

MINUTES
WV RACING COMMISSION
Tuesday, December 15, 2020
WV Racing Commission Conference Room

The WV Racing Commission met on December 15, 2020 to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Ken Lowe Jr., Commissioner Anthony Figaretti, and Commissioner JB Akers. Counsel was represented by Kelli Talbott.

Approval of November 10th and November 18th minutes

Motions to approve the meeting minutes for November 10th and November 18th were made by Commissioner Figaretti, seconded by Commissioner Akers. Motions were passed.

Executive Director's Report

Executive Director, Joe Moore, provided an update on the status of the Racing Commission rules submitted to the Legislative rules committee for approval. The Advanced Deposit Account Wagering (ADW), Thoroughbred, and Greyhound rules were passed by the Legislative rules committee with changes. One change is related to ADW to add information about the Racing Commission website to assist ADW provides with accessing the application necessary. The other change that was agreed upon is related to the crop rule. Senator Rucker requested change she had received from the Charles Town Horsemen to change the distance from the quarter pole to the eight pole. The rules will now be taken up in the upcoming legislative session.

Joe Moore continues to share the ADW wager comparison from November to year to date. He also provided for review ADW distribution reconciliation. This shows in the first five months of activity \$3.3 million in ADW handle. That has generated roughly \$200,000 in distributions to the participants, the Racing Commission, and the state.

Legal Update

Legal Counsel, Kelli Talbott, provided the following legal updates to the commissioners. She reported in follow up to the Racing Commission rules updates from Joe Moore's executive director's report. She filed with the Secretary of State as required under the rule making process the changes that were made through passing by the legislative rules committee. The rules with the changes will be taken up in the legislative session. This year due to being an election year the rules will be taken up later. She and Joe Moore will keep the Commissioners updated as it occurs and makes its way through the legislative process.

Resolution Honoring the Service of Danny Wright

Joe Moore presented the resolution honoring the service of Danny Wright. Joe Moore read a letter received from Danny Wright expressing his passion and gratitude for his time working fifty-four years in the Thoroughbred industry in many roles from jockey to racing steward at Charles Town. His decision to retire was not an easy one to make but feels this is the right time for his family for him to do so.

Joe Moore therefore would like to enter into consideration for approval the following proposed resolution

"WHEREAS, the West Virginia Racing Commission wishes to honor the service and dedication Danny Wright has shown to the thoroughbred racing industry.

WHEREAS, Danny Wright was a Jockey for 27 years, riding in 23,684 races with approximately 3,000 wins.

WHEREAS, Danny Wright has since served the thoroughbred racing industry as a racing official for another 27 years, serving as a Chief Steward at Charles Town for the last 19 years.

THEREFOR, be it resolved that the West Virginia Racing Commission would like to thank Danny Wright for his support, contributions, and unwavering dedication to the thoroughbred racing industry, the West Virginia Racing Commission and the State of West Virginia.”

Chairman Lowe conveyed his admiration for Mr. Wright’s commitment and integrity.

Chairman Lowe asked if Mr. Wright would like to say anything. Mr. Wright conveyed his deep appreciation for his time working with everyone and respect he has for everyone he is worked with in the industry.

Motion to adopt the resolution was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Resolution Honoring the Service of Dr. Ernest Benner

Chairman Lowe shared the news of the passing of the distinguished Dr. Ernest Benner who was known to many as Doc or Ernie. The Racing Commission has a resolution to honor Dr. Ernest Benner. Chairman Lowe therefore would like to enter into consideration for approval the following proposed resolution.

” WHEREAS, the West Virginia Racing Commission wishes to honor the service and dedication Dr. Ernest Benner has shown to the thoroughbred racing industry in West Virginia.

WHEREAS, Dr. Benner graduated from Michigan State University in 1961, moving his family to Charles Town WV and establishing Valley Equine Services with partner Dr. Francis Daniel.

WHEREAS, Dr. Benner, specializing in equine surgery, was highly regarded by his clients and industry peers, was a strong supporter of the thoroughbred racing industry and served on the WV Breeders Board of Directors.

THEREFOR, be it resolved that the West Virginia Racing Commission would like to issue this resolution in honor of Dr. Ernest Benner for his support, contributions, and unwavering dedication to the thoroughbred racing industry, the West Virginia Racing Commission and the State of West Virginia.”

