

MINUTES
WV RACING COMMISSION
Monday, July 12, 2021
WV Racing Commission Conference Room

The WV Racing Commission met on July 12, 2021, 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 Kelli Talbott.

Approval of the April 20th, May 18th, and June 28th minutes

Motions to approve April 20th, May 18th, and June 28th minutes made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motions were passed.

Executive Director's Report

Executive Director, Joe Moore, has included in the information the Commissioners received the May, April, and June accounts status report for the three administrative accounts. This does not include any 13-month transactions. This will be included in the final audit for the fiscal year which will be provided in the next month or so. The auditors were in the office last week conducting field work. They will be back for a week in week August to line things out for the deadlines on September 15th and October 15th. Since we are at the second week of July the Racing Commission is not yet wrapped up all of its accounting on the wagering data at the tracks for June. As soon as he has that he will forward the Commissioners the financial summary reports the Commissioners get in the meetings.

Chairman Lowe stated there has been concern about cash flow. He asked Joe Moore if can share where we the Racing Commission's projection is at?

Joe Moore reported for a number of years the Racing Commission has been telling everyone when it would run out of money. During the last legislative session, the Racing Commission was successful with the aid of the Department of Revenue in getting a supplemental appropriation out of excess lottery to the Racing Commission's general administration fund account 7305. That supplemental is \$800,000 and will be accessible the second week of August. So, the Racing Commission will have the funding for the fiscal year. Because of the successful supplemental appropriation unless we get a change in code, the Racing Commission will have to seek a supplemental each year from the Legislature out of excess lottery.

Chairman Lowe asked if this seems to be the advanced thinking about doing that or are there any other thoughts on how to do it.

Joe Moore said that was the way the administration wanted to handle it last year. The Racing Commission we will continue to press the need and see if there is a better way to handle it in the future. There were some ideas brought up last year that made sense, but again the administration preferred to do it out of excess lottery as a supplemental appropriation for state fiscal year 2022. We will see how we will do it going forward.

Chairman Lowe said it sounds like the Racing Commission is good shape for now.

Joe Moore concurred.

WVRC Racetracks Intent/Timeline returning to Pre-COVID operations

Chairman Lowe shared this agenda item is from some thought given as more and more people are coming back to the track seeing it firsthand at Wheeling and more often at Charles Town. Saturday, he saw the best crowd in the yard he has seen for a while. Including youngsters and their families. They are now picnic tables, round tables with seats, and eight-hundred-dollar benches as he calls them. He thinks that is what they cost. People are coming out. They are enjoying it if the weather is good, but more people than ever are saying to him and others he is sure when are we going to get back to normal. He is not putting all this onus on Charles Town, because he is up there a lot more often. People are saying when the grandstand is going to be ready with the air conditioning and televisions. He thought it important the Racing Commission request the tracks to provide some kind of timeline as to when things can get back to normal like food services. Again, he can only speak to Charles Town what he has witnessed, but he cannot speak for them. We need to get things back in gear. He thinks it is substantially wise for us to be able to tell the fans when things will be back. If not, the way they were then better than they were. So, he is asking the Racing Commission to get a timeline from the tracks as to what is going on.

Executive Director, Joe Moore, thinks what the Racing Commission needs to do is give some general guideline as to what it is we are looking for. Then the Commission will have to officially vote to make that request from this public meeting. As he understands it, the Racing Commission is requesting each of the tracks to provide in two-fold a progress report of their re-opening and a timeline for their plan getting back to pre-COVID operations. That is on the racing sides of things, in the food and beverage, and the security side of things. How does each association fair currently and what are the plans going forward in providing the opportunities and accommodations that were provided pre-COVID. That is where the Commission is. Chairman Lowe could entertain a vote.

Chairman Lowe asked if there were any other questions from the other Commissioners.

Commissioner Figaretti has no questions.

Commissioner JB Akers this is not something requiring public comments beforehand so he would like to know the thoughts from the tracks. It does not seem like an onerous request to him. He does not know how detailed Chairman Lowe want this to be. Seems like it something that is doable. One thing he would personally be interested in releasing in the report what the current staffing levels are at the tracks. He knows they have had some issues at least with security if not other areas with the ability to fully staff the tracks. He would like to hear something from the tracks if Chairman Lowe agrees.

