

**LOUISIANA STATE RACING COMMISSION**  
**MINUTES – October 26, 2022 Meeting**  
*As transcribed by Julia D. Harper, Certified Court Reporter*

**COMMISSIONERS IN ATTENDANCE**

Benjamin J. Guilbeau, Jr., *Chairman*  
Louis Reine, *First Vice Chair*  
Dr. Patrick Bernard, *Second Vice Chair*  
Thomas B. Calvert  
Lane T. Cortez  
Donald "Don" Cravins  
Eddie J. Delahoussaye  
K. R. "Ron" Finkelstein, O.D.  
Mike R. McHalfey  
Ravi K. Sangisetty  
Deano Thornton

**ABSENT**  
Leslie M. Bouie  
Roy Griggs

**APPROVED**  
**At the Commission Meeting of**  
1/31/2023  
**(Date)**  
  
**Executive Director**  
**Louisiana State Racing Commission**

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the Chairman on Wednesday, October 26, 2022 at 9:00 AM in the Event Center at Delta Downs Racetrack, Casino, & Hotel, 2717 Delta Downs Drive, Vinton, LA. Roll call was taken; a quorum was present.

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Commissioner Calvert motions to approve the meeting minutes from the August 23, 2022 meeting; Commissioner Bernard seconds; motion carries.

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Mr. Brett Bonin, Attorney for LSRC, informs that LSRC has joined multiple lawsuits filed by the Louisiana Gaming Control Board against parishes that passed video poker and Historical Horse Racing (HHR) restrictions, and have obtained injunctions prohibiting enforcement of those restrictions. He states that the Thomas Sam case is still pending in Civil District Court and recommends that the Commission take no action on the case at this time. He says that the Fifth Circuit Court of Appeal's case against the Horseracing Integrity and Safety Authority is pending.

**I. ADJUDICATIONS**

**A. VIOLATION OF La. R.S. 4:150 (Qualifications of Applicant for a License)**

**& LAC 46:I.513 (Omission/Misrepresentation)**

1. **Cecilia A. Mucio, Owner. (Adjudications Appealed)**
- 2 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Calvert motions to uphold Stewards' Rulings DD24953 and Ruling#DD24954; amend Ms. Mucio's suspension to 5-year suspension, effective October 26, 2022 through October 25, 2027; and release all purse monies earned by Ms. Mucio to her. Ms. Mucio will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Reine seconds; motion carries with one opposed.

**B. VIOLATIONS OF LAC 35:I.1797 (Equine Positives)****1. Larry D. Keith, Trainer. (*Adjudications Referred & Appealed*)**

4 Rulings as provided in Meeting Agenda.

Attorney – Holden Hoggatt, Esq.

Commissioner Reine motions to uphold Stewards' Rulings DD24857, DD24859, DD24861 and DD24862; amend Mr. Keith's suspension from 6 months for each ruling consecutively to a 6-month suspension concurrent for all rulings, effective October 26, 2022 through April 25, 2023, followed by 6 months on probation effective April 26, 2023 through October 25, 2023; any violations of equine drug testing rules during his probation will result in the reinstatement of his suspension; and redistribute the purses. Mr. Keith will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Cravins seconds; motion carries with three opposed.

**2. Jose D. Barron, Trainer. (*Adjudication Referred & Appealed*)**

2 Rulings as provided in Meeting Agenda.

Attorney – Holden Hoggatt, Esq.

Commissioner Calvert motions to uphold Stewards' Rulings DD24849 and DD24971; amend Mr. Barron's suspension from 6 months for each ruling to a 3-year suspension, effective October 26, 2022 through October 25, 2025; and redistribute the purses. Mr. Barron will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Bernard seconds; motion carries.

**3. Kenneth "Trey" Ellis, Trainer. (*Adjudications Referred*)**

5 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Calvert motions to uphold Stewards' Rulings LD24803, LD24804, LD24805, LD24806 and LD24821; amend Mr. Ellis' from 6 months for each ruling to a 2-year and 3-month suspension, effective October 26, 2022 through January 25, 2025; and redistribute the purses. Mr. Ellis will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; If Mr. Ellis submits proof of cooperating with State or Federal Authorities in their investigation of sources of Zilpaterol, he may petition the Commission to reconsider his suspension; Commissioner Bernard seconds; motion carries.

