



RETAMA PARK™

Received TxRC

FEB 23 2007

February 20, 2007

Ms. Charla Ann King
Executive Secretary
Texas Racing Commission
P.O. Box 12080
Austin, Texas 78711-2080

Dear Charla Ann:

This letter reiterates our desire to place the following item on the March 20, 2007 Texas Racing Commission meeting agenda:

Request by Retama Park for Approval of Race Dates for 2008

We have attached a copy of the specific request.

We feel that it is important to move forward with this request now so that, if granted, the other segments of the industry may adjust plans if need be.

Yours truly,

Bryan P. Brown
Chief Executive Officer

BPB/bs

cc: Terry Blanton
Bob Bork
Dave Hooper
Howard Phillips
Bob Pollock
Scott Sherwood
Drew Shubeck
Joe Straus, Jr.



RETAMA PARKSM

January 22, 2007

Mr. John Ferrara
Director of Racing
Texas Racing Commission.
P.O. Box 12080
Austin, TX 78711-2080

Dear John:

This letter provides requested 2008 thoroughbred race dates for Retama Park.

To summarize this request, Retama Park proposes a 38 day thoroughbred meeting.

	<u>Number of Days</u>	<u>Time Frame</u>	<u>Days Per Week</u>	<u>Races Per Day</u>
Thoroughbred	38	January 4 - March 29	3	TB-9, QH-0, Minor 2/week

To further clarify the schedule within each week, the thoroughbred days would involve Thursday through Saturday.

We request that an item be placed on the January 31, 2007 Texas Racing Commission agenda for consideration of these race dates.

Please let me know if you have any questions.

Yours truly,

Bryan P. Brown.
Chief Executive Officer

cc: Tommy Azopardi
Terry Blanton
Bob Bork
David Hooper
Tooter Jordan

Howard Philips
Scott Sherwood
Drew Shubeck
Rob Werstler

RETAMA PARK
Proposed Race Dates----- 2008

Thoroughbred Meet

Week	Dates
1	January 4, 5
2	January 10, 11, 12
3	January 17, 18, 19
4	January 24, 25, 26
5	January 31, February 1, 2
6	February 7, 8, 9
7	February 14, 15, 16
8	February 21, 22, 23
9	February 28, 29, March 1
10	March 6, 7, 8
11	March 13, 14, 15
12	March 20, 21, 22
13	March 27, 28, 29

Total Thoroughbred Days= 38

TEXAS RACING COMMISSION

REQUEST FOR LIVE RACE DATES

HORSE RACETRACKS - 2008

INSTRUCTIONS: Print or type the information requested in each section and attach all required documents and additional sheets if necessary. The Commission will not consider an incomplete request. The request must be filed at the Commission's Austin office no later than 5:00 p.m. on Monday, July 2, 2007.

I. Schedule Requested

Name of Racetrack:

RETAMA PARK

First Meet

Opening Day: 1/4/08

Closing Day: 3/29/08

Thoroughbred - # of races per day - 9

Quarter Horse - # of races per day _____

Mixed - # of races per day: T ___ QH ___ Minor 2 per week

Total number of days: 38

Second Meet (if applicable)

Opening Day: ___/___/___

Closing Day: ___/___/___

Thoroughbred - # of races per day _____

Quarter Horse - # of races per day _____

Mixed - # of races per day: T ___ QH ___

Total number of days: ___

II. Negotiation with Breed Registries

Specify how the total races scheduled for 2006 will be allocated among the various breeds:

Appaloosa _____%

Arabian 7%

Paint _____%

Quarter Horse _____%

Thoroughbred 93%

Check all that apply:

Attached are letters from the affected breed registries that have agreed to this allocation.

