

LOUISIANA STATE RACING COMMISSION

MINUTES – April 20, 2015 Meeting

As transcribed by Janita L. Anderson, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Bob F. Wright, *Chairman*
Judy W. Wagner, *First Vice Chairperson*
Dion Young, *Second Vice Chairman*
Keith W. Babb
R. Hamilton "Hammy" Davis
Kevin S. Delahoussaye
Thomas H. Grimstad, M.D.
Benjamin J. Guilbeau, Jr.
Mike R. McHalfey
Kenneth "Kenu" Romero
Delia A. Taylor
Luke Turner

ABSENT

Richard M. "Dick" Hollier, Jr.

The meeting of the Louisiana State Racing Commission was called to order by the Chairman on Monday, April 20, 2015 at 9:00 AM in the Vieux Carré Room of the Monteleone Hotel, 214 Royal Street, New Orleans, Louisiana. Roll call was taken; a quorum was present.

Mr. Gardiner informs that Commissioner Keith Babb was awarded the Special Recognition Award by the American Quarter Horse Association. Mr. Gardiner announces that Mrs. Susan Plache, the LSRC's Director of Administration, is officially retired after 37 years of service. The Chairman requests a moment of silence to acknowledge the unfortunate death of a friend of the Commission, Mr. Keith Gee. A moment of silence is taken.

Commissioner Young motions to approve the meeting minutes from the March 2, 2015 meeting; Commissioner Wagner 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 that Delta Downs finished the 88-day, 2014-2015 Thoroughbred Meet on March 14, 2015. He says that Delta Downs lost a few days, 1 due to a power company matter and 1 due to bad weather. He states that the meet did end slightly down, but it was a good meet. Mr. Warren says that Delta Downs had the Jackpot Day, which had a record handle this year. He states that they added some clay to the track at the end of the meet which was an improvement, despite facing a lot of bad weather. He informs that Delta Downs' 2015 46-day Quarter Horse meet starts on Wednesday, April 22nd and concludes July 11th. Mr. Warren says that all of the main principals from last year are back including Kenny Roberts, the leading trainer, and John Hamilton, the top jockey, and that Delta Downs is already taking entries.

Mr. Warren asks that the Commission add a request which would allow six-year-old maidens to race at Delta Downs' 2015 Quarter Horse Meet, which is stated in the 1st condition book. Commissioner Delahoussaye motions to add to the agenda; commissioners second; motion carries.

2015 QUARTER HORSE MEET

2. RACES

a. Approval of the first condition book for the 2015 quarter horse meet.

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

b. Approval of designated races for 2015 quarter horse meet:

- 4/22/15 John Alleman Memorial RG-3
- 4/23/15 Delta Dash
- 4/24/15 Lassie Futurity RG2
- 4/25/15 Laddie Futurity RG-2
- 5/1/15 The Old South Futurity Trials
- 5/2/15 The Old South Derby Trials
- 5/8/15 Louisiana Purchase
- 5/9/15 Mother's Day
- 5/15/15 Lassie Futurity RG-2
- 5/16/15 Laddie Futurity RG-2
- 5/16/15 Delta 550 Championship
- 5/22/15 The Old South Futurity
- 5/23/15 The Old South Derby
- 5/23/15 Vinton RG-3
- 5/30/15 Develop a Plan Grade III
- 6/5/15 Alabama Futurity Trials
- 6/5/15 Virgil Bond
- 6/6/15 Vals Fortune RG-3
- 6/12/15 Firecracker Derby Trials
- 6/13/15 Firecracker Futurity Trials Grade II
- 6/19/15 Delta Downs Derby Trails RG-2
- 6/20/15 Lee Berwick Futurity RG-1 Trials
- 6/26/15 Alabama Futurity
- 6/27/15 Miss Polly Classic
- 7/2/15 Par-A-Dice Stake
- 7/3/15 Firecracker Derby
- 7/4/15 Firecracker Futurity Grade II
- 7/11/15 Louisiana Juvenile
- 7/11/15 Louisiana Starter
- 7/11/15 Live Oak
- 7/11/15 Flashy Hemp
- 7/11/15 Louisiana Classic RG-2
- 7/11/15 Flying Breed Stakes
- 7/11/15 Delta Downs Derby RG-2
- 7/11/15 Lee Berwick Futurity RG-1

Commissioner Young motions to approve; Commissioner Delahoussaye seconds; motion carries.

