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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS RACING COMMISSION
AUSTIN, TEXAS

* * * * *

COMMISSIONERS MEETING

Tuesday, February 21, 2006

* * * * *

BE IT REMEMBERED THAT ON THE 21st day
of February, 2006, the above-described matter came on
for hearing in Conference Room 1100 of the Animal
Health Commission, 2105 Kramer Lane, Austin, Texas,
before THE HONORABLE R. DYKE ROGERS, CHAIRMAN, and the
following proceedings were reported by Caroline Chapman,
CSR in and for the State of Texas as follows:

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APPEARANCES :

COMMISSIONERS

R. Dyke Rogers, Chair

Jesse R. Adams

Treva Boyd

G. Kent Carter, D.V.M.

Louis E. Sturns

Michael G. Rutherford, Vice Chair (Not Present)

Charles "Sonny" Sowell

EX-OFFICIO MEMBERS

Ernest Angelo, Jr., Public Safety Commission

Jimmy Archer, Office of the Comptroller of Public
Accounts

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1 P R O C E E D I N G S

2 TUESDAY, FEBRUARY 21, 2006

3 10:30 a.m.

4 I. CALL TO ORDER

5 CHAIR ROGERS: If we can call this meeting
6 to order, please.7 Ms. Giberson, would you call the roll,
8 please. Caught you off guard.

9 ROLL CALL

10 GLORIA GIBERSON: Okay. Jesse Adams.
11 Treva Boyd.

12 TREVA BOYD: Present.

13 GLORIA GIBERSON: Kent Carter.

14 KENT CARTER: Here.

15 GLORIA GIBERSON: Ernest Angelo.

16 ERNEST ANGELO: Here.

17 GLORIA GIBERSON: Mike Rutherford.

18 Sonny Sowell.

19 Jimmy Archer.

20 JIMMY ARCHER: Here.

21 GLORIA GIBERSON: Louis Sturns.

22 LOUIS STURNS: Here.

23 GLORIA GIBERSON: Dyke Rogers.

24 CHAIR ROGERS: Here.

25 There is a quorum present so we will begin.

1 Couple of points, first. I would like to
2 recognize Mr. Angelo who has just been appointed as the
3 Chairman of the Department of Public Safety and will
4 replace Colleen McHugh on a permanent basis. She has
5 now been appointed to the University of Texas System
6 Board of Regents. We would like to congratulate her and
7 congratulate you. And we have a plaque that we will be
8 sending Ms. McHugh. But we don't need to welcome you
9 since you have been here several times but we did want
10 to congratulate you.

11 ERNEST ANGELO: Thank you.

12 CHAIR ROGERS: And then I would like to
13 mention that I think this is Mr. Rutherford's first
14 meeting that he has missed since he has been on the
15 Commission. And he has a brother that's having some
16 surgery today, and he is with him, so our thoughts are
17 with him.

18 If the minutes will reflect that
19 Commissioner Sowell has appeared.

20 (Commissioner Sowell present.)

21 CHAIR ROGERS: Welcome.

22 CHARLES SOWELL: Thank you, Mr. Chairman.

23 CHAIR ROGERS: Okay. We have got
24 consideration and possible action on the following
25 items. Budget and finance updates.

1 Ms. Curtsinger.

2 MS. CURTSINGER: Good morning,
3 Commissioners.

4 The information that you have in your
5 packets will take us through 12-31 of 2005. This puts
6 us at 33.33 percent of the year lapsed for the budget.
7 And we are on track. It is looking very good at this
8 point. Do you have any questions?

9 CHAIR ROGERS: Any questions?

10 Thank you. That was a very short report.
11 Thank you.

12 We have -- we have with us today a member of
13 the Association of Racing Commissioners International,
14 Mr. Ed Martin, who is the President and the Chief
15 Executive Officer. I think he wants to present a
16 proposal to us.

17 MR. MARTIN: Commissioners, thank you for
18 allowing me to appear before you today. I -- I, like
19 you, served as a racing regulator, as Executive Director
20 of the New York State Racing and Wagering Board for
21 about eight and a half years and saw many interesting
22 things happen on our watch; one of them was an
23 investigation and a conspiracy to defraud the government
24 that the New York Racing Association commencing an
25 investigation that we commenced as well as the Wagering

1 Security Pick 6 debacle.

2 I am here to invite you and encourage you to
3 rejoin Racing Commissioners International. A number of
4 jurisdictions years ago split off from that group for a
5 very good reason. Texas did the right move in doing
6 that.

7 Since that time your colleagues in all the
8 other states have banded together and unified in the
9 national organization, still under the same title,
10 Racing Commissioners International, to address
11 multi-jurisdictional issues and problematic operational
12 concerns of individual racing commissions that, frankly,
13 we all have collectively.

