20 MR. MARTEN: We have one industry individual,
21 Shane Gusman, for the Jockeys' Guild. And then there are
22 six public citizens wishing to speak.

23 CHAIR FERRARO: Okay, Shane.

24 Let's hear from Shane.

25 OPERATOR: Please go ahead, Mr. Gusman.

1 MR. GUSMAN: Good morning. Thank you.

2 Good morning, Mr. Chairman, Commissioners. Shane
3 Gusman with Rod & Gusman appearing on behalf of the Jockeys'
4 Guild.

5 I'd like to start by thanking the Chairman and the
6 Commissioners for pausing this last month and engaging in a
7 dialogue with the jockey community in an effort to address
8 some of our concerns.

9 We certainly appreciate the clear linking of the
10 most egregious conduct with the significant or higher
11 penalties and the elimination of the 50 percent purse
12 forfeiture provision. Those are pretty large concerns of
13 the folks in the Guild in California.

14 You know, as in any situation like this, there are
15 elements of the proposed penalty scheme that, you know,
16 remain concerning for us. Most notably, that there are
17 minimum fines, which we appreciate, but no maximum fine.
18 And you know, obviously, our concern is that at some point
19 someone could get a fine that's out of whack. It's hope
20 that as the rule is adopted and implemented that such wide
21 latitude and discretion is closely monitored by the Board
22 and addressed if it becomes necessary.

23 So, again, we thank the Board for including us in
24 the dialogue and look forward to working with you on a
25 number of issues, including jockey health and safety, and

1 jockey health and welfare going forward.

2 CHAIR FERRARO: Thank you. I'll just interject
3 that, you know, your riders always have the ability to
4 appeal rulings to the Board. And we hope that any fines or
5 punishment that's advanced by the stewards would be proper.
6 So I think, you know, your worries there would probably be
7 not significant.

8 I'd also like to publicly commend Commissioner Castellanos
9 for his efforts in communicating with the local jockey
10 colony on this issue to try to come to a better regulation
11 and I appreciate his efforts.

12 Now we have a queue. Let's begin with the queue.
13 And I would remind anybody speaking, this is not about the
14 use of the crop or crop type or anything else. This is
15 about a rule to create penalties for misuse of the crop, so
16 confine your comments to the penalty aspect of this.

17 Go ahead, Operator.

18 OPERATOR: Thank you.

19 Before moving to public comment, we do have a
20 newly industry leader joining us, and that is from TOC, and
21 Greg Avioli.

22 Please go ahead.

23 CHAIR FERRARO: Okay. Go ahead. Yeah, go ahead,
24 please.

25 OPERATOR: Mr. Avioli, your line is live.

1 MR. AVIOLI: Thank you very much. Thank you, Mr.
2 Chairman. Greg Avioli from the TOC.

3 First off, we'd like to join with Mr. Gusman and
4 thank the CHRB for improvement in this current version of
5 the rule versus what was presented in March.

6 At the same time, we share the concern of the
7 Jockeys' Guild in regards to the lack of guidance as to the
8 amount of the times. Having heard your response to the
9 previous testimony from Mr. Gusman, we look forward to the
10 Board and the stewards setting forth reasonable guidance as
11 this rule is rolled out, assuming that it passes after 45
12 days.

13 Thank you.

14 CHAIR FERRARO: Thank you.

15 Start your queue, Operator.

16 OPERATOR: Thank you.

17 We will go to our first comment from Bonnie
18 Croker, a citizen.

19 Please go ahead.

20 MS. CROKER: Good morning again. It's Bonnie
21 Croker, concerned citizen.

22 First, I'd like to thank the CHRB for the
23 countless hours you've worked to establish riding crop rules
24 that everyone can live with. Unfortunately, even if you do
25 reach an agreement that humans can live with, the horses

1 will continue to die.

2 That being said, in deciding appropriate penalties
3 for jockeys who disregard your rules, please make the
4 penalties extremely punitive and expensive, greater than
5 they are now which is just a reasonable cost of doing
6 business.

7 Consider race six at Los Alamitos, November 13th,
8 2020. Two-year-old gelding El Aracata (phonetic) was
9 whipped by his jockey 19 times before crossing the finish
10 line in fourth place. El Aracata sustained a significant
11 injury during that race and was vanned off immediately
12 afterwards. He then disappeared from public record and
13 seems to be missing in action. Please share knowledge of
14 his whereabouts, if you are aware.

15 What penalties did El Aracata's jockey receive
16 after whipping him 19 times, causing overexertion, injury,
17 and possible death? A couple hundred dollars? A couple
18 days of mandatory vacation?

19 CHRB, horse racing is a high-stakes blood sport in
20 permanent disability and, yes, always a mere split-second
21 away for horses and jockeys. CHRB, until horse racing is
22 inevitably voted out of California, you must create high-
23 stakes penalties for jockeys who refuse to follow the rules
24 of this deadly game.

25 Thank you.

1 CHAIR FERRARO: Next please.

2 OPERATOR: Next we are going to Martha Sullivan, a
3 citizen.

4 Please go ahead.

5 MS. SULLIVAN: Yes. Hello again. You know, I've
6 mentioned this before, I regulated utilities for the State
7 of California for about 20 years. And I know from that
8 experience, and I now have witnessed it, being involved in
9 this horse racing industry, that reform without enforcement
10 is mere window dressing. So it's good that you're typing up
11 your penalties and you're giving your stewards more
12 authority and discretion to levy fines.

13 But I also want to observe that the injury of the
14 horse at Los Alamitos that Bonnie just mentioned, I scoured
15 the steward's minutes and couldn't find any penalty against
16 that jockey, and that was 19 strikes in a very short race.

17 I also find it interesting in watching the Santa
18 Anita livestream that before the first place jockey and
19 horse has their picture taken the Santa Anita employees take
20 the jockeys whip from him or her. So, clearly, they don't
21 want the whip in the photo. They know that this is not a
22 good look for the industry.

23 So please continue. Don't make this just window
24 dressing. Make this real because that's the only thing that
25 actually works, is to have consequences for the violation of

1 this rule.

2 CHAIR FERRARO: Thank you.

3 Next please.

4 OPERATOR: Next is Wayne Johnson, a citizen.

5 Please go ahead.

6 MR. JOHNSON: Yes. Thank you.

7 If you were whipping your dog or your cat, the
8 fines would be much higher. You had it right last time in
9 going towards higher fines.

