

**MINUTES**  
**WV RACING COMMISSION**  
**Monday, September 17, 2012**  
**WV Lottery Conference Room**

The WV Racing Commission met on September 17, 2012 to conduct business and consider administrative matters. Roll call was taken and present were Chairman Joe Smith, Commissioner Jack Rossi, and Commissioner Greg McDermott. Counsel was represented by Kelli Talbott and Anthony Eates.

**Approval of August 22<sup>nd</sup> Minutes**

The Commissioners and both attorneys received the minutes from the August 22<sup>nd</sup>, 2012 meetings prior to this meeting. Mr. Rossi moved to accept the minutes, Mr. McDermott seconded the motion. The Commissioners approved the August 22<sup>nd</sup>, 2012 minutes by unanimous consent.

**Approval of September 7<sup>th</sup> Minutes**

The Commissioners and both attorneys received the minutes from the September 7<sup>th</sup>, 2012 meetings prior to this meeting. Mr. Rossi moved to accept the minutes, Mr. McDermott seconded the motion. The Commissioners approved the September 7<sup>th</sup>, 2012 minutes by unanimous consent.

**Backstretch Workers' Pension Plan and Trust Review**

Following Executive Session, upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission agreed to adopt the New Trust Agreement, retirement plan and the amendments to the Mountaineer and Charles Town retirement plans. It was recommended that any questions by the backstretch workers be directed to each track's attorneys or HBPA.

**Occupational Permit Request, Shane Meyers**

Mr. Rossi moved to defer any discussion until the next meeting due to no FBI fingerprint report to date. Mr. McDermott seconded it, the Commission deferred it until the next meeting.

**Hearing Examiner's Recommended Decision, Mark Wedig**

Ms. Talbott informed that the outcome of the hearing by Mr. Blaydes' was to deny the appeal and uphold the ejection. Mr. Rossi moved to deny the appeal, Mr. McDermott seconded it and the motion passed. Chairman Smith recused himself from voting and abstained.

### **Recommended Dismissal of Thomas Brookover Ejection appeal**

Mr. Eates explained that the hearing by Mr. McClung prepared an order of dismissal. Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to dismiss the ejection appeal.

### **Charles Town Races, Capital Improvement Request, \$89,034.00 for energy upgrades**

Mr. Zimny spoke that this is for lighting and water damage repairs on the 2<sup>nd</sup> through 4<sup>th</sup> floor of the garage, stating that the portion requested of the Commission is only for the repairs to be done on the first floor, where the racing personnel park. Upon motion by Mr. Rossi, seconded by Mr. McDermott, The Commission approved the request, subject to confirmation the expense is racing related.

### **Charles Town Races, Capital Improvement Request, \$2300.00 for restaurant equipment**

Mr. Zimny said the equipment is for a popcorn machine in the deli on the first floor of the Grand Stand. Upon motion by Mr. Rossi, seconded by Mr. McDermott, the Commission agreed to the request.

### **Greyhound vaccination issues, Lester Raines**

Upon motion by Mr. Rossi, seconded by Mr. McDermott, the discussion is deferred due to Mr. Raines' being ill.

### **Update on track conditions, Mardi Gras**

Mr. Amores relayed the message from Mr. Staats that a track expert from the Florida racetrack has arrived to look at the track conditions. The work is started and Mr. Staats will update in October's meeting precisely what repairs have been made. Upon motion by Mr. McDermott, seconded by Mr. Rossi, it is deferred to the next meeting.

### **Adjournment**

The next Racing Commission meeting is set for October 22, 2012, by conference call, at 10 AM.