

TEXAS RACING COMMISSION

MEETING

10:32 a.m.
Thursday,
May 28, 2020

VIA TELEPHONE AND WEB LINK

COMMISSIONERS PRESENT:

JOHN T. STEEN III, Chair
RONALD F. EDERER, Vice-Chair
TIM KLEINSCHMIDT
CONNIE McNABB, D.V.M.
STEVEN P. MACH
ROBERT C. PATE
ARVEL "A.J." WAIGHT, JR.

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P R O C E E D I N G S

1
2 CHAIRMAN STEEN: Good morning. At this time
3 I'd like to call today's meeting of the Texas Racing
4 Commission to order. The time is 10:32.

5 Before we begin, I want to remind everyone that
6 it will be extremely important to keep your device on mute
7 until you are called upon and put your device back on mute
8 afterwards.

9 If you have not previously submitted your
10 intention to comment on any particular item, you will be
11 given the opportunity at the appropriate time. You can
12 send in an email to info@txrc.texas.gov. Again, that's
13 info@txrc.texas.gov at any time to request to comment.
14 Please be specific about which agenda item you want to
15 comment on.

16 Robert, could you please call the roll at this
17 time?

18 MR. ELROD: Sure. Commissioner Martin?

19 (No response.)

20 MR. ELROD: Commissioner Mach?

21 COMMISSIONER MACH: Present.

22 MR. ELROD: Commissioner McNabb?

23 (No response.)

24 MR. ELROD: Commissioner Kleinschmidt?

25 COMMISSIONER KLEINSCHMIDT: Here.

1 MR. ELROD: Commissioner Moore?

2 (No response.)

3 MR. ELROD: Commissioner Pate?

4 COMMISSIONER PATE: Here.

5 MR. ELROD: Commissioner Waight?

6 COMMISSIONER WAIGHT: Here.

7 MR. ELROD: Commissioner Ederer?

8 COMMISSIONER EDERER: Here.

9 MR. ELROD: Chairman Steen?

10 CHAIRMAN STEEN: Here.

11 Robert, do we have a quorum?

12 MR. ELROD: Yes, sir, we do.

13 CHAIRMAN STEEN: Okay. We'll move on to the
14 next item which is public comment.

15 Robert, has anyone signed up for public
16 comment?

17 MR. ELROD: No, they have not.

18 CHAIRMAN STEEN: Then we'll move on to the
19 first item of business which is III.A. Discussion and
20 possible action to approve the agency's strategic plan for
21 2021-2025.

22 Devon, will you please present this item?

23 MS. BIJANSKY: Yes, Mr. Chairman.

24 Good morning, commissioners.

25 Under Chapter 2056 of the Texas Government

1 Code, in each even numbered year the agency is required to
2 provide the governor and the Legislative Budget Board a
3 five-year strategic plan.

4 Strategic planning is a future-oriented process
5 of assessment and long-term goal setting. The draft of
6 the agency's strategic plan for 2021-2025 is in your
7 meeting materials, and you should have received an updated
8 version with four changes yesterday. Those changes
9 include an item that's number 6 on page 4 addressing the
10 agency's enforcement function. And all of these changes
11 are highlighted in three places where we added language
12 about the horse industry escrow account on pages 8, 11 and
13 39.

14 CHAIRMAN STEEN: Commissioners, do you have any
15 questions or comments?

16 (No response.)

17 CHAIRMAN STEEN: If there's no further
18 discussion, I'll entertain a motion to approve the
19 agency's strategic plan for fiscal years 2021-2025.

20 COMMISSIONER EDERER: I'll make that motion.

21 CHAIRMAN STEEN: Motion made by Commission
22 Ederer.

23 COMMISSIONER PATE: And I'll second it.

24 CHAIRMAN STEEN: Seconded by Commissioner Pate.
25 Any further discussion?

1 (No response.)

2 CHAIRMAN STEEN: We'll take this up for a vote.
3 All those in favor please signify by saying aye.

4 (A chorus of ayes.)

5 CHAIRMAN STEEN: Any opposed?

6 (No response.)

7 CHAIRMAN STEEN: Motion carries.

8 The next item is agenda item IV. Discussion and
9 possible action to allocate funds in the horse industry
10 escrow account to state horse breed registries under 16
11 TAC Chapter 303, Subchapter G.

12 Devon, will you please present this item?

13 MS. BIJANSKY: Yes, sir.

14 The breed registries have revised and
15 resubmitted eight of the event proposals that were not
16 approved at the meeting last Tuesday. Staff and the ad
17 hoc Horse Industry Escrow Account Committee have reviewed
18 the proposals, which are in your materials, and were
19 satisfied that they meet the requirements for funding from
20 the account, so they are before you today for potential
21 approval.

22 CHAIRMAN STEEN: Thank you, Devon.

23 COMMISSIONER PATE: Mr. Chairman, I have a
24 motion.

25 CHAIRMAN STEEN: Before you make your motion,

1 Commissioner Pate, let me just ask Robert if anyone is
2 signed up to speak on the items.

3 MR. ELROD: Yes, we've got several. Mary Ruyle
4 from TTA.

5 CHAIRMAN STEEN: And this is my mistake,
6 Robert, but I didn't call on the last item for anyone that
7 was signed up to speak. Was anyone signed up to speak in
8 that regard on the previous item?

9 MR. ELROD: No, sir.

10 CHAIRMAN STEEN: And I guess if anyone is on
11 who had something to say on that, my apologies, open now
12 if there was anyone that would like to speak on the
13 previous item.

14 (No response.)

15 CHAIRMAN STEEN: Okay. Commissioner Pate,
16 would you like to proceed, or would you like to hear the
17 comments first?

18 COMMISSIONER PATE: Well, we're going to hear
19 them regardless, but we do have a motion. We have
20 reviewed these, that is Commissioner Kleinschmidt and
21 myself, along with Devon and staff. I would move the
22 approval and then we can have discussion before we took
23 any kind of vote. However you want to do it, Mr.
24 Chairman.

25 COMMISSIONER MACH: I'll second the motion.

1 COMMISSIONER PATE: Well, let me make the
2 motion if we're going to do it that way.

3 CHAIRMAN STEEN: Okay. Go ahead.

4 COMMISSIONER PATE: I move that we approve the
5 allocation of funds from the horse industry escrow account
6 for the following events as proposed in the materials:
7 the Texas Arabian Breeders Association, \$27,030 for the
8 Juvenile Stakes at Lone Star Park, and \$27,030 for the
9 Arabian Stakes Night at Lone Star Park; the Texas Quarter
10 Horse Association, \$9,450 for the 4-H Judging Team,
11 \$973,125 for the 2020 Quarter Horse Meet at Lone Star
12 Park, ATB awards, \$400,160 for the 2020 Quarter Horse Meet
13 at Retama, ATB awards, \$51,775 for the State Championship
14 year-end awards, \$148,480 for the yearling sale; and
15 finally, for the Texas Thoroughbred Association, \$110,000
16 for the Texas 4-H Horse Leadership Program.

