

CALIFORNIA HORSE RACING BOARD
1010 HURLEY WAY, SUITE 300
SACRAMENTO, CA 95825
(916) 263-6000
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REGULAR MEETING

of the California Horse Racing Board will be held on **Wednesday, October 15, 2008**, commencing at **9:00 a.m.**, at the **Arcadia City Hall**, 240 West Huntington Drive, Arcadia, California. The audio portion only of the California Horse Racing Board regular meeting will be available online through a link at the CHRB website (www.chrb.ca.gov) under "Webcasts."

AGENDA

Action Items:

1. Discussion and action by the Board on the **conditional approval of the Application to Conduct a Horse Racing Meeting of the Hollywood Park Fall Racing Association LLC (T), at Hollywood Park, commencing October 29, 2008, through December 21, 2008, inclusive, and to conduct a hearing, pursuant to Title 4 of the California Code of Regulations, CHRB Rule 2044, Agreements to be Filed, regarding the terms and conditions of the agreement between the horsemen's organization and the racing association.**
2. Discussion and action by the Board, if necessary, **to extend the September 24, 2008, through October 26, 2008, Oak Tree Racing Association horse racing meeting to include the racing dates of October 29, 2008, through December 21, 2008.**
3. Discussion and action by the Board **regarding the proposed addition of Rule 2070.5, Exclusive Contract Prohibited**, to provide that as a condition of approval of an advance deposit wagering (ADW) license, or the approval of an out-of-state ADW provider, an applicant may not enter into an agreement with a horse racing facility, racing association and/or satellite wagering facility which excludes other licensed or approved ADW providers.
4. Discussion and action by the Board regarding the request for approval from Southern California Off-Track Wagering, Inc. (SCOTWINC) to **adjust the stabling and vanning deduction from the off track handle applicable to racing at Hollywood Park, to facilitate the use of funds currently in SCOTWINC's possession to provide for improved racing and training facilities in the Central Zone of California pursuant to Business and Professions Code section 19607.1(f).**
5. Discussion by the Board **regarding the allocation of race dates and related issues for 2009 and beyond.**

6. Discussion and action by the Board regarding the feasibility of amending CHRB Rule 1498, Physical Examination, to add additional criteria for the required jockey, apprentice jockey, and driver annual physical examination.
7. **Public Comment:** Communications, reports, requests for future actions of the Board. **Note:** Persons addressing the Board under this item will be restricted to **three (3) minutes** for their presentation.
8. **Closed Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by Section 11126 of the Government Code.
 - A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," as authorized by Government Code section 11126(e).
 - B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).
 - C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126, subdivision (a).

Additional information regarding this meeting may be obtained from the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. This notice is located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aid or services in order to participate in this public meeting, should contact Jacqueline Wagner.

CALIFORNIA HORSE RACING BOARD

Richard B. Shapiro, Chairman
John C. Harris, Vice Chairman
John Andreini, Member
Jesse H. Choper, Member
Bo Derek, Member
David Israel, Member
Jerry Moss, Member
Kirk E. Breed, Executive Director

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PENDING LITIGATION
OCTOBER 2008

CASE

CASE REFERENCE

CALIFORNIA HARNESS HORSEMEN'S
ASSOCIATION and CAPITOL RACING,
LLC, v.
California Horse Racing Board

Sacramento County Superior Court
No. 03CS01033
Third District Court of Appeal
No. C051744

CAPITOL RACING, LLC, v.
California Horse Racing Board and
(California Harness Horsemen's Association
interested Party)

Sacramento County Superior Court
No. 05CS01116

CALIFORNIA HARNESS HORSEMEN'S
ASSOCIATION v.
Capitol Racing

Sacramento County Superior Court
No. 05AS05586

JAMGOTCHIAN, JERRY v.
California Horse Racing Board, et al.

Los Angeles County Superior Court
No. BC380314

PARI-MUTUEL EMPLOYEES GUILD v.
California Horse Racing Board

Sacramento Superior Court

SACRAMENTO HARNESS ASSN.

Pending Adjudicatory Proceeding

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PENDING ADMINISTRATIVE ADJUDICATIONS
OCTOBER 2008

CASE

CASE NUMBER

DOUGLAS O'NEILL

CHRB Case No. 08SA069

KIM KUHLMANN, D.V.M.

OAH Case No. 2008060175

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD ON THE CONDITIONAL APPROVAL
OF THE
APPLICATION TO CONDUCT A HORSE RACING MEETING
OF THE
HOLLYWOOD PARK FALL RACING ASSOCIATION, LLC AT HOLLYWOOD PARK
AND TO CONDUCT A HEARING PURSUANT TO
TITLE 4 OF THE CALIFORNIA CODE OF REGULATIONS
CHRB RULE 2044, AGREEMENTS TO BE FILED
REGARDING
TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN
THE HORSEMEN'S ORGANIZATION AND THE RACING ASSOCIATION

Regular Board Meeting
October 15, 2008

BACKGROUND

At its September 18, 2008, Regular Meeting the Board heard the application for license to conduct a horse racing meeting of the Hollywood Park Fall Racing Association, LLC at Hollywood Park. At that time the Board learned the horsemen's agreement was not complete due to a dispute between the parties regarding the insertion of terms related to advance deposit wagering (ADW). The application was approved conditioned on the completion of the horsemen's agreement. However, if the parties were unable to resolve the dispute, the Board agreed to hold a hearing under Rule 2044, Agreements to be Filed. As of the date this analysis was written, the parties had not reached an agreement.

RECOMMENDATION.

This item is presented for Board discussion and action.

TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 22. HORSEMEN'S ORGANIZATIONS AND AGREEMENTS
RULE 2044. AGREEMENTS TO BE FILED

Regular Board Meeting
October 15, 2008

2044. Agreements to Be Filed.

Each racing association shall file a copy of its agreement with the horsemen's organization, or in the case of fairs the horsemen's organizations, representing the horse owners and trainers at its meeting at the same time the association files its application for license. In the event the association is unable to obtain and file such agreement with its application, the Board may upon notice to the prospective parties to the agreement conduct a hearing with regard to the conditions for the meeting and take such action as it may deem appropriate to insure continuity of the racing program. The horsemen's organization shall provide a copy of the agreement for the conduct of the meeting to any person requesting the same and shall cause to be posted on the bulletin board of the association a notice of the location where a copy of the agreement may be obtained.

Authority: Sections 19440 and 19562,
Business and Professions Code.

Reference: Section 19401(a) and (e),
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD

OCTOBER 15, 2008
REGULAR BOARD MEETING

There is no board package material for Item 2

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD
REGARDING THE
PROPOSED ADDITION OF
RULE 2070.5. EXCLUSIVE CONTRACT PROHIBITED

Regular Board Meeting
October 15, 2008

BACKGROUND

Business and Professions Code section 19420 states jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering, and adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and pari-mutuel wagering. Business and Professions Code section 19604 states the Board may authorize any racing association, racing fair, betting system, or multijurisdictional wagering hub to conduct advance deposit wagering (ADW) in accordance with this section. Business and Professions Code section 19604(b)(1) states no ADW provider shall accept wagers or wagering instructions on races conducted in California from a resident of California unless all of the following conditions are met: (A) The ADW provider is licensed by the Board. (B) A written agreement allowing those wagers exists with the racing association or fair conducting the races on which the wagers are made. (C) The agreement referenced in subparagraph (B) shall have been approved in writing by the horsemen's organization responsible for negotiating purse agreements for the breed on which the wagers are made in accordance with the Interstate Horseracing Act...regardless of the location of the ADW provider, whether in California or otherwise, including, without limitation, any and all requirements contained therein with respect to written consents and required written agreements of the horsemen's groups to the terms and conditions of the acceptance of those wagers and any arrangements as to the exclusivity between the host racing association or fair and the ADW provider.

At the September 27, 2007, Regular Meeting the Board discussed its ability to require all ADW providers to take and accept wagering on all California products. The Board recognized that ADW providers were entitled to, and should receive, remuneration for broadcasting. The Board's goal was to arrive at a point where every ADW provider could accept a wager on California product. Exclusivity was not producing or maximizing revenues for the stakeholders, in commissions or purses, and it did not serve the interest of the fans. The Board determined it would form an ad hoc committee to meet with interested parties to craft a way to achieve its goal to provide non-exclusive ADW service to racing fans and the industry.

At the October 18, 2007, Regular Meeting the Board discussed the status of ADW and the feasibility of opening ADW to allow ADW providers to have access to all California signals. AB 765, which renewed the ADW provisions of the Business and Professions Code, was discussed extensively. The Board heard that under the legislation, exclusivity was a matter to be negotiated by the parties. The Board also heard that the industry had reached an agreement to conduct an eight-month ADW experiment that provided exclusivity with respect to broadcasting, and non-exclusivity with respect to wagering.

