

MINUTES
WV RACING COMMISSION
Friday, July 15, 2011 10:00 A.M.
WV Lottery

The WV Racing Commission met on July 15, 2011, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith, Commissioner Jack Rossi, and Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of June 24, 2011 Minutes

The Commissioners and both attorneys received the minutes from the June 24, 2011, meeting prior to this meeting. Jack Rossi moved to accept the minutes, Greg McDermott seconded the motion. The Commissioners approved the June 24, 2011 minutes by unanimous consent.

Approval of July 7, 2011 Minutes

The Commissioners and both attorneys received the minutes from the July 7, 2011, meeting prior to this meeting. Mr. McDermott moved to accept the minutes, Mr. Rossi seconded the motion. The Commissioners approved the July 7, 2011 minutes by unanimous consent.

Request to change race day, Mountaineer Racetrack

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved changing the September 16, 2011 race date to September 14, 2011 to accommodate the Chester Volunteer Fire Department Fall Bash.

Status report, emergency rules for SB550

Ms. Talbott stated that the emergency rule for the Greenbrier had been signed by Secretary Lorensen and was before the Secretary of State. She stated that the rule expires in 15 months and expressed the need for it to go through the Legislature next year. Permission must also be obtained by The Greenbrier from Colonial Downs in order to engage in simulcasting.

Request for waiver of minimum weight rule, Mountaineer Racetrack

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved to waive the minimum weight rule for WV Derby Day only. Rose Mary Williams spoke that waiving

the 116 pound minimum weight for jockeys was for the nine stakes races on August 6, 2011, only.

Capital improvement request, Charles Town Racetrack, \$6,800 for rewiring / barn TV's

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the request.

WVTBA and Charles Town request for legal advice, re: WV-bred races

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission waived the confidentiality of attorney-client privileged information to discuss the WV-bred issue.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission adopted Ms. Talbott's analysis. Ms. Talbott's interpretation is that the fourteen stakes races per year and two restricted races per day must be viewed separately. The restricted races are paid out from the general purse fund. The fourteen stakes races are paid from the WV Thoroughbred Development Fund.

Occupational permit reinstatement – John Luzzi

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the reinstatement of Mr. Luzzi's permit with the conditions that he stays compliant on the AA program and zero tolerance breathalyzer results prior to each race. Danny Wright, Chief Steward, agreed. Any non-compliance, and his permit will be terminated permanently.

Capital improvement request, Mountaineer Racetrack, \$6,532 for utility vehicle

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the purchase of the John Deere utility vehicle for track maintenance.

Capital improvement reconsideration request, Mountaineer Racetrack, \$108,000 for the replacement of the clubhouse roof.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the request, using the different contractor.

Capital improvement request, Mountaineer Racetrack, \$95,000 for a Vactor catch basin sewer cleaner

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the purchase. Ms. Williams verified the purchase, hiring of two employees with CDLs and permits cost would be an enormous savings over the cost of contracted sewer cleaning regularly.

Capital improvement request, \$15,078.50 for new TVs in the clubhouse

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the request for the HDTVs.

Status report, Office of Technology evaluation and assessment

JD Hughes gave a presentation showing the assessments of each of the tracks and office. He is recommending compliance, training and support, executive reporting, redesigning of the Racing Commission website, uniformity, and policies and procedures in place. At this time an executive committee is reviewing the entire assessment, and then it will go to the Racing Commission staff to review. Chairman Smith requests the staff to work with OT following the implementation and to know of OT's projections and regularities.

Legislative Auditor's report, HBPA's use of "administrative fees" in Commission statute

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to discuss this in sixty days following the receipt of responses from Lenny Hale, Phil Reale, and Maria Castignani on behalf of the HBPA. Chairman Smith questioned whether the funds used by the HBPA's are public funds. After this follow-up discussion, it will need to be addressed in the legislature.

Approval for state veterinarians at Wheeling Island and Mardi Gras to administer canine influenza vaccines, as per new rule requirements

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the immediate administering of the vaccinations as an emergency one time need. A waiver form will be drafted by the attorney and must be used. The state veterinarians will have the owners sign the waiver and assume the cost. This is a one time exception to the rule.

Question regarding horsemen's liability insurance requirement, Charles Town Racetrack

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission deferred this discussion to the next full Commission meeting, to have counsel study it more.

Adjournment

The next Commission meeting will be at 10 AM, July 22, 2011, at the WV Lottery and the following meeting is set for 10 AM, September 9, 2011, at the WV Lottery.