

a California joint powers agency

1776 Tribute Road, Suite 205 Sacramento, CA 95815 Office: 916.927.7223 Fax: 916.263,3341 www.calfairs.com

NOTICE CALIFORNIA AUTHORITY OF RACING FAIRS BOARD OF DIRECTORS MEETING JOHN ALKIRE, CHAIR 11:00 A.M., TUESDAY, SEPTEMBER 1, 2009 VIA TELECONFERENCE

Notice is hereby given that a teleconference meeting of the California Authority of Racing Fairs' Board of Directors will commence at 11:00 A.M., Tuesday, September 1, 2009. The meeting will be held at the CARF Conference Room located at 1776 Tribute Road, Sacramento, California 95815.

The Public and members of the California Authority of Racing Fairs Board of Directors may participate from the following locations:

Alameda County Fair The Big Fresno Fair Monterey County Fair 4501 Pleasanton Ave. 1121 S. Chance Avenue 2004 Fairground Road Pleasanton, CA 94566 Fresno, CA 93702 Monterey, CA 93940 Antelope Valley Fair California State Fair Southern California Fair 2551 W. Avenue H 1600 Exposition Blvd. 18700 Lake Perris Dr. Lancaster, CA 93536 Sacramento, CA 95815 Perris, CA 92570



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AGENDA CALIFORNIA AUTHORITY OF RACING FAIRS BOARD OF DIRECTORS MEETING JOHN ALKIRE, CHAIR 11:30 A.M., TUESDAY, SEPTEMBER 1, 2009 VIA TELECONFERENCE

Notice is hereby given that a meeting of the California Authority of Racing Fairs' Board of Directors will commence at 11:30 A.M., Tuesday, September 1, 2009. The meeting will be held at the CARF Conference Room located at 1776 Tribute Road, Sacramento, California 95815. Directors may participate by teleconference.

AGENDA

- I. Confirmation of October 6th for Next Meeting Via Conference Call.
- II. Board of Directors Welcomes New Board Member Mike Paluszak.
- III. Report, Discussion and Action, if any, on Twenty-Mile Consent Radius Around Satellite Wagering Facilities and on Implementation of Satellite Wagering in San Francisco.
- IV. Discussion and Action, if any, Regarding Payment of Satellite Location Fees from Trust Accounts Set Up for that Purpose at NCOTWInc. and SCOTWInc.
- V. Report, Discussion and Action, if any, on Legislative Matters, Including the Following:
 - **AB** 763
 - AB 1499
 - 20-Mile Radius Around Satellite Wagering Facilities
 - Satellite Location Fees
 - Other Legislative Matters or Bills
- VI. Satellite Wagering Facility Closures: Redwood Acres, Eureka, Earl Warren Showgrounds, and Santa Barbara.

- VII. Discussion of Harness Racing in Northern California.
- VIII. Report on 2009 Summer Fair Racing Circuit to Date.
 - IX. Executive Director's Report.

******PUBLIC COMMENT******

It is the policy of the Board of Directors of the California Authority of Racing Fairs (CARF) to encourage public participation in the meetings of the Board of Directors. At each open meeting, members of the public shall be provided with an opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of CARF.

Note: The Board may take action on any matter, however listed on this Agenda, and whether or not listed on this Agenda, to the extent permitted by applicable law. Staff Reports are subject to change without prior notice. If requested, this agenda can be made available in appropriate alternative formats to person with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1900 and the Federal Rules and Regulations adopted in implementation thereof. Person seeking an alternative format should contact the Board Secretary for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting, should telephone or otherwise contact the Board Secretary as soon as possible. The Board Secretary may be reached at 1776 Tribute Road, Suite 205, Sacramento, California 95815, or by telephone at (916) 927-7223.

B&P Code Section Authorizing Mini-Satellites

- 19605.25. (a) The California Horse Racing Board may approve an additional 15 minisatellite wagering sites in each zone, if all of the following conditions are met:
- (1) No site is within 20 miles of a racetrack, a satellite wagering facility, or a tribal casino that has a satellite wagering facility. If the proposed facility is within 20 miles of one of the above-referenced satellite facilities, then the consent of each facility within a 20-mile radius must be given before the proposed facility may be approved by the board.
- (2) An agreement in accordance with subdivision (a) of Section 19605.3 has been executed and approved by the board. In addition to the requirements set forth in that provision, the agreement shall specify which components of its racing program, including live, out-of-zone, out-of-state, and out-of-country races, an association or fair will make available to the site. The terms and condition of the agreement, including all fees payable pursuant to paragraph (3) of that provision, a portion of which may be paid to horsemen in the form of purses, shall be subject to the approval of the horsemen's organization responsible for negotiating purse agreements with the association or fair.
 - (3) The site is approved by the board.
- (4) The wagers are accepted in an area that is accessible only to those who are at least 21 years of age.
- (5) The board has approved the accommodation, equipment used in conducting wagering at the site, communications system, technology, and method used by the site to accept wagers and transmit odds, results, and other data related to wagering.
- (b) Parimutuel clerks shall be available to service the self-service tote machines at these locations, and to cash wagering vouchers on a regularly scheduled basis.
- (c) Until January 1, 2013, if the proposed minisatellite wagering site is in the northern zone in a fair district where the fair has operated a satellite wagering facility for the previous five years, the approval of the fair must be obtained even if the proposed location is more than 20 miles from the existing satellite wagering facility operated by the fair.
- (d) For purposes of commissions, deductions, and distribution of handle, wagers placed at minisatellite sites shall be treated as if they were placed at satellite wagering facilities authorized under Section 19605, 19605.1, or 19605.2. Section 19608.4 shall apply to minisatellite wagering facilities.
- (e) The written consent of the San Mateo County Fair shall be obtained prior to the approval of any minisatellite wagering site located within a 20-mile radius of its fairground.
- (f) Minisatellite wagering facilities created pursuant to this section are not eligible for satellite wagering commission distributions pursuant to Section 19604.
- (g) The board shall adopt emergency regulations to implement these new facilities on or before April 1, 2008. The board, in adopting these regulations, shall minimize the expense to both the operator of the minisatellite facility and the host racetrack.
- (h) If there are more than 15 applications for minisatellite wagering facilities in any zone, the board shall determine which facilities will generate the largest handle, and give priority to the

approval of those facilities. The board shall license a minisatellite facility for two years, and then review the operation and the size of the handle, and determine if it is in the best interest of horse racing to relicense the facility or, in the alternative, license another minisatellite facility that might generate a greater handle.

