

Washington Horse Racing Commission  
Meeting Minutes  
April 8, 2016

Present were: Jeff Colliton, Chairman; Robert Lopez, Commissioner; Dr. Everett Macomber, DVM, Commissioner; Representative Strom Peterson, Legislative Ex-Officio Member; Representation Joe Schmick, Legislative Ex-Officio Member; Isaac Williamson, Assistant Attorney General; Doug Moore, Executive Secretary; Patty Brown, Confidential Secretary.

Item #1. Approval of the meeting minutes of March 11, 2016.

Commissioner Macomber moved to approve the minutes as submitted. Commissioner Lopez seconded the motion. Unanimously approved.

Item #2. Commissioners' reports.

Commissioner Macomber said he had met with local veterinarians and the Horsemen's Benevolent and Protective Association (HBPA) and had a good discussion. He said he had also met with Mr. Moore and the veterinarians along with personnel from the WSU regarding the WHRC necropsy program. He also said he had been busy reviewing medication rules.

Commissioner Lopez said he was planning on attending the Sun Downs meet opening on April 23rd.

Chairman Colliton said he will also visit Sun Downs meet probably on May 7<sup>th</sup> or 8<sup>th</sup>. Chairman Colliton said he and Mr. Moore had attended the annual ARCI Board of Directors and Model Rules Committee meetings in New Orleans. He said a new Chair for the Association of Racing Commissioners International (ARCI) was elected; Judy Wagner, Commissioner from Louisiana. He said her background was not really horse racing, but won the handicapping champion title in 2001. She has also been a lobbyist in Congress, pertaining to taxes. ARCI confirmed the Commissioners will be in Seattle in July. Chairman Colliton said the townhall meeting will be on July 13 conducted by Ed Martin, President, ARCI, and will be held at the Breeders Pavilion. Ms. Anne Sweet, Editor, Washington Thoroughbred Owners and Breeders Association (WTBOA) asked if someone could speak at their annual meeting which is to be held around the same time. Chairman Colliton said Ed Martin has agreed to do that. Two awards are given out at the ARCI meetings, the William H May award lifetime achievement to industry, went to Dan Fick and the prestigious Len Foote Award in recognition of Executive Secretary's/Directors was awarded to Doug Moore.

Item #3. Industry Reports.

a. Emerald Downs report.

Phil Ziegler, President, Emerald Downs reported they are primarily working on opening day April 9<sup>th</sup>. He said entries went well, there are 942 horses on the grounds. Jack Hodge said this is 165 more over last year. He reported that approximately 225 horses are due to arrive from Turf Paradise, about 150 over where they topped out last year. Mr. Hodge said the field sizes are expected to be about 7.5 horses per race for tomorrow; and even better for Sunday with ten races scheduled. Bob Fraser said he would give the Commissioners a tour of the new concessions right after the meeting. Mr. Ziegler said post time is 2:20 PM; and Emerald Downs will be broadcast on Comcast sports NW.

b. WHBPA report.

MaryAnn O'Connell, Executive Director, HBPA. Congratulated Mr. Moore on his award. She said the HBPA is trying to get ready for the meet; they are working on the Jockey pay scale, working for an increase and will be coming to an agreement soon. Mr. Moore said he was hoping to take action on that today, the Commission won't meet again until June 10<sup>th</sup>. He asked Ms. O'Connell to notify him when an agreement is made and a special telephone conference meeting to approve the new scale can be done. Commissioner Lopez asked if it was possible to allow the Executive Secretary to approve it pending approval by the full Commission by formal vote at a subsequent meeting. Isaac Williamson, Assistant Attorney General (AAG) said he was hesitant regarding this and would need to research this. Chairman Colliton said we could wait. Commissioner Macomber asked how many riders are signed up with the Guild. Darrell Haire, Jockey Representative for the Guild, said about 9 out of 10 riders here. Mr. Fraser said there are 25, he had talked with Clell Sherwood, Jockey Room Custodian. Mr. Haire said this pay increase would be for all the riders not only the Guild members. Commissioner Macomber asked how many are apprentice. Mr. Fraser said there are 2-3 here. Mr. Fraser said he had hired some certified athletic trainers to work in the jocks room this year. Mr. Ziegler said there's a meeting at noon today and one of the main topics would be concussion protocol. Mr. Ziegler said regarding the Emerald Racing Club, they've purchased a horse named "Archie Graham"; membership in the Club is now closed they've reached total membership of 200. He said there are several promotions going on every week for the 20<sup>th</sup> anniversary celebration.

c. WTBOA.

No one present to report.

d. Sun Downs.

Mr. Moore spoke on behalf of Sun Downs and said he had talked with Shorty Martin and they are getting ready for the meet. He said they are looking forward to a good meet this year. Mr. Moore said the American Quarter Horse Association (AQHA) hair testing program has been postponed for this year. They are going to reevaluate it and come back with a better plan next year.

