

LOUISIANA STATE RACING COMMISSION
MINUTES – April 26, 2022 Meeting

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

COMMISSIONERS IN ATTENDANCE

Benjamin J. Guilbeau, Jr., *Chairman*
Louis Reine, *First Vice Chair*
Dr. Patrick Bernard, *Second Vice Chair*
Leslie M. Bouie
Thomas B. Calvert
Lane T. Cortez
Donald "Don" Cravins
Eddie J. Delahoussaye
K. R. "Ron" Finkelstein, O.D.
Roy Griggs
Mike R. McHalfey
Deano Thornton

ABSENT

Peter J. Hamilton III

The meeting of the Louisiana State Racing Commission (LSRC) was called to order by the Chairman on Tuesday, April 26, 2022 at 10:00 AM in Mojo's Sports Bar at Evangeline Downs Racetrack & Casino, 2235 Creswell Lane Extension, Opelousas, LA and on Zoom Conference Call. Roll call was taken; a quorum was present.

Commissioner Reine motions to approve the meeting minutes from the January 18, 2022 and January 28, 2022 meetings; Commissioner Bernard seconds; motion carries.

I. ADJUDICATIONS

A. CARELESS RIDING APPEAL (LA. REV. STAT. 4:154)

1. Joe B. Stokes, Jockey.

Ruling#DD24666 of 12/20/21 – *Careless Riding*.

Appeal Withdrawn. Mr. Stokes not present for hearing. Commissioner Bernard motions to suspend Mr. Stokes for 7 calendar days from October 5, 2022 through October 11, 2022; if Mr. Stokes participates in a designated race day not subject to suspension, he shall be required to make up the suspension day on the first race day after the designated day of racing; Commissioner McHalfey seconds; motion carries.

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

1. Rosendo Valdez, Jr. Trainer. (Adjudications Referred)

8 Rulings as provided in Meeting Agenda.

Mr. Valdez not present for hearing.

Commissioner Bernard motions to amend Mr. Valdez's suspension from 6 months for each ruling consecutively to 8 years total; motion does not carry.

Commissioner Reine makes a substitute motion to uphold Stewards' Rulings LD24766, LD24783, LD24784, LD24790, LD24822, LD24823, LD24824, and LD24825, add fine of \$12,000 total (\$1,500 for each ruling); amend Mr. Valdez's suspension from 6 months for each ruling to 8 years total (1 year for each ruling, consecutively, with credit for time served beginning March 17, 2022) effective March 17, 2022 through March 16, 2030, and redistribute the purses. Mr. Valdez 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 Delahoussaye seconds; motion carries.

2. Lanny D. Keith, Trainer. (*Adjudications Referred*)

4 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Bernard motions to uphold Stewards' Rulings LD24774, LD24775, LD24782, and LD24789, amend Mr. Keith's suspension from 6 months for each ruling to 2 years suspension (credit for time served beginning March 17, 2022), effective March 17, 2022 through March 16, 2024, followed by 2 years on probation effective March 17, 2024 through March 16, 2026; any violations of equine drug testing rules during his probation will result in the reinstatement of his suspension; and redistribute the purses. Mr. Keith 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 Bouie seconds; motion carries with sole opposition from Commissioner Delahoussaye.

3. Manuel Pizana, Trainer. (*Adjudications Referred*)

4 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Bernard motions to uphold Stewards' Rulings LD24767, LD24768, LD24788, and LD24808, amend Mr. Pizana's suspension from 6 months for each ruling to 2 years suspension (credit for time served beginning March 17, 2022), effective March 17, 2022 through March 16, 2024, followed by 2 years on probation effective March 17, 2024 through March 16, 2026; any violations of equine drug testing rules during his probation will result in the reinstatement of his suspension; and redistribute the purses. Mr. Pizana 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 Reine seconds; motion carries with opposition from Commissioners Cravins and Delahoussaye.

4. Manuel H. Macias, Trainer. (*Adjudications Referred*)

3 Rulings as provided in Meeting Agenda.

Attorney – Edmond L. Guidry, III, Esq.

