

Washington Horse Racing Commission  
Meeting Minutes  
January 12, 2018

Present were: Jeff Colliton, Chairman; Robert Lopez, Commissioner; Everett Macomber, DVM, Commissioner; Sharon James, Assistant Attorney General; Doug Moore, Executive Secretary; Patty Brown, Confidential Secretary.

Item #1. Election of a new chair.

Chairman Colliton nominated Commissioner Macomber to be the 2018-2020 Chairman of the Washington Horse Racing Commission. Commissioner Lopez seconded the motion. Unanimously approved.

Newly elected Chairman Macomber gave an acceptance speech.

Item #2. Approval of the meeting minutes of November 9, 2017.

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

Item #3. Commissioner's report.

Commissioner Colliton had nothing to report.

Commissioner Lopez said he had attended the ARCI meeting and Race Track Industry Symposium in Tucson, Arizona in December.

Chairman Macomber said he had met with Doug Moore and MaryAnn O'Connell at the racetrack in conjunction with the practicing veterinarians and said he would discuss later in the agenda. He felt overall there had been good discussions and interactions and was pleased.

Item #4. Industry Reports.

- a. Emerald Downs. Phil Ziegler, President, reported there would be discussion of an updated 2018 race date request later on the agenda. He said they are in preparations and getting schedules set for the 2018 meet that is keeping them busy. He said there are no new changes at the facility. Commissioner Colliton asked about the new casino in Spokane, if Emerald Downs was intending to satellite there. Mr. Ziegler said no; but had reached out to the new Alani casino near the Oregon border; but they haven't said anything at this time. Mr. Moore asked about track hours. Mr. Hodge said they track would open at 8:30 a.m. on February 5<sup>th</sup>. He said they've

received twenty-one stall applications to date. He said they would be going to Portland Meadows on Monday to try to hurry them up to apply. Mr. Hodge said a new track superintendent; Eric Crofoot; who had served last two seasons as an assistant was moved up into the position. He has an extensive background in horse racing, has trained horses and he grew up in Eastern Washington. He was the Trackman at Lethbridge in Canada. Mr. Hodge thought he would do a fine job. Wayne Damron will still be on staff in a consulting capacity to assist Mr. Crofoot. Mr. Hodge said he hoped the weather cooperate better than last year.

- b. HBPA. Pat LePley, President said that quite a bit has gone on in the organization in the last two months. A letter had been sent to the Bureau of Indian Affairs in support of the Muckleshoot land be made into trust land. He said extensive meetings with management had been held in getting ready for the 2018 meet; on stakes, purses and operations. He said he had attended the national HBPA meeting in Keeneland, very interesting meetings; he noted the same struggles with horse shortages in other jurisdictions. Ms. O'Connell said she had attended the symposium in Tucson on gaming. She noted there was unanimous support from the board in terms of the change to Emerald Downs 2018 dates request update.
- c. WTBOA. Anne Sweet, Editor, said Dana Halvorson, President, was in Keeneland, who had reported not as much activity from Washington buyers as in past years. She said they've been working on Northwest race series nominations; which are in pretty good shape. They are working on the stallion season auction; the money from this supports the homebred incentives and sale incentives. Ms. Sweet said the Annual awards banquet is Saturday February 24<sup>th</sup>. The new stallion register is now online; 18 compared to 15 last year.
- d. Sun Downs report. Shorty Martin, Director, said the weather is better and they are planning to open the track for training around the first of February. He attended the Northern Quarter Horse banquet last Saturday and it went really well. They received approval for the QH futurity and the distaff, they've stopped the QH maiden race. Chairman Macomber asked if this would affect the horse population. Mr. Martin said it is hard to tell. He is assuming it will be close to what they've had in the past. He said four or five trainers participate from Idaho; most of the big QH trainers have moved Los Alamitos. They've had good participation from Oregon. Commissioner Lopez asked if they would be running same weekends as in the past. Mr. Martin said yes, they are in the final year of a three year contract; don't know what will happen. This year is same as past.

#### Item #5. Emerald Downs date request update.

Mr. Moore said Emerald Downs has requested a reduction of three days reducing the meet from 70 to 67 days. Mr. Ziegler said the reason for the reduction was that the support money for the track was smaller than in the past and he felt it was prudent to reduce the days; keeping purses intact was most important. The new dates requested would be opening on April 22 and ending on September 23, 2018. Mr. Hodge said they worked with the HBPA and came to a practical solution. This reduction would maintain the 2017 purse level and also reducing the value of a few of the stakes races. They would be able to spread between \$175,000 – \$178,000 across purses.

Commissioner Lopez moved to approve the 2018 amended date request. Commissioner Colliton seconded the motion.