17 That completes my motion.

18 CHAIRMAN STEEN: Thank you, Commissioner Pate.

19 COMMISSIONER MACH: I'm sorry. I understood
20 that there was a motion on the table, but I will second
21 that motion.

22 CHAIRMAN STEEN: Okay. Motion made by
23 Commissioner Pate, seconded by Commissioner Mach. We'll
24 go to discussion before a vote.

25 Robert, will you allow those that would like to

1 speak come in at this time.

2 MR. ELROD: Sure.

3 Mary Ruyle, are you out there?

4 MS. RUYLE: Yes, sir. I don't have anything to
5 add in particular. This was just a clarifying revision to
6 our application, and I'm happy to answer any questions.

7 MR. ELROD: Val Clark?

8 MS. CLARK: Hi. Good morning. The same as
9 Mary, just as a resource. Thank you.

10 MR. ELROD: That's all we had signed up to
11 speak.

12 CHAIRMAN STEEN: Thank you, Robert.

13 Was there anyone that would like to speak on
14 the item?

15 (No response.)

16 CHAIRMAN STEEN: Commissioners, any further
17 discussion?

18 COMMISSIONER PATE: I'd just like to say that I
19 think we exerted the effort and consistently applied the
20 same interpretation on all these applications across the
21 board the best we could. There are some items that I
22 think Mr. Kleinschmidt and I would like to discuss at the
23 appropriate time about how this procedure might be
24 improved, and we could do that after this vote, but we
25 would like to have a few minutes to do that. And that's

1 all I'd like to say.

2 CHAIRMAN STEEN: Thanks, Commissioner Pate.
3 And thank you, especially to you and Commissioner
4 Kleinschmidt, and to Devon as well, for your efforts.

5 Why don't we take the motion for a vote and
6 then we can come back to your comments on that.

7 So if no further discussion, we'll take it up
8 for a vote. All in favor please signify by saying aye.

9 (A chorus of ayes.)

10 CHAIRMAN STEEN: Any opposed?

11 (No response.)

12 CHAIRMAN STEEN: Motion carries.

13 Back to you, Commissioner Pate.

14 COMMISSIONER PATE: Really it was Commissioner
15 Kleinschmidt's idea and I would let him present it, the
16 idea of having de minimis rule of some kind to allow some
17 discretion perhaps in our executive director to rule on
18 these smaller applications so that we don't have so much
19 of the Commission's time taken up in approving some of the
20 small grants.

21 Anyway, Tim, maybe you have a comment or two.

22 COMMISSIONER KLEINSCHMIDT: Yes, that's
23 correct. And especially as we go through this first
24 round, this first year's applications, I suspect that due
25 to the calendaring nature, the way the events will be

1 scheduled in the future, that we will see that a lot of
2 these events become annual events and are repetitive
3 annually. It might be more efficient if we were to look
4 at giving the executive director the authority at some
5 level to approve these applications.

6 And that way the board would continue to take
7 action on the larger ones. The board would continue to
8 set policy, continue to oversee and what-have-you, but we
9 might be able to increase efficiencies if we were to grant
10 some authority to the executive director to approve some
11 of the smaller, at whatever level the board would want to
12 do.

13 COMMISSIONER PATE: And I'd just mention, I
14 think about -- oh, I did the math -- I think it's about 63
15 percent of the applications were for amounts of \$50,000 or
16 less, just to throw a number out there. Of course, my
17 concept would be that whatever the executive director
18 approves would be ultimately recommended to the
19 Commission.

20 And we would approve those if need be, but the
21 executive director could also refuse to exercise that
22 discretion and require the Board to vote if it was
23 something unusual in the application or it wasn't clear
24 exactly how that application met the requirements.

25 COMMISSIONER MACH: Devon, I have a question

1 for you. Is there anything in statute that controls this,
2 that tells us that we can or cannot delegate this
3 authority to Chuck?

4 MS. BIJANSKY: I don't see anything that would
5 prevent you from adopting a rule creating a threshold for
6 him to approve certain requests.

7 COMMISSIONER MACH: We had some legislation
8 come down at DPS that specifically did not allow us to do
9 that. The commission had to take the action. And I just
10 want to make sure that we weren't crossing a line here
11 that the legislative intent was that we do something
12 different than this. But I would be in favor of setting a
13 threshold as well.

14 MS. BIJANSKY: I'll be working on something to
15 bring before you. And Commissioner Mach, I might reach
16 out to you to see what exactly the language was that
17 you're referring to make sure that we don't have anything
18 like that.

19 COMMISSIONER MACH: It was regarding
20 administrative actions on licensing that we used to be
21 able to have others review. And they wanted the Public
22 Safety Commission to take action on all of those going
23 forward, which is quite a bit of work. But we've found
24 some ways to expedite the process, but ultimately the
25 commission had to act.

1 And I just want to make sure that if we
2 delegate Chuck at a certain threshold we're not going
3 against the legislature's intent.

4 CHAIRMAN STEEN: So I guess, Devon, you tell me
5 on Commissioner Pate's recommendation, is that something
6 we would delegate to the Rules Committee to try to come up
7 with the thresholds and any other guidelines?

8 MS. BIJANSKY: Well, you can't take action
9 today to do that because this item really doesn't allow
10 for that, but it's something that we will be working on.

11 CHAIRMAN STEEN: Okay. Thank you.

12 COMMISSIONER PATE: The only other thing, Mr.
13 Chairman, I'd like to point out is that through everything
14 that we have adopted today -- and y'all were sent some
15 schedules here -- just so everybody knows, there's total
16 grants that have been approved to date are \$4,307,395 out
17 of the \$7-1/2 million for this year, and just thought
18 y'all might want to take a look at this schedule too.

19 MS. RUYLE: Excuse me, Commissioner Pate. I
20 didn't understand the amount that you said.

21 COMMISSIONER PATE: There's a schedule. The
22 total amount of grants that have been approved through all
23 votes to all breeds totals right now \$4,307,395.

24 MS. RUYLE: Thank you.

25 COMMISSIONER KLEINSCHMIDT: This is

1 Kleinschmidt. Devon, do we have any type of goal of
2 approving or committing to, say, the full \$7-1/2 million
3 before September 1st of this year? What are we looking
4 at?

