

**MINUTES**  
**WV RACING COMMISSION**  
**Wednesday, March 21, 2012 1:30 P.M.**  
**WV Racing Commission**  
**Conference Room**

The WV Racing Commission met on March 21, 2012, at 1:30 PM to reconsider/act upon a revision to 178 CSR 6 (Due Process and Hearings) related to the burden of proof in ejection appeals based upon public comments received during the January 19, 2012 through February 21, 2012 public comment period. Roll call was taken and present were Chairman Joe Smith with Commissioner Jack Rossi and Commissioner Greg McDermott present via conference call. Counsel, Kelli Talbott and Anthony Eates, were also present.

Counsel discussed the proposed amendment to section 4.7.d of the procedural rule which was being proposed in response to public comments and which reflects the same standard already in place in the Commission's existing legislative rules, 178 CSR 1, § 6.2 and 178 CSR 2, § 6.2. The proposed amendment states as follows: "In any hearing on appeal by a permit holder of an ejection by an association, the association shall have the burden of proving by a preponderance of the evidence that the permit holder acted improperly or engaged in behavior this is otherwise objectionable pursuant to 178 CSR 1, § 6.2. or 178 CSR 2, § 6.2."

Mr. Rossi made a motion to rescind the Commission's approval of section 4.7.d of the procedural rule as adopted by the Commission at its meeting on February 27, 2012. Mr. McDermott seconded the motion and it passed.

Mr. McDermott moved to approve the procedural with the proposed amendment to section 4.7.d. as quoted above. Mr. Rossi seconded the motion and it passed. All other amendments to the rule voted upon on February 27, 2012 as a result of public comments remain unchanged.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the meeting was adjourned.