

LOUISIANA STATE RACING COMMISSION

MINUTES – March 2, 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*

R. Hamilton "Hammy" Davis

Kevin S. Delahoussaye

Thomas H. Grimstad, M.D.

Benjamin J. Guilbeau, Jr.

Richard M. "Dick" Hollier, Jr.

Mike R. McHalfey

Kenneth "Kenu" Romero

Delia A. Taylor

Luke Turner

Judy W. Wagner

ABSENT

Keith W. Babb

The meeting of the Louisiana State Racing Commission was called to order by the Chairman on Monday, March 2, 2015 at 9:00 AM in the Queen Anne Ballroom of the Monteleone Hotel, 214 Royal Street, New Orleans, Louisiana. Roll call was taken; a quorum was present.

Mr. Hollier motions to approve the meeting minutes from the October 21, 2014 & November 10, 2014 meetings; Ms. Taylor 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 2014- 2015 88-day Thoroughbred Meet ends on March 14, 2015. He informs that 2 days were lost, 1 due to weather conditions and 1 due to a lighting issue caused by the electric company. He states that the handle is flat. Mr. Guilbeau informs he attended Premier Night and it was extremely well done.

2014-2015 THOROUGHBRED MEET

2. **RACES**

- a. **Ratification** of maiden eligibility to allow entry of six year old maidens, beginning on 1/14/15 through 3/14/15.

Commissioner motions to approve; Ms. Taylor 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 2015 84-day Thoroughbred Meet starts on April 8, 2015. Mr. Warren informs that Evangeline Downs hired Mr. Ramiro Flores as Track Superintendent last fall and he is doing a great job. Mr. Warren informs that rye was planted on the turf during the winter and that it looks wonderful. He says they will switch to Bermuda shortly and the course looks 50% better than it did last year. Mr. Warren states 2,000 tons of fine sand was hauled in from Kinder. Overall, the surface will be better for the horsemen. Mr. Warren informs that 2 year old training will take place on March 16, 2015, and thereafter, the barn area will open for horses. He informs Corey Veazey will take over as Racing Secretary. He informs that the announcing position was offered to Michael Cumberland who used to call Sam Houston. Mr. Warren informs that the big turf race will be a \$300,000 event and five furlongs on the grass, which will be held on May 30, 2015.

2015 THOROUGHBRED MEET

2. **STEWARDS, OFFICIALS & MANAGEMENT**

- a. **Approval** of Brook Hawkins to serve as state steward for 2015 thoroughbred race meet.

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

OTB

3. **OTB APPROVAL**

- a. **Approval** to close the Port Allen Races & Aces OTB Facility, effective 3/6/15.

Ms. Loney informs the commission did receive notice to close Port Allen OTB, which is licensed by Evangeline Downs pursuant the requirements set forth in Title 4, Section 214(E). This also constitutes notification to all eligible participants that the licensed facility is closing pursuant to Section 214(E).

Mr. Wright and Mr. Davis expressed their surprise about the request.

Mr. Steve Kuypers, Vice-President, General Manager of Delta Downs' informs that there are 2 main reasons for the closure. He informs that the first reason is because the location hasn't been making money over the past 2-3 years. The second reason is because of safety concerns; there have been several robbery attempts in the last 6 months. He informs that the team members would be sent to the Henderson property. Mr. Davis asks Mr. Kuypers how Port Allen stacks up against the other properties. Mr. Kuypers informs that Port Allen is the lowest performing property out of 4 OTBs. He informs that the other facilities are in better locations and nicer in appearance. Mr. Kuypers informs that they track their loyalty customers and they frequently visit the other locations in addition to Port Allen OTB. Ms. Taylor asks Mr. Kuypers about the crime issue. Mr. Kuypers states that there have been 3 robbery attempts and there are safety concerns for both employees and patrons. Mr. Wright asks Mr. Kuypers if it is an owned or leased property. Mr. Kuypers informs that it is an owned property. Mr. Davis states he would like for Boyd Gaming to look into a potential replacement location. Mr. Kuypers states that he will bring up the suggestion to the corporate office.

Mr. Hollier motions to approve; Mr. Davis 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. Update on turf, service, marketing and facility commitments.

