

Sam Houston Race Park files Chapter 11, plans to restructure and continue racing

With lower turnout and a decline in average daily betting, the year-old horse track defaulted on a \$44 million debt payment.

HOUSTON (AP) — Sam Houston Race Park officials filed for Chapter 11 bankruptcy protection Monday and announced a \$10.8 million deal to restructure finances and keep the troubled fledgling track open. "This is a milestone for Sam Houston Race Park and means that we'll be racing for years to come," said James Noteware, Sam Houston Race Park's president. "We won't pass a single day of racing."

Noteware said a tentative agreement with bondholders, still subject to being concluded, offers cash-interest payments on debt for up to six years and a \$10.8 million infusion, including \$5.8 million in cash.

The year-old horse track, the first Class I track in Texas, defaulted on a \$4.4 million debt payment in January and has been negotiating with bondholders since late last year.

This new agreement was struck last week with bondholders. It includes provisions to

eradicate the \$4.4 million debt payment the track defaulted on in January. Officials made the announcement prior to an afternoon news conference to discuss their plan.

Sam Houston, an \$84 million facility in northwest Harris County, opened last April 29 with some 16,500 race fans betting \$1.3 million on a 10-race card. It was downhill from there for Texas' first thoroughbred track in 57 years.

"This is a milestone ... and means that we'll be racing for years to come."

— James Noteware, Sam Houston Race Park president

Attendance averaged 7,500 with daily betting handles less than \$600,000 for the initial 45-day thoroughbred meet, far lower than the expected 10,000 people and \$1.2 million in wagering per day.

Because of the results, purses plunged from

a high of \$150,000 per day to only \$30,000 per day, which drove away horsemen. That, in turn, forced the track to cut racing days because there weren't enough horses.

Track officials admitted they had overestimated the market for horse racing and underestimated racing fans' knowledge of pari-mutuel wagering. They also blamed a flawed marketing campaign and fired their advertising agency.

Investors responded to a cash call from track management last year and provided an additional \$6.5 million just to make ends meet.

Sam Houston, however, continues to struggle. During the recently ended winter meet, attendance sagged to under 3,200 per day and wagering averages dipped to \$462,000.

The state's second Class I horse track, Retama Park, opened April 7 on the outskirts of San Antonio.

Opening night attendance at the \$79 million track was 29,631, surpassing an expected capacity crowd of 20,000. Total attendance for Retama's three-day opening weekend was 47,722 with a wagering total of \$3.84 million.

Retama Park chairman Joe Straus Jr. said his track would try to avoid the problems that plagued Sam Houston Race Park.

Controversial cancer doctor goes before Federal Grand Jury

This marks the FDA's fifth attempt to indict Dr. Stanislaw Burzynski for alleged violation of interstate commerce laws. His non-toxic cancer treatment is unapproved by the U.S. Food and Drug Administration for general use.

HOUSTON (AP) — A doctor under scrutiny for the last-nance cancer therapy he offers patients nationwide delivered records Monday to a federal grand jury in response to a raid by authorities on his clinic.

For 12 years, federal and state officials have tried to stymie the work of Dr. Stanislaw Burzynski, whose non-toxic, anti-cancer

treatment using "antineoplastons" is legal but unapproved by the U.S. Food and Drug Administration for general sale and use.

"It's such a waste of taxpayer money," Burzynski said as he entered the federal courthouse in Houston.

He is frustrated, he says, that the Food and Drug Administration has both given him permission to conduct his work in a limited setting and tried to shut him down at every turn.

"I'm saving people's lives," he said.

Burzynski's appearance before the federal grand jury is the FDA's fifth attempt since 1983 to indict Burzynski for alleged violation of interstate commerce laws.

"Maybe when you become a bureaucrat you lose a certain part of your humanity and common sense," Rick Jaffe, Burzynski's attorney, said. "But I mean, no normal person would be worrying about somebody like Burzynski."

Said Burzynski: "It's insanity." It's not clear exactly what charges Burzynski could face. The U.S. attorney's office declined to comment Monday. It also was uncertain how long the federal grand jury would take to decide whether to return an indictment.

Burzynski's medical treatment is legal in the sense he can use it in FDA clinical trials and for those seeking individ-

"I'm saving people's lives."

— Dr. Stanislaw Burzynski

ual treatment in Texas through his Houston clinic.

The treatment, however, has not been approved for sale on the interstate market and cannot be shipped for use outside Texas except for rare occasions that

require FDA approval. The doctor says he is about two years away from getting the treatment approved by the agency.

Burzynski never has provided exact figures on his success rate, but of the 2,000 patients he's treated since 1977, he claims roughly one-third have experienced remission over several years.

This latest whirl of legalities began March 24. Only hours after

Burzynski appeared on "CBS This Morning" and days after his technique was featured by other media sources, his clinic was raided by FDA and U.S. Postal Service officials who demanded his patient files.

The Texas Board of Medical Examiners is appealing a judge's ruling that overturned that agency's attempt to place the doctor's license on probation for 10 years.

Alimony proposal would affect few, experts claim

The aim is to help those affected to stay off of public assistance following a divorce.

AUSTIN (AP) — The alimony proposal adopted by the Texas House would affect relatively few divorcing couples. But it could be a great help to those who receive payments, family law experts say.

"In my perfect world, it would be a much broader piece of legislation. But if we can get a bill that will help any of these people in these problems, it will be better than we have now," said Austin lawyer Becky Beaver.

"I have so many clients who find themselves in a situation where there is relatively

little community property, their children are grown and they have spent most of their time at the home raising the children and not developing their own professional skills, and there's not any community property to compensate," she told the Austin American-Statesman.

The House added the alimony proposal to a welfare reform plan, with backers saying it would help people to stay off public assistance after divorce.

The measure, which still requires Senate approval, would allow a judge to order alimony payments if the couple had been married at least 10 years and the spouse seeking money didn't have enough property to provide for minimum needs.

The spouse seeking alimony also would

have to lack the ability to earn a living because of insufficient work skills, an incapacitating physical or mental disability, or because the spouse had custody of a child with a physical or mental disability.

Alimony could be ordered if the spouse from whom assistance was sought had been convicted of a family violence offense in the previous year and placed under community supervision.

Payments could be made for no more than three years and couldn't exceed the lesser of \$2,500 or 20 percent of the income of the paying spouse.

Nationally, alimony is awarded in about 10 percent of divorces, according to Joan Zorza, senior attorney at the National Center for Women and Family Law in New York.

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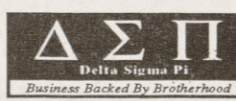

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