

LOUISIANA STATE RACING COMMISSION

MINUTES – June 24, 2019 Meeting

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

COMMISSIONERS IN ATTENDANCE

Judy W. Wagner, *First Vice Chairperson*

R. Hamilton "Hammy" Davis

K. R. "Ron" Finkelstein, O.D.

Benjamin J. Guilbeau, Jr.

Eric G. Johnson

Mike R. McHalfey

Louis Reine

Kenneth "Kenu" Romero

Mike Shelton

ABSENT

Bob F. Wright, *Chairman*

Dr. Patrick Bernard

Thomas B. Calvert

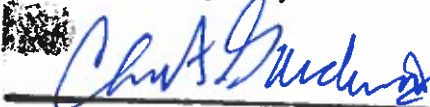
Donald "Don" Cravins

APPROVED

At the Commission Meeting of

10-28-19

(Date)



Executive Director
Louisiana State Racing Commission

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the First Vice Chairperson on Monday, June 24, 2019 at 9:05 AM in the Queen Anne Ballroom of the Monteleone Hotel, 214 Royal Street, New Orleans, Louisiana. Roll call was taken; a quorum was present.

Commissioner Reine motions to approve the meeting minutes from the April 15, 2019 meeting; Commissioner Guilbeau 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 handle is up 15% for Delta Downs' 46-day 2019 Quarter Horse Meet. He states that, after discussing with the quarter horse horsemen, Delta Downs will add two extra races per day for the last five days of the meet to make up for the race cancellations on June 19, 2019. He says that handle is up about \$2,500,000, over half of which likely came from advance-deposit wagering (ADW) bettors. He informs that the last race night of the meet will be on July 6, 2019 and will include a total of 12 races, 8 stakes races, and the Lee Berwick Futurity with a purse of \$700,000. He states that there have been no complaints about the track surface.

Commissioner Romero informs that he has received reports that unlicensed and suspended individuals have been seen regularly on Delta Downs' backside. He requests that each association submit a monthly report on what security measures have been taken to deter unlicensed and suspended individuals from getting into the backside. Mr. Warren responds that Delta Downs has security and a rover patrolling the backside as well as the State Police. He says that he will discuss the issue with security staff, State Police and Mr. Steve Kuypers, General Manager and Vice President of Delta Downs, and submit the report later.

Commissioner Reine asks if Delta Downs furnishes the guards with a list of suspended individuals. Mr. Warren responds that they don't have an all-inclusive list of people who are suspended by the Commission but the Commission offices at each racetrack can access that information for an individual if requested. Commissioner Reine says that the Commission should supply the racing associations with a complete list of suspended individuals.

Commissioner Wagner asks if the racing associations allow licensed individuals to sign other people in on the backside. Mr. Warren responds that licensed individuals are allowed to sign in unlicensed guests. He says that Delta Downs has both security staff and security personnel from Cintas, an outside service, to enforce security as needed.

Mr. Benard Chatters, President of the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA), states that trainers and owners need to be able to sign in guests because introducing those guests to the backside is an integral part of the business. Mr. Charles Gardiner III, Executive Director of LSRC, says that signing in guests makes it more difficult to maintain proper security but that, ultimately, securing the back stretch is an obligation of each racing association as a condition of its license.

Mr. Kenneth Roberts, LSRC Licensed Trainer, informs that he has seen dramatically increased security measures, including checking licenses and searching barns, at Delta Downs within the last month.

2019 QUARTER HORSE MEET

2. STEWARDS, OFFICIALS & MANAGEMENT

a. **Ratification** of *Jordan Jerman to serve as Placing Judge/Racing Office Staff for 2019 quarter horse meet.

