

MINUTES
WV RACING COMMISSION
Tuesday, January 24, 2012 10:00 A.M.
WV Lottery Conference Room
(New Building)

The WV Racing Commission met on January 24, 2012, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith and Jack Rossi, with Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Election of Commission Chairman

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission voted unanimously for Joe E. Smith to remain as Chairman.

Approval of December 5th and December 19th Minutes

The Commissioners and both attorneys received the minutes from both the December 5th and December 19th, 2011, meetings prior to this meeting. Mr. Rossi moved to accept the minutes, Mr. McDermott seconded the motion. The Commissioners approved the December 5th and December 19th, 2011 minutes by unanimous consent.

Mardi Gras request to conduct the \$35,000 WVGoba Juvenile Sprint and the \$65,000 WVGoba Open Distance stakes races

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the two races with their March 17th and 31st dates for trial and final races for the Juvenile Sprint and May 12th and 26th for the trial and final races for the Open Distance Stakes Race.

Charles Town Racetrack, twenty (20) Capital Improvement Requests totaling \$1,978,925

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the request. Mr. Zimny relayed that the improvements are for security improvements and all are track related.

Charles Town Racetrack Capital Improvement Request, renovation of Grandstand and simulcast lobby, totaling \$160,000

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

Approval of Statement of Work with Office of Technology, Infrastructure RFQ

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission agreed to solicit for technology infrastructure quotes, to install and configure at all the racing commission locations.

Approval of Statement of Work with Office of Technology, Information System RFP/ RFQ

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed, assisted by OT, to find vendors for quotes for the information system software.

Approval of Service Level Agreement (MOU) with Office of Technology

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the Service Level Agreement, under the condition that Purchasing agrees to the 90 day opt out clause, rather than the WV State Policy stating 30 days.

Payment of mount fees, Charles Town Racetrack

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved to get the Rule related to payment of mount fees in place, get the jockeys' wages set correctly immediately, and going forward, to properly follow the Rule. Ms. Talbott stated the money paying the jockeys come from a purse account with the horsemen's account bookkeeper, paying the jockeys and the owner. The software program needs to be tweaked immediately to accommodate the raised mount fee percentage according to the Administrative Rule. Chairman Smith requests the HBPA and Jockey's Guild to negotiate any solution to back pay for the jockeys, and bring the solution to the next meeting.

Occupational Permit, James Whaley

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission deferred this discussion since no information is available.

Mountaineer Racetrack, Capital Improvement Request, rebuild finish line bar, \$5,600

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

Update, 2012 staggered occupational permits

Mr. Amores specified the permits will be staggered by birthday, by trimester. The software is being examined to make it possible, working with track personnel and Casino personnel. Permits paid for 2012 already will be prorated with credit for the year toward 2013. The badge colors will be different by trimester, for the security people to easily identify.

Update, 2012 Legislative Session

Mr. Amores stated there are not any new bills for the Racing Commission, only defensive stance. Chairman Smith requests an assessment of the Backstretch pension, the last date any changes can be added, and the rules for pari-mutuels at the Greenbrier.

Charles Town updates: Facebook page and 2011 Recap

Mr. Amores acknowledged the press releases regarding Facebook exposure to the public about the WV Classics, and the details of Charles Town's successes for 2011, including the increase in handle.

Six Month review, Jamie Divers

Following Executive Session, the Commission agreed her work is satisfactory.

Reply to counter offer, Hancock v. WVRC

Following Executive Session, the Commission authorized Counsel to reach a negotiated settlement counter offer.

Adjournment

The next Racing Commission meeting is set for February 27, 2012, at 10 AM at the WV Lottery Conference Room.