

MINUTES
WV RACING COMMISSION
Wednesday, August 22, 2012 10:00 A.M.
WV Lottery Conference Room

The WV Racing Commission met on August 22, 2012, at 10:00 AM to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith and Commissioner Jack Rossi, with Commissioner Greg McDermott via conference call. Counsel was represented by Kelli Talbott and Anthony Eates.

Approval of July 23rd Minutes

The Commissioners and both attorneys received the minutes from the July 23rd, 2012 meetings prior to this meeting. Mr. McDermott moved to accept the minutes, Mr. Rossi seconded the motion. The Commissioners approved the July 23rd, 2012 minutes by unanimous consent.

Approval of July 30th Minutes

The Commissioners and both attorneys received the minutes from the July 30th, 2012 meetings prior to this meeting. Mr. Rossi moved to accept the minutes, Mr. McDermott seconded the motion. The Commissioners approved the July 30th, 2012 minutes by unanimous consent.

Charles Town Races, requesting special event status for certain races

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved to have six races as uncoupled and special event status prior to the Breeder's Classics, to permit uncoupled entries in these preview races.

**Charles Town Races, Capital Improvement request for \$254,299, for emergency egress
for grandstands**

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the request for repairs to the emergency exit due to fire codes.

Charles Town Races, Capital Improvement request for \$2100, for jockey room sink

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the request to replace the jockey room sinks.

Charles Town Races, Capital Improvement request for \$4745.58, for tanks and equipment for Motorpool

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed that the tanks are for storing fuel and oil, and equipment necessary for track maintenance, and approved the request.

Approval of new testing lab for greyhound racetracks, the Center for TOX Services, and recognition of Coleman labs for its long-standing service

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission approved the contract. In further discussion, it was noted that the new company will do one visit to a future Commission meeting at their expense, but the Commission will pay expenses to the tracks if a hearing should arise.

Mr. Amores will draft a letter of thanks and appreciation to Coleman Labs for himself and Chairman Smith to sign.

Review and approval of agency Pari-Mutuel Wagering Rule, Thoroughbred Racing Rule and Greyhound Racing Rule

Ms. Talbott stated that the Pari-Mutuel Rules had no comments. Upon motion by Mr. Rossi, seconded by Mr. McDermott, the rules will go to Secretary Lorensen then on to the Secretary of State for 2014 Legislature.

Mr. Eates spoke that no Greyhound Rules had comments, as well. Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed for the rules to proceed toward Legislature.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission voted to keep the original "no slaughter" rule as proposed. Ms Talbott spoke of the many Public Comments on this rule.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission will keep the originally proposed rule stating that age 18 is the minimum age for permit holders.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission will keep the rule requiring Bute levels to be 2 mg or less.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to keep the rule to increase fines for medication violations.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission voted to keep the rule to eliminate the race day usage of adjunct medication in conjunction with Lasix.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission voted to keep the rule as written for thoroughbreds to be on the track grounds four hours prior to race time, for veterinary exams.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission retained the proposed rule demanding fines on permit holders for any horse cruelty or mistreatment.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission will keep the rule that Lasix be administered on track grounds.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission chose to defer any vote at this time on contracting out a non State Veterinarian to administer the Lasix.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission chose to defer any decisions about phasing out Lasix.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission adopted the amended RCI model rule on Shock Wave Therapy, as suggested in Kelli Talbott's public comment.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission, voted to keep the Ejection Rule.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission agreed to the proposed changes to the Entry Rule, without further amendment.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission deferred the discussion of a medication penalty to ban both the trainer and horses, rather than just a fine to the owner.

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission deferred further discussion for future consideration of a substance penalty, using points for severity as the Jockey Club has just added.

The Commission expressed utmost appreciation to the entire teams reviewing all of the rules, and to the attorneys for their diligent work. All the above rules will go for Secretary Lorensen's approval, then filed with the Secretary of State for the 2014 Legislature.

Occupational Permit Request, Shane Meyers

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission deferred reinstating Mr. Meyers' permit until a review of his arrest dispositions is complete.

Occupational Permit Request, Antonio Capello

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission will defer any discussion due to no information as yet.

Hearing examiner's recommended decision, Danny Bird

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the decision of the hearing examiner, Mr. McClung, affirming the Steward's ruling of six months suspension.

Hearing examiner's recommended decision, Rodney Hebert

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission affirmed the ejection, as heard by Mr. McClung. Mr. Hebert may request again after completion of rehabilitation.

Hearing examiner's recommended decision, David St. Clair

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission affirmed the Mr. McClung's decision to uphold the ejection.

Hearing examiner's recommended decision, Keith Berkeley

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed with Mr. Blaydes' decision to reverse the fine, and to use it as a warning not to recur.

Hearing examiner's recommended decision, Carlos Castro

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission voted to agree with Mr. Blaydes' decision to grant the appeal and allow Mr. Castro to return to the track.

Appointment of Hearing Examiners for cases referred to the Commission by the Stewards/ Judges

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission will allow appointment of a hearing examiner in the event any cases are referred directly to the Commission.

Backstretch workers' pension plan and trust review

Chairman Smith relayed information from Mr. Foster, the horsemen's attorney, that he presented suggested amendments, and a final decision will be up for motion at the September Commission meeting.

Set date for Lasix public hearing

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission voted to have the meeting on Sept. 17, 2012. Chairman Smith asked Mr. Amores to invite a speaker on behalf of each of the Jockey's Guild, AAEP, and veterinarians and give the list to himself so outline an agenda to be posted on WVRC website. The Commission will hold a brief meeting on this day as well.

Public Comments

Mike Staats, Director of Pari-Mutuels at Mardi Gras, stated that he has requested Mr. Mike Heller from FL, as a track expert to come to inspect the track at Mardi Gras. He said they are experiencing an increase in injuries and wants all remedies made to lower the number of dog injuries. Mr. Staats will provide an update as progress is made.

Adjournment

The next Racing Commission meeting is set for September 17, 2012, at the Lottery building, at 10 AM.