Commissioner Bernard motions to uphold Stewards' Rulings LD24770, LD24773, and LD24791, amend Mr. Macias' suspension from 6 months for each ruling to 1.5 years suspension (credit for time served beginning March 17, 2022), effective March 17, 2022 through September 16, 2023, followed by 1.5 years on probation effective September 17, 2023 through March 16, 2025; any violations of equine drug testing rules during his probation will result in the reinstatement of his suspension; and redistribute the purses. Mr. Pizana 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 Reine seconds; motion carries with opposition from Commissioners Calvert, Cravins, and Delahoussaye.

- 5. **Fernando Lopez, Trainer.** (*Adjudications Referred*)
2 Rulings as provided in Meeting Agenda.

Commissioner Bernard motions to amend Mr. Lopez's suspension from 6 months for each ruling consecutively to 2 years suspension total; motion does not carry.

Commissioner Reine makes a substitute motion to uphold Stewards' Rulings LD24801 and LD24802, amend Mr. Lopez's suspension from 6 months for each ruling to 1 year suspension (credit for time served beginning April 1, 2022), effective April 1, 2022 through March 31, 2023, followed by 1 year on probation effective April 1, 2023 through March 31, 2024; any violations of equine drug testing rules during his probation will result in the reinstatement of his suspension; and redistribute the purses. Mr. Lopez 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 Thornton seconds; motion carries with opposition from Commissioners Calvert and Cravins.

C. VIOLATION OF LA. REV. STAT. 4:175(E) (Unnatural Stimulation of Horses) & LAC 35:I.1743 (Possession of Drugs, Syringes or Needles)

- 1. **Hance "Ray" Robbins, Trainer.** (*Adjudication Referral*)
Ruling#DD24761 of 02/24/22 – *Possession of prohibited drugs, hypodermic needles & syringes*
Attorney – Edmond L. Guidry, III, Esq.

Commissioner Bernard motions to uphold Stewards' Ruling, amend Mr. Robbins' suspension from 6 months to 1 year (credit for time served beginning December 12, 2021), effective December 12, 2021 through December 11, 2022. Mr. Robbins 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 Cravins seconds; motion carries with sole opposition from Commissioners Calvert.

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

- 1. **Bethany L. Taylor, Jockey.** (*Adjudication Appealed*)
Ruling#DD24706 of 01/12/22 – *Human Drug Testing (1st offense)*

Commissioner Reine motions to remand Stewards' Rulings DD24706 remanded to the Stewards to re-evaluate ruling based on further evidence to be submitted by Ms. Taylor; Commissioner Cravins seconds; motion carries.

- 1. **Kalee A. Mancha, Specimen Collector.** (*Adjudication Referred*)
Ruling#DD24706 of 01/12/22 – *Human Drug Testing (1st offense)*

Commissioner Reine motions to uphold Stewards' Ruling, amend Ms. Mancha's suspension from dates specified in ruling to 4 months (credit for time served beginning November 20, 2021), effective November 20, 2021 through March 19, 2022; additionally, Ms. Mancha will be barred from participating in the 2022 Delta Downs Quarter Horse Meet, though after serving her 4-month suspension, she may be allowed the opportunity to petition the Commission to consider allowing her to return to work. Ms. Mancha 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 Bernard seconds; motion carries.

A 13-minute recess is taken.

**E. VIOLATIONS OF LAC 35:I.1705, et seq. (Electrical Devices),
LA. REV. STAT. 4:175(E) (Electrical Device & Willful Pulling of Reins),
& LAC 46:XLI.739 (Rider Wagering)**

- 1. **Joseph W. Patin, Jr., Jockey.** (*Adjudications Referred*)
 Ruling#ED21280 of 8/14/15 – Electrical Device
 Ruling#ED21281 of 8/14/15 – Electrical Device
 Ruling#ED21304 of 8/28/15 – Pulling of Reins & Rider Wagering

Continued from January 18, 2022 Commission Meeting

Mr. Patin was present but left without notice prior to his hearing. Commissioner Bernard motions to uphold Stewards’ Rulings ED21280, ED21281, and ED21304, redistribute the purses, and amend Mr. Patin’s suspension from 18 months total (6 months for each ruling) to a lifetime ban from licensure as a Jockey in Louisiana; Commissioner McHalfey seconds; motion carries.