3. STEWARDS, OFFICIALS & MANAGEMENT**a. Approval of officials for 2015 quarter horse meet (4/22/15 - 7 /11/15):**

Chris Warren – Director of Racing
 *Matthew Crawford – Racing Secretary
 Mohamed Ali Khan – Asst. Racing Secretary/Stakes Coordinator
 Steve Ruff and Galen Boutte – Association Stewards
 Duane Domingue – Paddock Judge/Alternate Association Steward
 Mark Gilbert, Jeff Jerman - Alternate & Jacob Deville – Outriders
 Bob Beaubien – Trackman Supervisor
 Dennis Schmidt – Starter
 Jeff Jerman – Clerk of Scales
 Oscar Lopez – Head Clocker
 Susan Berard – Horse Identifier
 Tami Meyers – Stall Superintendent
 Michael Bennett – Jocks Room Custodian/Assistant Clerk of Scales
 Steve Nick, Phillip Walker, Charles Sonnier & Rose Caster – Placing
 Judges/Racing Office Staff

**new official*

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

b. Approval of Thomas H. Davis to serve as state steward for 2015 quarter horse meet.

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

2015/2016 THOROUGHBRED MEET**4. LICENSE APPROVALS****a. Approval for 2015-2016 Thoroughbred race meet:**

1. For 10 year license to own and operate a racetrack, per R.S. 4:158 & R.S. 4:214
2. For 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. To serve as concessionaire

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

5. RACING DATES (R.S. 4:158A) AND POST TIMES**a. Approval for 2015-2016 Thoroughbred meet:**

1. Thoroughbred racing on the flat.
2. 86 Thoroughbred race dates (10/16/15 through 3/12/16)
 - October 16,17,21,22,23,24,28,29,30,31
 - November 4,5,6,7,11,12,13,14,18,19,20,21,24,25,27,28
 - December 2,3,4,5,9,10,11,12,16,17,18,19,21,22,23,26,30,31
 - January 1,2,6,7,8,9,13,14,15,16,20,21,22,23,27,28,29,30
 - February 3,4,5,6,10,11,12,13,17,18,19,20,24,25,26,27
 - March 2,3,4,5,9,10,11,12
3. Hold minimum of 9 live Thoroughbred races daily Wednesday through Saturday with the exception of live racing on Tuesday, November 24, 2015, Monday, December 21, 2015 & Tuesday, December 22, 2015.

- 4. Dark – no live racing on Thanksgiving Day, Thursday, November 26, 2015 and on Christmas Eve & Day, Thursday & Friday, December 24 & 25, 2015.
- 5. Daily post time 5:40 PM except for Jackpot Day (Saturday, November 21, 2015), 1:15 PM post time.

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

6. WAGERING (LAC 35:XIII.Ch 103-127)

a. Approval for wagering format for 2015-2016 Thoroughbred race meet:

- 1. \$1 WPS & exacta on all races
- 2. 50¢ Trifecta on all races with 5 or more entries
- 3. 10¢ Superfecta on all races with 6 or more entries
- 4. 50¢ Rolling Pick 3 on 2nd thru last race
- 5. 50¢ Pick 4 on first 4 & last 4 races
- 6. 50¢ Pick 5 on last 5 races
- 7. 50¢ Super Hi-Five on race 5
- 8. \$1 Rolling Daily Double on first through last races

Commissioner Wagner motions to approve; Commissioner Guilbeau seconds; motion carries.

B. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

1. **PROGRESS REPORT**, by *Mr. Chris Warren*. Mr. Warren informs that Evangeline Downs started the 2015 Thoroughbred Meet on April 8, 2015. He says that the turf course has delayed opening due to bad weather and so far they're down a little over 5 percent. He informs that Evangeline Downs hired a new track man, Ramiro Flores, and added 2,000 tons of fine sand, which has yielded positive reviews. Mr. Warren says that Evangeline Downs upgraded the back side this past winter. He states that the Evangeline Downs \$300,000 Turf Sprint will be held on Saturday, May 30th and will be part of a five stakes card. He says that May 30th is the biggest day besides Legends Night, which will be held on Saturday July 4th, and he hopes that the race will gain a bigger stature in the industry. He informs that Hall of Fame Jockey, Eddie Delahoussaye, has been working with Evangeline Downs and Boyd Racing as a guide and spokesman.

2015 THOROUGHBRED MEET

2. RACES

a. Ratification of first condition book for 2015 Thoroughbred meet.

b. Ratification of designated races for 2015 Thoroughbred meet:

- 5/30/15 Evangeline Mile
- 5/30/15 Opelousas
- 5/30/15 Evangeline Downs Turf Sprint
- 7/4/15 Louisiana Legends Sprint
- 7/4/15 Louisiana Legends Mademoiselle
- 7/4/15 Louisiana Legends Classic
- 7/4/15 Louisiana Legends Distaff
- 7/4/15 Louisiana Legends Cheval
- 7/4/15 Louisiana Legends Soiree
- 7/4/15 Louisiana Legends Turf
- 7/11/15 D.S. "Shine" Young Futurity - Colts & Geldings

- 7/11/15 D.S. "Shine" Young Futurity - Fillies
- 8/29/15 Evangeline Downs Star - Colts & Geldings
- 8/29/15 Evangeline Downs Starlet - Fillies

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

3. STEWARDS, OFFICIALS & MANAGEMENT

a. Ratification of officials for 2015 Thoroughbred meet:

