

**MINUTES**  
**WV RACING COMMISSION**  
**Thursday, February 22rd, 2024**  
**WV Racing Commission Conference Room**

The WV Racing Commission met on February 22, 2024, to conduct business and consider administrative matters. Roll call was taken, and present were Commissioner Ken Lowe Jr. Chairman Tony Figaretti and Chairman Chip Urling.

**Agenda Item #1 – Approval of January 23rd meeting minutes**

Commission has approved the minutes from last meeting.

*Motion made by Chairman Lowe.*

*Motion passed.*

**Agenda Item #2 – Executive Director's Report**

Please see bottom of page for minute notes for Executive Directors Report

**Agenda Item #3 – Legal Update**

Mr. Eates has informed the commission that another state has joined the litigation and the courts have given an extension of time on the HSIA litigation response.

**Agenda Item #4 – Hearing Examiners Recommended Decision – Mark Tomczak Ejection Appeal**

Mr. Eades has informed the commission that an ejection appeal was held in September where the case was heard witness that wanted to testify and write up a recommendation. Mr. Eades has the transcript available from the hearing and suggest to the committee adoption of the recommendation of the hearing. Chairman Lowe asked if anyone had any question and made a motion to adopt the recommendation. Mr. Tomczack was available for comment on his ejection appeal and after comments from Mr. Tomczak the commission has decided to uphold the ejection from the hearings previous decision.

*Motion made by Chairman Lowe.*

*Motion passed.*

**Agenda Item #5 – MP Requests Approval of Capital Improvement Project – Racetrack Resurfacing**

Off season rebuilding the surface at a cost is to be \$82,174 of the sand and labor and prep, with funds available and is recommended for approval.

*Motion made by Chairman Lowe.*

*Motion passed.*

**Agenda Item #6 – Public Comments**

*No Public Comments*

## **Agenda Item #7 – Adjournment**

*Motion to adjourn made by Chairman*

### **West Virginia Racing Commission February 22, 2024 Commission Meeting Executive Director's Report**

#### **Financial Information**

- I have provided for your review the Pari-Mutual Wagering Comparison for Dec. 2023. FY24 YTD Live Racing handle is currently down 10.6% compared to FY23. Total In-State handle is down 15% compared to FY23
- I have provided the YTD Account Status Report through Dec. 2023. You will notice a new column on the spreadsheet for Fund 7309. We'll talk more about this in the budget information.
- We completed the West Virginia Thoroughbred Development Fund payout for 2023 earning on February 15, 2024. The total distribution of \$4,735,700.95 was paid to 608 participants. I have provided the details for your review.
- I have provided the Calendar 2023 ADW Reconciliation for your review. Total handle reported was \$16,669,955.90. The Racing Commission had a total of 8 licensed ADW providers operating in Calendar Year 2023.

Mr. Moore said we are down from last year and would contend is a result from the passage of ADW bill. This gives the ability to place wagers not at the physical track may have some effect on the numbers. The development fund was up this year while expenditures remaining level.

#### **FY25 Budget**

- I have provided for your review the requested WVRC budget for fiscal year 2025. Our budget is relatively flat compared to previous years.
- We included an Improvement Request for FY25 for Fund 7309. Fund 7309 is the last line item on your ADW spreadsheet. It represents the 1.5% carved out by the legislature in the passage of ADW for appropriation. The requested expenditure for FY25 is as follows:
  - 25% to the WVRC General Administration Fund
  - 25% set aside for contributions for thoroughbred aftercare
  - 50% transferred to Development Funds for annual payout
- Committee needs to be established to determine the criteria for which entities will qualify for the aftercare funding. Committee to be established at March meeting.

## **Injury & Mortality Reports**

- I have provided you the Calendar Year 2023 injury and mortality reports for your review.
- Charles Town recently had a meeting with Stewards, Vet, Horsemen and track personnel to implement at Mortality Review Committee. I will report more on the efforts of this committee throughout the year.

Mr. Moore is not sure what this committee will look like but will get more information. This will include items like necropsy and a new lab, he anticipates the cost to rise and the payment of the necropsy will fall back on to the horsemen because of the depletion of the fund that exist to pay. This may cause us to change providers to determine who is available with the needs that we will have for testing. Cost of logistics will also be considered like transport and holding on the weekend.

Chairman Lowe ask if we can find some cost savings with HISA and Mr. Moore said will reach out see if they have a facility or rates we can use. One issue is the state of West Virginia does not have a Veterinary school so cost would include out of state cost to conciser.

## **Current Racing Commission Vacancies**

- Wheeling Island Auditor – Resumes currently being received. Interviews will hopefully take place in the next couple weeks. Work load currently being covered by MP Auditor.
- Wheeling Island License Clerk – Resumes are currently being evaluated. Interviews will hopefully take place in the next couple weeks. Work load currently being covered by MP License Clerk.
- Mountaineer Park Investigator – Position will be posted once again next week. Commission may need to identify an individual to place on contract to perform specific duties until an Investigator can be hired.

## ***Equine Strangles (Streptococcus equi) Information Sheet***

*Dear Commissioners,*

*I am respectfully presenting the following information to you regarding the current Strangles Outbreak in the Northern Panhandle*

*The OPTIONS listed are possible tools to implement in the face of the current Strangles Outbreak at Mahoning and local WV training farms. The questions arise as to what, if any guidelines should be followed? And secondly, which body, the WV Racing Commission, Mountaineer Track Management or Horsemen should provide the directives and oversight?*

*Prepared by Dr. Lori L. Bohenko (WVRC Veterinarian) for the WV Racing Commissioners*

*February 22, 2024*

- Current outbreak at Mahoning Valley Racetrack
  - Started in January; Currently ongoing with active cases;
  - No horses allowed to enter or leave MVR stable area
- Active cases recently reported on 4 local WV training farms
  - Indicates there is spread of the disease into local horse populations
- Impending Mountaineer backside opening puts all horses at risk for infection
  - Potential Exposure to infected horses

**Option A: PLAY OFFENSE.** Be proactive by implementing guidelines now before barn area opens. Keep the stable area CLEAN and disease free.