II. LICENSE APPROVALS

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

- 1. **Marquis D. Watson, Owner.** Convicted felon.

Commissioner Reine motions to approve Mr. Watson for Licensure as Owner; Commissioner McHalfey seconds; motion carries with sole opposition from Commissioner Calvert.

- 2. **Jonathan C. Barnes, Owner.** Convicted felon.

Commissioner Reine motions to approve Mr. Barnes for Licensure as Owner; motion withdrawn.

Commissioner Calvert motions to deny Mr. Barnes for Licensure as Owner; Commissioner McHalfey seconds; motion carries with opposition from The Chairman and Commissioner Cravins.

- 3. **Billy C. Patin, Exercise Rider.** Approval of Non-Jockey License.
Lifetime Ban from Licensure as a Jockey.

Attorney – Aaron W. Guidry, Esq.

Commissioner Calvert motions to deny Mr. Patin for Licensure as Exercise Rider; Commissioner Cortez seconds; motion carries with sole opposition from The Chairman.

B. REQUEST FOR REDUCTION OF SENTENCE/REINSTATEMENT

- 1. Jonas Gibson, Trainer.** Seeking reduction of suspension/reinstatement of license.

Continued from January 18, 2022 Commission Meeting

Attorney – Kyle M. Robinson, Esq.

Commissioner McHalfey motions to grant Reduction of Sentence/Reinstatement of License for Mr. Gibson and put him on probation for 1 year during which any violations will result in suspension of his license; Commissioner Cravins seconds; motion does not carry.

Commissioner Reine makes a substitute motion to grant Reduction of Sentence/Reinstatement of License for Mr. Gibson, with suspension to end on April 27, 2022.; Commissioners McHalfey and Griggs second; motion carries.

III. 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' 84-day 2021-2022 Thoroughbred Meet, which was run Wednesdays through Saturdays during the daytime, ended on March 5, 2022. He states that live handle was up 7%, bet-in handle was down 13%, and simulcasting handle was up 78%. He says that this meet had two more race days run than their previous thoroughbred meet due to the extended freeze that year. He informs that Premier Day on February 5, 2022 had a record handle of \$3,100,000 for that event and the March 3, 2022 non-stakes, jackpot race day had a record handle of \$3,300,000. The Chairman commends Boyd Gaming and the horsemen for a fantastic Premier Day.

Mr. Warren informs that Delta Downs' 46-day 2022 Quarter Horse Meet will start on April 29, 2022 with a 6:15PM Post Time. He says that they may be getting 15 more quarter horse race dates transferred from Fair Grounds' meet.

2. LIGHTING DISCUSSION

- a. Update** on Delta Downs' racetrack lighting suitability for nighttime racing by Lighting Expert.

Mr. Steve Kuypers, Vice President and General Manager of Delta Downs, introduces Mr. Chet Nadolski, Chief Operating Officer for Yates Construction, and John Stewart, President of Encompass Lighting. Mr. Nadolski informs that the assessment from August 27, 2020 for the lighting system was that it needed complete replacement, and they brought several experts to replace the existing system while meeting current code requirements. He states that they originally installed 36 light poles and 261 LED fixtures but have since added 64 more LED fixtures.

Mr. Stewart informs that he went to the track on January 27, 2022 at night. He states that they took photometric readings and consulted with the jockeys about their concerns. He says that there is no written standard for racetrack lighting in the industry and no other racetrack uses an LED lighting system like they installed, so they didn't have an established, direct comparison from which to work. He states that the system is closer to daytime light colors, has better lighting levels, and has proper consistency throughout the course, which will set the standard for future lighting at racetracks.

Mr. John Beech, Regional Manager for the Jockey's Guild, comments that quarter horse races have different lighting needs to consider, regarding reducing shadows at the turns, than thoroughbred races. Commissioner McHalfey asks if the lighting is safe enough now. Mr. Stewart responds that it is the best LED lighting system for a racetrack. Commissioner Reine requests that Delta Downs continues the conversation with jockeys to ensure their safety. Mr. Kuypers guarantees that they will. Mr. Terry Meyocks, President and CEO of Jockeys' Guild, states that the thoroughbred jockeys are still not comfortable with the lighting system. The Chairman informs that the jockeys may bring substantive affidavits or testimony about any safety concerns to the Commission to address prior to the October 2022 start if the thoroughbred meet at Delta Downs.

