

Racing Commission Meeting

September 18, 2023

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**Full Commission Meeting
Monday, September 18, 2023, 4:00 pm
Nutrena Conference Center
1801 Dudley Avenue Saint Paul, MN 55108**

AGENDA

- 1) Call to Order
- 2) Roll Call
- 3) Adoption of Agenda
- 4) Approval of Minutes from August 21, 2023
- 5) Committee Reports
 - A. Aftercare Committee Report
- 6) Action Item
 - A. Appointment of Thoroughbred and Standardbred Breeders' Fund Advisory Committee Members
- 7) Staff Reports
 - A. Chief Veterinarian
 - B. Stewards
 - C. Judges
- 8) Status Reports
 - A. Canterbury Park Entertainment
 - B. Running Aces Casino and Racetrack
- 9) Executive Director's Report
 - A. Contract Approvals
 - B. HISA/HIWU Update
 - C. Tribal Consultation Update

- D. Personnel Update
 - E. ADW Report
 - F. Licensing Report
 - G. Other
- 10) MTA/MHRI/MNHBPA/MQHRA Update
- 11) Announce Future Meetings
- A. Full Commission – October 19, 2023
- 12) Adjourn

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Item 4 –
Minutes from
August 21, 2023

Full Commission Meeting
Monday, August 21, 2023 – 4:00 p.m.
Nutrena Conference Center
1801 Dudley Avenue, St. Paul, MN 55108

MINUTES

Call to Order:

Agenda Item 1 – Call to Order

Chair McArdle called the meeting to order at 4:06 p.m.

Roll Call:

Agenda Item 2 – Roll Call

Present – Chair Goodman, Vice Chair Colombo, Commissioners Koob, Dehn, Idlekope and Gingold. A quorum was acknowledged.

Other participants – Kyle Gustafson (Executive Director, Minnesota Racing Commission), E. Joseph Newton (General Counsel, Minnesota Racing Commission), Dr. Lynn Hovda DVM (Chief Veterinarian Minnesota Racing Commission), Amber Carlisle (Racing Operations Manager, Canterbury Park and Entertainment), Taro Ito, (President/CEO, Running Aces Casino, Hotel, and Racetrack), Steve Carpenito (Director of Racing, Running Aces Casino, Hotel, and Racetrack), Mike Cronin (Minnesota Horsemen's Benevolent and Protective Association), Cathy Dessert (Vice President, Minnesota Harness Racing, Inc.) Kay King (MTA executive Director)

Adoption of Agenda:

Agenda Item 3 – Approval of Agenda

Commissioner Koob motioned to approve the agenda; Second by Commissioner Dehn; Motion carried.

Approval of Minutes:

Agenda Item 4 – Approval of Minutes

After an addition to the other participants listed from Chair McArdle: Motion to approve the July 17, 2023, minutes by Commissioner Koob; Second by Commissioner Colombo. Motion passed.

Action Items

Agenda Item 5 – Action Items

A. Old Business

1. Request from Running Aces to Amend Floor Plan

Chair McArdle reviewed the request made by the governor's office and legislator to establish communication with the tribes. Chair McArdle then asked Mr. Gustafson, Mr. Newton, and Commissioner Idlekope to help better define. Mr. Gustafson explained his conversation with the Governor's office Director of Tribal Relations. Commissioner Dehn asked if this is a request from the Governor's office that we make this part of our mission? Would these conversations be public open discussions? Mr. Gustafson replied that Tribal Consultation is required by statute.

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It was passed by the Legislature in 2021, MRC is one of the identified agencies that is required to establish a tribal consultation program. The reason for providing the statute for consultation to hear about concerns from the tribes so that the commission can take that into consideration as the commission makes decisions. Mr. Newton believes this would not fall under the open meeting law. Commissioner Colombo if is this not under the open meeting law then need to look into some sort of provision that circles back with other interested parties from a due process standpoint. Commissioner Colombo also noted that the letter that was received from tribal relations asks for us to rescind an earlier modification made by the Executive director, Tom DiPasquale six years ago, and questioned why would we revisit that. The final thing commissioner Colombo wanted to mention was it is the burden of the agency to determine under Minnesota Statute 10.65, if the proposed change may have a significant effect on Tribes. Mr. Gustafson confirmed that is correct that the Statute provides that it is the duty of the Agency to initiate consultation if deemed there is a significant tribal effect. Commissioner Colombo expressed concern on how the commission would do that. Chair McArdle replied that is probably the main reason for setting up this dialogue. Chair McArdle made the motion to continue to table this item until such time as we've had the opportunity to sit down with the representative from the Tribal gaming community. Commission Idlekope agrees with that motion. Commissioner Koob added that we still do not have a full commission, so he agrees to the motion. It was then discussed what, where and who for the meeting. Motion to continue to table the item by Commissioner Dehn; Second by commissioner Koob. Motion passed.

