

LOUISIANA STATE RACING COMMISSION

MINUTES – October 24, 2018 Meeting

As transcribed by Mary E. Lee DiLeo, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Bob F. Wright, *Chairman*

Judy W. Wagner, *First Vice Chairperson*

Dr. Patrick Bernard

Thomas B. Calvert

Donald "Don" Cravins

R. Hamilton "Hammy" Davis

K. R. "Ron" Finkelstein, O.D.

Benjamin J. Guilbeau, Jr.

Eric G. Johnson

Mike R. McHalfey

Louis Reine


Kenneth "Kenu" Romero

Mike Shelton

APPROVED

At the Commission Meeting :

11/28/19
(Date)



Executive Director
Louisiana State Racing Commission

ABSENT

None

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the Chairman on Wednesday, October 24, 2018 at 11:05 AM in the Event Center of the Evangeline Downs Racetrack & Casino, 2235 Creswell Lane Extension, Opelousas, Louisiana. Roll call was taken; a quorum was present.

I. REQUESTS

A. PURSE TRANSFER

1. **Request** by LaHBPA for Reconsideration of the Commission's August 27, 2018 decision not to approve the transfer of slot purse funds from Delta Downs to be paid out.

- Comment period by interested parties.

The Commission includes by reference all arguments presented at the August 27, 2018 LSRC Meeting and all documents, memorandums, and attachments submitted by all parties to the LSRC since that meeting to be included in the record.

Mr. Mike Rich, General Manager of Louisiana Downs, and Mr. Chris Kane, Attorney for Louisiana Downs, distribute a handout and make additional arguments as to why the Commission should not approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Kenneth Weaver, Thoroughbred Owner from Bossier Parish, makes arguments as to why the Commission should not approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Tony Patterson, Executive Director of the Louisiana Quarter Horse Breeders Association (LQHBA), makes arguments as to why the Commission should not approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Brett Brinkman, Board Member of the Louisiana Thoroughbred Breeders Association (LTBA), distributes a handout and makes arguments as to why the Commission should approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Roger Heitzmann, LTBA Executive Director, declares support for the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. John Duviehl, Attorney for the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), and Mr. Benard Chatters, President of the LaHBPA, make additional arguments as to why the Commission should approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Ms. Rhea Loney, counsel for the LSRC, informs that the Louisiana Attorney General's Office advises that "involved licensed eligible facilities" referred to in Senate Bill 525 should be interpreted as the two licensed facilities named in the purse transfer agreement as opposed to all four licensed facilities in Louisiana. According to the Attorney General's opinion on the statute, she advises that the decision on the merits rests with the Commission as to whether to approve the purse transfer agreement and whether it is in the best interest of racing.

A 15-minute recess is taken.

Mr. Val Murrell, LTBA Board Member and Owner of Clear Creek Stud Farm, makes arguments as to why the Commission should approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Arthur Morrell, Clerk of Criminal Court of Orleans Parish and former LaHBPA Board Member, makes arguments as to why the Commission should approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Mr. Jake Delhomme, LTBA Board Member, makes arguments as to why the Commission should approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Commissioner Calvert motions to accept the advised interpretation of Senate Bill 525 from the Louisiana Attorney General's Office that the term "involved" only includes Delta Downs and Evangeline Downs and does not need approval from Louisiana Downs; Commission Cravins seconds; motion carries.

Commissioner Calvert motions to approve the purse transfer agreement between Delta Downs and Evangeline Downs.

Commissioner Reine makes a substitute motion to deny the purse transfer agreement between Delta Downs and Evangeline Downs; Commissioner Cravins seconds; Commissioner Wagner recuses herself from this vote; Chairman Wright calls for a poll vote in which yea means to vote for the motion and nay means to vote against the motion; Poll Vote: 6-yea; 5-nay; motion carries.

B. BOYD RACING, LLC d/b/a DELTA DOWNS RACETRACK, CASINO & HOTEL

2018-2019 THOROUGHBRED MEET

1. RACES

- a. Ratification of first condition book for 2018-2019 thoroughbred meet.
- b. Ratification of designated races for 2018-2019 thoroughbred meet as provided in Agenda.

2. STEWARDS, OFFICIALS & MANAGEMENT

- a. Ratification of officials for 2018-2019 thoroughbred meet as provided in Agenda.

Commissioner Reine motions to approve Items #1 and #2; Commissioner Cravins seconds; motion carries.

C. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

2018 QUARTER HORSE MEET

1. REQUEST TO AMEND RACING DATES (R.S. 4:158A) TO OMIT DECEMBER 19, 2018 AND ADD DECEMBER 17, 2018 (AS PROVIDED IN AGENDA)

Commissioner Reine motions to approve; Commissioner Cravins seconds; motion carries.

2. RACES

- a. Ratification of first condition book for 2018 quarter horse meet.
- b. Ratification of designated races for 2018 quarter horse meet as provided in Agenda.

3. STEWARDS, OFFICIALS & MANAGEMENT

- a. Ratification of officials for 2018 quarter horse meet as provided in Agenda.

Commissioner Reine motions to approve Items #2 and #3; Commissioner Cravins seconds; motion carries.

D. CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC

d/b/a FAIR GROUNDS RACE COURSE & SLOTS

Mr. Roger Heitzmann and Mr. Jason Boulet, Director of Racing at Fair Grounds, request an amendment to the dates of two Fair Grounds 2018-2019 thoroughbred meet designated races, Louisiana Futurity – Colt and Gelding Division and Louisiana Futurity – Filly Division, to reflect that they will run on Saturday, December 29, 2018 instead of Monday, December 31, 2018.

Commissioner Reine motions to approve the amended dates; Commissioner Guilbeau seconds; motion carries.

2018-2019 THOROUGHBRED MEET

1. RACES

- a. **Approval** of first condition book for 2018-2019 thoroughbred horse meet.
- b. **Approval** of designated races for the 2018-2019 thoroughbred meet as provided in Agenda.

2. STEWARDS, OFFICIALS & MANAGEMENT

- a. **Approval** of officials for 2018-2019 thoroughbred race meet as provided in Agenda.

Commissioner Calvert motions to approve Items #1 and #2; Commissioners second; motion carries.

2019 QUARTER HORSE MEET

- 3. **Fair Grounds' Application** for 2019 Quarter Horse Meet License Approvals, Racing Dates, and Wagering per motion to defer action on these items from August 27, 2018 Commission Meeting.

- Comment period by interested parties.

Mr. David Waguespack, Attorney for Fair Grounds, offers additional evidence and witness testimony and makes additional arguments as to why the Commission should approve Fair Grounds' Application for 2019 Quarter Horse Meet License Approvals, Racing, Dates, and Wagering. Mr. Jerry W. Tate, Executive Vice President of Ebbert & Associates, was qualified as an expert in emergency planning; he provided testimony for the Fair Grounds. Additional Testimony was given by Mr. Jason Boulet, Fair Grounds Senior Director Of Racing.

Mr. Tony Patterson and Mr. Ryan Robicheaux, President of the LQHBA, make arguments as to why the Commission should not approve Fair Grounds' Application for 2019 Quarter Horse Meet License Approvals, Racing, Dates, and Wagering.

Commissioner Reine motions to deny Fair Grounds' Application for 2019 Quarter Horse Meet License Approvals, Racing, Dates, and Wagering as provided in Agenda; Commissioner Cravins seconds; Chairman Wright calls for a poll vote in which yea means to vote for the motion and nay means to vote against the motion; Poll Vote: 11-yea; 1-nay; motion carries.

Commissioner Calvert motions to add two items to the agenda: Mr. John Beech, Executive Director of the Jockeys' Guild, requests to discuss Ambulance Protocol at all Louisiana Racetracks and Ms. Victoria Keith, President of National Thoroughbred Welfare Organization (NTWO), requests to discuss Horse Rescue; Commissioner Reine seconds; motion carries.

Mr. Beech informs that the ambulance protocol for each racetrack drafted by Mr. Reed Miller, Operations Supervisor for Acadian Ambulance Service, specifies that there will be one ambulance with advanced life support on the racetrack, a second ambulance with advanced life support near the racetrack, and one helipad on-site. He recommends that the protocol should specify that the second ambulance be on property. Mr. Kerwin Clark, LSRC-licensed Jockey, states that, recently, an ambulance that was supposed to be servicing the racetrack went out on call and it took 35 minutes for a backup to get on the grounds, which delayed the races.

Commissioner Reine motions that the LSRC Executive Director write a letter to each of the Louisiana racetracks stating that the Commission requests the associations to accommodate two ambulances and a helipad on each of their properties during races by the next Commission Meeting or to explain at the next Commission Meeting why they cannot comply with the request, which may compel the Commission to proceed with official rule-making; Commissioners Wagner and Calvert second; motion carries.

Ms. Keith informs that the NTWO has rescued 63 horses within 3 months. She gives the Commissioners a handout and states that the majority of the funding for NTWO comes from Mr. Rick Porter and herself, although Boyd Gaming has provided monetary support. She says that they have partnered with Senator Page Cortez, who is fully committed to present legislation at the 2019 Regular Legislative Session for a re-homing fee to be put into entries.

Ms. Keith informs that the NTWO is sending a letter to the Jockey Club that requests them to send some of their aftercare initiative funding to Louisiana, particularly funds that come from Louisiana horsemen's registration fees. She requests that the Commissioners and all other interested parties sign the letter in support. Commissioner Wagner requests Ms. Keith to submit the letter for the Commissioners to review. Mr. Roger Heitzmann informs that LTBA has been a supporter of the Louisiana Horse Rescue, which has joined forces with NTWO, and requests that the Commissioners sign NTWO's letter. Chairman Wright requests Ms. Loney to act as the contact person between the Commission and NTWO in regard to the letter.

Ms. Keith informs that she has evidence and testimony to present to the Commission regarding Mr. Erby Thompson, Jr., an LSRC-licensed Owner, selling two mares to a kill pen. She requests the Commission to suspend or revoke any LSRC licenses held by Mr. Thompson.

Commissioner Calvert motions to issue an Order to Show Cause to Mr. Erby Thompson, Jr., as to why any license issued to him by LSRC should not be suspended or revoked for the reasons that are set forth by the evidence presented by Ms. Keith; Commissioners Cravins and Shelton second; motion carries.

II. ADJOURNMENT

Commissioner Davis motions to adjourn; Commissioner Wagner seconds; Chairman Wright adjourns the meeting.



Charles A. Gardiner III
Executive Director