

**LOUISIANA STATE RACING COMMISSION**  
**MINUTES – July 16, 2018 Meeting**

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

**COMMISSIONERS IN ATTENDANCE**

Bob F. Wright, *Chairman*  
Dr. Patrick Bernard  
Thomas B. Calvert  
Donald "Don" Cravins  
R. Hamilton "Hammy" Davis  
K. R. "Ron" Finkelstein, O.D.  
Benjamin J. Guilbeau, Jr.  
Mike R. McHalfey  
Kenneth "Kenu" Romero  
Mike Shelton

**ABSENT**

Judy W. Wagner, *First Vice Chairperson*  
Eric G. Johnson  
Louis Reine

**APPROVED**

At the Commission Meeting of

8-27-18

(Date)



**Executive Director**  
**Louisiana State Racing Commission**

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the Chairman on Monday, July 16, 2018 at 9:05 AM in the Vieux Carré Room of the Monteleone Hotel, 214 Royal Street, New Orleans, Louisiana. Roll call was taken; a quorum was present.

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Commissioner Davis motions to approve the meeting minutes from the April 24, 2018 meeting; Commissioner Shelton 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, *Director of Racing*. Mr. Warren informs that Delta Downs' 46-day 2018 Quarter Horse Meet ended on July 7, 2018. He states that handle was up 17% and live handle was also up 17%. He says that the final race day produced over \$800,000 in handle and featured Louisiana-breds in 12 races, 8 of which were stakes races. He informs that they are updating the backside barns, stalls, and the racetrack in anticipation of Delta Downs' 84-day 2018-2019 Thoroughbred Meet, which starts on October 17, 2018. He states that the upcoming meet looks promising with new trainers showing interest. He says that Delta Downs hired a new Assistant General Manager, Mr. Jack Alea. Mr. Warren informs that Boyd Gaming has partnered with the National Thoroughbred Welfare Organization to combat the issue of horse slaughter. He says that Mr. Steve Kuypers, Vice President and General Manager of Delta Downs, has been assigned to oversee Delta Downs and Evangeline Downs full time.

2. **LIGHTING SYSTEM**

a. **Update** on Lake Charles Electric Company's May 22, 2018 letter regarding the operating status of Delta Downs' lighting system.

Mr. Warren informs that Lake Charles Electric Company, LLC, inspected Delta Downs' lighting system and wrote a letter to Mr. Kuypers that confirmed that the lighting system is in good working order.

**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 Ms. Carol Core has been promoted from Assistant General Manager at Delta Downs to General Manager at Evangeline Downs. He says that she will bring good changes to the food and beverage department and security. He states that Evangeline Downs' 84-day 2018 Thoroughbred Meet started on April 4, 2018 and handle is up 14%. He informs that heavy rain has led to a lot of scratches off the turf course but the turf has had nothing but positive reviews. He says that Evangeline Downs got a report from a lab stating that the dirt course is in great shape.

Commissioner Calvert requests a copy of the dirt course lab report. Mr. Warren agrees to provide it to the Commission. Mr. Warren informs that Mr. Kyle Ducote is still their consultant for the turf course but Mr. Ron Strahan, Associate Professor at the School of Plant, Environmental and Soil Sciences at Louisiana State University, hasn't returned to inspect the turf course in four months. Commissioner Calvert asks if there has been any breakdowns on the turf course since horses began running on it again. Mr. Warren responds that there was only one breakdown.

Commissioner Bernard asks how many staff members work on the turf course to keep it up. Mr. Warren responds that there are about six people who work on the course, including the track superintendent and backside crew. He says that two or three people tap down and fix the divots and the \$80,000 irrigation system maintains the turf moisture as needed. He states that one person cuts the grass and their consultant performs weed control using chemicals.

Commissioner Finkelstein states that there are few people maintaining Evangeline Downs' turf course because they are underpaid and more than one horse has broken down on the turf course. He says that it has been reported to him that the backside bathrooms have been locked for three weeks, which is unacceptable, and that there is little to no security on the backside. Commissioner McHalfey adds that he heard an issue with a veterinarian occurred because there was only one security guard on the backside who was working the gate. Mr. Warren responds that he only knows of one breakdown on the turf and will have to research about any others. He says that he has not heard any negative feedback on the turf course and that Ms. Core has hired extra security people so there will be two guards at the gate and one guard roaming the backside.

Mr. Warren informs that security showed up to the barn to take the report about the trainer who assaulted the veterinarian. He says that security reported to the stewards and the Opelousas Police showed up. Commissioner McHalfey says that there was another assault involving a female veterinarian. Mr. Warren says that, a few months ago, an unlicensed person was taken out of the backside but he doesn't know that case too well.

Commissioner Calvert asks, when a horse breaks down, does Evangeline Downs perform a system analysis to find the cause. Mr. Warren responds that the track superintendent works with the veterinarian to analyze horses that break down and looks at the area of the break down to see if there is any history of issues or track flaws that could have caused it. He says that horses sometimes take a bad step or break down for unknown reasons.

Mr. Warren informs that the five bathrooms on the backside were vandalized and broken by the backside people who use them and repairs took at least two weeks before they were opened again. Commissioner Bernard asks why the bathrooms took so long to fix.

Mr. Kuypers informs that he will bring Ms. Core to the August Commission Meeting to introduce her. He says that they now have a designated security rover for use on the backside. He states that the situations under discussion will be corrected and shouldn't be a problem by the next Commission Meeting. Commissioner Romero asks for further details about the one security guard that will patrol the backside. Mr. Kuypers responds that Evangeline Downs will have the three security guards as stated, which is the same model that Delta Downs uses. He says that they have discussed adding a fourth security guard for Friday and Saturday nights to help patrol. Commissioner Romero states that it is urgent to have security roaming the backside on foot because they will notice prohibited activity more than security in a vehicle.

Commissioner Shelton asks if Evangeline Downs has security cameras on the backside. Mr. Kuypers responds that they do not have security cameras there. Commissioner Shelton says that they may have been able to record the people who vandalized the restrooms. Mr. Kuypers states that he will talk to his surveillance department to see if they can install a security camera. Commissioner McHalfey suggests that the receiving barn would be a good place for a security camera due to prior incidents. Mr. Kuypers informs that he'll report back at the next Commission Meeting about the possible addition of security cameras.

**2. REQUEST BY LAHBPA**

**a. Discussion of Evangeline Downs running less than 9 thoroughbred races on July 11, 2018.**

Mr. Warren informs that Evangeline Downs and Louisiana Horsemen's Benevolent and Protective Association (LaHBPA) have had numerous conversations about the number of races and horse quantity at the track. He says that they discussed reducing July 11, 2018 to 8 races but did not have a written agreement to hold less races in a day than approved by the Commission, which is required. He states that Evangeline Downs ran an extra race a few days later to make up for the missing race and that the mistake will not happen again.