5 My understanding in the grant world would be as
6 long as these grants are approved on or before August 31st
7 of this year, they wouldn't necessarily have to be paid
8 out or funded this year as long as they're committed and
9 then encumbered in CAPPs for this fiscal year. I'm just
10 trying to see what kind of scheduling on the rest of that
11 money we need to deal with between now and September 1st.

12 MS. BIJANSKY: That's really up to you to
13 decide in conjunction with proposals submitted by the
14 breed registries, but statute, I believe, establishes a
15 cap on the account of, I think it's \$50 million at any one
16 time -- 25- or 50 million. So it does anticipate that
17 there could be some amount building up. We won't be
18 anywhere near that, but it does seem to envision that the
19 entire amount won't be spent each year.

20 COMMISSIONER KLEINSCHMIDT: Okay.

21 COMMISSIONER PATE: And it wasn't really clear
22 here, but we've received a total of -- the agency has
23 received, of the 7-1/2 million, they've received
24 \$5,893,546, so as we sit here today, we can fund
25 everything. We have the money on hand, as I understand

1 it, to fund every grant we've approved today and we would
2 still have, let's see -- there's an additional 1,606,454
3 we'll receive from the state.

4 And we're receiving those in about monthly
5 \$887,000 chunks, so in two months we'll be fully funded on
6 the 7-1/2 million. But by my math, we'll still have
7 approximately 3,106,000 or so that we can additionally
8 grant.

9 MS. BIJANSKY: Commissioner, I believe the
10 monthly deposits have dropped. April was 426,000. They
11 were trying to front load it so the money was available to
12 start distributing, but I believe the payments going
13 forward will be smaller. And I think we're calculated to
14 finish the 7-1/2 million or finish the 5 million, which
15 breed registries received 7-1/2 at the end of the fiscal
16 year.

17 COMMISSIONER PATE: Okay.

18 COMMISSIONER KLEINSCHMIDT: Devon, are these
19 funds considered to be in essence dedicated type funds
20 that won't be affected by the governor's 5 percent budget
21 reductions?

22 MS. BIJANSKY: They're not within the agency's
23 budget, but their exact nature -- I'm not sure I can
24 answer that, I'd have to defer to one of our finance
25 folks.

1 COMMISSIONER KLEINSCHMIDT: As long as it
2 doesn't show up as general revenue, it's probably okay is
3 what I'm thinking.

4 MR. DUBE: Hello. This is Gerry. We do not
5 know yet. We have not received guidance from the Budget
6 Board on the 5 percent, and these are not appropriated
7 funds to the agency, so we don't have control.

8 If they're going to sweep any of this, it's
9 going to come directly from the executive or from the
10 legislature. I don't even know if the comptroller has
11 that authority, so we just don't know.

12 COMMISSIONER KLEINSCHMIDT: Okay.

13 MR. DUBE: But we'll let you know as soon as we
14 find out.

15 Also, the 25 million per year or 50 million is
16 a biennial allocation and it just continues for the
17 biennium, so none of that at least original legislation
18 gets swept over the biennium. It just continues to
19 accumulate, as Devon indicated. That's it.

20 CHAIRMAN STEEN: If there's no further
21 discussion on that, we'll move to agenda item V.A. Update
22 from Lone Star, Retama, and Gillespie on the status of
23 their 2020 race meets. I guess I'd take them in order of
24 the timing, perhaps Lone Star if there's a representative
25 from Lone Star, and then possibly also from staff to give

1 an update there. Can we start with the Lone Star
2 representative if there's one on the line?

3 MR. WELLS: Yes. Scott Wells, representing
4 Lone Star.

5 You know, you've heard of a rabbit being pulled
6 out of a hat. The staff really helped us pull an elephant
7 out of the hat in getting racing started without
8 spectators last week at Lone Star Park. It was a
9 tremendous example of collaboration and fluidity and it
10 worked out to the great benefit and enthusiasm of the
11 horsemen.

12 Just to give you an idea, with no people in
13 attendance, the on-track handle, you know, suffers because
14 there's nobody there. There's also nobody there paying
15 admission or concessions or anything. But the handle, the
16 export handle on Friday, our opening day -- and this is
17 without much publicity in advance -- was \$1.8 million and
18 that was up by 900,000, so it was double what we had done
19 previously on our export.

20 On Saturday, you know, we had nine races. The
21 export handle was up 1,350,000, so we had only done
22 500,000 on a corresponding day last year and we did a
23 1,350,000 -- or rather 1.8 million in export.

24 So people around the country got to see some
25 fantastic racing. Our field size -- you know, we had 16

1 and 17 scratches on Saturday and Sunday because the turf
2 races were rained off, but aside from that, we were still
3 able to put approximately nine horses per race out there,
4 and the fans around the country proved it.

5 Now, this situation is going to change
6 dramatically. Starting next week there will be about
7 eight more tracks opening up around the country, some very
8 popular ones as well. So the competitive nature of things
9 is going to change, but we got our foot in the door.
10 People saw great racing with full fields at a facility
11 that looks good on TV, and so it was a big day for Texas
12 racing, a big weekend, in fact.

13 Going forward I would just like to comment that
14 there's been some fruitful discussions between the
15 management of Retama and various horse organizations and
16 Lone Star Park, and we are hopeful that we can have some
17 flexibility moving forward to possibly transfer some
18 funds, if all parties agree, from the Retama meet to the
19 Lone Star Thoroughbred meet. And really until we see
20 exactly what our results are going to be in the coming
21 weeks, we're going to be trying some things like racing on
22 weekdays to try to capture more of that national market.

23 But we'll be able to make a firm decision very
24 soon as to the final days of our meet, how many days we're
25 going to run. And I would just like to ask the

1 Commission's help in allowing Mr. Trout to have the
2 flexibility to approve our final days once we make that
3 determination.

4 CHAIRMAN STEEN: Thank you, Scott.

5 Commissioners, any questions?

6 And Devon, maybe you can comment on Mr. Wells'
7 last comment around flexibility as well.

8 MS. BIJANSKY: Sure. The executive director
9 does have authority to approve certain changes in race
10 dates, specifically anything within 14 days of the
11 beginning or the end of a meet he can approve. I'm not
12 sure what they have in mind and whether they would fit
13 within that, but he does have authority to approve those
14 types of changes that would typically come up.

15 MR. WELLS: Well, I'm pretty certain that it
16 will fall within that range quite easily so it shouldn't
17 be a problem, but I appreciate that.

18 CHAIRMAN STEEN: Thank you.

19 From the staff side, does anyone want to report
20 on the Lone Star meet? It would be helpful to get a quick
21 update. I don't know if Jim Blodgett is the one since
22 Chuck is not on the call today.

