

BEFORE THE
TEXAS RACING COMMISSION
AUSTIN, TEXAS

COMMISSION MEETING
APRIL 11, 2017

BE IT REMEMBERED that the above entitled matter came on for hearing on the 11th day of April, 2017, beginning at 10:30 A.M. at 2105 Kramer Lane, Austin, Travis County, Texas, and the following proceedings were reported by SHERRI SANTMAN FISHER, Certified Shorthand Reporter for the State of Texas.

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APPEARANCES

Commissioners: JOHN T. STEEN, III
 MARGARET MARTIN
 GLORIA HICKS
 GARY P. ABER
 ROBERT SCHMIDT
 VICTORIA NORTH
 STEVEN P. MACH

1 CHAIRMAN STEEN: All right. Good
2 morning. The time is 10:30. At this time I'd like to
3 call today's meeting of the Texas Racing Commission to
4 order.

5 Jean, can you please call the roll?

6 MS. COOK: Yes. Commissioner Aber?

7 COMMISSIONER ABER: Here.

8 MS. COOK: Commissioner Hicks?

9 COMMISSIONER HICKS: Present.

10 MS. COOK: Commissioner Mach?

11 MR. MACH: Present.

12 MS. COOK: Commissioner Martin?

13 Commissioner North?

14 MS. NORTH: Here.

15 MS. COOK: Commissioner Schmidt?

16 Commissioner Ederer? Commissioner Steen?

17 CHAIRMAN STEEN: Here.

18 Do we have a quorum?

19 MS. COOK: Yes, sir, we do.

20 CHAIRMAN STEEN: Thank you.

21 Okay. Before we get started on
22 everything else, I'd like to take a moment to formally
23 welcome Commissioner Mach to the Commission.
24 Commissioner Mach is chairman of DPS. I'd also like to
25 thank Commissioner Leon for her service.

1 Commissioner Mach, we all look forward to
2 working with you.

3 MR. MACH: I look forward to working with
4 you all as well. Commissioner Leon talked about --
5 (inaudible).

6 MS. COOK: Excuse me. Could we speak up
7 a little bit? The microphones are on.

8 CHAIRMAN STEEN: Okay. Item III, public
9 comment. Devon, has anyone signed up?

10 MS. BIJANSKY: No, sir.

11 CHAIRMAN STEEN: Moving on to Item IV,
12 the next item is Agenda Item IV-A-1, budget and finance
13 update.

14 Adrienne Courtney, would you give us the
15 update, please?

16 MS. COURTNEY: Good morning,
17 Commissioners. I'm Adrienne Courtney, chief financial
18 officer.

19 On pages five through 10 of your agenda
20 packet is the agency's fiscal year operating budget
21 with revenue collection and expenditures through the
22 end of February.

23 With 50 percent of the year completed,
24 the agency collected approximately 2.87 million dollars
25 or 62.6 percent of projected revenue and expended 3.6

1 million or 42.1 percent of our budgeted expenditures.
2 Of the 3.6 million, approximately 3.1 million are
3 appropriated expenditures and \$530,000 are
4 unappropriated expenses, such as the agency's share of
5 retirement costs, insurance costs, and FICA costs.

6 I do anticipate that there will be
7 approximately a 125,000- to 130,000-dollar deficit in
8 late July or August of this year.

9 I'd be happy to answer any questions that
10 you may have.

11 CHAIRMAN STEEN: Commissioners, any
12 questions?

13 Thank you, Adrienne.

14 MS. COURTNEY: You're welcome.

15 CHAIRMAN STEEN: The next item is Agenda
16 Item IV-A-2, report on wagering statistics.

17 Curley Trahan?

18 MR. TRAHAN: Thank you, Mr. Chairman.

19 Good morning, Commissioners.

20 On pages 11 through 13 of your meeting
21 materials is the comparison report on wagering
22 statistics for the period of January 1 through March 26
23 for calendar years 2016 and 2017.

24 For the reporting period, total wagering
25 activities at the horse racetracks showed a decrease

1 from 2016 of 7.68 percent. Likewise, total wagering
2 activities at the greyhound racetracks showed a
3 decrease of 8.81 percent from 2016 for the same
4 period. Overall, total wagering -- total wagers placed
5 in Texas decreased by 9.79 percent, while total wagers
6 placed on Texas races decreased by 5.35 percent.

7 I'd be happy to answer any questions.

8 CHAIRMAN STEEN: Commissioners, do you
9 have any questions?

10 MR. MACH: Is there a more historical
11 data that shows the long-term trends on these numbers?

12 MR. TRAHAN: We don't have anything
13 that's currently available. We do have each year's
14 data that we could get that information.

15 MR. TROUT: We'll get that to you, sir.

16 MR. MACH: Thank you.

17 CHAIRMAN STEEN: Any other questions?
18 Thank you, Curley.

19 MR. TRAHAN: Thank you.

20 CHAIRMAN STEEN: The next item is Agenda
21 Item IV-A-3, inspection and enforcement reports.

22 Jim Blodgett?

23 MR. BLODGETT: Mr. Chairman,
24 Commissioners, good morning.

25 Commissioners, your inspection report and

1 enforcement report are found on pages 14 and 15 in your
2 packets.

3 Commissioners, only minimal inspection
4 activity occurred since my last report to you in
5 February. This current report reflects follow-up
6 inspections that were performed at Sam Houston Race
7 Park to clear up two minor issues.

8 Commissioners, included within the
9 enforcement report are completed ruling activities for
10 the concluded Valley race meet, the concluded
11 Thoroughbred race meet at Sam Houston Race Park.
12 Noticeably within this report are the medication
13 violations for the greyhound meets, which included
14 theophylline, caffeine, methocarbamol, and the
15 medication violations for the Thoroughbred meet at Sam
16 Houston Race Park, which included
17 Flunixin/phenylbutazone, ketoprofen, and the use of an
18 unauthorized medication on race day. Also noticeable
19 within this report are the human violation -- drug
20 violations, which included methamphetamine and
21 marijuana.

22 And I'd be happy to answer any
23 questions.

24 CHAIRMAN STEEN: Commissioners, any
25 questions?

1 Thank you, Jim.

2 The next item is Agenda IV-B, designation
3 of an ad hoc committee on finance. As Adrienne
4 mentioned, the Commission is facing a shortfall of
5 approximately 125,000 in the current fiscal year
6 created by the loss of three racetrack licenses.
7 Together these licenses represent 690,000 in annual
8 fees that are no longer being paid. In addition, the
9 present schedule of license fees must be adjusted to
10 address the shortfall for subsequent fiscal years and
11 also to address any legislative changes that may take
12 place.