**4. Barbara J. Ball, Trainer. (*Adjudications Referred*)**

2 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Cortez motions to uphold Stewards' Rulings LD24816 and LD24817; amend Ms. Ball's suspension from 6 months for each ruling to a 2-year suspension (with credit for time served beginning April 1, 2022) effective April 1, 2022 through March 31, 2024; and redistribute the purses. Ms. Ball will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioners Finkelstein and Calvert second; motion carries.

5. **Patrick L. Clemons, Trainer.** (*Adjudication Referred & Appealed*)  
Ruling#DD24883 of 05/21/22 – *Albuterol (ARCI Category III)*

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Clemons' suspension from 60 days to a 90-day suspension, effective November 4, 2022 through February 1, 2023; and redistribute the purses. Mr. Clemons will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Cravins seconds; motion carries with one opposed.

6. **John T. Foutch, Trainer.** (*Adjudication Referred*)  
Ruling#LD24811 of 03/23/22 – *Zilpaterol (ARCI Category II)*

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Foutch's suspension from 6 months to a 6-month suspension (with credit for time served beginning April 1, 2022), effective April 1, 2022 through September 30, 2022, followed by 6 months on probation effective October 1, 2022 through March 31, 2023; and redistribute the purses. Mr. Foutch will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Bernard seconds; motion carries.

7. **Luis Martinez, Trainer.** (*Adjudication Referred & Appealed*)  
Ruling#DD24928 of 06/22/22 – *Zilpaterol (ARCI Category II)*

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Martinez's suspension from 6 months to a 6-month suspension, effective October 26, 2022 through April 25, 2023, followed by 6 months on probation effective April 26, 2023 through October 25, 2023; and redistribute the purses. Mr. Martinez will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Bernard seconds; motion carries.

8. **Gilberto Rosales, Trainer.** (*Adjudications Referred & Appealed*)  
2 Rulings as provided in Meeting Agenda.

Commissioner Reine motions to uphold Stewards' Rulings DD24933 and DD24994 upheld; fine Mr. Rosales \$500; amend his suspension from 6 months and 60 days total to a 6-month and 30-day suspension, effective November 3, 2022 through June 2, 2023; followed by 6 months on probation effective June 3, 2023 through December 2, 2023; and redistribute the purses. Mr. Rosales will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Bernard seconds; motion carries.

9. **Hector R. Alcalá, Trainer.** (*Adjudication Referred*)  
Ruling#ED24870 of 05/13/22 – *Clenbuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Alcalá's suspension from 6 months consecutive to current 5-year suspension to 6-month suspension to run concurrent with 5-year suspension, effective October 26, 2022 through April 25, 2023; and redistribute the purses. Mr. Alcalá will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Cravins seconds; motion carries with one opposed.

- 10. Robert J. Touchet, Trainer.** (*Adjudication Referred & Appealed*)  
Ruling#DD25025 of 08/26/22 – *Mescaline (ARCI Category I)*

Commissioner Calvert motions to uphold the stewards' ruling; fine Mr. Touchet \$5,000; amend his suspension from 6 months to a 3-year suspension, effective October 26, 2022 through October 25, 2025; and redistribute the purses. Mr. Touchet will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioners Bernard and Reine second; motion carries.

Commissioner Reine makes a substitute motion to fine Mr. Touchet \$1,000 and suspend him for 6 months total; Commissioner Reine amends his motion to fine Mr. Touchet \$2,500 and suspend him for 1 year total; Commissioner Cravins seconds the amended substitute motion; Poll Vote Conducted by Mr. Charles Gardiner, LSRC Executive Director, in which Yea means to approve the motion and Nay means to reject the motion; 4 – Yea, 6 – Nay; motion does not carry.

- 11. Shane J. Ladner, Trainer.** (*Adjudication Referred*)  
Ruling#LD24828 of 04/03/22 – *Zilpaterol (ARCI Category II)*

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Ladner's suspension amended from 6 months to a 6-month suspension (with credit for time served beginning April 7, 2022) effective April 7, 2022 through October 6, 2022 followed by 6 months on probation effective October 7, 2022 through April 6, 2023; and redistribute the purses. Mr. Ladner will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioners Cravins and Bernard second; motion carries.