On November 7, 2007, an eight-month experiment that opened wagering on all California thoroughbred racing to all licensed/approved ADW providers was initiated. The experiment was the result of negotiations that involved Thoroughbred Owners of California (TOC), Hollywood Park, Bay Meadows, Golden Gate Fields, Santa Anita Park, TVG, XpressBet, TwinSpires, and YouBet. The parties agreed to permit non-exclusive ADW wagering on the Hollywood Park and Golden Gate fall meetings. The experiment ran through the closing of the 2008 Hollywood Park spring-summer meeting. The experiment allowed fans to use the ADW provider of their choosing; however, Hollywood Park and Bay Meadows had exclusive television arrangements with TVG, and Santa Anita and Golden Gate continued their exclusive television arrangements with HRTV. In addition, the Del Mar, Pomona and Oak Tree meetings continued conducting ADW pursuant to an exclusive agreement with TVG that limited distribution within California to TVG. Del Mar Turf Club (DMTC) and Fairplex Park Pomona indicated they intended to seek an extension of the experiment through the 2008 DMTC, Fairplex Park, Hollywood Park Fall and Oak Tree meetings, but the parties were unable to come to an agreement.

At the November 29, 2007, Regular Meeting the Board heard applications for approval to conduct ADW for TwinSpires, TVG, YouBet.com, and XpressBet. The ADW providers were approved for a one-year period due to the industry's eight-month ADW experiment. The Board determined it wished to examine the results of the ADW experiment before it moved forward to license ADW providers for longer terms. The Board stated that its desire to examine the data generated from the experiment would allow it to license the ADW providers in a manner that would be the most productive for California.

At the May 20, 2008, Regular Meeting the Board heard the DMTC application for license to conduct a horse racing meeting. DMTC representatives expressed interest in participating in the ADW experiment and the continuation of the experiment for the balance of 2008; however, DMTC's participation would be predicated upon the concurrence of TVG.

At its June 2008 Regular Meeting the Board heard from the industry regarding the ADW experiment. It also learned that Pomona, Del Mar and Oak Tree were unable to negotiate an agreement that would allow for their participation in the ADW experiment.

At the September 18, 2008, Regular Meeting, the Board discussed the status of ADW, the licensure or approval of ADW providers and the possible imposition of conditions for issuance

of ADW licenses, including prohibitions against exclusivity agreements/clauses between ADW providers and industry participants. Chairman Shapiro stated over a long period of time the Board had discussed the notion of conditioning ADW licenses to require that all thoroughbred product be made available for wagering on all ADW platforms. He emphasized the requirement would not include broadcasting television signals, and added the Board could establish the parameters of licensure, but it could not interfere or dictate the economic terms of ADW agreements.

In the fall of 2007 the Board was advised that horse racing law would support regulatory action regarding exclusivity. This advice was based on the pre-2008 ADW statute. The Board was also advised that any policy not supported by regulation to mandate that all ADW licensees accept wagers from all venues would be vulnerable if challenged. The Board has subsequently been advised that Assembly Bill (AB) 765 (Evans), Chapter 613, Statutes of 2007, which extended the ADW provisions of the Business and Professions Code, did not impact the prior advice that regulatory action was appropriate. References to exclusivity in AB 765 simply require that the ADW agreements contain language addressing any exclusivity.

ANALYSIS

The proposed addition of Rule 2070.5, Exclusive Contract Prohibited, states that as a condition for granting a license to conduct ADW under Rule 2071, or an approval to conduct ADW under Rule 2072, an applicant shall not enter into any contract with a horse racing association or racing fair which excludes other licensed or approved ADW providers. This would mean that California content would be available via any ADW provider that is licensed/approved in this state.

All California ADW provider licenses and out-of-state ADW provider approvals expire on December 31, 2008. Board Rule 2071, License to Conduct Advance Deposit Wagering by a California Applicant, and Rule 2072, Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant, require that an application must be filed with the Board not later than 90 days in advance of the scheduled start date of operation. This would require that applications for renewal of ADW license/approval should have been submitted to the Board not later than October 1, 2008. If the Board determines it wishes to pursue non-exclusivity this leaves no time for the implementation of a regulatory amendment. However, the Board may choose to extend the current ADW licenses/approvals until a regulation is in effect.

RECOMMENDATION

If the text of the proposed regulation were noticed in October 2008, the 45-day public comment period would end sometime in December 2008. There is currently no December 2008 Regular Board Meeting scheduled, so the regulation could not be heard for adoption until mid-January 2009. The Office of Administrative Law review and filing with the Office of Secretary of State takes approximately 60 days, all of which could place the effective date of a regulation somewhere in May 2009.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 26. ADVANCE DEPOSIT WAGERING
PROPOSED ADDITION OF
RULE 2070.5. EXCLUSIVE CONTRACTS PROHIBITED

Regular Board Meeting
October 15, 2008

2070.5. Exclusive Contracts Prohibited.

As a condition for granting a license to conduct advance deposit wagering under Rule 2071 of this Article, or of granting approval to conduct advance deposit wagering under Rule 2072 of this Article, an applicant shall not enter into any contract with a horse racing association and/or racing fair which excludes other licensed or approved advance deposit wagering providers.

Authority: Sections 19420, 19440 and 19604,
Business and Professions Code.

Reference: Sections 19440 and 19604,
Business and Professions Code.

Business and Professions Code 19604
Advance Deposit Wagering Law (ADW)

19604. The board may authorize any racing association, racing fair, betting system, or multijurisdictional wagering hub to conduct advance deposit wagering in accordance with this section. Racing associations, racing fairs, and their respective horsemen's organizations may form a partnership, joint venture, or any other affiliation in order to further the purposes of this section.

(a) As used in this section, the following definitions apply:

(1) "Advance deposit wagering" means a form of parimutuel wagering in which a person residing within California or outside of this state establishes an account with an ADW provider, and subsequently issues wagering instructions concerning the funds in this account, thereby authorizing the ADW provider holding the account to place wagers on the account owner's behalf.

(2) "ADW provider" means a licensee, betting system, or multijurisdictional wagering hub, located within California or outside this state, that is authorized to conduct advance deposit wagering pursuant to this section.

(3) "Betting system" means a business conducted exclusively in this state that facilitates parimutuel wagering on races it simulcasts and other races it offers in its wagering menu.

(4) "Breed of racing" means as follows:

(A) With respect to associations and fairs licensed by the board to conduct thoroughbred, fair, or mixed breed race meetings, "breed of racing" shall mean thoroughbred.

(B) With respect to associations licensed by the board to conduct quarter horse race meetings, "breed of racing" shall mean quarter horse.

(C) With respect to associations and fairs licensed by the board to conduct standardbred race meetings, "breed of racing" shall mean standardbred.

(5) "Contractual compensation" means the amount paid to an ADW provider from advance deposit wagers originating in this state. Contractual compensation includes, but is not limited to, hub fee payments, and may include host fee payments, if any, for out-of-state and out-of-country races. Contractual compensation is subject to the following requirements:

(A) Excluding contractual compensation for host fee payments, contractual compensation shall not exceed 6.5 percent of the amount wagered.

(B) The host fee payments included within contractual compensation shall not exceed 3.5 percent of the amount wagered. Notwithstanding this provision, the host fee payment with respect to wagers on the

Kentucky Derby, Preakness Stakes, Belmont Stakes, and selected Breeders' Cup Championship races may be negotiated by the ADW provider, the racing associations accepting wagers on those races pursuant to Section 19596.2, and the horsemen's organization.

(C) In order to ensure fair and consistent market access fee distributions to associations, fairs, horsemen, and breeders, for each breed of racing, the percentage of wagers paid as contractual compensation to an ADW provider pursuant to the terms of a hub agreement with a racing association or fair when that racing association or fair is conducting live racing shall be the same as the percentage of wagers paid as contractual compensation to that ADW provider when that racing association or fair is not conducting live racing.

(6) "Horsemen's organization" means, with respect to a particular racing meeting, the organization recognized by the board as responsible for negotiating purse agreements on behalf of horsemen participating in that racing meeting.

(7) "Hub agreement" means a written agreement providing for contractual compensation paid with respect to advance deposit wagers placed by California residents on a particular breed of racing conducted outside of California. In the event a hub agreement exceeds a term of two years, then an ADW provider, one or more racing associations or fairs that together conduct no fewer than five weeks of live racing for the breed covered by the hub agreement, and the horsemen's organization responsible for negotiating purse agreements for the breed covered by the hub agreement shall be signatories to the hub agreement. A hub agreement is required for an ADW provider to receive contractual compensation for races conducted outside of California.

(8) "Hub agreement arbitration" means an arbitration proceeding pursuant to which the disputed provisions of the hub agreement pertaining to the hub or host fees from wagers on races conducted outside of California provided pursuant to paragraph (2) of subdivision (b) are determined in accordance with the provisions of this paragraph. If a hub agreement arbitration is requested, all of the following shall apply:

(A) The ADW provider shall be permitted to accept advance deposit wagers from California residents.

