

LOUISIANA STATE RACING COMMISSION
MINUTES – September 30, 2020 Emergency Meeting

As transcribed by Barbara McGee, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Bob F. Wright, *Chairman*
Dr. Patrick Bernard
Leslie M. Bouie
Lane T. Cortez
Donald "Don" Cravins
Eddie J. Delahoussaye
K. R. "Ron" Finkelstein, O.D.
Roy Griggs
Benjamin J. Guilbeau, Jr.
Mike R. McHalfey
Louis Reine
Deano Thornton

ABSENT

Thomas B. Calvert

APPROVED

At the Commission Meeting of

3-30-2021

(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, September 30, 2020 at 3:00 PM on the Zoom Conference Call. Roll call was taken; a quorum was present.

I. ASSOCIATION REQUESTS

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

1. REOPENING REPORT

- a. Update/Discussion** on the steps taken to date and the plan going forward to reopen the backstretch at Delta Downs.

Mr. Chris Warren, Director of Racing at Delta Downs, informs that they are confident that they will meet both the projected October 27, 2020 date for opening the backside and the projected November 24, 2020 date for starting the live thoroughbred meet. He states that Delta Downs has amended its application to add 5 race days to make up Delta Downs' 84-day 2020-2021 Thoroughbred Race Meet, in agreement with the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA). He says that they will run Mondays through Thursdays, except for their opening week, in order to give horsemen a chance to run seven days a week and to produce more handle.

Commissioner Reine asks if Delta Downs will amend its 2021 quarter horse dates to ensure that there will be enough time to move quarter horses in and thoroughbreds out of the track. Mr. Warren responds that they are currently working with the horsemen's groups to agree on race date changes prior to submitting for Commission approval. Commissioner Reine asks if Delta Downs has a back-up plan in case their projected opening dates cannot be met. Mr. Warren responds that the contractors are confident that the dates will be met and they will navigate issues as they arise.

Commissioner McHalfey asks about the condition of Delta Downs' hotel complex. Mr. Warren responds that one of the properties' towers received a lot of damage and won't be back in service for the public until December but the other tower is fine and currently in use. Commissioner McHalfey asks if there will be rooms available for the horsemen at the start of the meet. Mr. Warren responds that there will be some room for the horsemen.

b. Discussion/Action on requests of horsemen to transfer purse monies and dates from Delta to Louisiana Downs.

Commissioner Guilbeau references that there has been a lot of correspondence received both in support of and opposition to maintaining the thoroughbred meet at Delta Downs, with a proposal from the opposition to move those race dates to Louisiana Downs.

Mr. Benard Chatters, President of the LaHBPA, informs that he is pleased with the progress that he sees at Delta Downs and around Vinton and that keeping the meet at Delta Downs will be a huge economic boost for southwest Louisiana Post-Hurricane Laura. He states that the LaHBPA is in favor of keeping the race meet at Delta Downs.

Commissioner McHalfey asks if the LaHBPA took the owners' and trainers' letters in support of moving the meet to Louisiana Downs into consideration. Mr. Chatters responds that LaHBPA takes all of the horsemen into consideration and that the list of names in favor of moving the meet to Louisiana Downs mostly includes people who do not participate in Delta Downs' thoroughbred meets and do not have stables there.

Commissioner Cortez asks if the LaHBPA discussed starting the meet earlier than November 24, 2020 with Delta Downs. Mr. Chatters responds that they discussed the earliest possible date that Delta Downs could open and that is their agreed earliest date.

Mr. Sam Breau, LSRC-licensed Trainer, states that he is ready to move into Delta Downs and that moving the meet to Louisiana Downs would not be feasible or worth it to him for moving his horses there.

Mr. Ed Fenasci, Executive Director of LaHBPA, informs that moving the meet to Louisiana Downs would include that caveat of added expenses to the LaHBPA and the horsemen for things like lost stall rent, production of the condition book, and bringing in racing personnel for the meet that the LaHBPA cannot fully anticipate and cover.