Chairman Lowe certainly agrees to that. He knows it is one of those things that is time consuming, but at this point it is critical. We got a product. We got a responsibility to the state of West Virginia and to the industry. He is not looking for a lot of fluff. The Racing Commission needs good hard reasonable facts. Need something valid and trustworthy so the Racing Commission can say to whether it is horsemen, breeders, or visitors and tourists exactly what is going to happen. When is going to be as close as it can to what it was or even better? Sometimes when you have a set back you can come out of it better than you were. With his business experience with owning two hotels, they were able to take a bad thing and make it better. It was tough to swallow to have to close two hotels for close to a year, but when they came out of it which they believe they are on their way out of it now they think they are going to have a better product then before. It might be slightly different. He is offering that asking the groups, tracks, and management to do the same thing. This might be a great time to bring up a new wager. Maybe it is something like that. Maybe it is several things like that. Give us some promotional stuff that that is going forward thinking and making us prosper. We all know the best thing that can happen with racing and the Racing Commission is the live handle. That is where the money is. We know the other works. The real money is for us, the state, the commission, and the horsemen is live handle. What can we do to increase the live handle at all the tracks? That is important. So, there is the time to inject that into your proposal your plans. Please do not make it a wish list. Do not make it a Disney Land as he calls it. Make it realistic. Tell us what we can really do to make it better than it was. We had a pause. We are out of it. Let's really step forward. There is saying he has used recently. The dream is free the

cost is in the hustle. The dreaming period is there. It slightly can continue, but now the cost is in the hustle. What is it going to cost? Is it worth the expense? Is it going to be worth it? Is it going to make it worthwhile? Is it better for the state of WV. Is it better for tourism? Does it prove for the legislature and the world so to speak that we can do this? That a quarter mile track in WV can survive and thrive. That the purses can be better than they are where they use to be. Maybe even better. A million-dollar race in Charles Town continues. Let's prove it is working. Let's make its merit count. Let's do it. The governor, and he is not speaking for him, likes to do things in a big way. Well let's do some big things in racing. Whether it is greyhounds or thoroughbreds lets do some big stuff for a change. Let's get back to where we need and beyond. That is his charge to everyone.

Commissioner JB Akers said he does not know if this be true, but it may be a proactive concern. The tracks he would assume already have some internal planning with regard to Chairman Lowe's request. If they have any concerns of divulging what they consider to be competitive information. Maybe there are things they do not want to publicize because they think it would hurt them from a competitive standpoint. The Racing Commission should give some deference to that if they tell us that is an issue. He would think Joe Moore and Kelli Talbott receive anything the tracks consider confidential from a competitive standpoint without public disclosing that. If that is a concern it might not be. He may be getting a head if himself. He wants to put that out there in case it is an issue.

Chairman Lowe said that was a good point. A very valid point, and the Racing Commission would honor that. We certainly all signed confidentiality agreements before and will do it again even if it is more important now if that is a factor.

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

Mountaineer Capital Improvement Request – steel plating for 3 Floats

Joe Moore stated about a year ago Mountaineer Park came to the Racing Commission with a request for a capital improvement project to purchase three floats. About two months the Racing Commission approved the reimbursement for the project being completed for the purchase and installation of three floats for \$70,000. Mountaineer Park is before the Racing Commission today because the floats that were purchased were not of a sufficient grade of material to stand up to the daily use on the track. They are beyond use and unable to patch to make useful. The request before the Racing Commission today is to replace the standard steel plating with a replacement heavy duty AR450 abrasion resistant steel plating at a cost of \$26,572.94. Mountaineer Park informed the Racing Commission the expected original useful life of the floats to be 3 years, but they only got one year of useful life out of them. His initial thought was to discount the original purchase for the two years that were not realized in useful life and apply that discount to what Mountaineer Park is requesting. Problem is that would mean Mountaineer Park would owe the Racing Commission money and the Racing the Commission would reimburse nothing. The request is race related and necessary for the track maintenance

Mountaineer Horsemen's Benevolent and Protective Association (HPBA) president, Jamie Poole, spoke in support of purchasing for the benefit the safety of horses, riders, and everyone. He understands a mistake was made on purchasing the wrong floats, but also understands the capital improvement money is there to fix the issue for safety of everyone.

Jim Colvin stated they did not know the floats were standard steel plating when they got the floats. They used the floats more than they should have. The floats should have held up longer. They are being told switching to the AR450 plating will correct the situation and should give them the float life of three years.

Joe Moore asked Jim Colvin if they were also going to utilize some other equipment on the track where the floats are not going to be used as often as they were before.