**new official*

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

B. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

1. **PROGRESS REPORT**, *by Mr. Chris Warren, Director of Racing*. Mr. Warren informs that the \$100,000 Evangeline Mile Stakes ran on June 22, 2019 and was an exciting race. He states that Evangeline Downs' 84-day 2019 Thoroughbred Meet is down about 5% in total handle due to cancelled race days stemming from a lighting issue and weather. He says that, without those cancelled race days, the average daily handle year to year is flat. He informs that they have been discussing with the horsemen whether to add race days or extra races to existing race days based on the available purse money from the cancelled races. He states that the dirt track surface and turf course are both in great shape.

Mr. Ed Fenasci, Executive Director of LaHBPA, asks if Evangeline Downs ran all of the races that were cancelled, would the purse level be maintained or would purses have to be cut. Mr. Warren responds that they are discussing how to make up those cancelled race days and use the available purse money with the horsemen, who differ on whether they want more races with shorter fields for less purse money per race or less races with bigger fields and more purse money per race.

Commissioner Romero requests Evangeline Downs to submit a report on what security measures have been taken to deter unlicensed and suspended individuals from getting into the backside. Mr. Warren responds that they will.

Commissioner McHalfey asks if Evangeline Downs has come up with a plan to decrease overlapping thoroughbred race days with Louisiana Downs. Mr. Warren responds that their idea would be to run Evangeline Downs' meet from April through July and Louisiana Downs' meet from June through September so that there would only be two months of overlapping race days. He says that the plan would require a reduction in total race days to 64 days for both meets, which would need approval from both the legislative and LaHBPA. Mr. Chatters states that LaHBPA is opposed to any kind of reduction in race days per meet because it would put undue burden on the owners and trainers who rely on a stable number of race days at the racetracks nearest to them to prevent an increased need to transport their horses.

Mr. Eric Halstrom, Vice President of Operations at Louisiana Downs, informs that handle is down 20% for Louisiana Downs' 84-day 2019 Thoroughbred Meet and they average 6.7 starters per race due to a significant horse population shortage. He states that Louisiana Downs will have to compete next year with Lone Star Park receiving double their current purse money due to recently passed Texas Legislation. He says that Oaklawn Racing Casino Resort has moved its meet through Super Derby Day, which will affect the start of Louisiana Downs' meet due to shared horse population. He informs that he met with the LaHBPA backside committee at Louisiana Downs, who unanimously agreed that a change in race dates is necessary.

Commissioner McHalfey requests Louisiana Downs to turn in a plan to decrease overlapping thoroughbred race days. Mr. Halstrom agrees to do so.

Mr. Chatters states that LaHBPA has met with its members at Louisiana Downs and knows the needs of its members. He says that LaHBPA has worked with Louisiana Downs to improve their purse structure but disapproves Louisiana Downs' consistent suggestion to reduce dates because it would be detrimental to the horsemen. Commissioner Davis states that there is change coming to the industry one way or another and that the horseracing industry meetings are the best forum to work out plans for change to improve the industry.

Mr. Roger Heitzmann, Secretary-Treasurer of Louisiana Thoroughbred Breeders Association, informs that better purses would bring more horses to Louisiana and that more is needed to be done to bring bettors to the racetracks to increase handle and purses. Commissioner Davis states that, statistically, more bettors lead to bigger horse fields. Mr. Heitzmann says that Santa Anita has proven that small fields with bigger purses can be successful. He informs that there are 52% less trainers licensed today in North America compared to 1999, and there are 52% less race horses today compared to 1999. He states that there is a correlation and the industry needs to get new people interested in horseracing to improve those statistics.

**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 is doing capital backside improvements, including roof restorations, plumbing, and carpentry work and working on budget approvals from Churchill Downs. He states that they are on schedule with restoring the dirt and turf courses after Jazz Fest. He says that Fair Grounds' 10-day 2019 Quarter Horse Meet will start on August 16, 2019 and end on September 7, 2019. He states that the quarter horses will move-in around July 20, 2019. He informs that Fair Grounds is working with the Louisiana Quarter Horse Breeders Association to make the September 7th futurity finals a big racing event. He says that Fair Grounds representatives have met with the Environmental Protection Agency (EPA) in their Dallas main office and with Sewerage & Water Board locally concerning compliance with their rules, which is a difficult situation. He states that he meets with the horsemen individually to explain the EPA's requirements and needs their continued cooperation.