13 I'm going to designate Commissioners
14 Ederer, Mach, and the Comptroller's designee to serve
15 on the committee and designate Commissioner Ederer as
16 the Chair.

17 The next item is Agenda Item V,
18 designation by the Commission of an application period
19 for race dates under Commission Rule 303.41. Mark
20 Fenner will lay out the item.

21 MR. FENNER: Good morning,
22 Commissioners.

23 Every year the Commission designates an
24 application period during which the racetracks can
25 apply for race dates during the following whatever

1 period of time. It's typically the following calendar
2 year plus the eight months beginning the year after
3 that. This is a longer period of time to allow both
4 the tracks and for the agency to do some financial
5 planning and workload planning going forward.

6 During this time the tracks will be
7 negotiating with the horsemen's organizations and the
8 TGA, as necessary, to come together with some sort of
9 consensus as to what the race dates should be during
10 that period of time.

11 Normally we would ask that you
12 application -- open the application period for May and
13 June; but with the uncertainty regarding the finances
14 and the possibility of some sort of legislative change,
15 we're asking to push that back a little bit of time
16 this time so that it would be from June 1 through July
17 17. By June 1, we should have some good idea whether
18 or not there are any legislative changes; and if the
19 applications are in by July 17, there should be ample
20 time to prepare them for your consideration at the
21 August meeting hopefully.

22 I'll be happy to answer any questions
23 about that process if you'd like.

24 CHAIRMAN STEEN: Questions?

25 Are there any public comments?

1 MS. BIJANSKY: No, sir.

2 CHAIRMAN STEEN: Okay. Then I'll
3 entertain a motion to designate an application period
4 for race dates beginning on June 1, 2017, and ending
5 July 17, 2017.

6 COMMISSIONER HICKS: I'll make the
7 motion.

8 MR. MACH: Second.

9 CHAIRMAN STEEN: A motion made by Hicks.

10 MR. MACH: Second.

11 CHAIRMAN STEEN: Seconded by Commissioner
12 Mach.

13 Any discussion?

14 Okay. Let's take this up for a vote.

15 All in favor please signify by saying aye.

16 COMMISSIONERS: Aye.

17 CHAIRMAN STEEN: Any opposed?

18 The motion carries.

19 Okay. The next item is Agenda Item VI,
20 proceedings on occupational licenses. We have before
21 us a proposal for decision in the appeal of Roman Chapa
22 from Stewards' Ruling SHRP 4840.

23 Devon Bijansky will be representing the
24 staff. Do we have anyone here on behalf of Mr. Chapa?

25 MR. VICK: Yes, sir. Paul Vick on behalf

1 of Mr. Chapa.

2 CHAIRMAN STEEN: Thank you.

3 Devon, would you please begin?

4 MS. BIJANSKY: Before I do, Mr. Vick had
5 contacted me last week about wanting a continuance, so
6 I think I'd like to let him explain his request and
7 then we'll go from there.

8 CHAIRMAN STEEN: Okay.

9 MR. VICK: Thank you, Devon.

10 Thank you, Mr. Chairman.

11 Good morning, Commissioners.

12 I represent Roman Chapa, who is a jockey
13 that's been racing in the State of Texas for quite some
14 time and we're looking at a proposal for decision that
15 would fine Mr. Chapa \$100,000 and suspend him from
16 racing for a five-year period.

17 What I have been attempting to do in an
18 effort to give the Commission some historical data is
19 I've gone to the TRC website and I've looked at the --
20 I think there's 3,347, or somewhere in that range,
21 rulings from the various race parks in the State of
22 Texas, from Retama, Lone Star, and Sam Houston. And
23 I've been trying to determine what other -- number one,
24 what other rulings would apply in terms of this
25 electronic device, but, second, looking at the rulings

1 in terms of the fines that have been levied and the
2 suspensions that have been levied against the various
3 jockeys or various track officials or track members.

4 And out of the 300 -- or 3,300-some-odd
5 rulings, I was able to come up with 18 that involved a
6 fine of over \$5,000. I was not able, however, to go
7 back and look at the ones that would be under 5,000
8 that would involve either contraband or, for instance,
9 bribery and the Class 1 drug violations because of the
10 enormity of the data.

11 So what I'd like to be able to do and
12 what I move the Commissioners for this morning is to
13 continue Mr. Chapa's proposal for decision to the next
14 meeting in June to allow us an opportunity to put
15 together some data that I think -- historical data that
16 I think would be helpful to the Commission in making
17 that decision.

18 And so that's the basis for our request
19 this morning.

20 CHAIRMAN STEEN: Thank you.

21 MS. BIJANSKY: Mr. Chairman,
22 Commissioners, if I could just take a moment to
23 respond.

24 I appreciate that Mr. Vick is trying to
25 be thorough for his client, but that should have

1 already happened. This proposal for decision came out
2 on February 7th. There were some timelines when they
3 could have potentially appealed directly to the State
4 Office of Administrative Hearings. They didn't do
5 that. So they've known since February 7th that we were
6 on track to be here today.

7 There's -- the Commission's meeting
8 schedule is no secret. It's been pretty obvious that
9 we would be about mid April since that PFD came out.
10 So he's had a little over two months to prepare for
11 this and so I don't see a reason that further delay
12 would be necessary or really even helpful, especially
13 given the particular circumstances of this case, which
14 I think are pretty unprecedented, both the conduct
15 itself and the prior history.

16 So all of those things considered, I
17 don't see any value in continuing the case and I would
18 strenuously oppose the motion.

19 CHAIRMAN STEEN: Mark, do you have any
20 advice?

21 MR. FENNER: This is within the
22 discretion of the Commissioners to decide. You've
23 heard the request for a continuance. It's ripe for --
24 it's ready. You can consider it today. It's up to you
25 whether or not you want to grant the continuance. And

1 so I'd encourage you to just discuss it and decide.

2 CHAIRMAN STEEN: If we heard the
3 arguments from both sides today, I guess we would still
4 have the option to grant the continuance at the end of
5 that or not?

6 MR. FENNER: Yes, you could -- I would
7 consider that more of a tabling at that point.

8 CHAIRMAN STEEN: Sure.

9 MR. FENNER: But, yes, you could delay
10 the decision and hear the arguments today.

11 CHAIRMAN STEEN: Anyone else have any
12 suggestion?

13 MS. NORTH: I have a question.

14 CHAIRMAN STEEN: Sure.

15 MS. NORTH: Is he already suspended?

16 MR. FENNER: Yes.

17 MS. NORTH: And does the five years run
18 from the final order of the Commission or does it run
19 from when he was originally suspended?

