

LOUISIANA STATE RACING COMMISSION
MINUTES – June 24, 2013 Meeting
As transcribed by Mary E. Lee DiLeo, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Jerry F. Meaux, *Chairman*
Dion Young, *Second Vice Chairman*
Keith W. Babb
Kevin S. Delahoussaye
Benjamin J. Guilbeau, Jr.
Richard M. "Dick" Hollier, Jr.
Kenneth "Kenu" Romero
Luke Turner
Judy W. Wagner

ABSENT

Bob F. Wright, *First Vice Chairman*
Thomas H. Grimstad, M.D.

The meeting of the Louisiana State Racing Commission was called to order by the Chairman on Monday, June 24, 2013 at 9:10 AM in the Queen Anne Ballroom of the Monteleone Hotel, 214 Royal Street, New Orleans, Louisiana. Roll call was taken; a quorum was present.

Mr. Hollier motions to approve the meeting minutes from the April 22, 2013 meeting; Mr. Young seconds; motion carries.

Mr. Meaux introduces new commissioner, Mr. Luke Turner, who will be representing Bossier Parish.

I. ASSOCIATION REQUESTS

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

1. **PROGRESS REPORT**, by *Mr. Chris Warren*. Mr. Warren informs that Delta Downs 2013 Quarter Horse Meet started on April 26, 2013. He informs one date was canceled due to bad weather and a power outage; however, he informs Delta Downs representatives met with the horsemen and they agreed to make up the races at the end of the meet. He informs they should average over 10 races per day for the quarter horse meet. He informs the live handle is flat and the bet-in handle is up 2%.
2. **Discussion of 3-4 power outages** during 2012-2013 thoroughbred and 2013 quarter horse meets.
Mr. Warren explains the weather related power outage of April 26, 2013 in full detail. He informs after conferring with the State Steward, Delta Downs management decided to cancel the races after the 1st race. Mr. Gardiner asks Mr. Warren to address the other power outages which occurred within the last year. Mr. Warren states a transformer went out during the thoroughbred meet and it was beyond Delta Downs' control. He

informs another incident during the thoroughbred meet was due to an exposed wire which came loose during the races and the riders decided not to run the last two races, so the last two races were cancelled. Mr. Warren informs the last outage occurred after Christmas when a storm came through and caused cable wiring to short-circuit the lights around parts of the track. He informs, Lake Charles Electric was unable to make a timely service call, which resulted in the race day being canceled. Mr. Gardiner asks Mr. Warren if all of the issues were unrelated. Mr. Warren informed the issues were unrelated. He informs Boyd Gaming has a history of addressing issues in an expeditious manner. Mr. Romero asks Mr. Warren if any of the power outages had an effect on the power at the casino. Mr. Warren states the casino has backup generators. He informs there is not enough back-up power to make it safe to ride, so it is infeasible to have racing during a power outage.

B. OLD EVANGELINE DOWNS d/b/a EVANGELINE DOWNS RACETRACK & CASINO

1. **PROGRESS REPORT**, by *Mr. Steve Darbonne*. Mr. Darbonne informs Evangeline Downs 2013 Thoroughbred Meet started on April 17, 2013. He informs, so far, after 40 days of racing, the handle is down 5.5%. He states part of the decline in the handle is due to running fewer races, up to this point, compared to last year. He informs Legends weekend will be on July 5 and July 6, 2013. He states it will be a great race card and they will have a buffet set-up in the clubhouse. Also, he informs on Legend Weekend there will be a "Fun for All" event which includes an inexpensive barbeque. He mentions that the Clubhouse buffet has improved providing better quality and value to the patrons. He informs they have had some good days and bad days with weather, but overall, everything has been pretty good.

