



APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman

Oscar Gonzales, Vice Chair

Alex Solis, Commissioner

Wendy Mitchell, Commissioner

Dennis Alfieri, Commissioner

Damascus Castellanos, Commissioner

Brenda Washington Davis, Commissioner

STAFF

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

Robert Brodnik, General Counsel

Amanda Brown, Staff Counsel

Amanda Drummond, Policy, Regulations, and Administrative  
Hearings Manager

Shawn Loehr, Chief of Licensing and Enforcement

Darrel McHargue, Chief Steward

Zachary Voss, Regulation Analyst

Francisco Gonzales, Audit Supervisor

Jeff Blea, Equine Medical Director

Mike Marten, Associate Analyst

ALSO PRESENT

Gregory Zenedjian, The Derby Room

Rick Baedeker

APPEARANCES

ALSO PRESENT

Nate Newby, The Stronach Group

Josh Rubenstein, Del Mar Thoroughbred Club

Alan Balch, California Thoroughbred Trainers

Becky Bartling, Sonoma County Fair

Greg Avioli, Thoroughbred Owners of California

Cory Soltau, Arabian Racing Association of California

Mike Brown, Arabian Racing Association of California

David Duggan, California Authority of Racing Fairs

Larry Swartzlander, California Authority of Racing Fairs

Jim Morgan, Humboldt County Fair

PUBLIC COMMENT

Martha Sullivan

Kimberly Schaffer-Marrs, Marrs Racing

Jane Cartmill

Heather Wilson

Wayne Johnson

Patty Shenker

Lori Saldana

Bonnie Croker

Lynn Frudenberg

Amanda Lundberg

Jeffrey Anson, Law Office of Greg A. Sherman, APC

Wendy Marcus-Minovitz

APPEARANCES

ALSO PRESENT

Liz Jacobelly

Craig Sherman

Cliff Goodrich

Oscar de la Torre

Doug O'Neill, Doug O'Neill Racing Stables

## INDEX

<u>Action Item:</u>	<u>PAGE</u>
1. Approval of the minutes of June 16, 2021.	3
2. Discussion and action by the Board regarding approval of the change of ownership for the minisatellite California Horse Racing & Sports, LLC, dba The Derby Room, pursuant to Board Rule 2066(h).	3
3. Discussion and action by the Board regarding fire clearance status of San Luis Rey Downs auxiliary training facility, pursuant to CHRB Rule 1927, Fire Prevention.	7
4. Discussion and action by the Board regarding approval of an agreement, pursuant to CHRB Rule 1581, Racing Secretary to Establish Conditions, between the Sonoma County Fair and the Thoroughbred Owners of California (TOC) regarding entry conditions and specified drug substances or medications to be implemented by the Sonoma County Fair during its 2021 race meeting.	26
5. Discussion and action by the Board on the Application for License to Conduct a Horse Racing	30

## INDEX

PAGEAction Item:

	Meeting of the Sonoma County Fair (F) at Golden Gate Fields, commencing August 4, 2021 through August 17, 2021, inclusive.	
6.	Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Humboldt County Fair (F) at Ferndale, commencing August 18, 2021 through August 31, 2021, inclusive.	63
7.	Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Pacific Racing Association II (T) at Golden Gate Fields, commencing August 25, 2021 through October 6, 2021, inclusive.	75
8.	Discussion and action by the Board regarding consideration of comments received during the 45-day comment period and public hearing regarding the proposed adoption of CHRB Rule 1415, Public Participation in Meetings, to define the rules regarding public participation during meetings of the Board.	100

## INDEX

PAGEAction Item:

9.	Discussion and action by the Board regarding approval of an agreement, pursuant to Business and Professions Code section 19604(f)(5)(E), to modify the distribution from Advance Deposit Wagering (ADW) Market Access Fees, to supplement funding for CHRB Board Support.	127
10.	Discussion and action by the Board on the approval of the fiscal year 2021-22 agreement providing funding support for the Board.	129
11.	Reports	131
	A. Executive Director's Report	
	B. Equine Medical Director's Report.	
12.	Public Comment: Communications, reports, requests 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.	150
13.	Closed Session: For the purpose of receiving advice from counsel, considering pending	165

## INDEX

PAGEClosed Session:

litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code.

- A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
- B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).
- C. The Board may convene a Closed Session for the purposes of considering personnel

INDEX

PAGE

Closed Session:

matters as authorized by Government Code  
section 11126(a).

Adjournment

165

P R O C E E D I N G S

9:30 A.M.

TELECONFERENCE, WEDNESDAY, JULY 21, 2021

CHAIR FERRARO: Good morning everyone. 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; also, Oscar Gonzales, Vice Chair; Dennis Alfieri, Commissioner; Damascus Castellanos, Commissioner; Brenda Washington Davis, Commissioner; Wendy Mitchell, Commissioner; and Alex Solis, Commissioner.

We are joined by: Scott Chaney, Executive Director; Cynthia Alameda, Assistant Executive Director; Robert Brodnik, Chief Counsel; Amanda Brown, Staff Counsel; Amanda Drummond, Manager of Policy and Regulations; Shawn Loehr, Chief of Licensing and Enforcement; Darrel McHargue, Chief Steward; Zachary Voss, Regulations Analyst; Francisco Gonzales, Audit Supervisor; and Dr. Jeff Blea, 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 item is for comment, not questions. Those wishing to speak must follow the directions of the operator to have their individual phone lines open for comment.

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

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

If anyone has comments of a more general nature that are not specific to earlier agenda items, those comments must wait until agenda item number 12, Public Comment. There will be a 30-minute time limit for each item in the number 12, Public Comment, section. In order to allow as many individuals to speak as possible within that

half-hour, I will strictly enforce the two-minute time limit for each unsolicited speaker.

And with that, we will begin the meeting with a request for a motion to approve the minutes of the June 16th, 2021 meeting.

BOARD MEMBER DAVIS: Davis moves.

CHAIR FERRARO: Second?

BOARD MEMBER CASTELLANOS: Castellanos. Second.  
Castellanos.

CHAIR FERRARO: Okay. Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chair votes yes.

Moving on to item number two, discussion and action by the Board regarding approval of the change of ownership for the minisatellite California Horse Racing & Sports, LLC, dba The Derby Room, pursuant to Board Rule 2066(h).

Amanda Drummond, can you elucidate this item for us?

MS. DRUMMOND: Yes. Good morning, Commissioners. Amanda Drummond, Policy, Regulations, and Administrative Hearings Manager with the CHRB.

Agenda item two is the approval of the change of ownership for the minisatellite request for the -- oh, for a minisatellite, The Derby Room. In 2018, the Board issued a license for The Derby Room to operate as a minisatellite. And in 2020, The Derby Room submitted a change of ownership to add Mr. Connick (phonetic) as a additional owner. That was approved by the Board.

In May of 2021, The Derby Room did notify us that Mr. Connick had passed away and requested to remove Mr. Connick from the license. They are requesting to add Mr. Gregory Zenedjian as an additional owner at 20 percent.

Pursuant to Board Rule 2066(h), a change in ownership requires the notification of the Board in writing seeking permission to amend their license, which is why it's on the agenda today.

The license for The Derby Room is active through December 12th, 2023.

And than we have representatives from The Derby Room available to answer any questions the Board may have.

CHAIR FERRARO: Thank you, Amanda.

Does the Board have any questions for Amanda?

Well, Mr. Zennedjian, can we hear from him,  
Operator?

OPERATOR: Yes. Gregory's line is now live.

CHAIR FERRARO: Go ahead please.

MR. ZENNEDJIAN: Hi Board. Thank you for taking  
my call.

Due to unfortunate circumstances, our  
(indiscernible) passed away due to COVID. So we are  
requesting that I get on the license as a 20 percent  
partner.

CHAIR FERRARO: All right. Operations will remain  
the same?

MR. ZENNEDJIAN: What's that? I'm sorry.

CHAIR FERRARO: I said operations will remain the  
same?

MR. ZENNEDJIAN: Correct. No change in  
operations.

CHAIR FERRARO: Okay. Any questions from the  
Board for this gentleman?

I think Mr. Baedeker would like to comment. Can  
we listen to him, Operator?

OPERATOR: His line is now live.

MR. BAEDEKER: Yes.

CHAIR FERRARO: Good morning, Rick.

MR. BAEDEKER: Good morning, Chairman and Commissioners and Staff. I'm just here if you had any questions. Mr. Zenedjian, who just spoke, is also a member of the ownership group of Glen Arden, so he's been previously vetted and backgrounded by the Board.

CHAIR FERRARO: Any question for Mr. Baedeker from the Board?

Do we have a motion to approve?

BOARD MEMBER CASTELLANOS: Castellanos motion.

BOARD MEMBER ALFIERI: Second.

CHAIR FERRARO: Second?

BOARD MEMBER ALFIERI: Alfieri.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman, Scott Chaney, Executive Director.

We should probably see if there's any public comment.

CHAIR FERRARO: Oh, right. I'm sorry. I forgot. Operator, do we have a queue on this?

OPERATOR: There is no queue at this time.

CHAIR FERRARO: Okay. We'll --

BOARD MEMBER CASTELLANOS: Okay.

CHAIR FERRARO: -- move forward with our motion then.

BOARD MEMBER CASTELLANOS: You're a mind reader.

CHAIR FERRARO: Yeah. Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chairman votes yes.

Moving on to item number three, discussion and action by the Board regarding fire clearance status of San Luis Rey Downs auxiliary training facility, pursuant to CHRB Rule 1927, Fire Prevention.

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

Agenda item three is an update from The Stronach Group on the San Luis Rey Downs fire clearance, pursuant to Board Rule 1927.

In August of 2020, The Stronach Group submitted a request to the Board for an extension to meet the requirement prescribed in Board Rule 1927 regarding the reasonable standard of fire safety.

The Stronach Group is also requesting an exemption from the 45-day provision that's specified in Rule 1927, as

well.

In August of 2020, the Board granted this exemption and extension request which approved San Luis Rey Down's extension to obtain a valid fire clearance until the end of July 2021.

At the June 2021 meeting, The Stronach Group, who owns San Luis Rey Downs, requested a further extension until January 2022 to bring the historic barns into compliance as there were significant delays due to COVID. At the June meeting, the Board decided to table this topic until this meeting and requested that The Stronach Group bring back additional information and a report for their plan on bringing San Luis Rey Downs into compliance.

Included in the Board meeting packet is the information The Stronach Group has submitted. And representatives from The Stronach Group are available should the Board have any additional questions.

CHAIR FERRARO: Any questions by the Board for Amanda?

I think we have Mr. Newby on the line, do we not, operator? Can we hear from him?

OPERATOR: One moment as we locate his line.

CHAIR FERRARO: Go ahead, Nate.

MR. NEWBY: Good morning Commissioners. Yeah, I do have an update from our last meeting.

Our sprinkler installation company was able to hire some additional labor, so they've sped up the timeline for installation by approximately one month, so they're now scheduled to complete the barn installation in late December.

We've also included some information in your packet. Santa Anita employs a full-time fire marshal. And so he's put together a summary of our fire prevention efforts at San Luis Rey. We have five -- fire extinguishers located every five stalls around the facility, as well as fire hoses and fire hydrants kept throughout the property. That's all shown on the map that he put together. We also have four water trucks which are kept filled and ready if needed.

Our team at San Luis Rey, they maintain a good relationship with the North County Fire Department, so they're ensuring that we're following all the state and local guidelines. And included in the packet is our current annual inspection which shows no violations or follow-up recommendations for the facility.

I don't want to speak for Del Mar, but they've conveyed to us that it's important for their summer and fall meet that we keep San Luis Rey open as an auxiliary training facility, and that we've also heard from many of the grooms, trainers, exercise riders, and other workers at San Luis Rey

that have asked us to consider the expense and hardship of relocating them to another facility, basically, 80 miles away.

So happy to answer any questions from the Board.

CHAIR FERRARO: Well, I'd first like to comment to you on your response to our request last month. You've come quite a ways in answering a lot of questions and clarifying your timeline, et cetera, so I will complement you on that.

I have one question or something to point out. I noticed in reviewing the material, while we're quite concerned about your sprinklers getting in, the fire marshal told you that sprinklers, in terms of wildfire prevention, are not effective, that they are only useful for fire that create within the barn, that for wildfire prevention, you need to clear the areas around the buildings, training centers, et cetera. Can you confirm that you've done that?

MR. NEWBY: Yeah. So our team has really spent a lot of time on that, followed all the recommendations from our fire marshal, as well as North County. And, really, the important factors, you know, besides maintaining all the fire prevention items that I just listed is, you know, maintain a clear perimeter on the property.

Our team has gotten really creative with that. We've got a heard of goats that they rotate around. I've got 35, I think, goats that rotate around the property to

keep clear of all the brush. They have some heavy equipment there ready to put in fire breaks if needed.

And then the other recommendation that was key from both experts was to put the straw and hay in fireproof containers around the facility, so we've done all that, basically followed every recommendation they've given us.

CHAIR FERRARO: Very good.

Questions from the Board for Mr. Newby? None?

Did Mr. Sindler want to make comments? Operator, can you open his line?

OPERATOR: One moment. We have Eric Sindler now live.

CHAIR FERRARO: Mr. Sindler, would you like to make a comment?

MR. SINDLER: Good morning. No, I have nothing more to add than what Nate has already said, so I am good, but thank you. I appreciate it.

CHAIR FERRARO: Okay. Operator, we must have a queue on this, no?

OPERATOR: We do.

CHAIR FERRARO: Go ahead. Let's start.

OPERATOR: Thank you. We will first go to Josh Rubenstein with Del Mar.

Please go ahead.

Please go ahead.

CHAIR FERRARO: Go ahead, Josh.

MR. RUBENSTEIN: Good morning, Commissioners.

Yes, as Mr. Newby said, it's very important to keep San Luis Rey Downs open at full capacity for the entire California racing ecosystem.

On behalf of Del Mar, we would like to thank Nate and his team on making the fire sprinkler system at Santa Anita a priority. And during this installation process they've done a terrific job of implementing high-level fire suppression protocols. So hats off to The Stronach Group and everyone involved with the installation.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Thank you. We will now go to Alan Balch with California Thoroughbred Trainers.

Please go ahead.

MR. BALCH: Thank you, Mr. Chairman and Board. As you know, Business and Professions Code, the statute 19613.1 states that the trainer's organization is generally responsible for issues relating to the backstretch and the welfare of backstretch employees.

And in that connection, I hadn't been to San Luis Rey for quite some time but I visited at some length on late Monday afternoon of this week and was really very impressed with all the improvements that Mr. Newby mentioned,

including the perimeter, on the grounds, and so forth. All kinds of things have been done.

One thing that hasn't been mentioned that was of particular interest to me is that the roofs of the -- both the old and new barn and stabling facilities have been replaced with fire retardant or maybe completely fireproof metallic roofs. And that is a tremendous-tremendous improvement in the fire safety area. So we wholeheartedly agree with what Nate said, and also Mr. Rubenstein. Thank you.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

CHAIR FERRARO: Go ahead, Martha.

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

I want to remind everyone that The Stronach Group's request for exemption from the Board's Rule 1927 last August was not a request for an extension because they never received an exemption from said rule before then. I know this due to my Public Records Act request earlier this year. There was not exemption granted from this rule for San Luis Rey Downs, even before the devastating Lilac Fire

in December of 2017.

So let's be clear that this Board has been complicit with The Stronach Group and previous owners of this facility in not meeting its own rule for automatic fire sprinklers in all the facilities at San Luis Rey Downs, including the barns.

I find it absolutely reprehensible that this agency continues to be complicit with the racing industry to avoid this rule compliance and continue to put off, in the face of other major capital expenditures that The Stronach Group has heralded over the last year at Santa Anita with its new turf chute, and at its other racetracks back east.

I don't know what the resistance is to putting in automatic fire sprinklers but --

CHAIR FERRARO: Your time is up, Martha --

MS. SULLIVAN: -- it's really reprehensible.

CHAIR FERRARO: -- if you want to conclude please?

Thank you.

Next, please.

OPERATOR: Next, we go to Kimberly Schaffer-Marrs with Marrs Racing.

Please go ahead.

MS. MARRS: Hi Board. Welcome. I'm Kimberly Schaffer-Marrs. I have been a trainer or assistant trainer at San Luis Rey since 2002. I would hope that you will

grant the extension to do the remainder of the sprinkler systems that need to be installed here at San Luis Rey.

As you know, you've heard me before, I was the one that went through the fire from start to finish that day. And it's a scenario I would never wish upon my worst enemy.

I feel very confident and comfortable, as I've told you in the past, wherein at the barns are fabulous. We have fire extinguishers everywhere. We have the suppression system down in the new barns. We have perimeter clearing throughout the property. Kevin's done an amazing job with fire suppression. We have like an alert system. If we even know that smoke is like ten miles away, we are very well prepared if anything -- in the unlikely event this ever happens again. Like I said, we have that plan and everything.

I'm very comfortable in our ability that if, in the unlikely event, a fire ever came through here again, we would be fine, we'd be able to handle it. There are numerous stalls that are open down in the lower barns that, if we had to ship horses down here, if there was a potential threat, into the barns that have the sprinkler system, we can do that. We have the fire truck -- the water trucks are always situated. They're ready to go. There's just -- we're in really, really good shape here.

And I really hope you grant the extension so we

can just get this done and move forward. This is an absolutely essential and wonderful training center. And we need to keep it up and operational and going. And cheers to The Stronach Group for everything they've done.

Thanks.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Jane Cartmill, a citizen.

Please go ahead.

MS. CARTMILL: Well, I'm surprised to hear the chairman say he's satisfied with the report. It was undated, so I can't tell when it was prepared. The list of days to complete the various barns and other areas doesn't give you an end date. Where the report indicates work to begin in August, it doesn't specify August 1 or August 30th.

This doesn't appear to be what the Board asked for, if I understood, which was a weekly update on the progress of the project, a week-by-week plan of action as to what's going to be completed. This is the really same completion schedule they first put forward. They just deliver it in another format. It strikes me as somewhat of a lame response to your request.

It's also not clear, for example, if they're waiting on materials for Barn H only or if the same issue

applies to all the barns. They've had over three years to prepare for this project. And I think claiming lack of materials is an extremely poor excuse.

According to this report, the final design hasn't even been determined. What have they been doing since the Lilac Fire? They haven't even come up with finalized plans, let alone materials and construction. And as has been pointed out previously, they had no difficulty getting their turf chute completed ahead of schedule.

I believe no further extension should be granted. At least a dozen fires are raging across the state, burning hundreds of thousands of acres. San Diego County has been spared so far but we remain at high risk with soaring temperatures.

Please do not grant any exemptions for San Luis Rey Downs or Golden Gate Fields, for that matter, also a Stronach facility. There seems to be a trend developing since Golden Gate and Humboldt County Fair are also asking for exemptions.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Good morning. So why does this keep

appearing on the agenda. This began long before COVID, so that's not really a legitimate excuse.

San Luis Rey Downs is owned by billionaires, the same billionaires currently installing a synthetic track agency Gulfstream Park which, obviously, has a hefty price tag. And they began construction last month, yet they cannot comply with fire clearance inspections. This is nothing short of shameful, spending all this money on a new track but repeatedly refusing to comply with CHRB Rule 1927.

