



APPEARANCES

BOARD MEMBERS

Gregory Ferraro, Chairman

Oscar Gonzales, Vice Chair

Wendy Mitchell, Commissioner

Dennis Alfieri, Commissioner

Damascus Castellanos, Commissioner

Brenda Washington Davis, Commissioner

STAFF

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

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

Richard English, Los Alamitos Quarter Horse Racing  
Association

Joe Harper, Del Mar Thoroughbred Club

Josh Rubenstein, Del Mar Thoroughbred Club

APPEARANCES

ALSO PRESENT

Tom Robbins, Del Mar Thoroughbred Club

David Jenkins, Del Mar Thoroughbred Club

Alan Balch, California Thoroughbred Trainers

PUBLIC COMMENT

Kathy Guillermo, PETA

Elvia Sedano, Kill Racing Not Horses

Heather Wilson, Kill Racing Not Horses

Bonnie Croker, Kill Racing Not Horses

Lynn Freudenberg, Kill Racing Not Horses

Kimberly Marrs, KTM Equine

Wayne Johnson

Oscar de la Torre

Martha Sullivan, Kill Racing Not Horses

Doug O'Neill, Trainer

Holly Wilson, Kill Racing Not Horses

Pavla Nygaard, Owner/Breeder

## INDEX

PAGEAction Item:

1. Approval of the minutes of September 15, 2021. 3
2. Report from the Medication, Safety, and Welfare Committee. 4
3. Discussion and action by the Board regarding the distribution of race day charity proceeds of Los Alamitos Quarter Horse Racing Association, from its 2020 race meeting, in the amount of \$4,181, to four beneficiaries. 6
4. Discussion and action by the Board regarding the distribution of race day charity proceeds of Los Alamitos Racing Association, from its 2020 race meeting commitment to California horse racing industry charities in the amount of \$7,000, to four beneficiaries. 10
5. Discussion and action by the Board regarding approval of an agreement, pursuant to CHRB Rule 1581, Racing Secretary to Establish Conditions, between the Del Mar Thoroughbred Club (DMTC) and the Thoroughbred Owners of California (TOC), regarding entry conditions and specified drug 13

## INDEX

PAGEAction Item:

substances or medications to be implemented by the DMTC at its November 3, 2021 through November 30, 2021 race meeting at the Del Mar Racetrack.

- |    |   |    |
|----|---|----|
| 6. | Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Del Mar Thoroughbred Club (T) at Del Mar, commencing November 3, 2021 through November 30, 2021, inclusive.  | 23 |
| 7. | Reports<br>A. Executive Director's Report.<br>B. Equine Medical Director's Report.  | 46 |
| 8. | 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. | 56 |
| 9. | Closed Session: For the purpose of receiving  | 72 |

advice from counsel, considering pending  
INDEX

PAGE

Closed 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

72

1  
2 P R O C E E D I N G S

3 9:31 A.M.

4 TELECONFERENCE, WEDNESDAY, OCTOBER 20, 2021

5 CHAIR FERRARO: Good morning, everyone. This is  
6 the noticed meeting of the California Horse Racing Board on  
7 October 20th, 2021, conducted by teleconference pursuant to  
8 Executive Order N-29-20.

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

14 We are joined, also, by Scott Chaney, Executive  
15 Director; Cynthia Alameda, Assistant Executive Director;  
16 Amanda Brown, Staff Counsel; Amanda Drummond, Manager of  
17 Policy and Regulations; Shawn Loehr, Chief of Licensing and  
18 Enforcement; Darrel McHargue, Chief Steward; Francisco  
19 Gonzales, CHRB Audit Supervisor; Zachary Voss, Regulation  
20 Analyst; and Dr. Jeff Blea, Equine Medical Director.

21 The Board invites comments on matters appearing on  
22 the meeting agenda. Procedurally, the Board will first hear  
23 from those directly involved in the agenda item. I will  
24 then invite public comment on the agenda item. The Board  
25 will not answer questions. This item is for comment, not

1 questions. Those wishing to speak must follow the  
2 directions of the operator to have their individual phone  
3 lines opened for comment.

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

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

19           If anyone has comments of a more general nature  
20 that are not specific to earlier agenda items, those  
21 comments must wait until the Public Comments at agenda item  
22 number -- until agenda item number 8. There will be a 30-  
23 minute time limit for item number 8, Public Comment. In  
24 order to allow as many individuals to speak as possible  
25 within that half-hour, I will strictly enforce the two-

1 minute time limit for each unsolicited speaker.

2 And with that, I will bring the meeting to order.

3 The first agenda item is Approval of the Minutes. Do I have  
4 a motion to approve?

5 COMMISSIONER DAVIS: Davis moves.

6 CHAIR FERRARO: Second please?

7 COMMISSIONER CASTELLANOS: Castellanos seconds.

8 Castellanos seconds.

9 CHAIR FERRARO: We have a motion and second.

10 Commissioner Gonzales?

11 VICE CHAIR GONZALES: Yes.

12 CHAIR FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 CHAIR FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes. Yes.

16 CHAIR FERRARO: Commissioner Solis?

17 COMMISSIONER SOLIS: Abstain. I wasn't at the  
18 meeting.

19 CHAIR FERRARO: Correct.

20 Commissioner Castellanos?

21 COMMISSIONER CASTELLANOS: Yes.

22 CHAIR FERRARO: Commissioner Davis?

23 COMMISSIONER DAVIS: Yes.

24 CHAIR FERRARO: And the Chairman votes yes. Thank  
25 you very much.

1           Next item on the agenda is a report from the  
2 Medication, Safety, and Welfare Committee.

3           I can inform, the Committee, we had a very  
4 productive meeting yesterday. As you know, this Board has  
5 been actively pursuing decreasing the number -- the injury  
6 rate in California for the last two years. We've done quite  
7 well but the Committee felt that we had to do better.

8           One of the issues that came up in the search for  
9 trying to decrease injury and prevent catastrophic injury  
10 incidents, even more was the possibility of penalizing  
11 trainers who have multiple injuries, more than the norm.  
12 While this was quite a controversial proposal amongst  
13 trainers, I was pleased to see that they came forward during  
14 the meeting, rather than a combative stance against any kind  
15 of regulation. It was a very progressive set of proposals  
16 that really made a lot of sense and ended up being quite  
17 productive.

18           Their proposal includes -- it had about ten  
19 different elements to it to improve our safety. But the  
20 main ingredient which everyone seemed to be in favor of was  
21 to develop an Accident Prevention Task Force that would  
22 unite all the different elements of racing participants  
23 around a table and work towards developing rules,  
24 regulations, and procedures to further decrease our injury  
25 rate. It was stressed that we would get involvement from

1 all elements of racing, trainers, owners, racetrack  
2 management, CHRB in order to prevent further injuries.

3           The discussion was quite productive. There were  
4 several other proposals included in that. We talked about  
5 developing best practices for training, perhaps developing a  
6 manual or videotapes of various procedures. They wanted us  
7 to improve continuing education and mandate its  
8 participation. They're looking for uniform and consistent  
9 rules and regulations for each facility so that every track  
10 operated in the same way. And there were several other  
11 proposals.

12           But the main idea is, rather than go forward with  
13 either penalizing or praising one particular group involved  
14 in racing, that the best way to find good, usable,  
15 consistent rules and regulations would be to try to bring  
16 all the elements together, all the elements are laced  
17 together, and hammer out some recommendations to the Board  
18 that could be adopted to improve the health and safety of  
19 horses.

20           So that's, basically, it. I'm probably giving you  
21 a bad summary. But if you go on the website, you can hear  
22 the entire proposal. I think it's quite good. And Dr. Blea  
23 and I will be working with Mr. Balch during the Del Mar meet  
24 to try to get this thing instituted and up and running.

25           Any questions or comments from the Board?

1           COMMISSIONER MITCHELL: One. This is Commissioner  
2 Mitchell.

3           I did want to say that I'm really appreciative  
4 that the trainers came forward with constructive suggestions  
5 and ideas instead of, you know, bringing lawyers and trying  
6 to counter the work that we're doing. So I'm really  
7 impressed and excited about that. And other folks should  
8 take a lesson from that because I think that's how we make  
9 progress in this industry, so thank you.

10           CHAIR FERRARO: I totally agree with that  
11 statement, Wendy. That's why I was quite pleased. I think  
12 we accomplished what I intended to accomplish with the  
13 meeting in that regard, so I was quite happy with it.

14           Anyone else?

15           We won't have public comment on this since we had  
16 public comment yesterday during the meeting.

17           So I don't think we need a motion to approve the  
18 report. It's just a report of information to the Board.

19           Let's move on to item number three, discussion and  
20 action by the Board regarding the distribution of race day  
21 charity proceeds of Los Alamitos Quarter Horse Racing  
22 Association from its 2020 race meeting in the amount of  
23 \$4,181 to four beneficiaries.

24           Mr. Gonzales, do you want to explain that to us?

25           MR. GONZALES: Oh, yeah. Yeah. Good morning.

1 Francisco Gonzales, CHRB Staff.

2 Chairman and Commissioners, Los Alamitos Quarter  
3 Horse Race Association requests approval to distribute its  
4 race day charity proceeds generated in its daily  
5 (indiscernible) racing in the amount of \$4,181 to four  
6 beneficiaries.

7 Richard English from Los Alamitos is available to  
8 answer any questions the Board may have.

9 Thank you.

10 CHAIR FERRARO: Questions or comments from the  
11 Board?

12 Mr. Chaney, do you have any remarks on this?

13 EXECUTIVE DIRECTOR CHANEY: I do not.

14 CHAIR FERRARO: Okay. Do we have a queue on this,  
15 Operator?

16 OPERATOR: We do.

17 CHAIR FERRARO: Well, let's listen.

18 OPERATOR: Thank you. We will go first to Kathy  
19 Guillermo with PETA.

20 Please go ahead.

21 MS. GUILLERMO: Yes. I apologize.

22 CHAIR FERRARO: Go ahead, please.

23 MS. GUILLERMO: Yes. This isn't a topic I wanted  
24 to comment on. I'm very sorry. I thought I could comment  
25 on the first one. I will hold my comments for the end.

1 CHAIR FERRARO: Great. I appreciate that. Thank  
2 you.

3 Anyone else, Operator?

4 OPERATOR: We do. Next, we will go to Richard  
5 English with Los Alamitos Quarter Horse Racing Association.

6 Please go ahead.

7 MR. ENGLISH: Good morning, Commissioners.

8 CHAIR FERRARO: Go ahead, please.

9 MR. ENGLISH: Good morning. You have before you  
10 our request to approve the distribution of the charity day  
11 proceeds for 2020 meet among the four participants, four  
12 beneficiaries, all of which are in the horse racing  
13 industry. And we ask your permission to approve the  
14 distribution. Be happy to answer any questions you might  
15 have.