- Chris Warren – Director of Racing Operations
- Corey Veazey – Racing Secretary
- Ashley Simon – Assistant Racing Secretary/Stakes Coordinator
- Frank Rudis – Association Steward
- Jeffrey Williams – Association Steward
- Julie Gipson – Identifier
- *TBA – Paddock Judge
- *TBA – Placing Judge
- Donald Watson, Jr. - Clerk of Scales
- *TBA – Jockey Room Custodian
- Sandra Calais – Claims Clerk/Alternate Placing Judge
- Mariah Quebedeaux – Placing Judge
- Miranda Quebedeaux – Placing Judge
- Brett Poole – Clocker
- Russell Comeaux – Starter
- Jared Gipson – Outrider
- Kenneth Gipson – Outrider
- Robert Bard – Stall Superintendent
- Ramiro Flores – Track Superintendent
- *new official*

Commissioner Delahoussaye motions to approve; Commissioner Guilbeau seconds; motion carries.

2015 QUARTER HORSE MEET

4. LICENSE APPROVALS

a. Approval for 2015 Quarter Horse meet:

1. For 10 year license to own and operate a racetrack, per R.S. 4:158 & R.S. 4:214
2. For 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. To serve as concessionaire
4. To operate as official training facility during off-season

Commissioner Guilbeau motions to approve; Commissioner Turner seconds; motion carries.

5. RACING DATES (R.S. 4:158A) AND POST TIMES

a. Approval for 2015 Quarter Horse meet:

1. Quarter Horse racing on the flat
2. 46 Quarter Horse dates (9/30/15 through 12/19/15)
 - September 30
 - October 1,2,3,7,8,9,10,14,15,16,17,21,22,23,24,28,29,30,31
 - November 4,5,6,7,11,12,13,14,18,19,20,21,27,28
 - December 2,3,4,5,9,10,11,12,16,17,18,19

3. Hold minimum of 9 live Quarter Horse races daily (Wednesday through Saturday)
4. Daily post time 5:40 PM

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

6. WAGERING (LAC 35:XIII.Ch 103-127)

a. Approval for wagering format for 2015 Quarter Horse meet:

1. WPS & Exacta on all races
2. Rolling Daily Double beginning with Race 1
3. Trifecta on all races complying with the *Rules of Racing* (§11115)
4. Rolling Pick 3's beginning with Race 2
5. Pick 4 on first 4 and last 4 races
6. Superfecta on all races complying with the *Rules of Racing* (§11701)

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

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

1. PROGRESS REPORT, by Mr. Tim Bryant.

a. Final update on turf, service, marketing and facility commitments. Mr. Bryant informs that the Fair Grounds had a successful 81-day, 2014-2015 Thoroughbred Meet with entries up 1.8 percent and starters up 4.7 percent, even with 2 fewer race days. He states that 78 percent of carded races were successfully run on the turf, which led to a 6 percent increase in on-track live handle and an 8.7 percent increase in all source handle. He says that the Fair Grounds expanded its presence using a regional approach, advertising in New Orleans, Baton Rouge, and Lafayette. Mr. Bryant informs that bringing in Mr. Brad Bryant to oversee customer relations has been successful. He states that the Fair Grounds has received compliments on their back side improvements. He says that the horsemen brought a list of items to their attention that they will address between now and the next live meet. Mr. Bryant informs that \$900,000 of capital has been approved for making improvements, including front side corrections, buying equipment for back side operations, work on the barns, and replacing roofs. He says that they will have to get the front stalls in line as a general operating expense.

Mr. Bryant introduces Mr. Mike Ziegler, the Executive Director of Racing for Churchill Downs, Inc. Mr. Ziegler says that he spoke with as many horsemen as he could at the Louisiana Derby weekend and got positive reviews about the Fair Grounds. Mr. Ziegler informs that the Board of Directors of Churchill Downs, Inc. has formed a Racing Advisory Group and a major topic of discussion at their upcoming Thursday meeting will be Fair Grounds' success in this past meet compared to the less impressive national race track figures.

Commissioner Davis asks about Churchill Downs' perspective on the HRTV and TVG merger. Mr. Ziegler says that Churchill Downs doesn't foresee many changes due to good relationships with the TVG people, so there will be a fair amount of the Churchill Downs tracks on TVG moving forward. Mr. Ziegler informs from his understanding that the traditional TVG channel will mostly be highlights with a lot of A-level tracks and the HRTV formal channel will be constant racing from track to track. Commissioner Davis asks if the racing networks will continue to show the smaller tracks on the secondary channels and if they will feed those to OTBs around the country. Mr. Ziegler responds that they will show the smaller tracks on secondary channels but he is not sure about the OTBs. Commissioner Davis asks about what the Fair Grounds can do to take advantage of the marketing opportunity from the Jazz and

Heritage Festival. Mr. Bryant answers that the Fair Grounds doesn't feel at liberty to promote itself on a great scale at Jazz Fest but they will look at opportunities that would fall in line with the Fair Grounds' agreement with the New Orleans Jazz & Heritage Foundation.

