

Washington Horse Racing Commission
Meeting Minutes
April 9, 2010

The meeting was convened at 9:30 A.M. at the Auburn City Council Chambers in Auburn, Washington. Present were: Paul George, Chairman; Jeff Colliton, Commissioner; Dr. Bud Hollowell, DVM, Commissioner; Hartly Kruger, Commissioner; Representative Dave Quall, Ex-officio Member; Kate Reynolds, Assistant Attorney General; Robert J. Lopez, Executive Secretary; Patty Sorby, Confidential Secretary.

Item #1. Approval of the meeting minutes of March 11, 2010.

Commissioner Kruger moved to approve the meeting minutes as submitted. Commissioner Hollowell seconded the motion. Unanimously approved.

Item #2. Commissioners' report.

Chairman George reminded those present that there would be no May meeting.

Commissioner Kruger said he attended Sun Downs Race Meet opening. He spoke with Cliff Schellinger, President of Tri-Cities Horse Racing Association and they are working on obtaining funding to assist with the Jockey Incentive Fund.

Commissioner Colliton had also attended Sun Downs opening but had nothing further to report.

Commissioner Hollowell said he had also attended Sun Downs and had two comments, he was in the Turf Club area at Sun Downs and felt he had been rudely treated when his friend had stopped to make a wager at the mutuel window, and was told they couldn't place wagers there unless they were members, he had not heard that before; and the second comment was that there was a pedestrian bridge across the race track from the infield bleachers that obscured the view of the horses racing around the track and asked how whoever did this, the fair board or the county, could do that.

It was commented, that was why Mr. Schellinger was probably not racing next year, and that he was frustrated with the attitude toward racing he was receiving.

Item #3. Industry Reports.

a. Emerald Downs.

Mr. Ron Crockett and Mr. Jack Hodge reported on Emerald Downs. Mr. Crockett presented a breakdown on Emerald Downs simulcasting that supports the purse fund. Mr. Crockett said overall purse funds collected are down 16.1 percent at this same time last year. This is what contributed to the shortened race days per week and the early opening.

Mr. Hodge said the horse population was down about 20 percent. He said the overlap with Turf Paradise and Portland Meadows was affecting the population. He said that many of the trainer's are utilizing the 180 lay off advantage offered for entering horses had really helped.

b. WHBPA.

Mr. Ron Maus, President, WA HBPA had nothing to report. Mary Ann O'Connell, Executive Director, WHBPA said she had been appointed to the Health and Welfare Committee. She said the child care center opened April 1st.

c. WTBOA.

Mr. Dana Halvorson, President, said there are 120 entries for the summer sale.

Item #4. 2009 Equine Health and Safety Report.

Dr. Sally Calkins, Equine Medical Director gave the 2009 Equine Health and Safety Report.

Item #5. Rules of Racing.

a. WAC 260-08-675 Hearing before the commission.

Doug Moore, Deputy Secretary said staff is proposing to amend WAC 260-08-065 to change the section to be consistent with the adoption of the amendments to WAC 260-24-510 which reduces the appeal time for riding infractions. No public comment was received, staff recommends approval.

Commissioner Kruger moved to adopt the amendment to WAC 260-08-675. Commissioner Colliton seconded the motion. Unanimously approved.

b. WAC 260-12-010 Definitions.

Mr. Moore said the amendments would further clarify the differences between a suspension and a revocation. It also changes the language to better define that an individual is ineligible for a license during a revocation and removes the reference that they are unable to apply for a license. No public comment was received, staff recommends approval.

Commissioner Hallowell moved to adopt the amendment to WAC 260-12-010. Commissioner Colliton seconded the motion. Unanimously approved.

BREAK (10:55 A.M.) RECONVENED (11:06 A.M.)

Item #6. Certification of Washington-Bred Thoroughbred Horses – further discussion.

Mr. Lopez said the Washington Thoroughbred Breeders and Owners Association (WTBOA) has requested to amend WAC 260-16-050 to indicate the WTBOA be designated to certify

Washington Bred horses. Mr. Lopez said he had asked assistant attorney general, Kate Reynolds for an opinion on this and she has responded with a memo regarding this subject.

Commissioner Hallowell moved to waive the attorney-client privileged in order to make it publically available. Commissioner Colliton seconded the motion. Unanimously approved.

Kate Reynolds, Assistant Attorney General briefly summarized the opinion memo.

Debra Pabst, Board Member, WTBOA gave an overview on why the WTBOA wants this change.

Mr. Lopez said the CR101 has been filed with the Code Reviser's office and draft language will be distributed for public comment. This item was for discussion and that no commission motion is needed at this time.

Item #7. Hearing before the Commission.

a. Justin Austin WHRC 2010-002.

The hearing in the matter of Justin Austin was opened at 11:30 A.M. Present were: Paul George, Chairman; Commissioner's Colliton, Hallowell and Kruger. Assistant Attorney General Kate Reynolds, represented the Commission; Assistant Attorney General Gordon Karg represented WHRC staff. Justin Austin was present and not represented by counsel. Walter Roderick, WHRC Investigator gave testimony. Robert Austin gave testimony on behalf of Mr. Austin. Mr. Austin was granted a conditional license. Hearing closed at 12:00 Noon.

Item #8. Executive Secretary's report.

- a. Wagering Recap;
- b. Monthly Financial Report;
- c. Travel Approval – April & May, and;
- d. E2SHB 2617 Eliminating certain boards and commissions (Sec. 145).

Mr. Lopez went over the monthly comparison by wagering period and advance deposit wagering source market fees. Mr. Lopez explained the monthly financial report for revenues and expenditures.

Item #9. Any other business that may be properly brought before the Commission.

Commissioner Colliton requested approval for the Commissioners to attend the Class C race meets in May 2010. Chairman George seconded the motion. Unanimously approved.

Mr. Lopez said the Legislature had passed HB 2617, which will require class four boards and commissions, when feasible to utilize alternative means of conducting a meeting that does not commission members to be physically present. Mr. Lopez said this takes effect July 1, 2010.

Commissioner Kruger asked Mr. Lopez to let the ARCI know of the WHRC's desire to hold the ARCI convention in Seattle.

Mr. Lopez said Mr. Darrell Haire, Western Regional Manager, Jockeys Guild has made a request to have a special telephone conference meeting to discuss a matter regarding a jockey obtaining a license and requested the Commissioners to let Mr. Lopez know of their availability within the next two weeks.

Chairman George reminded those present there would not be a meeting in May and that the next meeting will be June 11, 2010.

Meeting adjourned 12:30 P.M.

Robert J. Lopez, Executive Secretary