Then there's you, the CHRB, who continually allow tracks to boohoo about outdated fire rules. So the CHRB ought to be working with fire experts and fire officials, not racing industry people, how to best protect the horses and your 35 goats. Instead, you waste all this time and effort on other issues, such as proposed Rule 1415 to silence these legitimately concerned and outraged members of the public.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: Good morning, Dr. Chairman. Good morning to the Board.

The Lilac Fire destroyed 4,100 acres, 65

structures, a horse named Billy and 45 other horses. Why do you have Rule 1927 if you're not going to enforce it?

Don't grant this extension. Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Patty Shenker, a citizen.

Please go ahead.

MS. SHENKER: Yes. Good morning. I spoke at last month's meeting about the lack of installed sprinkler at San Luis Rey Training Center. And, yet, The Stronach Group is again asking for another extension of time to (indiscernible) your Rule number 1927 which requires automatic fire sprinkler of horse and other related facilities, this time also at Golden Gate.

So the status is now late December at San Luis Rey when this will be done. It seems like a long time from now to do this crucial work.

Stronach cannot blame the pandemic for this delay as they have been able to add a new turf chute to the Santa Anita racetrack. I bet if they weren't allowed any races until these safety precautions were made, those sprinklers would be installed at all facilities.

Make sure that this is done now so no more horses will be killed in such a horrifying way on your watch. No

further extension please.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Thank you. Good morning Board. I am trying to understand why there have been no penalties associated with the disregard for safety that has gone on, apparently, for many, many years. And when I represented San Diego and we had wildfires, the impacts are devastating, not from the immediate risk to life and property but the aftermath. And there are many homes near the San Luis Rey Downs Training Center that are at risk. And if nothing else, it would potentially force an evacuation of those homes if the fire came through that was not adequately controlled.

So it sounds like there has been a ticking time bomb sitting in this location for many, many years that went underreported and unacknowledged by this Board that is designed by the State of California to look out for the health and welfare, not only of the horse racing industry but of the people of the state of California who may be interacting with this industry. And the people who live

nearby, I think, had a right to know that their lives and property were at higher risk because this Board was not enforcing its own rules and regulations. That really is a disregard for your responsibilities.

And you are now continuing to disregard your responsibilities by not enforcing with penalties, some measure to force them to come into compliance sooner. I would argue that they need to be fined for every month that they continue to be out of compliance while the Del Mar track is going on.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Any questions or comments from the Board?

VICE CHAIR GONZALES: Good afternoon, Dr. Ferraro. Oscar Gonzales here. Apologies for joining late.

You know, I would -- I know this past year has been tough to do any site visits but perhaps I and maybe another Board Member wouldn't mind joining me just for a walkthrough, just to get a good feel for the situation. I understand the dynamics and definitely the concerns that have been expressed, but I would like to -- I know it's difficult to get, you know, too many of us. But I think a

walkthrough, just to kind of get a feel for the issues and what we can regard as achievable.

Those are actually my only, you know, my only comments.

CHAIR FERRARO: Well, you and I could probably accomplish that, Oscar. If there's a day you want to go, we can go and do it.

VICE CHAIR GONZALES: Okay, sir. I would look forward to that. Perhaps in the next few weeks we can schedule something like that and, you know, give a report back. But you know, we hear, you know, the concerns, you know, loud and clear and, you know, we want to be responsive. So, yes sir.

CHAIR FERRARO: Any other comments from the Board? Do I have a motion?

BOARD MEMBER ALFIERI: Dennis Alfieri. So moved.

CHAIR FERRARO: Second?

BOARD MEMBER SOLIS: Alex Solis seconds.

EXECUTIVE DIRECTOR CHANEY: Dr. Ferraro, Scott Chaney, Executive Director.

CHAIR FERRARO: Yes?

EXECUTIVE DIRECTOR CHANEY: If the Board is contemplating approving the extension, would it be possible to attach an expiration date of that? For example, this past year the Board, you know, gave San Luis Rey to July

31st. For staff in License Applications, it would be good to have an end date for the expiration of this exemption.

CHAIR FERRARO: They're predicted completion date for the barns is December 31st; is that not correct?

EXECUTIVE DIRECTOR CHANEY: That is in the new timeline that Mr. Newby submitted.

CHAIR FERRARO: Oh, okay. Well, add that to our motion, that the barn installations must be completed by December 31st.

Is that agreeable to Mr. Castellanos, who made the motion?

BOARD MEMBER CASTELLANOS: Who made the motion?

BOARD MEMBER ALFIERI: Well, I made the motion. Alfieri.

CHAIR FERRARO: Excuse me.

BOARD MEMBER ALFIERI: Yeah, that's fine. Adding that date of December 31st is fine.

EXECUTIVE DIRECTOR CHANEY: The only --

CHAIR FERRARO: Okay.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman, Scott Chaney again.

The only thing I would say is, perhaps, like if the Board's interested in that kind of timeline, maybe January 31st would be appropriate, simply because --

BOARD MEMBER ALFIERI: Yeah.

EXECUTIVE DIRECTOR CHANEY: -- simply because our meeting takes place in January -- or December, and so there would be kind of a twilight. We would probably have to hear it again and it might not be complete if it's the end of December, if that makes sense.

BOARD MEMBER ALFIERI: I think it makes more sense --

CHAIR FERRARO: It does.

BOARD MEMBER ALFIERI: -- yeah, to add -- make to January 31st.

CHAIR FERRARO: Okay. Can you restate your motion then, Dennis, please?

BOARD MEMBER ALFIERI: Well, to approve the extension as subject to review and monthly reporting. I understand that Commissioners will go and take a tour. Personally, I'm extremely pleased with what The Stronach Group has done there because I've been monitoring this myself. And so they're well equipped for anything that breaks out in a moment. And they've done a great job clearing everything and doing the stuff that needs to be done.

Contrary to comments made about the pandemic and equipment and things, that is a true serious issue. I'm in the building business. I deal with it every day. You cannot get materials. You cannot get the things that you

need. And that's throughout the country, not just here locally.

So I'm comfortable with this motion. I would say that we put an extension, allowing The Stronach Group until January 31, 2022. And that's my motion.

CHAIR FERRARO: Second?

BOARD MEMBER SOLIS: Alex Solis.

BOARD MEMBER ALFIERI: We have a second. Solis.

BOARD MEMBER SOLIS: Okay.

CHAIR FERRARO: Okay.

BOARD MEMBER SOLIS: Yes. I second.

CHAIR FERRARO: Then we'll have a vote.

Commissioner Gonzales?

VICE CHAIR GONZALES: Yes.

CHAIR FERRARO: Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chairman votes yes.

Moving on to item number four, discussion and action by the Board regarding approval of an agreement, pursuant to CHRB Rule 1581, Racing Secretary to Establish Conditions, between the Sonoma County Fair and the Thoroughbred Owners of California, TOC, regarding entry conditions and specified drug substances or medications to be implemented by the Sonoma County Fair during its 2021 race meeting.

Mr. Voss?

MR. VOSS: Thank you and good morning, Commissioners. This is Zachary Voss, Regulation Analyst for the California Horse Racing Board.

Item number four is a discussion and action by the Board regarding approval of an agreement, pursuant to CHRB Rule 1581, between the Sonoma County Fair and the TOC.

The agreement pertains to entry conditions and specified drug substances or medication to be implemented at the Sonoma County Fair. And this is the standard agreement, including but not limited to no horse shall be permitted to race in a stake's race with any race day medication, including furosemide, and that no horse shall be permitted to race if it has received an intra-articular joint injection into any joints other than any of the fetlock joints within 14 days, or if it has received an injection into any fetlock joint within 30 days. No horse shall be

permitted to perform a timed workout for ten days after receiving an injection into any fetlock joint. And fetlock joint are further described as both metacarpophalangeal and metatarsophalangeal joints.

The agreement has been signed by the Sonoma County Fair and the TOC and it's reflected in the Board package. And we have Becky Bartling, CEO of the Sonoma County Fair and Exposition, and Greg Avioli, CEO of the TOC, available to answer any questions from the Board.

Thank you.

CHAIR FERRARO: Can we hear from Ms. Bartling please?

OPERATOR: Ms. Bartling's line is now live.

MS. BARTLING: Good morning. Becky Bartling, CEO of Sonoma County Fairgrounds and Wine Country Racing. At this point, I don't have any comments, unless there's any questions.

CHAIR FERRARO: A question from the Board for Ms. Bartling?

If there are none, can we hear from Mr. Avioli regarding this?

OPERATOR: We have Mr. Avioli.

CHAIR FERRARO: Go ahead, Greg.

MR. AVIOLI: I apologize, Mr. Chairman. I lost the call and I just got back on. What was the question?

CHAIR FERRARO: Well, whether (indiscernible) conditions of Sonoma County Fair and TOC regarding entry conditions specified drug substances, do we approve of that? Yes? I would assume you do.

MR. AVIOLI: Yeah. Yeah, of course, we approve it. Yes.

CHAIR FERRARO: Okay. Any other comments or questions from you?

MR. AVIOLI: No, sir.

CHAIR FERRARO: Okay. Thank you very much.

Do we have a queue, operator?

OPERATOR: We do.

OPERATOR: Go ahead please.

OPERATOR: Thank you. We will go first to Martha Sullivan, a citizen.

Please go ahead.

MS. SULLIVAN: Lasix is a diuretic. And I'm surprised that there is no reference or discussion to this fact given that excessive heat is certainly a problem during the summer and is increasing due to climate change.

So here we are. We treat horses who are overheated, trying to prevent heat exhaustion with water, yet many horses are given Lasix to, you know, remove water from their systems on race day. This seems like a huge inconsistency.

And I will point out to you that the California Veterinarians List has a horse, Energizer, listed on July 15th with, quote, "exhausted heat stroke," and the trainer is Doug O'Neill.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Do I have a motion from the Board?

BOARD MEMBER DAVIS: Davis moves.

BOARD MEMBER CASTELLANOS: Castellanos. Motion.

CHAIR FERRARO: Second?

BOARD MEMBER DAVIS: Davis seconds.

BOARD MEMBER CASTELLANOS: Second. Castellanos.

CHAIR FERRARO: Okay.

BOARD MEMBER CASTELLANOS: Got to love the phone meetings.

CHAIR FERRARO: Okay. Yeah. All right.

BOARD MEMBER CASTELLANOS: Either way you've got --

CHAIR FERRARO: Gonzales?

BOARD MEMBER CASTELLANOS: -- either way you've got a first and a second.

CHAIR FERRARO: Yes, we do.

Mr. Gonzales? Oscar, your vote?

Move on to Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: Commissioner Gonzales one more  
time?

VICE CHAIR GONZALES: Yes, sir. Yes.

Commissioner Gonzales is a yes.

CHAIR FERRARO: Thank you.

VICE CHAIR GONZALES: Thank you.

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

Moving on to item number five, this is discussion  
and action by the Board on the Application for License to  
Conduct a Horse Racing Meeting of the Sonoma County Fair at  
Golden Gate Fields, commencing August 4, 2021 through August  
17, 2021, inclusive.

Mr. Voss?

MR. VOSS: Good morning, Commissioners. Zachary  
Voss again.

Agenda item five is the Application for License to Conduct a Horse Racing Meeting at the -- of the Sonoma County Fair at Golden Gate Fields, like you said, from August 4th through August 17th, 2021.

The outstanding items still needed to complete the application include only the race meet agreement with the CTT. Board staff has received the Worker's Compensation Insurance certificate and the third-party Lasix agreement, so those items are no longer outstanding.

We have Becky Bartling, again, from Sonoma available, as well as Eric Sindler on behalf of Golden Gate Fields, should the Board have any additional questions. Also, we have Cory Soltau available to speak on behalf of the Arabian Racing Association of California regarding Arabian racing at the Sonoma County Fair.

Thank you.

CHAIR FERRARO: Regarding the CTT agreement, do we have a proposal for that, a new proposal, or are we lacking any proposal at all?

EXECUTIVE DIRECTOR CHANEY: My understanding is that the CTT and Sonoma County Fair failed to come to an agreement. To be fair to them, I think this is a new issue for them. They did have an agreement last year. We will revisit the CTT agreement issue when it comes to Golden Gate Fields license app a little later in the agenda.

So currently, right now, there is no CTT agreement between Sonoma County Fair and CTT.

CHAIR FERRARO: So we assume that we're going to go by last year's agreement?

EXECUTIVE DIRECTOR CHANEY: That -- yeah. In the event that they don't have one the Board can, by our regulations, mandate one. And what you've done in the past is just use the one from last year.

CHAIR FERRARO: Okay. Thank you.

MR. MARTEN: Alan Balch --

CHAIR FERRARO: Can we hear --

MR. MARTEN: -- Alan Balch is in queue if you wish to hear from him.

CHAIR FERRARO: We probably will but let's hear from Becky Bartling first please.

OPERATOR: Becky's line is now live.

MS. BARTLING: Thank you. Thank you. Becky Bartling, CEO of Sonoma County Fairgrounds, Wine Country Racing.

I think that it was described here accurately. And we'll support whatever the CHRB, you all, decide to do.

CHAIR FERRARO: Okay. Do you have comments regarding the Arab racing, Arab horse racing, about the status?

UNIDENTIFIED MALE: Go ahead. They're calling for

comment.

MR. SOLTAU: Yes. Hi. This is Cory Soltau. I thought you were asking Ms. Bartling. Good morning, Board. I have a question, my own question, really.

Is it the intention of the California Horse Racing Board to license the Sonoma County Fair meet to be held at Golden Gate Fields as a fair meet with the exclusion of the Arabians?

CHAIR FERRARO: I don't think we've made a decision on that. Can you tell us how many Arabian horses that you have prepared for the meet?

MR. SOLTAU: Well, I'll tell you. Yes. We have enough to fill the races.

CHAIR FERRARO: Enough means how many, a number?

MR. SOLTAU: Well, right now there's -- that amount really depends on what you decide. Because people are sitting here with two weeks to decide whether or not they're going to be leaving California. And so some of them have already packed up and are heading out. So I can't give you a definitive amount but we have enough to fill fields that are adequate compared to last year's event, possibly as many as 25, 30 horses.

CHAIR FERRARO: And how many trainers are involved with those 25, 30 horses?

MR. SOLTAU: Right now there are four trainers.

CHAIR FERRARO: And how many owners?

MR. SOLTAU: If you include the partnership syndicates, there's probably about, I would say, 20 owners.

CHAIR FERRARO: Okay. Thank you.

Any questions from the Board for Mr. Soltau?

There are none?

MR. BROWN: Yeah. This is --

BOARD MEMBER SOLIS: Yes.

MR. BROWN: -- this is Michael Brown. I'm with Dr. Soltau.

What we're concerned about is that the law is very, very clear, any fair race that has parimutuel betting shall include Arabian racing as so far as is practicable. And practicable simply means if it can be done. Now, in the past, that has always been practicable. And there's nothing changed that would make it not practicable this year. Last year we had Arabian racing at the -- in Golden Gate and it worked out very, very well. There's no reason why it can't be done this year.

Practicable means, can it be done? And the answer is, yes, it can be done. And should it come to requiring a judicial decision, there's no doubt in my mind that it would be found to be practicable. There is just simply no reason to not have Arabian racing, and none has been given. I have spoken to Mr. Brodник, and I've spoken to the chair of CARF,

and they've both told me that the racing application from Sonoma lists under Arabian races zero. That's a violation of law.

And what I'm saying is that the CHRB should not, at this point, violate the law. The application should only be approved if it includes Arabian racing. If it does not include Arabian racing, there's going to be a lot of people who lose a lot of money.

You have my letter to Mr. Brodник. He has informed me that he gave that to the Board. And what I'm suggesting to you is that it would be a violation of law to grant that license if it does not include Arabian racing. Arabian racing has been a part of horse racing in this state for many, many years and it should not be restricted at this point.

So we're asking that you approve that license only on condition that the Sonoma County Fair include Arabian racing. Otherwise, the Board is sanctioning a violation of the law.

Thank you.

CHAIR FERRARO: Thank you.

BOARD MEMBER SOLIS: This is --

CHAIR FERRARO: Can we hear --

BOARD MEMBER SOLIS: Yes. This is Alex.

CHAIR FERRARO: -- can we hear from a

representative of Sonoma County Fair regarding that item please?

MS. BARTLING: Yes. Thank you. Becky Bartling here again.

So the definition of practical -- or practicable, in our eyes, it's not practicable because we're looking at a situation, and we learned very clearly last year at Golden Gate, that there's a significant number of organizations who will not take the signal based on Arabians running. So that's an issue that we're very concerned about.

We're also very concerned about how many horses -- how many Arabian horses actually could fill a card. And when you look at what happens in Alameda, there's certainly challenges there.

So we do not believe that it is practicable.

CHAIR FERRARO: This signal, the denial of the signal, is it just for the Arabian races or is it for your entire signal?

MS. BARTLING: It's for the Arabian races. But from -- Patrick Mackey may speak to that a little bit more clear. But my understanding is if there's an Arabian race during a day of racing, that the signal is not taken for the entire day.

CHAIR FERRARO: Mr. Mackey, can you elucidate on that please?

MR. SOLTAU: Who were you asking for, sir?

CHAIR FERRARO: Patrick Mackey or Eric Sindler, either one.

OPERATOR: Mr. Sindler's line is live.

CHAIR FERRARO: Go ahead, Eric.

MR. SINDLER: Good morning. Good morning again.

There are -- going back to my Monarch days (indiscernible) handles the simulcasting for a lot of the California racing industry. There are certain -- there are certain states that do not allow wagering on Arabians. And of those states, it's each location. They either don't take the Arabian race. And then there are certain locations that don't take the card at all to ensure that they don't accidentally bring in the Arabian race and then get fined by their Commission.

So what Ms. Bartling said is correct. There are certain locations that just don't bring in Arabians. And then there are certain locations that just forego the entire card to ensure that they don't accidentally bring in something they're not supposed to.

CHAIR FERRARO: Do we have questions from the Board for any of these gentlemen?

MR. SOLTAU: I do have one more comment. This is Cory Soltau.

CHAIR FERRARO: Go ahead.

MR. SOLTAU: To refuse -- not refute but to question Ms. Bartling's statistics, this year, I mean, if -- the amount of horses, if that is important, last year we had an average of 6.75 horses per field. This year we had two races that were seven-horse fields, I believe, and one was six, and then one was a five-horse field. This year, at Golden Gate Fields, I did some analysis on there and there was a very large number. Almost 50 percent of the races were five-horse fields. Of that, a significant number of those races were four-horse fields. And there was even a three-horse field.

And I think that says a lot about the -- to compare our numbers with the thoroughbred and the races, I think, is disingenuous. And I think that this year, I mean, I think we did very well, like he said, Alameda, that -- and I don't think the numbers she's quoting are correct.

We would like to -- and one other thing. We have a significant amount of contributions from the Middle East that were going to be going to a stake race at Golden Gate Fields this year. If that does not happen, of course, we'll have to return that money, and probably have difficulty ever asking for it again in the future because of that decision. So there are a few other things at stake here.

And I believe I'd like to address another. I know that even when you were describing it a minute ago you

were -- there was some question regarding the difference between practical and practicable, and there is a very large difference between those two words. And so if words matter, I think we ought to consider that. We are able to field horses.