**C. CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC
d/b/a FAIR GROUNDS RACE COURSE & SLOTS**

1. **PROGRESS REPORT**, by *Mr. Eric Halstrom*. Mr. Halstrom informs Fair Grounds 2013 quarter horse meet will begin on August 16, 2013. He informs he traveled recently with Mr. Jason Boulet to Delta Downs to meet with the horsemen and everyone was generally excited about the upcoming Fair Grounds Quarter Horse Meet. He informs the 2012 quarter horse meet was cut short due to the hurricane, leaving the purse structure very strong. He states the quarter horse breeder's futurity will be held on their closing day. Mr. Halstrom informs some special events are planned and he will be sending the Racing Commission their post time schedule. He informs Fair Grounds' horses from the 2012-13 Thoroughbred Meet did very well in the Triple Crown races.
2. **Update/Discussion** of turf course and report by Dr. Michael "Mick" Peterson. Mr. Halstrom states Dr. Peterson's report reveals information which addresses both areas within Fair Grounds control and outside of their control. Mr. Halstrom states weather was a factor outside of Fair Grounds control. He refers to a chart in the report that shows the number of rain days during the meet in the last 20 years. He states 1997 was the closest year that was comparable to 2012-2013 as far as total rain amounts, and the data concludes the amount of days off the turf were almost the same percentage in comparison. Mr. Halstrom informs Dr. Peterson reported the turf course was not beyond repair, and made suggestions for corrective measures. He informs Fair Grounds is committed to correcting the items suggested in the report. He informs some of them have already been done and others will be implemented this week. He informs Dr. Peterson recommended working on the inner 5 feet of the turf rail because the sediment washes down, and makes it very difficult to dry. Mr. Halstrom states Fair Grounds has

done this and under Dr. Peterson's recommendation, placed inorganic materials around the area in order for it to dry quicker. He informs Fair Grounds will replace the current Bermuda grass with Celebration Bermuda which Dr. Peterson said would make the grass turf more robust and give it a stronger root system. Also, he states Fair Grounds recently purchased an aerator. Mr. Halstrom informs the drainage issues will be addressed by taking new daily accurate moisture measurements in the soil throughout the turf course during the meet. By doing so, he informs Fair Grounds can look back and identify the areas which are not drying properly. Mr. Halstrom states, he believes the turf course is being used too frequently. He states they will reserve the turf course for higher class races and he will get the word out to the horsemen. [He informs Fair Grounds is going to implement a new method in the racing office for which horses use the turf course and Fair Grounds will monitor the drainage.] He states Fair Grounds is committed in getting the turf course in better shape and he gives their word that Fair Grounds will make it happen. Mr. Romero asks Mr. Halstrom what is the optimal height of the grass for the turf course. Mr. Halstrom informs 3 inches in the spring and 5 inches in the winter. Trainer, David Carroll, informs Fair Grounds last race meet was very frustrating with horses being scratched off of the turf course. He states he is pleased Churchill Downs is actively working on improving the turf course.

2013 QUARTER HORSE MEET

3. STEWARDS, OFFICIALS & MANAGEMENT

- a. **Approval** of Noble Hay to serve as state steward for 2013 quarter horse meet.

Mr. Babb motions to approve; Mr. Romero seconds; motion carries.

D. HARRAH'S BOSSIER CITY INVESTMENT COMPANY, LLC d/b/a HARRAH'S LOUISIANA DOWNS

1. **PROGRESS REPORT**, by *Mr. Trent McIntosh*. Mr. McIntosh informs Louisiana Downs 2013 Thoroughbred Meet started on May 3, 2013. He informs, so far, after 31 days of racing, the handle is down 3%; however, the on-track handle is up 3%. He states field sizes will increase once Lone Star Park at Grand Prairie (Texas) ends its meet in early July. He informs Louisiana Downs' held an exotic animal race day and it was a great success. He informs 7,500 people were in attendance on that day; 1,500-2,000 patrons is the average on a Saturday. Mr. McIntosh informs of Louisiana Downs new sports suites on the 3rd level of the clubhouse. Suites are sold by the season or by the day. He informs there will be some pumps replaced on the track which is part of the EPA regulatory contained animal feeding operation project. He assures this will not interfere with the horsemen in any manner. He informs construction on Barn C5 is complete.