Item #4. ADW License Hearing – 123 Gaming, Inc.

Mr. Rob Earle appeared by telephone. Mr. Moore presented the renewal application and with nothing significant to report, staff recommended approval. Mr. Earle thanked the Commission and commented that Washington has been a great state to do business with and Emerald Downs is a great facility.

Commissioner Macomber moved to approve the renewal application for 123 Gaming, Inc.  
Commissioner Lopez seconded the motion. Unanimously approved.

Item #5. Review of Satellite site – Muckleshoot Casino.

Mr. Moore said Mr. Williamson, AAG, had reviewed the compact between Muckleshoot Indian Tribe and Washington State and said there is a requirement to approve the physical adequacy of the satellite site. Mr. Fraser provided the necessary information and will be made a part of the record. Chairman Colliton asked Mr. Fraser when they would be open and Mr. Fraser said they would like to be open for Kentucky

Derby Day. Commissioner Macomber asked how the ADW affects handle. Mr. Fraser said they've been growing, but simulcasts are growing and keeps the interest going; accessibility to place a wager, it's a social thing to come to the track, the attendance isn't what it once was, but it is still strong. Technology is more self service oriented. It's happening in the horse industry too. Mr. Fraser said that he would like to have more casino's requesting to simulcast the races, but the end result is that simulcasting hasn't been a negative for Emerald Downs. Commissioner Macomber asked about flexibility in creating new games. Mr. Ziegler said none, it is clearly laid out that they are a satellite location only.

Commissioner Lopez moved to approve the Muckleshoot Casino as a satellite wagering location. Commissioner Macomber seconded the motion. Unanimously approved.

Item #6. Adoption Hearings:

a. WAC 260-28-295 Trainer Responsibility.

Mr. Moore said language is being added to address trainer's responsibilities to inform their owners of any rule violations that may occur with the owner's horses. Mr. Moore said no public comment was received from stakeholders and staff recommended approval. Ms. O'Connell said the HBPA supports the change. Ms. O'Connell also asked if the reporting of altering the gender of and spayed horses rule would be looked at. Mr. Moore said he'd not done that and would look into it.

Commissioner Lopez moved to approve the language amendment, but recommended eliminating the term "shall," and replace the word with "will." Mr. Moore said this could be done. Commissioner Macomber seconded the motion with the change. Unanimously approved.

b. WAC 260-52-075 Declaring race "official" in respect to purses.

Mr. Moore said at Emerald Downs, the HBPA guarantees the purses in overnight races and owners can draw the funds after the race. Sample results are not received until the end of the following week, while the funds may have already been released, the purse is not officially earned until the tests are cleared. A new section has been added to clarify that issue. No comments were received from stakeholders and staff recommended approval.

Commissioner Lopez moved to approve the changes to WAC 260-52-075. Commissioner Macomber seconded the motion. Unanimously approved.

c. WAC 260-70-640 Permitted medication.

Mr. Moore said the Racing Medication and Testing Consortium (RMTC) adopted threshold levels to address the "stacking" of different substances. Mr. Moore said the WHRC has not adopted the model rules and most of the stacking rules would not be practical. The medications that do fit with the model rules are the WHRC permitted Non-Steroidal Anti Inflammatory Drugs (NSAIDs) and language has been added to address them; listing the levels that are acceptable and if a second NSAID is discovered that would not constitute a violation. No comments were received from stakeholders and staff recommended adoption. Ms. O'Connell said this amendment is very much appreciated. Chairman Colliton said there was a lot of discussion about this at the recent meetings. Mr. Moore agreed.

Commissioner Macomber moved to approve the amendments to WAC 260-70-640. Commissioner Lopez seconded the motion. Unanimously approved.

d. WAC 260-70-650 Furosemide.

Mr. Moore said in 2007 when the WHRC instituted specific gravity for furosemide in compliance with ARCI model rules, the timeframe for administration was removed, since that time, the ARCI has reinstated the four hour administration time requirement. This amendment adds it to the current WAC, but after discussions with industry veterinarians, it was determined that in the best interests of the horse, the optimum time for administration of furosemide is three hours to allow the veterinarians additional time to complete the administration. Mr. Moore said that would be a hard three hour rule.

Commissioner Lopez moved to adopt the amendments to WAC 260-70-650. Commissioner Macomber seconded the motion and added that this is a negotiated change and is reasonable, important and supports this. Chairman Colliton asked about the model rule and Mr. Moore responded the ARCI model rule is four hours. Ms. O'Connell thanked the commission for their work on this. Unanimously approved.

Item #7. Adoption of Policy Statement – 2016-01 – Reciprocity of Veterinarians Lists.

Mr. Moore explained the need for this policy. If a horse was on the vets list in last 45 days, they must be inspected by the state veterinarian and possibly have a workout required if none has been recorded. Mr. Moore said that when the meet ends there's no time to remove the horse from the vet list, they ship elsewhere but they are still on the vets list. The jurisdiction where the horse is on the vets list must be contacted to determine the condition of the horse whether to remain on the list or be taken off.