**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 will be receiving horses starting on July 20, 2018 for its upcoming 10-day 2018 Quarter Horse Meet starting on August 16, 2018 through September 8, 2018. He says that the stall application process is complete and they are expecting 550 to 600 quarter horses. He states that Fair Grounds' 81-day 2018-2019 Thoroughbred Meet will start November 17, 2018. He says that Mr. Scott Jones, Racing Secretary at Fair Grounds, was helping at Churchill Downs for the Kentucky Derby and reported that there is a lot more interest from new horsemen in coming to Fair Grounds this upcoming thoroughbred meet due to scheduling and other tracks moving race dates. Mr. Boulet informs that backside renovations, maintenance, and capital projects will continue with support from Churchill Downs. He says that the turf course rebuilding is on schedule as the Bermuda grass is growing with a viable root

system. He acknowledges the death of Fair Grounds' racing community members, Mr. Andrew Ney, Trainer, and Ms. Shantel Lanerie, wife of Jockey Corey Lanerie. He states that Mr. Doug Shipley, President of Fair Grounds, has had a focus on customer service since joining the team. He says that they held a Hawaiian-themed VIP appreciation supper for customers of their slots, video poker, and racing and they will host an appreciation luncheon for their OTB customers. He informs that Fair Grounds will host a National Horseplayers Championship handicapping tournament on December 22, 2018, which will coincide with one of their stakes days. He says that Fair Grounds has a new OTB open in Destrehan and another to open in Meraux, which is their second OTB serving St. Bernard Parish, pending State approvals that will increase their total to 13 OTBs.

Commissioner Calvert asks for an update on the Fair Grounds' challenges with the Environmental Protection Agency (EPA). Mr. Boulet responds that they had a meeting with corporate and have had discussions with the Department of Justice, EPA, and the Sewerage and Water Board of New Orleans (SWBNO). He says that Churchill Downs Incorporated is committed to resolving the issues, which will take millions of dollars to do. He states that, after Jazz Fest in 2019, they will build wash stations on the backside next to the barns in order to keep water off the concrete, separating sanitary drains from the storm water drainage system. He informs that SWBNO performed a surprise inspection this year, which led to a fine of almost \$20,000. He says that Fair Grounds needs the horsemen to cooperate with their efforts to resolve the environmental issues. Commissioner Calvert asks for any suggestions for the Commission to assist the Fair Grounds in making the horsemen comply with the EPA rules. Mr. Boulet informs that the LaHBPA has been supportive, though some trainers gripe about the compliance requirements. He says that Fair Grounds has hired four people to act as a security force to enforce EPA compliance on the backside and has installed 19 cameras to monitor the horsemen for both EPA and security issues.

Commissioner Romero asks if attendance is holding up in the casino without a race meet. Mr. Boulet responds that their finance director has shown that all aspects of their business have shown growth in the past six months, despite other casinos in the area showing declines.

Commissioner Davis asks how the Evangeline Training Center's closing will affect the Fair Grounds. Mr. Boulet responds that Fair Grounds has a maximum of 50 stalls per trainer and trainers with many horses typically used that facility for their overflow of horses, which benefitted both Fair Grounds and Delta Downs field sizes. He says that they are concerned because the closure will affect 400 to 500 horses that would compete at Fair Grounds in the winter and may go to competing states or racetracks. He states that Fair Grounds and LaHBPA have discussed the issue that there are about 150 horses who will be displaced by Evangeline Training Center's closure on August 15, 2018 and are in negotiations to allow the horses to stable at Fair Grounds earlier than they usually do.

Commissioner Romero asks if Delta Downs is working with Fair Grounds and LaHBPA on the issue of Evangeline Training Center's soon-to-be displaced horses. Mr. Boulet responds that he can't speak to what the other tracks have discussed on the issue but that the Louisiana racetracks will need to work together because this closure will necessitate more negotiations between the racetracks and LaHBPA on changing move-

in and move-out dates. Commissioner Davis offers the Commission's help in resolving this issue however it can.

Mr. Boulet informs that Mr. Shipley has been trying to build morale between employees of all business units of the Fair Grounds, in part by creating a music video with the employees. He says that Churchill Downs Incorporated enjoyed the video so much that it is getting all of its properties to produce employee music videos involving a contest for the best submission. He states that Fair Grounds is going to bid for the best place to work in New Orleans, which it has vied for the past 5 years with top three placement in two of those years. Mr. Boulet plays the Fair Grounds video for the Commission.

Mr. Benard Chatters, President of the LaHBPA, informs that Evangeline Training Center's closing will have a very negative effect on Louisiana horsemen. He says that LaHBPA is appreciative of the negotiations with Fair Grounds but the situation may be shifting to need the racetracks to house race horses year round. He thanks Boyd Gaming for its promises to resolve security issues. He states that Evangeline Downs has done a great job on getting the turf course functional. He says that the pressure needs to stay on the racetracks to continue improving.

**2. DISCUSSION OF AMBULANCE ON TRACK**

**a. Letter by Jockey Kerwin D. Clark, dated June 4, 2018.**

Mr. John Beech, Regional Manager of the Jockeys' Guild, introduces Mr. Kerwin Clark. Mr. Clark thanks the Commission for allowing him to speak. He informs that he had the worst fall from a horse in his life as a jockey on March 15, 2018 at Fair Grounds. He says that he always expected to be taken care of in case of a bad accident on the track by the paramedic team but it took them 59 minutes to bring him to University Medical Center New Orleans (UMCNO) two miles away. He informs that he suffered ten broken ribs, a collapsed lung, and a jaw broken in four places. He states that he wrote a letter and got in contact with Acadian Ambulance Service to ask about the lack of urgency. He informs that the paramedic wrote in his report that Mr. Clark's vitals were normal and put him in the nurse's station for 25 minutes, during which two fellow jockeys stayed with him. He says that he wants to make sure that never happens to another rider. He states that the Jockeys' Guild and Fair Grounds have been in negotiations to prevent future issues, which includes agreeing to build a helipad for emergencies.

Mr. Boulet said that he was present during that situation and two riders expressed concern about the procedure that was followed in Mr. Clark's situation. He informs that he reached out to Acadian Ambulance Service and Mr. Reed Miller and the paramedic on duty during Mr. Clark's accident are present (two representative are present to answer questions). He states that there was a meeting on March 22, 2018 with the Fair Grounds Stewards, three members of the Jockeys' Guild, a representative from the Jockeys' room, the two Acadian representatives that are present today, and himself. He says they discussed the procedure and came to the understanding that the supervising paramedic on duty has to make the decision whether and when to transport injured people to hospital. He asks if the parties can address with the Commission today a mutually acceptable way to deal with their medical emergency procedures.