16 CHAIR FERRARO: Any questions from the Board for  
17 this gentleman?

18 I think we're good. Thank you.

19 Next, please.

20 MR. ENGLISH: Thank you.

21 OPERATOR: Thank you.

22 Next, we'll go Elvia Sedano with Kill Racing Not  
23 Horses.

24 Please go ahead.

25 MS. SEDANO: Good morning. Regarding the Los

1 Alamitos race day charity proceedings, how much money are  
2 you sending to Vinnie Bednar?

3           On May 22, '20, his mount, Keep It Up suffered a  
4 fatal injury incident with Jockey Bednar, paralyzing him in  
5 the process. Keep It Up is bred and owned by Ed Allred.  
6 The report stated that he broke his back, but in the video,  
7 it was clear that he lands on his head, meaning that his  
8 head would be broken as a result. Either way, Mr. Bednar  
9 will need a lifetime of medical care due to catastrophic  
10 injuries he sustained at Los Alamitos.

11           What is multi-millionaire Ed Allred doing to help  
12 this paralyzed jockey?

13           Thank you.

14           CHAIR FERRARO: Thank you.

15           Next, please.

16           OPERATOR: There are no further comments at this  
17 time.

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

20           COMMISSIONER CASTELLANOS: Castellanos' motion.

21           CHAIR FERRARO: Second?

22           COMMISSIONER DAVIS: Davis seconds.

23           CHAIR FERRARO: Okay. Commissioner Gonzales?

24           VICE CHAIR GONZALES: Yes.

25           CHAIR FERRARO: Commissioner Alfieri?

1 COMMISSIONER ALFIERI: Yes.

2 CHAIR FERRARO: Commissioner Castellanos?

3 COMMISSIONER CASTELLANOS: Yes.

4 Commissioner Davis?

5 COMMISSIONER DAVIS: Yes.

6 CHAIR FERRARO: Commissioner Mitchell?

7 COMMISSIONER MITCHELL: Yes.

8 CHAIR FERRARO: Commissioner Solis?

9 COMMISSIONER SOLIS: Yes.

10 CHAIR FERRARO: And the Chair votes yes.

11 Moving on to item number four, discussion and

12 action by the Board regarding distribution of race day

13 charity proceeds of Los Alamitos Racing Association from its

14 2020 race meeting commitment to California horse racing

15 industry charities in the amount of \$7,000 to four

16 beneficiaries.

17 Mr. Gonzales?

18 MR. GONZALES: Yes. Francisco Gonzales, CHRB

19 Staff.

20 Chairman, Commissioners, Los Alamitos Race

21 Association did not generate any on-track handle during its

22 2020 race meet. On-track handle is the basis to determine

23 charity race day proceeds. Los Alamitos Racing Association

24 is not due any race day charity proceeds distribution at

25 this time.

1           However, Los Alamitos Racing Association wishes to  
2 match for the Year 2020 an amount equal to its 2019 charity  
3 distribution in the amount of \$7,000 to four beneficiaries  
4 and seeks Board approval.

5           Mr. Rick English from Los Alamitos is available to  
6 answer any questions the Board may have.

7           Thank you.

8           CHAIR FERRARO: Thank you.

9           Mr. Chaney, do you have any comment on that?

10          EXECUTIVE DIRECTOR CHANEY: I don't, Mr. Chairman.  
11 Thank you.

12          CHAIR FERRARO: Any questions from the Board?

13          Do we have a queue on this, Operator? We must.

14          OPERATOR: We do.

15          CHAIR FERRARO: Yeah. Can we start, please?

16          OPERATOR: Absolutely.

17          We'll go first to Richard English with Los  
18 Angeles.

19          Please go ahead.

20          CHAIR FERRARO: Go ahead, please.

21          MR. ENGLISH: Good morning, Commissioners.

22          Mr. Gonzales accurately described the situation.  
23 And our request is to have your approval for this  
24 distribution of the \$7,000. I'm not sure that we actually  
25 need the distribution -- or your approval, but we want to

1 make sure you're aware of it, and work in concert with the  
2 Racing Board.

3 Thank you very much.

4 CHAIR FERRARO: Thank you. We're appreciative of  
5 you funding the amount as last year, even though there were  
6 no proceeds this year. It's quite generous of you.

7 Next, please.

8 OPERATOR: Next, we go to Heather Wilson with Kill  
9 Racing Not Horses.

10 Please go ahead.

11 MS. WILSON: Thank you. So between LAQHRA and the  
12 Los Al Racing Association, the totals are just over \$11,000  
13 to be divided among five race-related charities since agenda  
14 items three and four have three overlapping nonprofits. And  
15 this is, let's be honest, is pocket change. It is appalling  
16 that these big owner/breeders cannot or, more likely, will  
17 not provide more financial assistance.

18 Consider Ed Allred's impressive earnings. For  
19 2021, it is well over \$1.3 million, lifetime earnings,  
20 almost \$51 million. And in just this past weekend of  
21 racing, October 16 and 17, he earned over \$15,000 from his  
22 horses. And with the death of Favorite Doc, that is now one  
23 less that he will have to care for.

24 CHAIR FERRARO: Thank you.

25 Next, please.

1 OPERATOR: There are no further comments at this  
2 time.

3 CHAIR FERRARO: Do I have a motion from the Board,  
4 please?

5 COMMISSIONER SOLIS: Alex Solis moves.

6 COMMISSIONER ALFIERI: Second.

7 CHAIR FERRARO: Second?

8 COMMISSIONER ALFIERI: Alfieri. Second. Alfieri.

9 CHAIR FERRARO: All right. Thank you.  
10 Commissioner Gonzales?

11 VICE CHAIR GONZALES: Yes.

12 CHAIR FERRARO: Commissioner Alfieri?

13 COMMISSIONER ALFIERI: YES.

14 CHAIR FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIR FERRARO: Commissioner Solis?

17 COMMISSIONER SOLIS: Yes.

18 CHAIR FERRARO: Commissioner Castellanos?

19 COMMISSIONER CASTELLANOS: Yes.

20 CHAIR FERRARO: Commissioner Davis?

21 COMMISSIONER DAVIS: Yes.

22 CHAIR FERRARO: And the Chairman votes yes.

23 Approved. Thank you.

24 Item number five, discussion and action by the  
25 Board regarding approval of an agreement, pursuant to CHRB

1 Rule 1581, Racing Secretary to Establish Conditions, between  
2 the Del Mar Thoroughbred Club and the Thoroughbred Owners of  
3 California regarding entry conditions and specified drug  
4 substances or medications to be implemented by the DMTC at  
5 its November 3rd, 2021 through November 30th, 2021 race  
6 meeting at the Del Mar Racetrack.

7 Amanda Drummond?

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

11 Agenda item five is the discussion and action by  
12 the Board regarding approval of the race day medication  
13 agreement pursuant to Board Rule 1581 between the Del Mar  
14 Thoroughbred Club and the TOC. The agreement pertains to  
15 entry conditions and specified drug substances and  
16 medications to be implemented by Del Mar for their upcoming  
17 meet.

18 This agreement has been signed by Del Mar and the  
19 TOC and is included in the Board package for consideration.

20 CHAIR FERRARO: Thank you.

21 Mr. Chaney, I think you have a comment to make  
22 here.

23 EXECUTIVE DIRECTOR CHANEY: Sure. Usually,  
24 Amanda's language speaks to the standard agreement. In this  
25 case, it's a little bit nonstandard and, of course, includes

1 the agreement not to conduct stake races with Lasix or  
2 furosemide, as well as the IA restrictions ahead of our  
3 regulation, which should go into effect pretty much any day  
4 now at this point.

5 But it does have one other item that needs to be  
6 flagged for the Board, and that is an agreement between the  
7 TOC and Del Mar regarding races for the two days of the  
8 Breeders' Cup, and that is any positive test finding would  
9 also be a basis for ineligibility, in addition to the Lasix  
10 and IA injection restrictions, so I just wanted to flag that  
11 for the Board.

12 Breeders' Cup, TOC, and Del Mar are, obviously,  
13 all onboard with it, as is Staff here at the CHRB.

14 CHAIR FERRARO: So any positive test, even a Class  
15 4 (indiscernible), would be grounds for disqualification; is  
16 that correct?

17 EXECUTIVE DIRECTOR CHANEY: That's right. It  
18 would create ineligibility for the race and gives the  
19 stewards the power to disqualify based on that  
20 ineligibility.

21 CHAIR FERRARO: Okay. Any questions from the  
22 Board regarding this?

23 Do we have a queue on this, Operator?

24 OPERATOR: We do.

25 CHAIR FERRARO: Let's proceed.

1 OPERATOR: Thank you.

2 We will go first to Bonnie Croker with Kill Racing  
3 Not Horses.

4 Please go ahead.

5 MS. CROKER: Good morning. A question for Scott.

6 As the parties involved hereto established their  
7 drug-related conditions and specifications, do they ever  
8 establish conditions which will prompt permanent bans  
9 against drug-violating trainers?

10 Penalties like loss of winnings, moderate fines,  
11 and short suspensions don't seem to be enough of a  
12 deterrent. It would seem that DMTC and the TOC would want  
13 to protect their reputations by permanently banning drug  
14 offenders.

15 For example, in Del Mar's stewards' minutes dated  
16 08/23 to 08/29/2021, we can see that formal drug-related  
17 hearings were held for Trainer Reed Saldana, suspected of  
18 drugging his horse Majestic Diva with clenbuterol, a  
19 prohibited drug.

20 Trainer Jeff Metz had his horse, Community  
21 Estrella (phonetic), disqualified from all purse monies for  
22 testing positive for zoledronic acid, a prohibited drug.

23 Peter Miller was suspected of drugging his horse,  
24 Moforta (phonetic), with phenylbutazone, a prohibited drug.

25 These trainers have been cited for multiple

1 offenses, yet they continue to get work and get paid. Why?  
2 When will the DMTC and the TOC get tough and get rid of  
3 these drug offenders for good? These proposed agreements  
4 are worthless without heavy consequences for violators.

5 Thank you.

6 CHAIR FERRARO: Thank you.

7 Next, please.

8 OPERATOR: Next, we go to Elvia Sedano with Kill  
9 Racing Not Horses.

10 Please go ahead.

11 MS. SEDANO: Good morning. The most recent  
12 stewards' minutes from Del Mar has numerous drug violations,  
13 which is to be expected. The report from 08/30 through  
14 09/02/21 describes multiple violations from Doug O'Neill and  
15 Peter Miller. Both of these trainers have been in the  
16 industry long enough. They ought to know how to avoid drug  
17 violations in their horses. As usual, the CHRB issues their  
18 slap-on-the-wrist fine, which are gladly paid by the  
19 offending trainer, and then business carries on.