(i) Except as may be provided in the agreement required pursuant to paragraph (2) of subdivision (a), no association or fair shall be required to make all or part of its racing program available to a minisatellite wagering facility. Notwithstanding subdivision (e) of Section 19608.2, all costs incurred by the organization executing that agreement in excess of the amounts distributable to the organization from wagers placed at the site on that racing program, shall be borne by the minisatellite wagering facility.

Christopher Korby

From:

"Christopher Korby" <korby@calfairs.net>

To:

"Melanie Hildebrand" <melhbrand@gmail.com>; "chris carpenter"

<ccarpenter@smeventcenter.com>

Cc:

"Alkire, John" <jalkire@fresnofair.com>; "Rick Pickering"

<rick@alamedacountyfair.com>; "Portor Goltz" <pgoltz@co.sanmateo.ca.us>

Sent:

August 12, 2009 12:05 PM

Subject:

Prospective San Mateo Proposal for Card Room SWF Pilot Operation

Following up on our earlier conversation, here are some thoughts on a proposal that could be put forward by San Mateo Fair for a pilot satellite wagering operation at a card room.

As we discussed, if the Fair is to be seen as engaging in meaningful discussions regarding satellite operations at a card room, strategically it needs to present a credible counter-proposal to the proposals that have been made by representatives from the card room. At this point, the San Mateo Fair is being portrayed as dragging out the negotiations and not genuinely interested in an agreement.

Elements of a Fair Proposal for Card Room Mini-satellite

- 1. The Fair holds the license for mini-satellite operations at card room.
- 2. Limited duration for pilot, say 6 months, is incorporated into the license.
- 3. The parties establish financial baselines for San Mateo SWF in agreement prior to pilot. Comparative financials must be on verifiable revenues only, i.e., 2% commissions, paid admissions. No food and beverage. San Mateo must be willing to open books for transparency. Financial baselines are memorialized in the agreement and will establish the basis for assessing financial impacts to San Mateo, if any.
- 4. Pilot operates on comparable basis with existing Fair SWF, including comparable admission. Fair employee collects admission, as at Club One in Fresno. All admission moneys go into escrow.
- 5. If appropriate, seating area and capacity at card room may be defined in agreement.
- 6. San Mateo will prepare a monthly review of financials for distribution to all parties. At conclusion of test, San Mateo presents financial report on full pilot run. Escrowed moneys will be paid to San Mateo in the event that there is a demonstrable financial impact from the card room operation. The balance of money remaining in escrow will be divided 50/50 between card room and Fair.
- 7. Parties may negotiate longer-term agreement following pilot run.

We're available for continued discussion on this matter. Recommend we discuss further before the Fair presents a proposal based on these concepts.

I'll send over a copy of the Fresno Fair agreement with Club One in a separate e-mail.

Best regards, --Chris

Christopher Korby Executive Director California Authority of Racing Fairs 916-263-3348

Christopher Korby

From:

"jack liebau" <jackliebau@yahoo.com>

To:

"Marsha Naify" libertyrdstables@aol.com>; "Craig Fravel" <craig@dmtc.com>; "Chris Korby" <korby@calfairs.net>; "Ron Charles" <rcharles@santaanita.com>; "Mardeling Averbage to the companies of the companies

"Madeline Auerbach" <doomicus99@aol.com>; <oaktreeracing@yahoo.com>;

"george Haines" <ghaines@santaanita.com>; "cliff goodrich"

<cgconsultinginc@yahoo.com>

Sent:

August 13, 2009 6:33 PM

Subject: Minisatellite-Legislative Initiative

On the assumption that there will be opposition to any legislative change to the minisatellite law, I suggest consideration be given to the following addition to Sec. 19605.25:

"(j) Nothwithstanding subdivisions (a)(1), (c) and (e), a minisatellite wagering facility may be licensed within a 20 mile radius of an existing satellite wagering facility, but not a racetrack, provided that after the first year of its operation a study is undertaken to determine the impact, if any, of such minisatellite on the attendance and wagering at the existing satellite wagering facility, Upon completion of the study, the applicable parties shall meet and confer as to whether there has been any adverse impact upon the existing satellite wagering facility and if there was, whether any compensation is appropriate. If the paries cannot agree, the matter shall be submitted to the board for determination."

Assuming there is going to be opposition to any legislative change, might as well go for a meaningful change. Jack



San Mateo County politicians blast state horse racing board over wagering facilities

By Mike Rosenberg San Mateo County Times

Posted: 08/13/2009 04:35:02 PM PDT

Updated: 08/13/2009 08:29:26 PM PDT

SAN MATEO — Four local politicians denounced the state horse racing board on Thursday for backing a proposal that could hurt the Jockey Club satellite wagering facility.

As reported in July, a deputy county counsel flew to the San Diego area on a last-second mission to thwart the California Horse Racing Board's intention to install mini-satellite wagering facilities in two San Francisco bars.

The county, which owns and operates the Event Center where the Jockey Club is housed, got the proposal tabled by invoking a state law that prevents any wagering facility from opening within 20 miles of another.

Berkeley-based Golden Gate Fields, which would operate the two San Francisco facilities, said they would ask the county for a waiver or contact legislators to seek a law change.

Two weeks later, Assemblyman Jerry Hill, D-San Mateo, hosted a press conference at the Jockey Club to announce the Event Center was "under attack."

Hill joined county supervisors Adrienne Tissier and Carole Groom, plus San Mateo Deputy Mayor John Lee, in criticizing the board for not notifying the county ahead of time and for trying to circumvent

the 20-mile law.

Hill called it an "under the radar, stealth plan," and said he may introduce legislation that would require the board to notify local governments when considering such wagering facilities.

"The San Mateo delegation will fight, and I mean fight," Hill said.

Board officials previously had claimed they simply looked up the distance to drive between the San Francisco locations and the Jockey Club using the Google Maps service. The directions were not in a straight line, however, and the locations appeared more than 20 miles apart.

Golden Gate Fields officials had previously criticized San Mateo leaders for trying to hold back a much-needed expansion opportunity for the struggling sport.

But local officials said the county needs to repay the debt on the \$5.1 million club and that 40 percent of its customers hail from San Francisco.

The city also reaps about \$250,000 in revenue from the club.

"We desperately need that money," Lee said.