Mr. Bryant informs that the Fair Grounds has improved in all 4 areas, and he says that he will review the accomplishments made during the current 2014-2015 thoroughbred meet.

DRAINAGE/TURF

Mr. Bryant informs that extensive work has been completed and the commission has reviewed all of the submitted written monthly progress reports. He informs that, so far, the 2014-2015 thoroughbred meet has run 77% of the carded races on the turf. He informs that 173 races thus far have been on the turf, which after 65 days of racing already exceeds the total number from last year. Mr. Bryant credits Mr. Pedro Zavala, Track Superintendent, for leading the work for both turf and drainage projects. Mr. Bryant informs that there were some rain events and the recovery time was quick, and as a result, thoroughbreds were running on the turf on the very next day.

SERVICE

Mr. Bryant informs that the Fair Grounds promoted Mr. Brad Bryant to Customer Relations Manager. He says that he has received a lot of positive outside feedback that the customer experience has improved. He says that Brad Bryant and his team are doing a good job. He informs that customer appreciation parties are going over well. Mr. Bryant informs that the customer appreciation events are being held monthly.

MARKETING

Mr. Bryant informs that the Fair Grounds has done TV ads in the Baton Rouge and Lafayette markets promoting live racing. He informs that the Fair Grounds will continue to use print, radio & TV in March to promote live racing until the close of the meet. He states that the strategy is working based on the numbers.

FACILITIES

Mr. Bryant informs that the Fair Grounds has been very responsive to the needs on the backstretch servicing 1,850 stalls throughout the meet.

Mr. Bryant informs that starters per race is up 3.4%. He informs that there has been a 68% increase in turf races year over year. He informs that live track handle is up over 5% and all source handle is up 7%. He informs that the overall thoroughbred market, which runs the same days as the Fair Grounds, is down 8%, therefore the Fair Grounds is bucking the trend. Mr. Bryant states that based on the culmination of the 4 areas mentioned, he thinks it demonstrates proof the Fair Grounds is fully committed to meeting the conditions of licensure. Mr. Bryant informs more good news that purses will increase by 10% for the remainder of the meet.

Mr. Bryant introduces Mr. Mike Ziegler, Executive Director of Racing for Churchill Downs Inc. Mr. Ziegler informs that he is overseeing the operations of Churchill Downs, Arlington Park and the Fair Grounds. Mr. Wright asks Mr. Ziegler if Churchill Downs is unhappy with the commission. Mr. Ziegler responds not one bit and in fact it is the opposite since the commission got the ball rolling in making positive changes at

the Fair Grounds. Mr. Davis asks Mr. Ziegler if companies are spending the dollars nationally after seeing the success at the Fair Grounds. Mr. Ziegler responds that he is going to relay the message about the good story which he has seen at the Fair Grounds. Dr. Grimstad asks Mr. Ziegler if he believes more trainers and owners will want to run next year since there have been more races run on the grass. Mr. Ziegler says absolutely. Ms. Wagner asks Mr. Ziegler if the Fair Grounds will get in a better habit of carding the contest menu and reminding customers about some of the contest sites' statistics. Mr. Ziegler responds that is a fair statement and he will get his publicity team to reach out to the contest companies. Dr. Grimstad states that there is no reason why the Fair Grounds couldn't be the premier winter racing spot and commends the Fair Grounds for getting on the right path and looks forward to the ongoing improvements and continued success.

b. Louisiana State Police Request for Status of Churchill Downs License.