Mr. Joe Morris, Senior Vice President of Racing for Caesars Entertainment, states that Louisiana Downs is willing to help however it can based on the Commission's and horsemen's wishes but cannot take any additional financial losses to the company.

Ms. Nancy Jackson, LSRC-licensed Owner, states support for moving the meet to Louisiana Downs due to job-loss and financial strain of waiting for the meet to start later as well as the question of possible housing limitations and cost in Vinton.

Mr. Justin Jeansonne, LSRC-licensed Trainer, states support for moving the meet to Louisiana Downs or any other track as soon as possible due to the financial impacts horsemen have already sustained from race cancellations due to COVID-19.

Mr. Joseph Smith, LSRC-licensed Trainer, states support for moving the meet to Louisiana Downs due to the current conditions in Vinton and the financial impacts horsemen have already sustained from race cancellations due to COVID-19.

Ms. Linda Saffel, LSRC-licensed Owner, states support for moving the meet to Louisiana Downs due to the financial impacts horsemen have already sustained from race cancellations due to COVID-19 and paying stall rent for 60 days while waiting to race.

Mr. Steve Kuypers, Vice President and General Manager at Delta Downs, states that he is willing to call Mr. Charles Gardiner III, Executive Director of LSRC, every week to update the Commission about Delta Downs' status and whether they are on-schedule to meet the anticipated backside opening date and the anticipated starting race date.

2020-2021 THOROUGHBRED MEET

2. REQUEST BY BOYD RACING, LLC TO AMEND RACING DATES APPROVED ON JUNE 12, 2020 (R.S. 4:158A) DUE TO HURRICANE LAURA DAMAGE AS PROVIDED IN MEETING AGENDA

- a. **Approval** for 2020-2021 thoroughbred meet licenses as provided in Meeting Agenda.
- b. **Approval** for 2020-2021 thoroughbred meet racing dates as provided in Meeting Agenda.
- c. **Approval** for 2020-2021 thoroughbred meet wagering format as provided in Meeting Agenda.

Commissioner Reine motions, based on potential uncertainty of Delta Downs being able to meet the start date for the race meet, to order Delta Downs to submit a back-up plan to the Commission within 10 days for review; Delta Downs is subject to a \$10,000-per-day fine for violation of the order after the 10 days elapse, up to a total fine of \$100,000; Commissioner Bernard seconds; Poll Vote conducted by Mr. Gardiner, in which Yea means to vote to approve Commission Order and Nay means to vote against the Commission Order; 9 - Yea, 0 - Nay, 1 - Abstain; motion carries.

Commissioner Reine motions to approve Item #2 with April 12th, 13th, 14th, 15th and 16th added as race dates per Mr. Warren's request on behalf of Delta Downs; Commissioner Bernard seconds; Poll Vote conducted by Mr. Gardiner, in which Yea means to vote to approve Item #2 with the added race dates and Nay means to vote against Item #2 with the added race dates; 9 - Yea, 1 - Nay; motion carries.

3. RACES

- a. **Approval** of first condition book for 2020-2021 thoroughbred meet.
- b. **Approval** of designated races for 2020-2021 thoroughbred meet as provided in Meeting Agenda.

4. STEWARD

- a. **Approval** of Tom Davis to serve as state steward for 2020-2021 thoroughbred meet.

Commissioner Guilbeau motions to approve Items #3 and #4; Commissioner Reine seconds; motion carries.

Roger Heitzmann, Executive Director of the Louisiana Thoroughbred Breeders Association (LTBA), requests that Delta Downs consult with LTBA and Fair Ground prior to finalizing the dates of their designated races to prevent overlap. Mr. Warren states that Delta Downs will reevaluate the dates and submit them to the Commission.

2021 QUARTER HORSE MEET

5. LICENSE APPROVALS

a. Approval for 2021 quarter horse meet as provided in Meeting Agenda.

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

a. Approval for 2021 quarter horse meet as provided in Meeting Agenda.

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

a. Approval for 2021 quarter horse meet wagering as provided in Meeting Agenda.

Commissioner Reine motions to approve Items #5, #6, and #7; Commissioners second; motion carries.