14 It is no secret that at State budget time,
15 there are limited state resources. And when you go into
16 the Capitol, we compete with other very legitimate
17 budget resources for limited dollars. It doesn't change
18 the job that we collectively need to do, that is, to
19 ensure that this sport is fair to its participants and
20 fair to its fans.

21 RCI has taken a leadership role in a number
22 of areas, as an advocate for state racing commissions.
23 And we invite Texas to rejoin your colleagues and be
24 part of our national level.

25 Recently the North American Pari-Mutuel

1 Regulators Association voted to reaffiliate with RCI.
2 We represent all of the racing regulators with the
3 exception of Texas. And we represent Canada, all the
4 regulators in Canada, Mexico and part of the Caribbean.
5 Our main focus is domestic United States.

6 The challenges that we collectively face
7 when new technologies emerge and there is new ways to
8 participate as a fan in this sport, in terms of account
9 wagering, in terms of the Internet, in terms of
10 technological advancements that probably we can't even
11 envision at this point in time because they are changing
12 every aspect of our lives. They are also presenting
13 regulatory challenges of how to secure the wagering
14 system, how to prevent unauthorized access into the
15 pools, how to effectively account for the action that is
16 coming into the pools, and that people are getting what
17 they are supposed to be getting, whether it be the State
18 of Texas or the track or the horsemen or any breeding
19 funds, you have statutory that's going to come out of
20 that.

21 We recently formed a subsidiary corporation
22 called RCI Integrity Services in an attempt to jump
23 start the national wagering security database and
24 effort.

25 I am here to invite you to rejoin RCI,

1 because your absence, frankly, is -- your presence is
2 needed in these discussions.

3 The services that we provide to our members,
4 obviously, is a pooling of resources, representation on
5 the national basis, representation in Washington.

6 We monitor and we maintain a database of all
7 licensees, rulings, violations that we have brought on.
8 But most important, we try to bring sense, as the
9 regulation of racing, especially the wagering goes
10 beyond the borders of any one particular state.

11 And I have said to many, and this is
12 probably the reason why we rejoined in New York after
13 having pulled out is that we felt that the business was
14 changing, and we needed to be part of those dialogs.
15 And we needed to help mold those regulatory strategies
16 on a national basis.

17 So Mr. Chairman, I am certainly willing to
18 answer any questions that the members of the Commission
19 ask. I come here personally and invite you to rejoin
20 your colleagues in other states and join us in this
21 national effort to try to tackle some of these issues
22 that have come to the forefront in recent years.

23 (Jesse R. Adams present.)

24 CHAIR ROGERS: I think before we take any
25 questions, I think Mr. Roark wants to maybe testify on

1 this issue. We would like to hear from him, if that
2 would be okay.

3 MR. ROARK: Can you hear me?

4 Thank you, Mr. Chairman and Commissioners.

5 I am John Roark. I am President of the
6 National HBPA and a proud member of the Texas
7 Thoroughbred HBPA, past Chairman of the Texas Horsemen's
8 Partnership. I am not here much anymore. But I am
9 around the country and appear before a lot of folks.

10 But for the first time, I am encouraging
11 this Commission to join ARCI. The reason I didn't in
12 the past is because there were two racing commission
13 organizations. There was ARCI and NPRA who were in
14 opposition with each other. And that's one of the
15 reasons I think Texas dropped out. I know it's one of
16 the reasons -- it's the reason Texas dropped out.

17 But now that they are back under one
18 umbrella, I am encouraging you to join. We are working
19 nationally on so many issues that involve you and other
20 regulators. No. 1, uniform medication rules which we
21 have got to implement all over the country on behalf of
22 everyone. We are a mobile industry now. We operate
23 from state-to-state. So you need to be involved and
24 know what's happening in other jurisdictions, including
25 Canada, Mexico and wherever.

1 The Office of Wagering Security that they
2 are working on, I have been working on behalf of the
3 NTRA board on a committee with Mr. Martin to try to
4 implement that Wagering Security Office. We have been
5 doing it for about three years now. We think we pretty
6 much have that in place. And on the NTRA board -- I am
7 on that board -- we will meet next week with Mr. Martin
8 and, hopefully, implement that Wagering Security Office
9 which in turn can be investigating on behalf of Racing
10 Commissioners, the racetracks and other persons who are
11 betting on our signals and make sure that there is no
12 money laundering and all those things that could go on.