Now the other thing, all this information about simulcasts and about transmission and all that, that is having to do with profit. That is having to do with absolute -- the ability to make money. That is not the same as practicable. And so I think we -- and of course they -- we don't derive any income from the satellite wagering, like the thoroughbreds do, so of course we're not going to have -- generate as much, as many funds. But that's not our decision. That's a decision made by the satellite companies and not the Arabian Racing Association.

I have one more come from Mr. Brown.

MR. BROWN: There's another factor too. The word practicable is defined in the legal dictionaries, you can look at any dictionary you want, it simply means can it be done? Is it possible? Not is it profitable.

Now if there's a problem with any of the wagering facilities or any of the technical people that broadcast race results or whatever, that's an issue that the CHRB should deal with. But it should not permit any outside agency to come in and create a violation of law simply for

profit. If that's the case, then the CHRB should take action to prohibit those agencies from participating in racing in California. I very much suspect and believe that if that were to take place those rules would change because this is a very profitable place for them.

But again, we're getting down to the definition of what the legislature has commanded and that is, if it's possible, you have to do it.

MR. SOLTAU: Practicable.

MR. BROWN: And that's practicable. Practical may involve profit but that's not the word the legislature used. The legislature speaks very carefully when it drafts these laws. It goes through many hearings. Words get defined. And in this case the legislature has said, if it's possible to do it, if it can be done, then you must do it. The word shall is meant --

CHAIR FERRARO: Okay. Okay, Mr. Brown, we get the point. We got your point. Let's hear from some other people please.

Can we hear from Duggan from Golden Gate Fields?

MR. DUGGAN: Yes.

OPERATOR: His line is now live.

MR. DUGGAN: Yes. Good morning, Mr. Chairman and fellow Commissioners. I would really reiterate what (indiscernible) said and confirm, also, what Mr. Sindler

said.

In addition to that, with regard to the number of horses available, my understanding, having spoken to Tom Dietrich (phonetic), Racing Secretary at CARF, that number has dwindled down to somewhere in the region of 19, if not less. And quite frankly, I confirm what others have said with regard to the ability for Golden Gate Fields to host the Arabians for this short period of time.

And I can only reconfirm what Mr. Mackey has said in previous discussions with Mr. Soltau and others that it's really something -- it's not, to all intents and purposes, practical for us with so few horses.

And there is the integrity issue, as well, with only four trainers being available for that.

Thank you very much for your time.

CHAIR FERRARO: Thank you.

Do we have a queue on this, operator?

OPERATOR: We do.

CHAIR FERRARO: Well, let's hear from the queue.

OPERATOR: Thank you. We will first go to Alan Balch with California Thoroughbred Trainers.

Please go ahead.

MR. BALCH: Thank you. To go backwards for just a moment, I just wanted to clarify that CTT did submit a signed race meet agreement. That was the agreement that

CARF agreed for all their fair racing. We submitted that for Sonoma County but we haven't heard back from that. So I understand the Board will take that into consideration as far as requiring a CTT agreement of some nature. But I wanted you to know that we had submitted the previously agreed CARF agreement for Sonoma County.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. SULLIVAN: Hello again. I would like to point out that this race license for Sonoma County Fair at Golden Gate Fields is in Alameda County which is covered by Governor Newsom's Drought Emergency Order. So what is Sonoma County Fair and Golden Gate Fields supposing to do specifically in response to our Governor's emergency order?

You know, we know that racetracks use a ton of water. We know, for example, from the Del Mar Fairgrounds engineering analysis for its water systems that during race seasons, every race day, 150,000 gallons are added to the City of Del Mar's sewer system. And that's just the water that goes down into the sewer system.

So what is it that Sonoma County Fair and Golden

Gate Fields are specifically doing in response to Governor Newsom's Drought Emergency Order, which includes Alameda County?

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Jane Cartmill, a citizen.

Please go ahead.

MS. CARTMILL: So my comment, actually, would have been pretty much the same as Martha Sullivan's. While the public and area businesses are being asked to voluntarily reduce water use by 15 percent, you know, I can't water my lawn and, you know, supposed to take a shorter shower and all that, but meanwhile, CHRB is considering granting a race meet license which will use a tremendous amount of water. And I think that should be evaluated in a more responsible manner.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Regarding the Sonoma County Fair at Golden Gate, so everybody wants these big fields, but then

what happens to all these horses?

There is a missing horse from last year. At the time of her disappearance, Ruby Bradley was a four-year-old filly last seen racing at the Sonoma County Fair hosted at Golden Gate Fields. She had 19 starts between Santa Anita, Del Mar, and Golden Gate. Her last known whereabouts, race number six on August 8th, 2020, where the chart says she was stopped, eased, and walked off. Her previous race was just two weeks prior, July 26th at Del Mar. She placed 11th out of 12. So is that why she got dumped at Sonoma?

And just as a side note, the last placing horse in that race was Tammy's Window who was killed at Turf Paradise in April of this year.

So despite having no workouts or starts in almost a full year, Equibase has now upgraded Ruby Bradley from a filly to a mare. So I don't know if that's automatic or if somebody has updated her. So where is she? Is she enjoying a so-called second career as a brood mare where she is in a constant state of pregnancy until she is too old? Then what happens? Or maybe she is employed, so to speak, as a pony leading countless racehorses to their deaths.

So where is Ruby Bradley? And, of course, you're not going to answer, but I still want to know. Perhaps her trainer, Drug O'Neill, has some more information on this horse.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Yes. Thank you. There's a front page news article in the New York Times about the way drought is impacting the area not far from this location. And as others have mentioned, the state is under a severe drought advisory. And industries and households are being advised to use less water.

So I join with others in asking, what does this Board intend to do to regulate the industry's use of water? You'll probably say, well, that's not part of our responsibility. But when you allow an expanded racing venue or a new racing venue when you add races to the calendar, you're essentially adding water use to care for the horses, to care for the grounds. And so you are going against the Governor's own request.

So I'm really puzzled by how you can add additional operations and not take into account your impacts on other industries, for example, the wine industry that is suffering, as this front page news article has pointed out. There are other industries that you are part of that are also regulated that are doing their best to comply. And I

think you are going down the path that these other industries are facing. They are no longer insurable. The risk, the drought, the lack of water has made their properties uninsurable as far as providing safety and security for the owners.

So please, be a responsible resident of California. Don't add more activities that consume more water. And realize that you're not being a very good neighbor to these other businesses that are doing their best to survive under extraordinary wildfire and drought situations, and then they see this Board authorize more activities without taking into account how that will impact other businesses, other people's lives.

So please be responsible as you consider these additional races. I just don't think you are being responsible at all right now and being a good resident of the state of California as we all struggle with drought and wildfires.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Do I have comments from the Board, questions or comments from the Board?

BOARD MEMBER DAVIS: I do, Chair Ferraro. This is

Davis, Commissioner Davis.

I'm looking at the Sonoma County June 1 letter and it says the CTT agreement should be completed and submitted by Friday, June 4th, 2021, and yet am I to understand that we do not have that?

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman,  
Executive Director Scott Chaney.

Yes, that's correct. I guess they didn't come to an agreement.

BOARD MEMBER DAVIS: So we would be defaulting again back to -- what's the date of the other agreement?

EXECUTIVE DIRECTOR CHANEY: Yeah. They did have an agreement from last year, so we -- typically the Board has designated, you know, the last agreement as the one that would be operable.

CHAIR FERRARO: Commissioner Davis, you --

BOARD MEMBER DAVIS: (Indiscernible.)

CHAIR FERRARO: -- you and Commissioner Mitchell have looked into this matter. Do you have any comments or -- as to the status of this?

BOARD MEMBER DAVIS: What we would like to see is probably some kind of -- and let me not put words in Commissioner Mitchell's mouth, but we saw an effort by Executive Director Chaney to try to resolve the matter and got a response from CTT indicating that we should attempt,

perhaps, a meeting with myself and Commissioner Mitchell to resolve this thing once and for all, because we see other applications here on the agenda for later race meets and we keep just defaulting back to the old agreement, which isn't -- hasn't been conducive to just getting the thing done.

So I would like to see a situation where we either condition approval on there being agreement in price before the race starts or at least accept whatever the latest agreement is, and by latest, I mean --

CHAIR FERRARO: Go ahead.

BOARD MEMBER DAVIS: -- what's on offer now, not what's -- not the default agreement.

CHAIR FERRARO: Okay. The agreement that was put forth and denied by the CTT, is that the one you're speaking of?

BOARD MEMBER DAVIS: Correct.

CHAIR FERRARO: Okay. Mr. Chaney, is that possible?

EXECUTIVE DIRECTOR CHANEY: Well, the Board has the authority to designate any agreement they want. So the Board has that power. And if the associations and the CTT actually want to conduct a race meeting, they can -- they have no choice but to accept it. The only other alternative is they, the CTT and the association, come to agreement on

their own.

To be fair to Sonoma County, I think this is the first year that they failed to come to an agreement. My understanding is that Sonoma was happy with last year's agreement and would sign that one. The CTT likes the one that they agreed to with CARF and they would like to see that one utilized at Sonoma County.

So this is kind of a new issue for Sonoma County, whereas the CTT agreement with Golden Gate Fields and Del Mar and Santa Anita has been an ongoing problem.

And Commissioner Davis is correct, I sent out -- after the last meeting when you added Commissioners Mitchell and Davis to help out Vice Chairman Gonzales in this issue, I reached out to all the parties, made a suggestion as a compromise. Pretty much, well, I should say the tracks thought it was reasonable, CTT wasn't wild about it, so that's kind of where we stand.

CHAIR FERRARO: So Commissioner Davis, should we approve this application, would you be in favor of using the CARF CTT agreement?

BOARD MEMBER DAVIS: And when we say CARF CTT agreement, that's, just so I'm clear, that's the one that CTT has put forth for consideration for what would have been submitted on June 4th?

CHAIR FERRARO: That's my understanding.

Is that correct, Mr. Chaney?

EXECUTIVE DIRECTOR CHANEY: I'm sorry. Can you say that again? I'm not sure I quite understood.

BOARD MEMBER DAVIS: In Sonoma County Fair's, letter dated June 1, they said there will be -- there should be a CTT agreement completed and submitted by Friday, June 4th. And Alan Balch stated that he had submitted something.

EXECUTIVE DIRECTOR CHANEY: Right. I don't want to --

BOARD MEMBER DAVIS: So --

EXECUTIVE DIRECTOR CHANEY: -- I don't want to speak for Sonoma County but I think what they'll say is they -- it was their impression that they would sign the same one as last year. And we're waiting for CTT. I think they'll probably tell you that CTT sent a different one, almost a bait and switch --

BOARD MEMBER DAVIS: Ah.

EXECUTIVE DIRECTOR CHANEY: -- if you will, and so that's why it never got signed.

BOARD MEMBER DAVIS: Ah.

EXECUTIVE DIRECTOR CHANEY: So my understanding is that they both have an agreement and it's signed, it's just not signed by the other party because of the difference. And I could be corrected by CTT or Sonoma County but that's my current understanding.

BOARD MEMBER DAVIS: Well, can we hear from Sonoma County?

CHAIR FERRARO: We certainly can.

Can we hear from Ms. Bartling please?

OPERATOR: Her line is live.

MS. BARTLING: Thank you. Good morning.

Yes, that's correct. The agreement that we received from CTT was significantly different. And it didn't come redlined and, unfortunately, Stacie Lappen (phonetic), who serves as our Director of Racing, had to go word by word to determine what those differences are.

I think the bigger issue, though, is what really is at issue with all of the tracks, not CARF, having an issue with CTT. And that's, you know, who controls who the trainers are that are going to be on your -- at your racetrack. And I think it's all about safety, and safety of the animals, and that is a bigger issue.

I'm not aware of the agreement that your Director tried to work out with the other tracks. But I think it's a very significant issue that does need to be determined.

CHAIR FERRARO: But you would prefer to go with your agreement from last year; is that what you're saying?

MS. BARTLING: Yes. If you're requiring us to have an agreement with CTT, yes, we would prefer to go with last year's. And I do need to point out that we are not in

CARF. We're not members of CARF, so they don't speak for us or any of the contracts are not representative of Sonoma County Fair.

CHAIR FERRARO: Correct.

Can we hear from Mr. Balch please? I'm sure he has a comment.

OPERATOR: Yes. His line is live now.

MR. BALCH: Just one clarification. We have not had any objection and we do not have any continuing objection to the prior agreements, the 2018 or 2019 or 2020 agreements. Those are acceptable to us, so I don't want there to be left any misimpression that we're not content with that. Mr. Chaney, he used an expression which I strongly disagree with. There is no such thing in this environment as a "bait and switch," quote unquote. We have always stated that we're comfortable with the prior agreements that the Board has imposed on these licensees.

Our most recent proposal we put forward because CARF had agreed to, and the L.A. County Fair at Los Alamitos, and we have shared it with the interested Commissioners, as well, and we think it's a step forward. But we certainly would enjoy and would look forward to meeting with any Commissioners that are interested in pursuing this further so that we can have a discussion about the merits of all these proposals.

Thank you.

CHAIR FERRARO: So Commissioner Davis, if we go with last year's agreement, would that satisfy your concern?

BOARD MEMBER DAVIS: For Sonoma County Fair, I would say.

CHAIR FERRARO: Yeah. Right. Correct. I have one more question for you, Commissioner Davis, because of your legal expertise. Can you address the issue of practicable as stated by Mr. Soltau in regards to the California State Law, where we stand?

BOARD MEMBER DAVIS: In terms of the question about the satellite exclusions or in what context?

CHAIR FERRARO: Yes.

BOARD MEMBER DAVIS: Just in the general sense of what it means?

CHAIR FERRARO: As to what it means. I mean, the issue is whether we approve the license for Sonoma County with or without Arab racing. Sonoma County and Golden Gate are requesting no Arab racing. And Arab racing is telling us if it's not included we're violating the law. So do you have a comment on that?

BOARD MEMBER DAVIS: I would go with the --

CHAIR FERRARO: I'm sorry to put you on the spot but --

BOARD MEMBER DAVIS: I think that issue was

addressed by legal counsel at the Horse Racing Board on our staff. And I would tend to agree with what -- the advice that was given to the Executive Director.

And I don't know, Scott, whether you feel comfortable sharing that information?

EXECUTIVE DIRECTOR CHANEY: Commissioner Davis, yes, I don't mind. Rob Brodник, Chief Counsel, is sitting beside me so he's -- at the end of the day it really comes down to the Board's interpretation. Mr. Brown is correct in that there is a law and it has words, and the words are written on a piece of paper. I don't know if practicable is as clear as he would say.

So to my understanding, and Rob can correct me, is that it's really the Board's determination if -- it's up to the Board -- it's up to the Board to determine whether having Arabian racing is practicable.

Is that a fair statement, Mr. Brodnik?

MR. BRODNIK: Yes. And good morning, Commissioners.

And just to kind of clarify this issue a little bit more, I'd be happy to read the business and professions code section that's kind of been at the heart of this issue, and it's 19540. And it says, in whole,

"In order to encourage and develop the racing of all horses in California, regardless of breed, whenever a

fair conducts a program of horse races on which there is parimutuel racing the fair, so far as practicable, shall provide a program of racing that includes thoroughbred racing, Quarter Horse racing, Arabian racing, and Appaloosa racing if a sufficient number of horses is available to provide competition in one or more races."

And so, you know, to summarize, I think, what the Board heard today from the various parties, the Arabian Racing of California, ARAC, through Mr. Soltau, Dr. Soltau, is stating to the Board that they have a sufficient number of horses, you know, to fill races.

And then Sonoma, now I think the analysis really becomes the question to Sonoma is: Why is it not practicable then, since there are enough horses, for there to be no racing? And my recollection of what Sonoma told you earlier was that, in essence, that by having Arabian racing, there may be certain states that they export their racing card to that either don't accept the whole card or just don't accept the Arabian racing on that card, which I think, you know, the end outcome being that there may be less wagering that's possible because of the inclusion of Arabian racing.

That said, the definition of practicable, you know, is stated in Black's Law Dictionary, because there is no legislative history on this and this has never been

litigated before, so there's no case law history, practicable is defined as "reasonably capable of being accomplished, feasible in a particular situation."

So I think the question for the Board is, is in light of the fact that there has been an assertion there's enough Arabian horses to fill a race card, is it -- is racing reasonably capable of being accomplished or feasible in this particular situation, which is what the definition of practicable is? If the Board feels that it is practicable, then I think the Board has the authority, certainly under this Code section, to mandate that if a license is granted to Sonoma that it include Arabian racing. If the Board finds that it is not practicable for the reasons that Sonoma put forth, then I think the Board has the authority under this section to approve a license without Arabian racing as was applied.

So that, I hope, has kind of clarified the issue for you all. And I'm happy to answer any further questions.

BOARD MEMBER DAVIS: Okay. So --

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: -- Commissioner Davis here. I would like clarification from Sonoma County Fair on -- it sounds like this -- well, a clarification from Sonoma County Fair on exactly what the satellite situation does as far as its analysis of what's practicable, if there are a

sufficient number of horses?

CHAIR FERRARO: Ms. Bartling, could you comment on that please?

MS. BARTLING: I'm sorry. Would you like me to speak? It's Becky Bartling.

CHAIR FERRARO: Yes.

Commissioner Davis, do you want to ask your question again?

BOARD MEMBER DAVIS: Yes. I would like her to -- I'm sorry.

Ms. Bartling, would you please elaborate more on how the satellite situation affects your assessment?

MS. BARTLING: Yes. So it's not about the number of horses, it's about the organizations that will actually take the signal. Because it's an Arabian race, they won't take the signal, regardless of whether it's a six-, seven-, eight-, nine- or ten-field horse race.

VICE CHAIR GONZALES: I've got a follow-up question.

BOARD MEMBER DAVIS: And --

VICE CHAIR GONZALES: This is Commissioner Gonzales.

Becky, thanks again for your flexibility and leadership here. Is it possible to position the Arabian races at a time in the card where, perhaps, it wouldn't

interfere with the signal? Like, you know, is there any way to get creative on this? Because I know that where I'm heading, you know, with my position on this, but I just wanted to ask if there's any flexibility?

And as far as the people in the signal business, ADWs, they're making a boatload. We know that. I think they've had their -- you know, this is about being fair. This is about, you know, trying to distribute what we think are great opportunities that this industry affords.

So what do you think about that, Becky? And I don't know -- I'm just curious to know if there's maybe some, you know, flexibility that we ask on the part of the Arabian racing leaders to work with you on which part of the card that makes sense?

Because I will tell you this, we're also talking about a racetrack that also has another racetrack in another part of the company, and it's actually a couple of racetracks. And so what we're trying to do is accommodate racing. So if somebody says, well, Oscar, if you put them at the beginning if the card it conflicts with Gulfstream, or et cetera, et cetera, then that's a challenge that's bigger than us.

So I'm just trying to figure out in terms of where we can put the Arabian races so that it works for everybody, including, you know, the signal folks.

MS. BARTLING: So Becky Bartling. I'm not sure I can fully answer that question, Commissioner Gonzales. I don't believe that Patrick Mackey is on.

But again, my understanding is that there's two parts to it -- oh, I do think that Eric Sindler may be on, as well -- is that there are organizations that if an Arabian race is on the card at all, the signal will not be taken. So that, I think, may partially address your question.