Commissioner Lopez moved to adopt WHRC Policy Statement 2016-01. Commissioner Macomber seconded the motion. Ms. O'Connell supported this policy. Commissioner Lopez asked if this policy will eventually move into rule. Mr. Moore said possibly, but would like to see how this works out. Unanimously approved.

Item #8 Executive Secretary's report.

Mr. Moore announced that Chairman Colliton was elected Chairman in waiting for the ARCI at the last meeting. Mr. Moore said it was important for Chairman Colliton to attend the townhall meetings and requested approval for Chairman to attend the townhall meeting in Belmont, New York on June 3<sup>rd</sup> and in Denver on June 9<sup>th</sup>, for travel and expenses associated with those two meetings.

Commissioner Lopez moved to approve travel expenses for Chairman Colliton to attend the two townhall meetings. Commissioner Macomber seconded the motion. Unanimously approved.

Mr. Moore also spoke about the conference call with Dr. Ramsey and Dr. Wilkinson, from WSU; Commissioner Macomber; and Dr. Tricia Arnold, WHRC Equine Medical Director. Mr. Moore said the intent was to propose an expansion of the current necropsy program to include costs associated with doing CT scans on horses. The current reporting is useless to the industry. Mr. Moore said hope to expand the program to not only dissection, but include a CT scans on both limbs, and report on specific injury. The costs will be about \$15,000 per year. This expansion on services with WSU puts Washington in line with California and Kentucky and will enable the WHRC to share information. Commissioner

Macomber said the CT scan is a lot less cost and gets the best information back. He had compared information from 2009 and said he believed the WHRC would get better information regarding injuries; WSU have the option to do an MRI, but will do with the CT scan first. This will give the WHRC a much larger base to share more information with California and Kentucky. Mr. Moore said WSU is studying the GGT liver enzyme, what causes that. Commissioner Lopez asked Ms. O'Connell if we change the necropsy program would the trainer's be more willing to share information about injured horses. Ms. O'Connell said it depends on the trainer. Many factors cause breakdowns, the trainers really embraced this last time information was requested. Mr. Moore said WSU would do a report on the overall results at a public Commission meeting.

a. Wagering Recap (March 2016):

Mr. Moore reported wagering for the race year comparison to be up .76 percent; for March 2016 down 2.5 percent; and for fiscal year up 2.5 percent.

b. Monthly Financial Statement:

Mr. Moore reported the revenues and expenditures with the fund balance at the end of February 2016 at \$958,267. Mr. Moore in answer to Commissioner Macomber's question from the last meeting regarding \$11000 overspent, he said we were not really overspent the \$11000 was recorded in the wrong sub-object and will be corrected for the next report.

Mr. Moore also said that he would like to fill the vacant Deputy Secretary position, but is waiting to see what impact there will be when the WHRC IT person retires. He is trying to maintain a healthy fund balance.

Mr. Hodge inquired about a proposal to grant money to help with the costs of a morning trackside vet. Mr. Moore said he would look into this with Mr. Williamson, AAG, to see if this would be appropriate grant request.

Mr. Moore reported the bill that places the WHRC in non-appropriated status had passed.

Chairman Colliton said the next meeting would be June 10, at the Auburn City Council Chambers.

Meeting adjourned. 11:06 AM

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Doug Moore, Executive Secretary

Washington Horse Racing Commission  
Special Meeting Minutes  
April 29, 2016

Present at the Special Meeting via conference call were: Jeff Colliton, Chairman; Robert Lopez, Commissioner; Dr. Everett Macomber, DVM, Commissioner; Doug Moore, Executive Secretary; Patty Brown, Confidential Secretary.

Members of the public participating: MaryAnn O'Connell, Executive Director, WA Horsemen's Benevolent and Protective Association (WHBPA).

Item #1. WAC 260-32-180 Fees. Approval of new scale for jockey fees.

Mr. Moore stated the Washington Horse Racing Commission at their February 12, 2016 public meeting approved the jockey fees scale which was included within the Emerald Downs 2016 race meet packet. Mr. Moore said the new scale, depending on the amount of the purse for each race, would increase the jockey fees between \$5.00 and \$10.00 for second through fourth place and losing mounts. A copy of the schedule will be attached and made part of the record.

Ms. O'Connell had presented the jockey fee scale to the WHBPA board and it was ratified by ten out of the eleven members, one member was not present.

Mr. Moore asked Ms. O'Connell when the fee scale would be effective. Ms. O'Connell said May 20, 2016.

Commissioner Macomber moved to approve the new jockey fees scale. Commissioner Lopez seconded the motion. Unanimously approved.

Meeting adjourned. (8:45 AM)

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Doug Moore, Executive Secretary