B. New Business

1. Election of Vice Chair and Second Vic Chair

Chair McArdle solicited a motion for First Vice Chair to continue to be Commissioner Colombo and for Second Vice Chair to continue to be Commissioner Koob. Motion by Commissioner Gingold; Second by Commissioner Idlekope. Motion Passed.

2. Committee Appointments

Chair McArdle solicited a motion to appoint Commissioners Columbo and Dehn to the Finance Committee on a temporary basis until such time as we have a full complement of Commissioners. Motion by Commissioner Koob; Second by Commissioner Idlekope.

Mr. Gustafson also asked to entertain a motion to clarify the Racehorse After Care Committee only contains three appointed members. Approved the three members to be Commissioners Goodman, Colombo and Koob.

3. Approval of Thoroughbred and Quarter Horse Breeders' Fund Purse Supplement Allocation for 2023

Ms. Carlisle presented, Thoroughbred slight decrease, Quarter Horse consistent with past years. Mr. Gustafson explained that this request would normally have been brought to the spring meetings, it was missed with the personnel changes. Ms. King commented that no Thoroughbred Advisory Committee Approval as stated in the letter. Mr. Gustafson explained that applications for the Advisory Committees have been solicited, will be reviewed and plan to have full slate of committee members by next commission meeting. Motion to approve the purse supplement allocation was made by Commissioner Dehn; Second by Commissioner Koob. Motion Passed.

Informational Items

Agenda Item 6 – Staff Reports

A. Chief Commission Veterinarian Report & Industrial Laboratories AORC Proficiency Test Results

Dr. Hovda presented. Running Aces going well. Fans are installed and working. Canterbury Park – 3 Medication Violations. CO2 testing 2-3 days a week. Out of competition testing is preformed when asked by HIWU, it takes an additional vet to do all of them. Ambulance use is up due to heat. Commissioner Colombo asked if track surface had anything to do with the deceased horses? Dr. Hovda does not think so, could not be happier with the track surface this year. Commissioner Colombo then asked how it is decided to not allow racing. Dr. Hovda replied it is a group decision. Heat Index 105 is in Canterbury Park's standing operational procedure. Air Quality Index threshold is 200. Proficiently Testing, Industrial Laboratories scored 100%.

A. Chief Stewards Report

Chair McArde commented on the concern about the cost of the split sample, \$2,040. This is 3-4 times more than in the past. Need to be aware of this as a commission, not everyone can afford this cost to defend themselves. Commissioner Colombo agrees, significant due process concerns with HISA's suspensions.

B. Presiding Judges Report

Agenda Item 7 - Status Reports

A. Canterbury Park Entertainment

Ms. Carlisle gave this report. Saturday races postponed to this Thursday. Gearing up for Festival of Champions.

B. Running Aces Casino, Hotel and Racetrack

Mr. Carpenito addressed letter sent to Mr. Gustafson August 8th regarding the status of the Standardbred purse account with Running Aces. Mr. Ito commented on the financials. The hotel franchise agreement with Wyndham for June/July were at 85% occupancy, 20 points higher than previous high. After the meet plan on resurfacing the entire parking area of the backside, about \$50,000. Mr. Ito then commented on the tabling of Item 5A.

Agenda Item 8 – Executive Director's Report

- A. Contract Approvals
- B. HISA/HIWU Update
- C. Personnel Update
- D. ADW Report
- E. Licensing Report
- F. Other

Mr. Gustafson, Executive Director presented.

- A. Contract Approvals – Both tracks had contacts to purchase playing cards from Queen Playing Card Corporation.
- B. HISA – Provisional Suspension change, Rule Revision review.
- C. Personnel Update – Posted Deputy Director Position open until 9-5-2023.
- D. ADW
- E. Licensing Report
- F. Other – September 11 the Chair of House State Government Finance Committee will be visiting.