23 MR. BLODGETT: Yes, sir. Thank you, Mr.
24 Chairman. Good morning, commissioners.

25 To mirror what Scott Wells' comments were,

1 staff reported a relatively smooth meet operation the
2 first weekend at Lone Star. No catastrophic injuries, no
3 unusual incidents to report from our end of it.

4 The commissioners -- the executive director
5 expected a lot of licensing to occur, so he did add staff
6 to this first weekend there at Lone Star, both
7 investigative and licensing staff, along with the Lone
8 Star security, the EMTs. They were able to license
9 somewhere around 340 people, either license or renew 340
10 folks there at Lone Star, another 100 from our
11 headquarters operation using the portal.

12 The races occurred on the 22nd, 23rd and 24th,
13 which was Friday, Saturday and Sunday. Licensing and the
14 official lockdown occurred Wednesday, the 20th, and they
15 licensed Wednesday, Thursday, Friday, Saturday and Sunday.

16 With that, I'd be happy to answer any questions
17 that you might have.

18 CHAIRMAN STEEN: Commissioners, any questions
19 of either Mr. Wells or Jim Blodgett?

20 COMMISSIONER McNABB: I'm just interested in
21 what's the horse population and kind of the spectrum of
22 stables that have come in. Lone Star is where we seem to
23 have stables that commonly operate in other states as
24 opposed to a predominantly Texas population at other
25 tracks. I'm just wondering what our demographics are on

1 the horse side.

2 MR. WELLS: Well, that's certainly been the
3 case this year, Commissioner McNabb. Our horse population
4 when we opened the meet last year was 970 horses, which
5 was the first time in the 20-plus year history of Lone
6 Star Park we had fewer than 1,000 horses on the grounds.

7 Now we've got around 1,400, so with a 50
8 percent increase in the number of horses, and you know,
9 there are some -- you know, the leading -- Robertino
10 Diodoro, the leading trainer at Oaklawn Park brought a
11 stable of 50 horses. The sixth leading trainer at Oaklawn
12 Park brought a stable of 50 horses, so you know, we've got
13 some new faces.

14 And frankly, from a betting standpoint, as far
15 as our product goes, the last few years have been kind of
16 dominated by horses trained by Steve Asmussen and Karl
17 Broberg. Our payouts of our races had not been very good.

18 The increased competition will increase the payouts and
19 make our product that much more attractive. So it's a
20 very positive cycle we're on.

21 COMMISSIONER McNABB: I appreciate that, and
22 hopefully even more horses so that we can fill the cards
23 but not have tired horses having to run. If we've got a
24 big pool, then that makes better racing and safer racing.
25 So thank you for what you're doing.

1 CHAIRMAN STEEN: Thanks. And I just want to
2 commend, again, the industry and staff. Seems like a
3 herculean effort to get everything up and running in that
4 short amount of time, so kudos to everyone involved there.

5 Maybe we'll go next to Retama, the upcoming
6 meet at Retama. I don't know if Chris McErlean is on the
7 line to give us an update there.

8 MR. McERLEAN: Yes, Chairman Steen. Thank you.

9 Chris McErlean from Penn National Gaming, on behalf of
10 Retama Park. I believe Angela Cooper, general manager of
11 Retama Park, is on the call as well. And thank you,
12 commissioners.

13 We're, I think, right at the finish line to get
14 approval on moving forward with a race meet at Retama
15 Park. We're just waiting, as they say, to dot the i's,
16 cross the t's. We've been working very closely with the
17 various groups industry-wide in regards to a Quarter Horse
18 only meet at Retama Park, and that seemed to be met with a
19 positive result.

20 We've had a lot of discussions with, again,
21 various stakeholders to get everything in line. We're
22 just about ready to get everything finished on that. We
23 do understand -- because of that change in the breed only,
24 and we may come back with some adjustment on racing days
25 for the meet.

1 We understand we do have a certain process that
2 needs to be done. We will be following up on that very
3 quickly because obviously we want to get our ducks in a
4 row from that standpoint. And again, as Mr. Wells
5 mentioned, hopefully from a flexibility point of view
6 we'll be able to work with the Commission and the other
7 stakeholders to get all that put in place and ready to go.

8 And we're obviously about a month away from when that
9 meet would start, so we do have a fair amount of work to
10 get started and get finalized to get that meet to happen.

11 But once again, I want to thank the other
12 stakeholders that we worked with very closely to make this
13 happen. It was a lot of touch and go for a while, but I
14 think the end result will be a race meet at Retama which I
15 think will be beneficial for the industry. And as Mr.
16 Wells mentioned, I think there is other things that we can
17 do for the Thoroughbreds who won't be racing there to
18 supplement other racing opportunities for them.

19 CHAIRMAN STEEN: Thank you, Chris.

20 COMMISSIONER EDERER: Mr. Chairman, I have some
21 questions for Chris.

22 CHAIRMAN STEEN: Go ahead, Vice Chair Ederer.

23 COMMISSIONER EDERER: Chris, can you give us --
24 be a little more definitive as far as what day you will
25 make the decision that there is going to be racing at

1 Retama?

2 MR. McERLEAN: I think we're close. I would
3 say it's going to be -- it could be later today or
4 tomorrow. We're just waiting back on some paperwork
5 that's been exchanged, so I think we're -- I would call it
6 imminent from that standpoint.

7 COMMISSIONER EDERER: Okay. That's excellent
8 news. How about the backside, is the backside ready?

9 MR. McERLEAN: We are in the process of getting
10 that prepared. One of the things, which obviously was of
11 interest from the horsemen's standpoint, was being able to
12 get started in the back stretch area for training and
13 works, timed works.

14 We have a timetable on that. We're pushing now
15 to make that timetable, but the back stretch will be --
16 we're pretty confident will be ready to go, hopefully.
17 The week of June 8th is what we're shooting for.

18 COMMISSIONER EDERER: As far as the stable area
19 is concerned and that part of the track, is that in pretty
20 good shape now?

21 MR. McERLEAN: Yes. We were training up until,
22 I think, the end of April, and so there was some work to
23 be done when the horses moved out, some repairs that
24 couldn't have been done before, but everything has been
25 cleaned up pretty well. Again, there are some things -- I

1 think there was an inspection the other day by the
2 Commission or it's taking place in the next day or so, so
3 I think that -- we're not aware of any major issues from
4 the back stretch side.

5 COMMISSIONER EDERER: All right. Good. So
6 then what you're hoping is in the next couple of days you
7 will have an answer as far as, the meet will go forward.
8 And by the week of the 8th of June, you hope to have the
9 backside opened and ready for training. Is that correct?