10 Thank you.

11 CHAIR FERRARO: Thank you.

12 Next please.

13 OPERATOR: Next is Lynn Frudenberg, a citizen.

14 Please go ahead.

15 MS. FRUDENBERG: Hey, good morning. I'm all for
16 safety for the rider and the horses. But 1688 must be
17 consistent throughout the state. This whipping rule is not
18 enforced. Violations are seen every week, especially at Los
19 Alamitos. Current penalties and suspensions are not enough
20 of a deterrent. They blame the jockeys on not being able to
21 keep track, yet they are the ones whipping the horses to
22 make them to go faster, then blame the ineptitude on the
23 very performance that they are encouraging.

24 Violating jockeys should be disqualified.

25 Whipping a horse over and over again inflicts physical and

1 psychological pain and increases the likelihood of injury.
2 We need to have a zero-tolerance for whipping that must be
3 enforced throughout the state.

4 Now with that being said, this whipping has no --
5 does not help the Standardbreds. Cal Expo Harness Racing,
6 there is no current maximum number of strikes for the
7 harness horses. Are you going to take enforcement and look
8 at the harness racing too? They shouldn't be struck over
9 and over and over again to run faster.

10 Thank you.

11 CHAIR FERRARO: Thank you.

12 Next please.

13 OPERATOR: Next is Andrew Lesser, a citizen.

14 Please go ahead.

15 MR. LESSER: Yes. Good morning Board. You know,
16 I have a question.

17 The word love is used. Horses love to run.
18 Owners, trainers, backstretch workers love their horses. So
19 you know, it's not allowed to whip a horse more than six
20 times, but six times or fewer, that's fine, as long as you
21 love the horse. You can't whip a horse after crossing the
22 finish line. But as long as the horse is still in the race
23 before the finish line, you can whip the horse.

24 So my question is: If a horse loves to run, why do
25 you need to whip it at all?

1 So if you say you love the horse, well, you love
2 your spouse, how many times can you whip your spouse? How
3 about your children? Your dog? Your category?

4 It's simply animal abuse. And any attempt to
5 regulate it is nothing more than rationalizing the sport for
6 ego and money and to protect jobs, and that's all it is.

7 Thank you.

8 CHAIR FERRARO: Thank you.

9 Next please.

10 OPERATOR: Next is Michele Walther, a citizen.

11 Please go ahead.

12 MS. WALTHER: Hi. My name is Michele Walther.

13 And I've just listened to the last citizens speak about the
14 Rule 1688. And I'm wondering, why would you create a rule,
15 1688, if it's not enforced? There's no transparency. And
16 like everybody says, all the horse owners and the jockeys
17 and all the backyard stretchers [sic] love their horses.

18 Well, if everybody, like the last guys said, loves
19 horses so much, then why do you have to whip them? I mean,
20 really, if, like he said, if the horses love to run and
21 that's what they love to do, then why is whipping even in
22 the element?

23 So you've created a rule that is redundant because
24 you're -- you constantly say you love horses but then you've
25 got to create a rule that you don't whip them more than 19

1 times? I mean, unbelievable. How would you like to be
2 whipped once and see how it feels?

3 This is so animal abuse. I'm disgusted with the
4 horse racing industry. I can't believe it. End of
5 conversation.

6 CHAIR FERRARO: Thank you.

7 Next please.

8 OPERATOR: Next we are going to Sara Siegal, a
9 citizen.

10 Please go ahead.

11 MS. SIEGAL: Good morning. I just wanted to
12 state -- restate kind of what Andy said, the other person.
13 He, I think, used to have a history in horse racing. And I,
14 myself, group up in Louisville around horse racing at the
15 track where my family owns horses still to this day and
16 tells me how good they treat them, takes me to the back,
17 shows me how they give them baths.

18 And the thing about the whipping the horses is
19 there's a rule for whipping horses but it's a felony, it's
20 actually illegal to abuse animals. It's actually a felony
21 that was signed into law. So I'm not sure why we're having
22 a rule about whipping horses because hitting a horse just
23 once is animal cruelty. So you have this rule about six
24 times, or this, that, and how many times.

25 It's just like how many times are you guys going

1 to have these meetings over and over, you know,
2 substantiating this animal cruelty? And you have a Board
3 that is on here trying to censor any comments that they
4 don't like, of course, because, as we know, that's what
5 grown adults do that abuse animals, they try to justify it
6 any way they can.

7 But I think what you should do is a have a rule
8 that's called common sense. The rule is common sense. Just
9 do unto others as you would have do unto yourself, the
10 Golden Rule; right? So why would you want to hit a horse?
11 What would be any reason to hit a horse? What would a horse
12 do that would constitute anybody in this whole world to hit
13 a horse? So you should ask yourself that question.

14 I'm actually going to contact the Attorney General
15 of California to have an investigation, to launch an
16 investigation into the California Horse Racing Board. So
17 stay tuned. And I really think that you guys need to wake
18 up because this is about to become a George Floyd story.
19 It's going all over the news. And I'm not going to stop
20 until horse racing is ended forever.

21 Thank you.

22 CHAIR FERRARO: Thank you.

23 Next please.

24 OPERATOR: Next is Elvia Sedano.

25 Please go ahead.

1 MS. SEDANO: Good morning. I just want to ask the
2 CHRB to not decrease the fines. These whippings are not
3 acceptable. And these jockeys need to know that there are
4 penalties to pay if they get out of line on abusing these
5 beautiful horses. It's not fair to the horses. They feel
6 pain, just like any other living being.

7 Please do not decrease these fines. If you do it
8 will just open up the gates for them to be free, the jockeys
9 to be free and do whatever they want.

10 Thank you.

11 CHAIR FERRARO: Thank you.

12 Next please.

13 OPERATOR: There are no further comments at this
14 time.

15 CHAIR FERRARO: Thank you.

16 Any comments from the Board? Can I have a motion?

17 COMMISSIONER CASTELLANOS: Castellanos moves.

18 COMMISSIONER ALFIERI: So moved by Alfieri.

19 CHAIR FERRARO: Go ahead, Damascus.

20 COMMISSIONER CASTELLANOS: Castellanos. Motion.

21 EXECUTIVE DIRECTOR CHANEY: Mr. Chairman --

22 COMMISSIONER ALFIERI: I'll second.

23 EXECUTIVE DIRECTOR CHANEY: -- Scott Chaney.

24 CHAIR FERRARO: Yes. Go ahead, Scott.

25 EXECUTIVE DIRECTOR CHANEY: Yeah. I just wanted

1 to make sure, if the Board is going to take a vote, I just
2 wanted to make sure, clarify the fact that you are going to
3 include Commissioner Davis's addition, the "or intentional"
4 language?