13 And thirdly, we are going to be working with
14 them on a national racing license whereby an individual
15 can buy a racing license nationally to race his horses
16 or a trainer can and then pay the state fee to each
17 individual state. But it will make it easier for a
18 horsemen to race in various states. But there is a
19 dozen other reasons for you to join. But I really,
20 really encourage you because we are the only state
21 that's not a member. And that's not the reason to join.
22 But we need to be involved in what they are doing and
23 get actively involved because they are the one
24 organization that works together to solve common
25 problems for racing commissioners.

1 I would invite any questions.

2 Thank you, Mr. Chairman. Thank you,
3 Commissioners.

4 CHAIR ROGERS: Mr. Martin.

5 TREVA BOYD: Oh, I just have a question for
6 staff. Is it time for that?

7 CHAIR ROGERS: Yes. Go right ahead.

8 TREVA BOYD: Ms. King, you sent us a
9 transcription in the mail about our past concerns with
10 RCI and --

11 CHARLA ANN KING: Yes, ma'am.

12 TREVA BOYD: And your feelings now still are
13 that --

14 CHARLA ANN KING: Particularly.

15 TREVA BOYD: Concerns have been resolved.

16 CHARLA ANN KING: They have been resolved.
17 We are looking forward to more information on the
18 database and how those databases are going to be merged.
19 But that seems to be underway sufficiently, also.

20 CHAIR ROGERS: Mr. Angelo.

21 ERNEST ANGELO: I am curious as to how the
22 organization is funded, in addition to the dues from the
23 various states.

24 MR. MARTIN: The organization is funded by
25 60 percent from dues from the individual states. The

1 remaining of the funds come from the processing of
2 fingerprints in a multistate licensing program that we
3 run on behalf of various commissions who choose to
4 participate in that.

5 We also manage the National Racing Compact
6 which we have just entered into an agreement to do that
7 which is a -- it is not exactly a national racing
8 license, but it is a service to meet the needs of
9 various participating jurisdictions or member
10 jurisdictions to issue licenses.

11 Our strategy is to provide services in the
12 long-run for racing commissions. As you increasingly
13 come under financial pressures to perform certain
14 functions, such as cross-jurisdictional investigations,
15 the providing of a licensing database. Smaller
16 jurisdictions presently do not have MIS staff's database
17 capacity.

18 So when we merge our two databases, the RCI
19 database will merge into the NPRA database. That is
20 going to be upgraded. We will have the capacity, if any
21 member commission so choose, we will be your licensing
22 database if you want it. There is no charge for that.
23 Smaller jurisdictions take advantage of it. Some
24 smaller jurisdictions are looking at it.

25 What we are trying to do is free up

1 resources of individual racing commissions so that the
2 limited resources you have, you can tackle in terms of
3 back stretch security investigations and prosecution of
4 cases.

5 I am going to share with you. When I first
6 arrived in the New York State Racing and Wagering Board,
7 one of the larger commissions in the country and
8 probably one of the better funded ones, we didn't have
9 any auditors. We had all sorts of statutory
10 requirements to have auditors but we didn't have any
11 auditors. We begged, borrowed -- and I won't say
12 assertively stole because there is the Department of
13 Public Safety. I don't want to go out of here in cuffs.

14 But we basically figured a creative way to
15 do what we needed to do. The pooling of resources and
16 intelligence is essential and it is done in a variety of
17 different types of enforcement and intelligence
18 apparatus. One of the things that we are aggressive in
19 tackling is wagering security case. The pari-mutuel
20 system is really the only form of electronic wagering in
21 the United States, it is not required -- and this goes
22 from state to state -- to have services of an
23 independent monitor. We are addressing them. You have
24 that in the state lotteries, you have it in video
25 lottery terminal programs, you have it in any other form

1 of electronic gaming from jurisdiction to jurisdiction.
2 But the -- the failure to monitor the wagering system is
3 a gaping hole, it's exposed the racing industry, exposed
4 the racetracks, it has exposed the regulators. And we
5 are taking aggressive steps to try to challenge that.

6 Our RCI Integrity Services component will
7 generate some funds to also support the organization in
8 the long-run. And that's part of our larger plan to
9 answer your question.

10 Realizing the limited resources of state
11 governments, I think, the long-run is for us to be able
12 to perform the duties we need to perform for our members
13 but not rely on membership dues as the primary way to
14 fund that going forward. So I hope I have addressed
15 that.

16 CHAIR ROGERS: Are there any services that
17 you provide that save us any money along the way? Or
18 are there any -- we talked about possibly some testing
19 services or something. Is there anything there that --
20 nothing?

21 MR. MARTIN: Well, the wagering security
22 piece potentially save you money on staff, can save you
23 money on, to ensure that the State of Texas gets what it
24 is supposed to be getting. In other words, in the
25 wagering pools -- I am not familiar with specificity as

1 to how you audit that.