Motion to adopt the resolution was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Approval of 2021 Breeders Classic Contract

Joe Moore presented the request to approve the 2021 Breeders Classic Contract. The contract provides the ability to reimburse the expenses for administrative activities to support the WV Breeders Classic. The money to reimburse the administrative expenses comes from the racetrack monies that designated directly for the WV Breeders Classic. The reimbursement amount comes out to \$12,500 a month. The remainder of the money goes to the purses for the WV Breeders Classic.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Mountaineer Park Requests Additional CY20 Live Race Days

Joe Moore presented the request from Mountaineer Park Requests Additional CY20 Live Race Days. They would make two additional live race dates for December 27th and 28th to make up for the cancelled November 15th and 16th race dates. The post times will be 7pm.

Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

TVG Network Application for ADW License Renewal

Joe Moore presented the request from TVG Network Application for ADW License Renewal. They have sent everything required within the application along with their fee. Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

CDTIC Application for ADW License Renewal

Joe Moore presented the request from CDTIC for ADW License Renewal. They have sent everything required within the application along with their fee. Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Penn ADW Application for ADW License Renewal

Joe Moore presented the request from Penn ADW for ADW License Renewal. They have sent everything required within the application along with their fee. Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

AmWest Application for ADW License Renewal

Joe Moore presented the request from AmWest for ADW License Renewal. They have sent everything required within the application along with their fee. Joe Moore recommends for the Racing Commission to approve.

Motion to defer this agenda item after agenda item#20 was made by Commissioner Akers, seconded by Commissioner Akers. Motion was passed.

Xpressbet Application for ADW License Renewal

Joe Moore presented the request from Xpressbet for ADW License Renewal. They have sent everything required within the application along with their fee. Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Wheeling Island Requests Approval of 2021 Live Race Calendar – 262 Days

Joe Moore presented Wheeling Island's request for approval of 2021 Live Race Calendar – 262 Days. Joe Moore recommends for the Racing Commission to approve.

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

Mardi Gras Requests Approval of Import/Export sites

Joe Moore presented Mardi Gras request for approval of Import/Export sites. Joe Moore recommends for the Racing Commission to approve.

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

Mardi Gras Requests Approval of 2021 Kennel Contract

Joe Moore presented Mardi Gras request for approval of 2021 Kennel Contract. Joe Moore recommends for the Racing Commission to approve.

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

Mardi Gras Requests Approval of 2021 Kennel Contract Addendum

Joe Moore presented Mardi Gras request for approval of 2021 Kennel Contract. The addendum takes a percentage of the total purse to five to the Greyhound Association for administrative operation and their Greyhound Hall of Fame. Letters were received from both the Greyhound Association and the racetrack and casino agreeing to the addendum. Joe Moore recommends for the Racing Commission to approve.

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

Wheeling Island Requests Approval of 2021 Kennel Contract Addendum

Joe Moore presented Wheeling Island's request for approval of 2021 Kennel Contract. The addendum takes a percentage of the total purse to five to the Greyhound Association for administrative operation and their Greyhound Hall of Fame. Letters were received from both the Greyhound Association and the racetrack and casino agreeing to the addendum. Joe Moore recommends for the Racing Commission to approve.

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

Charles Town Requests Approval of Import/Export sites

Joe Moore presented the request from Charles Town to approve their 2021 import/export sites. The Racing Commission received a letter in support of this request from the Charles Town Horsemen's Benevolent & Protective Association (HBPA). Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Charles Town Requests Approval of 2021 Stake Schedule

Joe Moore presented the request from Charles Town to approve their 2021 stake schedule. This includes the Charles Town Classic on August 23rd for \$800,000 and the Charles Town Oaks for \$400,000 and Memorial races for \$450,000. Along with the schedule is the calculations for the purse distributions. Joe Moore received an email from representation of the Charles Town HBPA stating although they are not required to approve, they are not in opposition to the schedule. Joe Moore recommends for the Racing Commission to approve.

Motion to approve request was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Consideration of proposed penalty for ADW provider

Motion made to enter executive session was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.

Motion made to exit executive session was made by Commissioner Akers, seconded by Chairman Lowe. Motion was passed.

Motion to have Joe Moore and Kelli Talbott carry out the action discussed during executive session was made by Commissioner Akers, seconded by Commissioner Figaretti. Motion was passed.

Motion to defer action on agenda item#11 until 10am December 29th, 2021. was made by Commissioner Akers, seconded by Commissioner Figaretti. Motion was passed.

Public Comments

Adjournment

Motion to adjourn was made by Commissioner Figaretti, seconded by Commissioner Akers. Motion was passed.