(B) The contractual compensation received by the ADW provider shall be the contractual compensation specified in the hub agreement that is the subject of the hub agreement arbitration.

(C) The difference between the contractual compensation specified in subparagraph (B) and the contractual compensation determined to be payable at the conclusion of the hub agreement arbitration shall be calculated and paid within 15 days following the arbitrator's decision and order. The hub agreement arbitration shall be held as

promptly as possible, but in no event more than 60 days following the demand for that arbitration. The arbitrator shall issue a decision no later than 15 days following the conclusion of the arbitration. A single arbitrator jointly selected by the ADW provider and the party requesting a hub agreement arbitration shall conduct the hub agreement arbitration. However, if the parties cannot agree on the arbitrator within seven days of issuance of the written demand for arbitration, then the arbitrator shall be selected pursuant to the Streamlined Arbitration Rules and Procedures of the Judicial Arbitration and Mediation Services, or pursuant to the applicable rules of its successor organization. In making the hub agreement arbitration determination, the arbitrator shall be required to choose between the contractual compensation of the hub agreement agreed to by the ADW provider or whatever different terms for the hub agreement were proposed by the party requesting the hub agreement arbitration. The arbitrator shall not be permitted to impose new, different, or compromised terms to the hub agreement. The arbitrator's decision shall be final and binding on the parties. If an arbitration is requested, either party may bring an action in state court to compel a party to go into arbitration or to enforce the decision of the arbitrator. The cost of the hub agreement arbitration, including the cost of the arbitrator, shall be borne in equal shares by the parties to the hub agreement and the party or parties requesting a hub agreement arbitration. The hub agreement arbitration shall be administered by the Judicial Arbitration and Mediation Services pursuant to its Streamlined Arbitration Rules and Procedures or its successor organization.

(9) "Incentive awards" means those payments provided for in Sections 19617.2, 19617.7, 19617.8, 19617.9, and 19619. The amount determined to be payable for incentive awards under this section shall be payable to the applicable official registering agency and thereafter distributed as provided in this chapter.

(10) "Licensee" means any racing association or fair licensed to conduct a live racing meet in this state, or affiliation thereof, authorized under this section.

(11) "Market access fee" means the amount of advance deposit wagering handle remaining after the payment of winning wagers, and after the payment of contractual compensation, if any, to an ADW provider. Market access fees shall be distributed in accordance with subdivision (f).

(12) "Multijurisdictional wagering hub" means a business conducted in more than one jurisdiction that facilitates parimutuel wagering on races it simulcasts and other races it offers in its wagering menu.

(13) "Racing fair" means a fair authorized by the board to conduct live racing.

(14) "Zone" means the zone of the state, as defined in Section 19530.5, except as modified by the provisions of subdivision (f) of Section 19601. For these purposes, the central and southern zones shall together be considered one zone.

(b) Wagers shall be accepted according to the procedures set forth in this subdivision.

(1) No ADW provider shall accept wagers or wagering instructions on races conducted in California from a resident of California unless all of the following conditions are met:

(A) The ADW provider is licensed by the board.

(B) A written agreement allowing those wagers exists with the racing association or fair conducting the races on which the wagers are made.

(C) The agreement referenced in subparagraph (B) shall have been approved in writing by the horsemen's organization responsible for negotiating purse agreements for the breed on which the wagers are made in accordance with the Interstate Horseracing Act (15 U.S.C. Sec. 3001, et seq.), regardless of the location of the ADW provider, whether in California or otherwise, including, without limitation, any and all requirements contained therein with respect to written consents and required written agreements of horsemen's groups to the terms and conditions of the acceptance of those wagers and any arrangements as to the exclusivity between the host racing association or fair and the ADW provider. For purposes of this subdivision, the substantive provisions of the Interstate Horseracing Act shall be taken into account without regard to whether, by its own terms, that act is applicable to advance deposit wagering on races conducted in California accepted from residents of California.

(2) No ADW provider shall accept wagers or wagering instructions on races conducted outside of California from a resident of California unless all of the following conditions are met:

(A) The ADW provider is licensed by the board.

(B) There is a hub agreement between the ADW provider and one or both of (i) one or more racing associations or fairs that together conduct no fewer than five weeks of live racing on the breed on which wagering is conducted during the calendar year during which the wager is placed, and (ii) the horsemen's organization responsible for negotiating purse agreements for the breed on which wagering is conducted.

(C) If the parties referenced in clauses (i) and (ii) of subparagraph (B) are both signatories to the hub agreement, then no party shall have the right to request a hub agreement arbitration.

(D) If only the party or parties referenced in clause (i) of subdivision (B) is a signatory to the hub agreement, then the signatories to the hub agreement shall, within five days of execution of the hub agreement, provide a copy of the hub agreement to the

horsemen's organization responsible for negotiating purse agreements for the breed on which wagering is conducted for each race conducted outside of California on which California residents may place advance deposit wagers. Prior to receipt of the hub agreement, the horsemen's organization shall sign a nondisclosure agreement with the ADW provider agreeing to hold confidential all terms of the hub agreement. If the horsemen's organization wants to request a hub agreement arbitration, it shall send written notice of its election to the signatories to the hub agreement within 10 days after receipt of the copy of the hub agreement, and shall provide its alternate proposal to the hub and host fees specified in the hub agreement with that written notice. If the horsemen's organization does not provide that written notice within the 10-day period, then no party shall have the right to request a hub agreement arbitration. If the horsemen's organization does provide that written notice within the 10-day period, then the ADW provider shall have 10 days to elect in writing to do one of the following:

(i) Abandon the hub agreement.

(ii) Accept the alternate proposal submitted by the horsemen's organization.

(iii) Proceed with a hub agreement arbitration.

(E) If only the party referenced in clause (ii) of subdivision (B) is a signatory to the hub agreement, then the signatories to the hub agreement shall, within five days of execution of the hub agreement, provide written notice of the host and hub fees applicable pursuant to the hub agreement for each race conducted outside of California on which California residents may place advance deposit wagers, which notice shall be provided to all racing associations and fairs conducting live racing of the same breed covered by the hub agreement. If any racing association or fair wants to request a hub agreement arbitration, it shall send written notice of its election to the signatories to the hub agreement within 10 days after receipt of the notice of host and hub fees. It shall also provide its alternate proposal to the hub and host fees specified in the hub agreement with the notice of its election. If more than one racing association or fair provides notice of their request for hub agreement arbitration, those racing associations or fairs, or both, shall have a period of five days to jointly agree upon which of their alternate proposals shall be the official proposal for purposes of the hub agreement arbitration. If one or more racing associations or fairs that together conduct no fewer than five weeks of live racing on the breed on which wagering is conducted during the calendar year during which the wager is placed does not provide written notice of their election to arbitrate within the 10-day period, then no party shall have the right to request a hub agreement arbitration. If a valid hub agreement arbitration request is made, then the ADW

provider shall have 10 days to elect in writing to do one of the following:

(i) Abandon the hub agreement.

(ii) Accept the alternate proposal submitted by the racing associations or fairs.

(iii) Proceed with a hub agreement arbitration.

The results of any hub agreement arbitration elected pursuant to this subdivision shall be binding on all other associations and fairs conducting live racing on that breed.

(F) The acceptance thereof is in compliance with the provisions of the Interstate Horseracing Act (15 U.S.C. Sec. 3001, et seq.), regardless of the location of the ADW provider, whether in California or otherwise, including, without limitation, any and all requirements contained therein with respect to written consents and required written agreements of horsemen's groups to the terms and conditions of the acceptance of such wagers and any arrangements as to the exclusivity between the host racing association or fair and the ADW provider.

(c) An advance deposit wager may be made only by the ADW provider holding the account pursuant to wagering instructions issued by the owner of the funds communicated by telephone call or through other electronic media. The ADW provider shall ensure the identification of the account's owner by using methods and technologies approved by the board. Any ADW provider that accepts wagering instructions concerning races conducted in California, or accepts wagering instructions originating in California, shall provide a full accounting and verification of the source of the wagers thereby made, including the postal ZIP Code and breed of the source of the wagers, in the form of a daily download of parimutuel data to a database designated by the board. The daily download shall be delivered in a timely basis using file formats specified by the database designated by the board, and shall include any and all data necessary to calculate and distribute moneys according to the rules and regulations governing California parimutuel wagering. Any and all reasonable costs associated with the creation, provision, and transfer of this data shall be borne by the ADW provider.

(d) (1) (A) The board shall develop and adopt rules to license and regulate all phases of operation of advance deposit wagering for ADW providers operating in California.

(B) The board shall not approve an application for an original or renewal license as an ADW provider unless the entity, if requested in writing by a bona fide labor organization no later than ninety days prior to licensing, has entered into a contractual agreement with that labor organization that provides all of the following:

(i) The labor organization has historically represented employees who accept or process any form of wagering at the nearest horse

racetrack meeting located in California.

