



NORTH DAKOTA RACING COMMISSION

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Gunner laCour

Director

NORTH DAKOTA RACING COMMISSION

Telephone Meeting

ND Racing Commission Office

500 North 9th Street, Lower Level, Bismarck, ND

Tuesday, June 16, 2015 – 10:30 AM, Central Time

Minutes

Call to Order: Chairman Jim Ozbun called the meeting to order at 10:34 a.m.

Present: Commissioner Tom Senftner, Commissioner Mary Ann Durick, Director Gunner laCour, and Administrative Assistant Gail Allensworth

By Phone: Chairman Jim Ozbun, Commissioner Steve Hartman, Commissioner Ray Trottier, and Legal Counsel Edward Erickson

Others Present: Leon Glasser

AGENDA

1. **Chippewa Downs Meet & Project Status Update**
2. **Any other business which may properly come before the Commission**
3. **Adjournment**

Director laCour stated that he had a request from Bubby Haar to be an agent for four jockeys instead of three. Director laCour indicated that based on discussions with the State Steward, this should not pose a problem and would help make sure some of the jockeys who go to other tracks as well can take care of their business at Chippewa.

A Motion was made by Chairman Ozbun and seconded by Commissioner Hartman to approve a temporary waiver pursuant to Administrative Rule 69.5-01-02-01(2) to allow a jockey's agent to represent four jockeys. Ozbun -Y, Hartman -Y, Durick-Y, and Trottier- Y. Motion passed.

1. Chippewa Downs Meet & Project Status Update

Director laCour discussed the many improvements in the aesthetic, operational, and safety aspects of the Chippewa Downs racetrack this year. He stated that with the exception of the following discussion, this year has been thus far the best year at Chippewa in his tenure. Among the positive aspects Director laCour noted that:

- Management had been highly responsive to all concerns of the Commission,
- The facilities were in much better shape with the new paddock being significantly safer than the old,
- All minor problems during the first weekend had been fixed by the second weekend,
- The gate crew was doing a significantly better job during loading and had been provided with high visibility clothing for added safety,
- Security was much tighter on the backside, and
- The new racing secretary seemed to be doing a very good job getting cards put together.

Overall, most of the issues identified last year had been thoroughly addressed by management.

Unfortunately, during the last weekend two horses were severely injured. Both horses bolted in the first turn making direct impact with the rail. The injuries ultimately proved fatal. The jockeys in both cases received no significant injuries. These incidents are the first of their kind in four years at Chippewa. North Dakota in general has in recent years had an excellent track record for equine safety.

Director laCour discussed his review of the incidents. There remains some question as to why the outcome of these incidents was so dissimilar to those in years past where horses have impacted the rail with little or no injury. Director laCour commented that the speed and force of such impacts may have been simply too much for any rail to handle. It was also noted that the rail had just been painted white by Chippewa Downs to conform to industry standards at most other tracks. The white color provides increased visibility for the horses as it reflects the broadest spectrum of light which should have been a further deterrent to such incidents.

Director laCour recommended that, as the Commission has done previously in establishing and updating its equine safety through medication reform (see for example the recent addition of Cobalt regulations), the Commission should take swift and decisive action. Director laCour stated that he does not want North Dakota to become one of those states where the death of a horse is just another day at the races. To that end, Director laCour made contact with several experts in the industry including Richard Fontana, inventor of Fontana Safety Rail, who is currently retired, but often provides expert testimony on racetrack rails in court. Mr. Fontana was kind enough to provide his recommendations, as were others. The general consensus was that a "sight fence" should be put up around the first turn to discourage horses from bolting in that direction as an additional safety measure to the outside rail. This is essentially a six foot tall continuous fence which provides a barrier the horses will avoid in favor of the open surface of the track.

Director laCour stated that Chippewa Downs already agreed to this plan and to have the fence completed before Saturday, the next race day. The Commission reviewed Chippewa's proposed fence and requested a change from 4x4 posts to 6x6 to increase the strength and longevity of the structure. To account for a potential increase in costs over the \$12,555 estimate provided, the Director recommended making funds available from the Promotion Fund to pay actual cost of construction up to \$15,000. Director laCour noted that this was a relatively minor cost compared to the safety of North Dakota's equine athletes.

Director laCour also stated he would continue to work with his contacts in the industry to develop further recommendations for both Chippewa and the ND Horse Park for 2016 and beyond. Director laCour noted that he believes there is a very good chance the ND Horse Park will be resolving some of their issues shortly and be able to present a long term plan to the Commission to support a 2016 meet. Therefore, additional consideration should be given to the safety and maintenance of the ND Horse Park facilities as the Commission moves forward.

A Motion was made by Chairman Ozbun and seconded by Commissioner Durick to approve \$15,000 from the Promotion Fund to build a "sight fence" around the first turn at Chippewa Downs. Ozbun -Y, Durick -Y, Senftner -Y, Hartman-Y, and Trottier- Y. Motion passed.

2. Any other business which may properly come before the Commission

3. **Adjournment**

Chairman Ozbun requested the meeting be adjourned.

A Motion was made by Commissioner Hartman and seconded by Commissioner Senftner to adjourn the meeting. All voted aye and hearing no negative vote the motion passed.

The meeting was adjourned at 11:05 a.m.