2013 THOROUGHBRED MEET

2. RACES

- a. **Ratification** of holding an average of 9 live races daily each week throughout the 2013 Thoroughbred Meet.

Mr. Gardiner asks Mr. McIntosh to comment on Louisiana Downs' request to ratify holding an average of 9 live races daily each week throughout the 2013 Thoroughbred Meet. Mr. McIntosh states since Fridays and Saturdays earn the most purse dollars, they will add more races on those days and run fewer races on Thursdays and Sundays, which are less busy.

Mr. Babb asks Mr. McIntosh how Louisiana Downs determines when they run on the turf. He responds they run as few races as possible, but turf races are a necessary part of filling races everyday at Louisiana Downs.

Mr. Babb motions to approve; Mr. Romero seconds; motion carries.

II. COMMITTEE REPORTS

A. MEDICATION COMMITTEE, by Committee Chairman Thomas H. Grimstad, M.D.

No report. Dr. Grimstad was absent.

B. RULES COMMITTEE, by Committee Chairman Keith W. Babb

1. Rule LAC 35:I.1797 "Penalty Guidelines" – discussion of penalty enhancements.

Mr. Babb reports the Rules Committee met and reviewed the penalty guidelines as set forth in LAC 35: I. 1797, specifically, Class IV and Class V violations. He informs the Rules Committee recommends, at the next meeting, that the Commission adopt a Notice of Intent which would allow for the stewards to redistribute the purse at all severity levels for Class IV and Class V violations and increase the fine for those classes as well. Mr. Gardiner informs the Racing Commission Staff is drafting the amended rule. He informs current fines are insufficient and redistribution at the stewards' level will expedite payment of purses.

Mr. Gardiner informs of a new directive for adoption by the Commission. The directive regards disqualified trainers, suspended for 60-days or more, who transfer their horses to other trainers. He states the directive will make it necessary for new trainers to sign an affidavit stating it is a legitimate bonafide trainer transfer, therefore eliminating the illegal practice of program trainers. He states the stewards' would administer the affidavit and the State Police would ensure the transfers are not just paper transfers.

Mr. Hollier motions to approve the directive; Mr. Guilbeau seconds; motion carries.

2. Update by Rhea Loney on previously adopted Notice of Intent – naming of "Pick 6" Rule.

Ms. Loney states there was a question at the last meeting whether the tracks were using the Super 6 Rule and calling it a "Pick 6." After discussions to clarify this from track representatives, the name of the "Pick 6" Notice of Intent will remain intact as voted on at the last meeting.

Mr. Gardiner informs there has been some discussion to change the "Pick N" language to allow the racetracks the flexibility to incorporate their exotic wagers, so the tracks can decide individually how their carry-overs and payouts are distributed without waiting 6 months for a new rule. Ms. Loney states there will be limitations and guidelines and will advise the tracks after further discussions on the matter. Ms. Loney informs this may require two separate rules with carry-over limitations, but the Commission will be working with the racetracks for the most effective handling of this matter. Ms. Loney asks for comments from the racetracks. The racetracks have no comments.

C. LEGAL COMMITTEE, by Committee Chairman Bob F. Wright

No report. Mr. Wright was absent.

Ms. Loney informs the Third Circuit Court of Appeal has ruled on two of the Dermorphin cases. She informs Trainers Kyi Lormand and Anthony Agilar will be suspended for three years effective June 24, 2013 and the Directive previously approved at this meeting will be applicable to these trainers.