5 CHAIR FERRARO: Yes, that is correct.

6 EXECUTIVE DIRECTOR CHANEY: Okay. Thank you.

7 CHAIR FERRARO: We have a motion to approve. Do
8 we have a second? (Clears throat.) Excuse me.

9 COMMISSIONER ALFIERI: I'll second.

10 CHAIR FERRARO: All right. Commissioner Gonzales?

11 VICE CHAIR GONZALES: Yes.

12 CHAIR FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIR FERRARO: Commissioner Castellanos?

15 COMMISSIONER CASTELLANOS: Yes.

16 CHAIR FERRARO: Commissioner Davis?

17 COMMISSIONER DAVIS: Yes.

18 CHAIR FERRARO: Commissioner Mitchell?

19 COMMISSIONER MITCHELL: Yes.

20 CHAIR FERRARO: And the Chair votes yes. Thank
21 you.

22 Moving on to item number six, public hearing and
23 action by the Board regarding the proposed amendment to CHRB
24 Rule 1891.1, Penalty for Possession of Electrical Device, to
25 require that a complaint against a licensee for violation

1 of, or conspiring to violate, Rule 1890(c) shall be referred
2 to the Stewards for hearing and adjudication.

3 Mr. Brodnik, can you explain this change,
4 necessary change, to the Board please?

5 MR. BRODNIK: Yes. Thank you, Chairman.

6 Good morning, Commissioners. Robert Brodnik,
7 California Horse Racing Board.

8 Item six on the agenda is a proposed amendment to
9 CHRB Rule 1891.1, to require that a complaint against
10 licensee for a violation of 1890(c) be referred to the
11 stewards for hearing and adjudication.

12 No comments were received during the 45-day
13 comment period, so this item is presented for your approval.

14 As a way of background, prior to 2015, cases
15 involving these types of complaints were sent to the
16 stewards for hearing and adjudication. However, in 2015,
17 the Board adopted Rule 1891.1 to require revocation of
18 license as a punishment. This adoption required that these
19 cases be heard by an Administrative Law Judge.

20 And what we've seen over the past six years is
21 that these cases take a significant time to litigate,
22 sometimes up to one year, which leaves both the licensees
23 and the Board without finality as these cases progress from
24 accusation, through hearing, and then to ruling.

25 So this amendment would allow these cases to be

1 returned to the stewards for adjudication. Notably, if the
2 stewards felt that a specific case warrants a revocation
3 because of, potentially, the egregious nature or the record
4 of the licensee, the stewards could still refer the case to
5 the Board for revocation of license under CHRB Rule 1529.

6 So in summary, what the Board is attempting to do
7 with this amendment here would be to restore the
8 adjudication pathway back to the stewards to be able to more
9 efficiently resolve these cases in a timely manner.

10 And I'm happy to answer any questions if you have
11 them.

12 CHAIR FERRARO: So am I correct in understanding
13 that the current rule, as it stands, during this period of a
14 long period of time where these hearings take place and the
15 finality of the issue can take up to a year, that the vendor
16 (phonetic) is still allowed to continue to ride and race or
17 can maintain its CHRB license; is that correct?

18 MR. BRODNIK: Yes, that's correct, Chairman. So
19 it's important to note that, you know, when a complaint is
20 filed it's an accusation, and so there's no change in the
21 status of the licensee while that complaint works its way
22 through the process.

23 So, yes, that's correct. During the period of
24 time from when the incident occurs until adjudication
25 happens the licensee remains free to continue riding or

1 racing, depending on what their license status is.

2 However, the stewards, as they do with most cases,
3 can hear a case within ten days notice, which is consistent
4 with the APA Standards for due process. So by returning
5 these cases to the stewards the goal would be -- one of the
6 goals would be to allow for more expediency, because the
7 stewards could ultimately adjudicate a case and issue a
8 ruling within ten days, potentially, of the incident or the
9 completion of the investigation.

10 CHAIR FERRARO: Thank you for that clarification.

11 Any questions from the Board?

12 Do we have any industry representatives who wish
13 to speak, Operator?

14 OPERATOR: No, we don't, Mr. Chair.

15 CHAIR FERRARO: Do we have a queue on this?

16 OPERATOR: Yes. We do have one individual in
17 queue.

18 CHAIR FERRARO: Go ahead. Let's hear that.

19 OPERATOR: Thank you.

20 Our next comment comes from Martha Sullivan, a
21 citizen.

22 Please go ahead.

23 MS. SULLIVAN: Yeah. I guess I understand, as a
24 former bureaucrat, I understand trying to streamline the
25 process for considering these violations. I'm concerned,

1 though, that the automatic revocation of the license, should
2 the violation be substantiated, is being removed. At some
3 point this was considered serious enough to warrant that.
4 And I don't really understand why that is taken off the
5 table. I understand that's (indiscernible) Administrative
6 Law Judge hearings, which is more time consuming, but it
7 could be a two-part process, couldn't it? Couldn't it be
8 the stewards hear it and if the stewards substantiate the
9 allegations, then it goes to the hearing so that the license
10 can be revoked?

11 I think that, you know, again, there's been no
12 good reason given for why the license revocation is no
13 longer an appropriate consequence of this really egregious
14 act of animal torture.

15 CHAIR FERRARO: Thank you.

16 Mr. Chaney, can you clarify that for Ms. Sullivan
17 as to the ultimate revocation of a license under the new
18 statute?

19 EXECUTIVE DIRECTOR CHANEY: Surely. The stewards
20 don't have the power to revoke the license. Typically, in
21 these cases, in my experience, they would suspend for a
22 term, they can recommend, and then recommend not renewing it
23 without a fitness for license hearing. It does have the --
24 so that's not a possibility under stewards.

25 The other factor, I would say, is that revoking a

1 license, even under the current regime, even if it gets
2 there, as slow as it might take, it's very difficult and
3 often unsuccessful. Occupational licenses, you know, hold a
4 pretty high place in the law. And so even this -- our
5 experience has been -- is that they're difficult to
6 accomplish.

7 And then lastly, of course, there's Part C, which
8 is the, you know, the referral to the D.A., so it's not
9 like -- it's a more significant penalty beyond what the
10 stewards are able to do or is possible.

11 CHAIR FERRARO: But the stewards can suspend the
12 license for the period of the licensee, so it's a three-year
13 license. Depending on where the individual is in its
14 license, the penalty could -- suspension could be quite
15 severe; correct?

16 EXECUTIVE DIRECTOR CHANEY: Correct. And custom
17 and practice is that if it's a particularly severe
18 violation, they'll recommend not renewing it without a
19 fitness for license, which actually requires an
20 administrative hearing before a license is renewed. So at
21 that point, for example, in an electrical device case like
22 this, a hearing officer would end up, you know, hearing the
23 case for renewal.

24 CHAIR FERRARO: Correct. And the advantage of
25 this is that we suspend the offender immediately, right, and

1 not allow him to continue to operate for a year while we
2 wait for a hearing; is that correct?