Commissioner Lopez asked on the status of the transfer to tribal land request. Mr. Ziegler said he has no knowledge of this and their process. He said nothing is imminent; the process takes a long time. Mr.

Moore said the Gambling Commission said this process may come in 6 months or two years, no one can predict.

Unanimously approved.

Item #6. Class Purse fund update.

Mr. Moore said the fund is derived from one percent of the in-state handle collected from the calendar year. This year \$76,988.51 was generated. Mr. Moore said he is still awaiting the total from the interest deposits from last quarter to determine the total Class C purse fund. Last year \$77,499.16 was disbursed and he anticipates it will be very close for the 2018 purse fund disbursement. He will have a better idea of the amounts when the totals on the fund balance are completed and he will also have an idea on whether or not any grant funds will be available.

Item #7. Approval of split sample laboratories.

Mr. Moore said that in accordance with WAC 260-70-610 2(b) approved split sample labs must be accredited by the racing medication and testing consortium (RMTC); eight labs have been listed, in addition, the RMTC said the University of Florida is expected to be approved in March.

Commissioner Lopez moved to approve the split sample labs as submitted also giving authority to approve the University of Florida; subject to final review at the next meeting. Commissioner Colliton seconded the motion. Unanimously approved.

Item #8. Adoption Hearings.

- a. WAC 260-28-035 Partnerships. Mr. Moore said this is a new section to give guidance and consistency to the Board of Stewards when dealing with partnership disputes. Mr. Moore said he had conferred and was supported by the HBPA. No other comments were received, staff recommended approval. Commissioner Colliton moved to approve. Commissioner Lopez seconded the motion. Mr. Moore said a form will be prepared for them to utilize and notice of the change will be placed in the trainer's manual. Unanimously approved.
- b. WAC 260-40-140 Horses must be eligible to start at time of entry. Mr. Moore said this amendment will add language to the existing rule to address how a horse's eligibility for the condition of the race is determined if there is an appeal or disqualification. Mr. Moore said the HBPA is in support of this change. No other comments were received. Commissioner Lopez moved to approve. Commissioner Colliton seconded the motion. Unanimously approved
- c. WAC 260-48-920 Pick (n) Pools. Mr. Moore said this is a new payout pool that will allow the racing association to offer a unique ticket jackpot pool in pick (n) wagers with the ability to carryover in the case of a no winner. Mr. Ziegler said this was the one scenario that was not in rule and was in agreement with the language. Mr. Moore said the calculation for this wager has been reviewed by the ARCI pari-mutuel auditors committee and has been approved in the ARCI model rules. Commissioner Lopez moved to approve. Commissioner Colliton seconded the motion. Unanimously approved.
- d. WAC 260-60-410 Claimed horse – In whose interest run – Delivery and passage of title. Mr. Moore said this amendment corrects a conflict with WAC 260-60-460 addressing when a claim is declared void. No public comment was received on this amendment. Commissioner Lopez moved to approve the amendment. Commissioner Colliton seconded the motion and said this

amendment takes out the words alive or dead; and replaces them with sound or unsound. Unanimously approved.

- e. WAC 260-75-080 Official vet list. Mr. Moore said this amendment adopts into rule the existing policy to honor veterinarian lists from other jurisdictions. Mr. Moore said no public comments were received on this amendment and staff recommended approval. Commissioner Lopez moved to adopt the amendments with the caveat to remove the policy once the amendment is placed in rule. Commissioner Colliton seconded the motion. Unanimously approved.
- f. WAC 260-70-675 Bicarbonate testing. Mr. Moore said this amendment updates language that it was discovered had been omitted from the ARCI model rule to ensure that the plus/minus uncertainty is reported by the testing laboratories and considered when determining if an overage of a TCO<sub>2</sub> test is alleged. Commissioner Lopez moved to adopt the amendment. Commissioner Colliton seconded the motion. Chairman Macomber asked Mr. LePley if the HBPA had commented he deferred to Ms. O'Connell and she responded yes and supported the change. No other public comments were received. Unanimously approved.

BREAK 10:21 A.M. RECONVENED 10:26 A.M.

Item #9. Public Comment:

- a. WAC 260-70-630 Threshold levels. b. WAC-70-640 Permitted medication.

Chairman Macomber opened the public comment period on threshold levels and permitted medication.

Both Mr. LePley and Ms. Debbie Pabst had signed up to speak but deferred their comments to Ms. O'Connell. Mr. LePley thanked Mr. Moore for his cooperation and input on both of these matters.

Ms. O'Connell thanked Mr. Moore for working with the horsemen and compromising when necessary to further the racing program in Washington. Ms. O'Connell went on to say that she was in agreement with all the materials provided to the commission by Dr. Friedman. She felt that the main decision the commission had today was whether the 24 hour rule for certain medications was what works best for our racing program. She presented several articles and documents to support her comments and those documents were made a part of the record. Ms. O'Connell felt there was no need to make any changes to the current rules in place.