20 If you want penalties that will have a deterrent  
21 effect, then these horses need to be disqualified and all  
22 winning earnings forfeited.

23 Thank you.

24 CHAIR FERRARO: Thank you.

25 Next, please.

1 OPERATOR: Next, we go to Heather Wilson with Kill  
2 Racing Not Horses.

3 Please go ahead.

4 MS. WILSON: Nothing like waiting until the last  
5 minute. In just two-and-a-half weeks, Del Mar will be  
6 hosting the Breeders' Cup, yet advertisement for this giant  
7 racing day is in full swing, because it will carry on no  
8 matter what, no matter how many horses have been injured,  
9 pulled up, bleeding, vanned off, or collapsed, no matter how  
10 many whipping or drug violations have occurred at Del Mar is  
11 completely irrelevant because this rubberstamp Committee has  
12 no choice but to approve, especially when the Breeders' Cup  
13 is on the line.

14 In a timeless Op Ed by Bill Casner in the  
15 Thoroughbred Daily News, which certainly apply to racing  
16 conditions at Del Mar,

17 "Our industry is permeated with those who have no  
18 regard to the welfare of the horse, nor understanding  
19 of the growing negative perception of horse racing.  
20 The horse becomes only a tool for fulfilling their own  
21 agendas of win-at-all-costs. Until our value system  
22 changes and horses are treated like the living,  
23 breathing, majestic animals that they are, we will  
24 continue to diminish as an industry until we no longer  
25 exist."

1 He then goes on to say,  
2 "Every vet will tell you that 90 percent of the major  
3 injuries have an existing underlying pathology that  
4 proceeds the eventual failure." And these numbers  
5 actually coincide with what Dr. Rick Arthur used to say  
6 when he was on the Board. "So Mongolian Groom will  
7 forever be known as the horse that was killed at the  
8 Breeders' Cup at Santa Anita. Who will be sacrificed  
9 next?"

10 CHAIR FERRARO: Thank you.

11 Next, please.

12 OPERATOR: Next, we go to Lynn Freudenberg with  
13 Kill Racing Not Horses.

14 Please go ahead.

15 MS. FREUDENBERG: Hey, good morning, Board, and  
16 thank you for taking my comment.

17 As you've heard, Del Mar has repeated drug  
18 violations. They're pretty much in all the stewards'  
19 meetings, every single one of them trainers. It just goes  
20 over and over. The trainers just get a slap on the wrist.  
21 They see it as the cost of doing business and it does not  
22 stop them from doing it again. If regulators, California  
23 Horse Racing Board, are going to treat such an offense so  
24 lightly, why should a trainer take a violation seriously?

25 If a trainer knows that a therapeutic positive

1 test will not result in a disqualification, they could  
2 inappropriately treat a horse in order to gain an advantage  
3 over other horses in a race. My guess is that almost every  
4 owner who ran behind the offended horse feels cheated. Why  
5 would they not? Their horse played by the rules.

6 Why have a penalty structure that enables, and  
7 even encourages, such a possibility? You're the Board.  
8 You guys need to overshadow every race, especially here at  
9 Del Mar.

10 Thank you for listening.

11 CHAIR FERRARO: Thank you.

12 Next, please.

13 OPERATOR: Next, we go to Kimberly Marrs with KTM.  
14 Please go ahead.

15 MS. MARRS: Hi. I just wanted to interject. I  
16 heard one of the other callers. Phenylbutazone is not a  
17 prohibited substance. What it is, is an anti-inflammatory  
18 analgesic, basically akin to Advil, Tylenol. And sometimes,  
19 even though we have time frames for them to be off of it so  
20 the horse can metabolize this out of its system, every once  
21 in a while, you're going to get a horse that might not  
22 metabolize it as quickly and you may get an overage.

23 But just understanding, I mean, there's different  
24 sorts of drugs that you need to be talking about, but with  
25 butes, it's basically just, like I said, it's akin to Advil,

1 so it's one of those things that, you know, needs to be  
2 looked at in that kind of why we have the situation we do  
3 because, you know, some of these horses need it. I don't  
4 know if you go out and have a headache or a muscle soreness  
5 or whatever and you'll pop some Advil, it's kind of the same  
6 thing.

7 I mean, and, you know, some people, you know,  
8 it's -- you try to get them off in time. But, you know, if  
9 they -- the horse doesn't metabolize it properly or in time,  
10 you might get a slight overage. And these tests are so  
11 finite, and they pick up even the smallest amounts that, you  
12 know, they wouldn't be effective for that reason.

13 You know, so you understand some of the drugs and  
14 why we need to use them therapeutically, and they are not  
15 prohibited.

16 Thank you.

17 CHAIR FERRARO: Thank you.

18 Next, please.

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

21 Please go ahead.

22 MR. JOHNSON: Yes. Good morning. Arson, Needless  
23 to Say, She's Got Attitude, Honor Award, those are the last  
24 four horses to die at the so-called safest track in America.

25 No dates should be approved. That track should be

1 shut down.

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next, please.

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

7 Please go ahead.

8 MR. DE LA TORRE: Yes. Hello. Good morning,  
9 Members of the CHRB Board. Thank you for your service.

10 I just want to clarify. You know, one of the  
11 callers stated that trainers are getting a slap on the  
12 wrist. And you know, from what I understand, from what I've  
13 seen in horse racing, and especially at Del Mar, trainers  
14 have received more than a slap on the wrist. Trainers who  
15 are found to be in violation, you know, of the rules have  
16 been prohibited in the recent past.

17 And so, you know, this is a highly regulated  
18 sport. You know, we just have to speak truth, you know?  
19 And just, I wanted to make that point that, believe me, you  
20 know, people are very committed to the reform effort, from  
21 what I've been seeing. And trainers have received more than  
22 a slap on the wrist. They have been prohibited from racing  
23 at Del Mar. So I just wanted to make that clarification.

24 Thank you.

25 CHAIR FERRARO: Thank you.

1 Next, please.

2 OPERATOR: There are no further comments at this  
3 time.

4 CHAIR FERRARO: Questions or comments from the  
5 Board? Can I have a motion, please?

6 COMMISSIONER DAVIS: Davis moves.

7 CHAIR FERRARO: Okay.

8 COMMISSIONER CASTELLANOS: Castellanos seconds.  
9 Castellanos.

10 CHAIR FERRARO: Okay. Thank you.

11 Commissioner Gonzales?

12 VICE CHAIR GONZALES: Yes.

13 CHAIR FERRARO: Commissioner Alfieri?

14 COMMISSIONER ALFIERI: Yes.

15 CHAIR FERRARO: Commissioner Mitchell?

16 COMMISSIONER MITCHELL: Yes.

17 CHAIR FERRARO: Commissioner Solis?

18 COMMISSIONER SOLIS: Yes.

19 CHAIR FERRARO: Commissioner Castellanos?

20 COMMISSIONER CASTELLANOS: Yes.

21 CHAIR FERRARO: Commissioner Davis?

22 COMMISSIONER DAVIS: Yes.

23 CHAIR FERRARO: And the Chairman votes yes.

24 Motion approved.

25 Item number six, discussion and action by the

1 Board on the Application for License to Conduct a Horse  
2 Racing Meeting of the Del Mar Thoroughbred Club at Del Mar,  
3 commencing November 3rd, 2021 through November 30th, 2021,  
4 inclusive.

5 I think, Amanda, that's you again; right?

6 MS. DRUMMOND: Yes, that's correct. Good morning,  
7 Commissioners. Amanda Drummond again.

8 Agenda item six is the Application for License to  
9 Conduct a Horse Race Meeting of the Del Mar Thoroughbred  
10 Club. The race meet would run from November 3rd to November  
11 30th. And all that's currently outstanding is the CTT  
12 agreement.

13 And we do have representatives from Del Mar  
14 available if the Board has any questions.

15 Thank you.

16 CHAIR FERRARO: Mr. Chaney, do you have a comment  
17 about this?

18 EXECUTIVE DIRECTOR CHANEY: Yes. Thank you, Mr.  
19 Chairman.

20 As Amanda correctly stated, the only missing item  
21 in their application is the CTT agreement, you know, which  
22 has obviously been a topic of discussion for some time.

23 As Vice Chairman Gonzales pointed out last week --  
24 or last month, rather, there is litigation surrounding this,  
25 and that has changed recently. In fact, there's an

1 injunction hearing that's scheduled for the end of next  
2 month. That has somewhat chilled the negotiations. And  
3 speaking with the three members of the Board that have been  
4 trying to work negotiations, while negotiations have  
5 continued, there isn't agreement at this point.

6 So the recommendation is to recognize the CTT  
7 agreement from last meet.

8 CHAIR FERRARO: Okay. Correct. We'll proceed on  
9 that basis.

10 Any questions or comments from the Board?

11 Do we have a queue, Operator?

12 OPERATOR: We do.

13 CHAIR FERRARO: All right. Let's go.

14 OPERATOR: Thank you.

15 We will go first to Josh Rubenstein with Del Mar.

16 Please go ahead.

17 MR. HARPER: Yeah. Hi. This is Joe Harper. Let  
18 me kick it off.

19 Commissioners, obviously, we're very excited to  
20 host Breeders' Cup coming up on the 5th and 6th as part of  
21 our fall season. \$31 million is on the line for a lot of  
22 very good horses, a big number, over \$100 million for the  
23 local economy. And last -- in '17, that was a very  
24 successful Breeders' Cup. As you might remember, I think  
25 the on-track handle still stands as one of the best, very

1 successful, very profitable.

2           It's coming off the heels of a very successful  
3 summer meet here, \$18.4 million a day, it was the best we've  
4 ever seen here. And we're, obviously, very bullish on the  
5 upcoming fall season.

6           Now I'll turn things over and toss it to Josh for  
7 an overview.

8           MR. RUBENSTEIN: Thanks, Joe.

9           Our race dates for the fall meet are November 3rd  
10 through November 28th. It will be 15 days of racing over 4  
11 weeks. We will open with a five-day race week, which  
12 includes the Breeders' Cup, as Joe mentioned, on November  
13 5th and 6th. Weeks two and three are three-day race weeks  
14 from Friday through Sunday. And then we'll wrap up with  
15 week four, a four-day race week, Thanksgiving, Thursday,  
16 November 25th, and will close on Sunday, November 28th.  
17 First post is 12:30, except for Breeders' Cup Friday which  
18 is 11:55, Breeders' Cup Saturday, 10:15, and Thanksgiving,  
19 11:00 a.m.

20           Joe mentioned record handle from our summer meet.  
21 Our wager menu during the fall will be the same as the  
22 summer.

23           In terms of Breeders' Cup ticket sales, sales are  
24 going very well, as expected. There are modest declines in  
25 international ticket sales due to travel restrictions.

1           There's a week-long festival of Breeders' Cup  
2 events which we'll touch on shortly under the marketing  
3 report.