(ii) The agreement establishes the method by which the ADW provider will agree to recognize and bargain in good faith with a labor organization which has demonstrated majority status by submitting authorization cards signed by those employees who accept or process any form of wagering for which a California ADW license is required.

(iii) The agreement requires the ADW provider to maintain its neutrality concerning the choice of those employees who accept or process any form of wagering for which a California ADW license is required whether or not to authorize the labor organization to represent them with regard to wages, hours, and other the terms and conditions of employment.

(iv) The agreement applies to those classifications of employees who accept or process wagers for which a California ADW license is required whether the facility is located within or outside of California.

(C) (i) The agreement required by subparagraph (B) shall not be conditioned by either party upon the other party agreeing to matters outside the requirements of subparagraph (B).

(ii) The requirement in subparagraph (B) shall not apply to an ADW provider which has entered into a collective bargaining agreement with a bona fide labor organization that is the exclusive bargaining representative of employees who accept or process parimutuel wagers on races for which an ADW license is required whether the facility is located within or outside California.

(D) Permanent state or county employees and nonprofit organizations that have historically performed certain services at county, state, or district fairs may continue to provide those services.

(E) Parimutuel clerks employed by racing associations or fairs or employees of ADW providers who accept or process any form of wagers who are laid off due to lack of work shall have preferential hiring rights for new positions with their employer in occupations whose duties include accepting or processing any form of wagers, or the operation, repair, service, or maintenance of equipment that accepts or processes any form of wagering at a racetrack, satellite wagering facility, or ADW provider licensed by the board. The preferential hiring rights established by this subdivision shall be conditioned upon the employee meeting the minimum qualification requirements of the new job.

(2) The board shall develop and adopt rules and regulations requiring ADW providers to establish security access policies and safeguards, including, but not limited to, the following:

(A) The ADW provider shall use board-approved methods to perform location and age verification confirmation with respect to persons

establishing an advance deposit wagering account.

(B) The ADW provider shall use personal identification numbers (PINs) or other technologies to assure that only the accountholder has access to the advance deposit wagering account.

(C) The ADW provider shall provide for withdrawals from the wagering account only by means of a check made payable to the accountholder and sent to the address of the accountholder or by means of an electronic transfer to an account held by the verified accountholder or the accountholder may withdraw funds from the wagering account at a facility approved by the board by presenting verifiable account identification information.

(D) The ADW provider shall allow the board access to its premises to visit, investigate, audit and place expert accountants and other persons it deems necessary for the purpose of ensuring that its rules and regulations concerning credit authorization, account access, and other security provisions are strictly complied with. To ensure that the amounts retained from the parimutuel handle are distributed under law, rules, or agreements, any ADW provider that accepts wagering instructions concerning races conducted in California or accepts wagering instructions originating in California shall provide an independent "agreed upon procedures" audit for each California racing meeting, within 60 days of the conclusion of the race meeting. The auditing firm to be used and the content and scope of the audit, including host fee obligations, shall be set forth in the applicable agreement. The ADW provider shall provide the board, horsemen's organizations, and the host racing association with an annual parimutuel audit of the financial transactions of the ADW provider with respect to wagers authorized pursuant to this section, prepared in accordance with generally accepted auditing standards and the requirements of the board. Any and all reasonable costs associated with those audits shall be borne by the ADW provider.

(3) The board shall prohibit advance deposit wagering advertising that it determines to be deceptive to the public. The board shall also require, by regulation, that every form of advertising contain a statement that minors are not allowed to open or have access to advance deposit wagering accounts.

(e) In order for a licensee, betting system, or multijurisdictional wagering hub to be approved by the board as an ADW provider, it shall meet both of the following requirements:

(1) All wagers thereby made shall be included in the appropriate parimutuel pool under a contractual agreement with the applicable host track.

(2) The amounts deducted from advance deposit wagers shall be in accordance with the provisions of this chapter.

(f) After the payment of contractual compensation, the amounts received as market access fees from advance deposit wagers, which shall not be considered for purposes of Section 19616.51, shall be distributed as follows:

(1) An amount equal to 0.0011 multiplied by the amount handled on advance deposit wagers originating in California for each racing meeting shall be distributed to the Center for Equine Health to establish the Kenneth L. Maddy Fund for the benefit of the School of Veterinary Medicine at the University of California at Davis.

(2) An amount equal to 0.0003 multiplied by the amount handled on advance deposit wagers originating in California for each racing meeting shall be distributed to the Department of Industrial Relations to cover costs associated with audits conducted pursuant to Section 19526 and for the purposes of reimbursing the State Mediation and Conciliation Service for costs incurred pursuant to this bill. However, if that amount would exceed the costs of the Department of Industrial Relations, the amount distributed to the department shall be reduced, and that reduction shall be forwarded to an organization designated by the racing association or fair described in subdivision (a) for the purpose of augmenting a compulsive gambling prevention program specifically addressing that problem.

(3) An amount equal to 0.00165 multiplied by the amount handled on advance deposit wagers that originate in California for each racing meeting shall be distributed as follows:

(A) One-half of the amount shall be distributed to supplement the trainer-administered pension plans for backstretch personnel established pursuant to Section 19613. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19613 or any other provision of law.

(B) One-half of the amount shall be distributed to the welfare fund established for the benefit of horsemen and backstretch personnel pursuant to subdivision (b) of Section 19641. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19641 or any other provision of law.

(4) With respect to wagers on each breed of racing that originate in California, an amount equal to two percent of the first two hundred fifty million dollars (\$250,000,000) of handle from all advance deposit wagers originating from within California annually, an amount equal to 1.5 percent of the next two hundred fifty million dollars (\$250,000,000) of handle from all advance deposit wagers originating from within California annually, an amount equal to one percent of the next two hundred fifty million dollars (\$250,000,000) of handle from all advance deposit wagers originating from within

California annually, and an amount equal to 0.50 percent of handle from all advance deposit wagers originating from within California in excess of seven hundred fifty million dollars (\$750,000,000) annually, shall be distributed as satellite wagering commissions. Satellite facilities that were not operational in 2001, other than one each in the cities of Inglewood and San Mateo, and two additional facilities each operated by the Alameda County Fair and the Los Angeles County Fair and their partners and other than existing facilities which are relocated, are not eligible for satellite wagering commission distributions under this section. The satellite wagering facility commissions calculated in accordance with this subdivision shall be distributed to each satellite wagering facility and racing association or fair in the zone in which the wager originated in the same relative proportions that the satellite wagering facility or the racing association or fair generated satellite commissions during the previous calendar year. If there is a reduction in the satellite wagering commissions pursuant to this section, the benefits therefrom shall be distributed equitably as purses and commissions to all associations and racing fairs generating advance deposit wagers in proportion to the handle generated by those associations and racing fairs. For purposes of this section, the purse funds distributed pursuant to Section 19605.72 shall be considered to be satellite wagering facility commissions attributable to thoroughbred races at the locations described in that section.

(5) After the distribution of the amounts set forth in paragraphs (1) to (4), inclusive, the remaining market access fees from advance deposit wagers originating in California shall be as follows:

(A) With respect to wagers on each breed of racing, the amount remaining shall be distributed to the racing association or fair that is conducting live racing on that breed during the calendar period in the zone in which the wager originated. That amount shall be allocated to that racing association or fair as commissions, to horsemen participating in that racing meeting in the form of purses, and as incentive awards, in the same relative proportion as they were generated or earned during the prior calendar year at that racing association or fair on races conducted or imported by that racing association or fair after making all deductions required by applicable law. Notwithstanding any other provision of law, the distributions with respect to each breed of racing set forth in this subparagraph may be altered upon the approval of the board, in accordance with an agreement signed by the respective associations, fairs, horsemen's organizations, and breeders organizations receiving those distributions.

(B) If the provisions of Section 19601.2 apply, then the amount distributed to the applicable racing associations or fairs shall

first be divided between those racing associations or fairs in direct proportion to the total amount wagered in the applicable zone on the live races conducted by the respective association or fair.

Notwithstanding this requirement, when the provisions of subdivision (b) of Section 19607.5 apply to the 2nd District Agricultural Association in Stockton or the California Exposition and State Fair in Sacramento, then the total amount distributed to the applicable racing associations or fairs shall first be divided equally, with 50 percent distributed to applicable fairs and 50 percent distributed to applicable associations.

(C) Notwithstanding any provisions of this section to the contrary, with respect to wagers on out-of-state and out-of-country thoroughbred races conducted after 6 p.m., Pacific time, 50 percent of the amount remaining shall be distributed as commissions to thoroughbred associations and racing fairs, as thoroughbred and fair purses, and as incentive awards in accordance with subparagraph (A), and the remaining 50 percent, together with the total amount remaining from advance deposit wagering originating from California out-of-state and out-of-country harness and quarter horse races conducted after 6 p.m., Pacific time, shall be distributed as commissions on a pro rata basis to the applicable licensed quarter horse association and the applicable licensed harness association, based upon the amount handled in state, both on- and off-track, on each breed's own live races in the previous year by that association, or its predecessor association. One-half of the amount thereby received by each association shall be retained by that association as a commission, and the other half of the money received shall be distributed as purses to the horsemen participating in its current or next scheduled licensed racing meeting.

