

MINUTES
WV RACING COMMISSION
Tuesday March 25, 2025
WV Racing Commission Conference Room

The WV Racing Commission met on March 25th, 2025, to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Paul Espinosa and Commissioner Chip Urling. The record will show that Commissioner Tony Figaretti was not present for the meeting.

Agenda Item #1 – Executive Director's Report

Mr. Moore presented the report and informed the commission that parimutuel wagering comparison for February of 2025, the live handle is up 12% compared to January but is down nearly 8% compared to the same time FY24. The total in-state handle that includes simulcast across the board is down 9% compared to the same time period. Total ADW handle for February of 2025 was one million eighty-six thousand and change with the eight licensed ADW providers. Next Mr. Moore informed the committee that the Budget hearings for both Senate and Finance were on March 11th. Mr. Moore presented a wagering comparison in both hearings and neither committee had questions about operations or wagering during the meeting and there were no follow-up questions at this time. As a legislative update Senate Bill 75 the bill to restore the old workers comp liability money has passed the Senate. It is currently referenced to House Gov Order. Lastly, we have an update on the vacancies we are currently interviewing for Stewart at Mountaineer Park and have received resumes for the open investigator at both Charles Town and Mountaineer Park and will be conducting interviews shortly.

Motion made by Commissioner Urling to accept report.
Seconded by Chairman Espinosa Motion passed.

Agenda Item #2 – Legal Update

The counsel has informed the commission that there is nothing new to report since the email sent to the commission on February 26th and hopes for an update next month.

Agenda Item #3 – Mardi Gras Requests approval to adjust the number of Races per Card

Mr. Moore prefaced this request by telling the commission that in either the November or December meeting Mardi Gras submitted the number of live race days for approval. This included a hard number of 14 races per card this however allows for no flexibility built in for the availability of dogs. Mardi Gras would like to now run 15 per card based on the availability of dogs. Today Mardi Gras has submitted a change that is a range per card from 12 to 15 races based on the number of dogs available. Mr. Moore would recommend this for approval.

Motion made by Commissioner Urling.
Seconded by Chairman Espinosa Motion passed.

Agenda Item #4 – Hearing Examiners Recommended Decision

The commission would like for the Counsel to review the recommendation. The counsel sent an email summarizing the role of the commission. Anthony stated that these are not hearings; these ejection appeals are not hearings that your counsel attends. The permit holder attends along with the track and the track counsel and that's what happens in the case. So, what you have in front of you is an ejection appeal hearing, recommended decision. The recommended decision was issued in January. It slipped through both my receipt and Mr. Moore's receipt. And so, we reached out to the hearing examiner to touch base about that. And he re-sent it to us, but you now have it on your agenda for approval, rejection, or modification. The counsel would explain with any appeal where we appoint a hearing examiner to preside over making factual findings. I'm always reluctant to advise a client to reject factual findings made by a hearing examiner who's witnessing the folks testifying in front of him or her. And that would hold true for this appeal as well. Mr. Blades, as an experienced hearing examiner, heard evidence from the track, heard evidence from Mr. Thompson, summarized all of that into a recommended decision. The role of the commission is to approve, reject, or modify the decision. Counsel suggest adoption as is. So, the Chair will issue a final order adopting that recommended decision. The recommended decision gets attached to that, and that gets put in the mail, served on both the parties, the track and Mr. Thompson, and then there's a 30-day appeal window that Mr. Thompson would have to the intermediate court of appeals. The commission doesn't advocate at the hearing for either side.

*Motion made by Commissioner Urling to adopt the recommendation.
Seconded by Chairman Espinosa Motion passed.*

Agenda Item #7 – Public Comments

No public comments

Agenda Item #8 – Adjournment

*Motion made by Commissioner Urling.
Seconded by Chairman Espinosa Motion passed.*