Commissioner Calvert asks how many ambulances are at Fair Grounds on any given day. Mr. Boulet responds that there is an ambulance that follows the horses during races and a back-up ambulance sitting at the nurse's aide station. Commissioner Calvert asks

if the problem was waiting for another ambulance to arrive or not. Mr. Boulet responds that three jockeys went down, including Mr. Miguel Mena with a leg injury, another jockey with no injury who walked off, and Mr. Clark. He informs that in incidents with injuries, the protocol with Acadian Ambulance Service is to communicate with the State Steward, who coordinates what actions to take, and the head paramedic advises the State Steward on medical issues. Mr. Boulet confirms that Fair Grounds will set out a painted area for helicopter in case of a trauma situation.

Commissioner Calvert asks if one of the ambulance brought Mr. Mena to UMCNO and how long it took if so. Mr. Boulet responds that Mr. Mena was brought to the nurse's station to wait for transport because he was stable and was transported a few minutes after Mr. Clark. Commissioner Calvert says that the current protocol on the medical decision making is not in the jockey's best interest and should be focused on protecting the riders. Mr. Boulet states that Fair Grounds' staff relies on Acadian Ambulance Service's expertise and they may have to change protocol to prevent future issues like this, such as automatically bringing people injured on track to the hospital.

Chairman Wright asks when Fair Grounds plans to determine the possible protocol update to address this issue. Mr. Boulet responds that they should have it in place the first week of August. Chairman Wright requests that Fair Grounds provide the findings and determinations as soon as possible. Mr. Boulet agrees.

Commissioner McHalfey states that there are other racetracks currently running and there should be a better protocol put in place today to prevent another accident. Mr. Beech says that one of the Jockeys' Guild's concerns is that, while Fair Grounds has a trauma center down the road, the other racetracks don't have nearby trauma centers, so he discussed putting in helipads at the racetracks with Mr. Boulet, Mr. Kuypers, and Mr. Clark this morning.

Commissioner Shelton asks if the paramedics consult with a doctor immediately. Mr. Clark informs that a trainer's girlfriend got kicked in the face by a horse recently and both Opelousas General Health System and Lafayette General Medical Center couldn't take care of her, which led her to be transported all the way to Alexandria. He says that they can't transport to trauma centers out-of-state, so they can't utilize Beaumont's trauma center.

Commissioner Romero asks if the ambulance was delayed due to a race that was getting started. Mr. Boulet responds that he is not sure. Commissioner Romero states that Mr. Clark should have been taken in the ambulance immediately and that Mr. Boulet should delay the races for however long it takes from the ambulance to return.

Mr. Reed Miller, Operations Supervisor for Acadian Ambulance Service, and Mr. Dennis Raymond Redman, Jr., Paramedic Field Supervisor for Acadian Ambulance Service who was present for Mr. Clark's incident, introduce themselves. Commission Calvert asks what training is involved with Mr. Redman's position as a paramedic. Mr. Redman responds that he as a paramedic is at the level of a nurse trained in the field and has to pass a national certification test annually along with being certified in Orleans Parish and Jefferson Parish. Commissioner Calvert asks if Mr. Redman is capable of and allowed under Louisiana law to make medical a diagnosis. Mr. Redman responds that he can make a medical diagnosis to the degree of his protocol and is only allowed to work under his doctor's license, who can be any doctor at UMCNO.

Commissioner Calvert asks who would have been the doctor supervising Mr. Clark's care. Mr. Redman responds that it would have been the supervisor at the receiving hospital, UMCNO, but he does not know who specifically because he was not the paramedic who contacted the hospital. Commissioner Calvert asks who triaged Mr. Clark. Mr. Redman responds that he triaged Mr. Clark and the other two jockeys. Commissioner Calvert asks why Mr. Redman can't identify who the physician at UMCNO was that the paramedic contacted. Mr. Redman responds that his care was transferred over to an equal level paramedic, who is not at this meeting, and he doesn't currently have a record that reflects who the physician was.

Commissioner Calvert asks if Mr. Redman was responsible or not for the 59-minute delay in transporting Mr. Clark from Fair Grounds to UMCNO. Mr. Redman responds that he was in charge of Mr. Clark's care for the first half of the incident according to protocol but, since he was in charge of three patients in the multi-casualty incident, he had to triage, secure, and move all three patients to a stable environment. Commissioner Shelton asks for an explanation of the 59-minute delay. Mr. Redman says that the time was for stabilizing the three patients. Mr. Miller informs that the first aid paramedic in the second ambulance works alone because the second ambulance serves as a back-up in case the first ambulance breaks down.

Commissioner Calvert asks if the second ambulance is not really utilized to provide health care since it is just a back-up. Mr. Miller clarifies that the paramedic in the second ambulance can provide medical care but cannot transport. Mr. Redman informs that the uninjured jockey walked out of the first aid station but didn't leave the track. Commissioner Shelton asks if the paramedics see anything wrong with the protocol as it was followed. Mr. Miller responds that Acadian Ambulance Service is open to suggestions for changing the protocol. Commissioner Shelton says that the paramedics are the medical experts to whom people defer.

Commissioner Calvert asks if the person who made the determination to delay transport for 59 minutes is present. Mr. Redman responds that the other paramedic involved is not here but Mr. Redman takes full responsibility for the incident. Mr. Redman informs that he never declared that Mr. Clark's vital signs were normal but did declare that his vitals were not in critical condition. Mr. Miller states that the paramedics operate under a physician's medical license and the physician outlines their protocols to follow about what determinations they can make with or without contacting a physician. Mr. Redman says that he doesn't know if Mr. Scott Weiss, the transporting paramedic, contacted the physician and the transporting paramedic is responsible for contacting the physician. Mr. Miller states that Mr. Weiss would have had to call to advise the physician at the receiving hospital that he was transporting the patient and what injuries and ailments they have observed on the field. He informs that their general protocol is that, if the patient is stable, the ambulance stays on track and they contact one of their street crews to dispatch the nearest ambulance for transport.

Commissioner Shelton asks if the issue is that the protocol is defined in the contract between Acadian Ambulance Service and Fair Grounds. Mr. Miller responds that the protocol is an agreement between Acadian Ambulance Service and Fair Grounds but he doesn't know specifics of the contract. Commissioner Calvert asks if the paramedics are economically incentivized in any way to prevent someone like Mr. Clark from getting to the emergency room on a timely basis. Mr. Redman and Mr. Miller respond that they are not incentivized. Commissioner Calvert states that the Commission needs to see the

protocol that determines what the paramedics are supposed to do when a jockey is injured on the racetrack.