(D) Notwithstanding any provisions of this section to the contrary, with respect to wagers on out-of-state and out-of-country nonthoroughbred races conducted before 6 p.m., Pacific time, 50 percent of the amount remaining shall be distributed as commissions as provided in subparagraph (C) for licensed quarter horse and harness associations, and the remaining 50 percent shall be distributed as commissions to the applicable thoroughbred associations or fairs, as thoroughbred and fair purses, and as incentive awards in accordance with subparagraph (A).

(E) Notwithstanding any provision of this section to the contrary, the distribution of market access fees pursuant to this subparagraph may be altered upon the approval of the board, in accordance with an agreement signed by all parties whose distributions would be affected.

(g) A racing association, a fair, or a satellite wagering facility may enter into an agreement with an ADW provider to accept and facilitate the placement of any wager from a patron at its facility

that a California resident could make through that ADW provider. Deductions from wagers made pursuant to such an agreement shall be distributed in accordance with the provisions of this chapter governing wagers placed at that facility, except that the board may authorize alternative distributions as agreed to by the ADW provider, the operator of the facility accepting the wager, the association or fair conducting that breed of racing in the zone where the wager is placed, and the respective horsemen's organization.

(h) Any issues concerning the interpretation or application of this section shall be resolved by the board.

(i) Amounts distributed under this section shall be proportionally reduced by an amount equal to 0.00295 multiplied by the amount handled on advanced deposit wagers originating in California for each racing meeting, and shall not exceed two million dollars (\$2,000,000). The method used to calculate the reduction in proportionate share shall be approved by the board. The amount deducted shall be distributed as follows:

(1) Fifty percent of the money to the California Horse Racing Board to establish and to administer jointly with the organization certified as the majority representative of California licensed jockeys pursuant to Section 19612.9, a defined contribution retirement plan for California licensed jockeys who retired from racing on or after January 1, 2009, and who, as of the date of their retirement, had ridden in a minimum of 1,250 parimutuel races conducted in California.

(2) The remaining 50 percent of the money shall be distributed as follows:

(A) Seventy percent shall be distributed to supplement the trainer-administered pension plans for backstretch personnel established pursuant to Section 19613. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19613 or any other provision of law.

(B) Thirty percent shall be distributed to the welfare fund established for the benefit of horsemen and backstretch personnel pursuant to subdivision (b) of Section 19641. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19641 or any other provision of law.

STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD REGARDING THE REQUEST
FOR APPROVAL FROM SOUTHERN CALIFORNIA OFF-TRACK WAGERING, INC.
(SCOTWINC) TO ADJUST THE STABLING AND VANNING DEDUCTION FROM
THE OFF-TRACK HANDLE APPLICABLE TO RACING AT HOLLYWOOD
PARK, TO FACILITATE THE USE OF FUNDS CURRENTLY IN SCOTWINC'S
POSSESSION TO PROVIDE FOR IMPROVED RACING AND TRAINING FACILITIES IN
THE CENTRAL ZONE OF CALIFORNIA PURSUANT TO BUSINESS AND
PROFESSIONS CODE SECTION 19607. (f)

Regular Board Meeting
October 15, 2008

BACKGROUND

Business and Professions Code section 19607, provides that when satellite wagering is conducted on thoroughbred racing associations or fairs for the central or southern zones a maximum of 1.25 percent of the total amount handled be deducted to provide reimbursement for offsite stabling and vanning of starters from those additional stalls on race days for thoroughbred horses. Further, Business and Professions Code section 19607.1(f), provides for adjustments to the stabling and vanning fund rate at the discretion of the Board, however, the adjusted amount may not exceed 1.25 percent.

ANALYSIS

Southern California Off-Track Wagering, Inc. (SCOTWINC) administers the central or southern zones stabling and vanning fund. The fund provides for improved racing and training facilities in the central and southern zones of California. At the May 20, 2008 regular board meeting, the California Horse Racing Board (Board) approved an adjustment to the stabling and vanning deduction from off-track handle applicable to racing at Hollywood Park from 1.06 to 0.89%. The lower rate was intended to restore the loss benefit of funds in the event that Hollywood Park may cease operations. The lower rate was intended to capture \$236,000 for commission and purses but fell short by approximately \$18,000.

SCOTWINC is requesting the Board approve a deduction of the stabling and vanning rate of 0.89% effective October 29, 2008. The adjusted rate will apply during the Hollywood Park Fall race meet and will cease once the funds reach the remaining shortfall of \$18,000. At that time, SCOTWINC requests that the deduction adjust to the current rate of 1.06%

Please see attached document submitted by SCOTWINC in support of its request.

RECOMMENDATION

This item is presented for Board discussion and action.

September 17, 2008

Mr. Kirk Breed
Executive Director
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Dear Mr. Breed:

Please place the following items on the agenda for the October 15, 2008 California Horse Racing Board Meeting:

1. Hollywood Park Fall Meet Rate Adjustment

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Effective October 29, 2008, Southern California Off-Track Wagering, Inc. requests that the California Horse Racing Board, pursuant to the authority granted it by California Business & Professions Code Section 19607.1(f), approve an adjustment to the Stabling and Vanning deduction from off-track handle applicable to racing at Hollywood Park to .89%, in order to facilitate use of funds currently in SCOTWINC's possession to provide for improved racing and training facilities in the Central or Southern Zone of California. This is a continuation of the rate that was used for the last half of the Hollywood Park Spring/Summer Meet. The lowered rate was intended to capture \$236,000 for commission and purses but fell approximately \$18,000 short. It is expected that we will capture the remaining amount during the first week of racing. After we have captured that amount we request that we be allowed to adjust the rate back to the current 1.06%.

The law allows this fund to increase the takeout to a maximum of 1.25% of the total amount handled at satellite wagering facilities for fund expenses.

STAFF ANALYSIS
DISCUSSION BY THE BOARD
REGARDING THE ALLOCATION OF RACE DATES AND
RELATED ISSUES FOR 2009 AND BEYOND

Regular Board Meeting
October 15, 2008

BACKGROUND

Business and Professions Code section 19440 (a) states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include allocation of racing dates to qualified associations in accordance with law.

Board Rule 1430, Allocation of Racing Weeks and Dates, states the Board shall allocate racing weeks and dates for the conduct of horse racing in this State for such time periods and at such racing facilities as the Board determines will best subserve the purposes of the Horse Racing Law and which will be in the best interests of the people of California in accord with the intent of the Horse Racing Law.

At the June 27, 2008 Regular Board Meeting a discussion was held regarding the progress and planning for thoroughbred racing alternatives in Northern and Southern California. The racing industry was asked to submit reports addressing the status of plans and progress for thoroughbred racing in Northern and Southern California for 2009 and beyond.

A Southern California Thoroughbred Industry Progress Report was submitted on behalf of the southern California stakeholders, which include The Thoroughbred Owners of California (TOC), California Thoroughbred Trainers (CTT), California Thoroughbred Breeders Association (CTBA), Del Mar Thoroughbred Club, Magna Entertainment Corporation (MEC), Hollywood Park Racing Association, Oak Tree Racing Association, and the Los Angeles County Fair. Northern California stakeholders, Golden Gate Fields and the California Authority of Racing Fairs (CARF), submitted draft calendars for 2009-2011 that reflect the current status of discussions among the principals on race dates.

In preparation for discussion regarding 2009 race dates, the industry was asked to submit proposed 2009 race dates. To date proposed race dates have been received from the southern California thoroughbred industry and the Los Angeles County Fair, Fairplex. The southern California stakeholders are in agreement on the proposed calendar.

Proposed race dates have not been received from Northern California stakeholders, the California Authority of Racing Fairs (CARF), Los Alamitos or Cal Expo Harness.

ANALYSIS

Attached are the following items to assist in strategic planning and the development of proposed race dates for calendar year 2009 and beyond.

1. Southern California thoroughbred associations proposed 2009 Calendar
2. Business and Professions Code Sections 19530-19540

3. 2008 Racing Calendars
4. 2009 Calendar with 2008 race dates adjusted to a 2009 racing week
5. 2009 Blank Calendar

RECOMMENDATION

This item is presented for Board discussion.