Commissioners Reine and Guilbeau request that Delta Downs discuss amending its 46-day 2021 Quarter Horse Meet with the LaHBPA and the breeders associations to move back its start date to accommodate the amended thoroughbred dates and then resubmit to the Commission for approval. Mr. Warren agrees.

B. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

2020 QUARTER HORSE MEET

1. RACES

a. Approval of first condition book for Fair Grounds 2020 quarter horse meet being conducted at Evangeline Downs.

2. STEWARDS, OFFICIALS & MANAGEMENT

a. Approval of officials for 2020 quarter horse meet as provided in Meeting Agenda.

3. STEWARD

a. Approval of Charles Ashy, Jr. to serve as state steward for 2020 quarter horse meet.

2021 THOROUGHBRED MEET

4. LICENSE APPROVALS

a. Approval for 2021 thoroughbred meet as provided in Meeting Agenda.

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

a. Approval for 2021 thoroughbred meet as provided in Meeting Agenda.

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

a. Approval for 2021 thoroughbred meet wagering as provided in Meeting Agenda.

Mr. Fenasci informs that the LaHBPA requested Evangeline Downs to increase the minimum races per day to 9. Mr. Warren states that he discussed and agreed with Mr. Chatters for Evangeline Downs to have 8 minimum races on two days per week and 9 minimum races on the other two days per week for an average of 8.5 minimum races per day. Mr. Warren requests to amend Item #5a(3) to " Hold minimum of 8.5 live thoroughbred races daily (Wednesday through Saturday)".

Commissioner Guilbeau motions to approve Items #1, #2, #3, #4, #5, and #6 with the amendment to #5a(3) per Mr. Warren's request; Commissioner Reine seconds; motion carries.

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

Mr. Jason Boulet, Racing Director of Fair Grounds, informs that Fair Grounds and Delta Downs will be running overlapping thoroughbred races for 5 months and competing for horses to fill out their race cards, so they removed the four Wednesdays from their race weeks in March despite the objections from the LaHBPA for an 80-day thoroughbred meet. He states that both race tracks will also be competing with thoroughbred racing at Oaklawn Racing Casino Resort and Sam Houston Race Park and that the pandemic has caused race reductions all over the country and in Louisiana.

Commissioner Guilbeau asks if Fair Grounds' track has been opened to allow the horses stabled on the backside to workout. Mr. Boulet informs that horses began arriving on September 24, 2020 and they now have 66 horses on the backside with another 80 expected within the next five days. He states that they have COVID-19 protocols in place, which the horsemen have followed. He says that the track is under renovations and they are trying to schedule training for October 6th through 8th, which they'll officially announce on Friday.

Commissioner McHalfey asks how many displaced horses were received versus what Fair Grounds and LaHBPA expected from the LSRC Emergency Order of September 3, 2020. Mr. Boulet responds that they were expecting 400-500 horses who were affected by the hurricane evacuations but the actual number has been about 150 to 200 expected by the end of next week. He states that the official opening day for horses to move into Fair Grounds' backside is October 26, 2020.

Mr. Boulet requests that the Commission form a committee of the racing associations, the horsemen, and Commissioners who would discuss how to resolve race date overlapping issues. Commissioner Guilbeau responds that the Chairman can appoint committee members to address the issue and build from the previous agreements made from discussions last year to reduce overlapping race dates.

1. UNDISTRIBUTED THOROUGHBRED PURSE FUNDS

- a. Approval** of Undistributed Purse Funds from the Cancelled Races of the Final 6 Race Days of Fair Grounds' 2019-2020 Thoroughbred Meet to be Distributed at Fair Grounds' Proposed 2020-2021 Thoroughbred Meet.

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

2020-2021 THOROUGHBRED MEET

2. LICENSE APPROVALS

- a. Approval** for 2020-2021 thoroughbred meet as provided in Meeting Agenda.

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

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

- a. Approval** for 2020-2021 thoroughbred meet as provided in Meeting Agenda.

Mr. Fenasci informs that the LaHBPA Board are against Fair Grounds' proposed 76 thoroughbred race days because they want all racetracks to run their statutorily-required number of race days, which is 80 thoroughbred race days for Fair Grounds.