VICE CHAIR GONZALES: Okay. Well, thank you. Then it looks like we've got some talking to do to the signal people.

But, well, Dr. Ferraro, just from my standpoint as the Chair of Racing Dates, you know, and this seems like it's a subset of it, I'm ready to call the question.

I just personally, let me just say one thing to that, to the listeners here, is we and all the permittee participants, what, we have, I think, a challenge that we try to address here is ownership. What we're trying to do is to figure out how we get more breeders and owners in the business. I believe we've hit a good rhythm as it relates to our safety record, more work to be done. I believe that we are proving ourselves in terms of our reforms across the board.

And I feel we know have to focus in ways that we

can get more owners in the buildings. We've all heard the stories of former Quarter Horse leaders making their way into thoroughbreds, and jumpers, harness folks, show horse folks. And yes, Arabian connections have also made their way into thoroughbreds. So I can't think of a better opportunity to expand and showcase the wonders of thoroughbred racing and the opportunities as to have some people who maybe their, you know, initial investment or participation is Arabian and then they, too, transition on.

So that's just my thought. I'm trying to really be focusing on what I believe is the next level of the kind of leadership that we provide.

So with that, I'll turn it back over to you, Mr. Chairman.

CHAIR FERRARO: Any other comments from the other Board Members?

BOARD MEMBER SOLIS: Yes, I do. Alex Solis.

I just want to -- riding-wise, I mean, we have so many great races right now, international, to say the least. And as you see, the first few races, they're all Arabian races. And that would be a great opportunity for owners and trainers of (indiscernible) California to get the name of California there.

And just like Oscar was mentioning, it would be great for -- to have new owners. And I remember in the past

in all the fairs where they had these Arabian races, they would run early in the day or late in the afternoon. If I'm incorrect, please, correct me. But I mean, I think this is a great opportunity to keep our name of California racing out there, especially, again, nowadays that we have these kind of million-dollar races, and we have a variety of television now that really help racing in California.

CHAIR FERRARO: Thank you, Alex,

Any other comments from the Board?

Commissioner Davis, do you want to make a motion on this?

BOARD MEMBER DAVIS: Okay. So let me see if I can be clear and brief.

So we'd have the Sonoma County Fair issue on the agenda for approval of its application. And right now it says, "contingent on receipt of all outstanding items." And the one outstanding item that was not provided in the interim was the 2020 agreement for - with CTT, so we would want to add that. And we would want to make a determination that if there are conditions to a practicable lineup of Arab horse racing, that that be part of the licensing approval, because I don't see that -- I don't see that on the agenda the way the vote is set up right now for that, unless I'm missing something.

CHAIR FERRARO: Okay.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman --

CHAIR FERRARO: A second?

EXECUTIVE DIRECTOR CHANEY: -- this is --

CHAIR FERRARO: Go ahead.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman, Scott Chaney, Executive Director.

To kind of summarize, and I don't want to get this wrong for Commissioner Davis, but am I correct in understanding the motion would be approving Sonoma County's license application, designating the -- with the condition that they offer Arabian racing, and also the Board designate the 2020 CTT agreement to be in effect this year?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Okay. Do we have a second?

BOARD MEMBER SOLIS: I second. Alex Solis.

BOARD MEMBER MITCHELL: Also, I'll second.

CHAIR FERRARO: Okay. Then we'll have a vote.

Mr. Gonzales?

VICE CHAIR GONZALES: Just to be certain, Dr. Ferraro, this then does include and require Arabians, right, to be able to race?

CHAIR FERRARO: Correct.

VICE CHAIR GONZALES: Then I'm a yes.

MR. MARTEN: There is --

CHAIR FERRARO: Commissioner Alfieri?

MR. MARTEN: There is one person in queue.

CHAIR FERRARO: Yeah. No.

Commissioner Alfieri?

EXECUTIVE DIRECTOR CHANEY: Yeah, Mr. Chairman, I believe you already did take public comment.

CHAIR FERRARO: Yes, we did. Yes. And we heard from Mr. Sindler.

Mr. Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Mr. Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Mr. Davis -- Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chairman votes yes.

Moving on to item number six, discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Humboldt County Fair at Ferndale, commencing August 18, 2021 through August 31, 2021, inclusive.

Mr. Voss, can you start this please?

MR. VOSS: Yes. Good morning again,

Commissioners. Zachary Voss, Regulation Analyst with the California Horse Racing Board.

Agenda item number six is the Application for License to Conduct a Horse Racing Meeting of the Humboldt County Fair at Ferndale from August 18 through August 31, 2021.

We have received items since the staff analysis was drafted, namely, the fire clearance inspection was conducted at Ferndale and Staff has received the clearance. The Humboldt County Fair has also submitted a letter requesting a Rule 1927 exemption for its fire clearance. No other items are outstanding. And the standard medication agreement between CARF and the TOC was already approved at the June 16th, 2021 regular Board meeting and that is currently still in effect.

We have Larry Swartzlander, Executive Director of CARF, and Katherine Ziemer, Andy Titus, and Jim Morgan from the Humboldt County Fair available should the Board have any additional questions.

CHAIR FERRARO: Okay. Mr. Swartzlander, do you have comments?

MR. SWARTZLANDER: This is Larry Swartzlander. Can everybody hear me?

CHAIR FERRARO: Yes. Go ahead.

MR. SWARTZLANDER: Yeah. I just would simply

state that this is a six-day meet. The first week will be un-overlapped.

And I would like to commend the Humboldt County Fair Board. We've had a lot of changes in personnel. We have a new President, Andy Titus. Jim Morgan has been with us for several years. And Katherine Ziemer is the new (indiscernible). And these individuals have done an excellent job of upgrading the fairgrounds, and also doing a great recruiting effort, and addressing the issue of Workman's Compensation. As we all know, that's one of the biggest challenges on the fairs and, especially, at Humboldt County.

Based on their efforts, I think it's going to be a very good meet. We have several trainers interested. And since the Oregon circuit has reconstructed when they race, and there's no Portland Meadows, Humboldt County Fair fits ideally into their circuit. And we expect a large turnout of Oregon horses for this year.

And that's all I have at this point. Thank you.

CHAIR FERRARO: Thank you. Can we hear from Ms. Ziemer, please? Ziemer.

OPERATOR: At this time, we have not located her line, but we do have Jim Morgan available.

CHAIR FERRARO: That's fine.

MR. MORGAN: Jim Morgan, Humboldt County Fair.

Humboldt is excited to have the first fair with racing since 2019. It's a community owned and operated operation. They embrace their racing dates, rather than try to trade them.

We want to thank the CHRB for affirming the value of maintaining live racing in Northern California without overlap when it's possible.

I want to dovetail on Oscar's point. It is a sport. Sport relies on fans. And Humboldt County has been an entry point for many substantial participants in the horse racing industry in California. The Snow Chief Stakes last year was won by Quinn Howey's horse. He started at Humboldt. Steve Coburn, who bred California Chrome, ran his first race at Humboldt. Allen Aldrich, he was a TOC board member, has won an eclipse award. He started at Humboldt. But more importantly, recently, Travis Boersma, who started at Grants Pass in Humboldt, has now made some substantial investments in thoroughbreds and has a stable that he intends to race at Del Mar.

This is how we grow the sport. This is how we add horses to California. And we'd like to think that the Board has confidence that Humboldt is a major contributor or a significant contributor in that regard.

We also need to thank CARF for helping us open our stables and training early. Our stables are open now for

horses that want to transport up there after the Pleasanton meet or after the Grants Pass and Tillamook meet. We'll be open for training next week.

And I want to dovetail on what Larry said about our board being involved, a very dedicated board. They have worked tirelessly to recruit horses up in Oregon and to bring horses into the state for the first time.

Our board started a GoFundMe page entitled "Horses to Humboldt" where we've raised thousands of dollars. And that money will go to buy insurance for out-of-state trainers to bring out-of-state horses into California.

We've also helped and hand-held Oregon trainers to get their licenses. We're helping them with gas cards for shipping.

We're doing what we can to promote the sport and to confirm CHRB's confidence that having Humboldt race some or all of its meet without overlap is important.

I'd also like to ask the Board to continue the prohibition during the overlap Golden Gate period and during our meet to have Golden Gate Fields not write any races at or under the \$5,000 claiming price. That's important for our horse population.

I'd also like to point out, as a fair, we're inviting Quarter Horses and Arabians to come. And we look forward to having an exciting and entertaining meet.

Thank you.

CHAIR FERRARO: Thank you.

Any questions or comments from the Board for these gentlemen?

Do we have a queue, operator?

OPERATOR: We do.

CHAIR FERRARO: Go ahead. Start it.

OPERATOR: Thank you. We go first to Eric Sindler with The Stronach Group.

Please go ahead.

MR. SINDLER: Yes. My comment, actually, was to the last agenda item. Ms. Bartling mentioned that I might be able to address some of the Arabian simulcasting issues but that has come and gone, so I have nothing to add to this agenda item.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Greg Avioli with TOC.

Please go ahead. Mr. Avioli, your line is live.

MR. AVIOLI: My comment was on the last agenda item as well. Thank you.

CHAIR FERRARO: Okay. Thank you.

Next, please.

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

Please go ahead.

MS. CROKER: Thank you and good morning. I have concerns regarding Ferndale's equine safety records and accountability.

CHRB, please hold Ferndale accountable for full disclosure of all equine injury follow-up outcomes, and demand that such disclosure is made as a condition for a racing license renewal.

Chairman Ferraro indicated on 06/16/20 [sic] that he is focusing on equine safety and accountability, specifically the issue of injured horses being shipped away for euthanasia so that the resulting death would not be added to the track's fatality totals.

As revealed to me yesterday in an email from the CHRB Public Information Office, a CHRB safety steward is assigned to each track for follow-up on all horses that are vanned off or injured. Additionally, I was told that in some cases, CHRB investigators will expand the follow-up to ensure there has been no underreporting of fatalities. This is a new public revelation but outstanding news.

With that in mind, prior to licensing, Ferndale safe stewards should be held accountable for reporting the outcomes and whereabouts of each horse who sustained an injury on their track during the last racing season.

Two cases in point.

Kentucky King raced as a nine-year-old gelding in August 2019 at Ferndale, last workout on 08-07-19 for five furlongs, last known whereabouts, Ferndale, 08/25/19, race five. Equibase chart reports that this horse was eased, walked off, (indiscernible). He has not been seen six.

Uneta's Ginger (phonetic), a nine-year-old mare in 2019. On 08/24/19, she ran at Ferndale in race six. Equibase reports she was eased and walked off. She does have a short subsequent timeline involving three more dates in 2019. Equibase comments stated, "always outrun and tired." She has since disappeared from the databases.

Where are these horses now? And why haven't you previously mentioned your Injury Investigation Teams. If the practice is new, thank you for developing it. Perhaps it was in response to our concerns about injured horses who go missing. Please make the injury follow-up data a true request for licensing and make the data public and accessible.

Thank you so much.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. SULLIVAN: I actually said in affiliation that

I'm with Kill Racing, Not Horses, but that's been left out, interestingly enough.

Relative to the Ferndale license, I want to point out that Humboldt County is also in our Governor's Emergency Drought Order. And there should be a specific response to that order as you consider this license. What is Humboldt County Fair doing to respond to our Governor's Emergency Drought Order in hosting the live horse races, which we know use very significant amounts of water, particularly in the summer, to keep horses cool?

I'd also like to -- you know, this new revelation that there's a horse steward that follows up on vanned off and injured horses in races, there should be confirmation in your license approval that Humboldt County Fair at Ferndale is adopting this practice. This is news to us. Are they adopting this practice? Is there going to be a fourth safety steward to follow up on vanned off and injured horses?

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Lynn Frudenberg, a citizen.

Please go ahead.

MS. FRUDENBERG: Good morning and thank you for taking my comment.

Since there was no racing in 2020 at Ferndale, I chose to take a look at a chart from August 2019. On August 16th, race two had a four-horse field. And now I'm curious where these horses are now.

WHR Incendiary, a seven-year-old gelding at the time, last start was 10/12/19, placing six out of eight. The chart's saying, "lagged, no factor."

Not Due Yet, a four-year-old mare at the last Ferndale meet, she had only two starts, both at Ferndale, nothing since. The chart says, "lacked rally."

Emma MHS (phonetic) was another four-year-old mare, ran a total of four races, with the last one being at Ferndale on 08/16/19. She was said to have inside trip, weakened, and has not raced since.

Affair Simone (phonetic), a five-year-old mare, she has been raced in Ferndale, Fresno, Arapahoe, Pleasanton, Golden Gate, then she got dumped at the Lone Star in Texas. Her last race was nine months ago on 10/25/20, has not been raced since.

Fair races are the perfect dumping grounds for the less-than-stellar racehorses. You could run them hard for a couple of weeks. When they disappear, nobody blinks an eye, and all requests fall on deaf ears.

You are the Board. Please find these horses.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Good morning. Regarding this Humboldt County Fair, the most recent racing, as we know, was August 2019.

Let us take a moment to remember Bronco Brown. He was a four-year-old gelding. Thirteen of his 14 starts were claiming races, so the was always up for sale. On August 18th, he went over the rails, threw his rider, and he broke both of his front legs. The local media covered the tragedy. The jockey was sent to the hospital but he had a choice to participate. Bronco Brown would have never chosen to lose his life for a stupid fair race.

Then one week later there is the gelding, Dizzy Dancer. On August 25th, race number eight at Ferndale, he's declared a non-starter, yet the profile says he is a DNF on Equibase. Dizzy Dancer is now eight years old. He has since been trafficked to Turf Paradise, Arizona, and then to Grants Pass, Oregon. His most recent start less than a month ago is described as "faded," and he placed sixth out of eight.

There is an undeniable ominous pattern to clear out the barns for the two-year-olds. Then the so-called

older horses, or horses that are not stellar runners, drop in class. They find their friends, as you say, at lower-tier tracks, whether it is fair racing in Ferndale or an out-of-state dump. You just keep them running and running until they can't run no more.

CHAIR FERRARO: Thank you.

Next, please.

MS. FRUDENBERG: No problem.

OPERATOR: Next, we go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: You have Rule 1927 for a reason. Enforce it. Don't extend it. Don't suspend it. If you care about the safety of these horses, enforce your own rules.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Any questions or comments from the Board? Can I have a motion please?

BOARD MEMBER DAVIS: Davis moves.

BOARD MEMBER CASTELLANOS: Castellanos. Motion.

BOARD MEMBER SOLIS: Alex.

CHAIR FERRARO: Mr. Castellanos --

BOARD MEMBER SOLIS: Alex seconds.

CHAIR FERRARO: -- are you making a motion?

BOARD MEMBER CASTELLANOS: Yes, sir.

CHAIR FERRARO: Okay. Motion to approve, is that the motion?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Mr. Solis, do you care to second?

BOARD MEMBER SOLIS: Yes, sir.

CHAIR FERRARO: Okay. Let's take a vote.

Commissioner Gonzales?

VICE CHAIR GONZALES: Yes.

CHAIR FERRARO: Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chair votes yes.

Moving on to item number seven, discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Pacific Racing

Association II at Golden Gate Fields, commencing August 25, 2021 through October 6, 2021, inclusive.

Mr. Voss?

MR. VOSS: Thank you and good morning again, Commissioners. This is Zachary Voss, Regulation Analyst for the California Horse Racing Board.

Item number seven is discussion and action by the Board regarding the Pacific Racing Association II, also known as PRA II, Application to Conduct a Horse Racing Meeting at Golden Gate Fields from August 25th, 2021 through October 5th, 2021.

Outstanding items still needed to complete the application include the CTT agreement, an agreement with all Northern California satellites. The application indicates that the Association proposes to offer its signal only to Southern California simulcast facilities. And then, third, the agreements from the appropriate racing associations per Business and Professions Code 19596.2 and 19596.3, should the PRA II decide to obtain a simulcast agreement with Hong Kong. PRA II submitted a letter explaining these missing items and it's attached in the Board package for your review. (Coughs.) Excuse me.

Additionally, PRA II submitted an updated bond to the Board, and a letter confirming that it will abide by the Board's inclement weather policy.

The standard medication agreement between the Pacific Racing Association and the TOC was previously approved at the June 16th, 2021 regular Board meeting and it is still in effect.

We have Eric Sindler of The Stronach Group and David Duggan, General Manager at Golden Gate Fields, available to answer any questions from the Board.

Thank you.

CHAIR FERRARO: Mr. Chaney, if the Board was to approve this application, it would include an agreement, the CTT agreement from last year be adopted by Golden Gate if they agree to send the satellite signal to Northern California and to adopt the Hong Kong distribution of their signal; is that correct?

EXECUTIVE DIRECTOR CHANEY: Yeah. Mr. Chairman, basically, there are three items.

The Hong Kong signal, I don't think, is a major issue. I think they're -- from my understanding from Mr. Sindler is that they haven't decided whether they'll be taking races from Hong Kong. But if the Board chooses to grant the license at Golden Gate Fields, I would condition it on the fact that they have an agreement in place before taking the signal.

The CTT agreement, you're absolutely correct, the Board would have to -- there has not been an agreement. The

Board would have to or can designate last year's agreement if it so chooses.

With respect to the satellite signal in Northern California, I spoke with Mr. Sindler yesterday. There is no agreement in place. If the Board orders them to do it, they will, or course. But he has assured me in all future applications that that agreement will be in place going forward after today's Board meeting.

CHAIR FERRARO: Okay. Can we hear from Mr. Sindler please?

OPERATOR: His line is now live.

CHAIR FERRARO: Go ahead, Eric.

MR. SINDLER: Yes. Good morning. Thank you. Good morning, Commissioners.

Yes, as the Executive Director just stated, with Hong Kong, we are still deciding whether we're going to import the signal. It comes in extremely late at night. And with the pandemic, it's still a decision whether it's worth opening up for a few people to potentially come wager. But we absolutely would not start importing the wager until the we have the necessary agreements and then submitted them to the Board.

With respect to the satellites, again, the Executive Director is correct. If you condition our license on that, we understand you most likely will, and we will

certainly comply with that, as we have the last  
(indiscernible). That would not be an issue whatsoever.

With respect to the CTT agreement, there is absolutely no agreement in place. And as the Executive Director mentioned, there has not been an agreement in place for a number of years now. We simply cannot come to an agreement on terms, so there is no agreement in place whatsoever.

And I'm happy to answer any questions --

CHAIR FERRARO: Well, you --

MR. SINDLER: -- the Board --

CHAIR FERRARO: -- you would agree to use the previous CTT agreement if the Board requests it; correct?

MR. SINDLER: No, we had no previous CTT agreement. We have not had a CTT agreement --

CHAIR FERRARO: None at all?

MR. SINDLER: -- signed. No, not in a couple of years, we haven't signed an agreement with the CTT.

CHAIR FERRARO: Correct. But the previous CTT agreement is what we've been using in light of the fact that we don't have a signed agreement, a new signed agreement; correct?

MR. SINDLER: We have a difference of legal opinion on whether that is the case or not. But I do not want to get into a gigantic legal discussion at this moment.

I don't think that would actually accomplish anything. But if the Board continues to act in the way that the Board has continued to act, you know, that is obviously the Board's decision.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman, I think --

CHAIR FERRARO: Okay.