2015 QUARTER HORSE MEET

2. REQUEST BY LQHBA

a. Discussion of cancellation of Louisiana Quarter Horse Breeders 2015 Sale Futurity at the Fair Grounds. Mr. Tony Patterson, Executive Director of the Louisiana Quarter Horse Breeders Association (LQHBA), says that last year was their best ever yearling sale with 525 horses. He informs that about 500 of the horses went through the sale ring, which is required to be eligible for the sale futurity. He states that LQHBA advertises the race a year in advance because the first payments are due in December for nominating yearlings to run as two-year-olds the next August.

Mr. Patterson informs that the dates that the Fair Grounds requested only give the Quarter Horse Meet two weeks when they need three weeks between trials and finals. Dr. Finley, a member of the LQHBA Board of Directors, says that the two-year-olds need three weeks between trial times for their welfare. Mr. Bryant explains that the Fair Grounds didn't want to have the futurity because it would require ten race days, the LQHBA pulled their agreement to give \$7,500 for promoting the race last year, and the handle for trials days and futurity are less than a thoroughbred handle. Mr. Bernard Chatters, President of the Louisiana Horsemen's Benevolent & Protective Association (LAHBPA), informs that he thought there was an agreement with the Fair Grounds after a meeting two weeks ago for the 10 quarter horse racing days, but that they had short notice about the actual quarter horse race dates applied for in the agenda and the complaint about the \$7,500 promotional money.

Chairman Wright requests the Fair Grounds and LQHBA to come to an agreement. Commissioner Young makes a motion to table the Fair Grounds Quarter Horse Meet approvals until there is an agreement between the two parties. Commissioner Taylor seconds; motion carries.

Mr. Bryant returns and says that the Fair Grounds has come to an agreement with the LQHBA that will give the Quarter Horse Meet three weeks and maintain the ten race days. The Commission motions to return to the Fair Grounds' 2015 Quarter Horse Meet approvals.

Mr. Chatters introduces the HBPA's attorney Mr. Duvieilh to clarify the contract. Mr. Duvieilh requests on behalf of the HBPA that the approval of dates include the language of a minimum of nine races per day. Mr. Bryant informs that the Fair Grounds agrees to establishing a minimum of races. Mr. Patterson explains that there are marque quarter horse races at all four tracks in Louisiana and the LQHBA wants to promote the Louisiana breeders program around the country.

3. LICENSE APPROVALS

a. Approval for 2015 Quarter Horse race meet:

1. 10 year license to own and operate a racetrack, per R.S. 4:158 & R.S. 4:214
2. 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
3. To serve as concessionaire

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

4. RACING DATES (R.S. 4:158A) AND POST TIMES

a. Approval for 2015 Quarter Horse race meet

- 1. Quarter Horse racing on the flat

AMENDED

- 2. 10 Quarter Horse dates (~~8/16/15 through 8/30/15~~) (8/15/15 through 9/5/15)

August 15, 16, ~~19, 20, 21, 22, 23, 27, 28, 29, 30~~

September 4, 5

- ~~3. Hold up to 12 live Quarter Horse races daily~~

- 3. Hold minimum of 9 live Quarter Horse races daily

- 4. Daily post time TBA

Commissioner Guilbeau motions to approve; Commissioner Wagner seconds; motion carries.

5. WAGERING (LAC 35:XIII.Ch 103-127)

a. Approval for wagering format for 2015 Quarter Horse race meet:

- 1. WPS and Exactas on all races
- 2. Trifectas and Superfectas on all races that qualify
- 3. Rolling Pick 3 beginning on Race 1
- 4. Rolling Daily Double beginning on Race 1
- 5. Up to 2 Pick 4's
- 6. Super High-Five on last race
- 7. Pick Five ("Black Gold 5") on last 5 races

Commissioner Babb motions to approve; Commissioner Young seconds; motion carries.

6. STEWARD

a. Approval of Noble Hay, Jr. to serve as state steward for 2015 quarter horse meet.

Commissioner Young motions to approve; Commissioner Guilbeau seconds; motion carries.

2015/2016 THOROUGHBRED MEET

7. LICENSE APPROVALS

a. Approval for 2015-2016 Thoroughbred race meet:

- 1. For 10 year license to own and operate a racetrack, per R.S. 4:158 & R.S. 4:214
- 2. For 10 year license to own and operate OTB locations, per R.S. 4:211 et seq.
- 3. To serve as concessionaire

Commissioner Young motions to approve; Commissioner Taylor seconds; motion carries.