Mr. Boulet says that Delta Downs and Fair Grounds have shifted their dates in cooperation with trying to decrease overlapping days and that each racetrack will have an entire month of racing to themselves. He informs that Fair Grounds is planning to open an OTB in Plaquemines Parish and the preliminary application will be before the Commission for approval today. He states that Fair Grounds has four security points to watch where people can access its property and they post pictures of suspended individuals at the security post. He says that he will turn in reports to the Commission per Commissioner Romero's previous request. Mr. Gardiner asks if Fair Grounds has a Director of Security strictly assigned to back stretch issues. Mr. Boulet responds that their head of security is Wellington Jones and his assistant supervisor, Alisha Gary, oversees all backside issues.

Commissioner Reine asks from where the newly added Texas purse supplement money will come for their racetracks. Mr. Boulet responds that the money will come from agricultural products sold in Texas. He says that Sam Houston Race Park may become more competitive with Fair Grounds and Delta Downs in the winter meets due to that purse money boost. Commissioner Reine requests Mr. Gardiner to research the mechanism that the Texas Legislature enacted to supplement purse funds. Mr. Gardiner agrees.

2. **Churchill Downs May 31, 2019 Preliminary Application for Plaquemines Parish OTB pursuant to**
 - a. **Approval** of Preliminary Application for Commission to request Plaquemines Parish Council to authorize and include a referendum to be on the ballot of its next regularly scheduled election pursuant to La. R.S. 4:214 *et. seq.* and LAC 35:XV.12507.

Commissioner Reine motions to approve Churchill Downs' Preliminary Application for a Plaquemines Parish OTB and to request the Plaquemines Parish Council to authorize a referendum election to be held for the purpose of approving the establishment of such a facility within the parish; Commissioners Guilbeau and Shelton second; motion carries.

3. Letter from Fair Grounds, dated May 23, 2019, indicating intent to hold video poker purse funds accumulated from March 25, 2019 - September 7, 2019 in segregated bank account and requesting written direction from Commission.
 - a. Rule to Show Cause by What Authority video poker purse funds accumulated from March 25, 2019-September 7, 2019 are being held in a segregated bank account for purse supplements.
 - i. All interested parties are requested to comment.

Mr. David Waguespack, Attorney for Fair Grounds, submits arguments and introduces evidence.

Mr. William Townsend, Attorney for the plaintiffs in John Soileau v. Churchill Downs Louisiana Horseracing Company, submits arguments and introduces evidence. He informs that he would not object on behalf of his clients to the March 25, 2019 through September 7, 2019 video poker purse funds being held in escrow. He also asks the Commission to clarify whether it is or is not making a determination on the merits of the lawsuit.

Commissioner Guilbeau states that the Commission is not making a comment on the merits of the lawsuit, but rather, the Commission is confirming its position that the video poker purse funds should be distributed as it has been consistently done over the last five years.

Commissioner Guilbeau motions that before the Commission was to rule to show cause, testimony, evidence, and positions expressed by the parties. Fair Grounds has not shown to have statutory authority or a court order allowing them to withhold the funds and therefore the Commission immediately orders the held out purse money to be put back into the purses for the 2019-2020 thoroughbred meet; Commissioner Davis seconds; motion carries.