3 EXECUTIVE DIRECTOR CHANEY: Yes, exactly. I think
4 a year is even -- is optimistic. These can drag on for
5 almost two years sometimes. And, obviously, you know, we're
6 a little more efficient from a steward's standpoint. So you
7 can imagine the awkwardness in, you know, a rider continuing
8 to ride or exercising rider continuing his or her work, you
9 know, while this serious, you know, violation hangs over
10 their head. It just seems inappropriate to, at least, CHRB
11 Staff.

12 CHAIR FERRARO: Thank you.

13 Questions or comments from the Board? Can I have
14 a motion?

15 MR. MARTEN: Two people have joined the public
16 queue.

17 CHAIR FERRARO: Oh, I'm sorry. I thought we only
18 had one. Well, then, let's finish that.

19 Go ahead.

20 OPERATOR: Thank you.

21 Next we will go to Sue Jones, a citizen.

22 Please go ahead.

23 MS. JONES: Yes.

24 OPERATOR: Ms. Jones, we are unable to hear you.

25 CHAIR FERRARO: Go ahead.

1 MS. JONES: Regarding crops, it's absolutely
2 unbelievable. Persons --

3 CHAIR FERRARO: We're not talking about crops.
4 We're not talking about crops. This is about electrical
5 devices.

6 MS. JONES: I understand that. I'm just -- fine.
7 Okay.

8 The use of electrical devices is outrageous. And
9 I don't -- I want to know who (indiscernible) exercise
10 riders for these devices. And if the penalty is not severe
11 as in revoking the license, then there's no deterrent for
12 these guys. They just go and do what they want. A small
13 slap on the hand is nothing to them.

14 So they -- it has to be serious because an
15 electrical device is a serious violation, it's very serious
16 animal abuse, and it has to stop.

17 Thank you.

18 CHAIR FERRARO: Next please.

19 OPERATOR: Next we have Michele Walther, a
20 citizen.

21 Please go ahead. Michele, perhaps your phone line
22 is muted.

23 MS. WALTHER: Can you hear me?

24 OPERATOR: We can hear you now.

25 MS. WALTHER: Okay. I'm so sorry.

1 So the horse industry -- let me understand this,
2 because I'm new to this whole industry -- the horse racing
3 industry has been going on for what, 80 years or so? And
4 now we're in 2021 and they just put a penalty on the
5 possession of electric device.

6 Now you and I know, as well, that if these horse
7 trainers and these jockeys and the horse owners love their
8 horses so much, as they say, in their heart of heart, how
9 can they -- how come they were using electrical devices all
10 these years. So we've had 80 years of animal abuse. We're
11 in 2021 and now a penalty is in place. Come on.

12 Wake up people. This is so animal abuse. And I
13 am right with Bonnie on this. I am going to start going to
14 the horse races just to film this so I can do a George Floyd
15 exposure, because this is ridiculous. And horse racing must
16 stop today.

17 Thank you.

18 CHAIR FERRARO: Just to correct the record,
19 electrical devices have been banned for the entirety of
20 racing in the United States. This is just a change in the
21 way we adjudicate the cases. It's not the first time that
22 anybody's proposed a penalty against electrical devices.

23 Operator, do we have another person in the queue?

24 COMMISSIONER MITCHELL: Chair? Oh.

25 OPERATOR: Yes.

1 COMMISSIONER MITCHELL: I have a question, Chair
2 Ferraro, when we're done with public comment. This is
3 Commissioner Mitchell.

4 CHAIR FERRARO: Go ahead, madam -- I mean Wendy.
5 Excuse me.

6 COMMISSIONER MITCHELL: No, it's fine. Go ahead
7 with public comment and then I'll ask my question.

8 CHAIR FERRARO: Do we have another person in the
9 queue, Operator?

10 OPERATOR: We do, and that is coming from Lynn
11 Frudenberg, a citizen.

12 Please go ahead.

13 MS. FRUDENBERG: Hi there. Yeah, my question was
14 answered. It is banned. Anybody using an electrical device
15 during training or racing should be automatically tossed out
16 of the industry. That is a zero-tolerance policy.

17 But thank you. I didn't realize it was banned.
18 That was my comment. Thank you.

19 CHAIR FERRARO: Next please.

20 OPERATOR: There are no further comments at this
21 time.

22 CHAIR FERRARO: Okay. Commissioner Mitchell, do
23 you want to address the issue?

24 COMMISSIONER MITCHELL: Yeah. Well, I have a
25 question and a comment.

1 The question is, so with this change of rule,
2 we're actually expediting justice when an electrical device
3 is used on a horse; correct?

4 CHAIR FERRARO: Mr. Chaney?

5 EXECUTIVE DIRECTOR CHANEY: Mr. Chairman and
6 Commissioner Mitchell, Scott Chaney, Executive Director.

7 Yeah, that's the idea. I mean, I know, I suppose
8 it could be spun anyway you want. But the Board, about
9 three or four years ago when they changed the role, intended
10 to be tougher on electrical device possession. In practical
11 terms, it hasn't worked out that way. So our intent is to
12 return to the -- return it to the Board of Stewards with the
13 enhancement that, of course, it's referred to the D.A.
14 which, by the way, is a pretty significant penalty, in order
15 to make it tougher. We found that over the last few years
16 it hasn't been.

17 So you know, this regulation would actually take a
18 tougher posture on any electrical devices, not a weaker one,
19 despite the comment.

20 COMMISSIONER MITCHELL: Right. That was my
21 understanding and I just wanted to make that clear, and
22 that's why I will be supporting a motion on this item.

23 And I just want to say, while I'm a big advocate
24 of public participation and public comment and our
25 responsibility as Commissioners to listen to everyone, it is

1 offensive to me, and I would highly suggest that it stop,
2 conflating anything that we're discussing today with George
3 Floyd. So you can continue to do it, it's your right, you
4 can say whatever you want, I think it's completely offensive
5 and utterly ridiculous and beyond the pale. And it's
6 giving, I think, the people who are trying to make a point
7 about horse safety a bad name, in my humble opinion, but
8 what do I know.