2 The State of Florida employed a similar
3 system, since they were under a hiring freeze, and they
4 were not able to replace certain employees who had left.
5 The responsibility that they had didn't change but
6 they -- how they did it had to change.

7 And so what they did is, they employed a
8 service that we are actually going to be offering
9 through RCI Integrity Service. And that will be folded
10 into us.

11 The other place that we help you on is, in
12 fact, save you money is: I don't know if you employed
13 services of a full-time policy analyst, policy person,
14 that kind of research what goes on in other states. I
15 know we didn't in New York. There were times when we
16 got a call from the State Legislature and they wanted to
17 know what goes on in Ohio, California, Texas. And we
18 would need to -- need to pursue that.

19 The other way we can save you money, if you
20 choose to go in this direction, would be to provide the
21 essential databases that we can use for your licensing
22 purposes. That's probably about six to eight months
23 down the road. These are all things that you can look
24 at as options.

25 The National Racing Compact, which I don't

1 believe Texas is a full member, authorizes the Board of
2 the National Racing Compact to review and certify
3 certain individuals for licensure. That removes a
4 burden on your licensing staff so that the only issues
5 that you would have to directly deal with are those
6 issues where something has come up in a criminal history
7 or background file that it would be your decision as to
8 whether to license them or not. Every so often when you
9 process literally thousands of license applications,
10 most of the time there is nothing. And that is a
11 ministerial function that can be handled in some states,
12 outsource licensing for all sorts of things, motor
13 vehicles like they do in Arizona. It would essentially
14 be upsourcing through a national compact of state
15 regulators that basically certify people if there is no
16 problem. If there was a problem, it would be referred
17 back to this Commission for your ultimate determination.
18 The authority doesn't change but the functionality does.

19 CHAIR ROGERS: Thank you. Does the staff
20 have a recommendation here?

21 CHARLA ANN KING: We are recommending
22 participation in RCIA.

23 CHAIR ROGERS: Anybody got any other
24 questions?

25 TREVA BOYD: I have one last question.

1 KENT CARTER: Go ahead.

2 TREVA BOYD: When is the database going to
3 be complete, the merging of that database? What's the
4 deadline on that?

5 MR. MARTIN: Well, the two organizations
6 kind of like the Hatfield and McCoys for a number of
7 years. And we have just merged. And we did that on
8 pretty much a four month timetable.

9 We have recently retained the services of
10 the man who designed the NPRA database, which provides
11 certain online access. We got him for approximately
12 half of what they were paying him. And so I anticipate
13 that that will happen over the next three months. It
14 should be a seamless event for the members.

15 CHAIR ROGERS: Commissioner Carter.

16 KENT CARTER: Could you enlighten us as to
17 your activities for the uniform medications -- you're
18 trying to achieve uniform medication rules throughout
19 the country.

20 MR. MARTIN: The -- RCI serves as a member
21 of the Racing Medication and Testing Consortium. We
22 have four seats on their Board.

23 We also have limited funding. And we
24 maintain a drug testing standard and practices program
25 which is -- runs some different blind tests on the labs

1 to ensure the quality of the labs. I will tell you that
2 those programs have suffered in terms of state funding.
3 They are programs that are -- there is a fee in addition
4 to a membership fee with the association to participate
5 in those programs.

6 Our wagering security subsidiary in our
7 business plan will generate some funds in the third and
8 fourth years that would be used to support those
9 programs to the point where we can widen participation
10 and not impact on state budgets.

11 The national drug medication policy that
12 Dr. Scott Waterman and the RMTTC are advocating, actually
13 came out of a working group in the Mid-Atlantic states.
14 When there was a consensus among the group of
15 regulators, it was then that Alan Foreman who was from
16 the Thoroughbred Horsemen's Association and a
17 facilitator of that group, took that nationally to the
18 RMTTC. And a lot of that was adopted by the larger group
19 and formed the basis of the national medication policy.

20 The responsibility for lobbying state
21 commissions for adoption of that has rested with the
22 RMTTC which is a separate organization of which RCIA is
23 part of, and we represent our members on that
24 organization. The RCIA Board has taken the position
25 that over time, we would like to revisit how all of the

1 national integrity programs are organized to avoid
2 duplication. There are limited resources on the
3 governmental side. And there are limited resources on
4 the industry side. And in some cases, some of these
5 efforts duplicate each other. So we have taken an
6 advocacy position to try to bring all of those integrity
7 organizations and efforts under one umbrella so that we
8 can start coordinating the expenses and the investments
9 that we collectively make in these efforts. I will tell
10 you that we have had success in some areas and we need
11 to have more success in others.