- 12. Guadalupe F. Tristan, Trainer.** (*Adjudication Referred*)  
Ruling#LD24827 of 04/03/22 – *Zilpaterol (ARCI Category II)*

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Tristan's suspension from 6 months to 6-month suspension (with credit for time served beginning April 8, 2022) effective April 8, 2022 through October 7, 2022 followed by 6 months on probation effective October 8, 2022 through April 7, 2023; and redistribute the purses. Mr. Tristan will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Bernard seconds; motion carries.

- 13. Eliseo G. Celestino, Trainer.** (*Adjudication Referred*)  
Ruling#LD24829 of 04/03/22 – *Zilpaterol (ARCI Category II)*

Commissioner Delahoussaye motions to uphold the stewards' ruling; amend Mr. Celestino's suspension from 6 months to a 1-year and 6-month suspension (with credit for time served beginning April 7, 2022) effective April 7, 2022 through October 6, 2023; and redistribute the purses. Mr. Celestino will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Cortez seconds; motion carries.

**14. Byron C. Crenshaw, Trainer. (*Adjudication Referred*)**

Ruling#DD24848 of 05/04/22 – *Zilpaterol (ARCI Category II)*

Commissioner Reine motions to uphold the stewards' ruling; amend Mr. Crenshaw's suspension from 6 months to a 6-month suspension (with credit for time served beginning April 30, 2022), effective April 30, 2022 through October 29, 2022, followed by 6 months on probation effective October 30, 2022 through April 29, 2023; and redistribute the purses. Mr. Crenshaw will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Calvert seconds; motion carries.

**15. Ruben Chavez, Trainer. (*Adjudications Referred & Appealed*)**

4 Rulings as provided in Meeting Agenda.

Commissioner Reine motions to uphold Stewards' Rulings DD24916, DD24917, DD24918, DD24978, and DD25016; amend Mr. Chavez's suspension from 6 months for each ruling to a 3-year suspension, effective November 4, 2022 through November 3, 2025; and redistribute the purses. Mr. Chavez will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioners Cravins and Calvert second; motion carries.

**C. VIOLATION OF LAC 35:I.1743 (Possession of Drugs, Syringes or Needles)**

**1. Ruben Chavez, Trainer. (*Adjudication Referred & Appealed*)**

Ruling#DD25016 of 08/17/22 – *Possession of Injectable Substances, Syringes, & Needles*

See Ruling Above.

**II. LICENSE APPROVAL**

**A. REQUEST FOR LICENSE APPROVAL (LA. REV. STAT. 4:150(B))**

**1. William E. Bradley, Owner. Convicted felon.**

Commissioner Reine motions to approve Mr. Bradley for Licensure as Owner; Commissioner Cravins seconds; motion carries.

**2. Justin J. Colligan, Groom. Convicted felon.**

Commissioner Cravins motions to approve Mr. Colligan for Licensure as Groom; Commissioner Bernard seconds; motion carries.

**B. REQUEST FOR REDUCTION OF SENTENCE/REINSTATEMENT**

**1. Donald Boxie, Exercise Rider. Seeking reinstatement of license.**

Commissioner Reine motions to approve Mr. Boxie for Reinstatement of License as Exercise Rider conditioned upon submission of a clean drug test administered by Louisiana State Racing Commission personnel. Mr. Boxie will be subject to three additional random drug tests administered by Louisiana State Racing Commission personnel during the following 90-day period, with each test occurring in a different month, as a further condition of licensure; Commissioner Cortez seconds; motion carries with one opposed.

### III. ASSOCIATION REQUESTS

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

1. **PROGRESS REPORT**, by *Mr. Chris Warren, Director of Racing*. Mr. Warren introduces Mr. Lane Ludlow, Director of Marketing at Delta Downs, Mr. Anthony Breaux, Director of Operations at Delta Downs and Director of Marketing at Evangeline Downs, and Mr. Adrian King, Regional Vice president for Boyd Gaming. He informs that Delta Downs' 84-day 2022-2023 Thoroughbred Meet started on October 5, 2022. He states that the handle is up 40% for the first 12 race days. He says that they have raced three weeks so far with no lighting issues. He states that Mr. Michael DePew, Soil Scientist with Environmental Technical Services, tested the dirt track and found no deficiencies, though he recommended some improvements that can increase track stability. He informs that post time is 4:55 PM for tonight's races and that their new restaurant, the Tin Lizard, has excellent food. Commissioner McHalfey asks if they have a set watering schedule for the tracks. Mr. Warren responds that they water the tracks, depending on current moisture, before opening and during the day as needed.