EXECUTIVE DIRECTOR CHANEY: -- maybe you're speaking beyond each other, but the -- and maybe Mr. Sindler is objecting to the word "agreement" since neither party actually agrees to it. But the Board has designated the way in which the two parties will operate and use the one from last year, which was the one from last year, which was the one from last year, so I think your -- it's -- your understanding is correct.

CHAIR FERRARO: Okay. All right. That's all --

MR. SINDLER: Yeah. I agree with --

CHAIR FERRARO: -- just clarified that.

MR. SINDLER: -- Mr. Chaney's summation. I agree with that.

CHAIR FERRARO: Okay.

MR. SINDLER: Yes.

CHAIR FERRARO: Very well.

MR. SINDLER: That's what the Board has been doing. You have been designating.

CHAIR FERRARO: Right. That is correct. Okay.

Does Mr. Duggan want to make a comment?

OPERATOR: And his line is live.

CHAIR FERRARO: Go ahead, David.

OPERATOR: Mr. Duggan, perhaps your phone line is muted.

MR. DUGGAN: Oh. Apologies everybody. I have no further comment to add at this time.

CHAIR FERRARO: Okay. Any questions or comments from the Board for either of these two gentlemen?

Do we have a queue, operator?

OPERATOR: We do.

CHAIR FERRARO: All right. Let's start the queue.

OPERATOR: Thank you. We will first go to Greg Avioli with TOC.

Please go ahead.

MR. AVIOLI: Greg Avioli, TOC. It's a detail but it's an important one.

I want to make sure the Board understood the critical issue of mandating that Golden Gate does send their signal to the satellites in the north. Mr. Sindler noted that they have not put that in their application but they will agree to it if the Board mandates it. We've had to do his process, I believe, for five years now. So it's good to hear that Mr. Sindler said the next application is going to

have them sending the signal to the satellites.

But I urge the Board to do what you've done the last three years and condition their approval that Golden Gate sends their signal to the satellites.

Thank you.

CHAIR FERRARO: Thanks.

Next, please.

OPERATOR: Next, we go to Lori Saldana, former Assemblywoman.

Please go ahead.

MS. SALDANA: Thank you. This is in reference to the fire agenda item. I was distracted and wasn't able to comment.

So both of these areas of Northern California, according to the drought monitor released just a week ago, are in areas of moderate to --

CHAIR FERRARO: Sorry, ma'am. I'm sorry.

MS. SALDANA: -- extreme drought.

CHAIR FERRARO: I hate to interrupt but you can't comment on the previous. That item is done and closed.

MS. SALDANA: All right.

CHAIR FERRARO: If you have comments regarding this item, we will be happy --

MS. SALDANA: Yes, sir.

CHAIR FERRARO: -- to take them.

MS. SALDANA: I do. Yes, sir, I do. And I would appreciate having my time added for the interruption please. Can you please add a few seconds back to my time?

So once again, a race is being added, it's being authorized during a time of severe and extreme drought in the area that it's being provided.

And this is simply -- and I think Governor Newsom has to agree, this is not in the best interest of the state of California. And you have appointed to represent not just the industry but, also, the residents who live nearby, the people who are struggling to cut back on water use, and by adding additional venues and additional activities that consume tremendous amounts of water and add, in addition, more traffic, more carbon in the air, greenhouse gases -- I was one of the coauthors of the original Greenhouse Gas Reduction Act -- the actions of this Board are contrary to protecting lives and property in the state of California.

Adding more races at a time -- and we are also, frankly, seeing an increase in COVID, thanks to the Delta variant. So allowing more people to attend events at a time when we have a variant that is 1,000 times more infectious, leading to deaths and taking the state into another lockdown, is irresponsible. You should, if anything, be restricting these activities and encouraging people to conserve water and not put themselves at risk for their

health and safety.

So if you're going to continue to allow this, I hope Governor Newsom is paying attention to his appointees to this Board. You are not acting in the best interest of Californians. You are acting in the best interest of an industry which, frankly, is harming California.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. CROKER: Thank you. CHRB, before granting a racing license to Golden Gate Fields, please hold them accountable via their safety stewards' reports. Require full disclosure of the whereabouts of their injured and shipped-out horses.

Where is Mamanuca, a filly born 02/18/17, third race, Golden Gate Fields, 06/12/20, pulled up, DNF, vanned off very early in race? Last start, 09/18/20, Golden Gate Fields, no activity since.

Where is Daddysprize, third race, Golden Gate Fields, 06/12/20, went wrong, vanned off? Last workout, 08/30/20.

Where is Lady of the House, second race, Golden

Gate Fields, 04/18/21, went wrong, vanned off? Last workout, 03/25/21. Still missing as of 07/17/21.

There are also many injured horses who are dumped out of state following injuries sustained at Golden Gate Fields. Three cases in point.

Understated Beauty, a filly born 02/26/17. On 02/13/20 at Golden Gate Fields, she was eased, walked off, then dumped in Washington at Emerald Downs in August of 2020. Her last two starts were in Grants Pass, Oregon, 09/02/20 and 10/06/20, both times placing last.

Danzino (phonetic), a gelding born 03/10/12. At Golden Gate Fields on 02/22/20 during the fourth race this nearly eight-year-old race in his 55th career start was stopped in the stretch and walked off. He reappeared in Weber Downs in Utah. He is now being raced in Wyoming.

Magna Rose, a mare born 03/03/15. On 05/13/20 in fifth race at Golden Gate Fields, she was vanned off bleeding, DNF. She was hauled back and forth between Golden Gate Fields and various tracks in Ohio six times. Last start, 10/08/20, Thistledown, Ohio, placed fifth, weakened in the final furlong.

Please, ask Golden Gate Fields to account for these horses. Racing horses need to be found in order to ensure the correct death totals. The injured and dumped horses need to be located and mercifully retired.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lynn Frudenberg, a citizen.

Please go ahead.

MS. FRUDENBERG: Hi. Thank you for taking my call.

This license should not be granted when there are so -- still so many horses unaccounted for.

A recent complaint filed against the California Veterinarian Medical Board confirms our suspicions that you are killing far more horses than you admit to.

Just an example, Clubhouse Soda, a filly, last workout 11/17/19 at Golden Gate. On January 16th, '20, she went wrong, was pulled up, vanned off in the first race. She has not appeared in any of the major database systems.

Then a mare, Do You Believe in Magic, on March 13th, '20 on the fifth race at Golden Gate, she is said to have stopped in the stretch, placed last. She has not been seen since.

Then another filly, Kolor Me Kugel, walked off, race eight, Golden Gate on August 21, '20, her first and only start. Last workout, 08/13/20. No further workouts or races since.

Were Clubhouse Soda, Do You Believe in Magic, Kolor Me Kugel euthanized at a private ranch or a clinic that is not under CHRB jurisdiction?

We all know that unless these horses are earning money they are considered useless to you. I seriously doubt there is a retirement pasture where they are living. Are these three more horses that should be appearing on the fatalities list?

But this is not enough. Since January 2020 there have been 41 deaths at Golden Gate, 15 in 2021 alone, 17 training deaths, 10 racing deaths, and 14 listed as other deaths.

Our two-minute limitation is not even enough time to honor and state the names of the horses killed at Golden Gate Fields. This is not a safe track and they should not be given a license to continue killing.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Following the massive COVID outbreak at Golden Gate, one would think that the meeting packet would contain legitimate up-to-date safety protocols. But

just like your industry, the protocols are outdated and useless. There are nearly 70 pages of COVID safety information that were originally published in 2020. There is nothing about vaccinations.

We are not done with COVID yet. Delta and other variants continue to infect. L.A. County has just reported that over 99 percent of COVID hospitalizations are in unvaccinated persons. If Golden Gate has another COVID outbreak, it should be considered criminal.

Now, about the horses, California loves to dump horses to lower-tier tracks where they can, as you say, find their friends, a ridiculous euphemism for dropping in class.

Smiling Angelo was a five-year-old chestnut gelding with 16 starts. He was raced at Santa Anita, Del Mar, Pleasanton and, finally, Golden Gate. From Golden Gate, he was shipped to Turf Paradise, turf hell, in Arizona, then ended up at Mountaineer, West Virginia where he was killed just three months ago.

Tammy's Window was a seven-year-old chestnut mare with 41 starts, most of them at Del Mar and Santa Anita. She ran a couple of time at Golden Gate, then was dumped at Turf Paradise in January of this year. Then three months later, she is dead.

Turf Paradise has had numerous fatalities. And now a former (indiscernible) horse is one of them. So this

is what you do with the horses that you claim to love so much.

Lastly, no fire clearance, no license, no exceptions. Why do you bother making rules when all these tracks do is ask for exceptions?

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. SULLIVAN: Martha Sullivan, again, with Kill Racing, Not Horses.

The 16th horse fatality reported by this Board for this racing season at Golden Gate Fields was on July 10th at Golden Gate Fields in training, Rare Dreamer trained by (indiscernible). She was a four-year-old filly with four starts, all at Golden Gate, since last October. She placed first place in her last start at Golden Gate on April 3rd. Perhaps she was injured then. She was on the CHRB vet list -- I'm sorry, she was not shown on the CHRB vet list for 2021. She was entered with a workout record at Golden Gate on July 10th, which was described as, quote, "handily (phonetic)," and then, apparently, she dies. She was purchased at Barrett's October 2017 Yearling Auction for \$3,500 at seven months old.

This is horse racing.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to James Morgan with Humboldt County Fair Association.

Please go ahead.

MR. MORGAN: Hi. Briefly. I didn't hear any mention of the limitation that's been imposed the last six years or so for Golden Gate Fields not to run any races at or below \$5,000 during the Humboldt meet that would be through August 29th.

Thank you.

CHAIR FERRARO: All right. Thank you.

Next, please.

OPERATOR: Next, we go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: Rare Dreamer, a four-year-old filly, wanted to live as much as you and I.

1927 is there for you to enforce. They are your rules. Do not grant a license to a track that has already killed 16 horses this year.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Amanda Lundberg, an activist.

Please go ahead. Oh, I do apologize. One moment. Amanda, your line is live.

CHAIR FERRARO: Go ahead please.

OPERATOR: Amanda, perhaps your phone line is muted?

MS. LUNDBERG: Can you hear me now?

OPERATOR: Yes, we can.

MS. LUNDBERG: Okay. Point of the Rose was born February 5th, 2015. Her last workout was at Golden Gate Fields on August 21st, 2020. No further data has been found on her after August 2020. That has been almost a year. Where is Point of the Rose?

Warrens Lil Margie, born March 9th, 2011. February 23rd, 2020 at Golden Gate Fields, she had no speed, trailed throughout, then bled in the stretch and stopped. She has not appeared in the database since.

Chair Ferraro admitted at last month's meeting that horses are being transferred to non-CHRB sites to be euthanized, and he even called it a minor problem. How do you lose a thousand-pound animal? It is absolutely ridiculous. And it's not fair. These animals are not property. They are living, breathing, sentient beings who have emotions, and they feel physical and emotional pain.

They are not for you to make money off of.

You go and be whipped to run if that's what you want to make money off of. These are not race cars, they're living beings.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we'll go to Eric Sindler with The Stronach Group.

Please go ahead.

MR. SINDLER: Yes. I just wanted to follow up on a comment that Mr. Jim Morgan made. It's not -- the condition that has been placed for the last couple of years, it was not at or below \$5,000, it was simply below \$5,000. And there actually is a big distinction between at and below or just below, the distinction being whether we can or cannot write \$5,000 claimers. And we have never been prohibited from writing \$5,000 claim as well. So I just wanted to clarify that.

CHAIR FERRARO: Okay. Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Comments or questions from the Board?

BOARD MEMBER DAVIS: Chair Ferraro, I have a

question. This is Commissioner Davis.

Looking at the Golden Gate Fields marketing plan, I'm pleased to see that they're looking forward in terms of how to attract broader audiences. But I noticed that there is no examination of the African American community and I would like to know why?

CHAIR FERRARO: Mr. Sindler, can you answer that question for us?

OPERATOR: One moment as we bring his line live. Eric, please, go ahead.

MR. SINDLER: Oh, thank you.

CHAIR FERRARO: Go ahead, Eric.

MR. SINDLER: I was signing off. Yes. For those sorts of operational questions, I would defer to David Duggan. He is more in tune with the day-to-day operations.

CHAIR FERRARO: All right. Can we queue in Mr. Duggan's line please?

OPERATOR: Yes. One moment. Mr. Duggan is live.

MR. DUGGAN: Yes.

CHAIR FERRARO: Go ahead, David.

MR. DUGGAN: Yes. Good morning, Mr. Chairman and fellow Commissioners.

Our marketing plan is an all-inclusive marketing plan that works with all the people in the community around us. Without going into absolute specifics, we're working to

embrace the local community, and all aspects of it.

CHAIR FERRARO: Does that satisfy you, Commissioner Davis?

BOARD MEMBER DAVIS: Well, I'm not sure I understand the response because I'm looking at it. There's an overview and then it specifically speaks to certain groups but not that group. So I don't understand their response, that it's more general than that. It's more specific.

BOARD MEMBER DAVIS: David?

MR. DUGGAN: Commissioner, I'll certainly look at that. I don't have that particular piece in front of me at this time but I will certainly look at that. And I can, certainly, revert back at another time, if that's possible?

BOARD MEMBER DAVIS: Okay. Thank you.

VICE CHAIR GONZALES: Mr. Chairman? Mr. Chairman, can I ask a follow-up, well, more just a follow-up point to that?

You know, I've also inquired since I've been, come September it will be two years, Commissioner Davis, about the marketing plan. Because what we are talking about is also a budget for that plan whereby, you know, ads are taken out, certain lines of communication.

You know, if it's at all possible, particularly around the marketing plan, and again going back to just how

we're trying to do our part in terms of promoting, you know, perhaps we can -- you know, because, you know, we typically will see a marketing plan, you know, just a couple of days before, you know, one of these meetings. But if there's a way to, you know, advance that? Because it's pretty clear it's of interest to many of us. Because that really is what's going to get fans in the stands.

And so I want to, you know, also support Commissioner Davis's comments about, you know, the importance of, you know, the African American community, especially given the proximity to the facility there. But I look forward to, you know, to the follow-up around the marketing and outreach and to the African American community, as well.

CHAIR FERRARO: Mr. Chaney, can Staff look into this and begin with some information that the Board could act on or investigate?

EXECUTIVE DIRECTOR CHANEY: Yes, Mr. Chairman. Scott Chaney, Executive Director.

The application process, that starts 90 days before the opening of the meet. And therefore, often times, we obviously have, you know, a lot of the information. And sometimes, like I don't see every application when it comes in, the marketing plan is much earlier than when the packet goes out.

So if the Board would like their marketing information as soon as we get it, we'd be happy to pass it along to the Board.

CHAIR FERRARO: Thank you.

VICE CHAIR GONZALES: Thank you.

CHAIR FERRARO: Would that be agreeable --

VICE CHAIR GONZALES: Thank you, Scott. I actually --

CHAIR FERRARO: -- to support?

VICE CHAIR GONZALES: It is.

CHAIR FERRARO: Yeah?

VICE CHAIR GONZALES: You know, Dr. Ferraro, I just, you know, I really want to just commend, you know, some of the fairs, and Del Mar in particular, just for the outreach that they do to us Commissioners. I mean, we bring up these questions, not because we want to be critical, because we want to be helpful. We want to be supportive in providing ideas and suggestions. It's really, you know, what really kind of brings us to this table. So I believe that, you know, my comments are more in the direction of how else, you know, we can be helpful?

So, yeah. Yeah, Scott, that's satisfactory for me, personally.

CHAIR FERRARO: Is that helpful to you, Commissioner Davis?

BOARD MEMBER DAVIS: Yes, I would agree.

CHAIR FERRARO: Okay. All right. Well, perhaps we can move on to the motion. I'll make it myself and try and get it right.

A motion to approve the Application for a License to Conduct a Racing Meeting by Pacific Racing Association II at Golden Gate Fields, August 25th, 2021 through October 6th, 2021. Approval is contingent upon the operation under the previous CTT agreements that have been longstanding, that the Board -- that Golden Gate Fields agree to send a signal to the Northern California satellite wagering facilities, and that if they do decide to adopt the Hong Kong satellite, that they have agreement in place before they do so.

Do I have a second to that motion?

BOARD MEMBER ALFIERI: I'll second. Alfieri.

BOARD MEMBER DAVIS: Chair Ferraro?

CHAIR FERRARO: Yes?

BOARD MEMBER DAVIS: It's Commissioner Davis.

On the CTT agreement --

CHAIR FERRARO: Yes?

BOARD MEMBER DAVIS: -- could we amend that to say that we would like to see a new agreement for the August -- I believe we have an August 19th Board meeting?

CHAIR FERRARO: Yes. Yes, we can amend it to

that.

And Alfieri, do you agree to second that?

BOARD MEMBER ALFIERI: Yes, that's fine.

CHAIR FERRARO: With that, (indiscernible).

BOARD MEMBER DAVIS: Thank you.

EXECUTIVE DIRECTOR CHANEY: Mr. Chairman,  
Executive Director Scott Chaney. I guess I'm not -- I'm a  
little unclear, or maybe this is more for Commissioner  
Davis.

Still, are we talking about the CTT agreement for  
this particular meet or going forward? Or I guess I'm just  
unclear about exactly what the condition is.

BOARD MEMBER DAVIS: It would be going forward.  
I'm not sure what you mean by this particular meet. My  
understanding is the agreement is for the race meets going  
forward during the --

EXECUTIVE DIRECTOR CHANEY: That's --

BOARD MEMBER DAVIS: Perhaps you can clarify.

EXECUTIVE DIRECTOR CHANEY: That's correct. So I  
think their meet begins, obviously, before our next Board  
meeting. So I guess based on --

BOARD MEMBER DAVIS: Oh. I thought it began on  
the 25th.

EXECUTIVE DIRECTOR CHANEY: Okay. You are  
correct. And our Board meeting is before that. So the

Board, then, won't be -- will not be designating an agreement and just requiring both parties to come up with something before next month's meeting?

BOARD MEMBER DAVIS: Correct.

EXECUTIVE DIRECTOR CHANEY: Okay. Sounds good.

CHAIR FERRARO: Everybody understand that? Let's take a vote. We have a motion. Let's take a vote.

Commissioner Gonzales?

VICE CHAIR GONZALES: Yes.

CHAIR FERRARO: Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chairman votes yes.

So Scott, can you and the Staff try and get together with the parties and try to get the CTT agreement hammered out before the next meeting?

EXECUTIVE DIRECTOR CHANEY: Yes, I will. I'll set up a meeting with Alan Balch and The Stronach Group, include

Del Mar, as well as Vice Chairman Gonzales, Commissioners Mitchell and Davis. And, frankly, I kind of like this pressure, I think it's a great idea, so I'll get the ball rolling.

CHAIR FERRARO: I think it's about time we settled this. We have been pushing it down the road, so let's get an agreement. All right.

We'll move on to item number eight, discussion and action by the Board regarding consideration of comments received during the 45-day comment period and public hearing regarding the proposed adoption of CHRB Rule 1415, Public Participation in Meetings, to define the rules regarding public participation during meetings of the Board.

It's my understanding, we're just memorializing what we are going to do with this proposal.

Amanda Drummond, can you elucidate please?

MS. DRUMMOND: Yes. Good afternoon, Commissioners. Amanda Drummond again.

