

LOUISIANA STATE RACING COMMISSION

MINUTES – July 31, 2012 Meeting

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

COMMISSIONERS IN ATTENDANCE

Jerry F. Meaux, *Chairman*
Payton R. Covington, *First Vice Chairman*
Bob F. Wright, *Second Vice Chairman*
Kevin S. Delahoussaye
Benjamin J. Guilbeau, Jr.
Richard M. "Dick" Hollier, Jr.
Kenneth "Kenu" Romero
Judy W. Wagner
Dion Young

ABSENT

Keith W. Babb
William A. Robinson

APPROVED

At the Commission Meeting of

9/27/12 through 9/28/12
(Date)



Executive Director
Louisiana State Racing Commission

The meeting of the Louisiana State Racing Commission was called to order by the Chairman on Monday, July 31, 2012 at 9:05 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. Romero motions to approve the meeting minutes from the previous meeting; Mr. Hollier seconds; motion carries.

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 Delta Downs 2012 Quarter Horse Meet ended on July 14th. There was a total of 46 race days with 465 races (5 more races than the previous year). There was a slight increase of average starts per race from 8.97 in 2011 to 9.0 in 2012. Also, there was an increase in total purses from \$8.7 million in 2011 to \$9.2 million in 2012. Mr. Warren informs the Lee Berwick Futurity (\$500,000+) and the Fire Cracker Futurity (\$200,000+) were purse records for Delta Downs since Boyd Gaming purchased Delta Downs. He informs the 2012 live handle was up 2% and the total handle was up 6.1% compared to last year. The Delta Downs 2012-2013 88-day Thoroughbred Meet will start on October 19th. Mr. Warren informs the \$1 million dollar Jackpot Day will be Saturday, November 17th. He informs there is refurbishing work being done on the backside barns and they will be ready when the horsemen arrive in September. He informs the 1st condition book will be published in a couple of weeks.
- 2. Discussion** of acquisition of Peninsula Gaming, LLC by Boyd Gaming Corporation.
Mr. Chris Warren introduces Mr. Chris Gisevius, Senior Vice President of Operations;

Mr. Brian Larson, Executive Vice President and General Counsel; Mr. Jim Lacastle and Attorney, Paul West. Mr. Larson provides a brief history of Boyd Gaming's business involvement in the Louisiana market. He informs the regulatory process has gone well and hopes to have the transaction finalized by the end of 2012. Mr. Wright states that Mr. Larson's briefing to the legal committee was presented very well.

B. EVANGELINE DOWNS RACETRACK & CASINO

1. **PROGRESS REPORT**, by *Mr. Steve Darbonne*. Mr. Darbonne informs Evangeline Downs has run 60 of 84 days of their 2012 Thoroughbred Meet. He informs the average starts per race are 9.5. The on-track handle is up 8.4% from last year and the total handle is up 3.4% from last year. He informs the TVG agreement has been a very big plus, even though Evangeline Downs is paying TVG to show their races. He informs the backside is in good shape and there are no problems or complaints with the track surface. He states the track surface is the best it has ever been.

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 the Fair Grounds is preparing for the 2012 12-day Quarter Horse Meet, beginning August 15th. He informs the Fair Grounds will be requesting a change in one post time to 4:00 PM, for Starlight racing, during the quarter horse meet. He informs the Fair Grounds has already sold out the clubhouse for a beer tasting event and exhibition camel and ostrich racing night. Mr. Halstrom informs that he and Mr. Jason Boulet completed their horsemen recruiting trip for the upcoming 2012-2013 Thoroughbred Meet. He states trips were made to Arlington Park, Lone Star Park, Churchill Downs, Canterbury Park, Prairie Meadows, Philadelphia Park, Delaware Park and Monmouth Park. He informs the trip should provide new stables as well as some stables returning from previous years. Mr. Halstrom informs the Westwego OTB which was approved at the June 18th Commission meeting will be in operation around October 1st.

2012 QUARTER HORSE MEET

2. RACES

- a. **Approval** of first condition book for the 2012 quarter horse meet.