Chairman Wright states that representatives from all racetracks and the paramedics need to meet to agree to a protocol that can accommodate situations in which there are more than two incidents at a time. He asks if having three ambulances on-track in this incident would have prevented the delay. Mr. Miller responds that, if there was a third ambulance present on that day, they could have transported Mr. Clark immediately. Chairman Wright asks if there was a provision in the case of two incidents that a third ambulance is called to assist. Mr. Redman responds that it is a provision and that was followed in that incident.

Commissioner Shelton asks if Mr. Redman handed off Mr. Clark to Mr. Weiss. Mr. Redman responds that Mr. Clark was never left unattended because the first aid medic, Ms. Trey Evans, was there to stabilize him with two ambulances en route to Fair Grounds. He says that he was stabilizing Mr. Clark on the stretcher, which took more time, as the ambulances arrived and five medical attendants, three equal to his paramedic level, were present at that time. He states that the paramedic has to call the hospital for each patient individually, so he is not sure who called for Mr. Clark.

Chairman Wright asks who would be the best person to take charge of putting the study together to create a better protocol to handle these situations. Mr. Miller volunteers to take charge. Mr. Beech requests that the Jockeys' Guild representative be included in the study and protocol decision.

Commissioner Calvert motions that all Louisiana racing associations, Acadian Ambulance Service, and Jockeys' Guild develop a report and shared protocol for dealing with people who are injured on a racetrack and how to transport the injured to a facility that can provide the best medical care in their communities by the next Commission Meeting; Commissioner Davis amends the motion to include Bossier Parish Emergency Medical Services, which services Louisiana Downs, in the study and decision making, Commissioner Shelton seconds; motion carries.

**2018 QUARTER HORSE MEET**

**3. RACES**

- a. **Approval** of first condition book for 2018 quarter horse meet.
- b. **Approval** of designated races for the 2018 quarter horse meet as provided in Agenda.

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

**2018-2019 THOROUGHBRED MEET**

**4. REQUEST TO AMEND DAILY POST TIME AND EXCEPTION POST TIMES TO INCLUDE STARLIGHT RACING AND TWILIGHT RACING (as listed in Agenda)**

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



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

1. **PROGRESS REPORT**, by Mr. Mike Rich, *Senior Vice President and General Manager*, and Mr. David Heitzmann, *Director of Racing*. Mr. Rich informs that Mr. Trent McIntosh has been promoted by Caesar's Entertainment from Assistant General Manager at Louisiana Downs to Senior Vice President and General Manager of Hoosier Park Racing & Casino in Indianapolis. He states that Mr. David Heitzmann has been promoted from Racing Secretary to Director of Racing and Racing Secretary and Mr. Eric Halstrom has been hired to fill the position of Vice President of Operations starting July 25, 2018. He says that Louisiana Downs will work with the aforementioned group to develop a shared paramedic protocol.

Mr. Heitzmann informs that Louisiana Downs' 84-day 2018 Thoroughbred Meet has held 39 race days and run 274 races, down from 282 races last year. He states that average starters per race is 7.22, down from 7.83 in 2017, and they ran 35% of their races on the turf. He says that average handle is \$109,863, down from \$116,281 in 2017, and average purse is almost flat at \$11,255, slightly up from \$11,151 in 2017. He states that the handle is up 6% from 2016 but it is down from last year in part because of trouble with field size. He informs that opening week in 2017 had 59 ship-ins but this year only had 7, which could be due in part to competition for horses from Evangeline Downs. He says that Lonestar Park elevated their bottom sized handle to almost double compared to Louisiana Downs due to reducing their racing schedule to three days a week.

Mr. Heitzmann states that Louisiana Downs had a big, excited crowd for Kentucky Derby Day and good crowds for Preakness Day and Belmont Day. He informs that their 4<sup>th</sup> of July race day was one of the biggest days he's seen at Louisiana Downs in eight years. He says that those special days featured food trucks and kid zones with water slides, face painting, and bounce houses. He says all overnight races, up to and including \$12,500, were be increased by \$1,500 and all other purses were raised by \$1,000. He states that the LaHBPA backside committee has been pleased with the backside maintenance, how quickly work orders have been performed, and the turf course. He says that the committee requested misting fans to be installed in every stall rather than every other stall, which have been ordered.

Mr. Heitzmann informs that Louisiana Downs has had a special money-back promotion with TVG on Mondays and Tuesdays through July, in which placing a win bet up to \$10 on a horse that shows or places will give the money back to the bettor. He says that those outlets have been up 40% on Louisiana Downs races and they will continue the promotion through August if the numbers are still strong.

Chairman Wright asks if the promotions that Louisiana Downs has tried have generated more interest in people coming to the track. Mr. Heitzmann responds that they held exotic animal races on the 4<sup>th</sup> of July later in the race card this year, which seemed to keep the crowd on the track the whole day.

Commissioner Davis asks what is making Lonestar Park more attractive along with their purses going up. Mr. Heitzmann responds that they reduced their race weeks from 4 days to 3 days to increase the average handle but doesn't know if they reduced their total number of races.

Commissioner McHalfey asks why the doors from the grandstand to the apron are always locked. Mr. Rich responds that he will have to look at that and get back with the answer.

## II. BREEDER UPDATES

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

1. **PROGRESS REPORT**, by *Mr. Roger Heitzmann, Secretary-Treasurer*. Mr. Heitzmann informs that LTBA went through its legislative audit and came out with a clean slate. He says that LTBA showed a profit for the first time in 10 years due to cuts made to staff, insurance, employee benefits, and breeders awards. He states that the major farms in Louisiana are reporting an increase in breeding their mares this year due to the influx of new stallions. He informs that LTBA held its annual meeting and gave awards out, including the 2017 Horse of the Year award to Big World. He says that they held Louisiana Legends Night at Evangeline Downs on May 26, 2018 with Social Misfit winning the \$100,000 Louisiana Legends Classic. He states that Seaside Amour won the \$50,000 Acadiana Stakes on June 22, 2018 and Autumn Warrior won the \$50,000 Lafayette Stakes on June 23, 2018. He informs that they recently sent out membership forms, are receiving futurity payments, and are in the process of doing their accreditations. He says that Mr. Nathan Granger has stepped down from the LTBA Board and the opening was filled by Mr. Carrol Castille. He states that LTBA will be awarding \$900,000 to owners for stallion awards during the first week of August

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

1. **PROGRESS REPORT**, by *Mr. Tony Patterson, Executive Director*. Mr. Patterson informs that he will provide stats updates on a Power Point presentation at the August Commission Meeting. He introduces Mr. Ron Robichaux, newly elected President of the LQHBA Board. He says that they held LQHBA scholarship drawings at Delta Downs on the last quarter horse race day of the meet on July 7, 2018 and thanks Commissioner Guilbeau and Commissioner of the Louisiana Department of Agriculture and Forestry, Dr. Mike Strain, for attending. Commissioner Guilbeau thanks Delta Downs for an exceptional race night with an energetic crowd. Mr. Patterson informs that the total purses for that night were over \$1,400,000, of which \$640,000 came from the LQHBA members. He says that they are looking forward to the upcoming Fair Grounds meet. He states that the 42<sup>nd</sup> Annual LQHBA Yearling Sale will be held from August 2, 2018 through August 4, 2018 at the Coushatta Casino in Kinder, Louisiana and will feature a record number of 638 yearlings consigned. He says that the market is looking good with new buyers from other states and international buyers.