Dr. Ron Friedman, DVM, WHRC Equine Medical Director spoke in rebuttal to the comments presented by Ms. O'Connell and noted that the horsemen currently racing at Emerald Downs are in several other jurisdictions complying with those jurisdictions that have already adopted the model rules and have been racing under them for some time without violations. Dr. Friedman had several articles regarding threshold levels and permitted medications that will also be made a part of the record.

Mr. Moore said every year this has been discussed and he asked for guidance from the Commission on whether there was an interest to go to model rules. Mr. Moore said if the desire is to go to model rules he would begin drafting the threshold rules and have them on the March agenda for consideration. If the guidance is to not go to model rules, his request is that the thresholds be in place for more than one year. The discussions are wearing on everyone and his desire is to not have to approach them next year.

Commissioner Colliton asked Chairman Macomber if in his opinion, does the science support the model rules. Chairman Macomber said the political answer is yes and no. Commissioner Colliton asked to take

politics out of it. Chairman Macomber said his main concern is with Dexamethasone primarily, the recommendation for model rules is 5 picograms. He said that is a very low amount for a 24 hour rule. If the rule is 48 or 72 hours out, 5 picograms is reasonable. He does not propose to go to 5 picograms; his recommendation would be 100 or 200 picograms on Dexamethasone. He said our data would support 100 or 200 at 24 hour rule with 3 microgram/milliliter for Phenylbutazone and to have Clenbuterol stay at 25 picograms/milliliter which it is at the current time; Flunixin would change to 20 nanograms/milliliter.

Commissioner Lopez said his proposal is to move to model rules; to do it now. He said they have talked about this for too long. Mr. Moore said he wasn't looking for a motion at this time, just guidance. Mr. Moore said if a policy is needed, there will be one proposed with a grace period for trainers. Commissioner Colliton thanked those that participated in the comment period. It is his desire to move to model rules also. Mr. Moore will draft the rules with model rules and bring them to the March meeting. Mr. Hodge asked as a stakeholder, how many of the 37 jurisdictions, have adopted the model rules. Mr. Moore said if you go to the RMTC tab they are listed. Mr. Moore will work with the laboratory on Clenbuterol to obtain their limit of detection level.

#### Item #10. Executive Secretary's Report.

- a. Wagering Recap. Mr. Moore recapped the wagering for December by fiscal year up .53 percent; by month November down 2.94 percent; December up 12.94 percent; and for Calendar year up .01 percent.
- b. Monthly Financial report. Mr. Moore reviewed the revenues and expenditures for November reporting the fund balance to be \$717,482. Mr. Moore said the legislation to reduce the WHRC FTEs is going into Governor's budget and should have no problem passing. He said we may see some savings from expenses paid to Department of Enterprise Services. Mr. Moore said in regard to third party Lasix program; he anticipated the cost at about \$12,000 to hire vet assistants; the need now is to replace the refrigeration unit on the WHRC truck at about \$13,000. He said we would have to put off third party Lasix administration at present so not to jeopardize the fund balance; continue the Necropsy program; and hold off on third party Lasix administration to monitor the fund balance.

Mr. Moore had visited the new location at Centralia, Bub's Pub, which had recently opened and presented photos. Mr. Moore reported on his experience from his visit and felt this would be a good site, very clean, good food and good location.

#### Item #11. Travel – April ARCI General Membership Conference.

Mr. Moore requested approval for travel and reimbursement for expenses to travel to Hot Springs, Arkansas; April 3-7, 2018. Mr. Moore said that this has been anticipated and is in the travel budget. Commissioner Colliton moved to approve for any or all commissioners and executive staff to attend and reimbursement associated with travel. Commissioner Lopez seconded the motion. Unanimously approved. Mr. Moore also discussed approval for any of the Commissioners to attend the WTBOA Awards Banquet in February. Commissioner Lopez moved to approve attendance of the WTBOA Awards Banquet. Commissioner Colliton seconded the motion. Unanimously approved.

#### Item #12. Discussion Items – Commissioners.

Commissioner Lopez had nothing to report. Commissioner Colliton had nothing to report.

Chairman Macomber requested that Biphosphonates be included in testing by the lab and also document the ages of the horses that are using this.

Item#13. Any other business that may be properly brought before the commission.

Mr. Moore said he would be unavailable out of the country until February.

Chairman Macomber also said he would be out of the country on a cruise to South America and miss the February meeting.

Ms. O'Connell said she is also going to be out of the country as she is going to Africa.

Meeting adjourned. 11:50 A.M.

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Doug Moore, Executive Secretary