8. RACING DATES (R.S. 4:158A) AND POST TIMES

a. Approval for 2015-2016 Thoroughbred race meet:

- 1. Thoroughbred racing on the flat
- 2. 81 Thoroughbred race dates (11/19/15 through 3/27/16)
 - November 19, 20, 21, 22, 26, 27, 28, 29, 30
 - December 3, 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 20, 21, 26, 27, 28, 31
 - January 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 18, 21, 22, 23, 24, 28, 29, 30, 31
 - February 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 28
 - March 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 24, 25, 26, 27

Ms. Loney, the LSRC's attorney, advises that the Commissioners amend their prior approval of the Fair Grounds' 2015-2016 Thoroughbred Meet to include the language that they must hold a minimum of 9 live Thoroughbred races daily as requested by the LQHBA. Commissioner McHalfey motions to amend; Commissioner Turner seconds; motion carries.

AMENDED

- ~~3. Hold up to 18 live Thoroughbred races daily~~
- 3. Hold minimum of 9 live Quarter Horse races daily**
- 4. Daily post time 1:25 PM except:
 - November 26, 2015, 11:00 AM post time
 - February 7, 2016, 12:00 PM post time
 - December 12, 2015, January 16, 2016, February 8, 9 & 20, 2016, 12:30 PM
 - November 20, 2015, December 18, 2015, January 22, 2016, February 26, 2016 & March 11, 2016, 5:00 PM post time.

Commissioner Young motions to approve; Commissioner Babb seconds; motion carries.

9. WAGERING (LAC 35:XIII.Ch 103-127)

a. Approval for wagering format for 2015-2016 Thoroughbred race meet:

- 1. WPS and Exactas on all races
- 2. Trifectas and Superfectas on all races that qualify
- 3. Rolling Pick 3 beginning on Race 1
- 4. Rolling Daily Double beginning on Race 1
- 5. Up to 2 Pick 4's
- 6. Super High 5 on last race
- 7. Pick Five ("Black Gold 5") on last 5 races

Commissioner Young motions to approve; Dr. Grimstad seconds; motion carries.

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

- 1. **PROGRESS REPORT**, by *Trent McIntosh*. Mr. McIntosh informs that Harrah's Louisiana Downs ended their 46-day 2015 Quarter Horse Meet, which had 20 percent less races, three race dates cancelled, and 11 percent increase in purses. He says that their field sizes increased 18 percent year over year from 6.8 to 7.6, which helped increase the handle. Mr. McIntosh informs that Louisiana Downs is heading into the May 1st opening of their 2015 Thoroughbred Meet. He says that they will have Wednesday through Saturday racing rather than the typical Thursday through Sunday format. Mr. McIntosh states that Louisiana Downs has sold out all of its 4th Floor Suites and Sports Suites and has almost filled their Sky Room with a couple events that they are booking for opening day. He adds that they have a press conference on April 29th that usually has a turn out of about 100 people. He informs that billboard, radio, and TV advertising will be starting this weekend.

Mr. Patterson informs that the LQHBA and members were pleased with the results of the seven races a day through the end of February and eight races a day in March.

Mr. Ed Fenasci, Executive Director of the Louisiana Horsemen's Benevolent & Protective Association, says that they are concerned that the successes of the Quarter Horse Meet might not translate to the Thoroughbred Meet.

Mr. McIntosh informs that Senate Bill 135 is a request for reduction in race dates at Harrah’s Louisiana Downs and House Bill 419 requests that 10 percent of their slot revenues from Harrah’s Louisiana Downs would be deducted for track surface improvement and things of that nature. Commissioner McHalfey specifies the revenues would be for surface improvements, backside improvements, front side improvements, marketing, and customer relations.

Chairman Wright clarifies that the Commission as a whole did not introduce or suggest the bills. He states that the Commission will not express any position on the bills since they are legislative matters.

Discussion of the Fair Grounds’ Quarter Horse Meet Racing Dates and Amendments to Quarter Horse Racing Dates and Thoroughbred Racing Dates Approvals occurred here.

See Request By LQHBA and Fair Grounds Approvals on Pages 7, 8, and 9.

2015 THOROUGHBRED MEET

2. RACES

- a. Approval of first condition book for 2015 Thoroughbred race meet.
- b. Approval of designated races for the 2015 Thoroughbred race meet:

Louisiana Cup Day

- 8/8/15 Super Derby Prelude
- 8/8/15 Louisiana Cup Juvenile
- 8/8/15 Louisiana Cup Juvenile Fillies
- 8/8/15 Louisiana Cup Filly & Mare Sprint
- 8/8/15 Louisiana Cup Sprint
- 8/8/15 Louisiana Cup Turf
- 8/8/15 Louisiana Cup Distaff – Fillies & Mares

Super Derby Day

- 9/12/15 Super Derby (G2)
- 9/12/15 Unbridled
- 9/12/15 River Cities – Fillies & Mares
- 9/12/15 Happy Ticket - Fillies
- 9/12/15 Sunday Silence
- 9/12/15 LA Stallion Stakes – Colts & Geldings
- 9/12/15 LA Stallion Stakes - Fillies
- 9/12/15 A.L. “Red” Erwin
- 9/12/15 Elge Raspberry Sales Graduate - Fillies

Commissioner Young motions to approve the first condition book and the designated races; Commissioner Guilbeau seconds; motion carries.

