

MINUTES
WV RACING COMMISSION
Monday, February 27, 2012 10:00 A.M.
WV Lottery Conference Room
(New Building)

The WV Racing Commission met on February 27, 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.

Approval of January 24th Minutes

The Commissioners and both attorneys received the minutes from both the January 24th, 2012 meetings prior to this meeting. Mr. Rossi moved to accept the minutes, Mr. McDermott seconded the motion. The Commissioners approved the January 24th, 2012 minutes by unanimous consent.

Approval of 2012 stakes races, Wheeling Island

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the two races: \$35,000.00 WVGoba Juvenile and \$65,000.00 WVGoba Sprint, in addition to the \$25,000.00 Keystone Classic and \$25,000.00 George Kellas Memorial Stake Races. Ms. Horvath stated they will stagger with 1st round starting May 15, 2012 and the final championship on October 27, 2012.

Approval of recommended decision, in re: Appeal of Sylvester McGill

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission upheld the decision of Mr. Blaydes to revoke Mr. McGill's permit.

Consideration and action on the public comments received on 178 CSR 6, Due Process and Hearings Procedural Rule

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the revised procedural rule. Ms. Talbott stated the Supreme Court had already upheld the Commission's right to hold appeal hearings. Upon the suggestion of legislative attorneys, she suggested the Commission accept it as a procedural rule rather than a legislative rule. Jack McClung and Doug McSwain were agreeable to this.

WVGOBA requested guidelines, WV-bred Greyhound Stake Races

Mr. Sam Burdette announced the WVGOBA Executive Committee unanimously adopted the guidelines to the four WV whelped stake races each year. The owners are all in agreement that the guidelines have clarity, uniformity and consistency.

Approval of Preference list rules, Mountaineer Racetrack

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the revised preference list rules, as presented by Ms. Williams.

Presentation on proposed backstretch pension plan

Mr. Sturgeon has prepared two documents for the two thoroughbred tracks to correct the plan. The general desire from the stakeholders is to avoid the Legislature and set up a plan in compliance with tax laws. Chairman Smith agrees to the suggested amendment and wants a drafted plan by the next meeting. Mr. Sturgeon further suggested that the Trustee do monthly payouts rather than a lump sum payout. All parties will work together on this revision and bring it back to the Commission in 60 days.

Update, Thoroughbred and Greyhound rules committees

Ms. Talbott updated the last Thoroughbred meeting will be March 6, 2012 and Greyhound, March 8, 2012. She and Mr. Eates expect to vote to adopt their final revisions then. After Public Comment period, both sets of rules will be ready for the 2013 Legislature.

Revised stakes schedule, Mountaineer Racetrack

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the revised schedule for the WV Derby. Under existing guidelines, the purse will not exceed 6% of the total purses paid from the preceding calendar year. Ms. Williams explained they had to eliminate three stakes to be compliant with the horsemen's contract.

Mountaineer, Capital Improvement Request of \$1905.88, for four LCD TV's for the Stewards' Room

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the request. This will allow better angles. Ms. Carnefix noted prior that their funds are available.

Payment reimbursement approvals, \$718,448.65, Charles Town Capital Improvement Request, for live production equipment

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the request. Ms. Carnefix noted prior that the funds are available.

Jockey's Guild award to DeShawn Parker

Mr. Amores paid tribute to Mr. Parker's continuing outstanding performances. The Commissioners' concurred in their commendations.

Presentation by counsel regarding greyhound training restrictions

Following Executive Session, Ms. Talbott indicated the out of state accuser lacked credible evidence as to training violations involving West Virginia permit holders, and moreover, WV does not or has ever used live lures in training.

Adjournment

The next Racing Commission meeting is set for April 13, 2012, at 10 AM at Charles Town Racetrack, preceding the April 14, 2012 Charles Town Classics.