

Washington Horse Racing Commission  
Meeting Minutes  
November 9, 2018

Present were: Dr. Everett Macomber, DVM, Chairman; Jeff Colliton, Commissioner; Robert Lopez, Commissioner; Representative Joe Schmick, Legislative Ex-officio; Suzanne Becker, Assistant Attorney General; Doug Moore, Executive Secretary; Patty Brown, Confidential Secretary.

Due to the unavailability of the Auburn City Council Chambers to hold the regularly scheduled meeting, the meeting was held at Emerald Downs Race Track.

Item #1. Approval of the meeting minutes of October 12, 2018.

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

Item #2. Commissioners' report.

Commissioners Colliton and Lopez had nothing to report. Chairman Macomber said he had nothing at this time.

Item #3. Industry reports.

- a. Emerald Downs. Phil Ziegler, President, said the Breeders Cup was par; down a little, but not significantly, from last year. He said Emerald Downs was hosting a Holiday Bazaar this weekend; 109 vendors to be held on the third and fifth floors this weekend. Commissioner Colliton mentioned that the Northern Quest was packed for the Breeders Cup; Bob Fraser, VP, Operations Manager said it was down significantly at that site, and he had noticed that it appears some large bettors have gone away or are playing less, but it was good to hear it was packed.
- b. WHBPA. Pat LePley, President, reported they had their annual meet with management and talked about racing dates and purses for 2019; they covered a number of safety issues including alcohol and golf car safety on the backside of the race track; race track conditions. He felt it was a good meeting. Tom Wenzel and Jack Fabulich had talked with race track folks as well, and discussed a contract for next year and it will be the same as last year. There was some talk about sports betting. MaryAnn O'Connell, Executive Director, had participated via conference call at the executive conference of the National HBPA. There was talk regarding the federal legislation and where it's going. She noted there was some surprise that there was opposition to the legislation. Chairman Macomber asked about cannabis on the backside. Mr. LePley said there was more of a meth problem than with cannabis. He said there's been nothing said about

a marijuana issue and it has not come up in any discussions. Mr. Moore said with the random testing we do; we do oral swabs and had no positives in the last two years for cannabis. If they are using it's not on the track and they are not under the influence when they come to work; there've been no issues.

- c. WTBOA. Jim Engstrom, Vice President, said Dana Halvorson, President, is in Kentucky trying to get more entries for the stallion season auction. He said they've got a meeting next week and that's about all he has to report.
- d. Sun Downs report. Mr. Moore said he's heard nothing from Sun Downs; but there's no movement on the contract talks; the track fence project has ground to a halt. Mr. Moore reported he'd gotten numerous calls from Dayton and Waitsburg inquiring about funding; it is possible we may be entertaining more than one application this spring. Commissioner Colliton asked if dates requests are due by February. Mr. Moore said yes. Mr. Moore said they are more than welcome to submit an application.

Item #4. Emerald Racing LLC – Dates request - 2019.

Mr. Moore reported he'd received the 2019 dates request for Emerald Downs and they've asked for 67 live days of racing starting on Saturday, April 20 and concluding on Sunday, September 22, 2019. Mr. Ziegler said starting on Saturday due to Sunday, April 21 being Easter; financial analysis saw no reason to change, the schedule flowed really well, no reason to change. The schedule mirrors last year's request.

Commissioner Colliton moved to approve the 2019 Emerald Downs dates request. Commissioner Lopez seconded the motion. Unanimously approved.

Short break – to set up for the hearing before the Commission. 9:57 A.M. Reconvened 10:30 A.M.

Item #5. Hearing before the Commission: Jeff Metz – WHRC 2018-009.

Chairman Macomber opened the hearing before the Commission at 10:30 A.M. Chairman Macomber announced those present. Exhibits were admitted. Assistant Attorney General Suzanne Becker representing the Commission; Chad Standifer representing staff; Attorney Pat LePley representing Jeff Metz. After taking testimony it was the decision of the Commission to uphold the board of stewards in this matter. Ms. Becker was instructed to prepare an order to be sent to all parties.

Item #6. Owners/Breeders awards update.

Mr. Moore said the calculations for the bonus awards had been completed and the checks were to be dropped off this morning and they would be in the mail to the recipients next week.

Item #7. End of the Meet Reports -

- a. Stewards End of Meet Report.

Ken Doll, Presiding Steward gave the board of stewards' end of the meet report. Mr. Doll touched on the highlights of the 2018 concluded meet noting several items. He said it was a pleasure working with Emerald Downs staff and the Race Office. He noted the jockey colony was adequate. The stewards had done a physical inspection of the grounds and said an excellent job was done by Emerald Downs staff. He commended the WHRC Staff of their professionalism and noted that many had been with the

Commission for many years. Commissioner Colliton asked if the Wales would be back. Mr. Doll said he didn't know, but that he said Mr. Wales works for management in Arizona and wasn't sure. Chairman Macomber asked about the three horses that were scratched for no riders. Mr. Doll explained that in one instance the race was a full field and there was a rider available but the trainer didn't want the jockey that was willing to ride. He said that there are times that the owners at times don't want to use the available jockey. There's no way to rectify this situation as the stewards cannot force a jockey to accept a mount, or force an owner or trainer to use a jockey they do not want to use. A copy of the report will be made a part of the record.

b. Equine Health and Safety Report.