20 MR. FENNER: It's running from the time
21 of the original suspension, so we're about two years
22 into it.

23 MS. NORTH: So it wouldn't prolong the
24 suspension to continue it?

25 MR. FENNER: No.

1 MR. MACH: Is there a precedent for this
2 kind of continuance?

3 MR. FENNER: I don't recall one like
4 this. I've been here 11 years now. We don't have a
5 whole lot of occupational licensing contested cases
6 come to the Commission. I don't recall one like this.

7 MS. NORTH: I have another question.
8 What's the impact on his ability to do races in other
9 states while his case is pending and not final here?

10 MR. FENNER: He is suspended here and so
11 he is suspended everywhere. He can't participate in
12 pari-mutuel racing.

13 CHAIRMAN STEEN: Any other questions or
14 comments?

15 So then, Mark, how much time has
16 Mr. Chapa had to prepare for -- I mean, I guess
17 whatever -- whatever would be -- whatever data that
18 they're looking for over the next month or two months,
19 I mean, would that -- that would be included in
20 whatever the -- the SOAH decision has already been made
21 and that data wouldn't be included? I mean, why is
22 that -- is that relevant -- we're bringing this to the
23 Commission now and it wasn't considered in the
24 previous --

25 MR. FENNER: Right. It doesn't go -- I

1 think that what Mr. Vick is trying to find, it doesn't
2 go to the findings of fact about whether or not
3 Mr. Chapa carried a device. He's trying to make an
4 argument about how the penalty should be applied to
5 those findings of fact and trying to strengthen his
6 argument that something less than what the stewards and
7 the executive director applied should be applied --
8 should be found by the Commission.

9 So that's something that's within his --
10 within your discretion to consider.

11 CHAIRMAN STEEN: So the findings of fact
12 are not under debate. It's the penalty to be applied?

13 MR. FENNER: That's not an issue he's
14 raised. Yeah, he's not raised a finding of fact as to
15 whether he carried a device. Mr. Vick can correct me
16 if I'm wrong here.

17 MR. VICK: No, sir. That's exactly
18 right. We're just looking at the -- our argument would
19 only consist of the Commission penalties that would be
20 assessed based upon those findings from the SOAH
21 judge.

22 COMMISSIONER ABER: Could you go through
23 the process? You all had the stewards and then you had
24 it -- originally it was a 25,000-dollar fine?

25 MR. TROUT: Yes, sir.

1 COMMISSIONER ABER: And then you had the
2 discretion to raise it to \$100,000.

3 MR. TROUT: Yes, sir.

4 COMMISSIONER ABER: Could you explain
5 that just a bit, why?

6 MR. TROUT: Why I increased the -- is
7 that appropriate to do that at this point?

8 MR. FENNER: Yes, you can explain that.

9 CHAIRMAN STEEN: I think it would be
10 helpful -- I mean, just to add on, I think it would be
11 helpful to explain the basis for the original fine. Or
12 is that -- are we now getting into the actual
13 presentation if we do that?

14 MR. FENNER: Devon, why don't you lay out
15 a brief history of the case for them.

16 MS. BIJANSKY: Sure.

17 The race at issue in this case took place
18 on January 17th, 2015. Because of the seriousness of
19 the violation, of the offense, Mr. Chapa was summarily
20 suspended in the next couple of days and then there was
21 a hearing on the summary suspension, I believe, on
22 February 9th of 2015. The full evidentiary hearing
23 took place shortly thereafter. I believe it was
24 February 27th.

25 And the stewards made the decision to --

1 they found him guilty of four violations, made the
2 decision to suspend his license for five years, and
3 fined him the maximum that they were able to under
4 their authority, which was \$25,000. Mr. Trout, under
5 his authority as executive director, increased that to
6 \$100,000. Both of those decisions were kind of
7 collectively appealed.

8 That was all 2015. We're here in 2017.
9 Obviously something happened in there. What that was
10 was that the Harris County District Attorney, who's
11 also looking into Mr. Chapa's conduct, had asked us to
12 hold off so that our case didn't potentially jeopardize
13 their prosecution.

14 So we agreed to do that. We waited quite
15 awhile. It appeared that their case was going to trial
16 last October, so we went ahead and set our case at
17 SOAH. The October setting was continued and has since
18 been continued, I think, twice more. But the wheels
19 were in motion, so we were on track to go to SOAH. And
20 the criminal case, I believe, is currently set for next
21 month.

22 We had originally set a hearing at SOAH
23 in December. The administrative law judge found that
24 there were really no facts in question in this case.
25 Because of the underlying stewards' hearing, there was

1 already a record for her to look at and so she
2 determined that we didn't need a hearing, so she
3 decided the case based solely on written submissions.

4 And she -- as you know, she upheld three
5 of the violations, not the fourth, and said it's up to
6 the Commissioner -- to the Commission to decide what to
7 do with the penalty. She did specifically say, though,
8 that nothing in the record established that a
9 100,000-dollar fine and five-year suspension was
10 clearly in error.

11 Does that answer your question?

12 CHAIRMAN STEEN: The original stewards'
13 ruling of five years and \$25,000, what was the basis of
14 that -- of that?

15 MS. BIJANSKY: There were, as I said,
16 four violations. One -- a statute and two rules went
17 to possession of the electrical shocking device, and
18 the fourth -- the third rule went to inhumane treatment
19 of animals. And that's the one that the ALJ said was
20 not supported by the evidence.

21 CHAIRMAN STEEN: But when the stewards --
22 this was pre that. The stewards issued a ruling, the
23 five years and 25,000. And was there -- is that a
24 prescriptive formula based on they found this and this
25 and this and that's why they made that original

1 ruling?

2 MS. BIJANSKY: I believe the --

3 CHAIRMAN STEEN: Or is that just in their
4 discretion?

5 MS. BIJANSKY: They have discretion, but
6 I believe the penalty guidelines do recommend five
7 years and \$25,000 maximum penalty for possession of a
8 shocking device.

9 CHAIRMAN STEEN: Okay.

10 MR. MACH: Are the criminal charges in
11 Harris County related to this case?

12 MS. BIJANSKY: Yes. The exact same
13 facts, the exact same incident.

14 CHAIRMAN STEEN: And what -- can we ask
15 what the criminal case is exactly? Or is that --

16 MS. BIJANSKY: Since that's not within
17 the record of this case, I'm not sure that we can get
18 into that too much; but it's essentially the criminal
19 component to exactly the same conduct.

20 MR. MACH: If we were to take final
21 action today, could our act be admitted as some sort of
22 evidence in the criminal case?

23 MS. BIJANSKY: I imagine it probably
24 could be.

25 MR. FENNER: I wouldn't think that a

1 finding by a -- by this body is evidence in and of
2 itself. I mean, you'd still have to prove by a
3 preponderance of -- I mean, beyond a reasonable doubt
4 that he engaged in that behavior. So they may try to
5 enter it into evidence, but I don't see how it would be
6 dispositive at that point.