Jim Colvin confirmed that is correct. They have already started to have two screens made. They are currently using the screens as of today. They are working out great. They have had no complaints on that. However, inclement weather you do have to use the floats.

Chairman Lowe asked Jim Colvin if there was a warranty with the floats.

Jim Colvin reported the warranty is no longer in effect. It was only something like 90 or 120 days.

Chairman Lowe asked Jim Colvin if there was deficiency in the product.

Jim Colvin stated the reason they got a great deal on floats due to being standard steel. It was a lesson learned on their part they wish they did not have learn.

Chairman Lowe asked if there was something wrong with how are maintained.

Jim Colvin said the floats are still in great working order. It acts like sandpaper by running the standard steel across the sandy surface. It has worn the standard steel surface so much it is like aluminum foil. You cannot even patch it anymore because the patchwork will not even hold.

Commissioner Figaretti asked Jim Colvin to confirm the floats are working now.

Jim Colvin confirmed they are working now with some patch work, but they are not going to hold up much longer.

Chairman Lowe asked Jim Colvin if they can trade any of the old in for the new ones. Will there be a warranty this time? He does not want to let this happen again.

Jim Colvin said the plating they are going to be removing will be sold off as scrap

Chairman Lowe asked what the scrap sale will be worth.

Jim Colvin does not know at this time.

Chairman Lowe asked if there is a value in what is being sold off can that be put back in the account.

Joe Moore informed the Commissioners the money could go back into the maintenance department of the track because he does not think there is a mechanism in the state to do so.

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

Consideration of Public Comments received for Proposed Thoroughbred Rule Changes

Joe Moore stated the Racing Commission put a handful of proposed rule changes to go out for public comment through the standard operating procedure with the Secretary of State's office. The written public comment period has closed. Received several comments from various stakeholders across the industry which have been provided to the Commissioners to review prior to meeting. Joe Moore and Kelli Talbott have provided a summary of each of the medication rule changes and thoughts on the Commissioners could proceed. Joe Moore recommends keeping medication rule changes as one motion. He is going to ask Kelli Talbott to give a summary overview of the other changes which they can vote either together or one by one.

Kelli Talbott shared one other thing she would add before getting to the summary overview. It is important for the Racing Commission to consider is in June after the Racing Commission put the rules out for public comment the Governor issued another executive order doubling down on the previous executive order where it must be deemed as necessary by defined criteria to fit exemption status. For example, for things like that gets at fraud, waste, and abuse in state government or that helps is less of an impact from a regulatory standpoint. There is one kind of catch all exception in that executive order. Those rules deemed necessary by the agency or the Cabinet Secretary. That is where the Racing Commission's proposed rules changes fit. She and Joe Moore have discussed this prior to the meeting they are not sure how narrowly or broadly that could be construed by the Governor's office. That is kind of new development she wants everyone to be aware of as to how that could impact any rules the Racing Commission puts forward. Joe Moore is right that we have one bundle of proposed medication rule changes. All of which are model rules that were put out for public comment. Then we have the other category which were driven by the Charles Town HBPA. Those rules have to do with the barn area and the purse distribution. The Racing Commission put the exact language the horsemen wanted to adopt out for public comment. The Commissioners saw the Racing Commission received comments from PNGI and Mountaineer Park racetracks against these changes. Essentially the stable barn area proposed language would require the tracks to have continuous security at all times the horses on grounds. They would require the association to have specifically have persons entering that area display badge or other credentials during certain hours. That log would have to be maintained with certain information. It requires the association provide security around the barn area that would be approved the Racing Commission. That there be a receiving barn maintained for purposes of receiving horses not stabled on the grounds. There is some language that there be some heighten surveillance in the receiving barn. The proposed purse distribution change essentially states the owners to receive their purse award within 48 hours of the end of the race if they enter into a purse release agreement. That agreement would essentially say if a positive test came back after the purse was paid out the owner would agree to reimburse the purse account. If they do not, then their permit is subject to suspension by the stewards. It also has language about the trainer's ten percent gross commission and how it will be distributed and administered by the horsemen's bookkeeper in that pay out. The Commissioners can see the comments Mountaineer Park and Charles Town made. You see Mountaineer Park indicates they already have a workable solution. For example, their entry and exit into their barn area. They do not believe the proposed change for access to the barn area is necessary. Charles Town s also opposed to some of the language related to the stable barn area. With regard to the proposed purse distributions changes she believes Charles Town makes the point there is no mechanism in this rule if someone fails to payback the purse, they were awarded that has to be paid back after a positive drug test how the purse account would be made whole. She guesses there could be a scenario the Racing Commission suspends someone's permit and for whatever reason the person doesn't care or impact them in a certain way to make them pay it back how that would be addressed. That is the issue Charles Town racetrack raises how would the purse account be made whole if indeed someone does not pay back what is owed to the purse account after positive test.