Tissier called it a "real greed play" on the horse racing board's part.

"We're protecting an investment that we all made." Tissier said.

Staff writer Mike Rosenberg covers San Mateo, Burlingame, Belmont and transportation issues. Reach him at 650-348-4324.

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Christopher Korby

From:

"Christopher Korby" <korby@calfairs.net>

To:

"Tom Varela" <tvarela@chrims.com>; "Craig Fravel" <craig@dmtc.com>; <przfam@verizon.net>; "Dr. Ed Allred (E-mail)" <eallred@losalamitos.com>;

"Drew J. Couto-TOC" <dcouto@toconline.com>; "Guy Lamothe"

<glamothe@toconline.com>; "jack liebau" <jackliebau@yahoo.com>; "Rick

English" <rickmenglish@yahoo.com>; "Bob Forgnone" <rforgnone@hotmail.com>; "Sherwood C. Chillingworth" <schillingworth@santaanita.com>; "George Haines (E-mail)" <george.haines@santaanita.com>; "Ron Charles-S. Anita"

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"Eual Wyatt (E-mail)" <eualw@hollywoodpark.com>; "Joe Harper"

<joeh@dmtc.com>; "Mike Seder" <SEDER@fairplex.com>; "Thurman, Bernie"

<bthurman@hollywoodpark.com>

Cc:

"Craig Crampton" < ccrampton@chrims.com>; "Breed, Kirk"

<KEBreed@chrb.ca.gov>

Sent:

March 16, 2009 5:43 AM

Attach:

SCOTWInc-CARF Recommendations to Change Procedures re Payment of

Location Fees-090315.doc

Subject:

Proposed New SCOTWInc Procedures for Deposit and Distribution of Location

Fees

To: SCOTWInc Board of Directors

It's in everyone's interest that we ensure uninterrupted, future distribution of satellite location fees through secure and stable channels.

I believe that we can better secure their on-going distribution by taking the following steps: 1) amend the simulcast agreements between the Host tracks and SCOTWInc to designate SCOTWInc as the distributing agent for location fees; 2) initiate daily wire-transfer deposits directly from Host track Money Room to SCOTWInc, sufficient to pay location fees generated each day; and 3) establish a separate, designated SCOTWInc bank account through which deposits and distributions for satellite location fees are made.

I propose that SCOTWInc staff and legal counsel draw up a plan as soon as possible to amend the procedures governing deposit and distribution of satellite location fees. This plan should incorporate the following objectives:

- designate the simulcast organization (SCOTWInc) as the distributing agent for satellite location fees;
- set up an SCOTWInc bank account that will be used solely and exclusively for accepting deposits and distributing satellite location fees;
- endow the designated account with a secured status (e.g., trust account), as legal counsel might recommend;
- make the necessary amendments to the Host and Guest agreements to memorialize the changes to deposits and distributions;
- amend the Host agreement to note specifically that the Host track assigns the responsibility of

- distributing location fees to the simulcast organization and agrees to deposit funds via wire transfer directly from the Host Money Room on a <u>daily</u> basis;
- amend the Guest agreement to note specifically that SCOTWInc will distribute satellite location fees to satellites not less than weekly, via wire transfer;
- confirm these changes with the CHRB.

Since "pre-petition" Magna satellite payments were frozen as of March 6, satellites have not received all payments due for February. This has created a serious cash flow problem for them, particularly for the smaller satellites. Some may be forced to close. It is most urgent that SCOTWInc initiate changes to assure the stability of future payments of satellite location fees. This may help restore confidence at the satellites that future payments will be made according to the formulas prescribed in statute and in a timely fashion.

Stabilizing the mechanism for payment of satellite location fees is the most immediate procedure requiring revision; however, the SCOTWInc Board of Directors may wish to review the procedures governing other statutory distributions (e.g., Stabling and Vanning Fund, CMC funding, SCOTWInc Operating Fund, etc) and initiate similar changes.

Furthermore, I urge all interests to join us in support of legislation to take the next step and place these statutory distributions in trust. I recommend that we join together to seek this legislation on an urgency basis. This is now the second instance in the last year in which location fees, a statutory distribution, have not been paid as directed by California law. As an industry that relies on the confidence of fans and participants alike, we cannot countenance any compromise to the integrity and stability of parimutuel distributions.

Again, I urge that changes in SCOTWInc procedures be prepared and implemented as soon as possible. We must assure the future, uninterrupted payment of these critical distributions.

I am sending the same recommendations to the NOTWInc Board of Directors.

Thank you for your consideration.

Best regards,

Christopher Korby Executive Director California Authority of Racing Fairs

- --- - -- --

Christopher Korby

From:

"Christopher Korby" <korby@calfairs.net>

To:

"Robert Hartman" <rhartman@goldengatefields.com>; "Peter Tunney"

<ptunney@goldengatefields.com>; "Drew Couto" <drew@deposet.com>; "jack

liebau" <jackliebau@yahoo.com>; "Thurman, Bernie"

<bthurman@hollywoodpark.com>

Cc:

"Patrice Van Dussen" <pvandussen@chrims.com>; "Bryan Wayte"

<bwayte@chrims.com>; "Breed, Kirk" <KEBreed@chrb.ca.gov>

Sent:

March 16, 2009 5:57 AM

Attach:

NOTWInc-CARF Recommendations to Change Prodecures re Payment of

Location Fees-090315.doc

Subject:

Proposed New NOTWInc Procedures for Deposit and Distribution of Satellite

Location Fees

To: NOTWInc Board of Directors

It's in everyone's interest that we ensure uninterrupted, future distribution of satellite location fees through secure and stable channels.

I believe that we can better secure their on-going distribution by taking the following steps: 1) amend the simulcast agreements between the Host tracks and NOTWInc. to designate NOTWInc. as the distributing agent for location fees; 2) initiate daily wire-transfer deposits directly from Host track Money Room to NOTWInc., sufficient to pay location fees generated each day; and 3) establish a separate, designated NOTWInc. bank account through which deposits and distributions for satellite location fees are made.