Mr. Gardiner informs that the State Police made a request for the commission to provide a statement or vote (in addition to the Fair Grounds good standing license status) that the Fair Grounds is adhering to the commitments that were placed on them after last year's legislative session. Mr. Wright states that the comments already made reflect the progress that was made. Mr. Hollier motions to allow Mr. Gardiner to set the verbiage to what is required in the request. Mr. Davis states that the commission is in agreement that the Fair Grounds has met the set requirements and motions to endorse the changes and improvements made by the Fair Grounds; Ms. Wagner 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 Louisiana Downs 2014 46-day Quarter Horse Meet started on January 10, 2015. He informs that 2 days of racing were cancelled last Monday, February 23, 2015 and Tuesday, February 24, 2015 due to ice and snow. Mr. McIntosh informs that the quarter horse meet started with 7 races verses 9 races which had positive results. So far, after 30 days there has been an 18% reduction in races, but purses have been stabilized and are up 3%. He informs that field sizes have increased by 12%, handle per race is up 30% and total handle is up 8%. Mr. McIntosh informs that 2 year-old quarter horses can officially race as of March 1, 2015 so the number of races per day has increased to 8. Mr. McIntosh states that he is pleased with how the quarter horse meet has unfolded and believes March should be a spectacular month. Mr. Romero states that he is pleased with the good news and hopes it continues. Mr. Wright asks Mr. McIntosh if he is going to inform Louisiana Downs management of the accomplishments of the Fair Grounds and their efforts this past year. Mr. McIntosh replies absolutely and adds that, since January 2015, racing customers who use total rewards card has grown by 9% and handle has grown by 8%. He states that Louisiana Downs is focusing on growing that part of the business. Mr. McIntosh informs he has visited the Fair Grounds property, and he says it is wonderful. Mr. Wright asks Mr. McIntosh if he saw the food menu. Mr. McIntosh informs that he toured the facility on an off-day. Mr. Wright states good food always helps.

2015 QUARTER HORSE MEET

2. RACES

- a. **Ratification** of first condition book for 2015 quarter horse meet.

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

b. Ratification of designated races for the 2015 quarter horse meet.

- 1/10/15 Harrah's Dash
- 1/10/15 Marathon
- 1/17/15 Billy Montgomery
- 1/31/15 Swift
- 1/31/15 Party Girl
- 2/7/15 Magnolia
- 2/7/15 Louisiana Downs Maiden Stakes
- 2/28/15 Mr. Jess Perry
- 3/14/15 Mardi Gras Futurity
- 3/14/15 Mardi Gras Derby
- 3/21/15 Streakin La Jolla
- 3/21/15 Harrah's Futurity

TRIAL DATES

- 1/17/15 Louisiana Downs Maiden Stakes Trails
- 2/21/15 Mardi Gras Futurity Trials
- 2/22/15 Mardi Gras Derby Trials
- 3/1/15 Harrah's Futurity Trials

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

3. STEWARDS, OFFICIALS & MANAGEMENT

a. Ratification of officials for 2015 quarter horse race meet:

- Trent McIntosh – Director of Operations
- David Heitzmann - Racing Secretary
- Tammy Peck – Assistant Racing Secretary/Paddock Judge
- Charles Magee – Association Steward
- William Coleman – Association Steward
- Jennifer Sokol – Placing Judge
- *Margaret Balderas – Placing Judge
- *Julie Gipson – Placing Judge
- Koleen Karlin – Identifier
- Geneva Franklin – Program Coordinator/Claims
- Jimmy Cordell – Starter
- Jeffrey Williams – Clerk of Scales
- Richard Miguez - Custodian
- Betty Fetters – Clocker
- Herbert Lambert – Clocker
- Laura Hollowoa – Outrider
- Juan Roman – Outrider
- *new official*

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

2015 THOROUGHBRED MEET

4. STEWARDS, OFFICIALS & MANAGEMENT

a. Approval of Roy C. Wood, Jr. to serve as state steward for 2015 thoroughbred race meet.

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

II. COMMITTEE REPORTS

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

Dr. Grimstad informs that there are currently 15 states that have adopted the model uniform medication rules either in whole or in part. He informs that 20 states (including Louisiana) have pending adoption of all or part of the uniform medication rules. Dr. Grimstad informs that he is going to ask the Medication Committee to address the use of cobalt testing in thoroughbred horses as well as modifying the current out of competition testing rules that apply to thoroughbreds.

1. Comments by interested parties pursuant to La. R.S. 49:953(A) (2) regarding uniform medication rules:

LAC 35: I Chapter 15 – Permitted Medication

§1505. *Nonsteroidal and/or Anti-Inflammatory medication [amend]*

LAC 35: I Chapter 17 – Corrupt and Prohibited Practices

§1725. *Controlled Medication [amend]*

§1787. *Pre-Race Testing [amend]*

1. *Letter* submitted by HBPA opposing rule changes, received on 12/10/14.

2. *Letter* submitted by Trainer David P. Banks in favor of rule changes, received on 12/2/14.

3. *Letter* submitted by Virginia B. Lazenby in favor of rule changes, received on 1/9/15.

