

LOUISIANA STATE RACING COMMISSION

MINUTES – July 12, 2010 Meeting

As transcribed by Mary Lee DiLeo, Certified Court Reporter

COMMISSIONERS IN ATTENDANCE

Jerry F. Meaux, *Chairman*
Payton R. Covington, *First Vice Chairman*
Bob F. Wright, *Second Vice Chairman*
Richard M. "Dick" Hollier, Jr.

Bryan G. Krantz
David E. Roberts

Kenneth "Kenu" Romero

APPROVED

At the Commission Meeting of

8.30.10

(Date)

ABSENT

Keith W. Babb
Anthony Bourgeois
Neal B. Cormier
William A. Robinson
Ray A. Tromba
Judy W. Wagner


Executive Director
Louisiana State Racing Commission

The meeting of the Louisiana State Racing Commission was called to order by the Chairman on Monday, July 12, 2010 at 9:15 AM in the Event Center of the Evangeline Downs Racetrack & Casino, 2235 Creswell Lane Extension, Opelousas, Louisiana. Roll call was taken; a quorum was present.

Mr. Gardiner asks the commissioners for approval of the meeting minutes from the previous meeting; Mr. Covington motions to approve; Commissioners second; 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 reports Delta Downs completed a successful 52-day quarter horse meet. He informs Kenny Roberts was the leading trainer of the year and there was a four-way tie for the owner's title. Mr. Warren informs racing dates were changed to Wednesday through Saturday versus Thursday through Sunday per requests by the horsemen. Mr. Warren informs the live handle was down 6% and the bet-in handle was off 14% although with bet-in revenue down only 1%. Mr. Warren states the simulcast handle was down a little over 20%. Mr. Warren informs Delta Downs has consulted with Dr. Mick Peterson and he will be on board during the summer. He informs Delta Downs is going to peel back the surface, look at the base and look at the soil samples for content. Mr. Warren informs Delta Downs is seeking a full-time outside person to oversee the racing surface. Mr. Warren informs there has been a lot of work done in the grandstands as well as in the OTB area.

B. EVANGELINE DOWNS RACETRACK & CASINO

1. **PROGRESS REPORT**, by *Mr. Steve Darbonne*. Mr. Darbonne reports Evangeline Downs is running its thoroughbred meet. He informs the track handle is down from the previous year. The simulcast handle is down 4%. Mr. Darbonne reports all projects on the backside are complete. He informs the convention center is complete and the hotel construction is ahead of schedule. He states the hotel is scheduled to open October 1, 2010. He informs the St. Martinville OTB parlor opened June 1, 2010. Mr. Darbonne states this is Evangeline Downs fifth OTB parlor. He informs the OTB is in the process of receiving a video poker license from the state and it's expected to be operational by the end of July. Mr. Covington asks Mr. Darbonne to report on the track surface. Mr. Darbonne informs Mr. George McDermott from Lone Star is scheduled to make an assessment in the next few weeks. He informs management meets with the horsemen and jockeys periodically. He informs the reports have been favorable regarding the condition of the track. He mentions they have been putting water on the surface and cutting it open, so it is a little softer in the morning. Mr. Romero questions Mr. Darbonne about the horses finishing times. Mr. Darbonne informs Evangeline Downs has stayed consistent with track maintenance.

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

1. **PROGRESS REPORT**, by *Mr. Eric Halstrom*. Mr. Halstrom informs the Fair Grounds is preparing for its upcoming quarter horse meet. He informs Mr. Jason Boulet will present the condition book later in the week. He informs of the September 14th start and the races will run for about \$200,000 per day. Mr. Halstrom informs the Fair Grounds hired Mr. Pedro Zevala as Track Superintendent. He informs he spoke with several horsemen and they are very pleased with the track surface. He mentions the summer rain has helped with keeping the turf course in great shape. He reports on the continuing improvements on the backside. Five barn roofs have been repaired, a new sprinkler system will be installed within the next 30-45 days and new tractors and track maintenance equipment have been purchased. Overall, \$1million has been spent on the racetrack and backside since the end of the last meet.

2. RACES

- A. Request to remove November 20, 2010 (Special Event race date) from quarter horse schedule.

