

MINUTES
WV RACING COMMISSION
Monday, May 16, 2011 10:00 A.M.
WV Lottery

The WV Racing Commission met on May 16, 2011, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith, Commissioner Greg McDermott, and Commissioner Jack Rossi. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of April 15, 2011 Minutes

The Commissioners and both attorneys received the minutes from the April 15, 2011, meeting prior to this meeting. Jack Rossi moved to accept the minutes, Greg McDermott seconded the motion. The Commissioners approved the April 16, 2011 minutes by unanimous consent.

**Approval, Charles Town reimbursement of capital projects totaling \$126,039.29,
completed prior to 7/1/2009**

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of the track projects, less the net trade-in value of a used tractor, totaling \$108,039.29. Discussion was led by Ms. Carnefix, Director of Audits.

**Mountaineer Racetrack, capital reimbursement request of \$146,150 to purchase
and install new Fontana safety rail covers**

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of the safety rail covers. Rose Mary Williams was available for questions for the following eight projects.

**Mountaineer Racetrack, capital reimbursement request of \$5,995 to replace awning
located behind the Grandstand**

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of the awning.

Mountaineer Racetrack, capital reimbursement request of \$20,000 to replace and repaint back of Grandstand

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of replacing damaged sheeting and repainting the back of the Grandstand.

Mountaineer Racetrack, capital reimbursement request of \$8,770 to demolish two unsafe barns on backside

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement for the demolition and removal of debris of the two barns.

Mountaineer Racetrack, capital reimbursement request of \$49,780 to demolish and replace retaining wall from paddock to racetrack, by Winner's Circle

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of the demolition and rebuilding of the retaining wall, with a new sidewalk.

Mountaineer Racetrack, capital reimbursement request of \$97,525 to replace the Clubhouse roof

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement of removal and reinstallation of a new rubber roof system, with insulation boards and drains.

Mountaineer Racetrack, capital reimbursement request of \$5,727.90 for installation of paddock garage door

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement for a second paddock door, including a fence being moved and installation of asphalt. Ms. Williams explained the need for an ingress and egress for the horses.

Mountaineer Racetrack, capital reimbursement request of \$158,100.50 for one-half the cost of new water softening plant

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the reimbursement of half the cost of the water softening plant. Mr. Rossi discussed with Nelson Robinson whether the track will qualify for capital improvement funds from the Lottery, and it was stated that this would probably not happen. If that were the case, the track would pay for

the other half of the costs. Mr. Amores will confirm with Mr. Musgrave about whether there will be funds available from the Lottery.

Ohio State University College of Veterinary Medicine, approval of research study proposal

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the OSU research study. Dr. Bohenko, via conference call, gave details of this study for the health and recovery of the red blood cells of greyhounds after strong exercising. Ohio State University is studying this for the care and well-being for animals showing active base levels of hemoglobin, blood gases, pH, and electrolytes. The Commission is not requiring participation in the study. These tests would require a voluntary consent form, for owners and trainers, and would only be conducted immediately following schooling and at least three hours prior to the event, and only at Wheeling Island.

Charles Town Races, capital reimbursement request of \$59,000 for tractor replacement

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reimbursement for a tractor replacement. Erich Zimny presented the request.

Charles Town Races, review of Jockey Room security guard issue

Chairman Smith addressed the installation of a security guard who would be taught what to look for, and serve as a deterrent to doing anything illegal. Mr. Zimny's proposal was for the jockeys to go straight to the track from the weigh out scale and also a weigh in after the race as a cross-check, with cameras on the scale. Mr. Zimny also suggested that no action be taken to hire a security guard, if the problem was truly an isolated incident. Chairman Smith said it had already been approved at last month's meeting for a security guard to be hired by the track, so no further motion was needed or taken.

Commission advisory, 15-day rule for 10-10-10 claims

Executive Director Mr. Amores announced that the new claims for the supplemental purse awards, now has a fifteen day rule from when the purse is paid, in order to have a valid claim. It is no longer 90 days. The new claim form is posted on the WVRC web page.

Hearing Examiner's recommended decision, Martin and Wright appeals

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the recommendation of Mr. Blaydes. Ms Talbott stated that the conclusion following the hearing recommended upholding the Steward's decision on both men. It was also determined that Mr. Wright had already served his fifteen day suspension, with a \$1000.00 fine. Mr. Martin is near finishing his 60 day suspension, plus fine.

Personnel matters: Greyhound Development Fund Clerk and Mardi Gras auditor

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the hiring and June 1, 2011 start date of the WGDF clerk. The auditor for Mardi Gras is still in the final interview stage, and pending outcome of a background check.

Personnel matters: possible termination of State Vet at Charles Town without cause and hiring of State Vet at Charles Town; Wheeling Island auditor's report; update on hiring for new positions

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the termination without cause of Dr. Dibbern, effective May 16, 2011, with fifteen days' severance pay.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the hiring of Dr. Joan D'Alonzo.

Following Executive Session, upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission modified procedures following the auditor's report and will follow through in the next Commission Meeting for approval.

The interviews are being continued by Mr. Amores, for the hiring of Stewards and Judges.

Update: appeal and stay forms now available; publication of wagering and racing rules

Mr. Amores announced that the forms for appeals and stays are now available on the WVRC web page. The new wagering, greyhound and thoroughbred racing rules will be published online shortly.

Commission acknowledgement, trainer Jeff Runco's 3000th win

The Commission commended Mr. Jeff Runco's accomplishment of training his 3000th win. Mr. Lenny Hale noted that over 2400 wins were at Charles Town and that he's in the top 20 trainers in US. Only about 9 other trainers have attained this accomplishment.

Public comment

WV Breeder's Classic will be October 15, 2011 and is listed with the South East Tourism Society as one of the top 20 events for October. Ms. Holden says this recognition allowed the Classic to be publicized in 1600 newspapers, magazines, radio and TV stations in the US and in Canada.

Adjournment

The meeting was adjourned at 11:30 AM

The next Commission meeting is set for 10 AM, June 24, 2011, at the WV Lottery.