Mr. Ludlow informs that their direct mail goes out to over 50,000 guests every week. He says that they send emails for every promotion that they run to almost 60,000 guests and their social media has gotten 267,000 unique guests and 425,000 clicks on their ads. He states that there are three racing-themed billboards and links on their website with promotions. He says that they advertise their racing promotions on their slot machines and on signage throughout the property. He informs that OTB has a Winner's Circle where promotions will be run and a kiosk dedicated solely to races. He states that they have daily promotions and multiple giveaways. He says that they will run family nights each quarter, to include things like exotic races and jockey meet-and-greets.

The Chairman asks if there are separate rewards cards for racing and casino. Mr. Ludlow responds that the rewards card works for sports betting, race betting, and slots for all of Boyd Gaming's properties. Commissioner McHalfey asks if they offer streams of live racing from their website. Mr. Warren responds that they will have a link to join Daily Racing Form Bets for free to watch live race streams. Commissioner Reine asks if they telecast the live races in their casino. Mr. Steve Kuypers, General Manager of Delta Downs, says that they telecast live races in the casino, the Rosewater Grill & Tavern, the Tin Lizard Bar & Grill, and the clubhouse.

2. **LIGHTING ISSUE**

- a. **Discussion** of Jockeys' Guild Letter about Delta Downs' Lighting and Nighttime Racing.

See discussion above.

#### 2022-2023 THOROUGHBRED MEET

3. **STEWARDS, OFFICIALS & MANAGEMENT**

- a. **Ratification** of officials for 2022-23 thoroughbred meet as provided in Agenda.

Mr. Warren informs that the listed Head Clocker resigned and Mr. Jeff Jerman will take that position. He states that they are bringing Lloyd "Dale" Beaty from Evangeline Downs to fill in for Mr. Jerman.

Commissioner Reine motions to approve with the changes as noted by Mr. Warren; Commissioner Calvert seconds; motion carries.

**B. THE OLD EVANGELINE DOWNS, LLC****d/b/a EVANGELINE DOWNS RACETRACK & CASINO**

1. **PROGRESS REPORT**, by *Mr. Chris Warren, Director of Racing*. Mr. Warren informs that Evangeline Downs' 46-day 2022 Quarter Horse Meet started October 5, 2022. He states that handle is down 3%. He says that Mr. DePew assessed the dirt track to be optimal for horseracing and that the turf track was in fair condition. He informs that they will undertake a more aggressive fertility program by his recommendation, which includes more irrigation to improve surface compaction for better nutrient intake.

Mr. Breaux states that their social media efforts for the last thoroughbred meet got 126,000 clicks for their own posts about racing and 2,100,000 clicks for their social media paid advertisements. He says that someone won the \$3,500 Pick 7 jackpot promotion and they highlighted their partnership with the Zydeco Festival at the end of the last meet. He states that they opened the current quarter horse meet with family night, which was very popular. He says that they discussed goals for the current meet with the Louisiana Quarter Horse Breeders Association (LQHBA) and will continue similar promotional efforts to what they did during the thoroughbred meet. He informs that they have a dedicated double-stack billboard for racing and racing highlights in their monthly direct mail. He states that Mojo's is open every Friday night featuring a DJ or musical performer each week during the racing season. He says that they are advertising that St. Landry Parish is the Equine Capital of Louisiana and that they will televise some of their big races on the Cowboy Channel.

Commissioner McHalfey asks if the marketing budget is split between casino and horseracing for Evangeline Downs and Delta Downs. Mr. Breaux responds that it is one combined budget for Evangeline Downs but that he'll look into the marketing spending amount for horseracing. Mr. Kuypers states that Delta Downs will spend over \$215,000 for their current thoroughbred meet.

**2022 QUARTER HORSE MEET****2. RACES**

- a. **Ratification** of first condition book for 2022 quarter horse meet.
- b. **Ratification** of designated races for 2022 quarter horse meet as provided in Agenda.

**3. STEWARDS, OFFICIALS & MANAGEMENT**

- a. **Ratification** of officials for 2022 quarter horse meet as provided in Agenda.

Commissioner Reine motions to approve Items #2 & #3; Commissioner Delahoussaye seconds; motion carries.