10 MR. McERLEAN: Correct. I think we're -- like
11 I said, we're just waiting. It may even be coming through
12 in terms of just sign-offs from ourselves and the horsemen
13 in regards to our understanding with the race meet.

14 Again, we do need to -- my understanding is
15 there are certain approvals and some paperwork that has to
16 be done with the Commission and some of the other
17 stakeholders to get sign-off on this, which we will work
18 with everyone to get done as expeditiously as possible.
19 But we are moving in the direction of getting all the
20 arrangements for a live meet up and going.

21 COMMISSIONER EDERER: Good. I would encourage
22 [audio cuts out] that the track will be ready. So we
23 appreciate your efforts. Thank you.

24 MR. McERLEAN: Thank you, Commissioner.

25 CHAIRMAN STEEN: Devon.

1 COMMISSIONER McNABB: I'm sorry, Chairman.

2 CHAIRMAN STEEN: Go ahead, Commissioner McNabb,
3 go ahead.

4 COMMISSIONER McNABB: Just from where we sit
5 and what we can do and then from the horses' perspective,
6 we know that this has been an extraordinary year. And we
7 -- hopefully God won't put us through another one with so
8 much confusion. But just from where the horses stand,
9 these aren't like race cars, you can't just park them in a
10 garage and put a trickle charger on the battery.

11 So if there's anything as you're spinning back
12 up -- and we're glad that things are moving forward, but
13 if there's anything that looks like it's going to put
14 another hold or pause, the horsemen need to know. We've
15 got a lot of two-year-olds who, at best, are going to be
16 first-time starters by midsummer, and so they're way
17 behind where they should be.

18 If indeed horsemen have been really cultivating
19 and keeping a young horse in training and they need to go
20 ahead and look for races elsewhere, we're going to have
21 Texas first-time starters going into races with more
22 seasoned horses even though they're two-year-olds.

23 So all I'm asking is if indeed you see any
24 impediments that we can help smooth the road, or if
25 there's anything that we need to make sure that the

1 horsemen know, do they have a reasonable expectation of
2 being able to get their horse to a race that they're
3 targeting so they can train to that point. Sunny Jim
4 Fitzsimmons, one of the great hall of fame trainers said,
5 Training a race horse is like sharpening a pencil. Every
6 time you get them sharp, that's great but you lose a
7 little bit of horse.

8 So when our horsemen can't predict, then, you
9 know, we're using up our horses and that leads to
10 injuries, especially in these young two-year-olds with all
11 the talent but not the maturity. So number one from our
12 point of view, anything that we can do to help smooth the
13 road, or from you, if there's unpredictability, we have
14 owners and trainers who need to be able to make decisions
15 for horses. If they have one ready to race and we're not
16 going to be able to accommodate it, then they need to be
17 able to make their decisions. And this is just for the
18 long-term safety of this crop of horses.

19 MR. McERLEAN: Understood, and as I said, you
20 know, we're going under the premise right now -- we're
21 moving forward, as we said, just expecting to get the
22 sign-offs that we were discussing with the horsemen, and
23 so we're making the steps to continue moving forward to
24 make this happen.

25 COMMISSIONER McNABB: It's certainly the year

1 of the wildcard, so please keep us in the loop if things
2 pop up, whatever we can do to try to facilitate things
3 moving forward so the horsemen know how to plan.

4 MR. McERLEAN: Thank you, Commissioner.

5 CHAIRMAN STEEN: Devon, I guess I'd call on
6 you -- and thanks, Chris, for the update - but as far as
7 the flexibility that may be required -- and I think I'll
8 call on some of the horsemen representatives next on that.

9 But what needs to be done from a Commission standpoint or
10 can it be handled at the executive director level, the
11 flexibility that would be needed to accommodate some of
12 the things we're talking about here, which would be a
13 Quarter Horse only meet at Retama change, and then perhaps
14 movement of purse money?

15 If you can just help us on that, what would be
16 required and what would be Commission action versus
17 executive director action.

18 MS. BIJANSKY: Sure. My understanding -- and
19 our finance folks might be able to provide additional
20 clarification -- but my understanding with regard to the
21 purse money is that that's all handled by the industry. I
22 don't believe any Commission action is needed.

23 As I said, the executive director can approve
24 changes in dates within 14 days of the beginning or the
25 end of a meet. What I don't know that Chuck would be

1 comfortable approving is a change to a meet structure
2 where a track only accommodated one breed in light of a
3 rule -- a statute actually that requires each track to
4 provide reasonable access. I understand that's been
5 handled in the past by agreement and with moving money
6 around, and so that is something that the Commission could
7 approve, but I don't think that Chuck would be comfortable
8 approving that arrangement.

9 So if you wanted to approve that kind of
10 structure today, I think that would help move the ball
11 along for everyone.

12 CHAIRMAN STEEN: Thanks, Devon. And maybe --

13 COMMISSIONER EDERER: Would it be all right
14 to --

15 CHAIRMAN STEEN: Commissioner Ederer, I was
16 hoping maybe we could hear from at least Texas Horsemen's
17 Partnership and anybody else that wanted to speak on the
18 item, and I don't know, Robert, if we had anyone signed up
19 to speak, but I think it would be good if before we
20 proceeded on the motion to have at least a verbal sign-off
21 from everyone. I realize that a potential deal is still
22 in the works and hasn't been totally agreed to, but you
23 know, pending that, I'd want to make sure that we enable
24 that to move forward without having to reconvene.

25 Robert, did you say someone was signed up to

1 speak?

2 MR. ELROD: I don't know if you want to do this
3 now, but Lee DeLong with Gillespie County Fair. Do you
4 want to wait on that?

5 CHAIRMAN STEEN: Yeah, let's wait on that.

6 MS. ROUNTREE: Commissioner Steen, this is
7 Marsha Rountree with the Texas Horsemen's Partnership. I
8 did not sign up to speak on this item because the tracks
9 were each going to give their updates and address it in
10 their individual updates, but I can tell you we've been
11 working for weeks and weeks and weeks with both Retama
12 Park and Lone Star Park in order to provide some
13 additional racing opportunities for Thoroughbreds at Lone
14 Star Park, since Retama Park has made a decision not to
15 run its Thoroughbred meet this year.

16 And I've been back and forth with some emails
17 with Devon because we have to -- the Commission would
18 approve the concept today to give Chuck the flexibility to
19 approve the final details. The rule provides that Chuck
20 can make those decisions within a 14-day window from the
21 beginning and the end of a meet. Statute does say that
22 each racetrack must provide reasonable access for all
23 breeds of horses.