2022 QUARTER HORSE MEET

3. RACES

- a. Approval of first condition book for 2022 quarter horse meet.
- b. Approval of designated races for 2022 quarter horse meet as provided in Meeting Agenda.

4. STEWARDS, OFFICIALS & MANAGEMENT

- a. Approval of officials for 2022 quarter horse meet as provided in Meeting Agenda.

Commissioner Reine motions to approve Items #3 & #4; Commissioner Bernard seconds; motion carries.

2022-2023 THOROUGHBRED MEET

5. LICENSE APPROVALS

- a. Approval for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

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

- a. Approval for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

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

- a. Approval for wagering format for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

Commissioner Reine motions to approve Items #5, #6, & #7; Commissioner Cravins 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 Evangeline Downs' 84-day 2022 Thoroughbred Meet started on April 6, 2022. He states that handle is down 11% from last year but handle is up 11% from 2019, which is a more similar meet. He says that they consulted with Dr. Mick Peterson, Executive Director of the Racing Surfaces Testing Laboratory, who provided a report saying that Evangeline Downs' racing surface is in good condition, with ongoing proper maintenance, for training and racing.

2. TURF TRACK

- a. Update on the current status of Evangeline Downs' turf track.

Mr. Warren informs that their current vendor, Mr. Scott Guidry with Environmental Turf Management, works on maintenance and repair for the turf course monthly. He says that the turf is in very good standing considering the cold weather at the beginning of this year. He states that they consulted with Mr. Terry Brown, Louisiana

Downs' turf course vendor, and got him to aerate the turf earlier in April. He informs that they took entries today for three turf races carded for next week, which will be the first turf races of the current meet. He states that they bought a ditcher machine to maintain drainage and installed head-on cameras per the Commission's request.

Commissioner McHalfey asks why Evangeline Downs uses Bermuda grass when it consistently keeps the turf from being used at the start of the thoroughbred meet and requests a report from the turf expert. Mr. Warren responds that Evangeline Downs' turf course has not been used prior to end of April and start of May each year for the seven years he has worked for the company. He says that he will get a detailed turf report from Mr. Guidry.

The Chairman requests an in-depth, short-term report on the status of the turf course within the next couple of weeks and a long-term report on what is needed to have the turf course ready to use at the start of every meet going forward.

Commissioner Cravins asks what Evangeline Downs has been doing relative to staffing and promotion of racing. Ms. Carol Core, Vice President and General Manager of Evangeline Downs, responds that racing is included in their core advertising mailer that has been sent out since last fall. She states that the clubhouse is open four days a week, they have bartenders and tellers working though there are staffing challenges, and a buffet is offered Wednesday through Saturday each week. She says that they offer a new progressive jackpot and that they will be bringing back family days. She informs that there is a billboard dedicated to racing on I-49 and that they have had discussions on planning to get upstairs re-open, have live music, and host handicapping contests.

Commissioner Reine asks about Evangeline Downs' progress with Historical Horse Racing (HHR) Machines and OTBs. Ms. Core responds that they currently have three OTBs and are planning to install 30 HHR Machines in each OTB by the end of August. She states that they are getting a new OTB built in Breaux Bridge by the end of August. She says that they are not planning to install HHR Machines at the racetrack until they see how they performs at the OTBs. Commissioner Cravins states that there is no consistency in the Louisiana racing industry regarding advertising and promotions and that the Commission needs to find a way to address that issue.

Commissioner Cortez proposes fining Evangeline Downs \$50,000 for not having their turf course ready for racing at the start of the current meet. The Chairman states that the Commission can consider a fine at the next Commission Meeting after receiving the requested turf report. Commissioner McHalfey requests holding off on turf races until the Commission receives the report. Mr. Warren responds that they postponed turf racing by one week from their scheduled start per the advice of their turf expert to allow the grass to grow fuller due to aeration and the weather. Commissioner Cortez states that the Commission should consider never giving Evangeline Downs further April race dates when they would not have turf racing available at the start.