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

1. **PROGRESS REPORT**, by *Mr. Jason Boulet, Senior Director of Racing*. Mr. Boulet informs that Fair Grounds has completed Phase I of their project to comply with the Environmental Protection Agency (EPA). He states that horses started moving in on October 16, 2022 and started training on October 18, 2022 as scheduled with the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA). He says that there are 562 horses currently on the property and they received 2,200 stall applications for horses. He informs that Fair Grounds had less stalls than usual due to the EPA project and the two barns that were destroyed by Hurricane Ida.

Mr. Boulet states that Fair Grounds' 80-day 2022-2023 Thoroughbred Meet starts on November 18, 2022 and that they have had tough competition with other racetracks for owners and trainers. He says that the turf course has three areas that have not grown due to unfavorable weather conditions from the summer through now but that Fair Grounds is working with two consultants to make the adjustments needed to be able to run on the turf at the start of the meet.

Commissioner Reine asks how many stalls Fair Grounds has available. Mr. Boulet responds that they have 1,670 stalls total this year and that the two new barns will add another 62 stalls to that total. Commissioner Cravins asks if Fair Grounds is planning to charge an admission fee to the Thanksgiving Classic this year. Mr. Boulet responds that they have seven days designated to charge a general admission fee, including Thanksgiving.

Mr. Boulet provides handouts and explains that those handouts include information about marketing and completed projects from 2022, including the new tote board and renovations of several barns. He recognizes the Fair Grounds staff that are in attendance, including Mr. Doug Shipley, President, Mrs. Bridget Harmon, Director of Finance, Ms. Jamie Garrett, Director of Marketing, and Mr. Tim Bryant, Corporate Vice President of Gaming Operations for Churchill Downs. He informs that the Churchill Downs corporate team is very strong and positive for the Fair Grounds, including Mr. Gary Palmisano, Jr., Churchill Downs' new Executive Director of Racing.

Ms. Garrett informs that Fair Grounds has partnerships for the meet with FanDuel, Churchill Downs, and TwinSpires. She states that every major race this season will be broadcast on radio. She says that they will continue print and radio ads for racing and that their digital billboards will countdown to the start of the meet, starting at 14 days.

Commissioner Finkelstein asks about Fair Grounds food services for the meet. Mr. Boulet responds that the grandstand will have food offerings, the clubhouse will be open every race day, and all pre-pandemic availability of food and beverage will return. He states that their full-time chef is back and all food and beverage will be done internally rather than contracted out. He plays a commercial for Fair Grounds.

Mr. Benard Chatters, President of LaHBPA, states that he vehemently opposes any Fair Grounds admission fee and requests that the Commission put a stop to any admission fee before they become normalized in racing, whereas casinos do not charge admission fees. Commissioner Cravins states that he opposes racing admission fees. The Chairman requests that Fair Grounds provide a response within seven days as to why they want to institute admission fees on certain race days. Mr. Shipley states that the Thanksgiving Day fee is \$5, with 20% of that going to a local food bank and the other 6 days are for general admission.

Commissioner Calvert asks if they have studies about the effect on handle from promotional exotic animal and wienie dog race events. Mr. Boulet responds that when the events are on Fridays, they see a decrease in handle because they don't get their daytime clientele and have nighttime competition, but that overall, handle on-track goes up due to increased attendance.



**2022-2023 THOROUGHBRED MEET****2. RACES**

a. **Approval** of first condition book for 2022-2023 thoroughbred horse meet.

**3. WAGERING (LAC 35:XIII.Ch 103-127 & La. R.S. 4:166.7)**

a. **Request** to add Pick 6 Wager using Pick N Wagering Method Number 3 and to lower its take-out percentage from 25% to 15% for the 2022-2023 thoroughbred meet wagering.

b. **Request** to lower take-out percentage of Pick 5 wagering from 25% to 15% during the 2022-2023 thoroughbred meet.

**4. STEWARDS, OFFICIALS & MANAGEMENT**

a. **Approval** of officials for 2022-2023 thoroughbred race meet as provided in Agenda.

Commissioner Reine motions to approve Items #2, #3, & #4; Commissioner Bernard seconds; motion carries.

