

**MINUTES  
WV RACING COMMISSION  
Thursday, December 4, 2014  
WV Lottery Conference Room**

The WV Racing Commission met on December 4, 2014 to conduct business and consider administrative matters. Roll call was taken and present was Chairman Jack Rossi. Commissioner Bill Phillips and Commissioner Greg McDermott were present via conference call. Counsel was represented by Kelli Talbott.

**Mardi Gras request for approval of racing days, import export sites and kennel contract for 2015**

Chairman Rossi stated at the last meeting, the Commission approved the presented calendar that basically called for 245 racing days and it was tentatively approved, provided the Commission be provided with contracts. Chairman Rossi asked for a motion to rescind that action due to Mardi Gras amending their schedule and increasing the number of race days to 265, the same number as in prior years. Signed contracts have been provided on a number of the kennels. In some of the contracts, there are a few of the sections where the law cited and paragraph numbers are in error. It's not a significant issue other than the fact paragraphs are cited wrong and Mardi Gras has informed the Commission they are going out and getting new amended contracts signed and they will be presenting those to the Commission. The contracts need to be approved, subject to the fact two citations are erroneous and addendums to the contracts correcting those citations will be received by the Commission.

Mr. Phillips inquired if Mardi Gras has known since the November meeting that those two Code references were incorrect and they have given the Commission an addendum to vote on that still is not signed? Chairman Rossi replied Mardi Gras is going out and getting the addendums signed. Mr. Phillips added it was his understanding that Mardi Gras had signed contracts and they were in the possession of Mr. Myers.

Mr. McDermott made the motion to rescind the action taken at the November meeting approving the racing calendar for Mardi Gras, seconded by Mr. Phillips. Motion passed.

Kelli Talbott stated she has not seen the signed contracts but it's been represented to her they have been signed. She has seen a blank document that was essentially the same document that was provided to the Commission at its last meeting and she has seen the addendum that corrects the citations in the contract. The signed contracts are what is before the Commission for approval. Chairman Rossi stated Mardi Gras has received some of the addendums back, but not all have been received. He recommends the Commission approve this, subject to receiving the signed documents, as requested. Mr. McDermott inquired of counsel if that recommendation sounds like an appropriate, viable solution? Ms. Talbott replied yes it sounds appropriate and she would recommend in the future that all of the documentation be in front of the Commission at one time. Mr. Phillips stated he is being told the Commission has signed contracts but he is also hearing that Mardi Gras is out there getting the contracts signed and back to us. Chairman Rossi stated Mardi Gras is getting the addendum signed to correct the citations which came about due to changes in the law. Ms. Talbott stated the Rules have changed since the contract was drafted, and the Rules changed in 2011. Mr. McDermott added they are just going off of an old contract that was drafted way back when that had legal citations that applied way back when that in 2011 the Rules and citations changed, but the old forms were not updated and all they are doing is updating those forms. Chairman Rossi stated that is correct.

Motion was made by Mr. McDermott to approve the contracts. Phil Reale added the Rule basically states the Commission shall consider whether the contract complies with the Rules and any other applicable laws and he would suggest that within the motion it be made subject to reviewing everything and Counsel confirming that it does comply with what is required by Rule. Chairman Rossi stated they have been reviewed. Seconded by Mr. Phillips. Motion passed and the contract was approved.

Chairman Rossi added since the schedule was rescinded and a new schedule has been provided, he would call for a motion to approve the new schedule, which is the same number of races they had in the prior year. Mr. Phillips made the motion to approve the new schedule, seconded by Mr. McDermott. Motion passed.

### **Public Comments**

There were no public comments.

### **Adjournment**

Motion was made by Mr. McDermott to adjourn, seconded by Mr. Phillips. Meeting adjourned.