## III. COMMITTEE REPORTS

### A. MEDICATION COMMITTEE, by *Committee Chairperson Judy W. Wagner*

Commissioner Wagner is absent. No Report.

### B. RULES COMMITTEE, by *Committee Chairman R. Hamilton "Hammy" Davis*

No Report.

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

No Report.

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

No Report.

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

Commissioner Cravins informs that, in the 2018 Regular Louisiana Legislative Session, the racing industry was left behind with no participation or accomplishments while the river boat casinos were given authority to build on land, which will kill the racing industry. He says that the river boat casinos will expand to about 15 land-based casinos that will take, at most, four years to get in full production and he doesn't believe that there will still be four Louisiana racetracks operating in the next five years. He states that the racetracks can't compete with those land-based casinos, Native American casinos, and now slot machines in truck stops.

Mr. Dan Real, Regional President - South at Caesars Entertainment, introduces himself and says that the casino industry is not killing the racing industry, though he agrees with Commissioner Cravins that the racing industry needs to move forward. He informs that he's talked with Louisiana Downs' management about issues brought up at Commission Meetings over the years but the racing industry issues are bigger than just Louisiana. He states that he wants to work with the Commission to improve the industry as a whole rather than being viewed as part of a competitive gambling industry.

Commissioner Cravins says that the racetrack operators only put minimal effort into promoting racing and gambling dollars are limited. Mr. Real states that they have produced significantly more promotions. Commissioner Cravins disagrees. Commissioner McHalfey informs that this is the first time he's heard of Mr. Real.

Commissioner Shelton agrees that the business model of racing has to change but says the associations have to get unified and organized before the industry can progress. Mr. Real offers to answer any questions and provide help to the Commission however he can. Commissioner McHalfey states that he will contact Mr. Real.

**F. FINANCE COMMITTEE, by Committee Chairman Louis Reine**

Commissioner Reine is absent. No Report.

**IV. OTHER**

**A. DISCUSSION OF GENERAL RACE DATES IN LOUISIANA**

**1. Presentation by the Licensed Race Tracks.**

Mr. Kuypers informs that representatives from all of the racing associations had a 3-hour meeting with Mr. Chatters regarding fixing the overlap of race dates and move-in and move-out dates. He says that they are all meeting again in two months to further discuss working out race date issues after doing there due diligence.

(See page 17 for further discussion on this topic that occurred later in the meeting.)

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A 15-minute recess is taken.

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**B. DISCUSSION OF HORSE SLAUGHTER**

1. Presentation by Ms. Maggi Moss representing the National Thoroughbred Welfare Organization (*10 minutes*).

Ms. Moss introduces herself and states that she is an owner who has raced horses in Louisiana for 18 years and has been named leading owner for about 9 years. She says that she joined the National Thoroughbred Welfare Organization (NTWO) and its President, Ms. Victoria Keith, because she feels that they can make a difference. She informs that she has intimately studied horse slaughter, kill pens, and race horses' welfare for 10 years and started many organizations with no success in her past horse rescue efforts. She says that, about four years ago, she took on the Stanley Brothers from Bastrop, Louisiana who are one of the biggest kill buyers in North America but backed away due to getting threatened and fearing for her horses' safety. She states that Louisiana's kill buyer situation is exacerbated by its breeding program and awards, which lead to a flux of horses that are too frail or slow, and lucrative purse money for low-level claiming races to fill race cards.

Ms. Moss informs that Evangeline Downs and Delta Downs are close to the two biggest kill buyers in the south, Thompson Kill Pen in Pitkin, Louisiana, and the Stanley Brothers, and the attitude of certain Louisiana horsemen who sell their horses to auctions or kill pens is that horses are like cattle. She says that there is no big farms or rescues in Louisiana to properly re-home the horses and there is no money granted from Louisiana's associations or governing bodies to rescue efforts. She states that she started the anti-slaughter policy in Louisiana five years ago with Mr. Roy Wood, State Steward for LSRC, that would revoke stalls from horsemen who knowingly sell horses to slaughter or kill pens but more horses are shipping-in to the receiving barns at Delta Downs and Evangeline Downs than are being housed in the normal stalls. She informs that the people who want to get rid of horses quickly and anonymously send their horses to the local kill pens, which ship those horses to Mexico where slaughter is legal.

Ms. Moss says that the kill buyers are buying horses at Louisiana auctions and Mr. Jacob Thompson of Thompson Kill Pen has created a lucrative cycle of advertising the horses for slaughter who recently raced at Delta Downs or Evangeline Downs on social media. She states that this has generated massive negative publicity for Louisiana racing, as well as causing horses to sell at higher prices due to creating panic among rescue groups that try to crowdsource to raise the money. She informs that the NTWO wants to intercept the horses at the racetrack before being sent to auction or, in the worst case, at the auctions and then ship them to Kentucky to re-home those horse. She states that they are going to put posters up at the racetracks with their phone numbers and try to educate horsemen about the slaughter issue. She says that she is meeting with representatives of the Louisiana Governor's Office after leaving this meeting.

Commissioner Shelton asks Ms. Moss to clarify what she is requesting from the Commission. Ms. Moss responds that she is willing to come to Commission Meetings to work on the anti-slaughter policy and requests that the Louisiana racetracks provide \$5 for each starter in all races to NTWO, which is similar to what other racetracks are doing in the country. She says that NTWO will provide a full transparent accounting of the money received at every Commission Meeting and help provide positive public relations about Louisiana racing.

Commissioner McHalfey asks if there will be a full-time NTWO contact person at each racetrack who can immediately intercept horses before they go for auction or to a kill pen. Mr. Moss responds that NTWO has a national hotline number and the horsemen will meet the local representatives to get their contact information. She informs that Boyd Gaming is going to supply NTWO with stalls in which they can hold rescued horses until their transport to Kentucky is ready and try to adopt them out using their contacts on the East Coast.