12 For instance, when you allow the export of a
13 signal from one of your domestic tracks here in Texas,
14 there has been a question of who are we exporting these
15 signals to. Well, it is no secret that Racing
16 Commissions across the country have lacked the resources
17 to do due diligence investigations. It is also no
18 secret that some of the tracks have entered into certain
19 business arrangements which have proven to be
20 embarrassing to them and to the Commission's who approve
21 them.

22 We are working with the NTRA and our own
23 members, primarily, to develop a way to certify offshore
24 wagering sites to conduct a background investigation.

25 Now, the tracks have opted to invest, to do

1 background investigations through the Thoroughbred
2 Racing Protective Bureau which, depending on the
3 jurisdiction, either works well with its racing
4 commission or it can work better with its racing
5 commission.

6 I know when we had issues in New York, we --
7 we relied on the TRPB to put boots on the ground for
8 major stake races. But in terms of major investigation,
9 they were not really participating with us. That's not
10 to take away from any of the great talent that they have
11 in their organization. But we have recently advocated a
12 reconstitution of the TRP. The Thoroughbred Racing
13 Association, the trade association of the tracks which
14 owns and funds the TRPB has opted not to engage with us,
15 at this time, in a -- in a -- in an effort to
16 reconstitute. But the TRPB are agents of the tracks.

17 Now, I know that there are many states where
18 the commissions would have trouble relying on a
19 background investigation done by an agent of the track,
20 of an offshore entity, the track will ultimately profit
21 from that business relationship. So a number of our
22 members have deemed the TRPB as not to be sufficiently
23 dependent to provide that service for the Racing
24 Commission for good reason.

25 We are trying to work through those issues.

1 And what we need to do is -- is see that when you get an
2 export application to send a signal to some entity in an
3 either unregulated or underregulated environment that,
4 A, there has been a background investigation. And B, if
5 it is an unregulated or underregulated environment, that
6 they are willing to voluntarily comply to a national
7 regulatory scheme that we, as regulators, would
8 collectively maintain and operate through RCI. That's
9 our plan on that. And that's to basically eliminate any
10 exposure that the Racing Commission would have in
11 approving these exports.

12 CHAIR ROGERS: Any other questions?

13 TREVA BOYD: I have another question.

14 Ms. King, help clarify this licensing issue.
15 The RCI would be involved -- or we could go through the
16 RCI where our tracks are investigating some licensing.

17 How far are we going to rely on RCI for
18 those background checks and not our own DPS? How does
19 that coexist? I mean, I think it is a worthy investment
20 for the -- for the Commission. But I am kind of
21 concerned about just handing over.

22 CHARLA ANN KING: Right.

23 TREVA BOYD: Where our DPS does a great job.

24 CHARLA ANN KING: Which I don't think we
25 would be handing anything over. And with the feedback

1 that I have gotten from the staff is they want to be
2 very careful about it. We built a good database
3 ourselves that we track things. We have a really good
4 relationship with DPS. So it really wouldn't -- we
5 would be looking at it as an opportunity to just enhance
6 what we have and get access to more information, without
7 sacrificing what we have accomplished.

8 TREVA BOYD: Thank you.

9 CHAIR ROGERS: My understanding is, you can
10 pick and choose the services.

11 CHARLA ANN KING: Yeah.

12 CHAIR ROGERS: You can use them as much as
13 you want or you can use them not at all. Okay.

14 Any other questions?

15 Okay. I would -- thank you.

16 MR. MARTIN: Thank you.

17 CHAIR ROGERS: I would entertain a motion to
18 join RCI.

19 CHARLES SOWELL: So move.

20 TREVA BOYD: Second.

21 CHAIR ROGERS: Moved by Commissioner Sowell.

22 TREVA BOYD: Second.

23 CHAIR ROGERS: Seconded by Commissioner
24 Boyd. All in favor.

25 THE COMMISSIONERS: Aye.

1 CHAIR ROGERS: There isn't any opposed.

2 MR. MARTIN: Thank you.

3 CHAIR ROGERS: Thank you.

4 The next thing we would like to do is
5 appoint some people to do a couple of working groups.
6 And the medication working group seemed to bring about
7 some progressive things. And I think there are a couple
8 of issues that we need to be looking at long-term
9 industry wise other than just up here at the meeting
10 where race dates and -- and the race date allocations
11 and so forth come before the Commission.

12 And so what I would propose is that we form
13 two working groups that -- to -- and their goals would
14 be to assess the effectiveness of the previous year's
15 racing calendars, to assess the handle and purse
16 statistics and to focus on those projections, to assess
17 racing, stabling, kenneling opportunities for
18 participants, to assess the length of race dates or race
19 meets and to avoid overlap of race dates between the
20 racetracks.