7 CHAIRMAN STEEN: I mean, it seems to me
8 that the -- that the initial stewards' ruling of the
9 five years and 25,000 is prescriptive in the guidelines
10 for possession of the device, so what we're really
11 talking about here is whether the increase in the fine
12 amount is justified or not.

13 MR. FENNER: Okay.

14 CHAIRMAN STEEN: In my opinion, that's
15 what we're talking about.

16 And so, Commissioners, what do you --
17 what's your opinion on whether -- and it sounds like
18 what Mr. Vick would like to do is just gather evidence
19 around whether that dollar amount is -- has some
20 precedent or not. What's the Commission's --

21 MR. FENNER: Mr. Chairman, could I add?
22 The executive director made the decision to enhance the
23 penalty and I think he could probably explain to you
24 why he enhanced the penalty.

25 CHAIRMAN STEEN: Okay. Chuck?

1 MR. TROUT: The penalty that was handed
2 down by the stewards was based on a single case of
3 possession of a shocking device. When I got the case
4 for review, I looked at the history of Mr. Chapa and
5 this, in fact, was the third time.

6 So if you'd turn to page 25 of 79 in your
7 packet and Item No. 1 about four lines down, you'll see
8 that the first -- there are three reasons that I
9 increased this penalty. The first one is that this was
10 Mr. Chapa's third violation. Back in 1994 he was
11 caught using a nail on a horse at Gillespie County
12 Fair. In 2007 he was caught in New Mexico using a
13 shocking device. In that instance, he was fined \$1500
14 and was given a suspension by the stewards. Then it
15 was referred to the New Mexico Racing Commission and
16 the Commissioners there revoked his license for a
17 minimum of five years.

18 Prior to the end of that five years, at
19 about the four-year mark, he went back to the
20 Commissioners and pled his case, saying that he was --
21 he had turned over a new leaf, that he was a new man,
22 he was going to, you know, obey the rules. Part of the
23 agreement with him at that time was that he was even
24 supposed to go around to each of the race meets in New
25 Mexico even if he wasn't going to be riding there and

1 to give a presentation which had to be approved by the
2 Commissioners to the jockey colony.

3 Now, for whatever reason, he also did
4 that here when he came to Texas. I observed him giving
5 this presentation at Retama Park where he talked about
6 the evils of using a shocking device and what a bad
7 thing it was for both him personally and how it was bad
8 for the sport. And then he went and used this device
9 at -- or he carried this device at Sam Houston Race
10 Park.

11 In New Mexico, he went before them, just
12 as they are coming before you now, asking for a
13 reduction in the penalty. New Mexico actually, when
14 they granted -- when they took away the revocation,
15 they did so a year early, so he only actually served
16 four of the five years in New Mexico.

17 Now, if you look at Items 2 and 3, we
18 talked about how he compromised the integrity of racing
19 and pari-mutuel wagering and he damaged the reputation
20 of racing and he damaged the reputation of Sam Houston
21 Race Park.

22 When someone cheats like this and we
23 catch them, we can make the participants somewhat
24 whole. Our stewards disqualified the horse,
25 redistributed the purse. So the competitors in that

1 race got the money that they would have gotten had they
2 finished in the order that we ended up putting them in
3 so that the owners, the trainers, and the jockeys on
4 those other horses in that race were made whole.

5 The people that we cannot make whole is
6 the betting public. Those people who wagered on that
7 race and wagered on the horses that eventually ended up
8 in first, second, and third place lost money because we
9 can't go back and reorder the way that money is
10 distributed.

11 There was approximately -- a little over
12 \$22,000 bet on that race on-track and we estimate that
13 the total amount of money bet on that race was over
14 \$200,000. So there's a lot of people out there who
15 have been cheated out of a lot of money. These are the
16 customers of Sam Houston Race Park.

17 Now, if you're a customer of a company or
18 of some business and you get cheated like that, what do
19 you think your opinion of that company is or that
20 business is and of the racing industry?

21 So I believe that we have to send a
22 message to those people who are going to cheat like
23 this and that we have to take decisive action. And
24 this is the reason I did this.

25 A first-time offense is a 25,000-dollar

1 fine. A second offense, in my mind, would be a
2 50,000-dollar. And then I would double it again and
3 make it \$100,000 for the third offense. So that's why
4 I did what I did.

5 CHAIRMAN STEEN: Chuck, where does
6 that -- where does that fine go? Where does that --
7 who is that fine paid to?

8 MR. TROUT: It comes to the Commission.

9 CHAIRMAN STEEN: Let the record show that
10 Commissioner Schmidt has joined us. Welcome.

11 COMMISSIONER SCHMIDT: I apologize for my
12 tardiness. I flew through Abilene airspace to get
13 here.

14 COMMISSIONER ABER: I'd like to say
15 something. I would like to support Chuck in this. And
16 he stood up to the plate here and increased that and
17 it's going to help us if we do that.

18 Do you ever get your money on these
19 deals? Probably not, huh? If you fine them a hundred
20 thousand?

21 MR. TROUT: No, sir, I don't expect it.

22 COMMISSIONER ABER: It's a good message
23 and I think we should stick with it.

24 COMMISSIONER SCHMIDT: I feel fortunate
25 that I made it in time to also commend Chuck for the

1 initiative. I think we need to send a strong message.
2 I think the purses in our state are continuing to
3 decrease. Unfortunately, that means the risks of
4 running horses which perhaps are a little infirm
5 increases. So we need more regulation. I think it
6 sends a strong message and I really commend you and
7 your staff for taking the initiative to increase that
8 fine.

9 MR. TROUT: Thank you, sir.

10 CHAIRMAN STEEN: Well, it sounds to me,
11 unless there's any more discussion, that we should just
12 proceed as we were and not grant the continuance.
13 Would we need a motion to do that or do we just --

14 MS. NORTH: Mr. Chairman, I have one more
15 question.

16 CHAIRMAN STEEN: Sure.

17 MS. NORTH: Has anyone researched whether
18 there's a double jeopardy issue if this case is final
19 before the criminal case?

20 MR. FENNER: The statute -- the Racing
21 Act is very specific that a proceeding in an
22 administrative case has no effect on the criminal
23 case. So there's not a double jeopardy act. It's
24 explicit in the Racing Act. Not a double jeopardy
25 issue.

1 MS. NORTH: Is he charged with a crime
2 under the Racing Act or under the criminal case?

3 MR. FENNER: I believe it's under the
4 Racing Act because it's very specific to carrying a
5 device, Article 14 of the act.

6 MS. NORTH: I suppose if there were a
7 double jeopardy concern, counsel wouldn't be asking for
8 a continuance.

9 MR. VICK: I'm sorry?

10 MS. NORTH: Do you intend -- do you
11 intend to appeal based on double jeopardy or are you
12 not concerned with that?