**D. LOUISIANA DOWNS INVESTMENT COMPANY, LLC****d/b/a LOUISIANA DOWNS CASINO & RACETRACK**

1. **PROGRESS REPORT**, by *Mr. Matt Crawford, Racing Secretary*. Mr. Crawford informs that 2022 on-track handle was up 11% from 2021. He states that they ran two less race days due to rain cancellations but that average handle per race was about \$78,000, which increased 5% from 2021. He says that races on Mondays and Tuesdays did considerably better than Saturdays and Sundays and that their average starters per race was 8.0, which went up significantly in September due to non-overlap with Evangeline Downs. He states that they are working on their turf course, backside roads, and stakes barn off-season, and that their sports bar and lounge will be opening soon. He informs that they are currently operating as a training track with 295 horses on the grounds.

Mr. Boulet introduces Ms. Andrea Butler, Director of Marketing for Louisiana Downs. Ms. Butler informs that their marketing includes TV, radio, print, online, and targeted social media ads. She states that they have two static billboards that are racing-specific, two digital billboards that run ads for their racing and casino, and a planned billboard for the Mounds OTB. She says that they will continue partnerships with Idea, RAP, and Paulick Report and are working on partnerships with a local TV station and one national group. She informs that they have direct mailers that go to 15,000 people that focus on their Race Better royalty program, which now has weekly offers to increase Louisiana Downs visits and play, and has included Mystery Mutuel Vouchers to get non-race fans to visit their racing side. She says that their Corners Letter mailer for the casino promotes racing information as well. She states that they send out ads to 26,000 email addresses and that they have a variety of returning and new events to entice people to visit. She says that they do volunteer work and make in-kind monetary donations for the local community. She informs that they are changing from Pepsi to Coke Products, getting new concession menu boards, and updating their retail, dining, wagering, and simulcast offerings. She states that they have a new dedicated sales coordinator who is doing outreach to the community and local businesses.

Commissioner McHalfey asks about their planned restaurants. Ms. Butler responds that they will have The Brew, which is their coffee and craft beer bar, and The Inside Rail, which is their sports bar and grill. Commissioner McHalfey asks about their marketing for racing. Ms. Butler responds that they spend about \$35,000 on direct mail and \$170,000 for promotions for the year. She states that advertising is mixed between

casino and racing at over \$150,000 a year. Commissioner McHalfey asks about the impact of family promotional days on handle. Ms. Butler responds that handle should go up with the increased traffic.

Commissioner Cravins asks if they are satisfied with their increase in attendance. Ms. Butler says they are pleased about it but are trying to increase attendance further. Commissioner McHalfey asks when they will implement HHR Machines and add more OTBs. Mr. Crawford responds that HHR implementation date is to be determined and that they are working on getting OTBs legalized in the parishes listed on the agenda. Commissioner McHalfey requests Louisiana Downs to provide a general update on HHR and additional OTBs within 30 days.

**2. PURSE ISSUE**

- a. **Update** of Purse Issue between LaHBPA and Harrah’s Bossier City Investment Company, LLC.

Mr. John Duvieilh, Counsel for LaHBPA, informs that the Louisiana Attorney General sent this issue to the Louisiana State Police for investigation. He states that the LaHBPA is waiting to hear from State Police.

The Chairman requests that Mr. Bonin act as liaison with those agencies to get a further update on this issue for the Commission.

**3. TRAINING TRACK APPLICATION**

- a. **Approval** of Louisiana Downs’ application for training track license pursuant to LAC 46: XLI.1903-1907.

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

**4. OTB REFERENDUMS**

- a. **Approval** for the Commission to request the governing bodies of Bienville, Caddo, Claiborne, Desoto, Lincoln, Ouachita, and Webster Parishes to authorize and include a referendum to be on the ballot of their next regularly scheduled elections to approve pari-mutuel wagering and offtrack wagering facilities pursuant to La. R.S. 4:214 et. seq., LAC 35:XV.12507, and the preliminary OTB applications submitted by Louisiana Downs Investment Company.

Commissioner Calvert motions to approve the Commission to make the request; Commissioner Bernard seconds; motion carries.

**2022 QUARTER HORSE MEET**

**5. RACES**

- a. **Ratification** of amendment of September 27, 2022 Race Day for 9 total races and post time at 12:45PM.

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A 10-minute recess is taken.

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#### IV. BREEDER UPDATES

##### A. LOUISIANA THOROUGHBRED BREEDERS ASSOCIATION (LTBA)

1. **PROGRESS REPORT**, by *Mr. Roger Heitzmann, Executive Director*. Mr. Duvieilh informs that Mr. Heitzmann couldn't make this meeting and requested him to give the update. He states that their mixed horse sale in Opelousas went overwhelmingly well. He says that they are looking forward to Champions Day and the upcoming stakes schedule for Louisiana-breds at Fair Grounds and Delta Downs.