2022 THOROUGHBRED MEET

3. RACES

- a. **Ratification** of first condition book for 2022 thoroughbred meet.
- b. **Ratification** of designated races for 2022 thoroughbred meet as provided in Meeting Agenda.

4. STEWARDS, OFFICIALS & MANAGEMENT

- a. **Ratification** of officials for 2022 thoroughbred meet as provided in Meeting Agenda.

Commissioner Bernard motions to approve Items #3 & #4; Commissioner Cravins seconds; motion carries.

2022 QUARTER HORSE MEET**5. LICENSE APPROVALS**

- a. **Approval** for 2022 quarter horse meet as provided in Meeting Agenda.

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

- a. **Approval** for 2022 quarter horse meet as provided in Meeting Agenda.

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

- a. **Approval** for wagering format for 2022 quarter horse meet as provided in Meeting Agenda.

Commissioner Cravins motions to approve Items #5, #6, & #7; Commissioner Bernard seconds; motion carries.

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' 80-day 2021-2022 Thoroughbred Meet ended on March 27, 2022 was one of their most successful meets ever, despite the challenges of Hurricane Ida damage, COVID-19 restrictions, and staffing issues. He states that live handle total was \$256,500,000, which is the highest for the track during Churchill Downs' ownership and is a 4% increase year over year. He says that starters per race declined from 8.2 last year to 7.7 this year, which can be attributed to nationwide competition particularly from Oaklawn Park. He states that their Road to the Kentucky Derby series added a fourth day with points races in December and was overwhelmingly successful with \$58,600,000 wagered on those four race days this meet. The Chairman commends Fair Grounds for the quality of those race days.

Mr. Boulet informs that seven of the twenty horses slated to run in the Kentucky Derby and six of the fourteen fillies in the Kentucky Oaks ran at Fair Grounds this meet, including the top favorites of each race. He says that Mr. Ron Faucheux was the leading trainer, Ms. Evelyn Benoit was the leading owner, and Mr. James Graham was the leading rider this meet. He states that eight of the nation's top ten trainers of 2021 competed at Fair Grounds this meet.

Mr. Boulet informs that Fair Grounds' telecast signal has been improved with a new \$225,000 high-definition system. He states that their Westwego and Meraux OTBs are the first two in their OTB network to operate HHR machines, which have positive trends so far, and their Destrehan OTB is scheduled to start running HHR machine in three weeks. He says that Jazz Fest will return April 29, 2022 for the first time in two years. He informs that their racing marketing strategy has shifted to drive awareness among a younger demographic and introduces Ms. Jamie Garrett, Marketing Director at Fair Grounds.

Commissioner Bernard asks if they have information on number of horses that bled during the graded stakes races run without Lasix at Fair Grounds. Mr. Boulet responds that he will get that information from Dr. William Farmer, Equine Medical Director for Churchill Downs Inc., to give to the Commission. Commissioner Reine asks if Fair Grounds has any plan to show races to Jazz Fest attendees to generate interest. Mr.

Boulet responds that he will bring up that idea in upcoming meetings. Commissioner Calvert asks if there is anything that the Commission should consider to help Fair Grounds improve the horse racing product. Mr. Boulet responds that the continuing to reduce race day overlaps in Louisiana would be the biggest help. He says that Oaklawn Park has better purses but that the new HHR and sports wagering funds will be helpful in competing with those purses. Commissioner Cortez thanks Delta Downs and Fair Grounds for discussing and adjusting their race dates as requested by the horsemen.

Ms. Garrett gives a presentation about Fair Grounds advertising its racing product via radio, print ads, billboards, social media, and mailers. Commissioner Cravins asks if attendance has increased based on their advertising. Ms. Garrett responds that Fair Grounds had great attendance this meet.

2. REQUEST TO TRANSFER 2022 QH RACE MEET

- a. **Discussion** of Fair Grounds' September 30, 2022 deadline to meet Phase 1 obligations of Consent Decree with the Environmental Protection Agency and Department of Justice.
- b. **Approval** of Fair Grounds' Plan to Transfer 2022 Quarter Horse Race Dates and Purses.