Item 9 – MQHRA/MTA/MHRI/MNHBPA Reports

MTA – MTA Awards night huge turnout, will continue to have guest speakers. Were able to add \$15,000 to both the purses of the Glitter Star and Wally's Choice stake races though efforts of their board members who went out and got sponsors. Owner's event a week ago. Commissioner Johnson Confirmation and Pedigree clinic this past Saturday. Yearling sale this weekend, preview Saturday evening, sale is Sunday at 6:00pm. 35 Consigns, 1 withdrawn so expecting 34. 32 Minnesota Breds, 2 Oklahoma.

MHRI – Cathy Dessert – Introduced two new hires. Nancy Robertson, Horse Person Advocate. Kendrick DeFoe, Administrative Director. A Pink Out was held by many tracks including Running Aces for a family that lost their 5-year-old daughter, Harper Finn in a racing accident in Illinois. Raised a little over \$700 from the crowds and horsemen's group. Mr. Ito donated an additional \$1,000. Want you to understand how our racing community pulls together. Yearling sale September 19th in Cannon Falls. September 16 finals night, looking for award presenters.

MNHBPA – Mike Cronin – Javier is doing a great job on the track this year, no complaints this year. Tough year overall because of lack of purse money. Commend the Chapel personnel, Abijah's, and Furlong Learning, best year for that type of activity on the backside. Thanks to the investigators and stewards on issues that have come up, came to the HBPA and have been able to help for a good turnout. Negotiating with Canterbury Park, nowhere near an agreement for next year. Commissioner Colombo asked Mr. Cronin to talk about the affect the drop in purses has had on this year. Mr. Cronin explained the drop in purse money affects. Chair McArdle commented on how it warms her heart to hear about all that has been done for the kids on the backside. Mr. Cronin mentioned the recent Star Tribune article on Jockey mental health issues.

Item 10 – Future Meetings

Next meeting – Monday September 18, 2023. Meeting place is Nutrena Conference Center 1801 Dudley Avenue Saint Paul, MN 55108.

Item 11 – Adjournment

Motion to adjourn by Commissioner Colombo, Second by Commissioner Idlekope. Chair McArdle adjourned the meeting on Monday, August 21, 2023, at 5:37 p.m.

THESE MEETING MINUTES HAVE BEEN APPROVED ON THIS ____ DAY OF _____, 2023 BY A QUORUM OF THE MINNESOTA RACING COMMISSION.

Item 5 –
Committee Reports
A. Aftercare
Committee Report

Item 6 –

A. Appointment of Thoroughbred and Standardbred Breeders' Fund Advisory Committee Members

Recommendations for Thoroughbred Breeders' Fund Advisory Committee:

Richard Bremer

David Dayon

Lisa Duoos

Claudia Goebel

Christopher Merz

Recommendations for Standardbred Breeders' Fund Advisory Committee:

Karrie Cable

Cathy Dessert

Jessica Johnson

Daniel Roland

Item 7 -
Staff Reports
A. Chief Veterinarian

**Veterinarian's Report
Canterbury Park
Through September 6, 2023**

Medication Violations – 3

- Racing – 2 (1 TB, 1 QH)
 - **Confirmed**
 - NSAID
 - Dexamethasone
 - Betamethasone
 - Triamcinolone
 - Methylprednisolone
 - OTHER
 - Methocarbamol – 1(HIWU)
 - Boldenone – 1
 - **Split sample or appeal** – 0
- Workout – Phenylbutazone, 1 (HIWU)
- Other – 0

DVM Violations - 0

Samples Submitted

- Post-race testing (QH horses only)
 - Blood and Urine – 46
 - Blood only – 1
- Deceased Horses – 10
 - Hair and Blood – 9
 - Blood only
 - Hair only – 1
- Out of Competition Testing (HIWU)
- Research – 0
- Special (needles, syringes, bottles, etc.) – 2 (HIWU)
- TCO2 – (HIWU)
- Workout – 47
- AQHA Challenge Hair – 3

Current Veterinarian's List

- **Total – 149**
 - Bled – 3
 - Ill – 7
 - Injured – 22
 - Non-Ill – 5
 - Unsound – 83
 - Medication Problem – 3
 - Workout Needed – 26

Restricted List Horses Examined – 161

Horses Working for DVM

- **Total – 48**

**Veterinarian's Report
Canterbury Park
Through September 6, 2023**

- Off greater than one year – 5
- 4-Year-old and greater first-time starters – 11
- On Vet's List (MN and other states) – 32
- Cornell collar – 0
- Steward's List – 0
- Other – 0

