

MINUTES
WV RACING COMMISSION
Wednesday January 12, 2011 10:00 A.M.
WV Lottery

Meeting called to order

Roll call: **Chairman Joe Smith**
 Commissioner Jack Rossi
 Commissioner Greg McDermott (via conference call)

Election of Commission chairman

Jack Rossi made a motion to keep Joe Smith as Chairman, Greg McDermott seconded, after a vote, the motion carried.

Approval of September 20, 2010 minutes

Mr. Rossi moved to approve the September minutes, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Approval of November 15, 2010 minutes

Mr. Rossi moved to approve the November minutes, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Approval of December 20, 2010 minutes

Mr. Rossi moved to approve the December minutes, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

10-10-10 update and treatment of "rejected" claims – legal advice

Following a discussion in Executive Session, it was decided that claims filed in a timely fashion would be paid from the supplemental funds, if approved. If funds are not approved, or if there are any claimants that are not paid, they may wish to explore the procedures for seeking compensation through the Court of Claims.

**Capital improvement request, Charles Town, replacement televisions (87)
in the amount of \$46,110.00**

Jon Amores shared with the Commissioner Erich Zimny's request to replace the very old TV's that are not working. Mr. Rossi moved to approve the request as a capital improvement for Charles Town. Mr. McDermott seconded, a vote was taken and the motion carried.

Capital improvement request, Charles Town, infrastructure for 5 walkabout tellers in the amount of \$23,000.00

Mr. Zimny requested the purchase of 5 handheld devices that are considered a mobile network. Mr. Rossi moved to approve the Capital improvement to purchase the 5 units, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Approval of Charles Town capital reimbursement payment for assorted projects completed prior to July 1, 2009

Becky Carnefix shared a listing of the projects with the Commissioners which were completed prior to July 1, 2009. She suggested that after her audit of the invoices, payment be made in the amount of \$899,975.00 for simulcast equipment and projects. In response to a question from Chairman Smith about expenses that were not reimbursed, Ms. Carnefix stated she agreed that those items should not be part of the capital expense, as they do not enhance racing. Mr. Rossi moved the payment be made without the rejected items suggested by Ms. Carnefix. Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Request from Board of Judges regarding urine samples of greyhounds

Chairman Smith shared with Commissioners McDermott and Rossi that prior to 2005 urine samples were taken from entries to detect the use of any prohibited drugs or agents but after that date double samples of urine were taken. Considering that after 1000's of samples and only one coming back questionable it would appear that the redundancy is neither effective nor efficient. Mr. Rossi moved to return to only fifteen samples unless there was just cause to warrant more, Mr. McDermott seconded the motion, it was voted upon and the motion carried.

Update from Jim Sturgeon, pension plan for backstretch personnel

Jim Sturgeon provided an update on the private letter ruling request to be submitted to the IRS. After some questions by Maria Castignani, Mr. Rossi made a motion to authorize Mr. Sturgeon and the two horse park attorneys to have a discussion with the HBPA and their attorney to try and resolve the issues to the extent possible. Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Hearing examiner's recommended decisions, Shotwell and Schweizer appeals

Kelli Talbott disclosed that Mr. Shotwell's appeal was taken before a hearing examiner. The appeal was about coupled races not being permitted in Stakes Races. The decision noted that Mr. Shotwell waited too late to appeal to the Stewards the fact that the Steward's had scratched one of the horses. Mr. McDermott made a motion to agree to Mr. Blaydes' decision on the hearing, Mr. Rossi seconded the motion, a vote was taken and the motion was carried.

Anthony Eates communicated Mr. Schweizer's hearing about being denied a trainer's permit because his wife trains at another kennel. The hearing examiner upheld the denial based upon a conflict of interest under Wheeling Island's rules. After discussions viewing both sides, Mr. Rossi moved to defer any decision until the next meeting, to gather more information. Mr. McDermott seconded the motion, a vote was taken and it carried to defer until the next meeting.

Funkhouser hearing -- overhead camera issue / Charles Town

Erich Zimney shared the need for an additional new camera, possibly at the 3/16 pole, to address an area of the track that is difficult for the Stewards to see. The jockeys know this and to avoid further problems, Mr. Amores suggested adding the camera. Mr. Rossi made a motion to mandate that Charles Town submit a capital improvement request for the purchase of a new camera. Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Greyhound adoption program update

Anthony Eates shared about the committee that grouped with him for a greyhound adoption procedure. Their draft presented the offer of \$150.00 per dog in the form of a voucher. The voucher goes with the greyhound to the Veterinarian for spaying or neutering. The Veterinarian signs the voucher, and then the voucher is presented to the Commission for payment. Mr. Rossi made a motion to approve the policy as Mr. Eates drafted following the group discussion, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Distribution of simulcast monies – request for legal advice

It was discussed in Executive Session that the distribution of these monies needs further research and review, including information from Wheeling Island. Mr. Rossi made a motion to defer this until the next meeting, Mr. McDermott seconded the motion, and after a vote, the motion carried.