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

1. **PROGRESS REPORT**, by *Mr. Eric Halstrom, Vice President of Operations*. Mr. Halstrom informs that Eldorado Resorts has bought Caesars Entertainment, but he has not received any more information about the sale. He states that Louisiana Downs has been off the turf for about half of its thoroughbred race days so far due to the weather. He says that they held their first racetrack handicapping contest on June 22, 2019, which had less turnout than anticipated with 145 people attending, but those customer enjoyed it. He states that they submitted a preliminary application to the Commission for an OTB in Bossier Parish. He informs that they lose money on their OTB in Mound but it contributes \$120,000 to purses every year. He says that they are planning to expand OTBs in Caddo Parish and elsewhere in the future. He states that Louisiana Downs will have exotic racing on July 4, 2019 and Hall of Fame Day on July 13, 2019 to which all Commissioners will be invited. He informs that their website and social media platforms have a link to vote for Hall of Fame nominees and they have received 5,000 votes so far. He says that they will host their first Empire of Hope Day on July 20, 2019, which will be a fundraiser for local horse retirement organizations. He states that Louisiana Downs is second in their casino market for year-over-year slot revenue increase.

Commissioner Romero asks what Louisiana Downs' horse population is. Mr. Halstrom responds that they have about 850 horses, which is about 100 horses less than last year. He says that it negatively affects their field sizes. Commissioner Romero asks if splitting the thoroughbred meet into two meets would be beneficial. Mr. Fenasci responds that the statute controlling the number of race dates per meet prohibits splitting any meet.

Commissioner Reine asks if a participation fee paid to all owners for competing in a race would have a positive or negative impact for racing. Mr. Fenasci responds that the LaHBPA Board of Directors voted six to four against endorsing paying participation fees to owners. Mr. Gardiner states that, when participation fees were paid in the past, it was a negative because it led to a higher breakdown rate from horses that shouldn't have been racing.

Commissioner Wagner asks if the Monarch simulcast issue is only temporarily settled. Mr. Halstrom responds that Louisiana Downs' current agreement with Monarch should be good for a couple of years.

2. SIMULCASTING ISSUE

a. Update on simulcast dispute affecting Louisiana Downs.

Mr. Halstrom informs that Churchill Downs Simulcast Network, which is contracted to do Louisiana Downs' incoming and outgoing simulcast sales, had a dispute with Monarch Content Management that led to Louisiana Downs not sending or receiving simulcast signals with racetracks under Stronach Group ownership for about three weeks. He states that, as a result, Louisiana Downs missed wagering on the Preakness Stakes and lost about 20% of their handle during that time from big Monarch-controlled ADW bettor groups not wagering on their races. He says that Louisiana Downs negotiated with Churchill Downs Simulcast Network to be able to negotiate with Monarch Content Management on their own to simulcast with their tracks.

2019 THOROUGHBRED MEET

3. PICK 4 WAGERING

a. Request for coordinated Pick 4 wager between Louisiana Downs and Indiana Grand beginning June 25, 2019, running through the remainder of the meet and to lower take-out percentage of Pick 4 wagering from 25% to 15% on this wager pursuant to La. R.S. 4:166.7.

Mr. Halstrom informs that Louisiana Downs is trying to promote its racing along with Indiana Grand on TVG through featuring a Pick 4 wager involving two races from Louisiana Downs, two races from Indiana Grand, and a reduced take-out percentage.

Mr. Fenasci informs that the LaHBPA approves of the requested lower take-out percentage of Pick 4 wagering.

Commissioner Guilbeau motions to approve the coordinated Pick 4 wager and the lower take-out percentage of Pick 4 wagering; Commissioners Shelton and Romero second; motion carries.

Mr. Fenasci informs that LaHBPA was discussing instituting OTBs with Louisiana Downs management six years ago but were told that Caesars Entertainment had no capital to invest in OTBs nor were they interested in a partnership in which LaHBPA would raise the capital and build OTBs on their behalf. He asks Mr. Halstrom if the primary negative factor in attracting field sizes was that slot purse money is down \$4,500,000 in 2018 from where it was in 2012.

Mr. Halstrom states that Louisiana Downs' slot revenue has gone up this year while most Shreveport-area properties have lost slot revenues.