4           And lastly, as was the case during the summer  
5 season, we've worked very closely with county and state  
6 health officials to ensure a safe environment for all  
7 attendees this fall and at the Breeders' Cup.

8           I'll now turn things over to Tom Robbins for a  
9 report on racing.

10           MR. ROBBINS: Thank you, Josh.

11           As Joe mentioned earlier, we had a very good  
12 summer meet with strong field size, and we hope to keep that  
13 momentum going for this coming fall meet. We're going to be  
14 offering the highest overnight purse levels ever for this  
15 fall meet. Again, better than expected business from the  
16 last couple of summer meets, and last year's fall meet, and  
17 a better deal that we've struck with the TOC where most of  
18 the ADW companies are allowing us to reach these, what are  
19 record levels.

20           Aside from the two Breeders' Cup days, we're  
21 scheduled to run eight races on weekdays and nine races on  
22 weekends. We're, as you would expect, we're gearing up for  
23 Breeders' Cup right now, and we have horses beginning to  
24 arrive this weekend, with the main track opening this coming  
25 Monday for training.

1 All of our safety enhancements will, again, be in  
2 place. We're working very closely with the CHRB Doctors  
3 Blea and Grande and, with Breeders' Cup, additional  
4 veterinary observation.

5 I'm now going to toss it over to David Jerkens,  
6 our Racing Secretary, to talk a little bit more about what  
7 we can expect for the fall meet.

8 MR. JERKENS: Thanks, Tom.

9 David Jerkens, Del Mar. We will be presenting 18  
10 stakes' races during our 15-day meet. That includes six  
11 Breeders' Cup undercard stakes. Our meet will conclude with  
12 two Grade I race, the Hollywood Derby and the Matriarch,  
13 which we increased the purses now to \$400,000, and those  
14 races are run over Thanksgiving weekend.

15 Our lucrative Ship and Win Program which  
16 incentivizes out-of-state horses to race at Del Mar will  
17 return for the fall. During the recently concluded summer  
18 meet, we attracted a significant impact with 180 out-of-  
19 state horses starting at our meet and contributing 270  
20 starts, so that was a big number, and we're looking to  
21 improve on that this fall. The way it works is any horse  
22 that qualifies as an out-of-state horse receives \$3,000  
23 appearance fee for that first start, plus a purse bonus of  
24 30 percent throughout the meet.

25 We're excited to be racing in two weeks and can't

1 wait to get started.

2           And I'll turn it over to Craig to discuss  
3 marketing.

4           MR. DATO: Thanks, David.

5           Craig Dato from Del Mar.

6           With a short 15-day meet, obviously, the Breeders'  
7 Cup is the highlight and will be featured in all of our  
8 communications, which are well underway at this point.

9           In addition to the two days of racing for  
10 Breeders' Cup, we also put on the Breeders' Cup Festival  
11 which begins the Sunday prior to Breeders' Cup with the draw  
12 party. Other events include a fashion event, a golf  
13 tournament, various galas and parties every night of the  
14 week, and live music throughout the week in the Del Mar  
15 Village.

16           Once we get through Breeders' Cup weekend, we have  
17 a number of other events during the meet, including a  
18 College Day, a Beer and Fizz Festival, a handicapping  
19 contest, a Toys for Tots motorcycle event, a food bank/food  
20 collection event.

21           As David Jerkens just mentioned, we conclude the  
22 meet with the Del Mar Turf Festival that features seven  
23 graded stakes, including the Grade I Hollywood Derby and the  
24 Grade I Matriarch. So we start the season with Breeders'  
25 Cup, and we end it with a bang as well.

1 That's all I've got.

2 CHAIR FERRARO: Thank you.

3 Do we have other people in the queue, operator?

4 OPERATOR: We do.

5 CHAIR FERRARO: Let's go.

6 OPERATOR: Thank you.

7 We will go now to Martha Sullivan with Kill Racing  
8 Not Horses.

9 Please go ahead.

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

11 The Breeders' Cup epitomizes the Hunger Games  
12 aspect of horse racing, you know, a big week of celebrations  
13 and two days of racing horses in the face of 59 dead horses  
14 reported by this Board just in this racing season this year.  
15 No other sport would accept 59 deaths of its, quote,  
16 "athletes" in just ten months, in just five venues.

17 I also want to point out that even before COVID,  
18 Del Mar racing cost the state, which operates the Del Mar  
19 Fairgrounds, DMTC's final net profits payable to the  
20 Racetrack Racing Commission, which is administered by the  
21 Fairgrounds, was \$3.4 million less than 2018. This is  
22 according to the Fairground's internal audit report just  
23 recently published. It was delayed by COVID-19. The  
24 district cash and cash equivalency increased a million  
25 dollars, primarily due to a \$2.5 million shortfall from

1 racing that year.

2           So, as I say, it's the Hunger Games. Horses die,  
3 are injured, and the state's fairgrounds for San Diego  
4 County are decimated. It's no wonder (indiscernible) a  
5 horse park because the Fairgrounds can't afford to maintain  
6 it anymore. So local equine activities are stopped for San  
7 Diego County residents. This is horse racing. This is, you  
8 know, profit above (indiscernible). It's the Hunger Games.

9           CHAIR FERRARO: Thank you, Martha. Your time is  
10 up, please.

11           Next, please.

12           OPERATOR: Next, we go to Bonnie Croker with Kill  
13 Racing Not Horses.

14           Please go ahead.

15           MS. CROKER: Thank you and good morning again.

16           Del Mar Racetrack should not be granted a license.  
17 They commit chronic CHRB Rule violations, whipping horses in  
18 excess, altering racing videos for the purpose of deceit,  
19 and much mot. They injure and kill horses.

20           Never forget the recent seven-horse accident in  
21 race seven on 08/22/21. All one has to do is view Del Mar's  
22 races, read their stewards' minutes, and follow the Equibase  
23 charts to see countless horse injuries and violations of  
24 CHRB rules. The CHRB Vet and Fatality Reports provide  
25 additional proof of negligence and incompetence.

1 Pursuant to California's Business and Professions  
2 Code section 19460, all horse racing licenses are granted or  
3 revoked according to the track's compliance with CHRB rules,  
4 regulations, and conditions.

5 Alan Balch, head of the California Thoroughbred  
6 Trainers expressed yesterday in your safety and penalty-  
7 related meeting that he wants each racetrack to be perceived  
8 as and dealt with as a single coordinated team, not as  
9 isolated groups of trainers, jockeys, vets, et cetera. He  
10 wants unity of purpose and plan. He said he didn't want  
11 group-targeted blame or penalties for mishaps and  
12 violations.

13 CHRB, take Mr. Balch's advice and penalize Del Mar  
14 as a team for the transgressions of its members. As they  
15 say, the chain is only as strong as its weakest link. CHRB,  
16 when you see the rule violations taking place at Del Mar,  
17 you truly should deal with the track as a team who can't  
18 keep its members from drugging and whipping horses, altering  
19 incriminating videos, injuring and killing horses, et  
20 cetera, et cetera, et cetera.

21 Deny their license. They are so sure you won't  
22 that they are advertising the November 5th and 6th Breeders'  
23 Cup before you have even approved this fall meet.

24 Thank you.

25 CHAIR FERRARO: Thank you.

1 Next, please.

2 OPERATOR: Next, we go to Elvia Sedano with Kill  
3 Racing Not Horses.

4 Please go ahead.

5 MS. SEDANO: Good morning. There has already been  
6 a lot of advertising and planning for the 2021 Breeders'  
7 Cup, yet this license has not even been approved yet. This  
8 is another glaring example of how useless the CHRB is.

9 Del Mar is not waiting for the official granting  
10 of their license for the fall meet, including the Breeders'  
11 Cup, because they know they will get it no matter how many  
12 horses they kill or injure, no matter how many racing videos  
13 they butcher to hide the ugly truth from the members of the  
14 public, no matter how many whipping and drugging violations.

15 No matter what happens, this license will be granted. The  
16 CHRB will continue to look the other way and rubberstamp  
17 their approval for this license on a track that continues to  
18 harm and kill horses.

19 2021 has a list of babies (indiscernible) who  
20 sacrificed their lives at the so-called safest track in  
21 America. Arson, age two. Needless to Say, age three. He's  
22 Got Attitude, age two. Moonlight Promise, age three. Honor  
23 Award, age two. Rest in peace, beautiful horses. You  
24 mattered.

25 This is so sad how everybody is going to be

1 celebrating and having a good time while these poor horses  
2 are being exploited, and also have the possibility of ending  
3 their lives that day and enduring pain for this ugly  
4 industry.

5 Thank you.

6 CHAIR FERRARO: Thank you.

7 Next, please.

8 OPERATOR: Next, we go to Heather Wilson with Kill  
9 Racing Not Horses.

10 Please go ahead.

11 MS. WILSON: Regarding the upcoming Del Mar  
12 license, pursuant to California BPC sections 19460 and 61,  
13 all horse racing licenses granted in California are subject  
14 to the rules, regulations, and conditions prescribed by  
15 CHRB. And this has already been discussed by other  
16 speakers, but let's look at one rule that the DMTC has been  
17 violating.

18 They have butchered many incriminating racing  
19 videos, videos that tarnish the image of the so-called  
20 safest track in America, which is a violation of Rule 1444  
21 to edit or alter racing videos for any reason.

22 Due to time constraints, I can only discuss a few  
23 but I would be more than happy to send you a complete list,  
24 along with the original video for a side-by-side comparison  
25 with the fraudulent ones.

1           09/05/20, Mean Sophia stumbles right out of the  
2 gate, suffering a catastrophic injury. The video is  
3 altered, cutting out the part of her falling.

4           09/07/20, just two days later, Rick's Dream was  
5 injured and vanned. The head-on replay never aired, with is  
6 a violation of CHRB Rule 1442. He hobbles on an injured  
7 front leg and gets pulled up, which is chopped out of the  
8 video. This horse's whereabouts are still unknown.

9           08/22/21, race seven, seven horses DNF  
10 (indiscernible), all videos deleted, the race declared no  
11 contest, yet there are contingencies specified for  
12 exemptions to these video-altering rules.

13           09/06/21, first time start Honor Award killed on  
14 opening day of the summer -- or closing day of the summer  
15 meet, rather. The video was altered to cut out the part  
16 where he bobbles on a broken leg.

17           In summary, the DMTC needs to stop altering racing  
18 videos or their license must be revoked per California BPC.

19           CHAIR FERRARO: Thank you.

20           Next, please.

21           OPERATOR: Next, we go to Lynn Freudenberg with  
22 Kill Racing Not Horses.

23           Please go ahead.

24           MS. FREUDENBERG: Hey, good morning. This license  
25 should be denied for many reasons, but I'm going to discuss

1 the ongoing issue of missing horses and the CHRB admitting  
2 the fatalities are not being reported.