I propose that NOTWInc. staff and legal counsel draw up a plan as soon as possible to amend the procedures governing deposit and distribution of satellite location fees. This plan should incorporate the following objectives:

- designate the simulcast organization (NOTWInc.) as the distributing agent for satellite location fees;
- set up an NOTWInc. bank account that will be used solely and exclusively for accepting deposits and distributing satellite location fees;
- endow the designated account with a secured status (e.g., trust account), as legal counsel might recommend;
- make the necessary amendments to the Host and Guest agreements to memorialize the changes to deposits and distributions;
- amend the Host agreement to note specifically that the Host track assigns the responsibility of
 distributing location fees to the simulcast organization and agrees to deposit funds via wire
 transfer directly from the Host Money Room on a daily basis;
- amend the Guest agreement to note specifically that NOTWInc. will distribute satellite location fees to satellites not less than weekly, via wire transfer:
- · confirm these changes with the CHRB.

Since "pre-petition" Magna satellite payments were frozen as of March 6, satellites have not received all payments due for February. This has created a serious cash flow problem for them, particularly for the

smaller satellites. Some may be forced to close. It is <u>most urgent</u> that NOTWInc. initiate changes to assure the stability of future payments of satellite location fees. This may help restore confidence at the satellites that future payments will be made according to the formulas prescribed in statute and in a timely fashion.

Stabilizing the mechanism for payment of satellite location fees is the most immediate procedure requiring revision; however, the NOTWInc. Board of Directors may wish to review the procedures governing other statutory distributions (e.g., Stabling and Vanning Fund, CMC funding, NOTWInc. Operating Fund, etc) and initiate similar changes.

Furthermore, I urge all interests to join us in support of legislation to take the next step and place these statutory distributions in trust. I recommend that we join together to seek this legislation on an urgency basis. This is now the second instance in the last year in which location fees, a statutory distribution, have not been paid as directed by California law. As an industry that relies on the confidence of fans and participants alike, we cannot countenance any compromise to the integrity and stability of parimutuel distributions.

Again, I urge that changes in NOTWInc. procedures be prepared and implemented as soon as possible. We must assure the future, uninterrupted payment of these critical distributions.

I am sending the same recommendations to the SCOTWInc Board of Directors.

Thank you for your consideration.

Best regards,

Christopher Korby
Executive Director
California Authority of Racing Fairs



a California joint powers agency

1776 Tribute Road, Suite 205 Sacramento, CA 95815 Office: 916.927.7223 Fax: 916.263.3341 www.calfairs.com

To: NOTWInc. Board of Directors

From: Christopher Korby Date: March 15, 2009

Re: Recommended changes in the procedure for distributing satellite location fees

It's in everyone's interest that we ensure uninterrupted, future distribution of satellite location fees through secure and stable channels.

I believe that we can better secure their on-going distribution by taking the following steps: 1) amend the simulcast agreements between the Host tracks and NOTWInc. to designate NOTWInc. as the distributing agent for location fees; 2) initiate daily wire-transfer deposits directly from Host track Money Room to NOTWInc., sufficient to pay location fees generated each day; and 3) establish a separate, designated NOTWInc. bank account through which deposits and distributions for satellite location fees are made.

I propose that NOTWInc. staff and legal counsel draw up a plan as soon as possible to amend the procedures governing deposit and distribution of satellite location fees. This plan should incorporate the following objectives:

- designate the simulcast organization (NOTWInc.) as the distributing agent for satellite location fees;
- set up an NOTWInc. bank account that will be used solely and exclusively for accepting deposits and distributing satellite location fees;
- endow the designated account with a secured status (e.g., trust account), as legal counsel might recommend;
- make the necessary amendments to the Host and Guest agreements to memorialize the changes to deposits and distributions;
- amend the Host agreement to note specifically that the Host track assigns the
 responsibility of distributing location fees to the simulcast organization and agrees
 to deposit funds via wire transfer directly from the Host Money Room on a daily
 basis;
- amend the Guest agreement to note specifically that NOTWInc. will distribute satellite location fees to satellites not less than weekly, via wire transfer;
- confirm these changes with the CHRB.

Since "pre-petition" Magna satellite payments were frozen as of March 6, satellites have not received all payments due for February. This has created a serious cash flow problem for them, particularly for the smaller satellites. Some may be forced to close. It is most urgent that NOTWInc. initiate changes to assure the stability of future payments of satellite location fees. This may help restore confidence at the satellites that future payments will be made according to the formulas prescribed in statute and in a timely fashion.

Stabilizing the mechanism for payment of satellite location fees is the most immediate procedure requiring revision; however, the NOTWInc. Board of Directors may wish to review the procedures governing other statutory distributions (e.g., Stabling and Vanning Fund, CMC funding, NOTWInc. Operating Fund, etc) and initiate similar changes.

Furthermore, I urge all interests to join us in support of legislation to take the next step and place these statutory distributions in trust. I recommend that we join together to seek this legislation on an urgency basis. This is now the second instance in the last year in which location fees, a statutory distribution, have not been paid as directed by California law. As an industry that relies on the confidence of fans and participants alike, we cannot countenance any compromise to the integrity and stability of parimutuel distributions.

Again, I urge that changes in NOTWInc. procedures be prepared and implemented as soon as possible. We must assure the future, uninterrupted payment of these critical distributions.

I am sending the same recommendations to the NOTWInc Board of Directors.

Thank you for your consideration.

Best regards,

Christopher Korby
Executive Director
California Authority of Racing Fairs

BILL NUMBER: AB 1499 CHAPTERED BILL TEXT

CHAPTER 151
FILED WITH SECRETARY OF STATE AUGUST 6, 2009
APPROVED BY GOVERNOR AUGUST 5, 2009
PASSED THE SENATE JULY 9, 2009
PASSED THE ASSEMBLY MAY 14, 2009

INTRODUCED BY Assembly Member Evans

FEBRUARY 27, 2009

An act to add and repeal Section 19605.78 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1499, Evans. Horse racing: workers' compensation. Existing law, until January 1, 2014, authorizes a quarter horse racing association to deduct an additional 0.5% of the total amount handled in its exotic parimutuel pools and a harness racing association to deduct an additional 1% of the total amount handled in conventional parimutuel pools of harness races, under certain conditions, for workers' compensation insurance costs of trainers and owners, as specified, with any funds not expended for this purpose in the year in which they are collected to either be used for the following year's workers' compensation costs or to benefit the purse col, as specified. If the racing association and the organization epresenting horsemen and horsewomen cannot agree on the manner of distribution of these funds to defray the costs of workers' compensation insurance, the matter is required to be submitted to the California Horse Racing Board for a decision.

