

BOARD OF DIRECTORS MEETING

FINAL DRAFT - UNAPPROVED MINUTES

MINUTES

JAN 10, 2011

2:00 PM

MEETING CALLED TO ORDER BY	Larry Robideaux
TYPE OF MEETING	Board of Directors Meeting
PLACE	LAHBPA Main Office New Orleans
NOTE TAKER	Sandy Ray/ Rachele Mischler
ROLL CALLED BY ED FENASCI AND QUORUM WAS DECLARED	Larry Robideaux, Sam Breaux, Bill Foreman, Don Hargroder, Arthur Morrell, Keith Bourgeois, Don Stemmans, Gerald Romero Christine Early & Sam David via phone Absent: Carrol Castille
PRAYER LEAD BY	Christine Early
OTHERS IN ATTENDANCE	Jim Gelpi, Ed Fenasci, Mike Fenasci, Liz Roussel, John Duvieilh, Will Velie, Julio Rubio, Mike Pearlstein, Stanley Seelig, Rick Richter, Josh Force, Mike Fawer via phone

THE CHAIRMAN CALLED THE MEETING TO ORDER

MOTION	Motion to waive 10 day notice. Motion By: William Foreman Second By: Don Hargroder Motion Passed Unanimously
---------------	---

MOTION	Motion to defer approval of Dec 7, 2010 Minutes Motion By: Sam Breaux Second By: Don Hargroder Motion Passed Unanimously
---------------	---

MOTION	Motion to enter Executive Session to discuss legal matters. Motion By: Don Hargroder Second By: Keith Bourgeois Motion Passed 6-3 Nay: Sam Breaux, Arthur Morrell, Don Stemmans
---------------	---

HOMELAND SECURITY MEETING OF JANUARY 3, 2011

JIM GELPI/WILL VELIE

DISCUSSION	<p>There was a meeting held last week with Homeland Security and a number of trainers for informational purposes. The information received is that Homeland Security believes there is non compliance of documentation of workers on the backside of LA racetracks. It was an effort on their part to obtain compliance. They are seeking compliance through the H2B Program and the use of E-Verify. The solution to the problem is to obtain documentation through the H2B program. The concern is when trainers go to E-Verify and use the H2B program there would be a necessity that existing workers that are presently here without documentation will be required to return to the home country and seek Visa's through the H2B program, if they were here illegally, they will be barred from returning for 10 years. The workers that are now skilled and trained will not be able to return for 10 years, which could possibly cause interruption to the racing industry. To achieve compliance trainers may lose their skilled workers and will have to retain new employees unless there is some solution.</p> <p>Will Velie is here to discuss the issue. Trainers could go through the H2B program and seek a waiver from the State Department, but it is not clear if a waiver would be granted. Will stated that a meeting will be held tomorrow at the Fair Grounds in the Black and Gold Room @ 10:30am with trainers. This is a trainer problem not an HBPA problem. Past administration enforcement would send illegal workers back to their country, under the new enforcement regime they are going after employers of the illegal workers. This has been done in several industries and not the horse racing industry yet. Employers are being fined and or given jail terms of 5-10 years for tax evasion and harboring illegal aliens. The visit from ICE last week signaled that attention</p>
-------------------	---

	has turned to this industry . ICE will be back at the Fair Grounds at the end of the month to train employers on I-9 filing. Once they come out to train on compliance, this means they will expect employers to comply. They will come back and do an I-9 Audit. Will Velie is willing to go speak to The Department of Homeland Security with a representative of the HBPA to seek an extension or grace period.
--	--

MOTION	<p>Motion to go back into Executive Session to discuss legal matters</p> <p>Motion By: Don Hargroder Second By: Keith Bourgeois Motion passed unanimously</p> <p style="text-align: right;">Christine Early dropped the call before vote</p>
--------	--