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

- b. **Approval** of designated races for the 2012 quarter horse meet:

8/16/12	Treme Stakes
8/18/12	Audubon Stakes
8/22/12	Gentilly Dash Stakes
8/25/12	Fauborg St. John Stakes
8/29/12	DeSaix Stakes
9/1/12	Mid City Stakes
9/1/12	LQHBA Sales Futurity & Trials
9/1/12	LQHBA Sales Invitational

Mr. Wright motions to approve; Mr. Hollier seconds; motion carries.

3. STEWARDS, OFFICIALS & MANAGEMENT

- a. **Approval** of racing officials for the 2012 quarter horse meet:

Jason M. Boulet - Racing Secretary

Harvey Lourd, III – Assistant Racing Secretary/Claims Clerk

Barbara Comberrel – Program Coordinator
Scott Jones – Placing Judge/Entry Clerk
Gary Palmisano, Sr. – Placing Judge/Entry Clerk
Amber Fontenot – Placing Judge/Entry Clerk
Jed Babin – Identifier
Dave Hooper – Association Steward
George Graham – Association Steward
Scott Cole – Outrider
Darrin Cain – Outrider
Nelson Menard – Clerk of Scales
Mario Torres – Stall Superintendent
Kerry Dubuc – Clocker
Mike Deliberto – Clocker
Frank Comberrel – Starter
Pedro Zavala – Track Superintendent
TBA – Custodian
Ramon Muniz – Paddock Judge

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

b. Approval of Brook Hawkins to serve as state steward.

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

4. POST TIME

a. Approval to change post time on August 18, 2012 from 12:40 PM to 4:00 PM.

Mr. Wright motions to approve; Mr. Guilbeau seconds; motion carries.

2012-2013 THOROUGHBRED MEET

5. POST TIMES

a. Approval of the following post times for the 2012-2013 Thoroughbred meet:

December 8, 2012 – 12:10 PM
December 28, 2012 – 5:00 PM
January 18, 2013 – 5:00 PM
January 19, 2013 – 12:10 PM
February 1, 2013 – 5:00 PM
February 22, 2013 – 5:00 PM
February 23, 2013 – 12:10 PM
March 1, 2013 – 5:00 PM
March 8, 2013 – 5:00 PM
March 15, 2013 – 5:00 PM
March 30, 2013 – 12:10 PM
(all other race days 12:40 PM)

Mr. Covington motions to approve; Mr. Guilbeau seconds; motion carries.

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

1. PROGRESS REPORT, by *Mr. David Heitzmann*. Mr. Heitzmann informs Louisiana Downs has run 51 of 84 days of their 2012 Thoroughbred Meet. The overall 2012 handle is down 3%. He informs the average starts per race remains at 8.4. Mr. Heitzmann informs the field size may increase due to a recent influx of horses from Texas (Lone Star Park). He informs Saturday, August 4th is Super Derby Prelude Day with four stakes races. He informs Saturday August 18th is Louisiana Cup Day and

Saturday, September 8th is Super Derby Day. He informs the turf and dirt tracks are in excellent condition. Mr. Meaux asks Mr. Heitzmann to report on the progress of the improvements on the backside. Mr. Heitzmann replies that he is not exactly sure what has been completed, but informs that the Environmental Protection Agency is mandating Louisiana Downs to make improvements on disposing waste water on the backside. He states Louisiana Downs is currently taking bids and the \$1 million dollar operation will start in October. Mr. Meaux asks Mr. Heitzmann to present a list of improvements at the August meeting. Mr. Meaux asks Mr. Delahoussaye, as Committee Chairman of the HBPA/Racetrack Liaison Committee to monitor the tracks and their capital improvement on the backstretches. Mr. Delahoussaye agrees to this assignment.

Mr. Gardiner informs the commission a request from the American Quarter Horse Association (AQHA) regarding a discussion of a 30-day withdrawal time for Clenbuterol was postponed at the June 18th meeting (AQHA requested the postponement). Mr. Meaux asks for a motion to add the AQHA's request/presentation to this agenda. Mr. Romero motions to add this item to the agenda; Mr. Delahoussaye seconds; motion carries.

Request from American Quarter Horse Association (AQHA) for Louisiana to create a 30-day withdrawal time for the bronchodilator Clenbuterol (for quarter horses only).