Ambulance Use

- **Total – 23**
 - Backside – 3
 - Detention Barn – 3
 - Racetrack – 16
 - Main – 11
 - Turf – 5
 - Paddock – 1
 - Training Track – 0

Deceased Horses

- **Total 10 (9 racehorses, 1 pony horse)**
 - Racing – 5
 - Dirt Track – 3
 - Turf Track – 1
 - Starting Gate – 0
 - Paddock – 1
 - Training – 2
 - Illness/Other – 3

**Claims (Total) 54 successful; 11 voided claims
Claims Voided Due to Veterinary Reasons – 11**

**Veterinarian's Report
Running Aces Harness Park
August 10th-September 5th**

Medication Violations Reported by Industrial Laboratories

- Racing – **0**
 - NSAIDS – 0
 - CORTICOSTEROIDS – 0
 - OTHER – 0
 - Out for split sample or appeal - 0
- Workout – **0**
- Other – **0**

DVM Violations – 0

Post-race Testing – 216 (214 race, 2 qualifier)

- Blood Only – **65** (race)
- Blood and Urine – **151** (149 race, 2 qualifier)

Workout Samples – 2

Other Samples – 2 (contraband)

OCT – 0

TCO2 tests – 35

Current Veterinarian's List – 17

- Bled – **0**
- Ill – **4** (respiratory)
- Injured – **6** (2 AM injury, 4 PM injury)
- Non-Ill – **0**
- Unsound – **7** (1 AM lame, 1 PM lame, 4 Postrace lame, 1 from 2022 meet)

Horses Working for DVM

- Off > year – **0**
- On Veterinarian's List – **6** have worked for Dr. Radechel this month to be removed from the list.
- Cornell collar – **0**

Ambulance Use – 0

- Backside – 0
- Racetrack – 0

Deceased Horses – 0

- Racing – 0
- Illness/Other – 0

Other – 5 horses have been claimed at RAHP this month.

Item 7 - Staff Reports B. Stewards

Due to the proximity of the commission meeting to the end of the race meet, the Stewards do not have a monthly report but will instead include all pertinent information in the forthcoming End of the Meet Report.

Item 7 -
Staff Reports
C.Judges

Judges Report - August 2023

The Running Aces harness meet is in the homestretch as we only have seven remaining race programs to conclude the 2023 racing season. The Tuesday August 22nd program was cancelled due to the extremely high heat index, as we continue to navigate the hotter than usual summer here in Minnesota.

The Judges issued 18 rulings during the month of August bringing the season total to 80. The Major Violations are listed below:

- 4 – Minor Whipping Violations (Other than Wrist Action)
- 4 – Interference's resulting in placings
- 2 – Foot off the pegs (Warnings)
- 2 – Careless Driving (Driving Suspension)
- 1 – Assault on another licensee

One driver was guilty of both the careless driving infractions. After several conversations in the judge's office there was a no change in the drivers' actions so ultimately, he was given days for the remainder of the 2023 meet.

The individual that was guilty of the assault was ruled off the grounds at Running Aces and their licensed was revoked by the Board of Judges.

After carding mostly 10 or 11 races per night prior to August, Running Aces management decided to limit each nights racing program to 9 races per night for the remainder of the 2023 meet, except for the 12 race Night of Champions card final day. This action was necessary so the purse account wouldn't be overdrawn at the meets end.

Stats For 2023

| | May | June | July | August | Meet |
|----------------------|-------------|-------------|-------------|-------------|--------------|
| Avg Entries/Day | 82 | 87.2 | 92 | 87.9 | 87.3 |
| Avg Starters/Program | 73.8 | 80.9 | 85 | 76.8 | 79.1 |
| Avg Races/Program | 9.8 | 10.1 | 10.7 | 9.2 | 10 |
| Avg Starters/Race | 7.6 | 8.0 | 7.8 | 8.3 | 7.9 |
| Avg Purses/Program | \$96,813 | \$113,531 | \$121,454 | \$100,814 | \$108,153 |
| Avg On Track Handle | \$14,094 | \$14,285 | \$15,221 | \$12,595 | \$14,049 |
| Avg Total Handle | \$259,905 | \$261,087 | \$221,832 | \$153,935 | \$224,190 |
| Total Handle | \$2,079,236 | \$3,133,040 | \$2,883,812 | \$2,155,083 | \$10,251,171 |