Commissioner Bernard asks how much NTWO is willing to pay for horses. Ms. Moss responds that the kill pens are extorting \$800 to \$1,000 per horse under threat of slaughter from rescue groups like the icareihelp Thoroughbred Rescue. She informs that the price of a horse may be \$500 to \$800 but the cost of treating injuries, shipping, and re-homing the horses is where the expense really lies. Commissioner Shelton asks if NTWO is only giving horsemen an option to re-home their unwanted horses as opposed to making a few hundred dollars from the kill pens. Ms. Moss responds that NTWO wants to educate horsemen about the benefits of giving them the horses rather than selling to possible kill buyers.

Commissioner McHalfey asks if NTWO has any other ideas for funding. Ms. Moss responds that they are going to host fundraisers in Kentucky and Louisiana and are almost designated as a 501(c) organization to receive donations. She informs that they raised \$1,000 at a bake sale in Fasig-Tipton last week.

Commissioner Calvert asks if they would enact the \$5 per starter as a legislative rule or through the Commission's rule-making authority. Ms. Moss responds that the Commission should have the authority to enact it and that the program she started at Prairie Meadows only required the permission of the racetrack and horsemen's bookkeeper. Ms. Rhea Loney, counsel for the LSRC, advises that the Commission currently has an opt-in system, in which owners and trainers can opt-in to provide \$5 for each start towards rescue, but the action would need to be done legislatively because the legislative law regarding purse money clearly outlines where the money should go.

Commissioner McHalfey asks if the Commission can enact an opt-out system, in which the money is taken automatically unless the horsemen opt out of the program, without going to the legislature. Ms. Loney advises that there were concerns about an opt-out versus an opt-in system in past Commission conversations. Ms. Moss informs that, in other jurisdictions, an opt-out program was allowed as long as there was a written notice in the racing office with the horsemen's bookkeeper advising that horsemen have the option to decline their participation.

Commissioner Calvert requests to ask the Assistant Attorney General to provide the Commission with a memorandum of law on the issue of whether the Commission can enact the \$5 per starter fee administratively, which would be the faster way, or if the action would need to be proposed in the Louisiana Legislature. Mr. Ed Fenasci, Executive Director of LaHBPA, informs that LaHBPA doesn't feel that they have the authority in law to conduct an opt-out program but offers to discuss an additional opt-in program to donate to this horse rescue with the LaHBPA Board of Directors.

2. **Presentation** by Mr. Patrick Richmond representing the Louisiana Horse Rescue Association (*10 minutes*).

Mr. Patrick Richmond is not present. Mr. Gardiner informs that he passed a message to the Commission requesting to do whatever it can to improve the slaughter situation.

3. **Presentation** by Ms. Dina Alborano representing the icareihelp Thoroughbred Rescue (*10 minutes*).

Ms. Dina Alborano is not present.

(See pages 19-20 for further discussion on this topic from Ms. Ana Haber, representing icareihelp Thoroughbred Rescue, that occurred later in the meeting.)

## V. RULE

### A. DISCUSSION/NOTICE OF INTENT:

1. **Discussion** of Clenbuterol levels allowed in Quarter Horses.

- a. Request to speak to LSRC by Donald G. Kelly on behalf of the Louisiana State Quarterhorse Trainers Association.

Mr. Kelly informs that Clenbuterol is used primarily for horses that have breathing problems and is not a bad drug. He states that the trainers who he represents do not contest the passage of a Rule banning Clenbuterol but that they want their records to be expunged of the Clenbuterol positive rulings since January 1, 2018. He says that the LSRC's protocol change from testing plasma for Clenbuterol, which is only detected in the horse for three to four days, to urine testing, which detects Clenbuterol for up to 30 days, has led to the multitude of Clenbuterol positive tests. He states that hurting the horsemen's records also hurts the image of Louisiana horses. He requests in the future that the Commission allow one of the horsemen from the association that he represents to be a part of the Committee to discuss these types of protocol changes.

Mr. Kelly asks Ms. Janet VanBebber, Chief Racing Officer of the American Quarter Horse Association (AQHA), what effect do positive tests for Clenbuterol have on awards for trainers and quarter horses in Louisiana. Ms. VanBebber responds that AQHA leadership passed a policy this year that disqualifies trainers and horses under their care for media and awards from AQHA if they have positive tests on their records for Clenbuterol or other performance enhancing drugs listed by the Association of Racing Commissioners International (ARCI). Mr. Kelly asks Ms. VanBebber to explain what she knows about Clenbuterol. Ms. VanBebber responds that FDA-approved Ventipulmin is a bronchodilator that helps horses but the problem is that compounded Clenbuterol, which is creating a huge amount of abuse to the well-being of quarter horses in the racing industry, so AQHA recommends prohibiting the drug specifically in quarter horses.

Commissioner Bernard asks if trainers with positive Clenbuterol tests were using Ventipulmin or a compounded version of the drug. Mr. Kelly responds that Ventipulmin is the only version that horsemen could legally use. Commissioner Bernard asks if the trainers have a veterinarian script for each horse specifying which Clenbuterol was used in their horses. Mr. Kelly responds that he can't answer that question. Mr. Kenny Roberts, Trainer licensed in Louisiana, states that a lot of horsemen probably did use

the compounded Clenbuterol. He informs that he used Ventipulmin but one of his horses tested positive for Clenbuterol. He says that the majority of the horsemen who he believes were trying to cheat had positive Clenbuterol results in the blood but positive urine tests likely affected horsemen who were using Ventipulmin as allowed under the rules.

Commissioner Calvert states that the Commission can't do an in globo ruling to overturn the Clenbuterol positives because they can't distinguish which positives came from Ventipulmin versus the compounded substance. Commissioner Guilbeau informs that the horsemen's feedback to this point shows that they want the Clenbuterol ban enacted, but concerning the expunging of Clenbuterol positives from horsemen's records, the individual trainers should present veterinarian scripts that specify use of FDA-approved Ventipulmin within the allowed withdrawal times in order to expunge the positives on their records on a case-by-case basis.

Mr. Kelly says that LSRC's use of an unaccredited laboratory makes the positives untrustworthy. Ms. Loney advises that the trainers had the opportunity to request split-sample testing of their Clenbuterol-positive samples from accredited laboratories and that there was a five-day time period to appeal any of the Clenbuterol positives, for which the Commission has not received any appeals. Commissioner Cravins says that he doesn't believe the horsemen started cheating, which could warrant dismissing the violations, and asks if there is any way to distinguish use of Ventipulmin from use of the compounded drug. Commissioner Bernard responds that the only way to distinguish which was used is through veterinarian bills with information on the drugs prescribed and when the drug was given.

Commissioner Calvert asks Mr. Kelly if he can elaborate on the frailties of the Equine Medication Surveillance Laboratory (EMSL) of Louisiana State University (LSU) that prevents it from being accurate in its evaluations of samples. Mr. Kelly responds that EMSL being unaccredited means that it is not trustworthy. Commissioner Calvert asks Dr. Levent Dirikolu, Director of EMSL, how an accreditation impacts the way the laboratory processes samples. Dr. Dirikolu responds that the laboratory has been open for 30 years and that they are working towards attaining full ISO 17025 accreditation, for which they have completed the initial accreditation. He says that only about 5 out of over 100 Clenbuterol-positive samples have been requested for split-sample testing and those splits samples all came back positive.