This bill would also authorize a fair to deduct an additional 0.5% of the total amount handled in exotic parimutuel pools of races for any breed, other than races solely for thoroughbreds. This deduction would also be for similar purposes and subject to similar conditions as the quarter horse racing association and harness racing association authorizations discussed above. This authorization would also expire on January 1, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19605.78 is added to the Business and Professions Code, to read:

19605.78. (a) Notwithstanding Section 19610 and in addition to the deduction specified in subdivision (b) of Section 19605.75, a fair may deduct an additional 0.5 percent of the total amount handled in exotic parimutuel pools of races for any breed, other than races solely for thoroughbreds. This additional deduction shall only be permitted for a breed's races with the approval of the organization representing the horsemen and horsewomen of that breed at the fair.

(b) Any funds collected pursuant to subdivision (a) from exotic arimutuel pools on races within the inclosure of a racetrack, at atellite wagering facilities within this state, and through advance deposit wagering by residents of this state, shall be distributed to the organization described in subdivision (e) to be used in accordance with subdivision (d).

- (c) Any fair that authorizes a betting system located outside of this state to accept exotic wagers on its races and to combine those wagers in the association's exotic parimutuel pools, including, but not limited to, a multijurisdictional wagering hub as to exotic agers made by residents other than those of this state, may deduct the amount specified in subdivision (a) in addition to any other applicable deductions specified in law. Any amount deducted pursuant to this subdivision shall be distributed to the organization described in subdivision (e) to be used in accordance with the provisions of subdivision (d). This additional deduction shall not be included in the amount on which license fees are determined pursuant to Section 19602.
 - (d) The amounts distributed to the organization described in subdivision (e) shall be deposited by that organization in a separate account to defray workers' compensation insurance costs for trainers and owners who are racing breeds other than thoroughbreds at the applicable fair. Any funds not expended for this purpose in the calendar year in which they are collected may either be used for the following year's workers' compensation costs, as specified above, or to benefit the purse pool of each breed at the particular fair where the funds are generated in the same proportions as each breed generated at that fair in the year the funds are collected.
- (e) The fairs and the organizations representing the horsemen and horsewomen of each breed for which deductions have been approved under subdivision (a) shall form an organization to which any funds deducted pursuant to subdivisions (b) and (c) shall be distributed. The fairs collectively shall have representation equal to the collective representation of the organizations representing horsemen and horsewomen on the governing board of the organization formed pursuant to this subdivision.
- (f) If the fairs and the organizations representing horsemen and horsewomen cannot agree on the manner for distributing these funds to efray the costs of workers' compensation insurance, the matter shall be submitted to the California Horse Racing Board for a decision consistent with subdivision (d), and the decision of the board shall be final.
- (g) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.
- SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that trainers and owners of certain horse racing breeds continue to receive assistance in defraying workers' compensation insurance costs, as is currently done for trainers and owners of other horse racing breeds, it is necessary that this bill take immediate effect.

PROPOSED LEGISLATION

INCREASE SATELLITE WAGERING COMMISSION FROM 2% TO 3%

BACKGROUND

The California Fairs' satellite wagering network was created by a series of legislative actions in the mid- to late-1980's. The purpose for its creation was three-fold: 1) increase horse-racing license fee revenue to the state; 2) create new revenues and growth for the horse racing industry; and, 3) create a new revenue source to support local Fairs through commissions paid on Fair satellite wagering facility operations.

In the intervening years, several factors have combined to negatively impact attendance and revenues at Fair satellite facilities. First of all, *tribal gaming* has grown explosively from virtual non-existence in the 1980's to a multi-billion dollar activity that now rivals gaming in Nevada. Tribal gaming has had a significant negative impact particularly on smaller Fair satellite facilities in more rural markets, where most tribal casinos are located. Secondly, *advanced deposit wagering* (on-line betting on horse races) has eroded attendance at Fair brick-and-mortar satellites; patrons no longer must attend a satellite facility or race track to make a wager on a horse race. Thirdly, *recent declines in the economy* have contributed to a further downturn in the level of business at Fair satellites. The combination of these factors has negatively impacted revenues at all Fair satellite facilities and has driven a number of smaller facilities to the brink of closure.

Fairs facing the decision to close or reduce operations at their satellite facilities include Fairs in Anderson, Eureka, Lake Perris, Santa Maria, Santa Barbara, Tulare and Victorville. Even after initiating cost cutting steps, Fairs in Santa Barbara, Santa Maria, Tulare and Victorville have decided to close night operations. This has impacted jobs at those facilities along with revenues to Fairs, to the state and to racing associations which conduct harness racing at Cal Expo and quarter horse racing at Los Alamitos. Horse owners, trainers and employees at the racing associations will also be impacted by these closures unless we can reverse this trend.

We have worked with each of the Fairs noted above in an effort to reduce operating costs in order to maintain operations. Several Fairs, notably those at Eureka and Santa Barbara, have agreed to continue operating at or near break-even in the hope that our legislative efforts to increase revenues will be successful and they will be able to stay open in the future. If our effort to increase commissions is not successful, they will be forced to close down operations.

Horse racing represents a \$3 billion component of California's agricultural economy. It employs over 20,000 Californians. Agricultural land dedicated to horse breeding activities helps keep California green. Parimutuel wagering on horse racing is the engine that pulls this economic train. We need this adjustment to our business model to help keep this economic sector strong.

Christopher Korby

From:

"jack liebau" <jackliebau@yahoo.com>

To:

"Marsha Naify" libertyrdstables@aol.com>; "Craig Fravel" <craig@dmtc.com>; "Chris Korby" <korby@calfairs.net>; "Ron Charles" <rcharles@santaanita.com>; "Madeline Auerbach" <doomicus99@aol.com>; <oaktreeracing@yahoo.com>;

"george Haines" <ghaines@santaanita.com>; "cliff goodrich"

<cgconsultinginc@yahoo.com>

Sent:

August 13, 2009 6:33 PM

Subject:

Minisatellite-Legislative Initiative

On the assumption that there will be opposition to any legislative change to the minisatellite law, I suggest consideration be given to the following addition to Sec.19605.25:

"(j) Nothwithstanding subdivisions (a)(1), (c) and (e), a minisatellite wagering facility may be licensed within a 20 mile radius of an existing satellite wagering facility, but not a racetrack, provided that after the first year of its operation a study is undertaken to determine the impact, if any, of such minisatellite on the attendance and wagering at the existing satellite wagering facility, Upon completion of the study, the applicable parties shall meet and confer as to whether there has been any adverse impact upon the existing satellite wagering facility and if there was, whether any compensation is appropriate. If the paries cannot agree, the matter shall be submitted to the board for determination."