9 COMMISSIONER ALFIERI: Here, here. Here, here.

10 COMMISSIONER DAVIS: Thank you, Wendy.

11 COMMISSIONER MITCHELL: You're welcome.

12 CHAIR FERRARO: I agree, Wendy. Thank you very
13 much for those comments.

14 Do we have any other comments from the Board? Do
15 I have a motion?

16 COMMISSIONER CASTELLANOS: Castellanos. Motion.

17 COMMISSIONER ALFIERI: Second. Alfieri.

18 CHAIR FERRARO: Okay. Commissioner Gonzales?

19 VICE CHAIR GONZALES: Yes.

20 CHAIR FERRARO: Commissioner Alfieri?

21 COMMISSIONER ALFIERI: Yes.

22 CHAIR FERRARO: Commissioner Castellanos?

23 COMMISSIONER CASTELLANOS: Yes.

24 CHAIR FERRARO: Commissioner Davis?

25 COMMISSIONER DAVIS: Yes.

1 CHAIR FERRARO: Commissioner Mitchell?

2 COMMISSIONER MITCHELL: Yes.

3 CHAIR FERRARO: And the Chairman votes yes.

4 We now move on to item number seven, which is
5 Public Comment.

6 These are for comments only, not questions. You
7 have two minutes each. And I will ask you to remain
8 pertinent to the subjects at hand.

9 Operator, you can start the queue.

10 OPERATOR: Thank you.

11 We will go first to Wayne Johnson, a citizen.

12 Please go ahead.

13 MR. JOHNSON: It's really Alice in Wonderland in
14 this meeting today. We're meant to believe that ankle
15 snapping is part of animal husbandry, that this is just the
16 way the horses roll, they snap their ankles out in the
17 pasture, it has nothing to do with horse racing.

18 The Executive Director and some public commenters
19 repeated that animal welfare was job one for them. I
20 believe that. I believe that animal welfare is a very
21 important part of your focus and has been for a long time.
22 And even with animal welfare as your focus, horses are still
23 dying. You are presiding over an industry that kills at
24 least 100 horses every single year, even though animal
25 welfare is your focus.

1 You cannot reform your way out of this dilemma.
2 If you race these horses, they are going to die. If you
3 race them for \$2.00 bets, they are going to die. If you
4 whip them, they are going to feel pain. They are sentient
5 beings who want to run free, not under a riding crop.

6 Thank you.

7 CHAIR FERRARO: Next please.

8 OPERATOR: Next is Kim Marrs with KTM Equine.

9 Please go ahead.

10 MS. MARRS: Hi. Can you hear me? Hello>

11 CHAIR FERRARO: Yes. Go ahead.

12 MS. MARRS: Okay.

13 CHAIR FERRARO: Go ahead.

14 MS. MARRS: I just want to make -- I just wanted
15 to make it clear, the intentions of the concerned citizens
16 that call in continually plague these meetings. I would
17 like to point out the true intentions of those who speak to
18 see horse racing's demise.

19 Many of these folks follow the founder of Horse
20 Racing Wrongs, and also the Berkeley bunch, Direct Action
21 Everywhere, who most recently disrupted racing at Golden
22 Gate Fields. To quote Horse Racing Wrong's founder in an
23 online comment to a question, I quote, "Once racetracks are
24 closed there will be money to re-home what's left, then
25 sterilize to extinction a planet devoid of thoroughbreds,

1 Quarter Horses, Standardbreds, and everything in between. I
2 hope this wasn't too complicated," end quote.

3 A quote from a DAE member, Direct Action
4 Everywhere, who participated in the on-track protest at
5 Golden Gate, quote, said, "Horses are -- need to be sent to
6 sanctuaries, then stop breeding into existence." Sound
7 familiar?

8 These extremists are advocating for the removal of
9 equine species off the planet. They have no interest in
10 equine welfare whatsoever. Their end goal is to eradicate
11 horses permanently from the planet.

12 So we need to take note of, really, the
13 motivations of these extremists answer forge on with the
14 continued reforms and horse welfare protocols. We are
15 winning the fight. Every day, we learn more and more, and
16 the horses are going to be better off for it. It's not
17 going to be done overnight.

18 And I also wanted to make a side note that these
19 guys want to send horses because they need to run free and
20 live in sanctuaries. I just recently read this morning,
21 there is a band of wild horse that they have petitioners
22 signing for that are to be rounded up and housed in
23 government pens. How's that for running free?

24 If we end horse racing or any other horse-
25 enthusiastic sport of discipline, where are you going to

1 house these horses?

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Next is Jane Cartmill.

6 Please go ahead.

7 MS. CARTMILL: Hello. There have been public
8 comments in this Board meeting asking for the whereabouts of
9 dozens of horses since injury in an CHRB-regulated race.

10 The CHRB Equine Medical Director has reported here
11 and at least one other -- in one other state board meeting,
12 the Del Mar Fairgrounds meeting, that CHRB can't trace
13 horses. Yet the International Forum for the Aftercare of
14 Racehorses, IFAR, earlier this month featured this very
15 issue in its annual conference. All four speakers discussed
16 the traceability measures that their organizations use or
17 have developed to keep track of racehorses throughout their
18 lives. Additionally, they suggested that having a dedicated
19 individual or resource to contact through and administrative
20 or regulatory body was an instrumental part of driving
21 change toward prioritizing aftercare.

22 In addition, the CHRB's most recent annual report
23 placed its microchipping program in effect since December
24 26th, 2018. This requires the microchipping of all
25 racehorses in California. This microchip system assists in,

1 quote, "disease control management, allows location
2 tracking, and provides a central data for all records
3 associated with each horse."

4 This issue is not going away, despite efforts to
5 dismiss it. Even the local Coast News in Del Mar made note
6 of the issue of the missing-in-action horses.

7 I have repeatedly inquired about some from Del
8 Mar. And, once again, the following five are still at
9 large. Rick's Dream, pulled up and vanned off at Del Mar,
10 September 7th. Dushane (phonetic), pulled up, did not
11 finish, November 26th. Magnolia's Hope, eased, did not
12 finish, November 27th. Velvet Queen, vanned off November
13 27th. And One Bad Boy, eased, pulled up, November 2020.
14 All of these horses are still unaccounted for and can't be
15 found through the Equibase or Cal Racing databases.

16 So this issue of horses sort of missing, being
17 lost to follow-up, is not going away. It's getting more
18 attention, and even from industry publications.

19 CHAIR FERRARO: Thank you.

20 Next please.

21 OPERATOR: Next we go to Bonnie Croker, a citizen.

22 Please go ahead.

23 MS. CROKER: Thank you. First, regarding today's
24 speaker who claims that the endless number of racehorse
25 deaths is not a horse racing issues, but merely the result

1 of natural occurrences, I want to ask, have you watched
2 slow-motion videos of your racing horses as their legs
3 splinter and spin on the joints like pinwheels? I have.
4 Have you watched slow-motion videos of your racing horses
5 terrified in the starting gate, slamming their heads into
6 metal walls? I have. Have you watched live as your
7 speeding racehorses fall forward, slamming their faces into
8 the dirt?