21 I think we would do this in two groups, one
22 would involve horses and one would involve hounds. And
23 I think there -- the reasoning for them might be just a
24 little bit different. But I think they cover the same
25 territory. And particularly, I think, you know there

1 needs to be some focus on how, you know, there is always
2 the tension between more opportunities to race and
3 larger purses. But there also is the tension between,
4 in the hounds, between how many points there are for
5 each event. And you may get a disparage wide enough
6 that you may have survival issues at stake.

7 So I think it is incumbent that we look upon
8 both of those and try to reach some solutions, at least
9 some recommendations.

10 So what I would like to do is, I would like
11 to appoint to the -- to the horse group two
12 commissioners, and then would like to ask a
13 representative from the Texas Horsemen's Partnership,
14 the Texas Quarter Horse Association, the Texas
15 Thoroughbred Association, Texas Arabian Breeders
16 Association, and a representative from each of the
17 tracks of the horse tracks to serve on this horse
18 committee. And I would like to ask Commissioner Adams
19 and Sowell if they would -- if they would join in
20 that -- in that effort.

21 From the -- from the hound side, I would
22 like to ask Commissioner Boyd and Commissioner Sturns if
23 they would serve on that, along with a member of the TGA
24 and a member of each of the dog tracks.

25 TREVA BOYD: Right. Okay.

1 CHAIR ROGERS: Okay. I don't think we need
2 any action other than to do that. Would you like to
3 make any comments on that, Mr Ferrara?

4 MR. FERRARA: No. But I do appreciate
5 having the Commissioners input and having them working
6 with our group because it -- it isn't always easy. And
7 it will take sometimes more than two or three separate
8 meetings. So be prepared to dig in and do some work
9 with us. And again, I appreciate it. Thank you.

10 CHAIR ROGERS: I think we will, as a
11 Commission, we will become considerably more educated on
12 the process, maybe as an industry, we will have an
13 opportunity to look at some of the options that might be
14 out there.

15 Okay. We will move, then, to a
16 consideration and action on the following matters:

17 A request by Gulf Greyhound Park to modify
18 its 2006 live race dates and its charity race dates.

19 Mr. Triplett -- or no. Ms. Triplett.

20 MS. BRIGGS: Good morning, Sally Briggs
21 General Manager at Gulf Greyhound Park.

22 After reviewing our calendar for 2006, we
23 felt that it would be more viable for us if we canceled
24 our Wednesday evening performance after July the 4th,
25 which was on July 5th and added a Monday matinee -- I am

1 sorry -- a Monday evening on July the 3rd.

2 We also have scheduled July 5th, which was
3 the Wednesday as a charity day. So we would like to
4 move that day to July the 12 for that charity day.

5 CHAIR ROGERS: Okay. Any comment from the
6 staff?

7 There is no objection?

8 CHARLA ANN KING: No objection.

9 CHAIR ROGERS: Questions?

10 Entertain a motion to approve the change.

11 ERNEST ANGELO: Approve.

12 JESSE ADAMS: Second.

13 CHAIR ROGERS: Motion made by Commissioner
14 Angelo, seconded by Commissioner Adams.

15 THE COMMISSION: Aye.

16 CHAIR ROGERS: Motion passes.

17 I want to go back just a second to this
18 working group. One of the reasons I think we need this
19 working group particularly with where the greyhounds are
20 involved, we do all of our projections on how these race
21 dates are. And I think we need to get them solidified
22 as much as possible so we don't have to have as many
23 changes during the year. It is not that it is a
24 problem, it is just that it may create a problem from a
25 financing point of view if we don't get that resolved.

1 We did have a request by Magna Entertainment
2 Corporation for approval and change of ownership,
3 management and board of directors. They have requested
4 that be removed from the -- from the agenda and it has
5 been. But we have asked the Executive Secretary to --
6 to require them to submit their documentation within 10
7 days. And we would expect that this would be on next
8 Meeting's agenda.

9 At this point, we have a number of requests
10 for approval of totalisator contracts. And I think they
11 are going to require us to go into Executive Session.

12 So under the Texas Racing Act, Article
13 179e-603 of the Vernon's Texas Civil Statutes, the
14 Commission is going to go into Executive Session to
15 review totalisator contracts.

16 So I would entertain a motion to go into
17 Executive Session to review these contracts, Items C
18 through G.

19 KENT CARTER: So move.

20 LOUIS STURNS: Second.

21 CHAIR ROGERS: Moved by Commissioner Carter
22 and seconded by Commissioner Sturns.

23 So we are now into Executive Session at
24 11:05.

25 (Executive Session.)

1 (Meeting resumed at 11:33 a.m.)