24 We have a precedent for this, and it's taken
25 place many times in the history of Texas racing. 2004

1 when Lone Star Park hosted a Breeders Cup, it had to move
2 its Quarter Horse meet to another track, which in essence,
3 there was no Quarter Horse racing at Lone Star Park. It
4 was done again when we transferred Thoroughbred days to
5 Retama Park from Sam Houston to Retama.

6 So the understanding of that statute, as long
7 as I can remember all the way back prior to 2004, is a
8 track that has live racing must provide reasonable access
9 to all breeds. But the definition of reasonable access
10 would also include transferring purse money from one track
11 to another track to provide racing opportunities for that
12 breed.

13 So Retama not running Thoroughbreds but
14 agreeing or transferring money to Lone Star, Retama is
15 still providing access to Thoroughbred racing by allowing
16 Lone Star Park to host those races. So we have agreements
17 in place. The Quarter Horse board of directors has signed
18 the agreement with Retama Park for their days, and the
19 Thoroughbred board of directors have all agreed that it's
20 a decision that they support to transfer some Thoroughbred
21 days to Lone Star Park, along with the purse money to
22 accommodate those extra racing opportunities.

23 I'll be glad to answer any questions that
24 anyone has.

25 CHAIRMAN STEEN: And thank you, Marsha. I

1 appreciate that you weren't prepared to speak, but that's
2 very helpful. The conclusion there is that Texas
3 Horsemen's Partnership would be in support of the concept
4 that's on the table. I don't want to put words in your
5 mouth, but is that what you're saying, more or less?

6 MS. ROUNTREE: Absolutely. We had hoped to
7 have the details finalized prior to today's meeting but
8 there were just some details that couldn't be done before
9 now. So we would really appreciate giving the flexibility
10 to Chuck, once we get the details aligned and ready, that
11 he could just approve the final details as long as the
12 commissioners have approved the concept of transferring
13 those days to Lone Star Park.

14 CHAIRMAN STEEN: And are the Thoroughbreds, are
15 you speaking for them as well in that statement, or would
16 they like to speak on that themselves?

17 MS. ROUNTREE: I'm speaking on behalf of the
18 Thoroughbred horsemen's organization, I'm not speaking on
19 behalf of the breed registry, but as far as Texas
20 Horsemen's Partnership Thoroughbred board, yes, we are in
21 support of moving days and purse money from Retama Park to
22 Lone Star Park for more racing opportunities at Lone Star.

23 CHAIRMAN STEEN: Thank you.

24 COMMISSIONER KLEINSCHMIDT: Mr. Chairman?

25 CHAIRMAN STEEN: Commissioner Kleinschmidt.

1 COMMISSIONER KLEINSCHMIDT: Devon, do we need
2 someone representative from Retama to represent to the
3 board that they don't believe there would be an
4 availability of competitive horses if the Quarter Horse
5 meet, or whichever breed were run -- that it's more
6 economically feasible for that race to be run at another
7 track and that that would be beneficial to the public
8 interest? Do we need someone to actually represent to us
9 in order to grant this approval, or are we supposed to
10 discern this from what we hear?

11 MS. BIJANSKY: That's really your call,
12 Commissioner.

13 COMMISSIONER KLEINSCHMIDT: Okay. Okay.

14 Nobody has really mentioned the availability of
15 competitive horses. We've got three things that we're
16 supposed to look at here or that the racetrack should look
17 at and then we should also consider it in an approval, and
18 that is the availability of competitive horses, the
19 economic feasibility and the public interest.

20 And I think that due to the transfer of the
21 funds and how all of that works, it's probably
22 economically feasible, and we can infer the public
23 interest. But I'm not sure I've heard anybody speak
24 specifically to the availability of the competitive
25 horses.

1 MR. ELROD: Commissioners, we do have Rob
2 Werstler with TQHA who has signed up to speak on this
3 issue. He might be able to address that.

4 COMMISSIONER KLEINSCHMIDT: Okay.

5 MR. WERSTLER: Good morning, commissioners.

6 Yes, sir. I wasn't ready to speak on that. As
7 far as availability of horses, I believe -- and somebody
8 can chime in and help me with this -- but I believe we're
9 doing this for the benefit of the horsemen since
10 Thoroughbreds lost their last week at Houston, lost the
11 first few weeks at Lone Star.

12 It's going to be more beneficial for them to be
13 able to run at one meet, and the fact that Lone Star may
14 be able to add a few days -- I don't know if that's in the
15 cards or not. And then the fact that the Quarter Horses
16 lost the entire meet at Houston, to run Quarter Horses
17 only at Retama frees up a lot of stall space for Quarter
18 Horsemen that want to come in and run that haven't been
19 able to run this year.

20 So I think it's more of a situational change
21 than it is the fact that one of the things that you listed
22 has anything to do with this decision. I think it was
23 more for the benefit of the horsemen, the Thoroughbred
24 Horsemen and the Quarter Horsemen.

25 COMMISSIONER KLEINSCHMIDT: Well, if it's for

1 their benefit, that probably meets the availability of
2 competitive horses because they're the ones that know
3 where they want to run their horses and what benefits them
4 in their marketing, and so I think we actually get there.

5 I just thought that somebody might want to speak
6 specifically to those matters.

7 COMMISSIONER McNABB: Question. While we're
8 pushing the envelope of flexibility, Paint Horses and
9 Arabians, have they been put into the calculus of all of
10 this since we're trying to be as flexible as we can this
11 year but still make sure that we're accommodating all the
12 breeds that are involved?

13 MS. ROUNTREE: Commissioner McNabb, this is
14 Marsha Rountree again, and we represent Arabians and
15 Paints as well, and we also have the flexibility to move
16 Arabian purse money to Lone Star Park so that Lone Star
17 Park can provide opportunities for Arabians. Paint
18 Horses, of course, would be subject to the meet at Retama
19 Park along with the Quarter Horses.

20 COMMISSIONER McNABB: And Retama has got that
21 figured into the equation for Paints as well as Quarter
22 Horses?

23 MR. McERLEAN: Yes.

24 COMMISSIONER McNABB: Great. Thank you very
25 much.

1 CHAIRMAN STEEN: I think we've heard from
2 everyone besides the Thoroughbred association, if they
3 would like to comment. Obviously don't have to if not
4 wanting to, but I'd like to proceed with whatever motion
5 we'd need to to create the flexibility for this deal to go
6 through with only executive director approval needed
7 beyond the meeting today.

8 MS. RUYLE: Chairman Steen, the Thoroughbred
9 association board has not met on this, but it has been
10 discussed casually, and I don't believe there will be any
11 opposition to this proposal.