Agenda item eight is the consideration of the comments you received regarding the proposed Board Rule 1415, Public Participation in Meetings.

At the August 2020 meeting the Board approved the adoption of Board Rule 1415. Since then the rule has been approved by agency and was noticed by the Office of Administrative Law.

The 45-day comment period for this rule was May 21st through July 5th. And then a public hearing was held on July 7th.

Included in the packet are the written comments received during the public comment period and at the public hearing.

Additionally, the transcript from the public hearing is available online and was emailed to each of the Commissioners for your consideration.

The intention of Board Rule 1415 is to formalize a process already in place in our Board meetings. And it's also required pursuant to Government Code section 11125.7. Additionally, the language contained within the proposed rule is language contained in existing CCR Code utilized by other Boards.

If the Board chooses to move forward with this rule, then Staff will prepare the final rulemaking file and submit it to OAL following the meeting.

CHAIR FERRARO: Thank you.

Questions or comments from the Board?

Do we have a queue, operator?

OPERATOR: We do.

CHAIR FERRARO: Go ahead.

OPERATOR: Thank you. I believe this questioner was in queue -- or commenter was in queue from the previous

session but I will let him confirm. We will go to Eric Sindler with The Stronach Group.

Please go ahead.

MR. SINDLER: Yes, you are correct, it was for the last agenda item. I have nothing for this one.

Thank you.

OPERATOR: Thank you.

CHAIR FERRARO: Thank you.

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

Please go ahead.

MS. SULLIVAN: Yes. This is Martha Sullivan with Kill Racing, Not Horses.

I'd like to point out that of all of the public comments received on this proposal in writing and in the public hearing, not one was in support of it, not one. All the comments were opposed to it, requested changes to it. That's significant.

I also would like to point out, as we did in our letter to the Board about this proposal, that if this Board wants to make these meetings more efficient, today's meeting is another perfect example. You have spent -- you know, the two years I've been participating in these Board meetings, the CTT agreement has continued to be, you know, the longwinded topic, as are the Arabian races. But to make

your meetings more efficient you must limit public comment.  
That makes a lot of sense.

You know, physician, heal thyself, Dr. Ferraro.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. CROKER: Thank you. I absolutely appreciate  
the speaking opportunities granted to me by legislation  
embodied within the Bagley-Keene Open Meeting Act.

CHRB's proposed Rule 1415 is fundamentally in  
opposition to Bagley-Keene as it seeks to limit, control,  
and reject public participation in public meetings. I'm  
well aware that I and other members of the public are  
stakeholders in the actions and outcomes of government-  
appointed entities, such as the CHRB.

My rights under Bagley-Keene were sharply denied  
on June 16th, 2021 when, during the public CHRB  
teleconference, Chairman Ferraro ordered the meeting  
operator to cut me off early during my non-agenda public  
comment statement. For your reference, Chairman Ferraro's  
words can be viewed in the 06/16/21 CHRB meeting transcript.  
His exact words were, quote,

"Excuse me. Excuse me, but you're repeating yourself.

We've heard this argument before. If you have nothing else to add but to catalog these fine horses, we'll move on to the next person."

Under government codes and provisions stipulated in the Bagley-Keene Act, it is not the prerogative of any government-appointed Commissioner to silence a member of the public during an allotted non-agenda public comment session simply because he or she is tired of listening to the public.

Furthermore, if members of the public keep addressing the same issue over and over again, doesn't that indicate that the CHRB has not satisfactorily addressed the issue?

Closing your ears to a problem doesn't alleviate the problem. It is only through open debate and discussion that transparency and truth can be revealed to all interested parties.

The proposed Rule 1415 should not be ratified because it seeks to impede transparency and withhold truths from the public.

Thank you.

CHAIR FERRARO: Next, please.

OPERATOR: Next, we will go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Ever since the public began showing up at your monthly meetings in the Spring of 2019, you have been doing your very best to silence us.

At one meeting, a male jockey sexually harassed female members of the public when he was at the podium and the Board Members laughed. They laughed at us.

Meetings were moved out of Southern California, public comment was moved to the end of the meetings to try to discourage us, but neither tactic worked as we would not be silenced. COVID forced the meetings to be held via teleconference, making it easier for current Chairman Ferraro to hang up on us.

The pattern of preferential treatment to industry supporters is painfully obvious. Racing apologists are repeatedly allowed to attack the anti-racing members of the public. They are allowed to speak longer than their allocated time, to speak off topic, and to comment on an item that has already passed because they were not paying attention and did not get in the queue. All of this being said, the CHRB is still not satisfied.

The Commissioners are appointed by the Governor. The CHRB is a creation of the State of California and its authority and role are subservient to the people who do not yield their sovereignty to the agencies which serve them per Government Code section 11120.

Your days of unfettered horse abuse and horse killing are long gone. Never in the history of horse racing in California have members of the public demanded to know where missing horses are. You are absolutely inciting fatalities, as confirmed by Dr. Ferraro himself who has the audacity to call it a minor problem. Even Commissioner Wendy Mitchell seemed genuinely outraged.

Proposed Rule 1415 is just one more example of your desire to have your lying, cheating, and deceiving go unchecked and unchallenged. Persons speaking the truth about horse racing are the biggest threat to your industry. And that is why you want to silence us.

CHAIR FERRARO: Thank you.

Next, please.

MS. WILSON: No problem.

OPERATOR: Next, we go to Jeffrey Anson with the Law Office of Greg A. Sherman, APC.

Please go ahead.

MR. ANSON: Hello. You can hear me; right?

CHAIR FERRARO: Yes.

OPERATOR: We can.

CHAIR FERRARO: Go ahead.

MR. ANSON: Thank you. My name is Jeff Anson.

I want to make clear that proposed Rule 1415 does not meet the requirements in Government Code section

11346.5(a)(13) that requires the CHRB to consider reasonable alternatives brought to its attention, as has been done here by the public, and through both oral and written comments. That would be more effective and less burdensome.

The policy reasons that efficiency has been rejected as invalid -- as an invalid goal by the California Attorney General. And I'm talking about subdivisions (b)(2), (b)(3), (b)(4), (b)(5), (b)(8), and (b)(9). Those allow the Board and its Chair to limit insightful interruptions and perceive what it deems to be wrong or incorrect comments or speech. Otherwise, the Chair of the Board may eject persons on broad or liberal standards in violation of Bagley-Keene.

The Board should make changes consistent with the June 15, 2021 comment letter in the agenda packet at pages 439 to 447 submitted by the Office of Greg A. Sherman, as well as oral comments on July 7, 2021 public hearing there at transcript page 7 through 11, as well as all the other related public comment on proposed Rule 1415. These changes will be substantial in that they will alter the meaning of regulatory provisions. And therefore, per the public notice, an opportunity to comment would be reqd.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Patty Shenker, a citizen.

Please go ahead.

MS. SHENKER: I have been an animal advocate for over 50 years. I personally have had six rescue horses. And years ago I bought 160 acres in Northern California for a horse sanctuary which continues to this day and has included horses from racing. I don't make money off the horses. I give it for them.

I also cofounded a farm animal sanctuary in Southern California, so I do fight for cows and chickens and pigs too.

We animal activists are the only voices for these poor horses, both dead and alive. Since we began coming to meetings, and then calling in, we have been the ones denigrated, rudely cut off, and have even heard pro horse-racing people urge the Board to not allow us to speak at these meetings.

So now you want to grant them this wish to silence us by slashing the Bagley-Keene Open Meeting Act so that you don't have to be exposed and have photos of severely injured horses shown. Frankly, I don't understand how you can have any say on this as you are the fox in the henhouse. This is a criminal trend in America right now, to take away our rights to vote, to protest, to speak out.

We who speak at these meetings have every right as California stakeholders to speak and to question your practices, to educate the public to the number of horses killed at the racetracks, to ask about the missing horses, to expose the doping, the editing of videos of certain races and other corruptions, and to demand transparency. The public and media deserve to know what's really going on.

We know we are making a difference. As the quote said, "If your voice held no power, they wouldn't try to silence you." The horses deserve our voices be heard for them.

This proposed Rule 1415 is undemocratic and must not be accepted.

Thank you very much.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Wendy Minovitz.

Please go ahead.

MS. MARCUS-MINOVITZ: My name is Wendy Marcus-Minovitz. And as an animal rights activist affiliated with Kill Racing, Not Horses, as well as many other animal rights groups, I have been making comments at these meetings for two years. I have commented in-person at meetings held at Santa Anita Racetrack, and have traveled to Pleasanton to make comments there, as well. Since the outbreak of COVID,

I have phoned in my comments, even when I had to stay on the line for more than three hours.

I consider it my right as a longstanding California resident and member of the public to speak up for the horses since they cannot speak for themselves. I have continued to speak up, despite being subjected to insults and sexist derogatory innuendo. My fellow activists and I have had our comments cut short when those on the opposing side have been granted longer speaking times. Despite the tension, and often hostility, I continue to consider it my right to participate in the CHRB meetings and to make my comments heard. To limit public participation and to silence our voices is something that should not be considered.

In the words of Author Jack McDevitt,  
"It is not faith, per se, that creates the problem, it is conviction, the notion that one cannot be wrong, that opposing views are necessarily invalid and may even be intolerable," end quote.

You may disagree with my views but that does not invalidate them. And the opportunity to express them at CHRB meetings should not be denied. The horses who do not choose the life of racing deserve nothing less.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Liz Jacobelly, a citizen.

Please go ahead.

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

CHAIR FERRARO: Yes. Go ahead.

MS. JACOBELLY: Okay. I'm affiliated with Kill Racing, Not Horses, a resident of San Diego.

I have made a difference in the lives of animals by speaking at City Council meetings, the County Board of Supervisors, the Del Mar Fairgrounds Board, and this Board, to advocate for the wellbeing and protection of animals. I am a California Horse Racing Board stakeholder, also, and I bring valuable perspectives to the CHRB's decision making. The CHRB should not consider my input less of a priority than other stakeholders.

A recent example is the huge admission by the Chairman of this Board that only came out in public discussion by the Commissioners because of public comments in the California Horse Racing Board's June 16, 2021 meeting, the transcript for which was recently posted on the CHRB website.

At page 110, Commissioner Mitchell, Wendy Mitchell, speaks to public comments, referencing assertions

made in a complaint filed with the California Veterinary Board that horses are euthanized at CHRB-regulated facilities to keep CHRB reported fatalities down.

And at page 111, Board Chairman Gregory Ferraro, retired Racing Veterinarian, starts to answer Commissioner Mitchell but is quickly interrupted by Commissioner Dennis Alfieri, racehorse owner, making a motion to approve the item, quickly seconded by Commissioner Alex Solis, retired jockey. But Ferraro presses on, acknowledging that this is a problem that we are working on, which Commissioner says -- Mitchell says is even more concerning, to which Ferraro replies that this is a minor issue.

Please do not pass proposal 1415. And please do not limit us in our right to public communication and speaking.

Thank you for your time.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Jane Cartmill, a citizen.

Please go ahead.

MS. CARTMILL: The absence of even one CHRB Board Member at the public hearing on this proposed rule speaks volumes about the contempt for public opinion that seems to be at the very root of 1415.

What constitutes a stakeholder in this, in regard to this proposed rule?

I'm a 50-year resident of California whose life has been dedicated to animal protection and advocacy. My introduction to the plight of horses was through the publications of the Animal Welfare Institute of Sacramento in the 1970s, but since then I've supported many local and national animal protection organizations. I've donated and was President of the nonprofit San Diego Animal Advocates for over 25 years. In that capacity, I was regularly interviewed by print, radio, and television media on animal topics, and appeared as a guest on local and national news programs, including PBS News Hour, Good Morning America, and more.

My commentaries and (indiscernible) have been published in the Journal of Nature, Time Magazine, and Natural History, among others. More than 100 of my Letters to the Editor have been printed in the San Diego Tribune and other area newspapers.

I've testified at City Council meetings, Board of Supervisors meetings, Coastal Commission meetings, and other regulatory bodies. I've hosted information tables, and participated in rescues, adoptions, debates, and seminars on many animal topics.

I cite all of this to demonstrate that I am, most

certainly, a stakeholder in the matter of live horse racing in California. I bring to the table a long history of steady knowledge and involvement in the issues affecting animals. What happens on California racetracks impacts my life and the direction of my advocacy. It's wrong for CHRB to consider responsible citizens, like myself, less worthy of stakeholder status than live horse racing enthusiasts.

Please adopt the suggestions made by the animal welfare groups and do not enact the proposed rule in its current form, limiting public comment in violation of the intent and language of the Bagley-Keene Act.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lynn Frudenberg, a citizen.

Please go ahead.

MS. FRUDENBERG: All right. Thank you so much.

For a Board to be effective there must be diversity. I don't see very much diversity within the CHRB. There is no wide range of perspectives or multiple views, just pro-racing agenda to earn as much money as possible. I find this ineffective. And this is why I feel my perspective, along with other advocates, are desperately needed.

For 28 years, I owned horses, mainly Arabs and Quarter Horses. One of my very first horses I got when she was three months old and she lived to 28. During that time, I experienced many different training techniques, attended many horse events, along with many other horse owners. This is where I first-handedly witnessed the cruelty in rodeos and racing. And this is also what motivated me to listen in on meetings, so I could give public comment to the CHRB to offer constructive -- I'm sorry -- constructive criticism to fix wrongdoings.

As a CHRB stakeholder, I bring value -- a valuable perspective to the CHRB's decision making. You should not consider my input less of a priority than other stakeholders. In past meetings, I was quick to be cut off by Commissioner Ferraro, stating that my comment was not relevant to the agenda, never bothering to ask where the comment was heading, just quickly silenced before I could explain.

The CHRB has an obligation to include public comments. The Board is a creation of the State of California. Your authority and role are subservient to all the people of the state.

Many times during or at the end of my comment I have stated that anyone could answer, but this is met with no response or desire to debate the issues. My main

concerns lately have been around all the missing horses. I mean, where are they? You are the Board. I do not feel I receive the same courtesies as other pro-racing callers.

You know, it says a lot when animal welfare advocates call into a meeting and give comments. With my experience and knowledge of horses, I have every right to be heard. I will not be silenced by a Board that's sole responsibility is to the horse but not doing its intended job.

When I first started calling on Board meetings, I truly believed that the CHRB had a love of horses, like family, so they say. I have never been so long. There is no love, just how much money a horse brings in. Horses deserve better. Kill racing, not the horses.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Craig Sherman.

Please go ahead.

MR. SHERMAN: Great. Thank you, Commissioners and Chair. My name is Craig Sherman. I'm an attorney. I specialize in Public Records Act and Brown Act and agency governance.

And we provided a detailed comment letter on the proposed rule that, I believe, you have in your packet and,

hopefully, you've read. I requested from Staff the materials that were provided to the Commissioners in advance of the hearing, and I was told that it was just the staff report. Because under the Government Code, I'm entitled to receive everything that the Commissioners did. And I was told that all I'd receive was the staff report and the transcript.

So you need to have reviewed that to know what the commenters had at the public hearing, both -- either -- the transcript. The staff report references a summary of comments but there is none. And then I was told that there are none.

So I'm very concerned that this Commission is considering this rule without review of the public comments that -- and there's some problems with this rule that need to be reviewed and changed. This is not committing existing standards into a rule. This is a new rule. These are not enacted or enforced in any way. There's a lot of new materials here.

Staff in the staff report says that, well, these are practiced by other agencies, but there's no backup or material for it, it's just a conclusion, so you have a number of conclusions.

So there's substantial changes that are necessary. And in order for this Board to be able to make sufficient

intelligent comments and then submit those to the Office of Administrative Law, if you don't make them, who will? And if Staff does them, then you need to review them and consider them. So there's a bit of a backwards process of not having the Commissioners attended the public hearing but, instead, having Staff done it.

So there's a void here. We request that you give it the diligence that's required. There's a number of problems with this rule that are illegal, you know, unlawful preclusions of speech. And you know, we can go through them in substance, but you need to review the letter and they need to be addressed, and I don't hear the Commissioners thinking about it. Staff hasn't provided it to them, hasn't summarized it to them, so I appreciate going back and doing that. And adoption of the rule without following those procedures, considering them and, you know, thoughtfully and completely, substantively responding to them, would be a violation of the rule adoption process.

But thank you for the time and hope you take the due diligence and do this properly and fix the problems with this rule.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Wayne Johnson, a

citizen.

Please go ahead.

MR. JOHNSON: How would we know that the number of horses murdered on California tracks were being manipulated if it hadn't been for public comment?

Who's leading this attack on transparency? I mean, your attorneys that work for you and that work for us and that work for the State of California have reviewed this; right? Attorneys who are supposed to be about constitutionality and free speech. They have reviewed this an, apparently, okayed it.

The names that stand out or the words that stand out from your summary of this are limit, control, and Chairman. But the Chairman of this Committee [sic] obviously has so much contempt for us. So you want to give the Chairman, as a practical matter, the Chairman the power to censor us when the Chairman's contempt for us is well known and well stated and well acted on?

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Amanda Lundberg, an activist.

Please go ahead.

MS. LUNDBERG: Animal rights activist, actually,

that was my title that I put in there. I don't understand why it's being changed of the second time.

Can you hear me now?

CHAIR FERRARO: Yes. Go ahead.

MS. FRUDENBERG: From the first time I attended a CHRB meeting I have been cut off, called a liar when I make a statement which is not only fact but easily proven to be so, I've been threatened to be removed from meetings when I have not broken any rules but, instead, because one or more members of the CHRB don't agree with or like my comment. I've been disrespected on multiple occasions by other members of the public who support horse racing during my public comment minutes. Well, not only has the CHRB not reprimanded this behavior but have encouraged it with their smug chuckles. I could go on but, obviously, my time is limited.

This proposed Rule 1415 would give the CHRB, who has vested interest in the horse racing industry, further power to continue their attempts at silencing me and others like me who would like nothing more than to end the use, abuse, and killing of these innocent, beautiful sentient beings that the greedy horse racing industry and the CHRB profit off of.

And I would also like to add, in May of 2019, while I was attending a CHRB meeting in person, Jockey

Norberto Arroyo took the stand for his two minutes and he made absolutely disgusting and disgraceful comments, sexist comments, against female animal rights activists. This, I have video of it. It was aired on Fox 11 News.

It was aired on Channel 5 News. It was aired on Channel 9 News. Absolutely disgusting. But what is to be expected? Because animal abuse and lack of respect for women seem to go hand in hand. And the CHRB is just absolutely disgraceful for allowing it.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Cliff Goodrich with CTHF.

Please go ahead.

MR. GOODRICH: Good morning, Commissioners. I had not planned on speaking on this item. And I have an admitted bias, after nearly 60 years in the industry. But for the last couple of years the animal rights activists have spoken probably, not probably, more minutes at virtually every meeting of the Board than all of the other agenda items combined with a clear and stated intent of shutting racing down. Their passion has clearly made a difference in the many new rules and regulations that the Board has put forth, all for the benefit of the safety of

horses. Their comments have not been ignored.

