

**MINUTES**  
**WV RACING COMMISSION**  
**Tuesday, February 19, 2013**  
**WV Lottery Conference Room**

The WV Racing Commission met on February 19, 2013 to conduct business and consider administrative matters. Roll call was taken and present were Commissioner Jack Rossi, with Commissioner Greg McDermott and Commissioner Bill Phillips via conference call. Counsel was represented by Kelli Talbott.

**Election of Acting Commission Chairman**

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission voted for Commissioner Rossi to fill the role as Acting Commission Chairman with the departure of Joe Smith as Commission Chairman.

Mr. McDermott expressed the Commission's deep appreciation for Joe Smith's service to the Commission and gratitude for his role as Chairman and all he did for Racing during his tenure, and did so in the form of a motion. Seconded by Mr. Rossi.

Mr. McDermott made a motion to recognize the service of Anthony Eates and his contribution to the Racing Commission upon his departure, seconded by Mr. Rossi.

**Wheeling Island request to reduce number of races per card in 2013**

Chairman Rossi provided some history on the topic. In December the Commission approved conditionally a card presented to them by Wheeling Island. The Kennel Association requested they be given time to respond to that, which they did in the January meeting. Negotiations were to start between both parties after the January meeting. Chairman Rossi gave each group (Track and Association) ten minutes to present their side.

Jim Simms, President & General Manager Wheeling Island, discussed the economics of the business and that Wheeling Island had been adversely affected by competition from neighboring casinos. He asked the Commission to go back and grant their original vote of reducing the number of races per card. He stated Wheeling Island reached out to the Kennel Association in January with a compromise proposal and was informed it was not acceptable by the Kennel Association. Mr. McDermott asked about the details of the compromise offer. Mike Maestle, Wheeling Island, responded that the track had offered to add 6 additional races per week (2 on Tuesday, 2 on Wednesday and 2 on Sunday).

Phil Reale, counsel for Kennel Owners Association, stated Wheeling Island ignored the ruling of the Commission by not returning to the 2012 number of races per card. Six additional races per week still reduces the number of races per year by approximately 400 races. He stated there are plenty of dogs and the kennel owners are prepared for a full year of racing the same number of races as last year. The health and maintenance of the dogs makes it necessary to run at least twice a week and some dogs may not get to run once a week with the reduced number of races. Mr. Reale asserted the Commission's role in protecting, promoting and preserving racing in this state. Mr. McDermott asked if it was Mr. Reale's interpretation of

WV law that the Racing Commission has authority to tell the tracks to set the number of races above the statutorily set minimum number of races when presented with a schedule for approval. Mr. Reale responded yes, this is his interpretation and this has historically been the practice of the Commission. Mr. McDermott then asked what efforts were made to reach a middle ground with the track and whether he thinks there is a middle ground. Mr. Reale responded he doesn't know if there is a middle ground; that is debatable. The rejection of the Association's offer by the Kennel Association left the door open for other offers to be made and discussed.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission went into Executive Session to discuss with legal counsel.

Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission came out of Executive Session.

Motion was made by Mr. McDermott to temporarily adopt the proposed compromise 15/13 schedule with the additional 6 races per week, through the time of the March Commission meeting. Both parties are to immediately resume negotiations. If an agreement can't be reached by both parties prior to the March meeting, additional information will be submitted to the Commission at least 5 days prior to the March meeting and the Commission will set a schedule. Seconded by Mr. Rossi and approved by the Commission.

#### **Mardi Gras leadouts/staffing shortage – update**

Mike Staats, Mardi Gras, stated that as of last night they were back up to full staffing with the leadouts. Mardi Gras has looked at some aspects they could change to increase staffing and are continuing to hire for these positions.

#### **Mardi Gras, request to conduct 2013 WVGoba Juvenile and Open Sprint Stakes Races**

Mike Staats, Mardi Gras, stated they would like to conduct the \$35,000 Juvenile and the \$65,000 Open Sprint Stakes Races in the month of March. Upon motion by Mr. McDermott, seconded by Mr. Rossi, the Commission approved the request.

#### **Next meeting date**

The next Racing Commission meeting is February 26, 2013 at 10AM in the Lottery Commission Conference Room.