3. STEWARDS, OFFICIALS & MANAGEMENT

- a. Approval of officials for 2015 Thoroughbred meet:

- Trent McIntosh – Director of Operations
- David Heitzmann – Racing Secretary
- Russell Ramstad – Assistant Racing Secretary
- William Coleman – Association Steward
- Charles Magee – Association Steward
- Jimmy Cordell – Starter

Richard Miquez – Clerk of Scales
TBA - Custodian
Ronald Ramstad – Placing Judge
Koleen Karlin – Placing Judge
Jennifer Sokol – Placing Judge
Joseph Peluso – Paddock Judge
Tammy Peck – Horse Identifier
Geneva Franklin – Program Coordinator/Claims
Betty Fetters – Clocker
*Melvin Holland – Clocker
Laura Hollowoa – Outrider
Juan Roman - Outrider
**new official*

Commissioner Young motions to approve; Commissioner Turner seconds; motion carries.

II. COMMITTEE REPORTS

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

No report.

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

No report.

C. LEGAL COMMITTEE, by *Committee Chairman Benjamin J. Guilbeau, Jr.*

Commissioner Guilbeau informs that issues will come up later in the Agenda. No report.

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

Commissioner Romero reports that the cases that the Commission heard in the past regarding Dermorphin have been to the Supreme Court and the Supreme Court ruled in favor of the sentences from the Racing Commission. The defendants have started to serve their sentences starting April 19, 2015. Mr. Gardiner adds that all of the trainers who were involved in the Dermorphin cases and all of the new trainers and owners to which these horses have been transferred are being forced to sign sworn affidavits stating that these transfers are legitimate and without financial arrangements between the suspended and new trainers.

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

No report.

III. OTHER

The Jockeys Guild requests to make a statement about jockey advertising. Commissioner Young motions to add the topic to the agenda; Commissioner Guilbeau seconds; motion carries.

Ms. Mindy Coleman, the Jockeys Guild in-house counsel, informs that the Jockey Guild will be submitting language to allow jockeys to wear advertising on their pants and on their collars. She says that the sponsorships will provide additional revenue sources, advertising and commercial exposure, and a new fan base for the industry in Louisiana.

Chairman Wright asks if there has been opposition to the Jockey Guild's advertising efforts. Ms. Coleman responds that there has been no direct opposition in Louisiana. She adds that the

Fair Grounds attempted to do the house rule like the State of Kentucky has in which they require the approval by the owner, by the race track, and the stewards.

Commissioner Babb asks if the Jockey Club has any rule or regulation regarding the size of lettering on a jockey's pants. Ms. Coleman informs that there are size and obscenity restrictions in the proposed language and they would have to be approved by the race track. She states that the Jockey's Club does not agree with Kentucky's current written language about jockey advertising needing owner approval because of annual agreements that a jockey has to keep.

Commissioner Davis asks if there has been apportionment of any remuneration from jockey advertising to the jockeys, trainers, and race tracks in other states. Ms. Coleman responds that, in Kentucky, the owner and jockey have to file a form that shows their agreed split of the jockey advertising profits in percentages and there is a separate form for approval from the owner, the jockey, the track, and the stewards. She adds that a lot of issues have arisen as a result of the way it's handled in Kentucky and it is not that way in California, New Mexico, and Texas.

Commissioner Babb asks about the advertising monetary value that jockeys would have. Ms. Coleman responds that the Jockey's Guild has only been involved in the Kentucky Derby and the Triple Crown races so far but the legislation in Kentucky has caused issues through litigation that has made the sponsors apprehensive. She informs that they were involved with the Breeders' Cup races when it was in California but it has returned to Kentucky, which is causing apprehension.

Dr. Grimstad asks about when an owner wants to advertise on the saddle cloth of his horse. Ms. Coleman informs that the saddle cloths are actually owned by the race tracks and the track is the one that handles the sponsorship of that race. She adds that the silks are owned by the owners and are not prohibited from advertisements.

A. Annual Renewal of Training Track Applications:

1. Review of applications for training track licenses pursuant to LAC 46: XLI.1903.

Ms. Loney asks the Commissioners if they want her to call up the representatives from the training tracks. Chairman Wright says to do it the quickest way.

a. Benton Training Center

Ms. Loney informs that the Benton Training Center's application is in order. Commissioner Turner motions to approve; Commissioner Young seconds; motion carries.

b. The Training Center at Copper Crowne, LLC

Ms. Loney informs that the Training Center at Copper Crowne, LLC's application is in order. Commissioner Young motions to approve; Commissioner Babb seconds; motion carries.

c. Folsom Training Center

Ms. Loney informs that the Folsom Training Center's application is in order. Commissioner Young motions to approve; Commissioner Babb seconds; motion carries.

d. Evangeline Enterprise, LLC

Ms. Loney informs Evangeline's application is in order. Commissioner Young motions to approve; Commissioner Babb seconds; motion carries.