13 MR. VICK: Paul Vick for Mr. Chapa.

14 I am not involved in the criminal side of
15 things. And if the question is does double jeopardy
16 apply from the standpoint of the fine or from the civil
17 side of things, I don't think that it does, frankly.
18 And I'm not sure what Mr. Chapa's -- it's a gentleman
19 by the name of Don Ervin in Houston. I'm not sure what
20 his plans, frankly, are in that regard.

21 May I say just two things real quickly?

22 CHAIRMAN STEEN: Yes.

23 MR. VICK: Just with respect -- since we
24 had an opportunity to speak -- and, Mr. Trout, thank
25 you for your clarification and comments.

1 One thing that I find especially
2 troubling, I think, about this case is that the
3 original fine was based on four violations. The crux
4 of those violations basically was four different
5 statutes, four different sections of the Texas Racing
6 Act. And that was based upon, number one, Mr. Chapa
7 possessing an electronic shocking device, but, number
8 two, him using a device to influence the race.

9 What the SOAH judge found very clearly in
10 her ruling was that there was no evidence that
11 Mr. Chapa used that device. This was simply a
12 possession of a device is what she found based upon the
13 pictures. The only other cases I found involved a
14 device that was found on the possession of these
15 jockeys. This device was never found. There was never
16 any proof or evidence that Mr. Chapa had that other
17 than the pictures.

18 And I think it's important to clarify
19 that in terms of what the SOAH ruling is. I think
20 that's a big distinction. There's no evidence -- and
21 the SOAH judge actually reversed that ruling based upon
22 the fact that there's no evidence that an electronic
23 shocking device was used.

24 The second thing that I think is
25 critically important is Mr. Trout talked about the fact

1 that the public and the betting community out there
2 is -- has got a vested interest in this outcome. No
3 doubt about it. They actually have a vested interest
4 in all of the outcomes because what I found was, in the
5 research I was able to do of the 18 -- out of
6 3,000-plus rulings, the 18 that had a fine of over
7 \$5,000, we had -- let me get to my notes real quickly.
8 And this won't take but a second.

9 We had four cases involving bribery where
10 the purse was redistributed. That affected the betting
11 public. The major -- the largest fine in that -- under
12 those four instances was a 5,000-dollar fine and a
13 270-day suspension. We had nine cases of Class 1 or 2
14 drug violations in horses where the horse placed either
15 first or second. The maximum fine under those -- and
16 this was because it was for a second violation -- was
17 \$25,000 and a three-year suspension. The purse was
18 redistributed. Clearly that affected the betting
19 public as well.

20 So this is an important case. I get it.
21 But the reason it's important is because we're looking
22 at an astronomical fine and a five-year suspension
23 where we have no proof that the outcome of this race
24 was affected. In these other cases, we can certainly
25 surmise that the outcome was affected by the use of

1 Class 1 or 2 drugs or by bribery. Yet we have much
2 less circumstances, much less fines, in those cases.

3 The other thing that I think becomes
4 critically important about this issue is: What happens
5 to the purse? There's no evidence, according to the
6 SOAH judge, that Mr. Chapa used the buzzer or that the
7 outcome of the race was affected. I don't think the
8 purse has been distributed yet as I understand it. And
9 I'm not sure about that. Guys, you can probably help
10 us with that.

11 So this does merit some historical data,
12 I firmly believe, because this is -- the gravity of
13 this situation. I understand the gravity in terms of
14 Mr. Chapa and the alleged actions, but the gravity is
15 also the fine and how it compares to the other things
16 where races were affected. And that's what I'd like to
17 be able to present to the Commission through a
18 continuance, give you historical data to help you make
19 a decision.

20 CHAIRMAN STEEN: So, Mr. Vick, you've
21 been aware of this for two years, right?

22 MR. VICK: I haven't -- I'm sorry. I
23 didn't mean to cut you off, sir.

24 CHAIRMAN STEEN: No, no. And so I'm just
25 asking, why now are you asking for a continuance?

1 MR. VICK: Here's the explanation for
2 that. We've been aware of it for two years. There was
3 quite a delay -- what the rules say is basically once
4 the stewards issue their ruling, then we can appeal
5 that; and once we appeal that, then it's -- it will go
6 to a SOAH hearing, to the State Office of
7 Administrative Hearings, and it will be referred to
8 them within a reasonable amount of time.

9 This wasn't referred, although we
10 requested it, for almost a year after we requested it
11 because of the pendency of a criminal action because I
12 guess the District Attorneys had requested that this
13 thing kind of be put on the back burner while they did
14 their thing on the criminal side, which, of course, we
15 now know is still pending.

16 What eventually happened is we ended up
17 having to file a lawsuit in the State District Court in
18 Austin and we had allegations that his due process
19 rights were being violated because we could not get
20 this case referred to SOAH. So we've had a lot of
21 activities going on here outside of just the basic
22 premise of defending this case.

23 Now, we did get notice of this hearing of
24 April 11th, I want to say, probably 45 days ago. And
25 I'm not real sure of the date, frankly. And, you know,

1 perhaps I could have gotten that 3,347 different
2 instances looked at during that time; but
3 unfortunately, I was not able to do that.

4 So -- and I apologize for my lack of
5 familiarity with the process. I did not realize,
6 number one, that we have the meetings every two
7 months. I didn't realize this was going to be put on
8 the April 11th meeting until we got notice of it.
9 That's the reason I'd like to get the continuance. But
10 I think it's the gravity of the situation, both from
11 the TRC side but also from Mr. Chapa's side.

12 MR. MACH: Mr. Chairman, I would like to
13 move that we deny the continuance.

14 COMMISSIONER HICKS: I'll second.

15 CHAIRMAN STEEN: So a motion to deny the
16 continuance made by Mach, seconded by Hicks. Should
17 we --

18 MR. FENNER: Any discussion?

19 CHAIRMAN STEEN: Any discussion on that?
20 Do we need to do a roll call or not?

21 MR. FENNER: You can just do a -- ask for
22 those who support the motion to deny the continuance to
23 say aye.

24 CHAIRMAN STEEN: Okay. All those in
25 favor of supporting the motion to deny the continuance

1 signify by saying aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN STEEN: Any opposed?

4 The motion carries.

5 So we'll proceed.

6 MR. VICK: Thank you.

7 MR. FENNER: Okay. So I think what's
8 going to happen now is Devon is going to go ahead and
9 kind of -- especially since Commissioner Schmidt and
10 Commissioner Martin have come in a little late, kind of
11 a refresher and give you her normal presentation on
12 this PFD.