12 COMMISSIONER McNABB: Do we want to do
13 something that is going to be in perpetuity, or do we want
14 to do something that accommodates the unusual
15 circumstances of this year?

16 CHAIRMAN STEEN: I think we're doing something
17 around just this specific instance, Devon, but you tell us
18 what we need to do.

19 MS. BIJANSKY: If you want to only address this
20 particular instance, yeah, you can move -- someone could
21 make a motion that the race structure where Retama only
22 has a Quarter Horse meet this year is approved with
23 executive director authorizing any additional changes
24 pursuant to his authority.

25 CHAIRMAN STEEN: Can we have a motion?

1 COMMISSIONER EDERER: Devon, can you give us
2 some wording for a motion? Well, let me ask you. Would
3 that be only within the 14-day period or are we expanding
4 the 14-day period also?

5 My understanding is Chuck was uncomfortable
6 with that even though he had some authority under the
7 rule. What I understand we're doing is kind of blessing
8 Chuck's ability to do what's being requested, even though
9 he has the technical authority to do it. Maybe I'm
10 missing something, but that's what I thought -- if it's in
11 with the 14-day period.

12 MS. BIJANSKY: Right. His authority only
13 extends to the 14 days and he routinely approves requests
14 for changes within that time frame, so I don't think
15 that's an issue.

16 But this issue of approving a change in dates,
17 even if it's within the 14 days, that does implicate the
18 statute is where he wanted guidance from the Commission.
19 So if you want to vote to approve the change in concept,
20 then he can take it from there and deal with specific
21 dates within the 14 days.

22 COMMISSIONER McNABB: I would offer that we
23 give him the flexibility this year and then if it works or
24 if he sees pitfalls, then we can consider do we want to
25 make something for the longer term. But I think that we

1 need to give him as much flexibility as we can so that the
2 industry can move forward, and we'll find out how it works
3 or what the problems are so we can readdress this for the
4 next racing season.

5 COMMISSIONER PATE: I'd agree with that.

6 COMMISSIONER EDERER: Devon, do you have any
7 wording for us for a motion?

8 MS. BIJANSKY: If you're wanting it to extend
9 to this full, I assume, calendar year, then the motion
10 would be to approve a potential change in race structures
11 that would result in a track potentially only having races
12 for one breed -- or not all the breeds, I should say, and
13 that would be approved with the understanding that
14 reasonable access was provided via purse funds being
15 provided to other tracks and then additional changes being
16 approved by Chuck under his authority.

17 COMMISSIONER EDERER: Would that be considered
18 a motion? If it is, I would so move.

19 CHAIRMAN STEEN: Motion made by Commissioner
20 Ederer.

21 COMMISSIONER McNABB: I'll second.

22 CHAIRMAN STEEN: Seconded by Commissioner
23 McNabb.

24 Is there any further discussion?

25 (No response.)

1 CHAIRMAN STEEN: I want to give one last
2 opportunity if anyone else who wasn't signed up to speak
3 could speak on the motion.

4 (No response.)

5 CHAIRMAN STEEN: If not, we'll take this up for
6 a vote. All in favor please signify by saying aye.

7 (A chorus of ayes.)

8 CHAIRMAN STEEN: Any opposed?

9 (No response.)

10 CHAIRMAN STEEN: That motion carries.

11 Let's go back to Gillespie County Fair. Tommy
12 Azopardi, I believe you're on to speak on the status
13 there.

14 MR. AZOPARDI: Commissioner, I believe Lee
15 DeLong should be on the phone. Lee is the director for
16 the Gillespie County Fair and Festivals Association, so if
17 Lee is on the phone, I would defer to Lee DeLong.

18 MR. DeLONG: Yes, sir. This is Lee DeLong.

19 Gillespie County is going to run their
20 traditional eight-day meet this year, so I think we're all
21 set and ready to go.

22 CHAIRMAN STEEN: And Mr. DeLong, does that
23 require any more action by the governor or otherwise for
24 you to proceed, or are you good to go as things are now?
25 I'm just not sure about -- you have a fair going on around

1 the meet, I don't know if there's anything else that would
2 be contingent.

3 MR. DeLONG: Right now, I think, for sure we're
4 planning for the horse races themselves. We'll have to
5 handle how we do the fair when that gets here.

6 CHAIRMAN STEEN: Okay. Thank you.

7 Anything else anyone wants to say around these
8 items?

9 (No response.)

10 CHAIRMAN STEEN: If not, we'll move on to the
11 next item which is agenda item V.B. Discussion and
12 possible action regarding the application period for race
13 dates opened under Commission Rule 303.41 on May 19, 2020.
14 We just included this item in case any developments with
15 the race tracks necessitate any changes to the application
16 period.

17 Robert, is anyone signed up to speak here?

18 MR. ELROD: No, sir.

19 MR. McERLEAN: Chairman Steen, this is -- I'm
20 sorry, Chair -- this is Chris McErlean from Penn National
21 Gaming, Retama Park.

22 If possible, could we get a clarification as to
23 the period that was opened at the last meeting for those
24 potential date changes?

25 CHAIRMAN STEEN: Devon, could you take that,

1 please?

2 MS. BIJANSKY: Yes, sir.

3 The application period is open through June
4 20th and it includes dates through December 31, 2021.

5 MR. McERLEAN: My only comment/suggestion,
6 again, it's been obviously crazy for everyone over the
7 past period and we're trying to obviously get ready for a
8 meet and try to think about what can or can't happen going
9 forward. I would ask whether the Commission would
10 consider possibly extending that window for a certain
11 period of time just to give more flexibility, again, for
12 the tracks to be able to make a submission but have a
13 little bit more time frame to make that in.

14 CHAIRMAN STEEN: And Chris, do you have -- and
15 maybe Devon could help us as well -- but do you have a
16 specific request in that regard from where we are right
17 now?

18 MR. McERLEAN: I don't know what the
19 limitations are. I think at least another 30 or 45 days
20 might be what appropriate, but I'm not sure if there's any
21 limitations from a statutory point of view or regulatory
22 point of view from that respect.

23 MR. WELLS: This is Scott Wells. If I may
24 interrupt long enough to concur with Mr. McErlean's
25 assessment of the situation. It would really be a help

1 for us in making the best decisions.

2 MR. AZOPARDI: Mr. Chairman, this is Tommy
3 Azopardi. I've got a question, just a clarification.
4 Will there be a subsequent dates period for greyhound
5 racing that will be opened?