Assuming there is going to be opposition to any legislative change, might as well go for a meaningful change. Jack

BILL NUMBER: AB 763

BILL TEXT

CHAPTERED

CHAPTER 122
FILED WITH SECRETARY OF STATE AUGUST 6, 2009
APPROVED BY GOVERNOR AUGUST 5, 2009
PASSED THE SENATE JULY 16, 2009
PASSED THE ASSEMBLY JULY 24, 2009
AMENDED IN SENATE JULY 9, 2009
AMENDED IN SENATE JUNE 2, 2009

INTRODUCED BY Assembly Member Chesbro (Coauthor: Senator Wiggins)

FEBRUARY 26, 2009

An act to amend Section 19601.2 of, and to add Section 19596.21 to, the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 763, Chesbro. Horse racing: Humboldt County Fair.

(1) Existing law provides for the operation of live horse racing by associations and fairs, and for wagering thereon, and for the operation of satellite wagering facilities, subject to regulation and oversight by the California Horse Racing Board, as specified.

This bill would, during calendar periods when a thoroughbred association or fair in the northern zone and the Humboldt County Fair imultaneously conduct live race meetings, permit the Humboldt ounty Fair and a thoroughbred association in the southern zone when conducting a live race meeting to accept wagers on the result of not more than 8 out-of-state thoroughbred horse races in addition to those already authorized in law, if specified conditions are met.

(2) Existing law provides that when the San Mateo County Fair, or any other fair or thoroughbred association, and the Humboldt County Fair simultaneously conduct race meetings in the northern zone, the San Mateo County Fair, or other fair or thoroughbred association, is authorized to distribute the signal and accept wagers on out-of-zone, out-of-state, and out-of-country races if it complies with specified conditions. Existing law requires, for the period in which both fairs are conducting race meetings, the San Mateo County Fair, or other fair or thoroughbred association, to distribute to the Humboldt County Fair, from and to the extent of license fees generated from the total handle, 0.75% of the out-of-zone, out-of-state, and out-of-country handle, and requires the San Mateo County Fair, or other fair or thoroughbred association, to distribute the remaining amount by retaining 50% and distributing it equally as commissions and purses with the other 50% being paid to the state as a license fee. Existing law provides similar provisions for the Fresno District Fair as are applied to the Humboldt County Fair.

This bill would delete those provisions relating to the Fresno District Fair, and, with respect to the provisions relating to the distribution of the signal and acceptance of wagers, would delete the reference to the San Mateo County Fair, leaving those other provisions applicable if any other fair or thoroughbred association do the Humboldt County Fair simultaneously conduct race meetings. The bill, with respect to the provisions relating to the distribution to the Humboldt County Fair, would also delete the reference to the San Mateo County Fair, would require that the distribution to the Humboldt County Fair shall be from and to the extent of commissions

and purses generated from the total handle, and would delete obsolete language pertaining to the distribution of excess license fees.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19596.21 is added to the Business and Professions Code, to read:

19596.21. (a) In addition to the authorizations to accept wagers on out-of-state and out-of-country races pursuant to Sections 19596.2 and 19596.3 and in any other provision of law, during calendar periods when a thoroughbred association or another fair in the northern zone and the Humboldt County Fair simultaneously conduct live race meetings, the Humboldt County Fair and a thoroughbred association in the southern zone when conducting a live race meeting may accept wagers on days when live races are being run on the results of not more than eight out-of-state thoroughbred horse races, if all of the following conditions are met:

- (1) The authorization complies with federal laws, including, but not limited to, Chapter 57 (commencing with Section 3001) of Title 15 of the United States Code.
 - (2) The Humboldt County Fair conducts at least six live races.
- (3) The Humboldt County Fair and thoroughbred association in the southern zone shall accept these wagers only on out-of-state thoroughbred races that commence before 4:30~p.m., Pacific standard time.
- (b) The Humboldt County Fair may contract with the thoroughbred association or fair in the southern zone to distribute the signal statewide on its behalf.
- (c) Any thoroughbred association or fair accepting wagers pursuant this section shall conduct the wagering in accordance with the pplicable provisions of Sections 19601, 19616, 19616.1, and 19616.2, except that subdivision (i) of Section 19601 shall not be applicable for the purpose of fulfilling the authorization described in this section.
- SEC. 2. Section 19601.2 of the Business and Professions Code is amended to read:
- 19601.2. During calendar periods when any other fair or thoroughbred association and the Humboldt County Fair simultaneously conduct race meetings in the northern zone, the other fair or thoroughbred association shall be the association authorized to distribute the signal and accept wagers on out-of-zone, out-of-state, and out-of-country races if it complies with the conditions specified in subdivision (a) of Section 19601. The amounts deducted from these wagers shall be distributed as provided in Section 19601. Additionally, from, and to the extent of, commissions and purses generated from the total handle of the other fair or thoroughbred association during the overlap, the other fair or thoroughbred association shall distribute to the Humboldt County Fair, not less than seven days after the close of the racing meeting, an amount equal to 0.75 percent of the out-of-zone, out-of-state, and out-of-country handle.
- SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to alleviate economic uncertainty for the Humboldt County Fair, preserve jobs, ensure that live horse racing continues in mboldt County each year, and for this act to apply to the 2009 acing season, it is necessary that this act take effect immediately.

VI.



Fax

To:	Chris Korby	From:	Scott Grieve	The state of the s
Fax:	916-263-3341	Pages	5% (including or	over)
Phones	916-263-3340	Date:	8/27/2009	
Re:	19 th DAA Satellite Wage	ering CCI		
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PO Box 3250 + 3400 Calle Real + Santa Bachara + CA + 93130-3250

August 27, 2009

Chris Korby, Executive Director CARF 1776 Tribune Road, Suite 105 Sacramento, CA 95815

Dear Mr. Korby,

As stated in the enclosed letter addressed to Kirk Breed of the CHRB, the 19th District Agricultural Association Board of Directors has voted to close its satellite wagering operation as of September 30, 2009. In keeping with this decision the 19th DAA would like to resign from CARF effective the same day.

The closing of any business entity by it very nature is a complicated endeavor. Bill Connelly the current Satellite Manager will stay on past the closing date to facilitate the efficient management of the details. This will include working with CARF, SCOTWINC, CHRB and the Division of Fairs and Expositions to complete the closing.