Commissioner Calvert asks what procedure EMSL follows to process samples and if there is any economic incentive for Dr. Dirikolu to declare a sample positive. Dr. Dirikolu responds that EMSL follows the guidelines of the Association of Racing Chemists and that he has no incentive to declare positive tests. Commissioner Bernard asks if any of the tolerance levels have changed since January 1, 2018. Dr. Dirikolu responds that no tolerance levels changes. Mr. Kelly asks if EMSL is accredited or not. Dr. Dirikolu responds that EMSL is certified for the first step in the process of obtaining full accreditation.

Mr. Kelly asks why the rash of Clenbuterol violations occurred all of a sudden and if he changed the EMSL's method of testing. Dr. Dirikolu responds that he doesn't know why the rash of Clenbuterol positives occurred and that, on a daily basis like other laboratories, EMSL improved its method of testing for many drugs based on reviewing its data. Mr. Kelly asks if EMSL was previously only testing plasma and changed to test

both plasma and urine. Dr. Dirikolu responds that EMSL has been testing both plasma and urine. Mr. Kelly asks if EMSL can draw a distinction between Ventipulmin and the illegal compounded Clenbuterol. Dr. Dirikolu says that EMSL can't but neither can any other laboratory in the world.

**b. Drafted Rule for Discussion/Notice of Intent:**

**LAC 35: I Chapter 15 – Permitted Medications**

***§1506. Permitted Medications in Quarter Horses [new]***

Commissioner Guilbeau requests anyone who wishes to state their position on banning Clenbuterol to do so now. Mr. Chatters responds that the LaHBPA has no opposition to Clenbuterol being banned for quarter horse racing. Mr. Roberts requests enough time to get information on the Clenbuterol ban out to the horsemen, including those who come from out of state.

Ms. Loney asks Dr. Dirikolu if there are any issues with implementation of the Clenbuterol ban at the upcoming Fair Grounds quarter horse meet. Dr. Dirikolu responds that it takes at least 60 days for Clenbuterol to be cleared from a horse's system to be prepared for a zero tolerance policy.

Dr. Bernard suggests that, if there is a Clenbuterol positive on a horse when the ban is in effect, then the horse should be on the vet's list for 60 days and cannot be taken off until the horse has a clean test.

Commissioner Calvert motions to ban the use of Clenbuterol in quarter horse racing in Louisiana on October 3, 2018 consistent with Louisiana Administrative Code 35:I.1725 "Controlled Medication" and the adoption of ARCI's Controlled Therapeutic Medication Schedule for Horses; Commissioner Bernard seconds; motion carries.

Commissioner Calvert motions to affirm the Stewards' rulings regarding the Clenbuterol positives since January 1, 2018; Commissioner Guilbeau seconds; Commissioner Calvert withdraws his motion.

(See page 19 for further discussion on this topic that occurred later in the meeting.)

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(See page 12, Section "IV. OTHER – A. DISCUSSION OF GENERAL RACE DATES IN LOUISIANA" for prior discussion.)

Mr. Fenasci informs that the LaHBPA attended a meeting with representatives of all four racetracks and discussed various issues. He says that Boyd Gaming and Fair Grounds agreed that they are willing to start Delta Downs' thoroughbred meet earlier next year but Boyd Gaming could not facilitate the LaHBPA's request to start the thoroughbred meet at least a week earlier this year.

Commissioner Calvert asks when the racetracks and LaHBPA will meet next. Mr. Boulet responds that Mr. Kuypers is taking charge of setting up the next meeting. Commissioner Calvert requests that they send the Commission a recap of the next meeting. Commissioner Guilbeau requests that the racetracks discuss the consideration of a radical shift in race dates so that the racetracks don't fight over the same horses for their meets. Commissioner McHalfey requests that they let the Commission know the date of the next meeting when they decide so that some of the Commissioners can be involved. Mr. Boulet agrees.



Mr. Fenasci informs that the LaHBPA Board of Directors unanimously requested Boyd Gaming to move Delta Downs' thoroughbred meet earlier this year, which they could not. Mr. Boulet says that Fair Grounds unsuccessfully negotiated with Delta Downs to shift its meet earlier so that Delta Downs would host the sole Louisiana thoroughbred races in October while Fair Grounds would host the sole Louisiana thoroughbred races in March but they will try again aggressively for next year's meets.

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VI. ADJUDICATIONS

A. APPEALS (LA. REV. STAT. 4:154)

1. Ubaldo Luna, Jockey.

Ruling#DD22808 of 05/30/18 – Careless Riding.

Appeal withdrawn. Mr. Luna not present for hearing. Commissioner Guilbeau motions to suspend Mr. Luna for 7 calendar days from October 3, 2018 through October 9, 2018; If Mr. Luna participates in a designated race day not subject to suspension; he shall be required to make up the suspension day on the first following race day after the designated day of racing; Commissioner Calvert seconds; motion carries.

2. Rolando Cabrera, Jockey.

Ruling#DD22807 of 05/30/18 – Careless Riding.

Mr. Cabrera not present for hearing. Commissioner Guilbeau motions to suspend Mr. Cabrera for 7 calendar days from October 3, 2018 through October 9, 2018; If Mr. Cabrera participates in a designated race day not subject to suspension; he shall be required to make up the suspension day on the first following race day after the designated day of racing; Commissioner Calvert seconds; motion carries.

B. VIOLATIONS OF LAC 35:I.1797 (Equine Positives)

1. Donald J. Melancon, Owner/Trainer. (Adjudication Appealed)

Ruling#DD22575 of 02/09/18 – Pre-race TCO2 (ARCI Category III)

Continued from April 24, 2018 Commission Meeting.

Commissioner Calvert motions to uphold the Stewards' ruling, fine Mr. Melancon \$1,000 total, and redistribute the purse; Commissioner Guilbeau seconds; motion carries.

2. Donald J. Melancon, Owner/Trainer. (Adjudication Referred)

Ruling#LD22909 of 06/23/18 – Methocarbamol (ARCI Category IV)

(3<sup>rd</sup> offense of ARCI Cat. IV/V within a 12-month period)

Commissioner Guilbeau motions to uphold the Stewards' ruling, suspend Mr. Melancon for 60 days effective July 22, 2018 through September 19, 2018, fine him \$1,000 total, and redistribute the purse; Mr. Melancon would be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Davis seconds; motion carries.