13 MS. BIJANSKY: All right. I've handed
14 out a photograph and it's two-sided, a close-up on the
15 other side, because in many ways this case hinges on a
16 photograph.

17 In the stewards' hearing, Mr. Chapa
18 argued that he couldn't possibly be found guilty of
19 possession of a device based solely on a photograph;
20 but while it was central to the case, it's certainly
21 not the only evidence of wrongdoing.

22 In the hearing, the stewards also heard
23 about how Mr. Chapa had called and texted the track
24 photographer in the wee hours of the morning following
25 the race, pleading with him to get the photo taken off

1 of the track's website. And then they heard his
2 statement to investigators the following day when he
3 insisted that he hadn't heard about the photo, he knew
4 nothing about it, and he certainly had not been in
5 contact with the photographer.

6 The stewards heard Chapa tell
7 investigators that the photo must have been
8 photoshopped, probably by his ex-wife. And they heard
9 the testimony of a forensic photographer with the
10 Department of Public Safety who testified that the
11 photo had not been photoshopped, which given that it
12 went straight from the camera to the computer, it was
13 cropped, and then immediately sent to the track PR
14 folks, there wouldn't have been time for it anyway.

15 The stewards also saw not just this one
16 photo but a series of photos that all showed what
17 anyone knowledgeable with these devices knew could only
18 have been an electrical shocking device. And they
19 heard about how this wasn't his first experience, as
20 we've heard earlier today, with an electric -- with an
21 illegal device in a race.

22 So after conducting a full evidentiary
23 hearing, the stewards found Mr. Chapa guilty of
24 violating three rules and a statute. Three -- three of
25 those related to possession of the device and the third

1 related to inhumane treatment of an animal. As you
2 know, the stewards imposed the maximum penalty that
3 they could, \$25,000 and a five-year suspension and loss
4 of purse, and then Mr. Trout reviewed the case and
5 enhanced the fine to the statutory maximum of
6 \$100,000.

7 At that point the Harris County District
8 Attorney asked us to put the case on hold, which we
9 did, and then it finally went to SOAH last fall.

10 As I mentioned, SOAH agreed with the
11 stewards on three of the violations and not on the
12 fourth, but the PFD says -- and this is important --
13 nothing in the record suggests that the suspension for
14 five years or the penalty of \$100,000 is clearly
15 erroneous given petitioner's violations of the Texas
16 Racing Act and Commission rules.

17 You have in your materials, beginning on
18 page 49, Mr. Chapa's proposed order, which is different
19 from the one that I had prepared. As Mr. Vick has
20 said, it reduces the suspension to two years, which
21 he's already served, and reduces the fine to \$25,000.
22 He's discussed his reasoning and I'm sure he'll explain
23 further in a moment, but I would urge you not to be
24 persuaded by his arguments.

25 Regardless of whether he actually used

1 the device and regardless of whether its use would have
2 risen to the level of animal cruelty, he had it with
3 him for one reason and one reason only. Even if he
4 didn't use it, the mere possession of a device, not
5 just at the track but actually during a race, shows
6 such little respect for the sport of horse racing that
7 a five-year suspension and a fine of \$100,000 is
8 entirely appropriate.

9 I would also note that our maximum
10 penalties increased in 2013; so looking at previous
11 cases, you're not going to find any that were -- that
12 had that kind of penalty because it simply wasn't
13 legal. So, you know, take what he says with a grain of
14 salt; that if it was before 2013, \$100,000 was not even
15 a possibility.

16 So this matter is before you today for
17 final action and there's a draft order in your
18 materials, beginning on page 46, which adopts the
19 proposal for decision, reverses the finding of a
20 violation regarding inhumane treatment, and upholds the
21 five-year suspension, 100,000-dollar fine, and loss of
22 purse. And I would ask you to adopt that PDF in full
23 as indicated in that second draft -- or I'm sorry, the
24 first draft ruling in your materials.

25 And I'm happy to answer any questions you

1 may have.

2 CHAIRMAN STEEN: Questions?

3 Thank you, Devon.

4 Mr. Vick?

5 MR. VICK: Paul Vick again for
6 Mr. Chapa.

7 Thank you, Mr. Commissioner -- or
8 Mr. Chairman.

9 I've already made a lot of the argument
10 in my -- with respect to the continuance, so I don't
11 want to belabor you folks with that again. But what I
12 would like to do is read from the State Office of
13 Administrative Hearings ruling what the judge actually
14 did say about this situation. And remember, the
15 stewards' ruling out of Sam Houston Race Park was,
16 number one, that he possessed a device, but, number
17 two, that he used a device to influence the race.

18 What the judge -- or what the
19 administrative law judge says is that "That rule states
20 that 'a person on association grounds or a licensee may
21 not subject a race animal to cruel or inhumane
22 treatment or, through act or neglect, subject a race
23 animal to unnecessary suffering'."

24 She further writes "Although the evidence
25 establishes that Petitioner carried an electronic

1 shocking device while riding Quiet Acceleration, no
2 evidence suggests that Petitioner actually used the
3 device. Another jockey who had won a race while riding
4 Quiet Acceleration testified before the Stewards that
5 the horse behaved normally during Petitioner's race.
6 The horse's owner told the Commission investigator
7 that, after the race, there were no marks on the
8 horse's neck to indicate that the device was used.
9 Additionally, the horse did not bolt or exhibit any
10 other unusual behavior that would indicate that
11 Petitioner used the device during the race."

12 And then the SOAH judge further went on
13 to state that although she does not -- that the
14 100,000-dollar fine and the five-year suspension is
15 within the authority of the executive director and the
16 Commission, but she also stated that although she
17 didn't have the authority to review it that the fact
18 that the device was not used should be basically an
19 argument potentially for mitigation of those fines that
20 were levied because now we're half of the culpability
21 basically after the SOAH ruling that we were when the
22 stewards made their ruling and when Mr. Trout upped
23 that ante to \$100,000.

24 If I could go back just real quickly to
25 the statistics, if I could get a little more specific

1 on that, just what I was able to find because, again,
2 there were 18 instances since 2008 where I saw a fine
3 of \$5,000 or more and that's what I kind of
4 concentrated my efforts on due to the volume.

5 We had bribery, one instance, a fine of
6 \$5,000, a 180-day suspension. Actually there were
7 two -- three instances of bribery with a 180-day
8 suspension and a 5,000-dollar fine and then we had one
9 instance where it was a 5,000-dollar fine and a 270-day
10 suspension.

11 We had a Class 1 drug violation, a
12 one-year suspension and a 5,000-dollar fine; Class 1-A
13 drug violation, 10,000-dollar fine, one-year
14 suspension; Class 2-A drug violation, 10,000-dollar
15 fine and a one-year suspension; Class 1-A drug
16 violation, 5,000-dollar fine, one-year suspension.

