

MINUTES
WV RACING COMMISSION
Tuesday, February 22, 2022
WV Racing Commission Conference Room

The WV Racing Commission met on February 22, 2022, to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Ken Lowe Jr., Commissioner Figaretti, and Commissioner JB Akers. Counsel was represented by Anthony Eates.

Agenda Item #1 – Approval of the November 30th minutes

Director Joe Moore – Agenda item number one was for approval of the November 30th, 2021, meeting minutes, I'm going to ask that the Commission defer that approval until the March meeting.

Motion to defer approval made by Commissioner Figaretti, seconded by Commissioner JB Akers. Motion passes.

Agenda Item #2 – Executive Director's Report

Director Joe Moore – Our thoroughbred rule and parimutuel wagering rule that we have up before the legislature, it is moving through smoothly. The thoroughbred rule only changes one rule related to the timing of the purse distribution, and the parimutuel rule is to change the sunset date, extending it by five years. The racing commission requested to run a revenue bill this year to address financial issues. The administration has denied that request and assured the us that it would be appropriately funded going forward next year. Our parimutuel wagering comparison, live handle at the four racetracks combined is up over 14% compared to 2021. Export is up over 20% compared to the same time period, and our instate handle is up 1% compared to FY21 year to date. In calendar year 2021, total ADW handle in West Virginia was a little over 17.4 million. That is above what we had projected when we went to the legislature to get that bill passed. On February 14th the racing commission completed and mailed out the 2021 WV TDF distributions. We distributed \$3,850,317.79 to 453 participants out of Charles Town's fund, and \$749,558.32 to 140 participants out of Mountaineer Parks fund this year. Those numbers are slightly up over previous years, due to an increase in the racetrack video lottery funding that goes into the TDF for distribution.

Agenda Item #3 – Legal Update

Anthony Eates – I reached out to Michael Williams on the HISA lawsuit, to which I typically do before your meetings to find out if there's been any developments, and they're have not been any.

Agenda Item #4 – Request to make changes to the Backstretch Pension Plan

Director Joe Moore – Request to make changes to the backstretch pension plan. We had this request as an agenda item, and it was deferred to a later meeting. Since then, we've gotten an additional change that's been requested. Mike Lloyd will once again update the commission on these changes and be available for any questions.

Mike Lloyd – I had submitted some documents from one of the service providers that is part of our proposal, to change the plan to a self-directed daily valued plan, which is part of the plan amendments. I received some questions and comments from Mr. Akers, and all good points. I'd like to go back to the service provider and request some additional clarification, and changes to address a couple of his points. I know the response that I got was late, and maybe the trustees have not had a chance to review my responses, but I wanted to be available to respond to those now, and maybe we can move this to the following month.

Commissioner JB Akers – I do not have any concerns with the answers he provided to us in response to my questions.

Motion to table request made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passes.

Agenda Item #5 – Mountaineer Park Requests Mystery Voucher Promotions

Director Joe Moore – Mountaineer Park has submitted a mystery voucher promotions request. This request is very similar to promotions that we have approved for the racetracks in previous years. Mountaineer is requesting that they be approved to run mystery voucher promotions throughout 2022. Vouchers will be worth anywhere between \$5 and \$10,000, and they propose approximately 32,889 vouchers to patrons in their database. I would recommend approval of their request.

Motion to approve request made by Commissioner Figaretti, seconded by Commissioner JB Akers. Motion passes.

Agenda Item #6 – WVBC LTD Requests Contract Renewal for WVBC XXXVI

Director Joe Moore – West Virginia Breeders Classics LTD request contractor renewal for the West Virginia Breeders Classics 36, Saturday October the 8th, 2022. This is the annual contract that we have with Breeders Classics LTD to promote, advertise, administer and run the West Virginia Breeders Classics Night. The funding for this contract comes from racetrack video lottery dollars that funds the purse for the West Virginia Breeders Classics Night, along with advertising reimbursements at the end of the year. Unless there are any questions, I would recommend this for approval

Motion to approve request made by Commissioner Figaretti, seconded by Commissioner JB Akers. Motion passes.

Agenda Item #7 – Charles Town Requests reduction in live race days

Director Joe Moore – Charles Town requests a reduction in live race days. If you recall in late 2021 the commission approved the statutorily required number of live racing days of 220. Charles Town is bringing a reduction in race days request to you, a total of 174 live racing days for calendar year 2022 will be ran as required by statute. The parimutuels union and the HBPA have both sent the commission acknowledgement of their agreements to run 174 race days. Unless there are any questions, I would recommend the schedule for approval.

Motion to approve request made by Commissioner JB Akers, seconded by Commissioner Lowe. Motion passes.

Agenda Item #8 – Charles Town Requests Approval of 2022 Stakes schedule

Director Joe Moore – Charles Town request approval of the 2022 stakes schedule. The request for their stakes schedule, headlined by the Charles Town Classic which ran on August the 26th, with a \$1,000,000 purse. Charles Town Oaks on the same day with a \$500,000 purse, and three \$250,000 purses. As well as the Robert Hilton Memorial, the Russell Road stakes, and the Misty Bennett Pink Ribbon stakes. We received notification from the Charles Town HBPA that they have no issues with the schedule that's being requested before you today. Unless there are any questions, I would recommend it for approval.

Motion to approve request made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passes.

Agenda Item #9 – Public Comments

No Public Comments

Agenda Item #10 – Adjournment

Motion to adjourn made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passes.