 Robert Corey
 Presiding Judge


 Peter Hanley II
 Associate Judge


 Casey Larson
 Associate Judge

Item 8-

Status Report

A. Canterbury Park

CONTAINS NON-PUBLIC DATA

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omitted under 2020
Minnesota Statutes Chapter
13D.05

Item 8-
Status Report
B. Running Aces
Casino, Hotel, and
Racetrack

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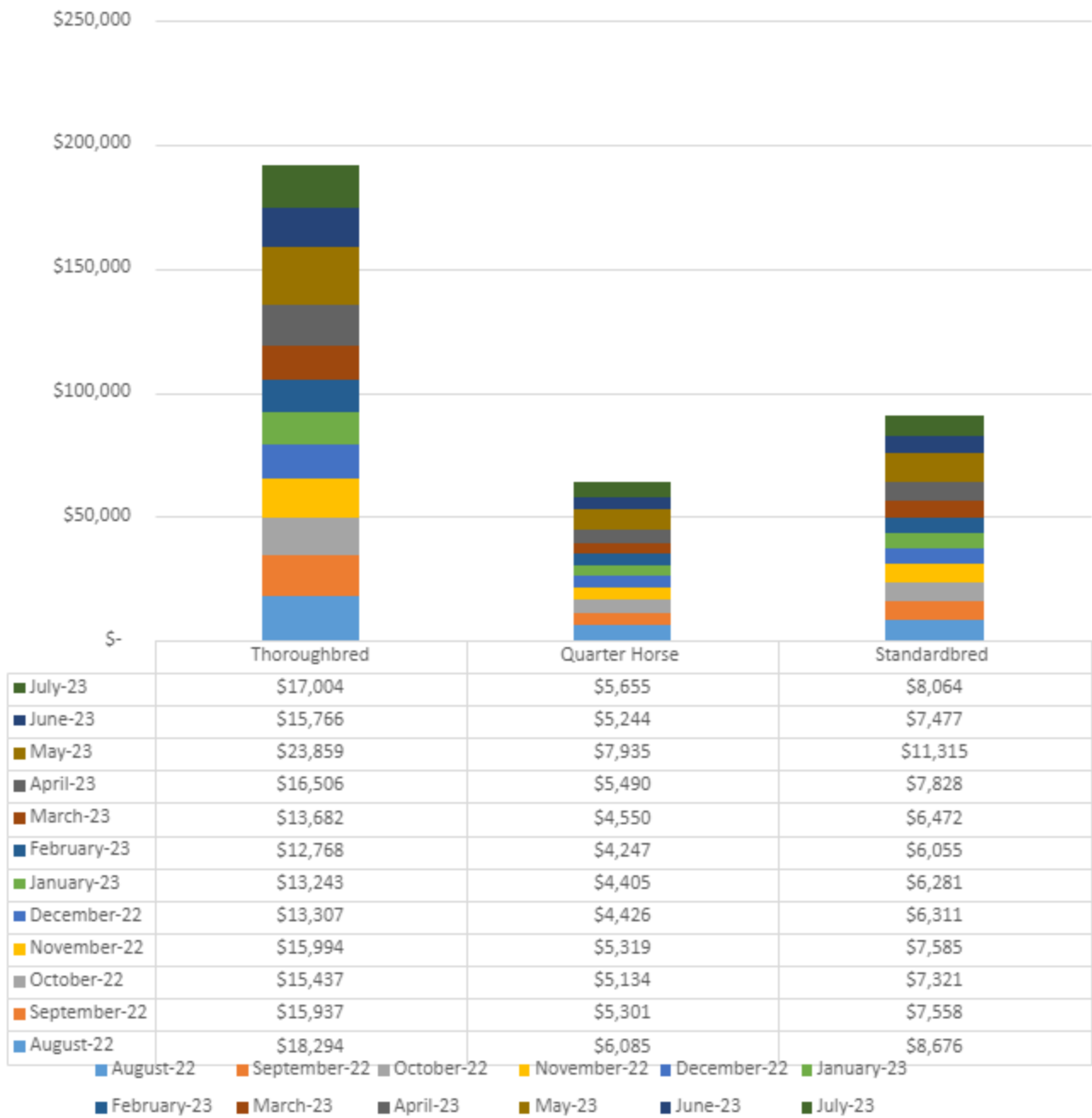
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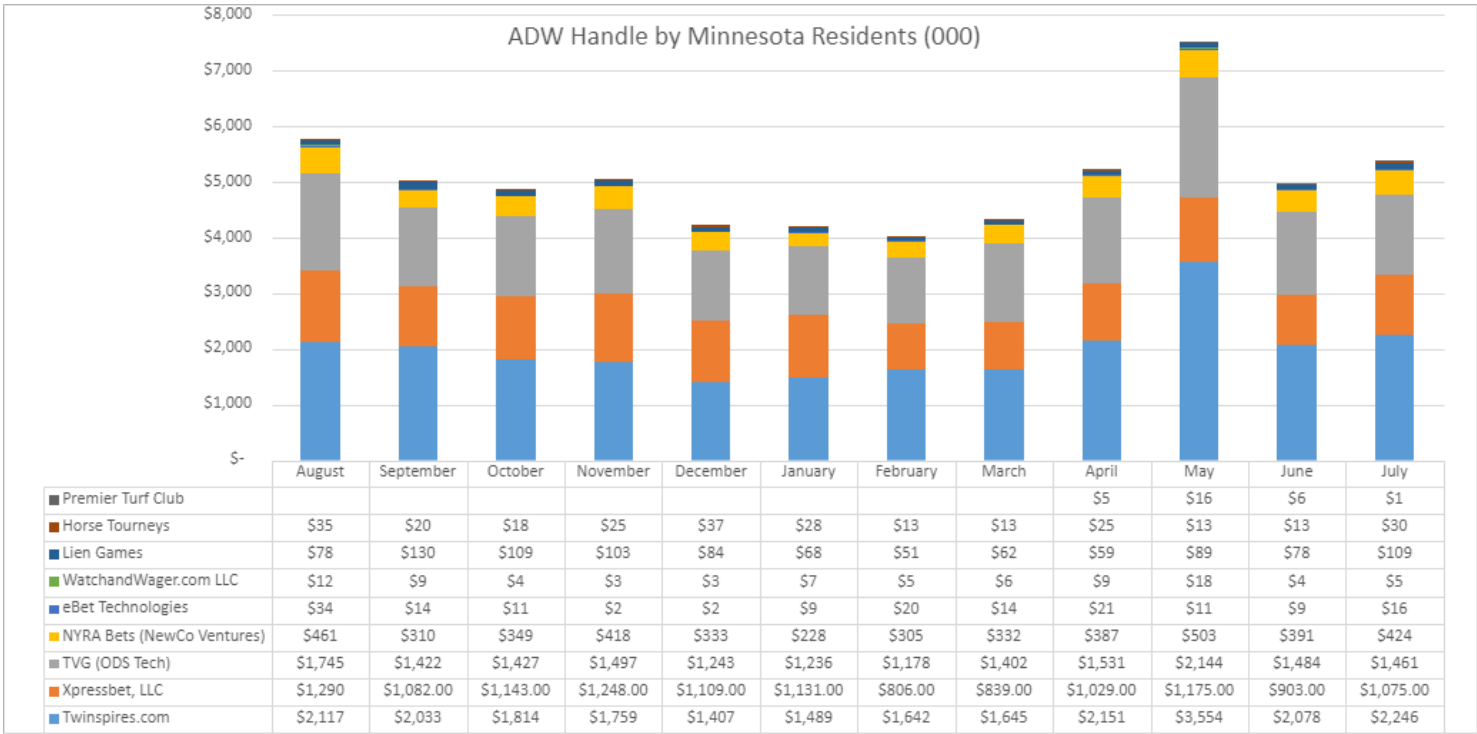
Item 9 - Executive Directors Report

- A. Contract Approvals
- B. HISA Update
- C. Tribal Consultation Update
- D. Personnel Update
- E. ADW Report
- F. Licensing Report
- G. Other

Item 8E – ADW Report

Incremental Breeders Awards via ADW





Item 8F-

Licensing Report

Minnesota Racing Commission

August 2023 Licensing Report

Class C Applications Processed at Canterbury Park: **108**

Class C Applications Processed at Running Aces: **58**

Class C Large Racing/Gaming Vendors: **0**

Class C Small Racing/Gaming Vendors: **0**

Class C Non-racing/Gaming Vendors: **2**

Class C Licensing Fees for August: **\$5,480**

Fingerprint Fees for August: **\$2,250**

(Fingerprint fees are forwarded to Public Safety for processing reports)

Fines Collected during 2023 Racing Season: **\$15,175**