However, the word disruptive comes to mind to most objective observers who monitor these Board meetings. And one of the purposes of Bagley-Keene is to ensure that public meetings are not disrupted and can operate efficiently while allowing sufficient time for public comment. Such time has been more than reasonable. It has been allowed. There clearly has been an impact these public comments have had in the new rules and regs the Board has put forth, all ensuring the safety of horses. And I believe the time allowed for public comment is more than reasonable as evidenced by the impact that the animal rights activists have had on the Board's deliberations.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Thank you. This proposed rule change is clearly discriminatory and unconstitutional and denies the value of citizen participation. And speaking as a person who served as a constitutional officer in the legislature, Dr. Ferraro, be confident, I will support ongoing efforts to sue you personally, along with Governor

Newsom, to enforce this Board's compliance with Bagley-Keene and ensure California citizens who may disagree with this Board can still address and express their sentiments in whatever way is legal to you and other officials.

And thank you to the person who made comments and singled out activists about this. You just helped make our legal point unbiased.

This will change this design to limit discussion and comments solely from people who are critical of the horse racing industry, even when their criticism is warranted. And as Martha Sullivan points out, not one comment was made on July 5th in support of this rule change during that hearing. That strongly suggests that members of the industry are happy with these limitations being placed, not on them but on people who are critical of them.

And this is not simply animal welfare. This is also about resources. It's about water use. It's about fire safety. It's about many things that are being brought forward in this hearing and others. And if the Board doesn't want to hear them, then they cannot violate the state constitution without severe penalty and accountability.

And even the Chair's action today, when he interrupted me when I referenced a prior agenda item while allowing another speaker to do the same without

interruption, shows a pattern of bias against people who are critical of the industry you are tasked to regulate.

So again, having served in the legislature, having help others make comments to us, even when they disagree, even when they literally transported weapons to a hearing -- it has not been two minutes, I'm keeping my own timer -- I urge you to reject this rule change.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Kimberly Schaffer-Marrs with Marrs Racing.

Please go ahead.

MS. MARRS: Hi. I'm going to actually speak on another item. But I want to just give kudos to Cliff Goodrich. I totally agree with everything he said, so thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Comments or questions from the Board please?

BOARD MEMBER CASTELLANOS: Mr. Chairman, this is Castellanos.

A question. I know that this has been discussed

and met on. And this is, just for clarification, this is the current practice we are doing at this time; correct?

CHAIR FERRARO: Well, that's my understanding.

Is that correct, Mr. Chaney?

EXECUTIVE DIRECTOR CHANEY: Yeah. I mean, so Bagley-Keene requires state departments to memorialize their rules. So we're actually, in passing this, complying with Bagley-Keene. And for the most part, it's -- actually, it's entirely borrowed from other departments and agencies in state government and memorializes the protections that we already have. I actually look at it as protecting the Bagley-Keene mission and not somehow limiting it.

So the short answer to your question is, yes, it memorializes all -- many, if not all, of the practices we currently employ, more as protocol rather than reg.

CHAIR FERRARO: Thank you.

BOARD MEMBER CASTELLANOS: Thank you.

BOARD MEMBER MITCHELL: It's Commissioner Mitchell.

CHAIR FERRARO: Any other questions? Go ahead.

BOARD MEMBER MITCHELL: Yeah. So I've served a to of boards and commissions. And I think this is incredible that we're doing this. I've never actually been a part of a Board that we memorialize this. It is a protection of public comment and allows for everyone to know the rules and

to be consistent, so I think it's a great step forward. I think it's very -- it's, you know, in keeping with the reform in transparency that this Board has put forward. And I applaud the staff for moving it forward and for continuing it. And -- whoops, I'm sorry.

And I'd like to move that we approve this item.

CHAIR FERRARO: Do I have a second?

BOARD MEMBER DAVIS: Davis seconds.

CHAIR FERRARO: All right. We have a motion that's been made and seconded. We can hear the vote.

Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Mr. Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Ms. Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chair votes yes. The motion is approved. Thank you all.

Moving on to item number nine, discussion and action by the Board regarding approval of an agreement, pursuant to Business and Professions Code section

19604(f)(5)(E), to modify the distribution from Advance Wagering Deposit Market Access Fees to supplement funding for CHRB Board Support.

Mr. Gonzales, can you elucidate please?

MR. GONZALES: Francisco Gonzales, CHRB Staff.

Chairman, Vice Chairman, Commissioners, item number nine is an industry stakeholder agreement that requires the Board's approval. The industry agrees to supplemental (indiscernible) for support from ADW market access fees. These are fees that otherwise would benefit commissions, purses, and, to a lesser extent, breeders.

Last year, due to COVID, we had to go through the same process to approve this agreement. And, basically, what this agreement would do is supplement more support for this year.

CHAIR FERRARO: All right. Is this last year's, am I understanding that correctly, same as last year?

MR. GONZALES: That is correct. It is the same as last year's, the first year of COVID, but this is a continuation of it.

CHAIR FERRARO: Okay. Thank you.

Questions or comments from the Board?

Do we have a queue on this, operator?

OPERATOR: We do.

CHAIR FERRARO: Go ahead and start it.

OPERATOR: Thank you. We will go first to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Yes. Thank you. I appreciate that the Board is trying to raise funds and be in conformity with their access fees. But I'm really wondering, how can people have faith in this Board to trust them with their money when they're violating the state constitution? And the person who made the motion on the previous item has been fined for similar lack of transparency.

So wagering in this state, having confidence that the Board is regulating this, is going to much more difficult when they're facing lawsuits. And I believe they will be facing lawsuits very soon. Wagering in this state is an important part of the market. But people don't like to put their money into the hands of people that are acting irresponsibly. And I believe this Board is acting irresponsibly.

So that's the extent of my comments. Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Questions or comments from the Board? Okay. Can I have a motion to approve?

BOARD MEMBER SOLIS: I move. Alex Solis.

BOARD MEMBER CASTELLANOS: Castellanos.

Castellanos seconds.

CHAIR FERRARO: Okay. We'll go to a vote.

Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Commissioner Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Commissioner Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Commissioner Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Commissioner Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the Chair votes yes.

Moving on to item number ten, discussion action by the Board on the approval of Fiscal Year 2021-2022 agreement providing funding support for the Board.

Mr. Gonzales?

MR. GONZALES: Chairman, item number ten is the Board support formula for this year which provides funding for the CHRB operations. The new obtained accessing fees, industry stakeholders are required to pay under Senate Bill 16, a statute of 2009, define the CHRB operations.

This year the CHRB approves -- the CHRB's budget approved is \$17,567,000. And the formula that has been

agreed to came up to a rate of 55.60 (phonetic) percent which is the same as the previous year.

CHAIR FERRARO: Okay. Thank you.

Questions or comments from the Board?

Do we have a queue, operator?

OPERATOR: We do.

CHAIR FERRARO: Go ahead, please.

OPERATOR: Thank you. We will first go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: Use that \$17 million for sanctuaries for horses. Don't race them.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: I move that we approve the fiscal year action regarding our funding support. Do I have a second?

BOARD MEMBER DAVIS: Davis seconds.

CHAIR FERRARO: All right.

Commissioner Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Ms. Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Ms. Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Mr. Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: The Chairman votes yes.

We move now to Executive and Equine Medical  
Director's Reports.

Mr. Chaney, can you start that?

EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.  
Chairman, and good -- sorry, good afternoon, Commissioners.

I will begin with wagering figures for the month  
of June and the first six months of the calendar year.

In June, day racing handle was down 11 percent,  
night racing was down 21 percent, and total handle was down  
12 percent compared to June last year. Year-to-date handle  
for day racing is up 25 percent, night racing is down 3  
percent, and total handle is up 20 percent compared to the  
first six months of 2020.

Next, I would like to highlight the progress this  
Board has made over the last two years regarding equine  
fatalities and animal welfare. This, undoubtedly, has been  
accomplished with the cooperation of stakeholders and the  
advocacy of citizens concerned with animal welfare. The

past fiscal year saw a 50 percent reduction in the number of total training, racing, and other fatalities when compared to Fiscal Year 1819 [sic]. For more complete appreciation of the strides we are making in this area, please see the charts on our website under the Veterinary tab.

In that vane, I'd like to acknowledge Alameda County Fair and Cal Expo, both of which were run at Pleasanton and just completed five weeks of racing with zero catastrophic injuries of any kind.

At last month's meeting, there were several comments regarding associations publishing race videos on their website and social media, specifically the allegation that they are not complying with CHRB Rule 1444 when they edit out catastrophic injuries and accidents. Rule 1444, which is titled Altering Official Recordings, and the subsequent regulations require associations to create and maintain recordings of races, as well as finish photos, for the purpose of officiating for a period of 90 days following the conclusion of the racing meet.

Even a cursory reading of the plain language and the legislative history of these rules would uncover that these regulations refer to the recordings and photos used for officiating and do not apply to promotional and marketing-type uses. Therefore, the associations are in compliance with this set of regulations, including Rule

1444.

Next, the CHRB is looking to the September meeting to resume in-person Board meetings. While the teleconference meetings have been serviceable over the last year-and-a-half, something is clearly lost in not being to debate and discuss, in person, issues and regulations before the Board. While state guidance may change between now and then, the current intent is to return to an in-person Board meeting in September in Sacramento.

Next, I would like to welcome Dr. Jeff Blea, who assumed the role of Equine Medical Director, and Dr. Tim Grande, who assumed the role of Chief Official Veterinarian, both on July 1st. The CHRB will undoubtedly benefit from their respective expertise, knowledge, work, and enthusiasm.

Both Doctors Blea and Grande are accomplished veterinarians and have a specific understanding regarding veterinary medicine's intersection with regulatory -- in the regulatory arena and the promotion of animal welfare. In the three weeks that they have been on the job, I have found both to be engaged, enthusiastic, and committed.

Lastly, I would like to commend Golden Gate Fields and Santa Anita, who were very -- who very publicly displayed the Pride flag at their venues for the month of June. I appreciate their support of the LGBTQT [sic] advocacy. The CHRB is very committed to the promotion of

diversity, inclusion, and equity, and appreciates stakeholder support and advocacy as well.

And that, Mr. Chairman, is my report.

CHAIR FERRARO: Thank you.

Questions from the Board?

If there are none, we'll hear from the Equine Medical Director please.

Dr. Blea?

DR. BLEA: Good afternoon, Chairman and Commissioners. My name is Jeff Blea. I started as your CHRB Equine Medical Director on July 1st and currently getting to know the staff and the roles that they perform within the CHRB. Additionally, I've been spending some time reviewing the rule book from a regulatory perspective as opposed to a practitioner's perspective, understanding the processes involved on a day-to-day basis, as well as meeting with veterinarians and other industry stakeholders throughout the state.

A few updates, just to keep you informed of current events. HISA, the Horseracing and Safety Integrity Act [sic], in approximately one year the Horse Racing and Safety -- Horse Racing Integrity and Act will be in effect or close to it. As such, all thoroughbred racing jurisdictions will be under the HISA Act, which will be operated by USADA, or the United States Anti-Doping

Association, which is the governing body for the United States Olympics and Paralympics.

Dr. Sue Stover, who is a renowned University of California at Davis professor, serves on the 11-member Governing Board, and I will serve on the Anti-Doping and Medication Committee, and our work is well underway. So as you can see, California is well represented on this national -- in this national program.

Trainer CE has been very busy and active. It was ramped up quite aggressively in May and June. Trainers are required to complete 12 CE credits within three years of their license renewal. The modules are currently in a repository library. So if they were not able to viewed live, they can access them at their own convenience. Those modules can be found on the UC Davis website and/or at the Horsemen's University website. Five more additional modules are currently being developed.

The Governor's Entry Review Panel, all tracks are currently undergoing -- or excuse me, all tracks currently have an Entry Panel Review process in effect. Dr. Tim Grande has done an outstanding job and has done yeoman's work configuring the processes. And he and I are currently discussing some options to, hopefully, make it more efficient and standardized in the future.

Furthermore, as Mr. Chaney alluded to, the CHRB

has added another new position, the Chief Official Veterinarian, which is Dr. Tim Grande. And Dr. Tim Grande and I will be working together, as we have been doing since the beginning of July. We speak almost on a daily basis. And he will be responsible for many duties, including all the official veterinarian duties, day-to-day operations, assignments, training, contracts, and so forth. And it's been a pleasure to work with Dr. Grande so far and I expect it to continue on.

Moving onward, fatalities. There were six fatalities statewide in June of 2021, two were racing, two were training, and two were sudden death. Currently, Dr. Elena Vale (phonetic) is conducting postmortem reviews with trainers and CHRB investigators. And I have been involved in many of these reviews that she has conducted this past month. In June, she completed ten of these reviews. And her approach is quite effective and educational. And not only do the trainers realize what she's trying to do, but they actually get quite a bit of information out of it, so we can, hopefully, avoid these problems in the future.

To add to that, as Mr. Chaney stated, in the fiscal year -- in the last fiscal year, fatalities were reduced by approximately 40 percent from the previous year. And hopefully, with the many rules and changes enacted by the Board, we will continue to see fatalities decline even

further. I look forward to working with my colleagues at UC Davis, practitioners, horsemen and horsewomen, as well as this Board to continue this trend.

At Ken Maddy Lab at UC Davis, I June there were 680 total horses tested, which included 65 official works, 615 primary blood tests, 582 primary urine tests for a total of 1,262 samples tested. Additionally, CHRB -- excuse me, within those 1,262 samples there were five medication violations. All the violations were Class 4 violations, three were in racing, one was a post-work blood, and one was out-of-competition testing. Of those violations, two were for phenylbutazone, two were for corticosteroids, and one was for furosemide. Lastly, regarding the Maddy Lab, there were 933 samples that were tested for CHRB in the Out-of-Competition Testing Program.

One last item. Dr. Allen Page from the University of Kentucky has contacted us about continuing a study that he has started out there, and he wants to continue it here in California. And he, basically, would like to draw samples over a year's time and collect 15,000 samples. It's to continuing his work that he has done, you may have read about it in trade publications, where he and David Horohov, out of a lab at UK, they're reporting on the ability of messenger RNA analysis to identify at-risk horses for catastrophic injury. His preliminary work is certainly well

documented and this is the next step in his work. So he has asked if California would be interested in participating.

The logistics are somewhat complicated but I've spoken to Dr. Knych up at UC Davis, and I've spoken to the official vet here, and I think it's a doable (indiscernible) if we have enough interest in it. It gives us an opportunity to look at RNA analysis and not only, hopefully, determine risk of catastrophic failure but risk of injury in a racehorse population.

So this is the next step. It is a bit of an ambitious project from a research standpoint. It's a big risk but it has a, potentially, very big reward, so I just wanted to inform you of that and keep you up to date.

And that's all I have to report. Thank you.

CHAIR FERRARO: Mr. Page -- approval for Mr. Page's research project will be on next month's Board meeting. We couldn't get it on --

BOARD MEMBER MITCHELL: Chairman --

CHAIR FERRARO: -- due to -- yes?

BOARD MEMBER MITCHELL: Oh, I just had a comment when you are finished. I'm sorry, I didn't mean to interrupt you.

CHAIR FERRARO: That's okay.

Anyway, request for approval of Dr. Page's study

will be on next month's Board meeting. We couldn't get it on this month due to the requirements for notice, so we'll take that up next month.

Commissioner Mitchell, do you have something you wanted to ask?

BOARD MEMBER MITCHELL: I just wanted to welcome Dr. Blea to the CHRB team and look forward to working with you. We haven't met in person, as is the case with many of us these days, but I'm looking forward to working with you and hope that, you know, your service to this Board will turn the page on the heavy, bitter division and history that we've seen in the past. I look forward to working with you in a very transparent manner.

In addition, I look forward to you being able to -- a skill that any capable doctor is able to is to explain things in terms that even non-veterinarians or MDs can understand as this is, you know, a way of people trying to discount the opinions of people who are not medically trained.

So I look forward to working with you. And I very much look forward to turning the page on what we've experienced in the past. This new Reform Board is doing great things for the industry and hope you will be part of the team and not part of the (indiscernible) on the outside. So I look forward to working with you.

DR. BLEA: Thank you. I look forward to working with this Board as well.

CHAIR FERRARO: Any other Board Members wish to comment?

Do we have a public queue on this, operator?

OPERATOR: We do.

CHAIR FERRARO: Go ahead. Start.

OPERATOR: Thank you. We will first go to Martha Sullivan, a citizen.

Please go ahead.

MS. SULLIVAN: Hello. This is Martha Sullivan, again, with Kill Racing, Not Horses.

This comment is about fatalities, which both the Executive Director and new Equine Medical Director specifically talked about, so I don't want to be cut off.

I'd like to be pointed -- I'd like to point out that in this racing season thus far we have 20 training fatalities for 48 percent of the fatalities thus far this year. This is in contrast with last year when there were 28 training fatalities and which represented 30 percent of the fatalities.

So you know, my take from that is, you know, the increased pre-race scrutiny may have decreased racing fatalities, and that's a good thing. Although, honestly, with Chair Ferraro's admission last month, you know, there's

some question about how many fatalities have actually been reported. But now the training fatalities as ascendent, I don't see that scrutiny, you know, at play there. And I think that's why we're seeing the numbers there, you know, now the highest.

So at this pace, the 2021 training fatalities will pretty much, no doubt, exceed last year's training fatalities. I think this is something that this Board, you know, has to be looking at. I mean, it's, again, as I say, if your pre-race and race day scrutiny have, indeed, helped to reduce the racing fatalities, that's a great thing. You need to continue doing that. Now you need to extend it fully to training.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Liz Jacobelly, a citizen.

Please go ahead.

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

CHAIR FERRARO: Yes. Go ahead.

MS. JACOBELLY: Okay. I'm affiliated with Kill Racing, Not Horses. I'm going to be quoting some paragraphs from the Horse Racing Paulick Report, 06/06/21 study, "Does Staying in a Stall Effect Bone Strength?"

"A study of Nielsen's (phonetic) out of Michigan State University involved long (phonetic) yearlings kept on pasture that had normal bone growth. Half the horses were put in stalls and walked on a walker for an hour every day. The other half remained living outside. The researchers monitored the horses' bone mass and discovered that horses living in the pastures continued to increase cannon bone mass but the stalled horses had an immediate drop in bone mass which persisted for the next three months.

"The horses then began under saddle training as two-year-olds. During their two months of walking, trotting, and cantering under saddle, their cannon bones were monitored. The exercise was not enough to cause an increase in stalled horse's bone mass. Bone mass in the stalled horses decreased and the point where it was less than when the study began.

"More studies found that sprinting, short, intense running sessions was key to healthy bone that increased in mass. Horses must have the ability to sprint on their own while in training or they will lose bone mass. Sprinting exerts force on the bone and causes it to bend, encouraging the body to lay down more bone and make the bone stronger. If horses are not allowed to sprint and their bones are prevented from bending, the

body will actually take up minerals, believing the bones are strong enough for the work being asked of them.

"For horses that are engaged in high-impact activities, like racing, jumping, keeping horses in stalls may contribute to injuries as horse lose bone mass."

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Heather Wilson, a citizen.

Please go ahead.

MS. WILSON: Thank you.

Mr. Chaney's statement is not entirely accurate. You have a reduction in fatalities due to non reporting. This is consistent with complaints against the California Veterinary Medical Board, which Chair Ferraro has acknowledged at last month's meeting. So if you're going to say that there is a reduction in fatalities, you need to actually make that a little bit more descriptive and say there is a reduction in fatalities of horses that were transported to CHRB facilities that have CHRB oversight and for which the horses go to UC Davis to get a necropsy, because we know that horses are being killed offsite.