An Equipment Replacement Fund Statement prepared on August 29, 2008 listed the Santa Barbara facility with money on account totaling \$107, 924. Since the 19th DAA is closing its satellite wagering operation and withdrawing from CARF, the District would like to withdraw its Equipment Replacement Funds at the same time.

Please notify me of the steps necessary to receive these funds and define any operational issues that must be resolved before closure of the facility.

Sincerely,

Scott Grieve 19th District Agricultural Association

Cc Mike Treacy





PO Box 3250 + 3400 Calle Real + Santa Barbana + CA + 93130-3250

August 27, 2009

Kirk Breed, Executive Director California Horse Racing Board 1010 Hurley Way Suite 300 Sacramento, CA 95825

Dear Mr. Breed,

During the past six years, the satellite wagering facility of the Earl Warren Showgrounds (The 19th District Agricultural Association) has experienced steady and dramatic declines in its overall revenue. This decline in revenue is linked with an overall decline in profitability, which forced the 19th DAA Board and staff to closely examine the Satellite Wagering business and determine its long term viability.

The major reasons for decline in attendance and revenue appear to be the following:

• Increased Competition for the Gaming Dollar – When satellite wagering was first established at the Earl Warren Showgrounds there was little in the way of competition in the area. The Ventura County Fairgrounds (40 miles east) and the Santa Maria Fairgrounds (60 miles to the Northwest) have satellite wagering facilities that have acted to limited the local customer base. In addition, the Chumash Indian Casino (26 miles to Northwest) which opened in 2003 offers a resort destination with a variety of gaming activities and entertainment.



Page 2

August 27, 2009

- On-line Wagering With the advent of Advanced Deposit Wagering and other forms of on-line wagering, many former customers can view and wager on races from the comfort of their own homes. For these customers there is little incentive to attend the satellite wagering facility. With the continued growth in the use, acceptance and understanding of computers and the internet, the current demographic of the satellite wagering customers appears to center on males, over 60 year old with few computer skills and no incentive to develop them.
- Old Satellite Wagering Facility The current facility used for Satellite Wagering at the Earl Warren Showgrounds is in excess of 40 years old, was adapted for this use instead of designed for it and is antiquated in comparison to the newer facilities of Ventura and Antelope Valley. The facility lacks the style and amblance that would in and of itself attract customers. The capital investment required to improve the facility cannot be justified by the return on that investment
- Older Man's Sport Horse racing in general has become an older man's sport. The largest demographic segment of customers (over 75%) at the Earl Warren Facility is males, over 60 years in age. There are no trends for the increase of younger customers or for that matter an increase in any demographic segment.

When faced with these impediments to a steady, dependable revenue stream the District Board of Directors explored methods of expense reduction to drive profit. Elimination of Admission Clerks and Program Sellers for night racing, the ultimate elimination of night racing, the elimination of janitorial jobs, the elimination of staff jobs, and the reduction in the cost of security have all been implemented and resulted in a 15% cost reduction.

At the beginning of 2009 the Board of Directors of the 19th DAA voted to eliminate night racing and evaluate the overall viability of the satellite facility at the end of June 2009. During the ensuing six months Magna Entertainment Corp., owner of Santa Anita Park and Golden Gate Fields filed for bankruptcy, a local wild fire forced closure of the facility for two days, Hollywood Park and Golden Gate field suspended Wednesday racing because there were insufficient entries to complete an eight race card and the general economic recession all conspired to force downward pressure on gaming revenues. Despite the 15% expense reduction that was achieved in the first half of 2009, revenues have fallen at a still faster rate putting the Satellite Wagering operation in a deficit situation.

Page 3

August 27, 2009

Therefore, after two years of closely monitoring the satellite wagering operation and researching alternative business models, the Board of Directors could find no viable solutions or reasons for optimism concerning the current state and long term direction of horse racing. The Board of Directors of the 19th District Agricultural Association met on August 20th for its regularly scheduled monthly meeting and unanimously voted (7-0 vote with two absentees) to close its Satellite Wagering operation effective September 30, 2009 with the last day open to the public being Sunday September 27, 2009.

This decision is not one that was taken lightly but rather taken only after intense scrutiny and careful consideration. In the final analysis, in this time of recession and economic hardship the 19th District simply cannot afford to subsidize its satellite wagering operation. All essets and capital must be employed in efforts to produce operating revenue

Sincerely.

Scott Grieve, CEO

19th District Agricultural Association

Cc Edgar Sands
Chip Wulbrandt
Mike Treacy, Division of Fair and Expositions
Chris Korby, CARF
Tom Varella, SCOTWINC
Kathy Howard

REDWOOD ACRES

Ninth District Agricultural Association 3750 Harris Street, Eureka, California 95503-0854 Phone: (707) 445-3037 • Fax: (707) 445-1583 ninthdaa@pacbell.net • www.redwoodacres.com



August 13, 2009

AUG 1 6 2009

Mr. Kirk Breed, Executive Director California Horse Racing Board 1010 Hurley Way, Suite 300 Sacramento, CA 95815

Dear Mr. Breed,

The Redwood Acres Board of Directors has made the decision to permanently close the Turf Club Satellite Wagering facility on the fairgrounds at the close of racing on Monday, September 7, 2009.

We have had discussions with the local racing patrons and several casinos in the immediate area, but were unable to insure a way to keep the facility in operation,

Through July 31, 2009, the facility has lost \$17,578.42 including the NSF checks from Golden Gate Fields. With present economic conditions, the drain on the fair operating funds must come to an immediate end.

Respectfully submitted,

Larry Ford

CEO

DIRECTORS

Mr. Scott Downie, President

Mr. Bob Borck

Ms. Cynthia Borges

Mr. Terry Coltra

Mrs. Dorene Egerer

Mr. Pat Fulton

Mr. Dave Jackson

Mr. Ed Laidlaw

Mr. Raymond Wilson

Chief Executive Officer Larry Ford, Jr.