3 Dr. Ferraro stated that he was cracking down on  
4 it, but what does that mean? There is zero accountability  
5 with this industry.

6 For example, August 8th, 2021, High Duluth  
7 (phonetic), freaked out, flipped, then got stuck in the  
8 starting gate, late scratch.

9 08/13/21, Good With People, walked off, did not  
10 finish.

11 08/19/21, Esurache (phonetic), pulled up, vanned  
12 off, did not finish.

13 08/26/21, Haughty Lady (phonetic), eased, walked  
14 off, placed last but can't see the finish.

15 09/04/21, Lucky Peridot, pulled up, did not finish  
16 early on.

17 Where are these horses? There are 59 accounted  
18 horses by the CHRB -- fatalities with the CHRB. Is this  
19 five more that need to be added?

20 There's many -- we're telling you the many reasons  
21 why you should deny this license. But, you know, I just  
22 hope it doesn't get the rubberstamp approval that they  
23 always get.

24 Thank you.

25 CHAIR FERRARO: Thank you.

1 Next, please.

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

4 Please go ahead.

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

6 CHAIR FERRARO: Yes. Go ahead, please.

7 MR. DE LA TORRE: Yes. Yes. Thank you. Oscar de  
8 la Torre.

9 I urge you to approve these race dates for Del  
10 Mar. If there's any racetrack in our country that deserves  
11 to host what is known as the Super Bowl in horse racing, it  
12 is Del Mar. The DMTC has a positive track record of  
13 prioritizing horse safety. We have seen that. The data  
14 doesn't lie. They have taken actions to hold trainers  
15 accountable. We look at all the positivity that comes from  
16 approving these race dates.

17 You know, people are focused a lot on horses  
18 suffering accidental horse racing fatalities, and we're all  
19 concerned about that. I haven't met one trainer, one worker  
20 that doesn't care about that issue, and that's why they  
21 prioritize the reform effort, and the reform effort is  
22 working.

23 But it's real important to note that we've had  
24 hundreds, thousands of people that have died of homelessness  
25 and poverty in the County of San Diego and the County of Los

1 Angeles. Thousands of people are dying because of  
2 homelessness and poverty. And every time that you approve  
3 these race dates you are securing those jobs, salaries,  
4 health benefits, and housing for vulnerable people, for  
5 people that are one paycheck away from being homeless. So  
6 it's very important for us to understand that, to understand  
7 the economic impact of what we're doing here.

8           Most communities would die to have, you know, the  
9 Breeders' Cup comes. I mean, it would be important for  
10 people to have this in their economy, \$100 million to the  
11 local economy. That means jobs, salaries, health benefits.  
12 We need economic recovery. We need economic recovery to be  
13 equitable and inclusive and we have that in horse racing.  
14 People are benefitting from this economic activity and it's  
15 something that you all should be very proud of, especially  
16 at Del Mar with the DMTC in charge. The track record speaks  
17 for itself. And there's a lot of good programming that will  
18 come from this for the community, as well.

19           Thank you very much.

20           CHAIR FERRARO: Thank you.

21           Next, please.

22           OPERATOR: Next, we go to Kimberly Marrs with KTM.

23           Please go ahead.

24           MS. MARRS: Hi. My name is Kimberly Marrs. I'm  
25 with KTM.

1 I urge you to approve the race dates at Del Mar.  
2 DMTC has been doing an excellent job in leading the horse  
3 safety reform effort. DMTC has shown that safer horse  
4 racing is possible.

5 And as a trainer, I'm really proud to be part of  
6 this effort to prioritize the safety and well-being of  
7 horses in my car and try to help other trainers if they have  
8 issues with horses. Any of my knowledge, I would be happy  
9 to share because, for me, the horse is number one.

10 Just to note, I think you're going to start seeing  
11 a lot more input with trainers as far as doing more, I  
12 guess, productive and maybe different types of trainings. I  
13 just recently had an article published in the Trainer  
14 Magazine where I wrote about building core strength in  
15 racehorses to make them less likely to injure themselves.

16 So I think we're going to see things like what I'm  
17 doing and what a lot of other people are doing, and good  
18 ideas are going to really come out of this, and let's just  
19 keep this reform effort going and give DMTC their race  
20 dates.

21 Thank you.

22 CHAIR FERRARO: Thank you.

23 Next, please.

24 OPERATOR: Next, we go to Doug O'Neill, a trainer.

25 Please go ahead.

1 MR. O'NEILL: Good morning, Board Members. I'm a  
2 proud member of the California horse racing community, and  
3 just wanted to request that you guys, please, give the dates  
4 to Del Mar this year. As we know, it truly is one of the  
5 safest tracks in the country, it has one of the leading  
6 barns out here. I can tell you that the reforms have really  
7 helped a ton. And you know, just on behalf of so many of us  
8 men and women who have chosen to work alongside horses for a  
9 living, there's no better venue and safer track than Del  
10 Mar.

11 And like Oscar so well said, and Kimberly, as  
12 well, you know, just you don't get up early in the morning  
13 and work alongside horses unless you love them, and we do  
14 love them. And accidents happen to humans and horses, and  
15 we try every day with your help. Your Board has done an  
16 amazing job of pushing these new reforms. And Del Mar has  
17 done an amazing job of implementing them.

18 So just wanted to lend my voice to as how much I  
19 appreciate what you guys are all doing and how much I look  
20 forward to you giving the dates. And, hopefully, we have a  
21 great meet this year.

22 Thanks a lot. Thank you.

23 CHAIR FERRARO: Thank you.

24 Next, please.

25 OPERATOR: Next, we go to Wayne Johnson, a

1 citizen.

2 Please go ahead.

3 MR. JOHNSON: Oscar wants us to look at the data.  
4 Let's look at the data. Mr. Harper's data is the bottom  
5 line, the \$31 million, that's the data.

6 The real data, of course, is dead horses. Despite  
7 the vets, despite the safety enhancements, more horses dead  
8 at the so-called safest track in America.

9 You're going to have a gala, a gala with a fashion  
10 show, a gala to celebrate the Breeders' Cup. How about a  
11 memorial service? What about a memorial service for  
12 Needless to Say? How about a memorial service for Arson?  
13 What about a memorial service for Honor Award? Let's have a  
14 memorial service for the real data, the dead horses.

15 Thank you.

16 CHAIR FERRARO: Thank you.

17 Next, please.

18 OPERATOR: Next, we go to Holly Wilson with Kill  
19 Racing Not Horses.

20 Please go ahead.

21 MS. H. WILSON: The CHRB truly is a useless  
22 rubberstamp Board, a shameful entity. What is your  
23 threshold for dead horses to withhold licensure for this  
24 upcoming killing cup at Del Mar?

25 Horses are drugged, they are whipped, they are

1 sent away to lower-tier tracks, killed offsite, and they are  
2 sent to kill buyers to ultimately be slaughtered for human  
3 consumption. Oh, but we love our horses.

4 Love is not found at the end of a whip; it is not  
5 found in the needle that injects these unwilling  
6 participants. This is not a Super Bowl. Athletes are not  
7 killed in the Super Bowl, in case you haven't known that.

8 Killing is inherent to the horse racing equation,  
9 so do not approve this upcoming meet.

10 CHAIR FERRARO: Thank you

11 Next, please.

12 OPERATOR: Next, we go to Pavla Nygaard, an owner  
13 and breeder.

14 Please go ahead.

15 MS. NYGAARD: Hi. Yes. Hello. As a Del Mar  
16 resident, I'm well aware of the impact, of the positive  
17 impact that Del Mar racing has on the community, and I urge  
18 the CHRB to approve the dates.

19 I wanted to, again, as a Del Mar resident, I  
20 wanted to correct one piece of disinformation that was  
21 stated in one of the comments regarding the horse park being  
22 defunct and the fairgrounds killing the equestrian community  
23 in town. My daughter rides hunter-jumpers and was, not this  
24 last weekend but the previous weekend, she was at the  
25 fairgrounds in a horse show, which is happily proceeding, at

1 the same time as the horse park future is being discussed.  
2 And I understand that it is going -- there is a path and  
3 plan for reopening.

4 So it is not correct that the fairgrounds of DMTC  
5 is somehow the cause of destruction of the equestrian  
6 community of -- or the showing community here.

7 And as an aside, the horse that -- one of the  
8 horses that my daughter was competing on is one of our  
9 retired thoroughbreds who, also, as an aside, my daughter  
10 competed in a recent fundraiser to raise funds for retired  
11 thoroughbreds, which raised over \$50,000 of which my  
12 daughter and her off-track thoroughbred partner raised  
13 \$9,300 with, of course, wide participation from various  
14 participants in the racing industry, including four  
15 different Kentucky Derby-winning trainers who very much  
16 support the aftercare and well-being of thoroughbreds.

17 So I would greatly -- I appreciate what the DMTC  
18 does for the community, and please approve the dates.

19 Thank you.

20 CHAIR FERRARO: Thank you.

21 Next, please.

22 OPERATOR: There are no further comments at this  
23 time.

24 CHAIR FERRARO: Any questions or comments from the  
25 Board? Do I have a motion?

1 VICE CHAIR GONZALES: Dr. Ferraro, I just want to  
2 just make just a quick point here on the racing agreement --

3 CHAIR FERRARO: Yeah, go ahead.

4 VICE CHAIR GONZALES: -- just so we're clear, sir.

5 And by the way, I just appreciated the  
6 presentation by Del Mar, all of the public comments, those  
7 that were on the up-and-up, also appreciate those people.

8 But let me just remind the Board as we incorporate  
9 the racing agreement, and I'm just going to read a sentence  
10 on page four so that the Commissioners are reminded that if  
11 there is a dispute between a racetrack and the CTT as to  
12 whether a trainer should stay or go for reasons that  
13 management felt that that person should no longer race for,  
14 you know, the time being or for however long as they deem,  
15 this is what the racing agreement says. It says,

16 "If a dispute is not settled, the Track and CTT agree  
17 that the matter is to proceed immediately to  
18 arbitration before a hearing officer chosen by mutual  
19 consent by Track and CTT. If Track and CTT cannot  
20 agree on a hearing officer chosen by mutual consent, a  
21 hearing officer shall be appointed by the CHRB."

22 So I recently asked Scott Chaney and Staff to  
23 write something up that would be internal so that, if in the  
24 event we ever got to this point, we would have a mechanism  
25 already in place within the CHRB that could go about

1 bringing on a hearing officer.

2           So here's what I want to say. If a racetrack  
3 feels that there is a trainer that does not meet the  
4 standards of the racetrack, they have every right to do what  
5 they feel is necessary. I know there's other parts of the  
6 country that they're coming down pretty heavily on trainers.  
7 So in no way, by not having an updated race meet agreement,  
8 are we discouraging any attention or action on the trainer  
9 that needs that necessary attention. So that's all I wanted  
10 to say.