Regarding videos, Rule 1444 states verbatim,

"No person shall cut, mutilate, alter, or change any photo finish photograph, film patrol photograph, or videotaped recording for the purpose of deceit or fraud of any type."

The legal operational definition of fraud is for financial gain. You don't want the gambling public to see horses breakdown, as you call it, because this could affect your handle, this could affect your industry. So, yes, you are absolutely violating your own rules, allowing racetracks to butcher incriminating videos for killing horses.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Thank you. I find it difficult to comment on the Executive Director's Report because there are no written materials provided. And I just wanted to understand if this is the norm? And I don't see any written materials provided for the veterinary report, as well. So at a time when you are asking us to limit our comments or direct our comments to what's before us in the hearing, it's difficult when they are not even providing us with something in writing that we can refer to and be prepared to address.

I did look back at the prior minutes -- the

transcript from the last meeting and I wanted to just find out if the -- why the Chairman's recommendation that the license application for Del Mar was contingent upon satisfying the fire clearance at the training facility at San Luis Rey, that they should have successfully completed that before Del Mar started earlier this month.

So it seems like the Executive Director is making recommendations or suggestions which are not being addressed in subsequent meetings. And again, I have to ask, is that the norm? Is the Executive Director's recommendations about safety issues, both public safety and horse safety, are they being followed up in a proper manner?

So I would like to ask that, in future meetings, that we can have materials before the meeting begins from the Executive Director, from the Medical Director. Please add them to the Board packet. We are serious, many of us, about commenting in ways that are beneficial. And those written reports provided to us prior to the meeting would help us make our comments on point and avoid the perception that we are somehow disruptive. We don't want to be disruptive. We want to be supportive of good practices, but also be informed and question when practices, such as ignoring all of the Executive Director's recommendations, is not addressed in subsequent meetings.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: We know that the Executive Director does not return phone calls to members of the public, at least this member. And we know that he loves percentages.

And if you're going to talk about zero percent in Pleasanton, Mr. Chaney, fair enough. We like to hear zero percent. That's what we're aiming for is zero percent. But how about the fatalities? Why didn't we hear that in your report?

Dr. Blea, welcome aboard. Unfortunately, you're following in the footsteps of Dr. Arthur in giving us numbers of horses that died in catastrophic injuries, training and racing, but you are not giving us the names. Why not give us the names?

Square Dancer wanted to live as much as you and I.

Gunt (phonetic), a three-year-old filly at Santa Anita, wants to lives as much as you and I.

Uncle Boogie died in training at Santa Anita. That horse wanted to live too.

What do you have against giving us the names of these horses?

Six fatalities. They all had names. They all wanted to live. Give us their names in your reports or continue in this terrible tradition of numbers and percentages.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Alan Balch with California Thoroughbred Trainers.

Please go ahead.

MR. BALCH: Thank you. Dr. Blea, I just want to mention for the Board and the listeners that Dr. Blea, along with Dr. Grande, through some outreach had a very productive, we felt, meeting here at Santa Anita in early July with members of the Racing Office. And that just emphasizes how important communication is and understanding not just the rules but the application of the rules and improving communication to all the trainer members, so everybody knows the terms and conditions that they're under.

I also was very interested in Dr. Blea's comments just now about Dr. Page's study because it reminded me of something that I think is so important for the Board to recognize, and all the listeners of these meetings, and that is that racing has provided the overwhelming proportion of all equine research that has been done in the world for the

health and safety of horses over the last, well, the last 50-plus years that I've been involved in racing. And it's benefitted not just racehorses but non-racing competition horses and horses of every conceivable description.

And so all these studies that are being funded and conducted are extremely important. And Dr. Blea, the CTT stands ready to assist in any of these studies that you feel are important.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Oscar de la Torre, a worker advocate.

Please go ahead.

MR. DE LA TORRE: Yes. Hello. Can you hear me?

CHAIR FERRARO: Yes. Go ahead.

MR. DE LA TORRE: Okay. Thank you very much, dear CHRB Members. Thank you very much for all your work.

I just want to call in. You know, I heard the report regarding 40 percent, I believe, was the number, a 40 percent decrease in accidental horse racing fatalities, and I think that's something that should be applauded.

You know, it's very important for people to understand that what people are calling for, you know, what I keep hearing people saying, you know, kill racing, and

people need to understand there's consequences to that, you know, there's a lot of workers that would be impacted negatively by losing their jobs, their housing, and their medical care. And it's something that we should reflect on when we make these, you know, calls for abandoning or horse racing and so forth. I mean, it's -- we need to understand there's consequences to that.

And I just wanted to make sure that people understand that and to celebrate, you know, the fact that accident horse racing fatalities have decreased, and that's a positive and that's a plus. And that's something that every worker that I know that I talk to supports. And that's something that they care about every day when they go to work is the welfare and the wellbeing of the horses under their care is priority number one.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next is Kimberly Schaffer-Marrs with Marrs racing.

Please go ahead.

MS. MARRS: Hi. Is this public comment?

CHAIR FERRARO: No.

MS. MARRS: Hello?

CHAIR FERRARO: This is regarding --

MS. MARRS: Oh, okay.

CHAIR FERRARO: -- the Executive Director's Report or the Medical Director's Report.

MS. MARRS: Okay. Yeah, I wasn't sure if you guys had switched over. I'll save it for public comment, sir.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: There are no further callers in queue.

CHAIR FERRARO: Okay, then we'll move on to public comment.

So Operator, do you want to start the queue?

OPERATOR: Of course.

And as a reminder, to enter the queue, you may dial star one.

We will first go to Wayne Johnson, a citizen.

Please go ahead.

MR. JOHNSON: Thank you very much. This is Dr. Wayne Johnson.

An industry member in December of 2017 said that the Lilac Fire should be, quote, "horse racing's wakeup call." Apparently, the CHRB did not get that call.

Approving this ridiculous extension today until December or January, thanks to the Executive Director, is horrible, contemptable, almost criminal extension that risks the lives of these horses from dying of fire.

EXECUTIVE DIRECTOR CHANEY: This must be public comment because I think he just talked.

MR. JOHNSON: Hello?

CHAIR FERRARO: Go ahead.

MR. JOHNSON: Yes. Well, thank you. I'm sorry that I was interrupted there. I'm not sure why that happened.

Commissioner Davis correctly asked a question about diversity, specifically African Americans. Look home. Look in the mirror. How many African Americans are on your Board? How many African Americans are on your staff in the first place?

An industry member at the last meeting in June said that a small group of animal rights activists continue to advocate. That's what they said about the small group of greyhound advocates in Florida too. They said it was just a small group. So you may be right, we may not be the majority of the population, but let's see what happens if it's put to the voters of California whether or not we are a small group.

And finally, at the so-called safest track in America, Del Mar, take a look at Valentina Gada (phonetic), a two-year-old filly, and watch her flip as she's brought into the entry gate. Watch Valentina Gada, a mere two years old, flip. Did she want to race?

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Bonnie Croker.

Please go ahead.

MS. CROKER: As I mentioned earlier in my comments, I received an email yesterday from the CHRB Public Information Office. I want to thank that office for taking the time to respond to an inquiry I had made. I was surprised by the information that was shared with me. I and several colleagues with whom I discussed the email said they were unaware of the CHRB practice that was revealed.

According to the CHRB Public Information Office, quote,

"In addition to the three-member panel that oversees operations at each track, the CHRB assigns a fourth steward to serve in a specific role of safety steward to ensure the protection of horses and licensees. One of the safety steward's responsibilities is to follow up on all horses that are vanned off or injured on the track. If those horses leave the facility shortly after injuries occur, CHRB investigators follow up, along with the safety stewards," end quote.

This is interesting news regarding a responsible practice if honestly employed, which is highly doubtful.

My surprise stems, first, from the fact that this process has never been revealed to people, such as myself, who have continued to question the CHRB regarding injured horses who seem to go MIA or missing in action. We have been told many times that the horses belong to owners and cannot be traced following injuries or mishaps.

Secondly, although I appreciate the CHRB's correspondence, I am deeply concerned that they indicated there were just a few instances where the tracks have been suspected of shipping out injured horses to avoid responsibility for adding them to their equine fatality totals. As we know, there are dozens of suspicious disappearances of injured California racehorses each year.

CHRB, please let us know when this injury follow-up program was established and why you have never mentioned it to those who have been addressing the missing-in-action injured horses for years. If you established the program in response to our inquiries, we thank you sincerely. Please let the public know how and where to locate the follow-up data. Of course, we will use it to kill racing, not horses. And the data, if truthful, will warrant the death of horse racing, I am certain.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Heather Wilson, a citizen.

MS. WILSON: I'm going to inquire about horses who are visibly injured that are made to complete the course. I'm so sick and tired of hearing people calling in and Members of the Board saying, oh, we care so much about the health and safety, the welfare of these horses, but what are you doing when a horse is visibly and made to complete the race? This just happened last Sunday. And I've seen it happen many times.

Listen Linda falls back sharply, and you can see her getting pulled up, I mean it's very obvious, even before the track announcer stated that she was being, and I quote, "retired from the race." But instead of Francisco Orduna-Rojas dismounting this injured horse, he makes her hobble across the wire. And it's, honestly, horrifying to see. She has an obvious injury but she was forced to finish.

So I inquired about this animal. I was given some nonsense vague animal welfare rule which really amounts to nothing. Perhaps the fourth safety steward has some more information on this seven-year-mare. Was she vanned to a non-CHRB facility, like Tap the Wire was? Is this just another minor problem, as the Chairman likes to call it? So what is the status of Listen Linda?

And while we're talking about the safest tracks in

America, Needless to Say and Arson would both disagree, two- and three-year-old horses killed in training at Del Mar. Shame on Del Mar. And shame on anyone who supports this.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Kimberly Schaffer-Marrs with Marrs Racing.

Please go ahead.

MS. MARRS: Hi. I just wanted to state, welcome Dr. Blea.

And good job, Board. I really appreciate the fact that we're just moving forward and the reforms are working. And I, for one, personally am really, really happy with the situation with the reforms. I'm definitely into them now as I'm getting a horse ready to run. And I love the oversight, I've got to be honest, and I probably don't share the same opinion with a lot of other people, but I like having a lot of people look at my horses if they see something I don't. There's just a lot more hands on them. And I just think for their safety and welfare, I applaud it.

And for the people, I as a horse owner and horse trainer, you know, horses are property, they're livestock, whether you like it or not. That's what they're deemed in the U.S. And once you bring up a lot of times that did not finish or whatever, sometimes horses can have minor injuries

from the racetrack and people just decide it's time to retire them or move them into another career. It doesn't mean they've been euthanized. You know, they've gone on to other careers.

And it's not the owners place to have to tell people about their own property and what they do. And you need to put the shoe on the other foot. If you are adamant about that, then people should be able to inquire about your personal property. So there's a very slippery slope there.

And again, we are in the United States. We all have the right to live and do whatever we want to that makes us happy. That's the point of being in the states and being a free country.

You might not like racing, we appreciate that fact, but we do. And we are trying to make this the safest sport for our animals.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

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

Please go ahead.

MS. SULLIVAN: Yes. Hello once more. Martha Sullivan with Kill Racing, Not Horses.

In recent years, California has increasingly acted

to ban cruel industries, such as the manufacturer and sale of fur products, the retail sale of dogs, cats and rabbits, the use of wild species in circuses, and animal testing of cosmetic and personal care items. These industries all have employees, as live horse racing does, yet Californians have acted to end them in our state due to the cruelty to animals inherent in these industries. And, yes, these Californians are CHRB stakeholders too.

You know, lots of things have been, you know, the way they are for generations. It hasn't stopped us from changing them as our knowledge and understanding and, frankly, our compassion evolves, and that's where California has been for the last, you know, ten years and continues to head in that direction.

The live horse racing industry needs to face up to this trend, which is witnessed in the fact that wagering is down 50 percent over the last 20 years. It has recently been reported that trainers, the number of trainers, are down 50 percent in the last ten years, I believe it is. This is a declining industry. And like other declining industries, you need to be planning for transitioning out of it, particularly the employees who depend on it. That's what this Board's responsibilities should be shifting to.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Lori Saldana, a former Assemblywoman.

Please go ahead.

MS. SALDANA: Well, thank you. I think it was Anthropologist Margaret Mead who once observed that we should, "Never underestimate the power of a small group of people to change the world. Indeed, it is the only thing that ever has."

And while we are currently a small group of people calling in to comment on the horse racing industries impacts on water consumption and wildfire safety, as well as animal welfare, and while we may be dismissed today, I believe our numbers are growing. There are people in the state of California who recognize that this is a regulated industry. And our rights and duties and responsibilities as citizens of this state is to participate in the formation of regulations and make this industry, some would consider it better, or at least more responsive.

And when we talk about disruptive behavior, there is clearly someone who was engaging in disruptive behavior. And I, again, would like to request some time back on my time then while somebody is engaging in disruption of this public comment today.

So we are trying to make the regulations reflective of a changing world, a world that has less water,

a world that currently is facing a pandemic.

And it's difficult for me to think of a horse that people define as property as having a career. Horses don't have careers. The owners do. And they are subject to laws and regulations. So to try to avoid accountability by saying, well, this horse is property, so are cars. We regulate what happens to cars. We investigate what happens when a car is involved in a fatal accident or incident. And for this Board and for industry people to say we don't have a right to question that, it's just a thing of the past. And I think that this Board needs to recognize that.

The more you try to stifle public discussion, the more you try to shut it down, the more attention you are drawing to your practices that are in contrast to open and more transparent public scrutiny.

The best disinfectant is sunlight. And I would encourage you to embrace sunlight into your hearing and not try to cover them up in darkness. That creates problems. And I think you are leaning towards having more problems for your Board by resisting the changes that very reasonable and thoughtful people are trying to change.

Don't underestimate the power of a small group of people to change the world. We've done it before. We will do it again.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Oscar de la Torre, a worker advocate.

Please go ahead.

I do believe we have lost Oscar's connection. We will move forward --

CHAIR FERRARO: Okay.

OPERATOR: -- to our next caller, which is Doug O'Neill with Doug O'Neill Racing Tables.

Please go ahead.

MR. O'NEILL: Good afternoon, CHRB Board Members. Can you hear me?

CHAIR FERRARO: Yes. Go ahead.

MR. O'NEILL: Okay. Great. Yeah, like the Operator said, my name is Doug O'Neill. And I have chosen to work alongside horses as a career. And, actually, I'm so proud and horses are my life. So I've been a trainer on the Southern California circuit for some 32 years. And I'm just calling to express my support for the racing industry that has improved racing conditions for the horses in my care and in many's (phonetic) care.

I hope that everyone understands that our priority is the wellbeing of our horses. They truly are, they are my life. And I know some people don't understand the

connection between horse and human and human and horse, but it's super strong.

And you know, I'm just here to thank what you guys are doing, and gals, and that's we really do care about horses. And change is always tough. And you guys led the way in these reforms. And I know a lot of us, and I was probably guilty of it, as well, of fighting them a little bit.

But you know, our horses are reflections of us. And if we give them love and care they give love and care back to us.

And I'm just so proud to be part of the game and so appreciate what you guys do to help police our game and continue to make sure we're going it the right way.

So that's it. I appreciate it. Have a great afternoon. Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we will go to Oscar de la Torre, a worker advocate.

Please go ahead.

MR. DE LA TORRE: Yes. Can you hear me?

CHAIR FERRARO: Yes. Go ahead.

MR. DE LA TORRE: Yes. Okay. Thank you.

Yes, I just wanted to call in, you know, and share

my experience. You know, the DMTC is doing a great job at Del Mar. I mean, it is the safest racetrack in America three years in a row, it has been identified that way, and because of its record on safety.

And I just want to say that, you know, the record regarding horse safety also extends to the workers. You know, they were very proactive in educating workers at Santa Anita, you know, brought in very strict protocols in terms of, you know, vaccinations. And you know, we achieved an 89 percent vaccination rate of backstretch workers, you know, heading into Del Mar, and that's just outstanding, you know? And you know, it's really important that people understand that it's keeping, you know, workers safe, their families, and that's just something to be commended, you know?

You know, DMTC was very responsible in educating all the workers regarding the vaccinations and, you know, the results speak for themselves.

You know, I hear all the criticism and opinions. And you know, I just want to say that live racing provides, you know, the economic engine for a lot of families, you know, to support themselves, you know, and not just the workers, you know, on the racetrack, but all the businesses and the surrounding communities that benefit from horse racing as an industry. So there's a lot of economic activity, a lot of jobs that are very important for these

families, especially vulnerable immigrant families that are working hard, you know, to support themselves, you know, through the pandemic. Live racing allows them to have this ability of employment and medical services, and also housing.

And you know, we have a crisis on our streets, I mean, you know, if we look at the homelessness rate that's increasing, you know? And in horse racing, we see an industry that's being very responsible in providing employment and support, you know, for the working men and women that are the foundation of horse racing.

I just want to acknowledge, you know, the good work that's being done at Del Mar, not just on the racetrack but also in the backstretch, supporting the workers there.

So thank you very much and have a great day.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: Next, we go to Jane Cartmill, a citizen.

Please go ahead.

MS. CARTMILL: Well, this comment should be directed to the worker advocate because U.S. House Appropriations Committee that schedules and considered Fiscal Year 2020 shared Department of Labor Appropriations Bill, and language within a bill could give our state the H-

2B Visa Program. The National Thoroughbred Racing Association is urging industry members to contact their representative immediately and ask for this language to be removed from the bill.

The language of concern, specifically, prohibits construction industry from using the program in seasonal locations or occupation, increases the baseline for wages to at least 150 percent of the federal or state minimum wage, whichever is higher, require wage compliance with a collaborative bargaining agreement for your industry in your area. And participation in the program for labor and workplace related infractions are another concern.

Trainers in horse racing have been asked to contact their representatives to get the language removed, according to the National Thoroughbred Racing Association. So I just think this is sort of revealing both how the industry looks at the workers.

Thank you.

CHAIR FERRARO: Thank you.

Next, please.

OPERATOR: At this time, there are no further callers in queue.

CHAIR FERRARO: Okay. Given that consideration, can I have a motion to adjourn the meeting please?

BOARD MEMBER SOLIS: I move. Alex Solis.

CHAIR FERRARO: Alex Solis moves. Who's second?

BOARD MEMBER ALFIERI: Second. Alfieri.

CHAIR FERRARO: Okay. A vote to adjourn.

Commissioner Gonzales?

Mr. Alfieri?

BOARD MEMBER ALFIERI: Yes.

CHAIR FERRARO: Mr. Castellanos?

BOARD MEMBER CASTELLANOS: Yes.

CHAIR FERRARO: Ms. Davis?

BOARD MEMBER DAVIS: Yes.

CHAIR FERRARO: Ms. Mitchell?

BOARD MEMBER MITCHELL: Yes.

CHAIR FERRARO: Mr. Solis?

BOARD MEMBER SOLIS: Yes.

CHAIR FERRARO: And the chairman votes yes.

Meeting adjourned. Thank you all very much for your participation.

(The California Horse Racing Board recessed into closed session at 1:10 p.m. and was later adjourned.)

## CERTIFICATE OF REPORTER

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

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

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

July 30, 2021