Cc: Chris Korby, CARF ✓ Mike Treacy, F&E







CALIFORNIA HARNESS HORSEMEN'S ASSOCIATION

P.O. Box 254767
Sacramento, CA. 95865
Phone (916) 263-7888
Fax (916) 263-7887
Website: www.chhaonline.com

Ben Kenney, President Jim Perez, Executive Director

August 27, 2009

Mr. Christopher Korby Executive Director Calif. Authority of Racing Fairs 1776 Tribute Road, Suite 150 Sacramento, CA 95815

RE: Harness Racing at the Fresno Fairgrounds

Dear Mr. Korby:

Several members of the Board of Directors of the California Harness Horsemen's Association have had recent discussions with the management of the 21st District Agricultural Association about the possibility of conducting an extended parimutual meet for harness racing at the Fresno Fairgrounds in late 2010 or early 2011. At the current time we envision that this race meet would be operated by a management team comprised of and supported by the Fresno Fair and our horsemen's organization.

Since the Fresno Fair is a member of CARF, and the latter plays a major role in the operation of the Fair's racing program, we wanted to advise the CARF Board that these discussions were taking place and to welcome any input that your association might have or participation that you might play in the development of this new racing program.

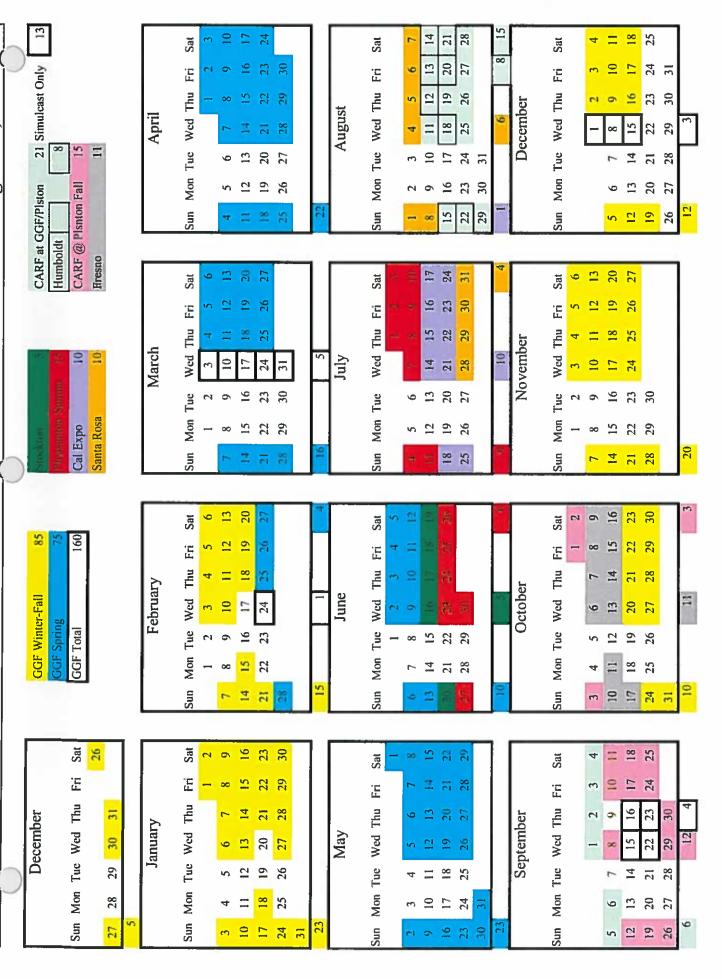
Please give me a call if you or any members of your Board would like to discuss this matter as the racing industry as a whole progresses through the date allocation process for 2010 and beyond (310) 869-1919.

Sincerely,

Ben Kenney, President California Harness Horsemen's Association

cc: Mr. John Alkire, CEO, 21st District Agricultural Association

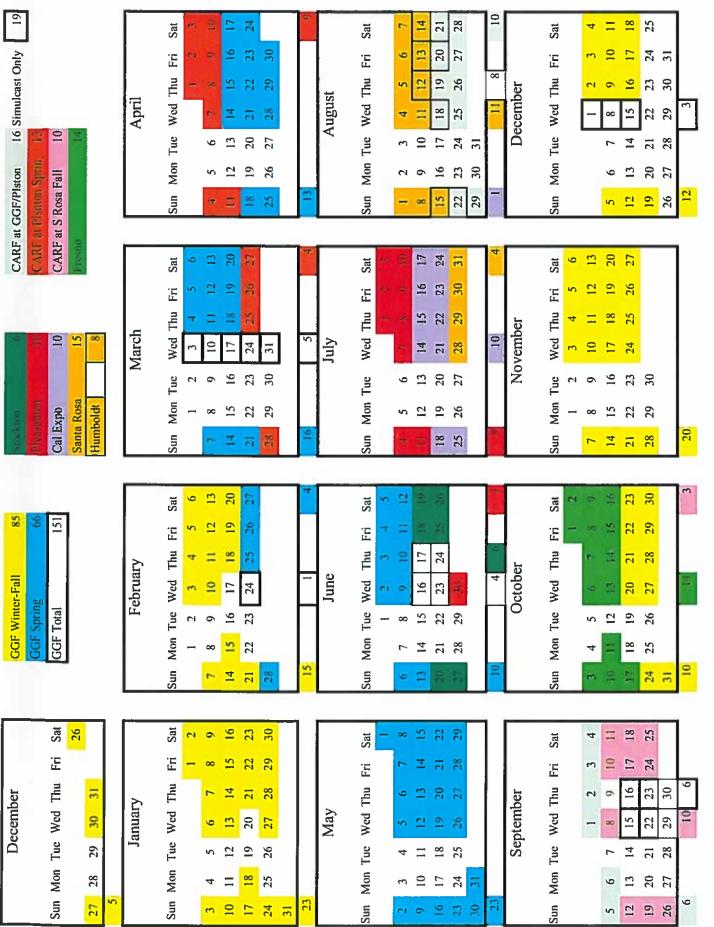
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2010 NORTHERN CALIFORNIA RACING CALENDAR - CARF DRAFT B - August 21, 2009

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2010 NORTHERN CALIFORNIA RACING CALENDAR - CARF DRAFT C - August 21, 2009





SAN MATEO SATELLITE FACILITY SUMMARY OF FINANCING

California Department of Food and Agriculture Division of Fairs and Expositions Development Grant \$211,250 Interest free loan \$1,000,000 Interest-bearing loan \$750,000	\$1,961,250
California Authority of Racing Fairs Development Grants \$861,250	\$1,611,250
Interest-free loans \$750,000	
San Mateo County	\$900,000
Loan \$900,000	
San Mateo Fair Fair contribution \$850,000	\$850,000
Total	\$5,322,500