Mr. Boulet informs that Fair Grounds has made an agreement with Boyd gaming on the transfer of its 15 quarter horse race days to Delta Downs this year. He states that Phase 1 construction will start after Jazz Fest leaves the premises. He says that the whole project will take over two years of major construction on the barn area, backside, and infrastructure that would create safety issues for horses training or racing on the property during the periods of construction. He introduces Mr. Chris Galopin, Director of Construction for Churchill Downs, who will be overseeing these projects and Ms. Aimee Killeen, Chief Operating Officer of Providence Engineering, who has been consulting with Fair Grounds and advising about consent decree requirements.

Ms. Killeen informs that the next major projects will involve significant ground and concrete removal, which may present further compliance problems depending on what is found underground since the facility was built before rules and building codes were implemented. Mr. Galopin states that Phase 1 will include installation of 89 additional wash stalls to the backside that will divert water directly to a treated sanitary drain and a storm water segregation project that will help reduce flooding across the back of the property and increase the ability to store processed waste water. Commissioner Delahoussaye asks if the wash stalls will be by the normal barns. Mr. Galopin responds that the wash stalls will be scattered throughout the backside so horses will not have to travel too far from their stalls.

Mr. Boulet informs that the transferred quarter horse dates will be run at Delta Downs from July 28, 2022 through September 3, 2022, with one dark week in the middle to not overlap with the August 5 & 6, 2022 Yearling Sale in Kinder. He says that the breeders' futurity trials will be run on August 11, 2022 and the finals will run September 3, 2022. The Chairman requests the associations to submit the details of this quarter horse meet transfer agreement in writing and commends them for working together on this agreement. Mr. Boulet states that the Fair Grounds' quarter horse purse money will be transferred to Delta Downs.

Commissioner Reine motions to approve Fair Grounds' request to transfer its 2022 quarter horse race dates and purse money to Delta Downs pending submission of specific dates, post times, and wagering for final approval at the June 2022 Commission Meeting; Commissioner Bernard seconds; motion carries

2022 QUARTER HORSE MEET

3. LICENSE APPROVALS

a. Approval for 2022 quarter horse meet as provided in Meeting Agenda.

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

a. Approval for 2022 quarter horse meet as provided in Meeting Agenda.

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

a. Approval for wagering format for 2022 quarter horse meet as provided in Meeting Agenda.

Items #3, #4, & #5 removed from consideration per the transfer of quarter horse dates above.

2022-2023 THOROUGHBRED MEET

6. LICENSE APPROVALS

a. Approval for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

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

a. Approval for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

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

a. Approval for wagering format for 2022-2023 thoroughbred meet as provided in Meeting Agenda.

Commissioner Reine motions to approve Items #6, #7, & #8; Commissioner Calvert seconds; motion carries.

The Chairman opens the floor to the public for comments regarding Evangeline Downs turf course. Commissioner Reine states that Aqueduct Racetrack ran turf races starting on April 9, 2022.

Mr. Glenn Delahoussaye, LSRC-Licensed Trainer, informs that Evangeline Downs only holds thoroughbred races for 5 months, so losing the first month reduces the turf races by 20%, and they typically lose 30% of total scheduled turf races due to inclement weather. He states that trainers lose horses to other tracks when turf racing is so minimized. Mr. Steve Flint, LSRC-Licensed Trainer, informs that both Fair Grounds and Louisiana Downs are able to have their turf course ready for races by the start of their meets, so Boyd Gaming needs to do the same to stop its declining starts per race. He states that the starting gate needs more staffing to properly handle horses for better safety. Mr. Delahoussaye informs that other trainers are reluctant to speak out on these issues because the racetrack controls who gets free stall space onsite and could take away those stalls in retaliation.