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

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

1. **PROGRESS REPORT**, by *Mr. Trent McIntosh*. Mr. McIntosh reports Louisiana Downs is in the middle of their 84-day thoroughbred meet. He informs the bet-in handle is down 19%. The live handle and simulcasting are both down between 8% and 9%. He informs of various promotions in July which include a truck give-away, a t-shirt give-away to the first 1,500 patrons, a fireworks show and some other events going on at the races and at the casino. Mr. McIntosh states the handle in the building has been up 11% for the first 10 days of July. Other give-aways are scheduled throughout the month. He informs a new restaurant opened which is between the racing side and the casino. He informs Track Superintendent Mr. Billy McKeever is doing an outstanding job. Mr.

McIntosh provides an update on construction/remodeling of Barn B-5. The barn has been gutted and all of the wood has been replaced. The awnings and screens will be installed by August 20th before the next commission meeting. He informs work will begin on the gutters July 19th. The gutter work is scheduled to be finished by September 10th.

II. COMMITTEE REPORTS

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

1. Use and/or possession of Ractopamine (or like substances) on racetrack and/or places where horses eligible are kept.

Mr. Covington, Mr. Meaux, Mr. Alfortish, Ms. Chatelain and Mr. Gelpi enter a discussion on implementing a change in a rule which would ban Ractopamine and like substances. No action was taken at this time. A proposed rule in the form of either Notice of Intent or as an Emergency Rule will be presented at the August commission meeting.

2. Adjunct bleeder medication and testing protocol for working horses off the veterinarians' list.

Dr. David states the AAEP, the RCI and RMTC have recommended that Lasix or Salix Furosemide be the only race day medication permitted within 24-hours of race day. Dr. David reports Louisiana allows about a half-dozen adjunct permitted bleeder medications, none of which have ever shown any benefits or effectiveness through scientific support. Dr. David informs the Medication Committee recommends Lasix as the only permitted race day medication.

3. Request by HBPA to discuss Lasix administration.

Mr. Alfortish reads Rule §1507 (page 3 of LRC's Rules Supplement of December 2009) into the record. Mr. Alfortish discusses Lasix administration intravenously (I.V.) and intramuscularly (I.M.). Mr. Alfortish states that he would like clarification of the rule and the differences in threshold levels. Mr. Meaux asks for Dr. Barker's opinion. Ms. Chatelain informs she has discussed this issue with Dr. Barker. Dr. Barker addresses the Commission and informs the rule is clear. Administration is for I.V. only, not I.M. He states if Lasix is being administered intramuscularly by the veterinarians then they have failed to read the rule. Ms. Chatelain clarifies the rule and also states that you no longer have to prove the horse is a bleeder. The veterinarians should already know how to administer the medication. Mr. Alfortish responds by stating the rule is vague. Mr. Alfortish states the rule needs to be changed and needs to state either it should or should not be allowed to be administered in the muscle. Mr. Wright asks Mr. Alfortish how this issue came up. Mr. Alfortish responds a veterinarian (name unknown) brought this to his attention, but he still wants the rule clarified in case a problem occurs. Dr. Barker informs he has 2 cases that have been called positive for Lasix administration and 2 or 3 more cases pending. Mr. Alfortish informs he is not representing anyone at this time regarding this issue.

Mr. Covington makes a motion that the rule is clear and that Lasix can only be administered intravenously not intramuscularly. Anyone who fails to comply with the existing rule will be subject to the penalties of the Racing Commission. Mr. Romero seconds; motion carries.

4. Piroplasmosis update/Health requirements.

Dr. David informs the Medication Committee met and discussed the issue of piroplasmosis testing. He informs the problem has mainly been in the quarter horse racing environment, but there has not been any significant testing in thoroughbreds thus far. He informs there are 11 positives reported in Texas and 17 cases in New Mexico. He also reports King Ranch has a huge number of positives. He informs other states will begin testing soon. He believes LRC should have testing at the beginning of each new meet on an annual basis – similar to the Coggins testing. He states in order to control this disease, it is imperative to initiate testing. He asks for a directive to implement testing. The directive will require LRC to receive a negative piroplasmosis test for all horses scheduled to race. Mr. Gardiner asks Dr. David to further explain the disease. Dr. David provides information about the disease and the options for positive horses (euthanize, quarantine for life or ship out of the country). He states two separate forms will be needed (1 for Coggins and 1 for piroplasmosis). Dr. David informs all veterinarians have been notified which labs are conducting testing by the state. Mr. Alfortish asks Dr. David how the disease is transferred? Dr. David informs primarily by needle contamination. Mr. Wright asks about the cost of the test and the response time. Dr. Ed Baronne informs the response time is about 1 week and the testing is \$70 per test. Dr. Baronne informs the disease is not an immediate threat in his opinion. He does not think all horses should be tested. He recommends only testing horses that have displayed symptoms. Dr. Baronne states this matter will probably become a federal issue. Mr. Krantz asks Dr. David to restate the symptoms and asks if it is typical for trainers to self-medicate their horses. Dr. David describes the symptoms and states some positive horses do not display symptoms. Mr. Wright asks Ms. Chatelain if she could draft a rule and Ms. Chatelain responds she could have a draft ready for the August meeting. Dr. David recommends testing for piroplasmosis for the Fair Grounds Quarter Horse Meet.