Ms. Loney informs that Notices of Intent of the medication rules were voted on and passed at the November 10, 2014 commission meeting. She informs that the Notices of Intent were published in the Louisiana Register on December 20, 2014. Ms. Loney informs that 3 letters were submitted and asks if anyone in the audience would like to make any additional comments today at the meeting.

Mr. Ed Fenasci, Secretary Treasurer of the Louisiana HBPA, informs that their thoughts were expressed in the letter. He informs that at a recent National HBPA Convention, an ARCI representative explained that a new committee was formed to further study the withdrawal times. Mr. Fenasci informs that there is concern with the lack of science related to this matter and requests that the commission proceeds with caution. Dr. Grimstad responds he understands the concerns but the science is sounder than the science that supports the current rules.

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

Mr. Babb is absent. Mr. Guilbeau informs that there was a Rules Committee meeting (conference call) and 2 issues were addressed by the committee; one was a proposed amendment to the Claiming Rule and the second was a proposed amendment or addition to the Suspensive Appeal Rule as well as the subject of appeals on steward rulings on the track; meaning they have ruled either a disqualification or not in favor of disqualification about the ability of the commission to here that appeal. He informs that the Rules Committee supports the advancement of the proposed rule changes.

Ms. Loney informs LAC 35: XI.9905 “Timing of Entering Next Claiming Race” would be converted back to the old claiming rule, which was changed in 2007. She informs that it would require that horses shall not be entered in starter, optional, or claiming races for 30 days after being claimed in a race in which the determining eligibility price is less than 25% more than the price of which the horse was claimed. Ms. Loney informs that the HBPA has submitted a letter in support of this particular rule so this would just be bringing the rule back to its previous state. Mr. McHalfey informs that this rule will keep the people who make claims from abusing horses because they won’t be able to run

them too much. Dr. Grimstad informs that it is already difficult to fill races, especially finding places to run higher priced claiming horses. Mr. McHalfey states that the rule would implement a 30 day waiting period, and then the horse would be able to run back at any price. Dr. Grimstad states that finding a horse a place to run at the same level is a minor concern but in the long run it is a negative for the industry. Mr. Munster informs that the rules are different in most jurisdictions, and there is not a uniform standard for this rule.

Mr. Davis motions to amend by Notice of Intent LAC 35: XI Chapter 99 – Claiming Rule §9905 “Timing of Entering Next Claiming Race”; Mr. McHalfey seconds; motion carries.

Mr. Gardiner, Ms. Loney and commissioners have a lengthy discussion about amending LAC 35: V.8301 “Suspensive Appeal; Timing”. Mr. Wright suggests to further review the rule before amending. Dr. Grimstad motions to postpone amending LAC 35: V Chapter 83 – Appeals to the Commission §8301 “Suspensive Appeal; Timing”; Mr. Hollier seconds; motion carries.

Dr. Grimstad asks that the Rules Committee consider 2 different rule changes. The first change in the claiming rule to allow stewards to voice a change if a horse overtly bleeds during the race and the possibility of voiding a claim if the stewards determine via the veterinarians that the horse is lame at the end of the race in which the claim was made. The second change would add new measures to restrict program training since it has been an ongoing issue in Louisiana especially in quarter horse racing.

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 Kevin Delahoussaye

Mr. Delahoussaye commends all 4 tracks for what they are doing. He informs that he has heard nothing but positive feedback from the trainers. He informs that he visited the Fair Grounds on the coldest day of the year and the mood was positive. He informs that he visited Delta Downs and Louisiana Downs and the mood was positive at both tracks as well. He informs that Mr. Ray Muniz, a member of the racing community, has passed away. Mr. Delahoussaye requests a moment of silence.

20-minute recess is taken.

III. RULES

A. DISCUSSION/NOTICES OF INTENT:

(See Rules Committee Report for motions)

1. Claiming Rule and Engagements

LAC 35: XI Chapter 99 – Claiming Rule
§9905. *Timing of Entering Next Claiming Race [amend]*

- Letter submitted by HBPA supporting change to current claiming rule, received on 1/21/15.