2 CHAIR ROGERS: Okay. We will come back out
3 of Executive Session at 11:30. We reopen the meeting.

4 And Commissioners, I think there is several
5 things that we have got to do kind of in order.

6 One has to do with Corpus Christi greyhound
7 track and their agreement, totalisator contract with
8 AmTote. And I would accept a motion to -- or welcome a
9 motion to approve the totalisator contract between
10 Corpus Christi Racing Associates, Limited and AmTote.

11 JESSE ADAMS: So move.

12 LOUIS STURNS: Seconded.

13 CHAIR ROGERS: Moved by Commissioner Adams
14 and seconded by Commissioner Sturns.

15 All in favor?

16 THE COMMISSION: Aye.

17 CHAIR ROGERS: Motion passes.

18 ERNEST ANGELO: Chairman, can we have an
19 explanation of why that is different?

20 CHAIR ROGERS: Yes. That seems to have
21 provisions that are acceptable to the Commission and
22 to -- that meet the applicable state law and the Racing
23 Act.

24 We -- I would accept a motion to approve a
25 totalisator contract between AmTote and the -- or the

1 modification, excuse me, a motion to accept the
2 modification to the contract between Lone Star and UTote
3 by -- in alignment with their letter proposal.

4 JESSE ADAMS: Okay. This is for a
5 modification of an existing contract.

6 CHAIR ROGERS: This is modification of
7 existing contract to allow them to take certain steps.

8 JESSE ADAMS: So move.

9 ERNEST ANGELO: Seconded.

10 CHAIR ROGERS: That's moved by Commissioner
11 Adams and seconded by Commissioner Angelo.

12 All in favor?

13 THE COMMISSION: Aye.

14 CHAIR ROGERS: Okay. We need to be with --
15 we will stay with AmTote a bit, their agreement with
16 Retama Park.

17 I would entertain a motion to approve their
18 totalisator contract between AmTote and Retama Park but
19 only until our next meeting, at which time the parties
20 would be required to return to the Commission for
21 approval of that totalisator contract.

22 In addition, we are not today approving any
23 and all provisions that are inconsistent with or in
24 violation of Texas law and/or the Texas Racing
25 Commission rules, such as there are references to parlor

1 wagering and parlor facilities but not limited to those
2 exclusions.

3 Do I have a motion to that effect?

4 TREVA BOYD: I so move.

5 CHAIR ROGERS: Moved by Commissioner Boyd.

6 CHARLES SOWELL: Second.

7 CHAIR ROGERS: Seconded by Commissioner
8 Sowells.

9 All in favor.

10 THE COMMISSION: Aye.

11 CHAIR ROGERS: Okay. And I would entertain
12 the same motion in relation to AmTote and Lone Star
13 Park. And that would be to approve their contract at
14 this time with the parties required to return to the
15 Commission for approval of this totalisator contract at
16 our next meeting.

17 In addition, we do not today approve any or
18 all provisions that are inconsistent with or in
19 violation of the Texas law and/or the Texas Racing
20 Commission rules such as parlor wagering, parlor
21 facilities.

22 ERNEST ANGELO: So moved.

23 TREVA BOYD: Seconded.

24 CHAIR ROGERS: Moved by Commissioner Angelo,
25 seconded by Commissioner Boyd. All in favor?

1 THE COMMISSION: Aye.

2 CHAIR ROGERS: Okay. We will move to the
3 United Tote contracts with Gulf Greyhound.

4 And would entertain the same motion with a
5 caveat would be to approve the totalisator contract
6 between Gulf Greyhound and United Tote only until our
7 next Commission meeting, at such time the parties will
8 be required to return to the Commission for approval of
9 the totalisator contract. In addition, we do not
10 approve any or all of the provisions that are
11 inconsistent with or in violation of Texas law and/or
12 the Texas Racing Commission rules. Period.

13 JESSE ADAMS: So move.

14 LOUIS STURNS: Second.

15 CHAIR ROGERS: Moved by Commissioner Adams,
16 seconded by Commissioner Sturns.

17 All in favor?

18 THE COMMISSION: Aye.

19 CHAIR ROGERS: And the contract with Manor
20 Downs. Would accept a motion to approve the contract
21 between Manor Downs and United Tote but only until our
22 next Commission meeting, at such time the parties would
23 be required to return to the Commission for approval of
24 the totalisator contract. In addition, we are not
25 approving any or all provisions that are inconsistent

1 with or in violation of Texas law and/or Texas Racing
2 Commission rules.