Chairman Lowe shared with regard to the purse distribution there are other scenarios that could make it difficult to recover. There are things he has not dissected just yet.

Kelli Talbott said if someone does not repay their purse award after a subsequent positive test and their permit is suspended then they cannot enter horses without a permit at that point. Presumably that permit suspension is going to be would not be reported to the Association of Racing Commissioners International (ARCI) database by the Racing Commission stewards other states reciprocate that ruling they may not be able to enter a horse in another state that reciprocates our rulings. One would hope if someone was suspended, they would do everything they could to pay it make the purse account whole so they can go about their business so the suspension can be lifted. She guesses there is conceivably a scenario where someone does not pay it back but does not know what the odds are off that happening.

Chairman Lowe said what he is thinking of is what would stop the horse ownership from being transferred to a friend to a relative. Maybe the way to do this is to say the horse cannot run until it is repaid. That would be up to the track to figure out to do that. He does not want this to happen, but if it does, we have got to make sure it is done the right way. He asked Kelli Talbott what she thinks about that.

Kelli Talbott thinks she could draft some kind of language to suspend the horse if it tests positive.

Chairman Lowe thinks it would be with that particular horse and the owner or trainer. That would tie up the horse from being entered into another race as well as the owner or trainer from being able to race until the matter is resolved. He just wants to find a way to ensure it gets repaid.

Erich Zimny with the Charles Town racetrack believes the chances of somebody losing a purse and choosing to not repay the \$10,000 is going to happen. He does not think it is just theoretical. He would like the idea of the horse being suspended. He just wonders what would happen when the horse is being claimed and there is bad test. Then you stuck the new owner or trainer with problem. He believes up at Penn they carve out huge purses, so you are never in danger of having to pay back \$60,000 or more. So, when you stick to overnight races if he is not mistaken the HBPA there has an agreement to indemnify the purse fund in that case. They would be a hundred percent on board with something like that if they want to do that.

Chairman Lowe said so that is a possible solution that would require consideration from the HBPA. good idea. Timeline wise do we have time do this?

Kelli Talbott stated the purpose of the meeting today is to decide on what to do regarding tinkering with the language that was put out for public comment or not. We are under a limited time frame to get these rules to the Secretary of State. Any rules the Commissioners decide they want to do today will have to go to the Secretary's office by Thursday July 15th for final file with the Secretary of State's office.

Commissioner Figaretti asked what currently happens regarding purse distribution.

Kelli Talbott reported currently the tests have to clear before the purse is paid out.

Jamie Poole agrees of Erich Zimny to put a limit on it of no more \$7,500 and the Mountaineer Park HBPA will back it if it is not paid back.

Chairman Lowe asked the Charles Town HBPA executive director, Maria Catignani, if they would be willing to do the same thing.

Maria Catignani reported they have not discussed that option in Charles Town. She believes they would be open to some kind of amendment to assure some more confidence the purse account would be refunded, but at this point she could not say what the board what that level would be. She can discuss with the board in the time needed to meet the required timeframe.

Joe Moore does not think there is enough time needed to hold an emergency Racing Commission meeting to vote on any language amended. He believes it may also be necessary for the Racing Associations and the HBPA's to enter into a memorandum of understanding on how the indemnification would work.

Chairman Lowe asked Kelli Talbott if they could make a motion and pass it with the language contingent upon the Charles Town HBPA agreeing.

Kelli Talbott said it depends on whether you are going to say if you are going to allow people to get a purse pay out before the tests have been cleared if the purses are at a certain number or below. It is a completely separate issue about whether you want some kind of language in the rule that says the horsemen and racetrack shall execute agreements which would copies would be provided to the Racing Association agreeing that if the owner does not repay the purse account under this rule, then HBPA would agree to indemnify the purse fund.

Joe Moore thinks if they do the second suggestion Kelli Talbott suggested then he thinks they would not have to put the first one in the rule. He thinks they can make the amendment the tracks and the horsemen

shall enter into this agreement for not more than x amount of dollars be released within 48 hours. If the agreement is not enacted, then rule remains in effect as it is now. You would have to wait for a cleared test.

Chairman Lowe asked if Kelli Talbott can do that.