Commissioner Cortez asks if Fair Grounds would start a week earlier on November 19, 2020 and add four race days that week to make up the 80 statutorily-mandated minimum race dates. Mr. Boulet states that Fair Grounds couldn't get their full staff to come earlier than the proposed first race week and that they would be competing for out-of-state horses with their sister track, Churchill Downs, that week.

Commissioner Guilbeau motions to support a finding of force majeure affecting the Fair Grounds meet that justifies a reduction in total race dates under the statutorily-mandated minimum; Commissioner McHalfey seconds; Commissioner Reine objects the motion; Poll Vote conducted by Mr. Gardiner, in which Yea means to vote to approve the force majeure finding and Nay means to vote against the force majeure finding; 8 - Yea, 2 - Nay; motion carries.

Commissioners motions to approve Item #3; Commissioners second; Poll Vote conducted by Mr. Gardiner, in which Yea means to vote to approve Item #3 and Nay means to vote against Item #3; 9 - Yea, 1 - Nay; motion carries.

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

- a. Approval** for wagering format for 2020-2021 thoroughbred meet as provided in Meeting Agenda.

Mr. Boulet informs that Fair Grounds requests a change in the Pick N Wagering Rule to mimic the model language that Churchill Downs' wagering shows. Commissioner Guilbeau responds that the Rule change will need to undergo the formal rulemaking process prior to adoption.

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

5. RACES

- a. Approval** of first condition book for 2020-2021 thoroughbred horse meet.

6. STEWARD

- a. Approval** of Roy Wood to serve as state steward for 2020-2021 thoroughbred meet.

Commissioner Guilbeau motions to approve Items #5 and #6; Commissioner Bernard seconds; motion carries.

7. LASIX RULES EXCEPTION

- a. Approval** of Churchill Downs' request for an exception of Louisiana's medication rules in order to ban the use of Furosemide (Lasix) in the 2021 stakes races as provided in Meeting Agenda.

Mr. Boulet informs that Fair Grounds requests that these stakes races be run Lasix-free in order to conform with the other Kentucky Derby points-designated prep races and not lose their national standing or the points from their Kentucky Derby prep races.

Mr. Fenasci states that the LaHBPA Board does not support banning the use of Lasix in any races at any racetrack in Louisiana.

Commissioner Guilbeau motions to approve; Commissioner Bernard seconds; Poll Vote conducted by Mr. Gardiner, in which Yea means to vote to approve Item #7 and Nay means to vote against Item #7; 9 – Yea, 1 – Nay; motion carries.

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

2020 THOROUGHBRED MEET

1. RACES

a. **Ratification** of designated races for the 2020 thoroughbred meet as provided in Meeting Agenda.

2021 QUARTER HORSE MEET

2. LICENSE APPROVALS

a. **Approval** for 2021 quarter horse meet as provided in Meeting Agenda.

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

a. **Approval** for 2021 quarter horse meet as provided in Meeting Agenda.

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

a. **Approval** for 2021 quarter horse meet wagering as provided in Meeting Agenda.

5. STEWARD

a. **Approval** of Noble Hay to serve as state steward for 2021 quarter horse meet.

2021 THOROUGHBRED MEET

6. LICENSE APPROVALS

a. **Approval** for 2021 thoroughbred meet as provided in Meeting Agenda.

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

a. **Approval** for 2021 thoroughbred meet as provided in Meeting Agenda.

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

a. **Approval** for 2021 thoroughbred meet wagering as provided in Meeting Agenda.

Commissioner Reine motions to approve Items #1, #2, #3, #4, #5, #6, #7, and #8; Commissioner Guilbeau seconds; motion carries.

Commissioner Reine requests for discussion at a future Commission Meeting that Delta Downs officials inform the Commission about their plans regarding reinstalling their racetrack lighting and whether or not they plan to return to nighttime racing.

II. ADJOURNMENT

Commissioner Guilbeau motions to adjourn; Commissioner Bernard seconds; motion carries.



Charles A. Gardiner III
Executive Director