17 And then we had an instance where there
18 were two electronic shocking devices found on a jockey,
19 where they actually found the devices, unlike in this
20 case where the device was never found, where there was
21 a 5,000-dollar fine and a one-year suspension.

22 Then we had another instance of one
23 electronic shocking device where there was a
24 5,000-dollar fine and a five-year suspension. However,
25 four years of that suspension were probated, so it was

1 basically a one-year suspension.

2 Two races where a Class 2-A drug
3 violation was found where there was a 15,000-dollar
4 fine and a three-year suspension where the horse placed
5 first in both races; 1-A class drug -- Class A -- 1-A
6 drug violation, 5,000-dollar fine, 180-day suspension.

7 We had an instance where we had, I guess,
8 a trainer practicing veterinary medicine without a
9 license. He had different syringes, different things,
10 and tools that a veterinary medicine doctor would
11 possess. And he was fined \$5,000 and got a one-year
12 suspension.

13 Another Class 1 drug violation,
14 10,000-dollar fine, one-year suspension, and again that
15 horse placed first in the race; Mr. Chapa,
16 100,000-dollar fine, five-year suspension; another
17 Class 2-A drug violation where the horse again placed
18 first, 5,000-dollar fine, one-year suspension; a Class
19 3-A drug violation, and this was a second violation,
20 the horse placed first, a 5,250-dollar fine and a
21 187-day suspension.

22 And finally, we had a Class 1 drug
23 violation where there was a -- actually, this is the
24 second violation. I apologize. This one would be the
25 second violation. The other was a first violation.

1 Second violation, Class 1-A drug violation, the horse
2 placed first and there was a 25,000-dollar fine and a
3 three-year suspension.

4 I think these are instructive. Although
5 they don't all deal with the electronic shocking device
6 or contraband, they do deal with races being
7 influenced. There was no evidence in this case,
8 according to the State administrative law judge and at
9 the stewards' hearing, that there was a device that was
10 used or that there was any influence.

11 Further evidence went that Mr. Chapa was
12 suffering from dehydration because he had run several
13 races that day. He had to be helped by EMS back to the
14 trainer room. Other jockeys helped him take his boots
15 off. The EMS personnel were there. They helped him
16 disrobe in terms of the racing gear. Nothing found.
17 There was a lot of opportunities.

18 The -- and forgive me if I'm using the
19 wrong terms, but I think there's a guy that takes the
20 horse out and Mr. Chapa. There's another guy that
21 immediately after the race -- the scales -- I'm
22 butchering that, so forgive me for that. But there are
23 a lot of folks at the track that had an opportunity to
24 view Mr. Chapa, number one, and, number two, they would
25 have seen any device that was there.

1 And I'm not quarreling today with the
2 finding by the SOAH judge that a device was present.
3 Okay? I'm not quarreling with that. But there was a
4 lot of evidence to show otherwise, number one, but,
5 number two, no evidence to show that this thing was
6 ever used.

7 And so I would urge the Commission to
8 look at the other fines, look at the other instances
9 where races were influenced and the fines were
10 drastically less, the penalties were drastically less,
11 than in this particular case. And I would urge you to
12 go with the recommended proposal for decision that we
13 submitted, which would be a two-year -- a two-year
14 suspension and a 25,000-dollar fine.

15 Thank you. Any questions for me?

16 CHAIRMAN STEEN: Any questions for
17 Mr. Vick?

18 Thank you.

19 MR. VICK: Thank you.

20 MS. BIJANSKY: If I might just take a
21 moment to respond.

22 What I heard Mr. Vick saying was if the
23 device wasn't actually used or if there isn't evidence
24 the device was actually used, it's not that bad. I
25 think it is that bad. I think it's -- having a

1 shocking device is one of the worst things that a
2 person can do in the racing world.

3 Mr. Trout explained earlier that he
4 didn't enhance the penalty because of the use versus
5 possession issue. He enhanced it because it was the
6 third violation. I don't believe I recall or I heard
7 Mr. Vick say that any of the instances that he recited
8 of the 18 cases he found were third violations and
9 certainly not third violations of possession of a
10 shocking device.

11 Most of those -- I'd have to look at the
12 dates. He didn't say -- but I imagine were from the
13 time before \$100,000 was an option. So you'd have to
14 really look at what the maximum penalty was at the time
15 of that ruling compared to what the actual ruling
16 said.

17 So I don't think that this is at all
18 inconsistent with any prior cases that we've had. The
19 Legislature has given us authority to impose stricter
20 penalties and we have tried to do that in the interest
21 of racing and safety and fairness and integrity. And I
22 would urge you to act consistently with that.

23 Thank you.

24 CHAIRMAN STEEN: Thank you, Devon.

25 Chuck, may I ask you a question now

1 that -- the use versus possession. Because SOAH found
2 there was no -- there was no evidence of use, do you --
3 does anything in your opinion change on the fine that
4 you proposed?

5 MR. TROUT: No, sir.

6 CHAIRMAN STEEN: Any discussion,
7 Commissioners?

8 MS. NORTH: Mr. Chairman, I just want to
9 say that it doesn't matter that he didn't use the
10 device. I believe no jockey should ever possess such a
11 device and I believe the five-year penalty and the
12 100,000-dollar fine is still warranted.

13 COMMISSIONER SCHMIDT: From a different
14 perspective, the analogy might be if you have a loaded
15 gun at the capitol. It might not be used, but still in
16 and of itself -- (inaudible).

17 MR. FENNER: Could you repeat that?

18 COMMISSIONER SCHMIDT: I would just say
19 the way I think about this case is I think the case is
20 well argued by both sides. If you have a loaded gun in
21 the capitol, it may not be used, but it's still a
22 significant problem.

23 MR. MACH: Better to that point, why do
24 you have it in the first place?

25 COMMISSIONER HICKS: True. And this is a

1 third violation, so it's --

2 CHAIRMAN STEEN: So is there a motion
3 then?

4 MS. NORTH: So move.

5 CHAIRMAN STEEN: The motion would be to
6 adopt the proposal for decision in full and affirm the
7 penalties assessed by the stewards with the enhancement
8 of the executive director? Is that correct,
9 Commissioner?

10 MS. NORTH: Yes, Mr. Chairman.

11 CHAIRMAN STEEN: Do we have a second?

12 COMMISSIONER HICKS: I second.

13 CHAIRMAN STEEN: Seconded by Hicks.

14 Okay. Let's take this up for a vote.

15 Do we need to do a roll call or we can
16 just do verbal, Mark?

17 MR. FENNER: You can do verbal.

18 CHAIRMAN STEEN: Okay. All in favor
19 signify by saying aye.

20 COMMISSIONERS: Aye.

21 CHAIRMAN STEEN: Any opposed?

22 The motion carries.

23 Okay. Moving to Agenda Item VII-A-1 and
24 2, rule proposals, I'd like to recognize Mark Fenner.

25 Mark, can you lay out these proposals,

1 please?