##### B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)

1. **PROGRESS REPORT**, by *Mr. Bruce Salard, Executive Director*. Mr. Salard informs that LQHBA is on track to have a little over 1,000 foals accredited for 2022. He states that about \$2,000,000 of purses will be offered on the December 16 & 17, 2022 race days, including the LQHBA Louisiana Million and Evangeline Downs Futurity. He says that LQHBA Sale Futurity included 36 horses that went through hair testing, and all 36 came out negative. He states that there are four more races at Evangeline Downs for which they will conduct random hair testing.

Mr. Salard requests approval to conduct random hair testing, as written on their nomination forms, and charge up to \$250 for those tests for the Mardi Gras Futurity, Mardi Gras Derby, Mardi Gras Oaks Louisiana Downs Futurity, and Maiden Classic Futurity.

Commissioner Reine motions to grant permission for LQHBA to conduct random hair testing as Mr. Salard stated for the requested stakes races; Commissioner McHalfey seconds; motion carries.

Mr. Salard requests approval to conduct random hair testing, as written on their nomination forms, and charge up to \$250 for those tests for futurities and derbies at Delta Downs' next quarter horse meet. Mr. Salard also requests that the Commission work with LQHBA to determine a protocol for random hair testing and provide some funding for Delta Downs' next quarter horse meet and onward.

Commissioner Cravins motions to grant permission for LQHBA to conduct random hair testing for Delta Downs 2023 quarter horse futurities and derbies; Commissioner McHalfey seconds; motion carries.

Commissioner Reine states that he is concerned that the smaller horse owners would be heavily impacted by the cost of further testing. Commissioner Reine motions to create a pilot program for random hair testing with LQHBA and Delta Downs for their 2023 quarter horse meet and to commit \$100,000 from the Commission for the program; Commissioner Bernard seconds; motion carries.

Mr. Duvieilh asks for clarification of what repercussions come with a positive test and what panel of prohibited substances would cause a positive. The Chairman requests that the LQHBA, LaHBPA, Delta Downs, LSRC Administrative Office, and all interested parties create a written protocol for this pilot program's random hair testing to clear up any variables.

## V. COMMITTEE REPORTS

### A. MEDICATION COMMITTEE, *by Committee Chair Patrick Bernard*

Commissioner Bernard reports that the Medication Committee recommends that arsenic testing in quarter horses will go to random testing by the stewards instead of regular testing of the winners. The Chairman motions that the LSRC Administrative Office, Stewards, and LSU Equine Medication Surveillance Laboratory create a protocol for randomized arsenic testing within 30 days; Commissioner Cravins seconds; motion carries.

### B. RULES COMMITTEE, *by Committee Chair Lane T. Cortez*

Commissioner Cortez informs that rules are up for Emergency Adoption and Notice of Intent later on the agenda.

### C. LEGAL COMMITTEE, *by Committee Chair Thomas B. Calvert*

Commissioner Calvert informs that the Legal Committee is awaiting the ruling on Horseracing Integrity and Safety Act (HISA) from the Fifth Circuit Court of Appeals and will decide on recommended actions after the ruling is released.

### D. SECURITY COMMITTEE, *by Committee Chair Louis Reine*

Commissioner Reine informs that the committee and administrative office are working on a way to provide an updated list to each racetrack of individuals who are suspended and denied access to the racetracks for each race meet.

### E. RACETRACK/HBPA LIAISON COMMITTEE, *by Committee Chair Donald "Don" Cravins*

Mr. Chatters requests that the LaHBPA and the committee meet to discuss the issue of admission fees for Fair Grounds. Commissioner Cravins responds that they will address that issue, which is of grave concern.

### F. FINANCE COMMITTEE, *by Committee Chair Leslie Bouie*

Mr. Charles Gardiner, LSRC Executive Director, informs that Commissioner Bouie is convalescing from neck surgery and that the Louisiana Legislative Auditor recently reported that LSRC had no audit findings and everything is in order.

### G. RACING DAYS COMMITTEE, *by Committee Chair Mike R. McHalfey*

No Report.

