

MINUTES
WV RACING COMMISSION
Tuesday, June 28th, 2022
WV Racing Commission Conference Room

The WV Racing Commission met on June 28, 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.

Consider joining Louisiana lawsuit against HISA

Director Joe Moore – The purpose of this meeting to consider joining a lawsuit to be filed tomorrow by the state of Louisiana against HISA.

Michael Williams – As you know we've already filed one lawsuit in the 6th Circuit, that is currently on appeal, challenging the structure placed and some of the constitutional issues that arise from that structure. This is a slightly different lawsuit that challenges the specific administrative rules that HISA has implemented over the past few months. We were approached by the state of Louisiana, which is the lead plaintiff state on the lawsuit, asking for our interest in joining the suit along with potentially other states. It's a challenge under the Administrative Procedures Acts suggesting that HISA has not properly complied with the requirements of that act. These are straightforward arguments that the statute says one thing the regulations say another, and those provisions are inconsistent. There are procedural arguments among other things such as the very short comment period, so Louisiana is arguing that that period was insufficient to allow us a meaningful opportunity to participate. Another argument is that they infringe on our basic rights, and those basic constitutional rights are eliminated by the administrative enforcement mechanisms that HISA has been empowered to exercise. The reason for urgency, Louisiana is interested in filing this action tomorrow in the hopes that we can get in front of a judge and that enforcement deadline.

Commissioner JB Akers – It is the attorney general's office recommendation that we join the lawsuit and it's in the best interest of the Racing Commission?

Michael Williams – Yes, that is our recommendation.

Motion to join the lawsuit made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passes.

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