II. BREEDER UPDATES

A. LOUISIANA THROUGHbred BREEDERS ASSOCIATION (LTBA)

1. **PROGRESS REPORT**, by *Mr. Roger Heitzmann, Secretary-Treasurer*. Mr. Heitzmann thanks the Commission for the horseracing industry meeting that was held at Evangeline Downs. He informs that breeding in Louisiana is stagnant and needs stronger purses offered year-round to increase breeding in-state. He says that Louisiana stallions are better now than in the past, considering Louisiana-breds have been winning stakes races throughout the country.

Commissioner Reine asks what other states are doing to enhance their breeder programs that Louisiana is not. Mr. Heitzmann responds that successful methods include purse transfers and making maiden races a higher priority with larger purses by reducing purses for open races.

Commissioner Wagner encourages all parties in the Louisiana racing industry to negotiate and compromise in the spirit of working together towards the bigger picture.

B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)

1. **PROGRESS REPORT**, by *Mr. Bruce Salard, Executive Director*. Mr. Salard informs that The LQHBA 2019 yearling sale on August 1st through 3rd has 625 yearlings consigned with over 230 consigners and will feature the sale of the first foal of a national champion mare. He states that they had total sales of \$6,600,000 in last year's yearling sale. He says that Delta Downs had a combined handle of \$1,700,000 for the two-day programs of the Laddie and Lassie Futurities. He informs that, on July 6, 2019, LQHBA with Delta Downs will give away three scholarships and host the \$700,000 Lee Berwick Futurity, \$300,000 Delta Downs Louisiana-bred Derby, \$100,000 Louisiana Classic Futurity. He says that LQHBA will sponsor an open house with members and board members and invites the Commissioners to attend.

Commissioner Guilbeau requests that LQHBA send emails like they previously did to Commissioners and members about their upcoming sales and events. Mr. Salard responds that those emails still go out under a new system and he will make sure that the Commissioners emails are included.

III. COMMITTEE REPORTS

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

Commissioner Wagner informs that she is concerned with current national issues regarding racehorses breaking down. She states that Medication Committee needs to form a group with industry participants to examine issues that are happening nationwide, including third-party Lasix administration, to have some input about what needs to be done in Louisiana.

Commissioner Reine requests Mr. Chatters to inform LaHBPA members that the Commission has great concerns about medical violations and may enhance related penalties. Mr. Chatters agrees to inform the horsemen. Mr. John Duvieilh, Attorney for LaHBPA, requests that the Legal Committee review the legality and fairness of enhancing penalties for medication violations due to the continuation of violations rather than applying the current rules that have consistently guided the penalties.

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

Commissioner Romero requests that the racing associations comply with the Commission's charge to improve security on the backsides and racetracks.

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

Commissioner Cravins is absent.

Commissioner McHalfey informs that the racing industry meeting about a month ago at Evangeline Downs was a good first step to better communication and planning for horseracing's future.

F. FINANCE COMMITTEE, by Committee Chairman Louis Reine

No Report.

A 12-minute recess is taken.

Commissioner Reine requests that the Rules Committee research how other racing jurisdictions handle medication violation penalties for both horses and trainers and how effective those penalties are. Commissioner Davis agrees.

IV. RULES

A. FORMAL ADOPTION

1. Petition for Adoption of Rules

LAC 35: I Chapter 3 – General Rules

§304. Petition for Adoption of Rules [new]

Commissioner Davis motions to approve for formal adoption; Commissioner Guilbeau seconds; motion carries.

B. DISCUSSION

1. Pick N Wagering

LAC 35: XIII Chapter 116 – Pick N

§11601. Description; Selection; Principle [amend]

§11609. Procedure [amend]

§11611. No Winning Ticket [repeal]

§11613. Cancelled Races [repeal]

§11621. Scratches and Non-Starters [repeal]

§11625. Unforeseen Circumstances [amend]

LAC 35: XIII Chapter 110 – Pick Five or Pick Six

§11001. Pick Five [repeal]

§11003. Pick Six [repeal]

- Approved for Notice of Intent to proceed with formal rulemaking at April 15, 2019 Commission Meeting.
 - a. **Reduced Take-out Issue with Pick N**
 - i. The reduced take out statute (La. R.S. 4:166.7) only applies to Pick Three, Pick Four, and Pick Six Wagers. It would not be applicable to Amended Pick N rule without legislative amendment.

