

MINUTES
WV RACING COMMISSION
Tuesday, January 24th, 2023
WV Racing Commission Conference Room

The WV Racing Commission met on January 24, 2023, 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 – Election of Chairman

Motion to elect Commissioner Ken Lowe as Chairman of the West Virginia Racing Commission, calendar year 2023, made by Commissioner Figaretti, seconded by Commissioner JB Akers. Motion passed.

Agenda Item #2 – Approval of November 14 meeting minutes

Motions to approve of November 14th minutes made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passed.

Agenda Item #3 – Executive Director's Report

Director Joe Moore – The live handle for 2023 YTD is down 8.4% compared to 2022, and in-state simulcast is relatively the same at about 8.5% down. At this point last year all live handle was up, so I went back and compared 2023 to 2021 (which was coming out of COVID). Our revenues are about the same as they were in 2021 as far as percentage up and down on any given year. Mountaineer Park is dark through April, so we'll see those flatten out a little bit as these months go on. I forwarded to you the FY2024 budget for your review. The HISA settlement process at Charles Town in 2022 has been somewhat problematic for the development fund payouts from an administrative standpoint. At this point it is most appropriate to leave the purse earnings as they are currently stated and complete the payout by the 15th as required by statute. The horseman and the track at Charlestown will see if there is a better way to account for the HISA assessment should HISA return.

Agenda Item #4 – Legal Update

Anthony Eates – There is nothing new to update you on. I spoke with Michael Williams this morning and there are no developments on any of the federal court cases. No pending cases in state court, the last case we had was the Baxter appeal, and it was dismissed by the intermediate court.

Agenda Item #5 – HISA Update

Director Joe Moore – HISA is projecting everything to be wrapped up, and to begin re-regulating the industry by the end of March. As Anthony stated, we haven't heard anything from our attorney general's office on the pending lawsuits. As of today, we are regulating as with our WV Thoroughbred rules of racing and will continue to do so. It is my understanding that HISA, if it does become legal and constitutional, will go back and reassess for the time period in which they were effective.

Commissioner JB Akers – If HISA prevails, how will we handle their reassessment of 2022?

Director Joe Moore – After the ruling came from the 5th Circuit Court, they refunded the amounts collected for HISA in 2022, which the track has set aside awaiting an outcome.

Maria Catignani – The National HBPA has been working diligently for the horseman to have some representation on the advisory panel that HISA created (with some success), which is a positive step in the right direction.

Agenda Item #6 – Reconvene Rules Committee

Director Joe Moore – The Charles Town HBPA approached me about convening the rules committee this year to make a change for the 2024 legislative session. The rules committee would meet in February (and March if necessary) and would then bring rules to you to put out for public comment. You would ultimately approve those sometime around May since the state would require that we have those in by June. With your vote, I will organize those meetings to discuss potential rule changes.

*Motion to approve made by Commissioner JB Akers, seconded by Commissioner Figaretti.
Motion passed.*

Agenda Item #7 – Occupational Permit Reinstatement - Michael Marchesani

Director Joe Moore – Michael Marchesani's reinstatement request is before you today due to a clause in our code that requires any previous felony to be brought to the commission for approval of future permits. With the steward's recommendation and the recommendation of the investigator after having completed interviews with the applicant, I would recommend it for your approval.

*Motion to approve made by Commissioner Figaretti, seconded by Commissioner JB Akers.
Motion passed.*

Agenda Item #8 – CT Requests Approval of 2023 Stakes Race Schedule

Director Joe Moore – Charles Town requests approval of their statutory stakes races, including the Charles Town Classics and the Charles Town Oaks, which would be run on August the 25th. The Charles Town Classic is a grade two race, with a purse of \$1,000,000. The Charles Town Oaks is a grade three race, with a purse of \$750,000. I have also submitted to you Charles Town HBPA's approval.

*Motion to approve made by Commissioner Figaretti, seconded by Commissioner JB Akers.
Motion passed.*

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.*