**D. LOUISIANA DOWNS INVESTMENT COMPANY, LLC
d/b/a LOUISIANA DOWNS CASINO & RACETRACK**

- 1. **PROGRESS REPORT**, by *Mr. Mitch Dennison, General Manager of Racing*. Mr. Dennison informs that Louisiana Downs' 84-day 2022 Thoroughbred Meet starts on May 7, 2022. He states that they consulted with Michael DePew, Agronomist from Environmental Tech Services, about the turf course and will forward that report to the Commission. He says that, on opening day, they will have kids' games and a fashion show since it is also Kentucky Derby Day. He states that they are sending out \$10,000 worth of mystery vouchers to the local area. He informs that they have cleaned and sanitized the grandstand, box seats, and sports boxes and that they have almost sold out of reservations for opening day. He says that they are reviewing off-track wagering signal contracts and plan to pump up Louisiana Downs with HHR machines and sports wagering. He states that they are finishing renovations at their OTB in Mound. He informs that they have hired a new chef to provide food services for attendees. He says that post time will be 3:05 pm.

Commissioner Cortez asks if they are getting adequate staffing and how many restaurants are they planning to have. Mr. Dennison responds that the staff were contracted out by the previous owners but that they have been hiring for in-house food and beverage workers and housekeeping workers. He says that they still have Fuddrucker's operating and that they are looking to have a buffet spread for the third-floor suites and box seats.

2022 THOROUGHBRED MEET

- 2. **STEWARDS, OFFICIALS & MANAGEMENT**
 - a. **Approval** of officials for 2022 thoroughbred meet as provided in Meeting Agenda.
 - b. **Approval** of Roy Wood, Jr. to serve as state steward for 2022 thoroughbred meet.

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

A 15-minute recess is taken.

IV. BREEDER UPDATES

A. LOUISIANA THOROUGHBRED BREEDERS ASSOCIATION (LTBA)

- 1. **PROGRESS REPORT**, by *Mr. Roger Heitzmann, Executive Director*. Mr. Heitzmann thanks the Louisiana Legislature, especially Senate President Page Cortez and Speaker of the House Clay Schexnayder, for the laws passed last year that are helping the horseracing industry and thanks the Louisiana Horsemen's Benevolent and Protective Association (LaHBPA) for working with the breeders and the Louisiana Legislature. He acknowledges Fair Grounds' work towards opening more OTBs and installing HHR Machines, which will help with purses and breeders' efforts. He thanks the Commission for its efforts to help the progress of the industry.

B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)

1. **PROGRESS REPORT**, *by Mr. Bruce Salard, Executive Director.* Mr. Salard informs that they had 1,054 applications for Louisiana quarter horse foal accreditation for 2021, about 550 of which will be in the August 5 & 6, 2022 Yearling Sale in Kinder. He thanks Evangeline Downs for hosting LQHBA's Annual Meeting and Awards Banquet on April 23, 2022, which was the first since April 2019 and hosted about 500 people. He states that they will be hair testing the top 15 qualifiers in the five trials starting on May 2, 2022 to qualify for the Old South Futurity. He requests that the Commission institute random hair testing for quarter horses in 2023, which he will discuss further with Executive Director Charles Gardiner III. The Chairman refers this request to the Medication Committee.

V. COMMITTEE REPORTS

A. MEDICATION COMMITTEE, *by Committee Chair Patrick Bernard*

No Report.

B. RULES COMMITTEE, *by Committee Chair Lane T. Cortez*

Commissioner Cortez informs that the LaHBPA sent the Rules Committee some proposed track safety guidelines, which will be discussed at a later date.

C. LEGAL COMMITTEE, *by Committee Chair Thomas B. Calvert*

No Report.

D. SECURITY COMMITTEE, *by Committee Chair Louis Reine*

Commissioner Reine informs that they plan to hold a Security Committee meeting in conjunction with the June 2022 Commission Meeting.

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

No Report.

F. FINANCE COMMITTEE, *by Committee Chair Leslie Bouie*

No Report.

G. RACING DAYS COMMITTEE, *by Committee Chair Mike R. McHalfey*

Commissioner McHalfey informs that the Racing Days Committee will meet prior to the June 2022 Commission Meeting.

VI. OTHER

A. ANNUAL RENEWAL OF TRAINING TRACK APPLICATIONS:

1. **Review** of applications for training track licenses pursuant to LAC 46: XLI.1903-1907.
 - a. **Benton Training Center (The Training Center Improvements, Inc.)**

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

b. The Training Center at Copper Crowne, LLC

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

c. Folsom Thoroughbred Training Center Owners Association, Inc.