Commissioner Wagner asks how long ago Louisiana Revised Statute 4:166.7 was created prior to the current wagering menu in the Rules of Racing. Ms. Rhea Loney, Counsel for LSRC, responds that the Legislature enacted that statute when Louisiana exotic wagering only included Pick Three, Pick Four, and Pick Six. She states that the statute would need to be expanded to allow reduced takeout to be applied to all exotic wagering, which could not be attempted until the next Louisiana Legislative Session in 2020.

Commissioner Reine asks if there is an opportunity to amend the Pick N Rule without repealing the Pick Five or Pick Six Rules to allow alternative wagering options for the racing associations to choose. Ms. Loney responds that there is concern for confusing bettors on which rule would guide the takeout for similar wagers. Commissioner Wagner says that having clear rules is important, especially for the bettors outside of the racetracks who wager a lot of money.

Ms. Loney informs that the Rules Committee needs to review the issue and discuss how everyone wants to move forward.

V. REMAND

A. REMAND FROM FOURTH CIRCUIT COURT OF APPEAL:

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

In accordance with: The Fourth Circuit Court of Appeal Judgment entered on June 13, 2018

- a. Re-urged Exception of Nonjoinder of Proper Parties-in-Interest, filed by Defendant, Churchill Downs Louisiana Horseracing Company, L.L.C., ("Fair Grounds")

Mr. David Waguespack, Attorney for Fair Grounds, makes arguments as to why individual thoroughbred horsemen, who received purse money in dispute in this case in the past and present, should be named as a party in this case.

Mr. William Townsend, III, Attorney for Plaintiffs, makes arguments as to why individual thoroughbred horsemen should not be named as a party in this case.

Mr. John Duvieilh, Attorney for LaHBPA, states that he did not file any brief or response to this motion because it is strictly limited to Fair Grounds' motion to add what they consider indispensable parties. He states that LaHBPA is only being sued in the capacity of its fiduciary duty, not as representatives of the thoroughbred or quarter horse owners.

Commissioner Guilbeau motions to go into Executive Session for the purpose of discussing legal concerns/prospective litigation; Commissioner Shelton seconds; motion carries. The Commissioners go into Executive Session.

Mr. David Waguespack makes final arguments in support of the Re-urged Exception of Nonjoinder of Proper Parties-in-Interest.

Commissioner Guilbeau motions to deny the exception filed on behalf of Fair Grounds; Commissioner Reine seconds; motion carries.

VI. LICENSE APPROVAL

A. REQUEST FOR LICENSE APPROVAL (LA. REV. STAT. 4:150(B))

- 1. **Sullivan Lewis, Casino Employee.** Convicted felon.

Mr. Lewis not present for hearing. Commissioner Reine requests further information about Mr. Lewis' conviction involving a juvenile.

Commissioner Guilbeau motions to continue this case pending additional information to be supplied per Commissioner Reine's request; Commissioner Reine seconds; motion carries.

VII. ADJUDICATIONS

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

1. **Jose A. Garcia, Trainer.** (*Adjudication Appeal*)

Ruling#ED23363 of 03/28/19 – *Clenbuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, Esq., present and standing in for Daniel G. Guidry, Esq, who is absent.

Appeal Withdrawn. Mr. Garcia not present for hearing, however represented by counsel at hearing.

Commissioner Reine motions to uphold the Stewards' ruling, suspend Mr. Garcia for 60 days effective July 9, 2019 through September 6, 2019, and redistribute the purse. Mr. Garcia will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner McHalfey seconds; motion carries.