11           The second thing, as it relates to Del Mar, is  
12 this will be the first time that, on this stage, at the  
13 Breeders' Cup, the riding crop rule, that will be in effect.

14           And I have been assured and I am interested to see the  
15 communication to the jockeys at the front end. And if any  
16 jockey were to step out of line and abuse the crop, that  
17 that individual be handled and, if the stewards have the  
18 authority, to exercise the fullest extent of punishment,  
19 reprimand, penalties, disqualification, et cetera.

20           So I'm looking forward to this upcoming Breeders'  
21 Cup. A lot of hard work has gone into this. The safety of  
22 the horse, safety of the jockeys is what us and Board, as a  
23 Board, puts above all else.

24           So I would like to make a motion to approve the  
25 license for Del Mar Racetrack, Dr. Ferraro.

1 CHAIR FERRARO: Thank you very much.

2 COMMISSIONER ALFIERI: I'll second it.

3 CHAIR FERRARO: Do I have -- oh?

4 COMMISSIONER ALFIERI: I'll second it.

5 CHAIR FERRARO: Okay.

6 COMMISSIONER ALFIERI: Alf.

7 CHAIR FERRARO: Yeah. Okay.

8 So Commissioner Davis?

9 COMMISSIONER DAVIS: Yes.

10 CHAIR FERRARO: Commissioner Castellanos?

11 MR. CASTELLANOS: Yes.

12 CHAIR FERRARO: Commissioner Solis?

13 COMMISSIONER SOLIS: Yes.

14 CHAIR FERRARO: Commissioner Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIR FERRARO: Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Commissioner Gonzales?

19 VICE CHAIR GONZALES: Yes, sir.

20 CHAIR FERRARO: And the Chairman votes yes. The

21 motion is approved.

22 Move on now to item number seven which is the

23 Executive Director's Report and Equine Medical Director's

24 Report.

25 Mr. Chaney, can you start, please?

1 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.  
2 Chairman, and good morning, Commissioners.

3 Regarding handle for October, day racing is up 4  
4 percent on seven more programs, night racing is down 14  
5 percent on four less programs, and overall handle is up 2  
6 percent, all compared to October of 2020.

7 Year to date, as compared to the same period last  
8 year, handle for day racing is up 20 percent, night racing  
9 is down 6 percent, and total handle year to date is up 16  
10 percent compared to 2020.

11 A few more items to highlight for the Board.

12 The Federal Racing Authority created by HISA has  
13 started to promulgate regulations, which should become  
14 public in the next few weeks. The CHRB has and will  
15 continue to offer constructive feedback to the two  
16 Committees as we strive to maintain and enhance the strict  
17 safety and medication measures that are already in place in  
18 California.

19 From an operational standpoint, the CHRB continues  
20 to follow all state and local COVID protocols but is also  
21 working on a plan for how we should function in the future.  
22 With an increased emphasis on telework and, by extension, a  
23 smaller environmental footprint, the CHRB continues its  
24 efforts to be more efficient, competitive, and productive in  
25 what will undoubtedly be a new operating world going

1 forward.

2 Del Mar Racetrack, whose license application will  
3 be -- who -- which you heard today, will host the Breeders'  
4 Cup World Championships November 4th and 5th. This is the  
5 15th time a California track has hosted the prestigious  
6 event since its inception at Hollywood Park in 1984.

7 Preparations are proceeding properly to ensure a  
8 safe successful weekend of racing, and from an animal  
9 welfare, human welfare, and COVID perspective.

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

11 CHAIR FERRARO: Thank you.

12 Any questions from the Board? There are none?

13 Dr. Blea, give us your report, please.

14 EQUINE MEDICAL DIRECTOR BLEA: Good morning, Mr.  
15 Chairman. Good morning, Mr. Chairman and Commissioners.

16 First off, I'll start with the HISA update, Horse  
17 Racing Safety Authority. Documents from both Committees  
18 continue to be generated and worked upon and the work is  
19 ongoing.

20 As Mr. Chairman just alluded to, the prohibited  
21 list of medications went out to industry -- actually, CHRB,  
22 as well as other stakeholders, under a nondisclosure  
23 agreements, has had the opportunity to review and submit  
24 comments on two separate documents. As of yesterday, the  
25 prohibited list of medications went out to industry

1 stakeholders. And CHRB will have an opportunity to review  
2 and offer comments on that document, as well.

3 More industry review and comments on the HISA  
4 documents are forthcoming. In addition to public comments,  
5 stakeholders will also have opportunity to comment on each  
6 document that the Committees have generated.

7 Much discussion about Breeders' Cup has been had  
8 this morning. As you all know, the Breeders' Cup World  
9 Championships will take place November 5th and 6th at Del  
10 Mar Thoroughbred Club. All races on both days, in addition  
11 to Breeders' Cup Championship races, will be conducted  
12 Lasix-free.

13 In addition to the many private practitioners on  
14 the backside, approximately ten other veterinarians from  
15 multiple jurisdictions, as well as CHRB regulatory  
16 veterinarians, will be examining horses starting on October  
17 25th. There will be a USDA veterinarian in the quarantine  
18 barn, along with two other Breeders' Cup quarantine barn  
19 veterinarians.

20 Enhanced examinations and testing have been  
21 applied to this year Breeders' Cup Championships. For  
22 example, there will be a list of required exams performed by  
23 veterinarians. There's a pre-entry examine that's required  
24 by private practitioners within three days prior to injury  
25 as part of the horsemen's agreement with Del Mar

1 Thoroughbred Club.

2           Furthermore, trot-up exams, which will be a new  
3 item this year at Breeders' Cup for Del Mar, there will be a  
4 minimum of two trot-up exams with the rider up. Breeders'  
5 Cup and CHRB veterinary panelists will be on the track  
6 watching these exams. Each horse will be required to have  
7 two rider-aboard trot-up exams observed by the veterinary  
8 panel consisting of a Breeders' Cup regulatory veterinarian  
9 and a CHRB regulator veterinarian. And these exams will be  
10 conducted at the seven-eight chute at Del Mar, and then the  
11 quarter-mile chute at Santa Anita Race Course.

12           Stall exams will be conducted with a minimum of at  
13 least one that will be done during the week of Breeders' Cup  
14 by a team of Breeders' Cup veterinarians and CHRB  
15 veterinarians.

16           Furthermore, pre-race entry exams -- or pre-race-  
17 day exams, rather, will be conducted by CHRB veterinarians  
18 at the barn on race day. The plan is to have the CHRB  
19 veterinarians assigned to specific horses throughout the  
20 two-week period. Exams will start October 25th, that's next  
21 week, and they will be continued throughout until Breeders'  
22 Cup Day.

23           The plan is to have the CHRB veterinarians  
24 assigned to particular horses. The Breeders' Cup veterinary  
25 panel can then join the CHRB veterinarians with the intent

1 to make that CHRB veterinarian an extension of the attending  
2 veterinarian so they get to know that horse and identify any  
3 subtle changes that may cause concern or be an at-risk  
4 factor.

5 CHRB veterinarians and Breeders' Cup veterinarians  
6 have the ability to require advanced diagnostics at any  
7 point in time prior to race time to address any concerns  
8 that they have identified during an exam. This is a CHRB  
9 rule and it's currently how we function, even today.

10 There will be enhanced out-of-competition testing  
11 taking place on Tuesday of Breeders' Cup week. Every horse  
12 entered in Breeders' Cup Championship race days Friday and  
13 Saturday will have blood samples taken, and they will be  
14 sent to the Maddy Lab for enhanced out-of-competition  
15 testing.

16 Dr. Will Farmer, the veterinary advisor for  
17 Breeders' Cup, and I, we put together a webinar for trainers  
18 early in October that detail the rule changes implemented by  
19 CHRB. That link is on the Breeders' Cup website. And many  
20 people have requested to view that recording.

21 Further to that, Dr. Farmer and I recently put a  
22 webinar for practicing veterinarians and Breeders' Cup  
23 veterinarians just a couple days ago. And, again, we  
24 recorded that webinar to explain the rule changes and the  
25 rules in California in an effort to be proactive regarding

1 safety, welfare, and our rules and medication procedures.

2 The Maddy Lab continues to stay active and busy.  
3 In September, the Maddy Lab analyzed 1,109 blood and urine  
4 post-race samples, and an additional 600 -- excuse me, an  
5 additional 63 official post-work samples. Of those samples  
6 analyzed, only one medication violation occurred which was  
7 an overage of phenylbutazone, a permitted controlled  
8 therapeutic substance in official workouts.

9 Furthermore, 1,028 out-of-competition test samples  
10 were analyzed by the Maddy Lab in September of 2021.

11 In September, in California, there were six  
12 fatalities, five occurred in training and one occurred in  
13 racing. One-third, or two out of the six, fatalities in  
14 September were related to sudden deaths, one which has been  
15 diagnosed as a rupture, an aortic aneurism. And the other  
16 investigation is still ongoing to determine the cause of the  
17 sudden death.

18 That concludes my report. Thank you.

19 CHAIR FERRARO: Thank you, Dr. Blea.

20 Any questions from the Board?

21 Do we have a queue on this, operator?

22 OPERATOR: We do.

23 CHAIR FERRARO: Let's begin, please.

24 OPERATOR: Thank you.

25 We will go first to Martha Sullivan with Kill

1 Racing Not Horses.

2 Please go ahead.

3 MS. SULLIVAN: Hello. The Board published its  
4 annual report for -- on Postmortem Examination Program, on  
5 its Postmortem Examination Program, right after last month's  
6 meeting, so I'm rather surprised that there's no discussion  
7 of that here, or as a separate agenda item, for that matter.

8 I'd like to point out that this report said that,  
9 "The number of horses submitted with catastrophic  
10 injuries or deaths dropped dramatically after the  
11 fourth year of age. This distribution is consistent  
12 with the age distribution that was seen in prior years.

13 However," this just totally boggles my mind, "we  
14 cannot conclude if horses five years of age and greater  
15 are less susceptible to the injuries of racing because  
16 the total number of horses in each age group that are  
17 racing and training on facilities controlled by the  
18 CHRFB are not known to us."

19 Now, in January of 2020, this Board reported that  
20 95 percent of thoroughbreds have been microchipped. So  
21 you're telling me that UC Davis, that prepared this report  
22 and runs this program, and this Board is unable --

23 OPERATOR: And Ms. Sullivan has disconnected.

24 CHAIR FERRARO: I'm sorry. Well, let's go on to  
25 the next one. If she reconnects, we will start her early.

1 OPERATOR: Thank you.

2 We will go now to Wayne Johnson, a citizen.

3 Please go ahead.

4 MR. JOHNSON: Yes. I remember when the  
5 veterinarian, the chief veterinarian, the chief equine  
6 veterinarian told us about all the preparation of veterinary  
7 safety for the Breeders' Cup at Santa Anita. All of that  
8 did not do Mongolian Groom any good at all. You cannot  
9 reform your way out of this crisis.