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

B. LAHBPA REQUESTS

1. Discussion of LaHBPA's request to end LSRC's piroplasmosis testing.

Commissioner Reine motions to defer this issue to the June 2022 Commission Meeting since the LaHBPA is not in attendance; Commissioner Bernard seconds; motion carries

2. Discussion of LaHBPA's request to require an independent track surface expert's evaluation prior to the start of race meets.

Commissioner Reine motions to defer this issue to the June 2022 Commission Meeting since the LaHBPA is not in attendance; Commissioner Bernard seconds; motion carries

VII. RULES

A. DISCUSSION/NOTICES OF INTENT:

1. LAC 35:VII Chapter 89 – “Whips” as provided in Meeting Agenda.

Mr. Terry Meyocks states that the Jockeys' Guild is supportive of this rule, though the organization is against the harsher riding crop penalties that the Horseracing Integrity and Safety Authority (HISA) will institute.

Commissioner Reine motions to approve for Notice of Intent; Commissioner Delahoussaye seconds; motion carries.

2. LAC 35:XI Chapter 99 – “Claiming Rule” as provided in Meeting Agenda.

Commissioner Reine motions to approve for Notice of Intent; Commissioner Delahoussaye seconds; motion carries.

3. LAC 46:XLI Chapter 3 – “Trainer” as provided in Meeting Agenda.

Commissioner Reine motions to adopt amendments to the language per Rules Committee recommendations; Commissioner Bernard seconds; motion carries.

Commissioner Reine motions to amend the language in Subsection A to reflect “Stewards' list” instead of “Veterinarian's List”; Commissioner Cortez seconds; motion carries.

Commissioner Reine motions to approve with amendments for Notice of Intent; Commissioner Bernard seconds; motion carries.

Mr. Gardiner informs that HISA intends to enforce their safety and welfare rules on July 1, 2022 and then enforce their medication and enforcement rules on January 1, 2023. He states that HISA has assessed costs for each state, which will be in excess of \$1,150,000 for Louisiana and would be up for another assessment in October to add the costs of the medication and enforcement. He says that HISA has asked racing jurisdictions to sign a voluntary agreement to accept their program beginning July 1, 2022, which more than three-fourths of states have indicated they would not sign any agreements.

Mr. Gardiner informs that, if states do not pay their HISA assessment, HISA will impose the cost to racetracks and covered persons, which would include owners, trainers, and jockeys. He says that, if the Commission signs the agreement, HISA would allow states to enforce the safety provisions for them but may give possible credits for taking on that work until after October. The Chairman asks when the deadline is to sign a voluntary agreement. Mr. Brett Bonin, Attorney for LSRC, responds that HISA has been vague about the deadline but would work with and extend the deadline for states that indicate they are taking it under consideration.

The Chairman states that the Offices of the Governor and Attorney General need to be consulted prior to deciding whether or not to join the voluntary agreement. Mr. Gardiner states that Attorney General Jeff Landry has expressed that he does not want the Commission to sign any HISA agreements. The Chairman asks about the LASIX opt-out provision. Mr. Bonin responds that their medication rules have not been adopted, so they currently have no mechanism to opt-out of or to enforce a LASIX ban.

Commissioner Reine informs that the Louisiana Legislature, Division of Administration, and/or the Joint Budget Committee would have oversight of a contract costing over \$1,000,000. He asks if HISA has taxing authority. Mr. Bonin responds that HISA does have authority under federal law to assess fees but that there have been many legal issues raised about HISA's authority to assess fees and enforce their rules. Commissioner Reine asks if HISA only oversees thoroughbreds, so the Commission would still be solely responsible for quarter horses. Mr. Gardiner responds that is correct.

Mr. Arthur Morrell, Attorney for Thomas and Keith Sam, requests an appeal hearing date for his clients. The Chairman responds that the issue was not on the Agenda but that the Legal Committee will consider the request with guidance from Mr. Bonin and will inform him if the request will be granted at that time.

VIII. ADJOURNMENT

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

Charles A. Gardiner III
Executive Director