2. Racing Procedures

LAC 35: V Chapter 83 – Appeals to the Commission
§8301. *Suspensive Appeal; Timing [amend]*

IV. LICENSE APPROVALS**A. REINSTATEMENT REQUESTS**

- 1. Kevin L. Melancon, Jockey.** *Human Drug Testing, 4th offense*, Requesting reinstatement of Jockey's license.
Not present. Ms. Loney informs that the applicant provided insufficient information and requests to continue the case. Mr. Young motions to continue the case; Mr. Hollier seconds; motion carries.
- 2. Eric P. Leblanc, Exercise Rider.** *Human Drug Testing, 3rd offense*, Requesting reinstatement of Exercise Rider's license.
Mr. Guilbeau motions to approve reinstatement of Exercise Rider's license; Mr. Hollier seconds. Mr. Romero makes a substitute motion to approve for licensure. License conditioned upon continued monthly drug testing at his own expense at a LSRC approved laboratory through 2/16/19. Mr. Young seconds; motion carries

B. LICENSE APPROVAL

- 1. Darrel J. Delahoussaye, Trainer.** License Application.
Dr. Grimstad motions to uphold Stewards' Recommendation; Trainer's license denied. Ms. Taylor seconds; motion carries.

V. ADJUDICATIONS**A. APPEALS (La. Rev. Stat. 4:154)**

- 1. Courtney M. Hernandez, Jockey.** Ruling#DD20815 of 10/23/14 – *Careless Riding*.
Appeal withdrawn. Not present for hearing. Mr. Young motions to uphold Stewards' ruling; suspend 7 calendar days from 3/6/15 through 3/12/15. If a jockey participates in a designated race day not subject to suspension, she shall be required to make up the suspension day on the first following race day after the designated day of racing. Mr. Hollier and Mr. Turner second; motion carries.
- 2. Edward "Eddie" Martin, Jr., Jockey.** Ruling#DD21034 of 2/20/15 – *Careless Riding*.
Present for hearing. Appeal withdrawn. Mr. Young motions to uphold Stewards' ruling; suspend 7 calendar days from 3/6/15 through 3/12/15. If a jockey 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. Mr. Hollier and Mr. Turner second; motion carries.

- 3. **Jose Miguel Mena., Jockey.** Ruling#DD21016 of 2/11/15 – *Careless Riding*.
Appeal withdrawn. Not present for hearing. Stewards’ ruling upheld; suspended 7 calendar days from 3/7/15 through 3/13/15. If a jockey 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

B. 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)
Case Continued to April 20, 2015 Commission Meeting.

C. VIOLATION OF LAC 35:I.1791 (Human Drug Testing)

- 1. **Albert J. Dussette, Jr., Jockey.** (Adjudication Referred)
Ruling#DD21015 of 2/11/15 – *Human Drug Testing (3rd offense)*
Mr. Guilbeau motions to uphold Stewards’ ruling; suspend 5 years from 3/2/15 through 3/1/20. May reapply to full Commission for license after 6 month suspension served, proof of continued drug rehabilitation and continued drug testing at his own expense at a LSRC approved laboratory. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the LSRC. Mr. Young seconds; motion carries.

D. VIOLATION OF LAC 46:XLI.509 (Establishment of Financial Stability)

- 1. **Carl J. Deville, Owner/Trainer.** (Appeal)
Ruling#DD20825 of 11/5/14 – *Financial responsibility*
Ms. Wagner motions to uphold Stewards’ ruling; license suspended beginning on March 7, 2015; ineligible for licensing until such time as he has satisfied the default judgment attached hereto. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the LSRC. Mr. Young and Mr. Turner second; motion carries.

Mr. Wright informs that former Representative Billy Montgomery, one of the greatest supporters of racing in Louisiana, is here to make a few comments pertaining to Louisiana Downs.

Representative Montgomery informs that he spent 3 years working for the approval of slots at the racetracks. He says that he supported slots because he believed it would save the racing industry in Louisiana. He informs that he voted against Riverboat gaming and the lottery because of the negative impact they would have on horseracing. Representative Montgomery explains the negative impact Riverboat gaming has on Louisiana Downs, and he offers to the commission his support to continue to work towards saving the racing industry in Louisiana.

VI. ADJOURNMENT

Mr. Young motions to adjourn; Commissioners second; Mr. Wright adjourns the meeting.



Charles A. Gardiner III
Executive Director