MOTION	<p>Motion to direct Adams & Reese and Liz Roussel to maintain the same position on the exceptions of the Morrell and Seelig derivative suits, i.e. to seek to dismiss both of those law suits while at the same time continuing to pursue settlement discussions with the plaintiffs.</p> <p>Motion By: Second By: Motion passed 7-0</p> <p style="text-align: right;">Abstain: Arthur Morrell, Don Stemmans</p>
--------	--

MOTION	<p>Motion to direct Adams & Reese and Liz Roussel to assist the Association to engage qualified and independent legal counsel to take all steps necessary to identify and evaluate all potential claims without regard to time of occurrence of the association relating to the demands made in the Morrell and Seelig suits and or based on the allegations contained in the indictments and recommend which of those claims are worthy of pursuing.</p> <p>Motion By: Second By: Motion passed: 7-0</p> <p style="text-align: right;">Abstain: Arthur Morrell, Don Stemmans</p>
--------	---

MOTION	<p>Motion to direct Liz Roussel and Adams & Reese to take no position with respect to the motions to stay than rather to file the Morrell and Seelig derivative suits.</p> <p>Motion By: Second By: Motion passed: 7-0</p> <p style="text-align: right;">Abstain: Arthur Morrell, Don Stemmans</p>
--------	--

APPROVAL OF NOMINEES FOR ELECTION COMMITTEE

LARRY ROBIDEAUX

DISCUSSION	<p>The Chairman appointed an Election Committee. Those appointed are as follows; Wes Hawley (previously nominated), Corale "Bunky" Richards, Eric Heitzman and Alvin Sider.</p> <p>Christine Early had to leave the conference.</p>
------------	---

MOTION	<p>Motion that the nominees, Alvin Sider, Eric Heitzman and Corale Richards be approved to serve on the Election Committee for the 2011 Election and that Wes Hawley be included if he declines his nomination as a candidate.</p> <p>Motion By: Keith Bourgeois Second By: Don Hargroder Motion passed unanimously</p>
--------	---

CONSIDERATION OF ELECTION COMMITTEE DUTIES ON OR BEFORE ELECTION DAY IN RELATION TO INDEPENDENT ELECTION CONTRACTOR

JIM GELPI

DISCUSSION	<p>A question arose from TruBallots regarding procedures on election day if issues come up.</p> <p>Item deferred until next meeting.</p>
------------	--

CONSIDERATION OF APPROVAL OF MAILING ELECTION BALLOTS APPROXIMATELY 9 DAYS EARLIER THAN PROVIDED FOR IN THE BYLAWS

ED FENASCI

DISCUSSION	<p>Item deferred until next meeting.</p>
------------	--

CONSIDERATION OF INITIATION OF BACKSIDE WORKERS COMPLIANCE PROJECT

JIM GELPI

DISCUSSION	Whether or not the HBPA is going to help resolve the problem
MOTION	<p>I move that the HBPA explore, without delay, whether there is a reasonable basis upon which the HBPA can facilitate entry of its members into the use of the federal H2-B program and to thereby help employers and employees achieve documentation of any undocumented workers without undue interruption of the racing industry; and, in that regard, the Executive Director and General Counsel be tasked to make inquiry into the feasibility of achieving these goals and to report back to this Board as to all progress in that regard</p> <p>Motion By: Billy Foreman Second By: Don Hargroder Motion passed unanimously</p>

STATUS OF RESIGNATIONS FROM SEAN ALFORTISH AND MONA ROMERO FROM ALL RELATED BOARDS, POSITIONS, COMMITTEES AND AS SIGNATORIES

DISCUSSION	Sean takes the position that he wasn't on the Board of the Medical Benefit Trust.
MOTION	<p>In the event that Sean Alfortish is, in fact, a Trustee of the Louisiana Horseman's Medical Benefit Trust, I move that he be hereby removed as a Trustee of the Louisiana Horsemen's Medical Benefit Trust.</p> <p>Motion By: Don Hargroder Second By: William Foreman Motion passed unanimously</p>
MOTION	<p>Motion to Adjourn</p> <p>Motion By: William Foreman Second By: Keith Bourgeois Motion passed unanimously</p>

LARRY ROBIDEAUX, Chairman

DATE