6 MS. BIJANSKY: Commissioners, typically I
7 believe the race date application period is later in the
8 summer. This was just in case some changes were needed on
9 a shorter time frame. So it's really up to you if you
10 want to have that later application period as usual or
11 extend this one, or some combination.

12 CHAIRMAN STEEN: And does that apply to both
13 horses and greyhounds, Devon?

14 MS. BIJANSKY: Currently the application period
15 is for both. If all of the horse tracks want to submit
16 their dates this round, then there may not be a need to do
17 it -- to open another application period later in the
18 summer for them, or you can go right around that, you
19 could open an application period later just for greyhounds
20 or for both.

21 CHAIRMAN STEEN: And so the one that we have
22 open right now concludes when?

23 MS. BIJANSKY: June 20th.

24 CHAIRMAN STEEN: And if we were to go ahead and
25 extend that through [audio cuts out], what are the

1 implications of the extension? There's something about we
2 went through last time where if it's open then you can't
3 actually take the action. Is that correct, there's some
4 complication to that?

5 MS. BIJANSKY: Right. While the application
6 period is open, you wouldn't be able to approve dates
7 because you don't know what else is coming in, so it was
8 set as it is in case changes were needed very quickly. If
9 that's not the case, then it may be that this really isn't
10 needed at all and we could go back to the regular schedule
11 or extend this through the typical close date. It just
12 really depends on what the needs of the industry are.

13 CHAIRMAN STEEN: And so to Mr. McErlean and Mr.
14 Wells, I think if we were to extend it, I think -- is your
15 request to go ahead and extend it and keep it open, or is
16 it given that as long as it's open, we can't actually
17 settle on the days a potential complicating factor? I'd
18 like to hear what we could do to help with the
19 flexibility.

20 MR. WELLS: This is Wells from Lone Star. You
21 know, a 30-day extension of that period would certainly be
22 helpful, but I would also appreciate to hear what Mr.
23 McErlean has to say.

24 MR. McERLEAN: Sure. And I guess just for
25 Devon, was there a set date for the regular dates window

1 to be open, or is that at the prerogative of the
2 Commission? If this window was extended and closes, there
3 will definitely be another window that's opened for racing
4 dates after that?

5 MS. BIJANSKY: If this were kept as it is, it
6 really sort of depends on what the responses are. If
7 there's a normal year's worth of requests, then that may
8 be it.

9 The expectation for this race date period was
10 that if someone needed something on a quicker timeline
11 that it would provide flexibility to deal with that. I
12 don't know offhand what the typical dates are, but I
13 believe the Commission generally deals with this toward
14 the end of summer, beginning of fall, so the farther out
15 we get, the more we are falling in line with that typical
16 timeline.

17 MR. AZOPARDI: Mr. Chairman, this is Tommy
18 Azopardi. I concur with what Devon just said.

19 Typically -- or traditionally, I guess I should
20 say, the race date application period, I believe, has been
21 during the month of August. And from the greyhound
22 perspective, especially in light of the restrictions on
23 social distancing, et cetera, it would help us to have a
24 little bit more distance on the calendar, get down into
25 the fall, before we submit race date applications for 2021

1 race dates.

2 CHAIRMAN STEEN: Well, I think what I'm hearing
3 is we have the discretion to keep this open and then
4 proceed normally if we'd like to in late summer or fall
5 again. Is that correct, Devon?

6 MS. BIJANSKY: If you were to keep this
7 application as it is or extend it?

8 CHAIRMAN STEEN: If we were to extend this 30
9 days, as I think someone requested, it doesn't affect our
10 ability to reopen again during the normal time in which we
11 would, or is there a relation there?

12 MS. BIJANSKY: It wouldn't, but I think at that
13 point then you're pushing up against the beginning of the
14 typical application period.

15 Do we have any Commission staff who could state
16 offhand what the dates typically are?

17 MR. AZOPARDI: Mr. Chairman, I don't mean to
18 speak for either Mr. McErlean or Mr. Wells, but I think
19 that maybe their concern about extending the period was if
20 there was not going to be another period open later in the
21 year. I don't think they necessarily -- please, Scott or
22 Chris, speak up if you needed this current date period
23 extended.

24 I think the preference would be to give us as
25 much time as possible so opening a date period down in the

1 fall would be more preferable, I think, to everybody. It
2 gives us more clarity to see what this pandemic is going
3 to do.

4 MR. WELLS: I would agree with that.

5 CHAIRMAN STEEN: All right. So from Tommy and
6 Scott's perspective, you guys would like to just see this
7 one close up as it's currently constructed?

8 MR. AZOPARDI: Speaking for the greyhounds,
9 yes, sir, that's correct.

10 CHAIRMAN STEEN: Mr. McErlean or Mr. Wells,
11 does that jive?

12 MR. McERLEAN: Yes. I guess I just want to say
13 I'm not sure necessarily in terms of pushing back the
14 opening of the window further into the fall, maybe that
15 window is just a wider window, but that's -- we're okay.

16 Again, I think the message all around on
17 today's meeting has been flexibility, so we're just
18 looking for maximum flexibility in all these different
19 avenues. Just because obviously everyone is under the gun
20 to take care of what's going on right now, it's hard to
21 get some of these other items taken care of in a timely
22 manner.

23 MR. WELLS: And further analysis of what we're
24 doing currently will help us plan better and make some
25 better decisions for going forward.

1 CHAIRMAN STEEN: Okay. So I think what I'm
2 hearing is to not take action at this point and let the
3 current arrangement expire as currently constructed.
4 Please let me know if that's different from anyone else's
5 perspective.

6 (No response.)

7 CHAIRMAN STEEN: Okay. Devon, I think that's a
8 no action. Is that correct?

9 MS. BIJANSKY: Correct.

10 CHAIRMAN STEEN: So we just move on, Devon,
11 nothing to be done?

12 MS. BIJANSKY: Yes, sir.

13 CHAIRMAN STEEN: Okay. We will not be entering
14 into executive session today.

15 The next meeting is scheduled for July 21.
16 Obviously if something comes up in the meantime, we can
17 try to make accommodations.

18 Other than that, the time is now 11:39. With
19 all business concluded, we are now adjourned. Thank you.

20 (Whereupon, at 11:39 a.m., the meeting was
21 adjourned.)

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C E R T I F I C A T E

MEETING OF: Texas Racing Commission
LOCATION: via telephone and web link
DATE: May 28, 2020

I do hereby certify that the foregoing pages,
numbers 1 through 48, inclusive, are the true, accurate,
and complete transcript prepared from the verbal recording
made by electronic recording by Nancy H. King before the
Texas Racing Commission.

DATE: June 2, 2020

/s/ Nancy H. King
(Transcriber)

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