IV. ADJUDICATIONS

A. VIOLATION OF LAC 35:I.1797 (*Equine Positive*)

1. Carlos A. Saldivar, Trainer (*Adjudication Referred*)

Ruling#ED20907 of 12/18/14 – Phenylbutazone & Flunixin (ARCI Category IV, Severity Level I) (3rd offense within a 12-month period)

Ms. Loney informs that Mr. Carlos Saldivar has requested continuance due to a death in the family. Commissioner Young motions to grant continuance; Commissioner Babb seconds; motion carries.

Commissioner Young motions for an Executive Session based on pending litigation; Commissioner Babb seconds; motion carries. Commissioners go into Executive Session.

B. REMANDS FROM DISTRICT COURT

1. John Soileau, et al. v. Churchill Downs Louisiana Horseracing Company, L.L.C., and Churchill Downs Louisiana Video Poker Company, L.L.C. et al.; Civil District Court, Orleans Parish; Docket No. 2014-3873; Div. "G"

In accordance with the Judgment signed on December 2, 2014 by Judge Robin M. Giarruso.

Attorneys –

Plaintiffs:

William L. Townsend, III, Esq.
Taylor Townsend, Esq.
Chris Guillet, Esq.

Defendants, Churchill Downs Louisiana Horseracing Co., LLC.

Fair Grounds Race Course & Slots:

David Waguespack, Esq.

Defendant, Louisiana Horseman’s Benevolent and Protective Association:

John L. Duvielh, Esq.

Rule to Show Cause on the Following Exceptions/Motions filed pursuant to the Notice of Hearing:

1) Motion to Transfer Suit from LSRC to the Gaming Control Board filed by Plaintiffs:

Chairman Wright denies the motion to transfer.

Mr. Guillet, Attorney for the Plaintiffs, states an objection for the record to the Chairman’s denial of the motion to transfer. He informs that the plaintiffs would request through the motion that the Commission state whether or not it has subject matter jurisdiction over deciding if the HBPA is the sole representative of quarter horsemen and deciding if the video poker funds should be paid solely to the thoroughbred purses pursuant to its interpretation of the statute. He says that if the Commission concludes that it doesn’t have subject matter jurisdiction over either or both issues, then the matter would go back to trial court for further proceedings.

2) Motion for Administrative Ruling Filed by Defendants, Churchill Downs Louisiana Horseracing Company, L.L.C., and Churchill Downs Louisiana Video Poker Company, L.L.C.

Chairman Wright states that before the Commission gets into the merits of the substance of the claims that the horsemen have, the Commission first wants to dispose of the Exceptions to make sure there is need to go forward with the merits.

3) Exception of No Right of Action and Lack of Procedural Capacity filed by Defendant.

Mr. Waguespack, Attorney for Churchill Downs, formally introduces Exhibit 1, a spreadsheet that shows the sources of purse money based on data from the Racing Commission, and Exhibit 2, an excerpt of the August 2014 Racing Commission meeting with comments from Mr. Morrell.

Mr. Townsend, Attorney for the Plaintiffs, objects to Exhibit 2 because Mr. Morrell was not under oath and was not subject to cross-examining. Chairman Wright allows the introduction of Exhibit 2.

Mr. Waguespack, Attorney for Churchill Downs, argues that Revised Statute 4:179.1 identifies the HBPA as the sole authorized representative of horsemen in saying that the HBPA "shall" represent the horsemen's interest with respect to purses. He informs that the video poker statute (27:438B, Subsection 5) gives the HBPA a security interest in purse funds and holds the funds in a trust for the HBPA, which further clarifies the HBPA's authority in the matter. He concludes that the plaintiffs don't have standing on the issue, so the suit should be dismissed.

Mr. Duvieilh, Attorney for the LAHBPA, says that the LQHBA demanded the HBPA to join with the Breeders Association in a lawsuit over the video poker monies but that Revised Statute 4:179.1 specifies that the HBPA "shall" represent horse owners and trainers, not breeders. He informs that the lawsuit was not brought up properly to the Board of the HBPA, which is the way the lawsuit should have been brought to the HBPA.

Commissioner Delahoussaye asks if there are currently any quarter horse trainers or owners on the HBPA Board. Mr. Duvieilh responds that there is not since the recent Board was elected about a year ago. Commissioner Guilbeau asks if an issue is presented formally noticed to the Board, but the Board takes the opposite position, would the aggrieved members have another remedy outside of the Board? Mr. Duvieilh responds that if the Board could not agree with the member, the member could seek the Board's approval to seek a remedy on its own, or the member could ask the Board to take its position despite their disagreement if the matter involves the HBPA's fiduciary duty to do what its members need done. He says that the HBPA Board would be obliged to make a clarification on the issue to the member and the entire HBPA membership.

