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## CALIFORNIA HORSE RACING BOARD



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CHRB NEWS RELEASE

OCTOBER 19, 2009

### REVIEW OF CHRB ACTIONS AND DISCUSSIONS 10-15-09

COALINGA, CA – The California Horse Racing Board conducted its regular meeting Thursday, October 15, at the Harris Ranch Inn and Restaurant. Chairman John Harris presided. Commissioners Jesse Choper, Bo Derek, and Keith Brackpool were in attendance. During the meeting:

- The Board approved for 45-day public notice and comment four proposed rules designed to protect horses and riders as well as assistant starters and others handling horses:
  1. Rule 1685 would mandate the use of whips that are considered “kinder and safer” for horses because they are padded at the end and have other features designed to protect horses. The Board already has authorized the use of these alternative whips, but this proposed regulatory amendment would go further by requiring their use in races and banning older-style whips. Independently of the CHRB and in cooperation with the Jockeys’ Guild, some California racing associations already are requiring the use of alternative whips in their races.
  2. Rule 1658 deals with voiding a claim if a horse is unable to return after a race to be unsaddled. Specifically, the proposed rule change, based on a national model rule recommended by the Association of Racing Commissioners International (RCI), would void the claim if the horse due to injury or distress fails to return to the unsaddling area unless the person submitting the claim chooses to purchase the horse regardless. Currently a claim submitted by a potential purchaser takes effect when the horse leaves the gate regardless of whether the horse finishes the race. Commissioner Derek and Dr. Rick Arthur, the CHRB equine medical director, spoke in favor of this concept. Dr. Arthur reminded the Board that in 2006 the Jockey Club Welfare and Safety Summit identified the need to remove the incentive to run unfit horses in claiming races as a problem that racing needed to address, which led to the RCI model rule. Response to the proposal was mixed with some public support but others indicating that modifications to the proposed rule are necessary for the rule to be workable. Chairman Harris invited all parties to provide their comments to the CHRB during the 45-day public comment period.
  3. Rule 1689 would require all persons on horseback on any racing surface as well as assistant starters and others handling horses on the track to wear safety helmets meeting stringent laboratory-developed standards providing for greatly increased protection. This change and a similar proposal for safety vests are supported by the Jockeys’ Guild.
  4. Rule 1689.1 would require drivers, jockeys and others exercising horses and riding or driving in races to wear safety vests that meet higher standards than are currently in place. The new vests and safety helmets are recognized as providing so much protection that prior to these requirements going into effect, many jockeys and exercise riders already are exchanging older helmets and vests for new equipment under a program organized by the industry, which provides the new equipment at reduced prices.

All four of these proposed rules will be scheduled for public hearing, most likely at the CHRB's January meeting. The date and location for that meeting will be posted on the CHRB Website ([www.chrb.ca.gov](http://www.chrb.ca.gov)) in late December under the Board Meeting Schedule link. CHRB staff is currently preparing the four regulatory packages for submission to the Office of Administrative Law by the end of October. OAL will publish the proposed rules most likely in mid-November, meaning the 45-day public comment period should encompass the latter half of November and most or all of December. The precise dates will be posted on the CHRB Website under the Horse Racing Rules and Rules Noticed to the Public links. Written comments from the public will be accepted during that 45-day notice period. Letters can be mailed Jackie Wagner, manager of the Policy and Regulations Unit, at the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, CA 95825, while e-mails can be sent to JackieW@chrb.ca.gov.

- The Board approved the Southern California racing calendar for 2010, subject to modifications, but delayed action on most of the Northern California calendar due to uncertainties involving the summer racing programs. The California Exposition and State Fair has proposed moving its thoroughbred fair meet forward into July, and there are competing proposals for summer fair racing, so the commissioners chose not to act on the northern schedule except for approving the early season harness meet at Cal Expo (December 26, 2009, through June 19, 2010).

The Southern California thoroughbred schedule will begin as usual on December 26, 2009, at Santa Anita Park through April 18, 2010, followed by meets at Hollywood Park (April 21 through July 18), Del Mar (July 21 through September 8), Fairplex Park (September 9 through September 27), Oak Tree at Santa Anita (September 29 through October 31), and Hollywood Park (November 3 through December 19). The quarter-horse meet at Los Alamitos will run from December 26, 2009, through December 19, 2010.

- The Board received assurances from Gregg Scoggins, representing MEC, the owner of Golden Gate Fields, that debtor-in-possession financing is in place and the bankruptcy proceedings governing MEC operations provide significant incentives for MEC to meet all of its financial obligations for the upcoming meet at Golden Gate (October 21 through December 20). Scoggins also described the shifting of funds held in trust to an industry-controlled entity that will guarantee the flow of funds generated by wagers placed in California to vital industry programs. The Board asked Scoggins to urge those MEC officials more directly involved in the bankruptcy proceedings to take heed of a new state law designed to facilitate the disbursement of funds to industry programs that were held in trust by MEC prior to the bankruptcy filing in March.
- The Board waived three rules for the 2009 Breeders' Cup, which will be conducted at Santa Anita on November 6 and November 7. The waivers allow (1) for imported horses to participate in the Breeders' Cup without the usually required lip tattoos, recognizing that those horses have other means of identification, including microchips, to verify their identities; (2) for attendants on foot to accompany horses through the post parade and to the starting gate, as is the custom in some other countries; and (3) for the use of European-style whips, which differ little if at all from the safer, alternatives whips already authorized by the Board. Concerning another request from the Oak Tree Racing Association to lower by two-thirds the normal cost of CHRB licenses for participants in the Breeders Cup, Chairman Harris stated that although he felt California needs to be an excellent host for this premier event, owners participating in the Breeders Cup are perfectly capable of paying the same fee as Californians and others participating in California racing, so a lower fee was not justified.
- Madeline Auerbach, the Thoroughbred Owners of California director who chairs the California

Retirement Management Account (CARMA) program, reported that 80 percent of the owners racing horses in California are participating in the program to help care for and retrain retired thoroughbreds through the deduction of 0.3 percent of the net purse, which has an opt-out provision available. She said this fund generated \$121,000 during the latter half of 2008, and along with another \$30,000 received from other sources, led to the distribution of more than \$150,000 to seven facilities for the care of 177 retired thoroughbreds. CARMA personnel visit and monitor each approved facility to ensure they operate at established standards and comply with program requirements.

- Rod Blonien, representing the Commerce Casino, reported that the mini-satellite that opened during the summer handled an average of \$80,000 daily during the Del Mar and Fairplex meets and currently is averaging \$60,000 during the nearby Oak Tree meet, which projects to the generation of about \$1 million annually to purses in California races. He said the wagering operation has expanded into a second room at the casino to accommodate bettors.
- The Board approved the license application for the Hollywood Park fall meet (November 11 through December 20) for 27 days. The Board granted a request by Hollywood Park to offer simulcast wagering only without live racing on November 11, November 12, and December 16.
- CHRB counsel Robert Miller reported that during executive session, which preceded the public meeting, the four commissioners agreed to accept the offer made by counsel to Richard B. Shapiro pertaining to the CHRB complaint against Shapiro, a licensed horse owner. The Board agreed to fine Shapiro \$500, which Miller indicated was in line with previous rulings by the boards of stewards involving cases of disorderly conduct by other licensees.

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