Mr. Trey Buck, Executive Director of Racing, AQHA informs that in 2008 there was an AQHA subcommittee formed to address safety and welfare issues specifically for quarter horses. He states at that time the industry started to address steroids and anabolic steroids and winstrol because of the effect that it had on horses. He informs in 2009, there were more stories coming out about medications being given to horses, but it wasn't until later the non-FDA approved compounded Clenbuterol substance was detected. He states, in 2010 there was a conference at the Fair Grounds with about 30 people in the industry to discuss the Clenbuterol issue. He states in January 2011, a smaller group of industry officials met in California and the outcome was to move towards a 30-day Clenbuterol withdrawal time and 1 to 2 picogram level in states with quarter horse racing. He informs the FDA approved Ventipulmin is a very good and useful medication when used properly. He states the problem is that the labs cannot tell the difference between the illegally compounded Clenbuterol and the FDA approved Ventipulmin. He informs a policy was established with a 30-day withdrawal time and specific levels. He informs for the last 18 months the AQHA has been working with racing commissions around the country and Canada to address the issue. He states several states and provinces have conformed to AQHA standards. He informs the AQHA testified before U.S. Senate Committees a couple of weeks ago to address these medication and drug issues. He reiterates the AQHA is solely interested in the 30-day withdrawal time for quarter horses and not any other breeds. Mr. Guilbeau asks Mr. Buck for the status of AQHA's request in other states. Mr. Buck informs Ontario was the first province to adopt the AQHA rule for quarter horses. He informs California initially adopted a 21-day rule for quarter horses running at Los Alamedas, but since adopted a rule to include thoroughbreds as well. He informs New Mexico adopted a one year trial for both quarter horses and thoroughbreds. Oklahoma and Indiana lowered their levels for both quarter horses and thoroughbreds. He mentions Wyoming, Colorado and Alberta already have a form of the rule in place and Iowa is seeking to make a rule similar to Oklahoma's. He says he is not sure if the Texas medication committee has acted. Mr. Meaux recommends that the medication committee discuss the matter and recommend a resolution. Mr. Buck informs he will do anything to assist

our medication committee with any drug or medication issue and then he thanks the commission.

II. COMMITTEE REPORTS

A. MEDICATION COMMITTEE, *by Committee Chairman Payton R. Covington*

No report.

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

Mr. Babb is absent. No report is given.

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

No report.

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

No report.

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

No report.

F. COMPLIANCE COMMITTEE

No report. Mr. Wright states he would like to see the Compliance Committee reinstated because it was a good program. Mr. Delahoussaye concurs.

III. OTHER

A. Apprentice Jockey Extension:

1. **Ratification** of 22-day extension for Apprentice Jockey **Charles J. McMahon** (injured 5/5/12 at the Evangeline Downs Training Center – original expiration of apprenticeship was 5/27/12). Returned to riding 6/21/12.

Mr. Wright motions to approve; Mr. Guilbeau seconds; motion carries.

Mr. Gardiner informs the commission was approached by the HBPA regarding the approval of race dates and move-in and move-out dates. Mr. Gardiner requests that the parties meet prior to the August meeting to settle any controversy before coming to the Commission for approval of race dates.

Ms. Rhea Loney, Assistant Attorney General introduces Mr. Clifford Strider, the Attorney General's new Director of Gaming.

IV. LICENSE

License Approval Request (La. R.S. 4:150)

1. **Trenette R. Ware, Groom/Hotwalker.** Convicted felon. Not present for Meeting. Case continued at applicant's request.

V. ADJUDICATIONS

(In order presented)

A. APPEALS (La. R. S. 4:154)

1. **David L. Bourque, Jockey.** Ruling#ED19482 of 6/28/12 – *Careless Riding*. (Appeal Withdrawn). Not present for hearing. Mr. Guilbeau motions to uphold the stewards' ruling; suspend 7 calendar days from 8/5/12 through 8/11/12. If jockey participates in a designated race day (8/11/12) not subject to suspension; he shall be required to make up the suspension day on the first following race day at Evangeline Downs after the designated day of racing, on 8/15/12; Mr. Delahoussaye seconds; motion carries.