9 Maybe you have and it all seems natural to you,
10 broken necks and backs, severed spinal cords, bleeding
11 lungs, drug- or whip-induced overexertion. Do these
12 horrific life-ending catastrophes happen regularly on your
13 happy Sunnybrook Farm? They happen regularly in horse
14 racing. Even nature is cruel, but not nearly as cruel as
15 horse racing.

16 Now regarding injured missing racehorses -- I have
17 an echo on my phone. I hope you can hear me clearly. Please
18 interrupt if you can't.

19 Aiden Butler, Spokesperson for the Canadian-based
20 Stronach Group, which owns Santa Anita and Golden Gate
21 Fields, was recently quoted online at Horsetalk.co.nz. He
22 said, "It is fundamentally important to aftercare to know
23 where horses are going after they have left the track."

24 The CHRB made microchipping all racehorses
25 mandatory as of 12/26/18. Why is it then when concerned

1 members of the public ask for the whereabouts and outcomes
2 of horses they see injured in races the CHRB claims to have
3 no answers.

4 Someone, please tell us where these horses are
5 now.

6 Just Agreed (phonetic), two-year-old filly racing
7 in blinding fog at Los Alamitos on 11/22/2020, race ten, she
8 threw her rider, did not finish the race, and was vanned
9 off.

10 Goudi (phonetic), a two-year-old colt, it was
11 pouring rain on 01/23/2021, race number seven. The track at
12 Los Alamitos was drenched, muddy, and deadly slippery.
13 Goudi fell coming out of the gate. He flailed in the mud,
14 unable to get up by himself. He, of course, did not finish
15 the race and was vanned off.

16 Daddy's Prize (phonetic), a six-year-old --
17 (buzzer sounds) -- (indiscernible) went wrong.

18 CHAIR FERRARO: Your time is up.

19 MS. CROKER: -- in the third race at Golden Gate.

20 CHAIR FERRARO: Thank you very much.

21 MS. CROKER: Thank you.

22 CHAIR FERRARO: Operator, let's move on --

23 MS. CROKER: Thank you.

24 CHAIR FERRARO: -- to the next person please.

25 OPERATOR: Our next question is coming from Liz

1 Jacobelly, a citizen.

2 Please go ahead.

3 MS. JACOBELLY: Hi. This is Liz Jacobelly. Can
4 you hear me?

5 CHAIR FERRARO: Yes. Go ahead.

6 MS. JACOBELLY: Okay. The surest way to end the
7 slaughter of tens of thousands of racehorses after they no
8 longer are of use in the industry is the stop live horse
9 racing.

10 I'm going to quote something out of the Daily
11 Gazette, Wednesday, April 21st, 2021, Thoroughbreds Deserve
12 a Nice Post-Racetrack Life. Patty Hogan is one of the most
13 prominent equine veterinarians in the U.S. She runs a
14 surgical clinic in New Jersey, testified before Congress in
15 favor of a anti-horse slaughter bill in 2006. She works
16 closely with the New York Thoroughbred Horsemen's
17 Association, offering pro bono treatment of retiring
18 racehorses who come to NYTHA's Take the Lead Program. She
19 says, "This is not a charity, it's an obligation," she said.

20 This is a particularly cogent point. When
21 considering numbers, Dr. Hogan sided with regards to horse
22 slaughter for human consumption. The (indiscernible) laws
23 banning the U.S. versus (indiscernible) in Canada and
24 Mexican. While foal crops these days number around 20,000
25 per year, 10,000 to 12,000 off the track.

1 Thank you.

2 CHAIR FERRARO: Thank you.

3 Next please.

4 OPERATOR: Next we will go to Sara Siegal, a
5 citizen.

6 Please go ahead.

7 MS. SIEGAL: Hello. I just want to go ahead and
8 comment on the statement that anybody that wants to stop
9 horse racing is an extremist. I think that's kind of, you
10 know, hilarious because we're not extremists. We actually
11 care about living beings. And people that are extremists
12 are the ones that forcefully breed horses unnaturally. Of
13 course, these horses aren't making love in fields, that's a
14 joke. There's been so many stories about all of this all
15 over the news. And HBO actually just did two recent
16 documentaries on horse breeding.

17 So I commend Horse Racing Wrongs for bringing out
18 the, you know, the truth. Because what's going on here,
19 it's just basically hiding the truth and covering it up and
20 keep making excuses why these horses die, you know, all of
21 these things.

22 The reasons why the horses are dying is because
23 they're forcefully bred into existence, and they're
24 forcefully stayed in their stalls. They are forced to train
25 at 18 months old, which is not natural. Even a child at 18

1 months old would never be running around a track.

2 And these horses are not athletes. I know that
3 you think that this is a sport but it's not a sport. A
4 sport is when you have willing participants, okay? These
5 horses are not willing participants because you have to
6 restrain the horses. Apparently, you think you have to beat
7 them a certain amount of times in order to, you know, do
8 what you want them to do.

9 I don't think that you're quite making the, you
10 know, the connection that doing this is animal abuse.
11 There's no way to, you know, skate around it. You keep
12 doing this. You keep having these meetings. And all you're
13 doing is perpetuating the inevitable, which we are going to
14 shut down horse racing.

15 And you can call us extremists all you want. I
16 don't really care. What I think is extreme and what you
17 think is extreme are going to be definitely different
18 opinions. But what is clear and what is the factual truth
19 is when you put a horse in a -- on a track --

20 CHAIR FERRARO: Your time is up.

21 MS. JACOBELLY: -- and you whip them --

22 CHAIR FERRARO: Thank you.

23 Next please.

24 MS. JACOBELLY: -- they're going to die.

25 CHAIR FERRARO: Next please, Operator.

1 OPERATOR: Yes. Next we are going to Lynn
2 Frudenberg, a citizen.

3 Please go ahead.

4 MS. FRUDENBERG: Thank you.

5 CHAIR FERRARO: Go ahead please.

6 MS. FRUDENBERG: Hi. Thank you for taking my
7 call. I'm calling about starting gate issues.

8 Not every horse who becomes (indiscernible) or
9 difficult to load is scratched despite video footage that
10 the horse should, at minimum, be examined by a veterinarian.

11 Furthermore, there do not appear to be any rules
12 or regulations regarding physical abuse by assistant
13 starters of the crew gate. An example is Golden Gate
14 Fields, 04/03/21, Sacred Rider freaks out, gets his head
15 stuck in the starting gate and has to be yanked out. No
16 veterinarian exam, nothing to ensure that he was not injured
17 and safe to run.

18 Another example was at Golden Gate Fields,
19 03/25/21. There's a video of trying to load horses into the
20 starting gate. The horses are going in circles, not going
21 anywhere but the gate, but there's a bunch of men chasing
22 them, trying to force them into the gate. After watching
23 this video I realized if you can't control a horse on the
24 ground, you should not be on its back.