Dr. Ron Friedman, Equine Medical Director, presented a power point presentation on equine health and safety. Dr. Friedman's report will be made a part of the record.

Chairman Macomber asked how many horses that were on the vets list had gone back to racing and then broke down. Dr. Friedman responded that one this year and one from the Veterinarians list last year had broke down this year.

Item #8. Interstate Anti-doping and Drug Testing Compact – Discussion.

Mr. Moore said he'd received letters of support from the WA Thoroughbred Owners and Breeders Association (WTOBA) and one from the National HBPA; and a non support from the WA HBPA. Mr. Moore asked whether or not to continue with the legislation. Commissioner Lopez asked Ms. O'Connell if this vote was final. Ms. O'Connell said the HBPA's concerns are not with the compact, but with who's behind the compact. They cannot support this legislation at this time. Commissioner Colliton asked if we could continue the process for the next session. Commissioner Lopez thought the legislation won't succeed without entire stakeholder support and felt it would be a waste to chase after something that won't happen without stakeholder support; the Legislature won't take this on. Chairman Macomber agreed with Commissioner Lopez that they need a solid statement from the entire racing community. It was decided to table the legislation to see if there is any other involvement from other states. Jack Hodge, VP, Emerald Downs, said he was also concerned about who is behind this movement. He is in agreement regarding uniformity, but was concerned about who is behind this. He said he won't support any legislation that removes Lasix from being used. Commissioner Lopez said we have the Governor's approval to move forward; if we don't go forward with this now, we may not have an opportunity to later.

Commissioner Lopez moved to withdraw or table the legislation filing for the 2019 legislature. Mr. Moore said he would look into whether to withdraw it or if it was possible to table the legislation. Chairman Macomber seconded the legislation. Unanimously approved.

Item #9. Executive Secretary's report.

Mr. Moore said there had been a change in what can and cannot be reimbursed for meals and travel. As a small agency you would have to be in travel status eleven hours before you could be reimbursed for meals. Mr. Moore also said that a fund raiser will be held for Donnie Miller on December 16 at Emerald Downs.

Ms. O'Connell said that the Chaplaincy will have a lunch on December 13 and wanted to invite all to attend.

a. Wagering Recap (October 2018).

Mr. Moore reviewed the wagering for October 2018 showing a 1.32 percent increase; and for the period July 1, 2018 to October 31, 2018 down 5.25 percent.

b. Monthly financial report.

Mr. Moore reviewed the revenues and expenditures for September 2018, reporting the fund balance at the end of September at \$637,733. WHRC revenue expense summary report shows operating results to be \$9,366 an increase over this time last year. Mr. Moore said salaries and benefits were higher due to higher than planned leave buyouts due to required terminal leave changes; the buyouts were higher than planned due to seasonal employees benefit expenses exceeding the initial plan. Mr. Moore said he plans to cancel the TRPB wagering auditing contract on Monday.

Mr. Moore said he was going to attend a Sports Betting work session with the House Commerce and Gaming Committee, where he was asked to give a short presentation. No public comment will be taken, but there will be talk about possible regulation issues.

Item #10. Discussion Items – Commissioners.

Chairman Macomber said he would also attend the work session.

Item #11. Any other business that may be properly brought before the Commission.

Ms. O'Connell asked about written policies regarding testing procedures; times when to take specimens, etc.; protocols in test barn. She said there is a real need to keep good records; it would add more clarity. She would like to get together and talk over some of these issues. Mr. Moore said he is currently gathering information regarding this.

Mr. Hodge said there was a discussion regarding alcohol use on the backside; it's impossible to enforce; impossible to prohibit alcohol, it is unenforceable. One thought he had that might help is to have the WHRC test them, but can they only test people on horseback or for probable cause. Mr. Moore said while they are performing their duties only, but any licensee may be tested for probable cause while working, not just those on horseback. Mr. Moore said they would have to change the rule if the program were to be expanded. He said it was worth talking about. Jack said he is going to crack down on quiet time after 10:30 P.M., place more teeth into a cooperative effort relative to the overindulgence on the backside. Mr. Moore also said if it's disturbing the peace is the issue that can be dealt with by our board of stewards.

Chairman Macomber asked if any of this could be dealt with in the housing lease agreements. Mr. Hodge said the trainer's are the ones who usually acquire the housing and only relates to the dorm rooms.

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Doug Moore, Executive Secretary