The _____ breed registry(ies) has not agreed to this allocation, but negotiations with the breed registry(ies) occurred as described below:

Participants in Negotiations

- / / _____ Bob Bork, Sam Houston Race Park
- / / _____ Howard Philips, Manor
- / / _____ Drew Shubeck, Lone Star
- / / _____ Tommy Azopardi, Texas Horsemen's Partnership
- / / _____ Rob Werstler, Texas Quarter Horse Association
- / / _____ Dave Hooper, Texas Thoroughbred Association
- / / _____ Terry Blanton, Texas Horsemen's Partnership
- / / _____ Tooter Jordan, Texas Horsemen's Partnership

III. Dates Requested

Indicate on the attached calendar each live race date requested with a "T" (Thoroughbred), "QH" (Quarter Horse), or "M" (Mixed). Include standard post time in space provided on calendar. Any exceptions, such as holidays, should be noted.

IV. Charity Days

Indicate which days are designated as charity days:

DESIGNATED BY RULE

- (1) A charity that directly benefits the persons who work on the backside:
- (2) A charity that primarily benefits research into the health or safety of race animals:

	(Name of Charity)
OPTIONAL	
/ /2008 for	
/ /2008 for	(Name of Charity)

For each charity listed, attach the following information:

1. A brief description of the activities or purposes of the charity
2. The name and address of each individual who serves as an officer or director
3. A copy of an I.R.S. letter of determination that qualifies the charity as an exempt organization for federal income tax purposes

V. Certificate of Service

I hereby certify that on 1-22, 2007, a true and correct copy of this request was sent to the persons listed below by:

- Certified Mail R.R.R.
 Regular Mail
 Facsimile
 Hand Delivery

Robert W. Pollock S.M.
 Signature Title

Austin Jockey Club
 c/o Bryan Brown, Vice President
 P. O. Box 47535
 San Antonio, TX 78265

Saddle Brook Park, Inc.
 c/o Drew Alexander, President
 P. O. Box 50597
 Amarillo, TX 79159

Lone Star Park at Grand Prairie
 c/o Drew Shubeck, General Manager
 1000 Lone Star Parkway
 Grand Prairie, TX 75050

Sam Houston Race Park
 c/o Bob Bork, Senior Vice President & General Manager
 7575 N Sam Houston Parkway West
 Houston, Texas 77064

Gillespie County Fair & Festivals Assn.
 c/o Ronnie Ersch, General Manager
 P. O. Box 526
 Fredericksburg, Texas 78624

Manor Downs
 c/o Howard Phillips, CEO
 P. O. Box 141309
 Austin, Texas 78714

Retama Park
 c/o Bryan Brown, CEO
 P. O. Box 47535
 San Antonio, TX 78265

January

Retama Park

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1	2	3	4 T- 6:45	5 T- 6:45
6	7	8	9	10 T- 6:45	11 T- 6:45	12 T- 6:45
13	14	15	16	17 T- 6:45	18 T- 6:45	19 T- 6:45
20	21	22	23	24 T- 6:45	25 T- 6:45	26 T- 6:45
27	28	29	30	31 T- 6:45		

2008

February**Retama Park**

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					1 T- 6:45	2 T- 6:45
3	4	5	6	7 T- 6:45	8 T- 6:45	9 T- 6:45
10	11	12	13	14 T- 6:45	15 T- 6:45	16 T- 6:45
17	18	19	20	21 T- 6:45	22 T- 6:45	23 T- 6:45
24	25	26	27	28 T- 6:45	29 T- 6:45	

2008

March

Retama Park

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						1 T- 6:45
2	3	4	5	6 T- 6:45	7 T- 6:45	8 T- 6:45
9	10	11	12	13 T- 6:45	14 T- 6:45	15 T- 6:45
16	17	18	19	20 T- 6:45	21 T- 6:45	22 T- 6:45
23	24	25	26	27 T- 6:45	28 T- 6:45	29 T- 6:45
30	31					

2008

PREAMBLE

The Texas Racing Commission proposes an amendment to § 309.6, Security for Compliance. The section proposed for amendment relates to the security or security bond that racetrack associations must post under § 6.04(b) of the Act. The purpose of the security is to ensure that associations complete their racetrack facilities and start racing on the date approved by the Commission.