Joe Moore said he thinks he and Kelli Talbott can come up with language and circulate it.

Kelli Talbott said just to be clear she thinks what she hears Joe Moore say is that this proposed allowance, the purse being distributed before a cleared test, can only happen if there is an indemnification agreement otherwise the rule is you have to wait for the test to clear.

Joe Moore thinks that would allow Charles Town and Mountaineer Park to come up with a different number that works best for them.

Phil Reale offered on his behalf a suggestion that does not use the word shall. He thinks if you are going to have a provision to pay down before the test results then why not make that payment whatever amount it might be contingent upon an indemnification. If you do not have an indemnification agreement, then there can be no advance of the money until after the test cleared.

Kelli Talbott and Joe Moore concur with Phil Reale's suggestion.

Joe Moore said he has heard from Charles Town HBPA, Mountaineer Park HBPA, and Charles town racetrack. He asked Jim Colvin with Mountaineer Park racetrack if this arrangement is something they are on board with.

Jim Colvin said they would have no issue with it. He can talk to the Mountaineer Park HBPA more about it later.

Maria Catignani wants to clarify due to their purses being higher it would have to be a percentage basis.

Kelli Talbott asked about how to handle the trainer's ten percent language.

Charlie McIntosh with Charles Town racetrack feels like the horsemen should manage this and not the racetrack. It seems like the racetrack would be doing the horsemen's bookkeeping by requiring the ten percent to go from the purse distribution to the trainer.

Chairman Lowe did not realize there were other agreements out there for something other than ten percent.

Maria Catignani said they do recognize there are different agreements. This was for only if an owner wanted to opt into that agreement. This was not meant as mandatory thing for everyone's participation.

Kelli Talbott understood, but this is not how the rule is worded.

Commissioner JB Akers concurred.

Jamie Poole recommends taking it out altogether and make the owner responsible for paying their ten percent or whatever it is.

Commissioner JB Akers believes this language does not seem to be a solution for whatever is trying to be addressed. His initial reading leads him not be in favor forcing the tracks to manage the agreements between the trainers and the owners. He has not heard anything that has change his mind on that. He would

be in favor of Joe Moore and Kelli Talbott draft some sort of language that allows the expedited payment but would be against the ten percent language.

Chairman Lowe asked if Commissioner JB Akers has a motion.

Motion to approve Joe Moore and Kelli Talbott to amend the proposed language allowing individual tracks and the other stakeholders to come up with a workable solution to expedite the payment of the purses in the spirit of the original payment while at the same time removing the trainer's ten percent commission from the proposed rule made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passes.

Kelli Talbott shared they Commissioners have the comments received from stakeholders for and against the language that was out for public comment regarding the stable gate security. Not sure what action the Commissioners want to take. There are competing views on what needs to be done. There are comments this is a safety issue while another one of the comments from PNGI is not clear why the records are to be kept from 12-5am. It is up to the Commissioners to determine what action they wish to take.

Chairman Lowe believes the 12am time is probably based on an old saying as corny as it sounds nothing good happens after 12am. He does not see a problem with a security guard have someone sign and check the validity because they are coming in after 12am. With regards to the receiving barn should be open. Instead of putting in a rule such as the HBPA has recommended we take Charles Town at its word that it is going to be positively handled and expedited as reasonably as possible. We need to get that done. He does not know of a racetrack in the country that does not have a receiving barn. Charles Town is no different in his opinion. He knows Charles Town is having problems getting employees. He is old school and had bunch of businesses and stuff, but in his world as an entrepreneur if someone did not show up for their shift then the manager filled in. He can be a restaurant, hotel, office building, it can be anything else. That is why he thinks the management style has to be directed in such a manner. If your employee does not show up, you need to do it. He thinks that practice should be considered by management in special cases where it is justified.

Commissioner JB Akers he understands the issue which seems to be relation to the pandemic which looks to be resolved sooner than later. It seems to him when he saw this rule it is an attempt to have the Racing Commission to some extent micromanage the relationship at the track. He personally is against that. He does know they have general rules which may not offer specific guidance, but they do have them regarding the health, safety, and welfare of the tracks. His preference would be to these issues come up the stakeholders notify the Racing Commission with those specific issues as they arise to tell us under are rules general framework how a rule has been violated. He is not generally in favor amending the general rules for more and more regulations.

Commissioner Figaretti agrees with Commissioner JB Akers.

Commissioner JB Akers wants to remind everyone about being respectful of the Governor's executive order for rule changes.

