

**MINUTES  
WV RACING COMMISSION  
Tuesday, February 26, 2013  
WV Lottery Conference Room**

The WV Racing Commission met on February 26, 2013 to conduct business and consider administrative matters. Roll call was taken and present were Commissioner Jack Rossi, Commissioner Greg McDermott and Commissioner Bill Phillips. Counsel was represented by Kelli Talbott.

**Election of Commission Chairman**

Upon motion by Mr. McDermott, seconded by Mr. Phillips, the Commission voted unanimously for the election of Jack Rossi as Commission Chairman.

**Approval of January 18<sup>th</sup> minutes**

The Commissioners and legal counsel received the minutes from the January 18<sup>th</sup> meeting prior to this meeting. Mr. McDermott moved to accept the minutes, seconded by Mr. Phillips. The Commission approved the January 18<sup>th</sup> minutes.

**WV Breeders Classics, Ltd., advertisement reimbursement request in the amount of \$90,526.24**

Joe Moore stated he had reviewed the request and sufficient funding was available. Motion made by Mr. Phillips, seconded by Mr. McDermott, the Commission approved the request.

**Occupational permit request, Daniel Feliciano**

Jon Amores stated the background check and letter of support from the stewards has been obtained. Mr. Feliciano stated he forgot to list the conviction on his application and he wants the opportunity to come back to racing. Phillip Heindrich, Mountaineer HBPA, stated Mr. Feliciano has asked for help from the Chaplain and he shows a good work ethic. Motion was made by Mr. McDermott to approve the request and provide for a conditional permit, subject to the same stipulations applicable to his license in Pennsylvania. Seconded by Mr. Phillips, the Commission approved the request.

**Occupational permit reinstatement request, Angelo G. Jackson**

This item was deferred until further notice due to waiting on additional information.

**Mountaineer Racetrack capital reimbursement request, \$444,050 for natural gas conversion project, to serve barns, Grandstand, Clubhouse, and other buildings**

Becky Carnefix stated this request had been reviewed, funding was available, appeared to be racing related and recommends for approval. Upon motion made by Mr. McDermott, seconded by Mr. Phillips, the Commission approved the request.

**Mountaineer Racetrack capital reimbursement request, \$1,449.84 for printer to be used trackside for promotional purposes**

Becky Carnefix stated this request had been reviewed, funding was available, appeared to be racing related and recommends for approval. Upon motion made by Mr. Phillips, seconded by Mr. McDermott, the Commission approved the request.

**Mountaineer Racetrack capital reimbursement request, \$18,003.45 for the purchase of a 2013 Jeep Patriot, to be used by the racing program department**

Becky Carnefix stated this request had been reviewed, funding was available, appeared to be racing related and recommends for approval. Upon motion made by Mr. McDermott, seconded by Mr. Phillips, the Commission approved the request.

**Mountaineer Racetrack request to permit wagering on smartphones or tablets in the grandstand and the use of permanent accounts**

Rosemary Williams explained how the wagering would take place on the devices. The wager would be treated the same as an on-track wager. The patrons' accounts would be an annual account, with the accounts being closed at the end of the year. Wagering can only take place on track premises. Upon motion by Mr. McDermott, seconded by Mr. Phillips, the Commission approved the request.

**Charles Town Races capital reimbursement request, \$274,903.67 for video equipment and cabling to be used for barn surveillance**

Becky Carnefix stated this request had been reviewed, funding was available, appeared to be racing related and recommends for approval. Upon motion made by Mr. Phillips, seconded by Mr. McDermott, the Commission approved the request.

**Approval of Interagency Agreement with WV State Lottery Commission**

Upon motion by Mr. Phillips, seconded by Mr. McDermott, the Commission went into Executive Session to discuss with legal counsel.

Upon motion by Mr. McDermott, seconded by Mr. Phillips, the Commission came out of Executive Session.

Motion was made by Mr. McDermott to defer consideration until a subsequent meeting, seconded by Mr. Phillips, and approved unanimously by the Commission.

#### **Update, proposed amendments to Thoroughbred Racing Rules for 2014**

Kelli Talbott discussed specifics from the Mid-Atlantic Racing Regulators meeting she attended. The purpose was for the regulators to discuss the uniform medication rules. The specific topics discussed were elimination of adjunct medications, third party administration of Lasix, and the overhaul of medication rules. Motion was made by Mr. McDermott to adopt the resolution reviewed by legal counsel and the Executive Director stating the Commission agrees in principle with the efforts of the Mid-Atlantic Racing states to adopt uniform medication rules and that the Commission is in support of pursuit of those rules through its required rule making process. Motion was seconded by Mr. Phillips and approved unanimously by the Commission.

#### **Approval of Hearing Examiner's recommended decision, John Michael Schweizer, Wheeling Island Racetrack**

Kelli Talbott stated it was the Hearing Examiner's recommended decision to uphold the revocation of the license. Upon motion by Mr. McDermott, seconded by Mr. Phillips, the Commission approved the recommended decision.

#### **Approval to hire Thoroughbred Development Fund Inspector at Charles Town Racetrack**

Jon Amores stated the Racing Commission needs to hire an Inspector due to the resignation of the current Inspector at Charles Town Racetrack. Motion was made by Mr. Phillips to approve the hiring of an Inspector, subject to approval by the Secretary of Revenue. Seconded by Mr. McDermott, the Commission approved the request.

#### **Update, Wheeling Island Greyhound Injury Program**

Jon Amores stated there has been an 80% decrease over the past two years in greyhounds being euthanized from race related injuries.

#### **Recognizing Charles Town rider Jose Montano, Eclipse Award winner as top apprentice jockey for 2012**

Motion was made by Mr. Phillips, seconded by Mr. McDermott, for Jon Amores to draft a resolution acknowledging Jose Montano for his accomplishment. Approved by the Commission.

#### **Schedule of next meetings and deadline for submissions to the Commission**

Chairman Rossi stated if something is to be presented to the Commission, the information should be received by the Commission 7 business days prior to the scheduled meeting. Mr. McDermott added the Commission would like for opposing sides to exchange information with each other as well. Mr. Phillips added staff should submit briefing materials to the Commission 5 business days prior to the scheduled meeting. Motion was made by Mr.

Phillips to set the Commission meetings for the remainder of the year on the 3<sup>rd</sup> Tuesday of each month, subject to availability. Seconded by Mr. McDermott and approved by the Commission.

The next Racing Commission meeting is March 19, 2013 at 10AM in the Lottery Commission's Conference Room.

### **Public Comments**

Sam Burdette asked the Commission if the Interagency Agreement will be posted online. Chairman Rossi responded it is in such a rough draft that the Commission will go back to the Lottery and re-discuss. Mr. Burdette then asked what the best format is for interested parties to submit questions and concerns about this issue. Chairman Rossi responded to submit comments in writing to the Commission.

Randy Funkhouser stated his surprise that the Interagency Agreement was on the agenda. He stated he has concerns about possible changes that may be contained in this agreement.

Kate Painter welcomed Mr. Phillips to the Commission and congratulated Chairman Rossi on his election as Chairman.