Wheeling Island request to approve 2011 kennel contracts

It was addressed in Executive Session that the kennel contracts need further research and review, including information from Wheeling Island as to whether the contracts are good for racing. Mr. Rossi made a motion to defer this until the next meeting, Mr. McDermott seconded the motion, and after a vote, the motion carried.

Raiser status issue – request for legal advice

It was shared in Executive Session that since the Inspector determined the foals being considered as Raisers were not in WV, they should be decertified. Chairman Smith stated the rules of the raiser program will be enforced. Mr. Rossi made a motion to decertify the foals from the Raiser program, Mr. McDermott seconded the motion, a vote was taken, and the motion was carried.

Approval of racing make up days; Grant authority to Executive Secretary to approve racing make up days and coupled entries

Mr. Amores stated that this item has already been taken care of at the office, due to it needing to be done before the Commission Meeting. The office conferred with Chairman Smith on these racing make-up days, and it was determined that the Executive Secretary should be given the authority to make these decisions. Mr. Rossi moved that the Executive Secretary of the Racing Commission has the authority to approve make-up days and coupled entries. Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Approval of import / export signal contracts

Mr. Amores stated that the contracts for Charles Town needed to be done before January 1, 2011. He discussed this with Chairman Smith prior to the Commission Meeting, who approved the decision. Mr. Rossi moved that the Executive Secretary be authorized in the future to approve such import / export signed contracts. Mr. McDermott seconded, a vote was taken and the motion carried.

Approval of FY '10 audit

Bob Dinyer, lead auditor of Gibbons and Kawash, spoke that after completing the WV Racing Commissions audit of 2010 Financial Statement, he met with Mr. Amores, Becky Carnefix, Director of Audits, Joe Moore, Accountant, and Commissioner Jack Rossi, CPA. The agency found the conclusion of the audit to be acceptable. Mr. Rossi moved to accept the completion as presented at their meeting. Mr. McDermott seconded and after a vote, the motion carried.

Resignation of Joe Winiesdorffer

Chairman Smith acknowledged receipt of the resignation and noted a great appreciation for 17 years of service as Pari-Mutuel auditor and license clerk for Wheeling Island Greyhound Racetrack. Chairman Smith added that he'd like Mr. Amores to send a letter of thanks to Joe Winiesdorffer.

Approval of hiring Pari-Mutuel Auditor and License Clerk, Wheeling Island

Mr. Amores discussed that Mr. Winiesdorffer's position be filled by 2 separate people so as to improve financial controls and accountability. Mr. Rossi moved to approve the hiring two people, Mr. McDermott seconded the motion, a vote was taken, and the motion carried.

Approval of procedural rules – re-filing with Secretary of State

Kelli Talbott stated that after consultation with Counsel, the procedural rules needs to be re-filed, then there is a thirty day open period for public response. She suggested the Commission allows her the authorization to re-file. Mr. Rossi moved the authorization to re-file with the Secretary of State, Mr. McDermott seconded the motion, a vote was taken and the motion carried.

Legislative update

Mr. Amores updated that we are awaiting approval from the Governor on the negotiated issues before the rules committee for wagering, greyhound, and thoroughbred rules. Once the Governor approves, then it will go before the Legislature.

Charles Town veterinarian issue

It was decided in Executive Session to recruit a full time Veterinarian for Charles Town. Mr. Rossi so moved this decision, Mr. McDermott seconded it, after a vote, the motion carried.

Public comments

Recognition: Charles Town awarded graded stakes race – Charles Town Classic

Charles Town Classic – first ever in history awarded the graded stakes race. It will take place April 16, 2011. Chairman Smith gave hearty congratulations.

Deshawn Parker – Winningest jockey, 2010

Deshawn Parker, of Mountaineer Park – the winningest jockey in North America. His first winning race was Dec. 2, 1988. In his career he's made \$39 million, reaching 3504 wins as of December, 2010. Mr. Amores had a plaque made for his congratulations. Maria Castignani spoke that March 1, 2011 will be a race in his honor. Chairman Smith suggested a March 1, 2011 Commission meeting so he can see him honored. A film clip from a news brief was presented showing his accomplishments.

The next Commission meeting will be held on Monday, February 7, 2011, at 10 AM, at the Lottery.

The following Commission Meeting will be held Tuesday, March 1, 2011, at 10 AM, at Mountaineer Park, in order to see the race honoring Deshawn Parker.

Mr. McDermott made a motion to adjourn the meeting, Mr. Rossi seconded, a vote was taken and the meeting adjourned at 1:45 PM.