**Options B: PLAY DEFENSE.** Be reactive if/when the disease comes through Stable Gate; It would involve restrictive entry requirements (ie Proof of PCR Testing; Short-term 5 day Health certificates for all entrants) quarantine barns for sick and exposed horses; biosecurity procedures for horse and humans; possible complete shutdown of horse movement into and out of barn area;

### **HOW TO CONTROL SPREAD OF STANGLES OUTBREAK:**

1. Identify Infectious horses, defined as:
  - a. Horses with current active infection;
  - b. Horses in recovery phase
  - c. Horse exposed to infected horses
2. Isolate Infectious horses (preferably BEFORE they start shedding)

**Prevent the movement of Infectious horses into healthy populations of horses until they test clear of disease.**

Dr. Bohenko is concerned about the transmission of moving of horses, the bacteria is highly contagious and may spread in the environment and survive for weeks. It takes 3- 14 days after exposure to show signs. The key is in the first 24 hours of infection, the horse will develop a fever, at this point they are not infections but three days later they experience symptoms of sickness, with possibility of infection and abscess. The horse can shed up to 6 weeks so the diagnoses is key.

The key to control this outbreak would be early detection, aka taking temperatures of horses at risk for a fever, then segregate and isolate any running a high temperature to keep the spread down.

Without any controls the disease will spread through the population easily.

The two choices above are the ones that we need to be considered to protect our horses and racing. Any policy put into place will occur for at least May and June or until the bacteria is no longer detected in the population. Commissioner Figaretti is wanting to make sure all thing can be done to care for the horses. Dr. B says we are and can quarantine and follow guidelines for a barn if a horse is found sick and it would be highly monitored

Mr. Moore would like for Dr. Bohenko to give the suggestions she has for the commission Dr. Bohenko says the proactive side would be a control point at the stable gate to identify any horses with a visual inspection and take temperatures.

Mr. Moore had talked to Mr. Jim Covin about this and parking areas can be identified as a staging area for trailers coming in the park, so they can be checked as healthy before they can admit or turned away. This should be easy to implement.

This is what Dr. Bohenko would want, a horse with a temp of 101 or over not to be admitted on grounds. Once they arrive be sure each trainer is using assigned stalls for the duration. This will control spread to local farms a the horse will have to undergo procedure and stay in the same barn or stall.

Mr. Moore said this part would be a track management decision and have a ship in radius. So they would only be able to only keep the horses onsite with no shipping in and out.

Chairman Lowe ask if they can enforce this and Mr. Moore said track will have to enforce with the receiving barn closed for the time. The premises being is only let healthy horses in. A PCR test would also be needed so we can be sure a healthily looking horse is not an shredder. Mr. Covin wants to

mention that it should not be isolated to area farms and he likes the option that it would have a health certificate and PCR test to come on the track backside. Dr. Bohenko says this would be the gold standard with a temperature check and staying on the property after clean.

The turn around on the test is a day for the Columbus Ohio lab that will run the test. So a runner would take the sample and having a result in the afternoon or evening.

Jamie says if we do everyone the horse population could decline for the races due to cost and the test only for five days will be an issue. He suggest test but not every horse. The checks for everyone done at the gate will cause a lack of horse population. He also states any farm or track that a horse was exposed or a stable that was quarantined should be tested but is fearful of horsemen not wanting to travel to the track with guidelines in place for every horse. Dr. Bohenko says the people in Kentucky are familiar with the process and has guidelines similar to what is being suggested with testing and health certificates and are used to the process She thinks an outbreak will cause worse issues and may casue the disease to smolder and go back to day one.

Chairman Lowe ask what Dr. Bohenko suggest and we make a motion. Joe Moore ask if they will support or not support the offensive option that include PCR temperature checks and likes the idea of the ship in radius for allocation if they don't have stalls on the backside. He says if this goes well then we can re-evaluate in the first moth of live racing in hopes that we can get the disease knocked out.

Dr. Bohenko agrees and says a reevaluation will be the key and wants to again emphasis that movement of horses is the key, and hoping the stall assignment with health checks will keep the disease away. She hopes we will evaluate in April for the time frame to give us a look at how the process is working.

Chairman Lowe ask Mr. Covin if we have the available stalls. Mr. Covin says that is not a lot of stalls and at this point thing it will not be an issue at the start of the meet but later it will become an issue later. Mr. Moore makes the statement that quarantine is comparable to a racing kennel and how they can control kennel cough with the movement of the dogs being controlled during an outbreak and the management.

Jamie says cost of the test will be the main issue for the horsemen who have not raced all winter, so money is a concern. And ask the commission who will pick up the cost for all the testing? The testing would be around 45 dollars for the test without transport but Dr. Bohenko suggest the test in bulk would be cost effective and the vet can maybe adjust the cost overall. The Lab cost is a consideration in the final cost. Mr. Moore is asked if help can be found so the test is not as costly. Mentioning HPPA may be involved to help.

Chairman Lowe ask if Jim Covin if any thing can be worked out and needs more discussion. The money could be an issue for the testing and how to test every horse could be the problem.

Mr. Moore ask what direction would be appropriate to adopt at this time with issues of space and money. Chairman Lowe ask if any money would be available in Charleston as help for this special instance. Mr. Moore, says the general agreement would be to evaluate this before the start of racing and backside opening and deciding about cost.