2. **Alfonso Lujan, Jockey.** Ruling#DD19460 of 6/15/12 – *Careless Riding*. (Appeal Withdrawn). Not present for hearing. Mr. Hollier motions to uphold the stewards' ruling; suspend 7 calendar days from 8/15/12 through 8/21/12. If jockey participates in a designated race day (8/16/12 and 8/18/12) not subject to suspension; he shall be required to make up the suspension days on the first following race days at Fair Grounds after the designated days of racing, on 8/23/12 and 8/24/12; Ms. Wagner seconds; motion carries.

Mr. Romero questions why the jockeys are serving less than 7 racing days for their 7 day suspension. Mr. Meaux clarifies, by informing, the ruling of the stewards is for 7 calendar days not 7 racing days. Mr. Wright states, in the future, the Commission should take into consideration whether or not to designate the suspension per racing days rather than calendar days.

Mr. Wright discusses those individuals appealing cases to their advantage to continue racing during the appeal process then withdrawing their appeals at the last minute before commission hearings. He informs that this causes an unnecessary effort for the commission and its staff. Mr. Wright suggests the legal committee evaluate this matter and report back to the Commission. A motion is passed to allow the legal committee to come up with a recommendation on this matter.

B. ADJUDICATIONS REFERRED (La. R. S. 4:172)

(For the purposes of witness testimony, Mr. Edward J. Cormier and Mr. Gerald Bernard, Jr.'s cases are consolidated.)

1. **Edward J. Cormier, Owner/Trainer.** Ruling#ED19371 of 5/2/12 – *Impermissible Conduct & Possession of and Discharging a Firearm*. Represented by Attorney, Arthur A. Morrell. Mr. Guilbeau motions to affirm the stewards' sentence up until today, allow time served and let him go back to work; Mr. Hollier seconds. Mr. Covington makes a substitute motion to uphold the stewards' ruling; suspend 6 months (credit for time served) from 4/28/12 through 10/27/12. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Mr. Wright seconds; Poll vote: 5-yes, 4-no; motion carries.

2. **Gerald Bernard, Jr., Groom.** Ruling#ED19372 of 5/2/12 – *Impermissible Conduct & Possession of a Weapon.* Not present for hearing. Testimony and evidence introduced regarding licensee’s receipt of Notice of Hearing and Subpoena. Mr. Wright motions to uphold the stewards’ ruling; suspend 6 months (credit for time served) from 4/27/12 through 10/26/12 plus an additional 6 month suspension from 10/27/12 through 4/26/13. Mr. Delahoussaye makes a substitute motion that additionally, he must attend an alcohol rehabilitation program within one year and provide proof of completion of program prior to re-licensing. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Mr. Young seconds; motion carries.

A 10-minute recess was taken.

(For the purposes of witness testimony, the following two cases for Mr. Freddy D. Loy are consolidated.)

2. **Freddy D. Loy, Trainer.** Ruling#LD19490 of 6/28/12 – *Phenylbutazone and Flunixin (ARCI Category IV, Severity Level I)(3rd offense in a 12-month period)* and Ruling#LD19488 of 6/28/12 – *Triamcinolone Acetonide (ARCI Category IV, Severity Level I)(4th offense in a 12-month period).* Ms. Wagner motions to uphold both stewards’ rulings; suspend 60 days for each violation (each violation to run consecutively) from 7/31/12 through 9/28/12; and from 9/29/12 through 11/28/12; fine an additional \$500 for each offense (\$1,500 total for each ruling); both purses redistributed. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Mr. Guilbeau seconds; Mr. Covington makes a substitute motion to suspend 5 years; fine \$10,000 and redistribute the purse; no second; substitute motion fails. Mr. Wright amends the original motion with a warning that future violations will be considered very serious. A poll vote is taken. Poll vote: 7-yes, 1-no; motion carries.

Mr. Wright suggests having a legal committee meeting directly after the Commission meeting to discuss appeals that are abandoned at the last minute.

VI. ADJOURNMENT

Mr. Young motions to adjourn; Mr. Delahoussaye seconds; Mr. Meaux adjourns the meeting.



Charles A. Gardiner III
Executive Director