2. **Jorge L. Gonzalez, Trainer.** (*Adjudication Appeal*)

Ruling#LD23321 of 02/25/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, Esq., present and standing in for Daniel G. Guidry, Esq, who is absent.

Appeal Withdrawn. Not present for hearing, however represented by counsel at hearing.

Commissioner Reine motions to uphold the Stewards' ruling, suspend Mr. Gonzalez for 60 days effective July 9, 2019 through September 6, 2019, and redistribute the purse. Mr. Gonzalez will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner McHalfey seconds; motion carries.

3. **Josue Huitron, Trainer.** (*Adjudication Appeal*)

Ruling#LD23353 of 03/17/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, Esq., present and standing in for Daniel G. Guidry, Esq, who is absent.

Case continued from April 15, 2019 Commission Meeting.

Ruling LD23353, Ruling DD23390, and Ruling DD23391 consolidated for the purposes of hearing and adjudication. Represented by counsel at hearing.

Commissioner Reine motions to amend the suspension to 6 months per stipulation by Mr. Huitron and his counsel; Commissioner Reine withdraws his motion.

Commissioner Davis motions to uphold the Stewards' Ruling LD23353, suspend Mr. Huitron for 60 days (7/9/19-9/6/19), and redistribute the purse. He also motions to uphold Stewards' Ruling DD23390, suspend Mr. Huitron for 120 days, (9/7/19-1/5/20), and redistribute the purse. He also motions to uphold Stewards' Ruling DD23391, suspend Mr. Huitron for 6 months (1/6/20- 7/5/20), and redistribute the purse. Suspensions from each ruling to run consecutive. During the suspensions, Mr. Huitron will be denied access to all racetracks, off-track wagering facilities and

recognized training tracks under the jurisdiction of the Louisiana State Racing Commission; Commissioner Shelton seconds; motion carries.

- 4. **Josue Huitron, Trainer.** *(Adjudication Referred/Appeal)*
Ruling#DD23390 of 05/01/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, Esq., present and standing in for Daniel G. Guidry, Esq, who is absent.

Please see Ruling LD23353 case above for consolidated adjudication.

- 5. **Josue Huitron, Trainer.** *(Adjudication Referred/Appeal)*
Ruling#DD23391 of 05/01/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, Esq., present and standing in for Daniel G. Guidry, Esq, who is absent.

Please see Ruling LD23353 case above for consolidated adjudication.

- 6. **Joseph M. Davis, Trainer.** *(Adjudication Appeal)*
Ruling#LD23297 of 02/12/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, III., Esq.

Case continued from April 15, 2019 Commission Meeting.

Ruling LD23297 and Ruling DD23398 consolidated for the purposes of hearing and adjudication. Represented by counsel at hearing.

Commissioner Guilbeau motions to uphold the Stewards’ Ruling LD23297, suspend Mr. Davis for 60 days (4/8/19-6/6/19), and redistribute the purse. He also motions to uphold Stewards’ Ruling DD23398, suspend Mr. Davis for 120 days, (6/7/19-10/4/19), and redistribute the purse. Suspensions from each ruling to run consecutive. During the suspensions, Mr. Davis will be denied access to all racetracks, off-track wagering facilities and recognized training tracks under the jurisdiction of the Louisiana State Racing Commission. Mr. Davis is required to appear before the Commission prior to any License Approval in the future; Commissioners Reine and McHalfey second; motion carries.

- 7. **Joseph M. Davis, Trainer.** *(Adjudication Referred/Appeal)*
Ruling#DD23398 of 05/02/19 – *Albuterol (ARCI Category III)*

Attorney – Edmond L. Guidry, III., Esq.

Please see Ruling LD23297 case above for consolidated adjudication.

VIII. ADJOURNMENT

Commissioner Reine motions to adjourn; Commissioner Guilbeau seconds; First Vice Chairperson Wagner adjourns the meeting.

Charles A. Gardiner III
Executive Director