25 Santa Anita, 03/26/21, Ivory Sky gets his head

1 yanked side to side. He is scratched but it was painful to
2 watch what this horse endured. When Ivory Sky did go
3 scratched, you know, but you could just see, after he was
4 led back off of the field, his lead rope was given to his
5 abuser. The horse immediately flinched. It was in fear of
6 this guy.

7 So anyway, the definition of abuse is to treat
8 with violence, especially regularly and repeatedly, and to
9 use for bad purpose, and for cruel and violent treatment of
10 animals.

11 Sacred Rider and Ivory Sky both fall under the
12 definition of abuse. Gate crew is repeatedly leveraged over
13 the horses head, tightly pulling on the headgear and the
14 mouthpiece or bit, and they are forcefully yanking on the
15 head side to side, front to back. As a spectator, I am
16 horrified to watch this go on. I cannot imagine a horse
17 owner ever approving of this treatment.

18 Thank you.

19 CHAIR FERRARO: Thank you.

20 Next please.

21 OPERATOR: Next we will go Patricia Olgar, a
22 citizen.

23 Please go ahead.

24 MS. OLGAR: Yes. I'm a little late to the
25 meeting, so this was a response to earlier, but I would like

1 to thank The Stronach Group for killing not one, not two,
2 but three horses in a matter of days. That's three lives
3 that mattered gone because you, the CHRB, cannot or, better
4 stated, will not protect the horses by invoking CHRB Rule
5 1435.

6 Subsection (b) (2) provides instances where the
7 health or safety of the horse or rider may be endangered.
8 Check. Instances where this may exist can include an above-
9 average number of injuries to horses -- check -- and/or
10 riders participating in a race meeting, a condition existing
11 within the enclosure that is likely to endanger the health
12 and safety of the horse or rider, or for any other reason
13 the Board finds the health or safety of the horse -- health
14 or safety of the horse in danger, check and check.

15 During the winter meet at Santa Anita from 2018 to
16 2019, 30 thoroughbred horses were killed. This happened in
17 the span of approximately six months. As a result, SB 469
18 was introduced and adopted, and this spawned Rule 1435. I
19 would say that 26 deaths reported by you, not to mention
20 those that simply disappear, never to be heard from again,
21 and not to mention the number of injuries to so many since
22 the '21 racing season began is a loud call to suspend racing
23 by order of Rule 1435. This is an emergency. These horses
24 are being killed and are suffering, and for what? It
25 doesn't seem to phase you in the least because, after all,

1 you can just breed more.

2 You have the ability, not to mention the moral
3 responsibility, to keep these horses safe and, yet, you
4 don't. Even your own website states that it's the law to
5 keep them safe, yet you break it every time there is a race.

6 Safety is the one thing you hardly ever discuss in
7 these meetings. I've heard minimal discussions about use of
8 the riding crop, yet that isn't even enforced. I know this
9 because I also have watched and counted the disgusting
10 number of times these heartless riders whips these horses
11 and it leaves me in fetal position.

12 The time is now to do the right thing, to do right
13 by these animals who don't ask to live this horrific life.
14 Please, listen to yourselves talk every time you're in the
15 meeting. You are not concerned for the welfare of these
16 horses. The only thing you are concerned for is the welfare
17 of your pockets, lining the pockets with money.

18 CHAIR FERRARO: Thank you.

19 Next please.

20 OPERATOR: Next is Christine Sanchez, an owner and
21 breeder.

22 Please go ahead.

23 MS. SANCHEZ: Hi. Good morning everyone. Thank
24 you for this opportunity. I do want to speak some truth.

25 So the USDA report, veterinary report, published

1 actual true numbers. So out of 70 percent of the resident
2 horse population with owners with five or more horses, 27.8
3 percent of horses die before their first year due to injury,
4 wounds, and trauma. Okay. These are not racehorses.
5 There's no human on their back. They're actually dying of
6 injuries, wounds, and trauma. By the time it's 1 to 20-
7 year-old, that number decreases, but it's still 16.3 percent
8 of horses owned by residents die -- are euthanized due to
9 injury, wounds, and trauma. 40 percent, this report found,
10 of horses do not receive any dental care, which actually can
11 contribute to malnutrition, which can cause injury.

12 That is not the case with the racehorses.
13 Racehorses are cared for and examined on a daily basis.

14 Now the truth, 1.58 percent of horse fatalities in
15 the United States in horse racing compared to 27.8 percent
16 of year-old -- under one-year-old horses and 1 to 20.
17 There's a definite contrast to the number and there's
18 reasons. It's because we work every single day to protect
19 our horses and that is something that needs to be looked at.
20 So those are the true numbers.

21 And I really appreciate all the hard work
22 from all of my colleagues and trainers and owners and
23 breeders out there who work tirelessly every day to make the
24 changes and to decrease that number. We want it lower than
25 1.5 percent. And we will continue to work hard so that

1 those numbers are decreased.

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Next is Elvia Sedano.

6 Please go ahead.

7 MS. SEDANO: Good morning.

8 To the previous caller, I just want to say, you
9 know, it's not what you say, it's what you do. So that's
10 what I go by, it's not what -- you guys can sit here and say
11 that what's happening to the horses, but we're talking about
12 what you are directly doing to these horses. And you're
13 trying to brush away your actions by bringing up other
14 horses.

15 I want to mention two horses that were vanned.
16 They have not been raced or trained since leaving the track
17 by ambulance. Their whereabouts are still unknown and it
18 has been over a year. Amatara, at the time of her last
19 sighting, Amatara was a four-year-old filly. On January
20 10th, 2020, bleeding from nostrils, pulled up, vanned, DNF,
21 third race at Santa Anita, placed on the vet list for
22 bleeding. Her last workout was about a week earlier on
23 January 2nd, 2020. Where is she now?

24 Clubhouse Soda. At the time of her last
25 whereabouts, Club House Soda was a three-year-old filly, her

1 last workout, 11/17/2019. 01/16/20 at Golden Gate, she is
2 pulled up, vanned off, DNF, first race. The chart says she
3 went wrong, which usually indicates a catastrophic injury
4 that is not survivable. She was placed on the vet list as
5 unsound. Where is she now?

6 Thank you.

7 CHAIR FERRARO: Thank you.

8 Next please.

9 OPERATOR: Next is Andrew Lesser, a citizen.

10 Please go ahead.

11 MR. LESSER: Yes. You know, I would like to
12 clarify and expand on a couple of things.

13 As Sara said, I am from a horse racing family.
14 So, you know, there's people that call in and attack those
15 who would defend and protect horses as knowing nothing about
16 horse racing. And my family owned more than 20 Standardbred
17 horses when I was young, so I was at the track a lot.