3 LOUIS STURNS: So moved.

4 CHAIR ROGERS: Moved by Commissioner Sturns
5 seconded by Commissioner Boyd.

6 All in favor?

7 THE COMMISSION: Aye.

8 CHAIR ROGERS: Do we need any type of motion
9 to deal with the F4 machines? Or are those just
10 approved because we don't do anything differently?

11 LIZ GARZA-GOINS: That's correct. They are
12 approved.

13 CHAIR ROGERS: Okay.

14 I would -- would ask the staff to get with
15 the various entities that we have talked about here,
16 whether it be the tracks and/or the tote companies and
17 see if we can arrive at a conclusion that is -- that is
18 satisfactory with the law and with the Racing Act.

19 And we will come back at our next meeting
20 and decide where we need to be, okay.

21 Okay. Next business, election of a vice
22 chair.

23 CHARLES SOWELL: I nominate our absented
24 member who is currently the Vice Chair, Mr. Rutherford.

25 CHAIR ROGERS: Okay. I need to ask

1 something on that before I accept that motion.

2 CHARLES SOWELL: Okay.

3 CHAIR ROGERS: Ms. Goins, this is a two-year
4 term?

5 LIZ GOINS: Yes.

6 CHAIR ROGERS: Can you nominate somebody
7 that doesn't have two years to serve?

8 LIZ GOINS: Yes. And I think whenever --
9 when their serving time is up, they can renew, you can
10 reelect another vice chair.

11 CHAIR ROGERS: Okay. There is a motion to
12 nominate Mr. Rutherford. Is there a second?

13 LOUIS STURNS: Second.

14 CHAIR ROGERS: Seconded by Commissioner
15 Sturns.

16 All in favor?

17 THE COMMISSION: Aye.

18 CHAIR ROGERS: All opposed?

19 Okay. Mr. Rutherford is our Vice Chair.
20 Schedule of the next Commission meeting.

21 LIZ GARZA-GOINS: Chairman, before we go
22 forward. I think we missed Agenda H, Item H, report on
23 racetrack inspections.

24 CHAIR ROGERS: Oh, I don't want to miss
25 that. Okay.

1 (Laughter.)

2 CHAIR ROGERS: Who would like to report on
3 this?

4 CHARLA ANN KING: Tom Neely.

5 TOM NEELY: Good morning, Commissioners. I
6 am Tom Neely Director of Enforcement.

7 As you can see on the written report, we
8 have resolved all of the outstanding issues that would
9 remain from the last Commission meeting.

10 There was a lengthy resolution period for
11 Corpus Christi, but that was due to some scheduling
12 problems and equipment problems that they needed to
13 resolve. But it has been satisfactory to ours.

14 If you have any questions?

15 CHAIR ROGERS: Thank you.

16 Okay. We need to schedule our next
17 Commission meeting.

18 Commissioners, you have got some notes over
19 on the right-hand side there of potential conflicts.
20 But suggested dates are either April 18th, 19th or 20th,
21 or the 25th and 26th.

22 Could someone help me out with what date the
23 26th is?

24 TREVA BOYD: It is on a Wednesday.

25 CHAIR ROGERS: Okay. Do we have any

1 discussion, suggestions or conflicts? We have people
2 who can't do certain dates.

3 TREVA BOYD: I have a conflict on the 18th
4 and the 25th.

5 CHAIR ROGERS: 18th and 25th, we have
6 conflicts.

7 JESSE ADAMS: I have a conflict on the 18th,
8 also.

9 LOUIS STURNS: I have a conflict on the
10 26th.

11 CHAIR ROGERS: How does April 19th or 20th
12 sound to somebody?

13 TREVA BOYD: Great.

14 LOUIS STURNS: That's good.

15 CHAIR ROGERS: Somebody want to pick a
16 preference? I don't know what dates those are.

17 CHARLES SOWELL: 20th.

18 TREVA BOYD: Wednesday and Thursday.

19 CHAIR ROGERS: 20th is Thursday. Okay. Our
20 next meeting will be on April the 20th.

21 Okay. Any other business to come before the
22 Commission?

23 We are adjourned.

24 (Adjournment.)

25

1 THE STATE OF TEXAS)

2 COUNTY OF TRAVIS)

3 I, CAROLINE CHAPMAN, Certified Shorthand
4 Reporter in and for the County of Travis County, State
5 of Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all
7 portions of evidence and other proceedings requested in
8 writing by counsel for the parties to be included in
9 this volume of the Reporter's Record, in the
10 above-styled and numbered cause, all of which occurred
11 in open court or in chambers and were reported by me.

12 I further certify that the total cost for
13 the preparation of this Reporter's Record
14 is \$ _____ and was/will be paid by Texas Racing
15 Commission.

16 WITNESS MY OFFICIAL HAND this the 2nd day of
17 March, 2006.

18

19

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