- 3. **Michael D. Taylor, Owner/Trainer.** *(Adjudication Referred)*  
 Ruling#DD22849 of 06/06/18 – *Isoflurpredone (ARCI Category IV; Gross Violation)*

Mr. Taylor not present for hearing.

Commissioner Guilbeau motions to uphold the Stewards' ruling and add an additional fine of \$500; Commissioner Calvert seconds; Commissioner Guilbeau withdraws his motion citing the need for additional testimony in light of Dr. Amie Casey's testimony.

Commissioner Calvert motions to continue this case to the August 27, 2018 Commission Meeting for additional evidence and testimony. Mr. Taylor must be present for the hearing by order of the Commission; Commissioner Guilbeau seconds; motion carries.

**C. VIOLATIONS OF LAC 35:I.1791 (Testing for Dangerous Substance Abuse)**

- 1. **David L. Barnes, Assistant Trainer.** *(Adjudication Referred)*  
 Ruling#DD22804 of 05/30/18 – *Human Drug Testing (3<sup>rd</sup> offense)*

Attorney –  
John Duviehl, Esq.

Commissioner Guilbeau motions to uphold the Stewards' ruling, reduce the penalty from 6-month suspension to 6-month probation period effective July 17, 2018 through January 16, 2019; during probation, Mr. Barnes shall provide proof of continued drug rehabilitation and negative drug testing at his own expense at a Louisiana State Racing Commission approved laboratory; Commissioner Cravins seconds; motion carries.

- 2. **Donald R. Watson, Jockey.** *(Adjudication Referred/Appeal)*  
 Ruling#DD22903 of 06/21/18 – *Human Drug Testing (3<sup>rd</sup> offense)*

Attorney –  
Donald G. Kelly, Esq.

Commissioners motion to continue this case to the August 27, 2018 Commission Meeting; At Mr. Watson's request, Mr. Watson is to submit to a hair test at his own expense at an LSRC approved laboratory within 1 week; Commissioners second; motion carries.

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See pages 14-16, Section "V. RULE – A. DISCUSSION/NOTICE OF INTENT" for prior discussion.)

Commissioners Shelton and Bernard ask if Commissioner Calvert's motion earlier included the Clenbuterol Sub-Committee's recommendation of putting horses that are tested positive for Clenbuterol on the vet's list and not allowing them to run for 60 days and only after having a clear drug test. Mr. Gardiner requests that the discussion of adding this stipulation be postponed until the August 27, 2018 Commission Meeting since the people who had interest in this discussion already left. Commissioner Shelton agrees and says that the Commission needs to send a message nationally that there is zero tolerance for Clenbuterol in Louisiana by implementing the recommended stipulation.

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(See pages 12-14, Section "IV. OTHER – B. DISCUSSION OF HORSE SLAUGHTER" for prior discussion.)

Chairman Wright requests Ms. Ana Haber, a volunteer representing icareihelp Thoroughbred Rescue, to speak on the horse slaughter issue. Ms. Haber requests that her presentation and handouts be included in the Commission Meeting Minutes. She informs that icareihelp Thoroughbred Rescue is a crowdfunded group of individuals who are concerned with the large number of race horses, from Louisiana and other states, that head to slaughter right after they have raced. She requests the Commission to create a Committee tasked with establishing a process of investigation and fact-gathering and a procedure of enforcement.

Ms. Haber informs that icareihelp Thoroughbred Rescue has rescued over 100 slaughter-bound Louisiana race horses from Louisiana kill pens. She hands out a spreadsheet to the Commissioners. She states that her group wants the Commission to enforce the rules in place regarding anti-slaughter policies at all Louisiana racetracks. She says that they have rescued horses from slaughter using emergency donations, with many of the horses' connections identified on the spreadsheet, and have re-homed about half of them through the group's volunteers. She states that the articles published about this issue over the last six months have been a public relations nightmare for the Louisiana racing industry. She informs that icareihelp Thoroughbred Rescue makes an effort to investigate the horses' back stories and contact the last named owners and trainers to discuss what happened.

Ms. Haber says that they rescued one particular horse and contacted the trainer after researching its identification tattoo. She states that the trainer was surprised because the horse won the last three races of its career and was supposed to be used for breeding after cracking her sesamoid bone. She says that the breeder claimed that he could not breed the horse and sent her to auction. She informs that they bought the horse and found that she was rain-rotted with a halter embedded in her head, likely due to mistreatment by the breeder. She requests that the Commission work with icareihelp Thoroughbred Rescue to make Louisiana go from being last in race horse aftercare to a leader in the country.

Commissioner Cravins asks if there are statistics to back up the claims Ms. Haber has made about Louisiana or just public relations stories. Ms. Haber responds that social media has allowed icareihelp Thoroughbred Rescue to raise the money for these horse rescues, which turns into bad public relations for the racing industry. She informs that CBS is making a story about Dina Alborano and icareihelp Thoroughbred Rescue's actions, which led to CBS attending the April 24, 2018 Commission Meeting.

Commissioner Davis asks if Ms. Haber agrees with the \$5 starter fee solution to fund rescues presented by Ms. Moss earlier in the meeting. Ms. Haber responds that it is an idea that hasn't been implemented anywhere successfully yet. She says that the Commission should send warning letters to LSRC-licensed horsemen who have multiple race horses that end up in danger of being slaughtered.

Commissioner Romero asks why the Louisiana Department of Agriculture and Forestry doesn't pursue these horse slaughter pipelines. Ms. Haber responds that, while that can be one solution, the LSRC has an obligation to prevent the situation from getting to the possibility of slaughter since LSRC has the licensed horsemen and horses in its database. Commissioner Romero says that the issue may not directly fall into the Commission's

jurisdiction but thinks it would be better to go higher up through the Louisiana Legislature or the Governor to ban these slaughter pipeline practices in the State.

Commissioner Shelton asks for examples of solutions from other states. Ms. Haber responds that Suffolk Downs in Massachusetts became a race horse welfare leader through posting and enforcing anti-slaughter rules, which includes the pursuit of punitive measures against trainers whose horses that race at the track are found in danger of slaughter.

Commissioner Shelton asks if the trainer is at fault despite how many sales and situations happen in-between the sale from that trainer to the auction house. Ms. Haber responds that Virginia's anti-slaughter policy specifies that the horsemen have to execute due diligence at finding a home for horses they sell. Commissioner Shelton asks if it is the responsibility of the trainer, the racetrack, and/or the Commission to follow a horse through its death. Ms. Haber responds that the Commission should first focus on solving the issue of horses that recently raced before being sent to auction, which would build towards a better culture of aftercare for horses overall.

Commissioners Bernard, Davis, and Shelton volunteer to serve on a Sub-Committee to research the slaughter issue and work with the horse rescue groups.

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## VII. ADJOURNMENT

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



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Charles A. Gardiner III  
Executive Director