18 So let's dispel that myth that people who are
19 criticizing horse racing know nothing about it, or that
20 they're wild-eyed extremists or, you know, let's misquote
21 one or two sentences from someone who's the president of a
22 nonprofit dedicated to ending horse racing, not ending
23 horses. You know, when he said to end breeding of
24 Standardbred and thoroughbred horses, Quarter Horses, it was
25 breeding horses for the industry, not the elimination of a

1 specifies.

2 So you know, it's really sad that in order to
3 deflect attention away from the fact that horses are being
4 abused, whipped, that their lungs are bleeding, all for
5 money, they attack the people that really, really, honestly
6 love horses. It's that simple.

7 So these attacks are absurd and they're just an
8 attempt to deflect attention away from the fact that horse
9 racing is from money. People who love horses are not
10 racists. They've always supported either reuse of a track,
11 training, retraining of workers. It's not to put anybody
12 out of their home. It's not to increase the homeless
13 population. It's not racism, you know, it's just attacks on
14 people that truly love horses. And you know, maybe one day
15 you will understand that.

16 Thank you.

17 CHAIR FERRARO: Thank you.

18 Next please.

19 OPERATOR: Next is Martha Sullivan, a citizen.

20 Please go ahead.

21 MS. SULLIVAN: Hello once more. I wanted to
22 follow up on some previous comments I've made in this Board
23 meeting regarding the illegal horse races that occur. And
24 the California Horse Racing Board has been saying for the
25 last going on three years that it can't get other law

1 enforcement interested in investigating or prosecuting these
2 ongoing well-known illegal horse races, you know, such as
3 Rancho Los Alamos in Hesperia. There's gambling. There's
4 no animal welfare oversight of the horses. You know,
5 there's booze and, no doubt, drugs for humans and horses
6 alike.

7 You know, we're even -- we, the advocates for
8 racehorses, you know, we're threatened by the proponents of
9 racing that if there's no legal horse racing, you know, the
10 horses will go to these match races.

11 Well, a couple weeks ago there was another massive
12 roundup of illegal gambling parlors in San Diego by the
13 federal government. It was actually a joint task force.
14 And they used federal and state laws. There were -- there
15 was a huge roundup.

16 And I just want to say, my father was in the FBI
17 for 27 years. He retired as assistant director in the Los
18 Angeles office. And if the CHRB is unable to get other law
19 enforcement to join with it to investigate and prosecute
20 this illegal gambling, that's because the other law
21 enforcement doesn't respect you.

22 My father ran the California Alcoholic Beverage
23 Control Board for a little less than a year under Government
24 Jerry Brown. And his first budget for that agency suggested
25 eliminating it because he thought it was useless. And I

1 have no doubt he find the same about the CHRB.

2 CHAIR FERRARO: Thank you.

3 Next please.

4 OPERATOR: Next we go to Kim Schaffer with KTM
5 Equine.

6 Please go ahead.

7 MS. SCHAFFER: Hi. Can you hear me?

8 CHAIR FERRARO: Yes.

9 MS. SCHAFFER: Hello?

10 CHAIR FERRARO: Go ahead.

11 MS. SCHAFFER: I just wanted to elaborate on a
12 comment that I had made in the earlier point about the horse
13 count when they bring up the amount of fatalities thus far.

14 Just to clarify my point, when I bring it up and I
15 say that I don't believe that certain horses should be in
16 the count, I am talking about horses that haven't had a
17 catastrophic incident. All horses are prone and can suffer
18 colic. And, fortunately, for the racehorses on the
19 racetrack, the incidents and the occurrence and the outcome
20 is probably better because these horses are monitored far
21 more closely than maybe a horse on somebody's land or farm.

22 And again, then you have the event of sudden
23 death. Well, sudden death can happen for so many reasons.
24 We're still learning all about that. And as in athletics,
25 human athletics, I mean, people can drop suddenly from an

1 unknown arrhythmia in their heart that's known. There's no
2 way to know this. We don't have crystal balls going on to
3 see inside before these horses start training.

4 Also, accidents. Accidents happen. To throw
5 those in a total horse count to pump up the horse numbers to
6 make it sound like the industry is doing this terrible
7 amount of horse carnage needs to be looked at and it needs
8 to be dissected so the amount is totally understood.

9 Thank you.

10 CHAIR FERRARO: Thank you.

11 It looks like our 30 minutes are close to being
12 up.

13 How many in the queue, Operator?

14 OPERATOR: We have one final comment in queue.

15 CHAIR FERRARO: Okay. Well, we'll hear the final
16 one and then that's it. Go ahead.

17 OPERATOR: Thank you.

18 The final comment is coming from Michele Walther,
19 a citizen.

20 Please go ahead.

21 MS. WALTHER: Hi. My name is Michele. And again,
22 I, you know, just moved to this industry after going to
23 horse racing and watching one die before my eyes. I will
24 never attempt to go to another horse race.

25 But you know, everything's been talked about,

1 animal abuse, which it is. You know, you guys are sugar
2 coating it as a sport. It's a sugar coat count for people
3 to line their pockets with money. And the horses have no
4 voice. They don't want to run. This is considered animal
5 abuse. You've got, you know, you've got the whipping going
6 on and the tongue tied out of the mouth. You know, how many
7 people want to be run at, you know, one year's old with all
8 that going on?

9 But I'm also concerned, you know, not only -- and
10 this is for Oscar --

11 OPERATOR: Ms. Walther, perhaps you --

12 CHAIR FERRARO: We cannot hear.

13 OPERATOR: -- placed your phone on mute. Michele,
14 are you still with us?

15 CHAIR FERRARO: So we lost her?

16 OPERATOR: Yes. We have heard her press star one
17 again.

18 Michele, your line is still live.

19 And, Chairman, we do still see her connected but
20 are not receiving audio from her line. We have had --

21 CHAIR FERRARO: Okay. Well, let's move on.

22 OPERATOR: -- an additional line join. All right.

23 CHAIR FERRARO: Well, the 30 minutes are up.
24 Let's just move on.

25 OPERATOR: Thank you, sir. Back to you.

1 CHAIR FERRARO: The Board will now go into
2 executive session. At its conclusion we will reconvene the
3 public meeting for the sole procedural purpose of adjourning
4 the public meeting, excuse me, without further comment.
5 Anyone wishing to hear that meeting adjournment can use the
6 link to audio webcast on the CHRB website.

7 Can I have a motion? No, we don't need the motion
8 right now.

9 We will now suspend the public hearing and go into
10 closed session. I will look for Commissioners there. Thank
11 you.

12 (The California Horse Racing Board recessed into closed
13 session at 11:38 a.m. and was later adjourned.)
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CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of April, 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

April 30, 2021