The change will clarify that §6.04(b) of the Texas Racing Act allows the Commission to require security from both new and existing racetrack associations. The change will enable the Commission to require security from an existing association that does not have a racetrack facility and who does not have security currently posted. The change will also enable the Commission to require security from an existing licensee that does have a racetrack facility, but that did not conduct live racing in the previous calendar year and does not have security currently posted.

The change will not require security from an association that does have a racetrack facility and that did conduct live racing in the previous calendar year.

The change will also define the types of revenue that the agency will consider in determining the amount of the required security. The amount of required security must be reasonable in relation to the amounts of revenue that will be lost to the state's general revenue fund and to the Texas Bred Incentive Programs if simulcast and live racing do not begin on the dates approved by the Commission.

The change clarifies that any interest earned on security posted as United States Treasury Bonds or through irrevocable assignments of federally insured deposits will remain the property of the association.

The change clarifies that any portion of the security may be forfeited to the Commission for any accrued fees, penalties or interest owed by the association.

The change clarifies that any remaining security will be returned to the association after the association completes its first live race meet.

The amendments are proposed under the Texas Civil Statutes, Article 179e, § 3.02 and § 3.021, which authorizes the Commission to make rules relating to all aspects of greyhound and horse racing, and § 6.04(b), which requires applicants to post security to ensure compliance with the Act and the Rules of the Commission.

PROPOSED RULE

Rule 309.6 - Security for Compliance

- (a) Not later than 10 business days after the Commission's order issuing a racetrack license to an applicant under this chapter becomes final and unappealable, the association must post security in an amount determined by the Commission to adequately ensure:
- (1) the association's compliance with the Act and the Rules;
 - (2) and the association's completion of the racetrack facilities on or before the date approved by the Commission;
 - (3) the start of simulcast racing on or before the date approved by the Commission; and
 - (4) the start of live racing on or before the date approved by the Commission. ~~The amount of the security must be reasonable in relation to the amount of revenue that will be lost if the association fails to start racing on the date approved by the Commission.~~
- (b) If an association has no posted security, either because the Commission did not originally require the association to post security or because the association has already forfeited its security, and the association has not completed its racetrack facilities or has failed to conduct live racing in the previous calendar year, the Commission may:
- (1) approve a new date by which the association must complete its racetrack facilities;
 - (2) approve a date by which the association must begin simulcast racing;
 - (3) approve a date by which the association must begin live racing; and
 - (4) require the association to post security in an amount determined by the Commission.
- (c) The amount of the security must be reasonable in relation to the total amount of revenue that the state's general revenue fund and the Texas Bred Incentive

Programs will lose if the association fails to conduct racing on the dates approved by the Commission.

(d) ~~(b)~~ Cash, cashier's checks, surety bonds, irrevocable bank letters of credit, United States Treasury bonds that are readily convertible to cash, or irrevocable assignments of federally insured deposits in banks, savings and loan institutions, and credit unions are acceptable as security for purposes of this section. Interest earned on a United States Treasury bond or on an irrevocable assignment of a federally insured deposit is not subject to the assignment and remains the property of the association.

(e) ~~(e)~~ If an association fails to ~~start~~ conduct simulcast or live racing by ~~on~~ the dates approved by the Commission, the Commission may forfeit to the state's general revenue fund and to the Texas Bred Incentive Programs any portion of the security that is appropriate for the amount of revenue lost to those funds ~~due to the failure to start racing.~~

(f) If an association is liable to the Commission for any accrued fees, penalties or interest, the Commission may forfeit any portion of the security that is appropriate for those fees, penalties or interest.

(g) ~~(d)~~ After the association completes its first live race meet after posting security under this section, ~~begins racing,~~ the Commission shall return the ~~any~~ remaining security to the association.