SOUTHERN CALIFORNIA ASSOCIATIONS
PROPOSED 2009 CALENDAR

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			24	25	26	27
28	29	30	31			

Legend:

Del Mar 43

HP Fall 31

LATC 84

Fairplex 17

HPRA - Spring 65

Oak Tree 31

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

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BUSINESS AND PROFESSIONS CODE
ARTICLE 6 RACING DAYS AND WEEKS AND
ARTICLE 6.5 FAIRS AND EXPOSITIONS

19530. The board shall have the authority to allocate racing week to an applicant or applicants pursuant to the provisions of this article and Article 6.5 (commencing with Section 19540) and to specify such racing days, dates, and hours for horse racing meetings as will be in the public interest, and will subserve the purposes of this chapter. The decision of the board as to such racing days, dates, and hours shall be subject to change, limitation or restriction only by the board. No municipality or county shall adopt or enforce any ordinance or regulation which has or may have the effect of directly or indirectly regulating, limiting or restricting the racing days and dates of horse racing meetings.

19530.5. For the purposes of this article there shall be three geographical zones which shall be designated

- (a) the "southern zone," which shall consist of the Counties of Imperial, Orange, Riverside, and San Diego;
- (b) the "central zone," which shall consist of the Counties of Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura; and
- (c) the "northern zone," which shall consist of the remaining counties in the state.

19531 The board shall make allocations of racing weeks, including simultaneous racing between zones, as it deems appropriate. The maximum number of racing weeks that may be allocated for horse racing other than at fairs, shall be as follows:

- (a) – For thoroughbred racing: 44 weeks per year in the northern zone; 42 weeks per year in the central zone; and seven weeks per year in the southern zone.
- (b) For harness racing: 25 weeks per year in the northern zone.
- (c) For quarter horse racing: 25 weeks per year in the northern zone.
- (d) For harness racing and quarter horse racing: a total of 77 weeks per year in the combined central and southern zones.
- (e) In its written application for a license, an applicant shall state the time of day, consistent with this chapter, during which it will conduct its racing meeting, and particularly the first race starting time for the various racing days. After receiving a license, a licensee shall not change the first race starting time without securing prior approval of the board.
- (f) Notwithstanding this section or any other provision in this chapter, the board shall not allocate dates to a thoroughbred association in the central zone for the purpose of conducting racing during daytime hours if a thoroughbred racing association is conducting racing in the southern zone on the same date during daytime hours.

19531.1. Notwithstanding any other provision of law, the board shall not allocate racing dates to a private thoroughbred racing association in the central or southern zone for the purpose of conducting thoroughbred racing during daytime or nighttime hours if a fair racing association is conducting racing in the central zone on the same dates and if that fair is obligated to make payments on a capital expense loan incurred for the purpose of improving its facilities for horse racing.

19532. (a) Any association licensed to conduct thoroughbred racing in the northern zone may receive no more than 22 weeks of that racing.

(b) Any association licensed to conduct thoroughbred racing in the central zone may receive no more than 17 weeks of that racing, except that any association which conducts a split meeting may receive up to 20 weeks of that racing. No more than one such split meeting may be licensed in any one year.

(c) This section and Section 19531 shall not operate to deprive any association of any weeks of racing granted during 1980.

(d) This section and Section 19531 shall not operate to deprive the California State Fair and Exposition of any weeks of racing granted during the previous calendar year, and the board may continue to allocate those weeks of racing to the California Exposition and State Fair or any lessee thereof.

(e) Nothing in subdivision(d) is a limitation on the board allocating racing weeks to any private racing association as a lessee of the California Exposition and State Fair racetrack facility pursuant to Sections 19531 and 19532.

19533. (a) Any license granted to an association other than a fair shall be only for one type of racing, thoroughbred, harness, or quarter horse racing as the case may be, except that the board may authorize the entering of thoroughbred and Appaloosa horses in quarter horse races at a distance not exceeding five furlongs at quarter horse meetings, mixed breed meetings, and fair meetings. If the board authorizes the entering of thoroughbred or Appaloosa horses in quarter horse races, the following conditions shall be met:

(1) Any race written for participation by quarter horses, Appaloosas, and thoroughbreds shall be written as quarter horse preferred.

(2) The number of races written as quarter horse preferred at a distance exceeding 870 yards shall not exceed more than three races per program without the consent of the quarter horse horsemen's organization contracting with the association.

(3) More than one-half of the races on any program shall be for quarter horses at a distance not to exceed 550 yards, unless the consent of the quarter horse horsemen's organization is received.

(4) Mixed races with Appaloosa and quarter horses may only be written with the consent of the quarter horse horsemen's organization contracting with the association.

(5) Thoroughbreds shall constitute less than half the number of horses in these races although an exception may be granted on a race-to-race basis with the consent of the quarter horse horsemen's organization contracting with the association.

(b) The association that conducts the meeting shall pay to a thoroughbred trainers' organization an amount for a pension plan for backstretch personnel to be administered by that trainers' organization equivalent to 1 percent of the amount available to thoroughbred horses for purses. The remainder of the portion shall be distributed as purses. Any redistributable money paid to the board pursuant to Section 19641, which is paid to a welfare fund established by a horsemen's organization from races with both thoroughbred and quarter horses, shall be divided pro rata between the two welfare funds based on the number of thoroughbreds and quarter horses in the race.

(c) (1) Notwithstanding any other provision of law, any association licensed to conduct quarter horse racing may apply to the board for, and the board shall grant, authority to conduct thoroughbred racing as part of its racing program if all of the following conditions are met:

(A) The thoroughbred races are for a claiming price of not more than five thousand dollars (\$5,000), and at a distance of four and one-half furlongs or less. The races may not be stakes, allowance races, or maiden allowance races.

(B) More than one-half of the races on any program shall be for quarter horses at a distance not to exceed 550 yards, unless the consent of the quarter horse horsemen's organization is received.

(C) The consent of the quarter horse horsemen's organization contracting with the association is obtained with respect to the inclusion of thoroughbred racing.

(2) The quarter horse racing association conducting thoroughbred racing pursuant to this subdivision shall pay to a quarter horse horsemen's organization the amount specified in subdivision (e) of Section 19613, and an amount for a pension plan for backstretch personnel to be administered by a thoroughbred trainers' organization equivalent to 1 percent of the amount available to thoroughbred horses for purses. The remainder of the portion shall be distributed as purses. The quarter horse racing association shall also deduct the appropriate amount to comply with subdivision (a) of Section 19617.2 for distribution to the thoroughbred official registering agency.

19533.5. (a) Notwithstanding Section 19533, the board may authorize the following mixed breed racing:

(1) An association licensed to conduct a quarter horse meeting to include Appaloosa races and Arabian races with the consent of the quarter horse horsemen's organization contracting with the association with respect to the conduct of the racing meeting.

(2) A race between a quarter horse and a thoroughbred horse at a thoroughbred meeting with the consent of the thoroughbred horsemen's organization contracting with the association with respect to the conduct of the racing meeting.

(b) Notwithstanding Section 19533, an association licensed to conduct quarter horse racing or a fair may conduct races that include paint horses racing with quarter horses or Appaloosa horses in the same race. When paint horses race with quarter horses, the consent of the organization that represents quarter horse horsemen and horsewomen shall first be obtained. A quarter horse association may write a race for paint horses only to replace an Appaloosa or Arabian race without increasing the average number of races run per race day with the consent of the organization representing the quarter horse men and women.

(c) A quarter horse race with seven or more entries shall not be replaced by a race that includes paint horses, without the consent of the organization that represents quarter horse horsemen and horsewomen.

(d) Notwithstanding any other provision of law, any quarter horse racing association or fair conducting barrel racing, paint horse racing, show jump racing, or steeplechase racing shall pay to the quarter horsemen's organization the amount specified in Section 19613 for purposes of representing the horsemen and horsewomen conducting these races.

19533.6. Notwithstanding Section 19533, the board may authorize any racing association licensed to conduct a live quarter horse racing meeting to also conduct mule racing at that racing meeting, subject to the following conditions:

(a) Mule races may only be conducted when a fair is not licensed to conduct live races with parimutuel wagering.

(b) The consent of the quarter horse horsemen's organization contracting with the association shall be obtained with respect to the inclusion of mule racing.

(c) The majority of the races conducted on any given racing day shall be quarter horse races.

(d) A quarter horse association may conduct mule races provided that the total number of Arabian and mule races run in a year do not exceed the total number of Arabian races run in the state in 2001.

(e) An Arabian race with seven or more entries shall not be replaced by mule race, without the consent of the organization that represents Arabian horsemen and horsewomen.

19535. (a) Notwithstanding any other provision of law, at the time the board allocates racing weeks, it shall determine the number of useable stalls that each association or fair shall make available and maintain in order to conduct the racing meeting. The minimum number of stalls may be at the site of the racing meeting or at board-approved offsite locations.