Mr. Krantz motions to adopt a rule that would mimic the Coggins rule; Mr. Covington seconds.

Mr. Meaux informs Dr. Littlefield Assistant State Veterinarian with the Department of Agriculture and Forestry called during the commission meeting expressing her concern and she believes there are several new cases in central Louisiana.

Mr. Wright requests that Mr. Krantz amend his motion after further discussion.

Mr. Krantz makes a motion to adopt a rule in the form of an Emergency Rule which would be ready for the August Commission Meeting; Mr. Romero seconds; motion carries.

Dr. Baronne provides further information on the disease regarding symptoms and transmission.

5. Discussion of veterinarians' scratches.

Mr. Alfortish discusses the issue of veterinarians' scratches and informs he has received numerous complaints. He informs Evangeline Downs has an inordinate amount of scratches. He informs of several rumors he has heard about the scratches. Mr. Alfortish distributes letters to commissioners outlining complaints from trainers. Mr. Alfortish asks for trainers to appear and explain their concerns and complaints. The following horsemen appeared before the commission regarding veterinarians' scratches: Sam

Breaux, Rudolph Dupart, Fred Landry, Charles "Connie" Begnaud, Carl Deville, Steve Darbonne and Marty Gary.

Mr. Meaux and Mr. Alfortish exchange and discuss statistics regarding scratches at Evangeline Downs.

Mr. Meaux recommends forming a committee consisting of 3 horsemen (selected by HBPA), Dr. David, 1 LRC veterinarian, 2 private veterinarians and the LRC Medication Committee. This committee will review all procedures and report back to the commission for the August meeting.

Mr. Krantz motions to establish a committee to hear grievances and report back to the commission in August; Mr. Covington seconds; motion carries.

Mr. Sam Breaux asks questions regarding LRC's criteria for euthanizing horses. Mr. Meaux explains LRC's responsibility and liability issues.

Mr. Steve Darbonne informs he meets regularly with the backside committee per HBPA and has received no complaints. Mr. Krantz asks if Evangeline Downs does soil testing on the track. Mr. Darbonne responds they test the dirt track and the turf track. Mr. Carl Deville asks about the credentials of the person working on the track surface. Mr. Darbonne informs the person they have has 25 to 30 years experience.

Mr. Alfortish asks Dr. David, when a horse is coming off the vet list is there any established criteria that the horse has to either work a certain time or a certain distance? Dr. David responds the procedure has been the first time they will have to work a half. They go back on the list and they will have to work five-eighths. Times are recorded which are acceptable by the Racing Form and that is the criteria used by the Racing Form.

Mr. Meaux asks the commissioners to approve the motion (Mr. Krantz's motion) on the floor to approve the committee that was recommended; the commissioners second; motion carries.

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

Mr. Babb is not present. No report.

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

Mr. Wright states that he has no report.

D. RACETRACK/HBPA LIAISON COMMITTEE, by *Committee Chairman Ray A. Tromba*

Mr. Tromba is not present. No report.

1. The value of a horse (claiming price) to purse size.

To be continued.

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

Mr. Romero states that he has no report.

F. COMPLIANCE COMMITTEE, by *Committee Chairman Anthony Bourgeois*

Mr. Bourgeois is not present. No report.