### H. INFRASTRUCTURE COMPLIANCE COMMITTEE, *by Committee Chair Louis Reine*

Commissioner Reine thanks the committee members and LSRC staff for working through the long committee meetings and thanks Evangeline Downs for hosting those meetings. He informs that the committee recommends the individual infrastructure improvement plans and rules for adoption by the full Commission.

## VI. RULES

### A. DISCUSSION/NOTICE OF INTENT/EMERGENCY ADOPTION:

1. LAC 35:III.Chapter 57 – Associations’ Duties and Obligations as provided in Agenda
2. LAC 35:XV.Chapter 123 – General Rules (for Off-Track Wagering) as provided in Agenda

Mr. Vincent Schwartz, Senior Vice President of Operations for Boyd Gaming, states that there are no further comments outside of what they have discussed previously and that Boyd Gaming intends to comply with the plans and rules.

Mr. Crawford indicates that there are no further comments from Louisiana Downs representatives.

Mr. David Waguespack, Counsel for Fair Grounds, says that these rules are unprecedented regarding the level of government intrusion. He states that he would like to work with the LSRC and LaHBPA through counsel to determine that the regulations are lawful before they are passed into laws. He says that the Commission would have to treat all racetracks the same and that there is a question of enforcement and sanctions that would all lead to litigation.

Commissioner Reine informs that this process to create the minimum infrastructure plans and rules was mandated by the Louisiana Legislature, and that the Infrastructure Compliance Committee held multiple meetings to create these plans and rules while accommodating the concerns and interests of all industry participants to adopt a workable solution. He says that violation of the rules is subject to sanctions, penalties, or fines as seen fit by the Commission just like all the other rules. The Chairman states that noncompliance would also affect an associations’ racing license under the Commission and gaming license under the Louisiana Gaming Control Board.

Commissioner Reine motions to adopt the rules as listed under #1 & #2 by Emergency Declaration and to simultaneously approve for Notice of Intent as presented; Commissioner McHalfey seconds; motion carries.

## VII. OTHER

### A. INFRASTRUCTURE PLANS

1. **Approval** of Infrastructure Compliance Committee’s Recommendations from September 28, 2022 for Itemized Requirements for Each Association Plan:
  - a. Delta Downs Plan

Mr. Kuypers states that there are no further comments from Delta Downs representatives.

Commissioner Reine motions to adopt Delta Downs’ Plan; Commissioner Bernard seconds; motion carries.

- b. Evangeline Downs Plan

Ms. Carol Core states that there are no further comments from Evangeline Downs representatives.

Commissioner Reine motions to adopt Evangeline Downs’ Plan; Commissioner Bernard seconds; motion carries.

c. Fair Grounds Plan

Mr. Waguespack states that Fair Grounds is against the entire plan as stated. Mr. Chatters thanks the committee and staff for their work on this issue and asks that the Commission make sure that Fair Grounds steps up to improve racing conditions like the other associations are. Commissioner Reine states that there were multiple meetings during which the committee held open discussion and tried to address any concerns from all associations prior to recommending these plans.

Commissioner Reine motions to adopt Fair Grounds' Plan; Commissioner McHalfey seconds; motion carries.

d. Louisiana Downs Plan

Mr. Crawford indicates that there are no further comments from Louisiana Downs representatives.

Commissioner Reine motions to adopt Evangeline Downs' Plan; Commissioner McHalfey seconds; motion carries.

2. **Consideration** of Additional Itemized Requirements for Each Association Plan.

No additional requirements are discussed or considered.

**B. HHR INTEGRITY AUDITOR**

1. **Approval** to designate Thoroughbred Racing Protective Bureau (TRPB) as LSRC's Integrity Auditor for Historical Horse Racing and enter into contract with TRPB for those Integrity Auditor Services as defined in LAC 35:XVII.Chapter 131 and approved by GLI.

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

**C. LASIX USE EXEMPTION REQUEST**

1. **Approval** to request exemption for the State of Louisiana from prohibition against the use of Furosemide (LASIX) on covered horses during the 3-year period beginning on the effective date of HISA's Anti-Doping and Medication Control Program pursuant to 15 USC § 3055(f).

Commissioner Bernard motions to approve the request to HISA for LASIX exemption; Commissioner McHalfey seconds; motion carries.

**VIII. ADJOURNMENT**

Commissioners motion to adjourn; Commissioners second; motion carries.



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Charles A. Gardiner III  
Executive Director