D. SECURITY COMMITTEE, by Committee Chairman Kenneth "Kenu" Romero

Mr. Romero asks Lieutenant Lamar Davis from the State Police to provide a progress report regarding racetrack security issues. Lt. Davis informs Captain Bobby Osborne has retired and Captain Terry Chustz has assumed command. Lt. Davis informs they have increased their personnel by three at Evangeline Downs. He states there was a lack of personnel on the weekends, so the new personnel will increase backside coverage. He informs there are fewer complaints regarding shock devices because the State Police has become more vigilant through visible determent measures. He informs there has been an increase of incidents involving alcohol on the backside and assures the State Police are actively working on decreasing such incidents. He states State Police have worked six administrative investigations which were mostly alcohol related and have been working closely with the stewards on those matters.

E. RACETRACK/HBPA LIAISON COMMITTEE, by Committee Chairman Kevin Delahoussaye

No report.

III. LICENSE

A. License Approval (LA. REV. STAT. 4:150)**1. Albert Dussette, Owner.** Seeking Reinstatement of Owner's License.

Mr. Guilbeau motions to approve reinstatement of owner's license; Mr. Delahoussaye seconds; motion carries.

IV. ADJUDICATIONS

A. ADJUDICATIONS REFERRED (LA. R. S. 4:172)

- 1. David M. Carroll, Trainer.** Ruling#LD20082 of 5/12/13 – *Methocarbamol and Metabolite Guaiifenesin (ARCI Category IV, Severity Level III)*. Mr. Guilbeau motions to uphold the Stewards' ruling of \$1,000 fine and redistribute purse; Mr. Young seconds; motion carries.
- 2. Carl J. Deville, Trainer.** Ruling#ED20126 of 6/5/13 – *Phenylbutazone & Flunixin (ARCI Category IV, Level III)*. Mr. Romero motions to uphold the Stewards' ruling of \$1,000 fine and redistribute purse; Mr. Babb seconds; motion carries.
- 3. Javier N. Contreras, Trainer.**
 - a.** Ruling#LD20089 of 5/17/13 – *Phenylbutazone & Flunixin (ARCI Category IV, Severity Level I) (3rd offense within a 12-month period)*. (Race Date 3/16/13). Mr. Guilbeau motions to uphold the Stewards' ruling#LD20089; suspend 60 days effective 6-24-2013 through 8-22-

2013; fine an additional \$1,000 (total fine \$2,000) and purse redistributed. Denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission. Mr. Delahoussaye seconds; motion carries.

b. Ruling#LD20091 of 5/17/13 – *Phenylbutazone & Flunixin (ARCI Category IV, Severity Level I) (4th offense within a 12-month period)*. (Race Date 3/18/13). Mr. Delahoussaye motions to uphold the Stewards’ ruling#LD20091; suspend 60 days effective 8-23-2013 through 10-21-2013; fine an additional \$1,000 (total fine \$2,000); purse redistributed. Denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission. Ms. Wagner seconds; motion carries.

c. Ruling#LD20092 of 5/17/13 – *Phenylbutazone & Flunixin (ARCI Category IV, Severity Level I) (5th offense within a 12-month period)*. (Race Date 3/23/13). Mr. Young motions to uphold the Stewards’ ruling#LD20092; suspend 1 year effective 10-22-2013 through 10-21-2014; fine an additional \$1,000 (total fine \$2,000); purse redistributed. Denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission.

(Total suspension of three rulings 1 year and 4 months; total fine of three rulings \$6,000.) All suspensions to run consecutively; Must appear in front of the Louisiana State Racing Commission after serving suspension for relicensing consideration. Ms. Wagner seconds; motion carries.

Mr. Romero motions to add pending litigation, personnel matters, and investigative matters to the Agenda. Mr. Young seconds; motion carries.

Mr. Romero motions to go into executive session; Mr. Babb seconds; motion carries. The commission goes into executive session.

Ms. Wagner motions to come out of executive session; Mr. Turner seconds; motion carries.

V. ADJOURNMENT

Ms. Wagner motions to adjourn; Mr. Babb seconds; Mr. Meaux adjourns the meeting.



Charles A. Gardiner III
Executive Director