III. RULE

A. Discussion:

1. *Request by HBPA to amend LAC 46: XLI.531 Worker's Compensation Insurance.*

Mr. Sean Alfortish begins by clarifying the proposed rule. He mentions that the proposed rule would state more clearly that worker's compensation would have to be through the HBPA or a waiver where you get insurance from another licensed insurance carrier, licensed to do business in Louisiana. Also, the rule would have the commission enforce the jockey fee. The results would assist the stewards to uniformly enforce the majority of situations when an individual is in arrears for premium payments. Ms. Kim Chatelain states the rule will be ready for amendment for the next commission meeting. Ms. Chatelain discusses the program regarding worker's compensation which will be monitored for a year. She says necessary actions will be in place for the program after it has been reviewed. Mr. Krantz and Mr. Alfortish further discuss the procedures regarding whether the horsemen's bookkeeper or field representatives are notifying trainers when they are in arrears.

2. Ms. Chatelain informs the commission that the action taken on the piroplasmosis rule will take place on August 30th. Mr. Meaux asks Ms. Chatelain to send a copy of the rule to all commissioners.

IV. OTHER

A. Apprentice Jockey Extension

1. Ratification of 52-day Extension for Apprentice Jockey **Janaris Landry** (injured 3/20/10 at Delta Downs). Returned to riding May 12, 2010.

Mr. Krantz motions to approve; Mr. Romero seconds; motion carries.

V. LICENSES

(In order heard)

License Approval Requests [LA.REV.STAT. 4:150(B)(2)]

Jeffery H. Faul, Jockey. Mr. Covington motions to deny Mr. Faul for licensing pending licensure in the state of Michigan; Mr. Romero seconds; Poll vote: 5-yes; 1-no; 1-abstain; motion carries.

Tommy J. Faul, Jr., Exercise rider. Convicted felon. Mr. Wright motions to deny Mr. Faul for licensing; Mr. Covington seconds; Poll vote: 6-yes; 0-no; 1-abstain; motion carries.

VI. ADJUDICATIONS

(In order heard)

Appeals (LA. REV. STAT. 4:154)

Trevino Clark, Jockey. Ruling#DD17955 of 4/29/10 – *Careless riding*. (Not present). Mr. Covington motions to uphold the stewards' ruling and suspend 7 calendar days effective 10-5-10 thru 10-11-10; Mr. Krantz seconds; motion carries.

Paul R. Duhon, Owner/Trainer. Ruling#DD17936 of 4/15/10 – *Clenbuterol & Acepromazine (ARCI Category III)* Mr. Krantz motions to uphold the stewards' ruling, fine \$1,000 and reduce suspension to 60 days effective 7-12-10 thru 9-9-10. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission. Purse redistributed. Mr. Covington seconds; motion carries.

Sam Ishaq, Owner/Trainer. Ruling#FG17923 of 3/28/10 – *Acepromazine (ARCI Category III)*. Mr. Krantz motions to uphold the stewards' ruling, fine an additional \$1,000 (total fine \$2,000) and redistribute the purse; Mr. Romero seconds; motion carries.

Adjudication Referred (LA. REV. STAT. 4:172)

Dustin B. Romero, Unlicensed exercise rider. Ruling#ED17951 of 4/28/10 – *Horse abuse* (Not present). Mr. Krantz motions for Mr. Romero to remain suspended pending his appearance before LSRC. Denied access to all race tracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Mr. Roberts seconds; motion carries.

VII. ADJOURNMENT

Mr. Meaux adjourns the meeting.



Charles A. Gardiner III
Executive Director

**Louisiana State Racing Commission
COMMISSIONERS POLL**

| | | | |
|---|--------------------------------------|----------------|----------------|
| MEETING DATE: | 8-30-10 | | |
| CASE NAME: | | | |
| TRACK/RULING #: | | | |
| MOTION: | To approve Emergency Rule (+ N.O.I.) | | |
| MADE BY: | Wright | | |
| 2ND BY: | Wagner | | |
| COMMISSIONER | FOR | AGAINST | ABSTAIN |
| Keith W. Babb | ✓ | | |
| Anthony Bourgeois | | ✓ | |
| Neil B. Cormier | | | |
| Payton R. Covington, <i>First Vice Chairman</i> | ✓ | | |
| Richard M. Hollier, Jr. | | | |
| Bryan G. Krantz | ✓ | | |
| Jerry F. Meaux, <i>Chairman</i> | | | |
| William A. Robinson | | | |
| David E. Roberts | | ✓ | |
| Kenneth "Kenu" Romero | ✓ | | |
| Ray A. Tromba | | | |
| Judy W. Wagner | ✓ | | |
| Bob F. Wright, <i>Second Vice Chairman</i> | ✓ | | |
| TOTALS | | | |

- MOTION CARRIES
 MOTION FAILS