Commissioner Taylor asks if a group of breeders would have to bring an issue to the HBPA, would they have to do it through a member or could they submit it by themselves? Mr. Duvieilh, Attorney for the LAHBPA, responds that only members can present issues to the HBPA and that the Breeder's Association is not an HBPA member. He clarifies that the winning owners get the purse monies, which then will trickle down to trainers, jockeys, and breeders. Commissioner Taylor asks if a breeder is not an HBPA member, then the breeder doesn't have a venue to make an argument over purses even though the monies trickle down to that breeder at some point? Mr. Duvieilh responds that breeders can only make arguments to the HBPA Board through a second party who is a member of HBPA. He says that breeders would need to make their arguments to their own organization to seek a remedy and that, in this case, the

Breeders Association is trying to seek remedy through the HBPA, which has no authority over the Breeders Association.

Commissioner McHalfey asks if the plaintiffs in this case are all horsemen. Mr. Duvieilh responds that they all are horsemen. Commissioner Guilbeau asks if the plaintiffs in this case are members of the HBPA? Mr. Duvieilh responds that they are.

Mr. Townsend argues that Revised Statute 4:179.1 originally said "LHBPA is the authorized representative" when the legislation was passed in 1977, which designated the LHBPA as the one and only representative with the language "the." He says that the act was amended to say "LHBPA is 'an' authorized representative" in the early 1980s rather than "the." He states that the LHBPA has aligned themselves with the Fair Grounds and that it is futile for the quarter horse horsemen plaintiffs to go to the LHBPA Board for a remedy. He says that the LHBPA Board ignored and failed to respond to the LQHBA's January 9, 2014 letter and that the LHBPA refused to help in the breeders' lawsuit filed in April, which shows that the plaintiffs can only seek remedy from the court system or the commission system.

The Commissioners go into Executive Session

Chairman Wright motions to reconvene at the next Commission Meeting to resolve the Motion for Administrative Ruling, the Exception of No Right of Action and Lack of Procedural Capacity. Chairman Wright requests the plaintiffs and defendants to submit memorandums with reference to clarification on the rights of breeders through the HBPA when they are denied standing and about the legislative intent behind RS 4:179.1, no later than 30 days from now. Commissioner Babb seconds; motion carries.

2. Joseph Randall Hebert v. LSRC; 14th JDC; Docket No. 2012-4923; Div. "A"

Further proceedings to consider additional evidence in accordance with the Judgment signed on March 6, 2013 by Judge D. Kent Savoie; Granting the Motion for Leave to Conduct Additional Discovery and Present Additional Evidence at the Trial of this Matter.

Violations of LAC 35.I1797 (Equine Positives). Referral/Appeal.

- a. Ruling#DD19538 of 7/14/12 – *Benzonatate (ARCI Category II)*
- b. Ruling#DD19540 of 7/14/12 – *Benzonatate (ARCI Category II)*
- c. Ruling#DD19542 of 7/14/12 – *Benzonatate (ARCI Category II)*
- d. Ruling#DD19543 of 7/14/12 – *Benzonatate (ARCI Category II)*
- e. Ruling#DD19550 of 7/14/12 – *Benzonatate (ARCI Category II)*
- f. Ruling#DD19555 of 7/18/12 – *Benzonatate (ARCI Category II)*
- g. Ruling#DD19556 of 7/18/12 – *Benzonatate (ARCI Category II)*
- h. Ruling#DD19557 of 7/18/12 – *Benzonatate (ARCI Category II)*

Attorneys –

Randall Joseph Hebert,

- Represented by Mr. Shane Hinch, Esq. and co-counsel Mr. Christopher LaCombe, Esq. of the Roach Law Firm.

Mr. Delahoussey motions to revisit the penalty phase of this case and recommends increasing the penalty to a 6 months suspension term and \$2,000 fine for each violation for a total of 4 years suspension and \$16,000 in fines; Mr. Romero seconds; motion carries.

3. **Kenneth L. Ramsey & Sarah K. Ramsey v. LSRC; 26th JDC; Docket No. C-145973**
Appeal of Stewards' decision to *disqualify* *Coalport*, from 1st place to 2nd place in the Unbridled Stakes, the 10th race on September 6, 2014 at Louisiana Downs.

In accordance with: The Judgment signed on March 27, 2015 by Judge Cox; Granting the Application for Leave to Present Additional Evidence at the Trial of this Matter, the matter is remanded to the Louisiana State Racing Commission for further proceeding consisting of: 1) taking the testimony of Mr. David Hooper; and 2) consideration of deposition testimony of Ms. Napravnik.

Attorneys -

Kenneth L. and Sarah K. Ramsey, owner of horse, *Coalport*, official 2nd place finisher.

-Represented by William S. Marshall, Jr., Esq.

OakLeaf T.C. L.P. (Royce Roberts) - owner of horse, *Benwill*, official 1st place finisher.

-Represented by Daniel G. Guidry, Esq.

Case Continued to the next Commission Meeting.

VI. ADJOURNMENT

Commissioner Guilbeau motions to adjourn; Commissioner Delahoussey seconds; Chairman Wright adjourns the meeting.



Charles A. Gardiner III
Executive Director