2 MR. FENNER: Yes, sir, Mr. Chairman.

3 Commissioners, you have two proposals.

4 The first is a proposal to amend 311.5 which would
5 create new -- two new combination type licenses. The
6 first would be the groom/exercise rider and the second
7 would be the groom/pony person. These are created in
8 order to address the problem of people becoming
9 licensed as exercise riders or pony persons and then
10 operating or acting as grooms for trainers without
11 getting the necessary license.

12 Under our rules, as a general
13 requirement, you can only do the type of work for which
14 you are licensed and this creates some problems.
15 Grooms have a type of exposure to horses that there
16 should be random drug tests. Because they're not
17 getting that groom's license, they're not being
18 subjected to the human random drug testing policy.
19 This will solve that.

20 We're proposing to offer the combination
21 license at the same price as the individual license, so
22 there should be no financial obstacle towards getting a
23 combination license versus an individual license.

24 The second proposal is a change to
25 313.24. This is strictly an administrative internal

1 thing. Right now the rule says that the stewards are
2 supposed to prepare an administrative end-of-meet
3 report for submission to the executive director. The
4 problem is when you have all three stewards working on
5 it, at the end of a meet, only one is staying around.
6 The other two are going home. So we have some
7 logistical difficulties.

8 And the model rule only requires the
9 presiding steward to prepare the end-of-meet report, so
10 we'd like to follow the model rule and allow the
11 presiding steward to complete the end-of-meet report.
12 It would be faster, more efficient. He wouldn't have
13 to coordinate with the at-home stewards.

14 These were discussed in the rules
15 committee meeting on March 28th. Nobody spoke in
16 opposition. And the committee authorized us to bring
17 it to you today for your full consideration.

18 CHAIRMAN STEEN: Commissioners, any
19 questions of Mark? Commissioner Schmidt?

20 COMMISSIONER SCHMIDT: I just move that
21 we publish in the Texas Register for public comment the
22 proposal to amend Rule 311.5 and 313.24.

23 MR. MACH: Second.

24 CHAIRMAN STEEN: Devon, we have no public
25 comment signed up here?

1 MS. BIJANSKY: No, sir.

2 CHAIRMAN STEEN: Okay. A motion made by
3 Schmidt, seconded by Mach.

4 Any discussion?

5 Okay. Let's take this up for a vote.
6 All in favor please signify by saying aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN STEEN: Any opposed?

9 The motion carries.

10 Okay. Moving to Agenda Item VII-B-1
11 through 7, rule adoptions, Mark, would you lay these
12 out?

13 MR. FENNER: Yes, sir.

14 Each of these following proposals were
15 published for public comment in the March 10th, 2017
16 edition of the Texas Register. We have received no
17 written comments in response to any of them. We did
18 receive one supportive comment in regard to 311.105 at
19 the rules committee meeting.

20 Now, the proposal to amend 309.154 would
21 require racetrack security to maintain a written log of
22 all individuals entering the stable or kennel area
23 between midnight and 5:00 a.m. and to provide a copy of
24 that log to the investigator.

25 The amendment to 311.105 would require

1 that applicants weigh no more than 130 pounds in order
2 to obtain a jockey's license. And this is because
3 jockeys weighing over 130 are not eligible to ride
4 anyway, so this will make sure that only people who are
5 actually eligible to race are granted access to the
6 backside. And this was the rule that was supported by
7 John Beech of the Jockeys' Guild at the rules committee
8 meeting.

9 Rules 311.302, 304, and 308 all relate to
10 the human drug testing program and the amendments are
11 proposed to enhance the penalties for failing or
12 refusing a drug test by calling for a six-month
13 suspension rather than the current 30-day suspension
14 for a first time. They also call for license
15 revocation upon a second positive or a second drug test
16 refusal. Finally, there's a technical correction to
17 the rules as well.

18 The change to 313.501 relates to training
19 facility licenses which currently expire on December 31
20 of the year in which they are issued. This is
21 inconsistent with the expiration dates of all other
22 occupational license times. We'd like to bring it into
23 consistency with all the others so that a training
24 facility license would expire at the end of the month
25 one year after it was issued.

1 And then finally, the change to 315.1
2 addresses an addition to the list of greyhound racing
3 officials. Currently the track superintendent of a
4 horse racetrack is a race official, but we don't have
5 that matching requirement in the greyhound world and
6 we'd like to bring them together so that the track
7 superintendent for a greyhound racetrack would be a
8 racing official as well.

9 These were all discussed at the rules
10 committee meeting. Nobody spoke in opposition. We did
11 have the one support. And staff recommends adoption.

12 CHAIRMAN STEEN: Commissioners, any
13 questions of Mark?

14 Commissioners Aber or North, any -- any
15 comments?

16 MS. NORTH: No, sir.

17 CHAIRMAN STEEN: Devon, has anyone signed
18 up to speak on these items?

19 MS. BIJANSKY: No, sir.

20 CHAIRMAN STEEN: Okay. I'll entertain a
21 motion to adopt the proposals in Agenda Item VII-B-1
22 through 7 as published in the Texas Register.

23 COMMISSIONER HICKS: I'll make a motion.

24 CHAIRMAN STEEN: A motion made by
25 Commissioner Hicks.

1 COMMISSIONER MARTIN: Second.

2 CHAIRMAN STEEN: Seconded by Commissioner
3 Martin.

4 Any discussion?

5 Okay. Let's take it up for a vote. All
6 in favor please signify by saying aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN STEEN: Any opposed?

9 The motion carries.

10 There is no executive session today.

11 Our next meeting is scheduled for June
12 13th.

13 The time is now 11:30. With all business
14 concluded, we are now adjourned. Thank you.

15 (Proceedings concluded at 11:30 a.m.)

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1 STATE OF TEXAS)

2 COUNTY OF TRAVIS)

3

4 I, SHERRI SANTMAN FISHER, a Certified Shorthand
 5 Reporter in and for the State of Texas, do hereby
 6 certify that the above-captioned matter came on for
 7 hearing before the TEXAS RACING COMMISSION as
 8 hereinbefore set out.

9 I FURTHER CERTIFY that the proceedings of said
 10 hearing were reported by me, accurately reduced to
 11 typewriting under my supervision and control and, after
 12 being so reduced, were filed with the TEXAS RACING
 13 COMMISSION.

14 GIVEN UNDER MY OFFICIAL HAND OF OFFICE at Austin,
 15 Texas, this 21st day of April, 2017.

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