Motion to reject proposed rule 22.9 series regarding stable gate security etc. made by Commissioner JB Akers, seconded by Commissioner Figaretti. Motion passed.

Kelli Talbott addressed the medication rules proposed rule changes. She understands WV may be different in some ways. On the other hand, other states have had these rules for a while where WV is the only mid-Atlantic state who has not. The other factor is the Governor's moratorium where this rule may not meet the criteria. There is also the Horse Racing and Integrity Safety Act to consider. Although it is in litigation if it is not stopped would successfully go into effect in July of next year. If Horseracing Integrity and Safety Authority (HISA) the authority has promulgated rules under that federal legislation than any rule that WV has that are not compatible with federal rules the federal rules would supersede and would be enforced in our state. As the Racing Commission attorney and someone who participates in the ARCI regulatory attorney committee that she listens to what the veterinarians and medical equine pharmacologist that work on these ARCI rules. She

knows them to be reputable, trustworthy, and expertise. That is why she is always as their lawyer going to advocate giving serious consideration to adopting model rules particularly when we can deny WV is an outlier in the mid-Atlantic with regards to these rules. On the other hand, you have opposition from the horsemen. You have the governor's executive order. You have the HISA implementation. She thinks the legitimate question is it really something you want to take on this year.

Chairman Lowe says in all due respect to Kelli Talbott as a friend the Racing Commission will decide the policy. Just because he is at an ARCI meeting, and he does not oppose a vote does not mean he voted for it. He may be in a room with eighteen other people, and he knows what they are going to do. He may have one battle to choose. He may not say anything in opposition because he can talk to other people and be meaningful in other ways. So, do not ever think because he did not vote against something means he voted for it. He suggests that as friends, and always to be professional people. He knows they know each other well enough to say that. He feels that about everyone.

Kelli Talbott does not know what happened at ARCI. She does not know what Chairman Lowe did or did not do at ARCI. She will take his word for it.

Chairman Lowe stated he did not vote for something does not mean he voted for it. He saw what was going to happen. So why would he do that. He is politically because obviously politics comes into play in these committees. He is so outnumbered if he feels like the lone ranger sitting there sometimes. In yet he is one of the few who can raise his hand he has ever asked if you have done any of the twelve things he has done in racing. Some can but half cannot. He is not perfect, but he has done it. He tries to see all sides for all reasons of the good and bad things that can happen. So, he thinks differently than many of them do for political reason, but he is not there for political reasons. He is there to make it a better industry. That is what he tries to do.

Joe Moore said Kelli Talbott lined out the issues pretty well with this up coming year. With this upcoming legislative session any rule that would be passed would be in effect after a federal would be in effect. It is the discretion of the Commissioners to decided on how to move forward with the rule at hand.

Chairman Lowe stated his opposition to doing away with Lasix. He thinks doing away with Lasix would be fatal to the industry. He will support approving the medication rule as long as it is understood he opposes HISA doing away with Lasix.

Joe Moore wants to make sure it is understood supporting this medication rule proposed changes do not include anything with regards to Lasix.

Kelli Talbott concurred.

Chairman Lowe asked if it is still possible rules could also change through the legislative session.

Kelli Talbott concurred and reviewed in summary the medication rule changes being proposed.

Chairman Lowe wants to add the biggest thing in his mind that everybody agrees expect those who are cheating is that horsemen in general and owners and trainers want to catch these cheaters. It is not the minor stuff. You can not pick on every little bit of nanogram in a 1,200lb horse when there are people out there doing things that are a lot worse. He hopes every cheater gets caught and is suspended from the game. He is trying to make sure people understand it is the bad people they want to get not the minor stuff. He asked if anyone is ready to make a motion.

Commissioner JB Akers Said everyone knows what his vote was on this similar issue last year. He certainly, is mindful of Chairman Lowe's comments. Chairman Lowe makes material points. They are important. He knows WV is not New York, Kentucky, or California. He realizes that some of these rules can be more onerous to some extent on the horsemen in this state. For the reasons he said last year that he will express now this does not appear to be on national scale. The controversial issue where he realizes some

people do not like the rules. They are the only state in their region that has not adopted these model rules. The mid-Atlantic region actually wrote in this year to us to encourage us to adopt these rules. He does not think that happened last year. He realizes there is never going to be total agreement in these rules, but we are at this point as Kelli Talbott said an outlier. He is going to be consistent with his vote last year.

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

Public Comments

Adjournment

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