(b) With respect to racing meetings conducted in the northern zone, the association or fair conducting the meeting shall provide all stabling required by the board pursuant to subdivision (a) without cost to participating horsemen. Offsite stabling shall be at a board approved facility or facilities selected by the association or fair, with the agreement of the organization representing horsemen participating at the meeting. If there is a disagreement between the association or fair and the organization representing the majority of horsemen participating at the meeting with respect to the selection of offsite stabling facilities, the board, at the request of the association or fair or the organization representing the majority of horsemen participating at the meeting, shall promptly determine the board-approved facility or facilities at which offsite stabling shall be made available. The organization representing horsemen participating at the meeting and the association or fair shall mutually agree on the criteria and selection of horses that may use stalls required pursuant to this section. With respect to northern zone thoroughbred meetings only, the association shall also provide, at the option of the horse owner, vanning of participating racehorses from any board-approved offsite stabling facility in the northern zone. Fairs may provide, subject to the availability of funds pursuant to Sections 19607, 19607.1, 19607.2, and 19607.3, at the option of the horse owner, vanning of participating racehorses from any board-approved offsite stabling facility.

(c) With respect to racing meetings conducted in the central or southern zones, all costs associated with the maintenance of the useable stalls for the racing meeting shall be borne by the association or fair conducting the meeting, and, with respect to useable stalls at an offsite location, the association or fair may be required, by order of the board, to bear the costs of vanning from the offsite location to the racing meeting. However, with respect to any racing association in the central or southern zone that conducted a racing meeting in 1986, if the number of useable stalls made available onsite by a racing association during a racing meeting is less than 95 percent of the number of useable stalls made available onsite by that racing association during its 1986 racing meeting, the racing association shall reimburse the facility providing offsite stabling for the difference in cost between the actual number of useable stalls made available and 95 percent of the useable stalls made available in 1986. The racing association shall, in addition, reimburse the owner for vanning to the onsite location with respect to those horses stabled at an offsite location necessitated by the failure of a racing association to maintain 95 percent of the useable stalls made available by that racing association during its 1986 racing meeting.

ARTICLE 6.5 FAIRS AND EXPOSITIONS

19540. In order to encourage and develop the racing of all horses in California, regardless of breed, whenever a fair conducts a program of horse races on which there is parimutuel wagering, the fair, so far as practicable, shall provide a program of racing that includes thoroughbred racing, quarter horse racing, Arabian racing, and Appaloosa racing, if a sufficient number of horses is available to provide competition in one or more races.

19549. Except as provided in Section 19549.1, the maximum number of racing days that may be allocated to a fair shall be 14 days each year. Those racing days shall be days during the period in which general fair activities are conducted. However, any fair racing association that conducted racing in the central or southern zone prior to January 1, 1980, shall be entitled to be allocated up to three weeks of racing. The board shall take public testimony and make all determinations on the allocation of racing dates during a public hearing. All discussions of allocating racing dates by the board or its subcommittees shall be conducted during a public hearing. Nothing in this section diminishes the authority of the board to establish racing dates.

19549.1. Notwithstanding Sections 19533 and 19549 or any other provision of this chapter, the board may allocate horse racing days for mixed breed meetings and combined fair horse racing meetings pursuant to Section 4058 of the Food and Agricultural Code, except as follows:

(a) Dates may only be allocated for a combined fair horse racing meeting between July 1 and October 31, and the total combined number of dates shall not exceed the total combined dates of the combined fair racing associations in 1995.

(b) Days may not be allocated for a mixed breed meeting or a combined fair horse racing meeting during the month of June at the California Exposition and State Fair if a standardbred meeting is being conducted at that facility during the month of June. The mixed breed meetings shall be conducted by a person other than the fair and shall be subject to Section 19550. The mixed breed meetings shall encourage the racing of emerging breeds of horses.

19549.2. From the weeks available for harness and quarter horse racing pursuant to subdivision (d) of Section 19531, the board may allocate a maximum of 12 weeks of harness racing to the 22nd District Agricultural Association to be conducted on the 22nd District Agricultural Association grounds. The racing shall be conducted by a person other than the 22nd District Agricultural Association.

19549.3. Notwithstanding Section 19549 or any other provision of this chapter, the board may annually allocate a maximum of 28 racing days to any county fair in the northern zone which did not conduct horseracing prior to January 1, 1985.

19549.4. Notwithstanding Section 19414.5, the board may allocate racing weeks consisting of fewer than five days to an association conducting harness or quarter horse racing meetings if the association and the organization representing the horsemen participating in the meeting agree to the allocation.

19549.6. Notwithstanding subdivision (b) of Section 19531 and Sections 19540, 19546, and 19549, the board may allocate additional weeks of harness racing to the California Exposition and State Fair in Sacramento or its lessee, to be raced at the California Exposition and State Fair in Sacramento.

19549.7. Notwithstanding subdivision (c) of Section 19531 and Section 19549, the board may allocate additional weeks of quarter horse racing to a lessee of the California Exposition and State Fair in Sacramento to be raced at the California Exposition and State Fair in Sacramento.

19549.9. Notwithstanding subdivision (d) of Section 19531 and Section 19549, the board may allocate up to 10 additional weeks of harness racing to the Los Angeles County Fair, or its lessee, to be raced at the fairgrounds in Pomona.

19549.12. Notwithstanding Sections 19482 and 19549, any weeks of harness racing or quarter horse racing allocated by the board to be raced at the facilities of a county fair which conducts its racing meeting pursuant to Section 19549.3 may be conducted by the fair. License fees for racing at the facilities of the county fair other than for the racing days allocated pursuant to Section 19549.3 are exempt from Section 19614.5.

19549.13. (a) Fairs that conduct racing meetings in the northern zone may, and horsemen's organizations that represent horsemen who participate at fair racing meetings in the northern zone shall, jointly develop a program to provide for stabling and training facilities. This program shall be based on the anticipated inventory of horses and the number of available stalls and locations.

(b) Participating fairs and horsemen's organizations shall annually ratify an agreement which includes provisions governing the operation of the stabling and training facilities. The agreement shall also specify the conditions under which a participating fair may terminate its participation in the program.

(c) Individual horsemen who elect to participate in the program shall be required to sign standard agreements with the participating fair governing the operation of the program. The agreements shall contain provisions that govern the operation of the program, including, but not be limited to, insurance coverage and payment of a security deposit.

(d) All agreements provided for in this section shall be approved by the board.

(e) Each fair that conducts racing meetings in the northern zone may elect whether to participate in the stabling and training program.

19549.14. (a) Notwithstanding, Section 19489 or any other provision of this chapter, the board may permit the San Mateo County Fair to conduct live racing meetings at another site within or outside San Mateo County if its present site, Bay Meadows, closes.

(b) Live horse racing meetings conducted by the San Mateo County Fair, whether they are conducted within or outside of San Mateo County, shall be subject to the same provisions as are presently applicable to the San Mateo County Fair's conduct of live horse racing meetings at Bay Meadows.

(c) If the racing association licensed in the year 2002 to conduct thoroughbred race meetings in San Mateo County is not licensed to conduct a horse racing meeting in that county in any subsequent year, the San Mateo County Fair may, subject to the approval of the board, conduct its racing dates at a facility operated by a thoroughbred racing association or fair licensed to conduct a meeting in the northern zone.

19549.15. (a) Notwithstanding Section 19489 or any other provision of this chapter, the board may permit the Solano County Fair to conduct live racing meetings at another site within or outside Solano County, if the site of its 2002 racing meeting is no longer available for horse racing in any subsequent year. Further, subject to the approval of the board, the Solano County Fair may conduct its racing dates at a facility operated by a thoroughbred racing association or fair licensed to conduct a racing meeting in the northern zone.

(b) Any racing meeting licensed to the fair pursuant to subdivision (a) may be operated by the fair or the fair may contract for the operation and management of the racing meeting with an individual thoroughbred racing association or fair, or a partnership, joint venture, or other affiliation of one or more thoroughbred racing associations or fairs.

2008 - NORTHERN CALIFORNIA RACE DATES CALENDAR

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			26	27	28	29
30	31					

GGF	128
BM	70
Total	198

Pleasanton	11
Vallejo	11
Santa Rosa	12
San Mateo	10
Cal Expo	12

Stockton	9
Fresno	11
Ferndale	10
Total Fairs	86

5

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

3

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

23

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

20

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

14

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

16

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

8

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

11

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

10

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

11

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

22

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

16

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- GGF- 12/26/07-2/3/08, 5/14/08-6/22/08, 9/17/08-12/21/08 (LATC running last meet)
- BM-2/4/08-5/11/08
- Pleasanton-6/25-7/6/08
- Vallejo-7/9-7/20/08
- Santa Rosa-7/23-8/4/08
- San Mateo-8/6-8/18/08
- Ferndale-8/7-8/17/08
- CalExpo-8/20-9/1/08
- Stockton-9/3-9/14/08
- Fresno-10/1-10/13/08

2008 - SOUTHERN CALIFORNIA RACE DATES CALENDAR

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			26	27	28	29
30	31					

5

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

15

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

23

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

2

16

5

Legend:

LATC 77

HPRA - Spring 60

Del Mar 43

Fairplex 16

Oak Tree 26

HP Fall 40

Days Canceled @ SA= 1/5, 1/6, 1/7, 1/24, 1/25, 1/27, 1/28, 2/3, 2/4, 2/7, 2/8

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

20

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

21

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

21

3

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

23

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

10

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

22

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

14

6

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

27

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

15

LATC-12/26/07-4/20/08

HP Spring-4/23-7/13/08

Del Mar-7/16-9/3/08

Oak Tree-9/24-10/26/08

HP Fall-10/29-12/21/08

Pomona-9/5-9/22/08

2008 - LOS ALAMITOS QUARTER HORSE RACE DATES CALENDAR

Total Race Days = 204

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			26	27	28	29
30	31					

3

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

17

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

16

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

18

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

16

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

19

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

17

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

17

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

19

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

15

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

18

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

17

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

12

2008 - SACRAMENTO HARNESS ASSOCIATION RACE DATES CALENDAR

SHA= 34 race days

2008 - CALIFORNIA EXPOSITION STATE FAIR HARNESS RACING CALENDAR

CalExpo = 107

CalExpo took over Harness on 3/6/08

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			26	27	28	29
30	31					

2

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

16

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

16

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

13

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

12

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

15

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

12

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

12

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

2

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

6

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

14

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

12

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

9

2009 - NORTHERN CALIFORNIA RACE DATES CALENDAR DRAFT

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			24	25	26	27
28	29	30	31			

4

GGF	126
BM	70
Total	196

Pleasanton	11
Vallejo	11
Santa Rosa	12
San Mateo	11
Cal Expo	12

Stockton	9
Fresno	10
Ferndale	10
Total Fairs	86

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

23

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

1

19

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

22

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

21

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

15

8

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

15

6

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

5

11

9

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

10

3

11

12

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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10

9

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October						
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November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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27	28	29	30	31		

16

REFLECTS 2008 RACE DATES ON A 2009 CALENDAR ADJUSTED ACCORDING TO RACE WEEK

~ December 26, 2007 through April 13, 2008 Thursday-Monday race week.

~ April 22 through December 21, 2008 Wednesday-Sunday race week.

2009 - SOUTHERN CALIFORNIA RACE DATES CALENDAR DRAFT

Page 5-15

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			24	25	26	27
28	29	30	31			

Legend:

Del Mar 43 HP Fall 39

LATC 83

Fairplex 16

HPRA - Spring 60

Oak Tree 26

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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February						
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March						
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April						
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May						
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31						

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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July						
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August						
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23	24	25	26	27	28	29
30	31					

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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November						
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December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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20	21	22	23	24	25	26
27	28	29	30	31		

LATC 2008

Actual days raced →

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

REFLECTS 2008 RACE DATES ON A 2009 CALENDAR ADJUSTED ACCORDING TO RACE WEEK

~ December 26, 2007 through April 13, 2008 Thursday-Monday race week.

~ April 22 through December 21, 2008 Wednesday-Sunday race week.

~ Oak Tree and HP Fall have not been adjusted to show alternate week for 2009

2009 - LOS ALAMITOS QUARTER HORSE RACE DATES CALENDAR DRAFT

Total Race Days = 205

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			24	25	26	27
28	29	30	31			

3

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

19

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
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22	23	24	25	26	27	28

16

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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17

April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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5	6	7	8	9	10	11
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17

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

19

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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16

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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18

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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18

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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15

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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19

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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12

2009 - CAL EXPO HARNESS RACING CALENDAR DRAFT

CalExpo = 148

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			24	25	26	27
28	29	30	31			

3

January						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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18

February						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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April						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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13

May						
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14

June						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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12

July						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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13

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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September						
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6

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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11

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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27	28	29	30	31		

9

2009 CALENDAR

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					26	27
28	29	30	31			

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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May

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June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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12	13	14	15	16	17	18
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August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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December

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STAFF ANALYSIS
DISCUSSION AND ACTION BY THE BOARD
REGARDING THE FEASIBILITY OF AMENDING
CHRB RULE 1498, PHYSICAL EXAMINATION
TO ADD ADDITIONAL CRITERIA FOR THE REQUIRED
JOCKEY, APPRENTICE JOCKEY, AND DRIVER
ANNUAL PHYSICAL EXAMINATION

Regular Board Meeting
October 15, 2008

BACKGROUND

Business and Professions Code section 19420 provides that the Board shall have jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering.

Board Rule 1498, Physical Examination, provides that all jockeys, apprentice jockeys, and drivers must pass a physical examination at least once a year before the commencement of the first race meeting of the year in which such jockey, apprentice jockey or driver intends to participate, or at such other time as the Board may direct. Such examination will be given by a doctor designated or approved by the Board, and the examination shall include a visual acuity examination and a hearing examination. The Board or the stewards may require that any jockey, apprentice jockey or driver be re-examined at any time, and the Board or the stewards may refuse to allow any jockey, apprentice jockey or driver to ride or drive until he has successfully passed such examination.

ANALYSIS

The annual physical examinations of all jockeys, apprentice jockeys, and drivers required by CHRB Rule 1498, Physical Examination, are typically administered by a licensed track physician hired by the association or racetrack. The various racetracks operating in California arrange for a physician to come to each of their facilities for one or more days or nights to conduct physical examinations free of charge at the beginning of the year. The jockeys, apprentice jockeys, or drivers are notified in advance of the examination dates and those who do not take advantage of this program must arrange for physical examinations with their own physician at their own expense.

Board Rule 1498, Physical Examination, requires two specific examinations, visual acuity and hearing, be completed during the general examination. Other than this requirement the physical examination differs from track to track and from physician to physician. The examination could include checking the blood pressure, heart, and lungs, an eye test, and analyses of blood and/or urine samples. The forms signed by each physician indicating the jockey is suitable for riding also differ. One form, provided by the Jockey's Guild, is a full page and contains references to reflexes, eyes, ears, nose, throat, heart, lungs, and other vital signs and examination procedures. The attached Jockeys' Guild Recommended Physical Examination form includes a disclosure waiver giving the Board authorization to review the medical information collected. All physical examination reports are retained by the track physician. It should be noted that Federal law, known as the Health Insurance Portability and Accountability Act (HIPAA), prohibits health care providers and professionals in most situations from releasing any information about a person's health status unless the person has signed an authorization form specifically permitting such release. If the person whose health information is being released is a minor, a parent or guardian must sign the authorization.

The clerk of scales is involved in the examination process to varying degrees at each location; primarily, the clerk of scales will notify the stewards which jockeys, apprentice jockeys or drivers do not show up for the scheduled physical examination or who does not pass the examination.

First time licensees as jockey, apprentice jockey, or driver are required to pass the physical examination. At the time of application, the stewards will request either proof of a passed physical examination within the year or send the individual to the track physician for an examination. Once the examination is completed a physical examination card is signed by the physician and first aide assistant and presented to the stewards. If the licensee meets all other qualifications for jockey, apprentice jockey, or driver, the Stewards will recommend the individual be licensed.

Occasionally, the stewards will request that a jockey, apprentice jockey, or driver be re-examined. An additional physical examination is requested if the Stewards notice a physical change or abnormality that has affected or may affect the athlete's performance.

It is expected that a letter from the Jockeys' Guild representatives addressing this issue will be received shortly.

RECOMMENDATION

This item is presented to the Board for discussion.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
RULE 1498. PHYSICAL EXAMINATION

Regular Board Meeting
October 15, 2008

1498. Physical Examination.

All jockeys, apprentice jockeys, and drivers must pass a physical examination at least once a year before the commencement of the first race meeting of the year in which such jockey, apprentice jockey or driver intends to participate, or at such other time as the Board may direct. Such examination will be given by a doctor designated or approved by the Board, and the examination shall include a visual acuity examination and a hearing examination. The Board or the stewards may require that any jockey, apprentice jockey or driver be re-examined at any time, and the Board or the stewards may refuse to allow any jockey, apprentice jockey or driver to ride or drive until he has successfully passed such examination.

JOCKEYS' GUILD RECOMMENDED PHYSICAL EXAMINATION

JOCKEY'S NAME (last) (first) (middle) DATE AGE HEIGHT WEIGHT PLACE START ADDRESS:

I do hereby agree to such physical examination as the Board or Racing Commission in the State of California may prescribe and hereby waive all provisions of any law forbidding any physician from disclosing any information thus acquired, and do hereby authorize such physician to make such disclosure.

ISS License Telephone Signature of applicant (Jockey)

PAST HISTORY: Have you had any of the following:

Heart disease or T.B. Epilepsy, fainting spells Stomach or Kidney trouble Headaches, dizziness Head injuries or fractures Venereal disease Operations

U.S. ARMED FORCES: Did you serve? How long? If so, kind of discharge Were you rejected from U.S. Armed Forces? Reason

EXAMINATION:

Eyes Ears Nose Mouth and Throat Heart Blood Pressure Hemoglobin Hematocrit Lungs Abdomen Extremities Reflexes hands/feet Joints Urine analysis

Recommendations, if any Is the person examined suitable for riding? If any exceptions, specify

Examined by M