10 Dr. Blea refuses, again, to tell you the names of  
11 the horses that have died and the comprehensive list of  
12 horses that have died since the last meeting on September  
13 15th. I'll do it for you, Jeff.

14 Hold Fast at Golden Gate Fields, dead.

15 Left Alone at Golden Gate Fields, dead.

16 Stop Drop and Roll, Golden Gate Fields, dead.

17 Seven Summers, Santa Anita Park, dead.

18 Fight On Ron at Santa Anita Park, dead.

19 Made in Karoo at Golden Gate Fields, dead.

20 Cakastrofogy (phonetic), dead at Santa Anita.

21 Electric Ride, dead at Santa Anita.

22 Favorite Doc, dead at Los Alamitos.

23 Luca's Ride, dead at Los Al.

24 Those horses have names, they have feelings, they  
25 wanted to live. They did not want to die in the service of

1 this corrupt industry.

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next, please.

5 OPERATOR: Next, we go to Heather Wilson with Kill  
6 Racing Not Horses

7 Please go ahead.

8 MS. WILSON: Thank you. I'm glad Mr. Chaney  
9 mentioned the Breeders' Cup at Hollywood Park. Hollywood  
10 Park is now the SoFi Stadium, hosting giant concerts and  
11 human sporting events, generating millions of dollars and  
12 creating thousands of --

13 OPERATOR: Ms. Wilson --

14 CHAIR FERRARO: Oh, we just --

15 OPERATOR: -- your line has cut out.

16 CHAIR FERRARO: We lost her?

17 OPERATOR: She is still connected but I believe  
18 her audio quality, or her service is, maybe, affecting her  
19 speech.

20 MS. WILSON: Can you hear me now?

21 OPERATOR: We can.

22 CHAIR FERRARO: Yes.

23 MS. WILSON: Okay. So the giant concerts and  
24 human sporting events are being held at Hollywood Park, no  
25 SoFi Stadium, generating millions of dollars, creating

1 thousands of jobs year round, not just a couple of weeks out  
2 of the year.

3           And for Dr. Blea, this enhanced testing,  
4 obviously, we're talking about forensic testing of the  
5 horses for medications and other substances, so that means  
6 that the trainers are still doping. Otherwise, you would  
7 not have to be doing drug testing.

8           Advanced diagnostics, this will not help the 90  
9 percent of catastrophic breakdowns that were suffering from  
10 preexisting pathology. It won't help the horses who slip in  
11 the starting gate, who get loose, who crash into things, or  
12 who suffer from some other so-called freak accident, which  
13 actually happens with alarming regularity. So you can do all  
14 the roundtables you want, all the panels, all the reforms,  
15 it's not going to help. Horses are still going to continue  
16 to suffer and be killed.

17           CHAIR FERRARO: Thank you.

18           Next, please.

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

21           CHAIR FERRARO: Okay. So we're concluding those  
22 reports.

23           We'll move on to item number eight, which is  
24 Public Comment. I would remind that we have 30 minutes for  
25 public comment, two minutes a piece, please, so that we can

1 get everybody who wishes to comment in.

2 And, operator, we'll begin right now.

3 OPERATOR: Thank you.

4 We'll go first to Wayne Johnson, a citizen.

5 Please go ahead.

6 MR. JOHNSON: Mr. Baffert, apparently, is going to  
7 be allowed to work the Breeders' Cup with conditions.

8 Every sport has its best-known person. Tom Brady  
9 in football, LeBron James in basketball, maybe Shohei  
10 Ohtani in baseball. The best-known person in horse racing  
11 is Bob Baffert. Is that what you want? Is that the kind of  
12 reputation you want?

13 Why, to repeat, why were all the October deaths  
14 not recorded and articulated by the chief equine  
15 veterinarian? I don't get it. Why did you give September  
16 and not October? Did the horses not die in October? Well,  
17 of course they did.

18 Fight On Ron , Made in Karoo, Takasock  
19 (phonetic), Electric Ride, Favorite Doc, Luca's Ride, those  
20 horses all died in the month of October. Where is the  
21 memorial service for them? Where are the tears for them?  
22 No. We're talking about galas and fashion shows and  
23 celebration. Where is the concern about these horses that  
24 are dying for this industry?

25 Thank you.

1 CHAIR FERRARO: Thank you.

2 Next, please.

3 OPERATOR: Next, we go to Martha Sullivan with  
4 Kill Racing Not Horses.

5 Please go ahead.

6 MS. SULLIVAN: I'd like to know how the industry  
7 is going to be able to cooperate on the CTT's proposed  
8 Accident Prevention Task Force if the CTT and the various  
9 racetracks can't manage to come to agreement on -- you know,  
10 for every race meet in this state? That's for over two  
11 years now. And we hear this morning from Executive Director  
12 Chaney that there's now an injunction hearing scheduled for  
13 the end of next month.

14 So you know, the happy talk is all nice and  
15 everything, but the reality is, is that this industry can't  
16 cooperate. It's pretty clear. And you can't even -- they  
17 can't even get to agreement on running a race meet.

18 I also want to just, again, emphasize the  
19 importance of looking at the Board's own data in the  
20 Postmortem Examination Program Annual Report just issued.  
21 You need to follow the data about catastrophic injuries and  
22 deaths dropping significantly at age five and later. You  
23 are able to determine the ages of horses that are racing,  
24 there's no doubt about that. You need to do it. And you  
25 need to follow that data. And if you can reduce fatalities

1 of these athletes by starting racing at five, that's what  
2 you need to do.

3 OPERATOR: Thank you.

4 Next, we'll go Kathy Guillermo with PETA.

5 Please go ahead.

6 MS. GUILLERMO: Yes. Thank you. I have a comment  
7 about trainers and fatalities.

8 As you know, in 2019 the CHRB that was in place  
9 then enacted quite a number of new rules and implemented new  
10 procedures. One of them was to treat every fatality as a  
11 proper investigation with a full pathology and necropsy  
12 reports, and interviews of all those involved. This was to  
13 find out not only why the deaths happened but if someone's  
14 actions were responsible.

15 I suggest that when a horse suffers a catastrophic  
16 injury you consider a regulatory change requiring an  
17 immediate suspension of a trainer's license pending  
18 investigation. The adjudication process for license  
19 suspension is long, it's burdensome, and an immediate  
20 suspension protects the horses in that trainer's care should  
21 his or her actions be contributing to horses' deaths.

22 I'm told by so many people in the industry that  
23 preventing deaths ultimately comes down to what they  
24 consider good horsemanship and not taking shortcuts to keep  
25 horses running when they shouldn't be. Ultimately, this is

1 about making it possible for the Board to take immediate  
2 action while, also, communicating to everyone in the  
3 industry that a death is very serious.

4 Thank you.

5 CHAIR FERRARO: Thank you.

6 Next, please.

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

9 Please go ahead.

10 MR. BALCH: Thank you. And I think those comments  
11 from Kathy Guillermo were important. And, certainly, our  
12 Task Force will take them into consideration as we examine  
13 how we're going to go forward with our proposal to make sure  
14 we can implement even more reforms to get our safety record  
15 to be even better than it is now.

16 But let's remember that -- and today's meeting has  
17 been evidence of this, that our independent and objective  
18 regulatory, the CHRB which represents the public interest in  
19 California and the state government, has been subject itself  
20 in the last few years and today to a merciless onslaught of  
21 misinformation, disinformation, and brutal unfair criticism  
22 from all sides beyond any previous boundaries, so many, even  
23 today, that I can't possibly rebut them all.

24 The Racing Board has very rarely been rewarded by  
25 this small faction of extremists for all of your and our

1 efforts at reform. And, instead, we continue to be  
2 criticized because our many successful initiatives have not  
3 resulted in perfection.

4           And let's look at the data, Mr. Johnson, on PETA's  
5 own euthanasia rates. PETA continues to euthanize the  
6 majority of the dogs and cats that it takes into custody.  
7 That's the data versus the racing data which is out there  
8 for everybody to see. They don't name the pets. We're  
9 talking about tens of thousands of animals that PETA  
10 euthanizes around the country, including reporting in  
11 Virginia and L.A. County, at a greater rate than regular  
12 shelters.

13           So let's all consider together the importance of  
14 every animal life.

15           Thank you.

16           CHAIR FERRARO: Thank you.

17           Next, please.

18           OPERATOR: Next, we go to Bonnie Croker with Kill  
19 Racing Not Horses.

20           Please go ahead.

21           MS. CROKER: Yes. Thank you.

22           To Mr. Balch, thank you for speaking. We must  
23 consider every life valuable. So, therefore, if you are  
24 still eating animals, you are not doing so.

25           Now on to my planned statement.

1           As everyone expected, Del Mar was just granted  
2 their fall meet license, Del Mar, the track that claims it's  
3 the safest in the country.

4           Let's think back to August 22nd, 2021. Race seven  
5 had 12 starters in the gate and they were off. Just past  
6 the 16th pole, horse ten, Classy Chassis (phonetic), clipped  
7 heels, creating a catastrophic chain reaction which resulted  
8 in seven horses dumping their riders and falling to the  
9 ground. Of course, the cameras moved away so the betting  
10 public couldn't see what they were paying for. Two of the  
11 seven non-finishing horses who fell are still missing from  
12 the major databases.

13           Where is Whiskey Blue, three-year-old filly, last  
14 seen where she fell on the Del Mar track.

15           Where is Phoenix Tears, four-year-old filly, last  
16 seen where she fell on the Del Mar track.

17           Also, on 08/22/21 in race four at Del Mar,  
18 Forgiving Spirit, two-year-old gelding on his very start,  
19 placed second to last, then he was walked off, bleeding.  
20 Where is he?

21           Whiskey Blue, Phoenix Tears, and Forgiving Spirit  
22 are still missing from the major databases.

23           Just like all tracks, Del Mar's jockeys constantly  
24 ride recklessly, bumping and interfering with other horses  
25 and riders. No one seems to care unless someone complains

1 that their horse was denied a better placement due to the  
2 interference. Otherwise, it's reckless rule-breaking, life-  
3 threatening business as usual, and the CHRB keeps  
4 rubberstamping racing licenses because that's what brings in  
5 the money.

6 Thank you for your time.

7 CHAIR FERRARO: Thank you.

8 Next, please.

9 OPERATOR: Next, we go to Heather Wilson with Kill  
10 Racing Not Horses.

11 Please go ahead.

12 MS. WILSON: Thank you.

13 Every single racehorse has a story but most never  
14 get told. This is the story of The Tabulator. He was born  
15 in Kentucky on March 16th, 2015, a beautiful dark bay colt  
16 with a white star on his face. He was sold as a yearling or  
17 \$92,000. As a two-year-old, he sold for \$460,000. He used  
18 to run at all the top-tier tracks, Arlington, Belmont,  
19 Churchill Downs, Gulfstream. He also ran at Del Mar. He  
20 won his first three races.

21 When the winnings became more sporadic, he found  
22 his friends, as you say. He dropped in class and ended up  
23 at lower-tier tracks, running in cheap claiming races. As a  
24 former stakes' winner, he would probably have been used for  
25 breeding to squeeze every last dime out of him, so he was

1 not gelded. This horse had a total of 25 starts at ten  
2 different tracks. He was trafficked across the country,  
3 covering nine states from coast to coast. He faithfully  
4 served his captors.

5 At Thistledown on August 19t, 2021, The Tabulator  
6 ran his last race. After he throws his rider, he still  
7 bobbles across the wire with what appears to be a broken  
8 leg. He suffered a catastrophic injury, and he was  
9 euthanized on the track. The Tabulator was dead at the ripe  
10 old age of six. His story is tragic, just like every other  
11 captive equine in forced servitude.

12 Every single racehorse has a story. Most of them  
13 are never told.

14 CHAIR FERRARO: Thank you.

15 Next, please.

16 OPERATOR: Next, we go to Kimberly Marrs with KTM.

17 Please go ahead.

18 MS. MARRS: Okay. This is Kimberly Marrs. I just  
19 wanted to express my pleasure about yesterday's Medication  
20 meeting. The general feeling that I left with was one of  
21 unity and everybody kind of coming together with good ideas.

22 The development of a Task Force and coming  
23 together, basically, in all facets of our industry, I think  
24 it's something that's needed to happen for a while. And I  
25 was just so pleased about just the vibe out of the whole

1 meeting and looking forward to what's going to be set up  
2 and, you know, possibly participating. I think a lot of us  
3 have really good ideas and we can, you know, enact them.  
4 And I think we all can come together as a group, unlike some  
5 of the comments that we've heard in the past, I think we're  
6 going to see this.

7           So keep up the great work, CHRB. You're doing a  
8 great job. I know you take a beating every once in a while,  
9 well, actually every month, and -- but you guys are doing  
10 really good work. And we're, obviously, seeing that it's  
11 paying off, so thank you.

12           CHAIR FERRARO: Thank you.

13           Next, please.

14           OPERATOR: Next, we go to Lynn Freudenberg with  
15 Kill Racing Not Horses.

16           Please go ahead.

17           MS. FREUDENBERG: Hey, good morning.

18           I'm really amazed on what you call a freak  
19 accident. One of the commenters said there was a freak  
20 accident. A freak accident only happens once in a blue  
21 moon, not weekly, not daily, so that's one reason I called  
22 in to make comment.

23           But secondly, if you want us to stop calling in,  
24 stop killing horses. It's as simple as that. We try to  
25 stop the whipping, it doesn't happen. We try to stop the

1 medication rules from drugging horses, it doesn't happen.  
2 Just stop killing the horses. I mean, find safer ways of  
3 doing stuff. This is not freak accidents. This is  
4 happening constantly, ongoing problem, and that's why I'm  
5 calling in. That's why I'm sure other animal advocates are  
6 calling in. If you wasn't killing the horses, we would be  
7 fine with it, you know? But this keeps happening.

8           And we keep finding out information that doesn't  
9 seem -- it seems to be twisted to the public to make  
10 yourselves look good, you know? I know you have P.R. people  
11 to do that.

12           And, anyways, stop killing horses, we'll stop  
13 calling in, everything will be fine.

14           Thank you.

15           CHAIR FERRARO: Thank you.

16           Next, please.

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

19           Please go ahead.

20           MR. DE LA TORRE: Yes. First, I want to  
21 acknowledge the good work of the CTT and Alan Balch, who  
22 just called in earlier, on being proactive, on building on  
23 the horse safety reform effort and taking leadership. I  
24 mean, that just shows, you know, that trainers are committed  
25 to the reform efforts, committed to the well-being and care

1 of the horses, and that's something that's just something  
2 that needs to be acknowledged.

3           On the comment from Kathy Guillermo regarding  
4 suspending trainers when there's an accidental horse racing  
5 fatality or a catastrophic injury, we need to just make sure  
6 that this doesn't penalize the workers on their team, that  
7 they don't lose salary because of that or decisions that are  
8 out of their control. It's something that we should be  
9 thinking about and be mindful of.

10           You know, the reform effort is working. I mean,  
11 you know, people need to acknowledge that. You know, we  
12 don't shut down animal shelters because they experience a  
13 spike in euthanizing cats and dogs. You know, the idea is  
14 to get rid of the problem, you know? And what is the  
15 problem? Accidental horse racing fatalities.

16           Everyone that I've talked to in horse racing, from  
17 backstretch workers to owners to trainers, everyone,  
18 everyone is committed to making improvements in horse  
19 safety. That's why we're seeing, you know, the changes that  
20 we've seen. I mean, the caller that said right now that  
21 medication rules aren't being applied, that's not true. I  
22 mean, look at even this next Breeders' Cup, you know, Lasix  
23 is being, you know, eliminated. And, also, the use of the  
24 whip has been highly regulated, you know, and with people  
25 pushing back, you know, jockeys and others, you know, saying

1 that they shouldn't change the rules.

2           So there is a lot of improvement happening. I  
3 just want to acknowledge that, that it's real important for  
4 us to see horses live in horse racing so that workers can  
5 continue to work and continue to feed their families, and  
6 just, that's as simple as it gets. We want horses to live.  
7 We want horses to do well. And every worker that I know is  
8 committed to making that happen.

9           So thank you very much.

10          CHAIR FERRARO: Thank you.

11          Next, please.

12          OPERATOR: Next, we go to Pavla Nygaard, an owner  
13 and breeder.

14          Please go ahead.

15          MS. NYGAARD: Yes. Thank you.

16          First and foremost, I would really like to  
17 acknowledge the CHRB, the Commissioners, and the  
18 stakeholders, such as Alan Balch from the CTT, Oscar de la  
19 Torre representing the workers, and the various trainers and  
20 other stakeholders who call in. It is exceedingly  
21 challenging to be focused on the goal of having a balanced  
22 safe sport that provides for its stakeholders, whether that  
23 be owners, trainers and, most importantly, the horses in the  
24 face of meetings that appear to devolve into a sketch as the  
25 Saturday Night Live of the school board meetings that had

1 aired recently.

2           It is very important to remember that our  
3 industry, just as many other issues facing our country and  
4 lives these days, anywhere from COVID to the economy to  
5 homelessness to many other very significant issues, are not  
6 black and white. There is no such thing as a horrible evil  
7 industry that is trying to kill horses on purpose with  
8 intention, and people beating up and killing horses and  
9 hiding them.

10           On the other hand, they're already -- there also  
11 are issues that the industry, I am proud of seeing, that  
12 wishes and desires to solve anything that can be  
13 preventable. Just as what we see with COVID, we just saw  
14 Colin Powell passed away. He was vaccinated. He did what  
15 he could to prevent himself getting from -- getting COVID,  
16 but he passed away anyway. There are breakthrough  
17 infections, just as there are breakthrough issues that  
18 happen, even if the entire industry is focused with all its  
19 might on making the safe -- the safest possible experience  
20 for the horses and all its participants.

21           Thank you very much for the hard work and keep it  
22 up.

23           CHAIR FERRARO: Thank you.

24           Next, please.

25           OPERATOR: Next, we go to Elvia Sedano with Kill

1 Racing Not Horses.

2 Please go ahead.

3 MS. SEDANO: Good morning.

4 These horses have not reappeared in the major  
5 databases since they were last seen at Del Mar. If this is  
6 the safest track in America, then kindly let us know where  
7 these horses are. All three were still colts at the time of  
8 their disappearance.

9 Veteran, pulled up, DNF, race three, Del Mar,  
10 08/07/20.

11 No Name Fred, pulled up, bleeding, DNF, race five  
12 at Del Mar, 08/09/20.

13 Garth, walked off, DNF, race three, Del Mar,  
14 09/05/20.

15 In June, Chairman Dr. Ferraro acknowledged that  
16 horses are being carted off to non-CHRB facilities for  
17 euthanasia. He even went so far as to calling it a minor  
18 issue. How is that a minor issue? These are 1,000 --

19 CHAIR FERRARO: You didn't listen yesterday, did  
20 you?

21 MS. SEDANO: -- 1,000-pound animals.

22 Actively lying to the public, not counting  
23 fatalities, compromising the scientific integrity of your  
24 Equine Postmortem Program at USC [sic] Davis. Every month  
25 we give you the chance to come clean and answer some simple

1 questions. And every month you continue to cheat, to  
2 deceive the public.

3           Also, I heard a caller mention, you know, that  
4 there will be like a lot of veterinarians available for this  
5 Breeders' Cup. And I just want to remember Mongolian Groom.  
6 He was hurt and should have never been raced. And there  
7 were, I think, like 30 veterinarians, and the veterinarian,  
8 Dr. Arthur, and what good does that do if they're just  
9 overlooking what's going on with these poor horses and  
10 making them race anyway? Who cares, you know? This industry  
11 doesn't care that Mongolian Groom died, even though he was  
12 visibly hurt.

13           Thank you.

14           CHAIR FERRARO: Thank you.

15           Next, please.

16           OPERATOR: There are no further questions or  
17 comments at this time.

18           CHAIR FERRARO: Well, now that we've concluded the  
19 Public Comment section, that finishes our open meeting  
20 agenda.

21           The Board will now go into executive session. At  
22 its conclusion we will reconvene the public meeting for the  
23 sole purpose of adjourning the public meeting without  
24 further comment. Anyone wishing to hear that meeting  
25 adjournment can use the link to audio webcasts on the CHRB

1 website.

2 We will now conclude the public section and move  
3 into closed session. Thank you very much for your  
4 participation.

5 Now, may I have a motion to adjourn please?

6 MR. CASTELLANOS: Castellanos' motion.

7 COMMISSIONER DAVIS: Davis moves.

8 CHAIR FERRARO: Second? Okay.

9 Ms. Davis?

10 Damascus?

11 MR. CASTELLANOS: Yes.

12 CHAIR FERRARO: Solis?

13 COMMISSIONER SOLIS: Yes.

14 CHAIR FERRARO: Mitchell?

15 COMMISSIONER MITCHELL: Yes.

16 CHAIR FERRARO: Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Gonzales?

19 VICE CHAIR GONZALES: Yes. Yup.

20 CHAIR FERRARO: Ferraro, yes. Meeting is  
21 adjourned. Thank you.

22 (The California Horse Racing Board recessed into closed  
23 session at 11:05 a.m. and was later adjourned.)

24

25

## 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 28th day of October, 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

October 28, 2021