

**MINUTES**  
**WV RACING COMMISSION**  
**Tuesday, June 11, 2019**  
**WV Racing Commission Conference Room**

The WV Racing Commission met on June 11, 2019 to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Jack Rossi, and Commissioner Ken Lowe, Jr., and Commissioner Anthony Figaretti. Counsel was represented by Kelli Talbott.

**Executive Director's Report**  
**Joe Moore**

Joe Moore provided the Charles Town injury report through May 2019. The Charles Town racing injuries is currently at rate of 1.44 over a thousand starts. This number has increased from sub one number but is still significantly lower when compared to the previous seven years. We have not received the information from the vets at Mountaineer Park.

Joe Moore and Jon Cain were onsite at Charles Town last week to evaluate the computer systems readiness for moving to Microsoft Windows 10 by December 31, 2019. Its necessary to update the computer systems in order to ensure they will be supported by Microsoft moving forward into the new calendar years.

A list of current vacancies has been provided for review as well as up coming retirements expected before the end of the calendar year.

**Legal Update**  
**Kelli Talbott**

Kelli Talbott reported permission was granted by the Governor and Secretary of Revenue offices to post for public comment proposed amendments for the 178CSR1 Thoroughbred Rules of Racing legislative rule. The proposed amended rule has been filed yesterday with the Secretary of State for public comment. The proposed amended rule is now available for viewing on the Secretary of State and Racing Commission's websites. The proposed amended rule has also been emailed to all the members of the rules committee to inform them the public comment period has begun. The public comment period expires July 10, 2019. It will be necessary for the commissioners to meet with Kelli Talbott and Joe Moore soon after the public comment period expires. The final filing deadline for the rule is July 26, 2019 in order to be considered for the 2020 legislative session.

**Amendments to Backstretch Pension Plan**

Mike Lloyd presented on what would be the 4<sup>th</sup> overall amendment to the plan. The first amendment is related to the eligibility rules. Currently a trainer can become eligible by completing 75% starts on an eligible track, but not less than 18 starts. Previously, a rule was added if a track was dark for more than 14 days then starts at an ineligible track would not count against the trainer. This amendment allows the administrative committee to reduce the 18-start requirement due to an unanticipated reduction of racing. This makes sure the plan is flexible enough when an unanticipated reduction of racing occurs to allow participants who should be eligible to be made eligible.

The second is to address participants who are both receiving distributions from the pension plan because they have reached the age of 60 while they are actively working. The HBPA's Mike Lloyd represents believe this is not in the spirit of the plan which is authorized to

be a retirement plan. It presents significant additional cost for identifying both participants who are taking and receiving benefits from the plan at the same time. This amendment addresses the issue by requiring once you begin receiving distributions you are not again eligible for contributions until after three years after you have completed receiving your benefits. This also would require in the future time in calculating your contributions your service numbers would be reduced to one.

Commissioner Lowe requested to know how much money is in the fund. Maria Catignani reports the total as of March 31, 2019 the end market value is \$6,771,746.45. Joe Moore believes another million dollars has been deposited for this year's contributions since then. Commissioner Lowe asked if the HBPA's are thinking about how far the funding will go in support of the participants. Maria Catignani reports there are about 375 total participants currently in the plan in both Charles Town and Mountaineer Park whether they are in or not in distribution. She believes the number will grow due to enrollment still occurring. Mike Lloyd states the plan is an individual account plan. All the participants have their own accounts and their own account balances. Every year when they receive a contribution it goes into their account. A person's benefit is not a pension benefit as in a traditional pension plan where all the money is one big pool and we're trying to decide how much to fund to pay people into the future. This plan is an account plan where everyone has their account. Currently the plan document allows people to access their money at age sixty. Commissioner Lowe asked what happens to the account when someone is deceased. Mike Lloyd reports it would go to the designated beneficiary.

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

### **Charles Town Proposed Concussion Protocol Joe Moore**

Joe Moore stated the concussion protocol was placed into our rule just last year. It becomes effective August 1, 2019. The tracks are required to develop a concussion protocol to present it to the commission. Today John Mills who is the Charles Town EMS Manager is prepared to discuss what is submitted as their protocol. John Mills along with the Hollywood Casino Director of Security. John Mills reports they embrace the need to do this for the jockeys. They reached out to the Church Hill Downs and Laurel Park to develop a sports concussion assessment tool which is accepted at most sporting events nationwide. They combined this with the WV Office of Emergency Management Services spinal immobilization protocol and other applicable protocols they must follow. John Mills reported any time a jockey has a separation which is where they leave the horse while on the track while racing, they will be assessed. If any of the concussion criteria are met, they will be taken to the jockey's or EMS room for further evaluation using the Sports Concussion Assessment Tool (SCAT5). They also put in the plan all jockeys will have a baseline done to use to compare in the event an assessment is required.

Commissioner Lowe asked if this protocol is only for jockeys during the race. Commissioner Rossi is also interested in this aspect as well. John Mills reports that is correct, and they are in the process of trying to address the protocol to include the training. John Mills confirms this is a work in progress. Commissioner Rossi encourages them to continue to work to get the training component developed into the protocol.

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

Commissioner Lowe requested to know about the status of Mountaineer Park's concussion protocol submission. The Racing Commission has not received it yet. Kellie Talbott reminded its required for Mountaineer Park to have it submitted before August 1, 2019.

### **Charles Town Request to add 4 Live Race Days Joe Moore**

Charles Town is requesting to add November 27 as well as December 4, 11, and 18 for live race days. This is due to the race days having to be cancelled most likely to weather. Joe Moore recommends the Racing Commission to approve the request.

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

### **Occupational Permit Request – Shane Wright**

Joe Moore reported Shane Wright is seeking an occupational permit as a groom at Mountaineer Park. He has a couple of felony convictions in 2005 and 2012. The stewards interviewed and have found Shane Wright to be remorseful for his actions. Shane Wright was licensed in WV prior to his convictions. The board of stewards at Mountaineer Park recommend approving this request.

Commissioner Rossi gave Shane Wright the opportunity to speak. Shane Wright stated he loves horses as does his son. He just wishes to get back on.

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

### **Occupational Permit Request – Melanie Medley**

Joe Moore reported Melanie Medley is requesting a pony rider permit at Mountaineer Park. She has a felony conviction in 2010 in addition to a violation of her probation. Stewards interviewed her and found her not to be remorseful. She exhibits a lack of regard for track officials, track security, and the rules of racing after being instructed by the stewards not to pony until she was reinstated by the commission. She continued to do so against the instruction provided by the stewards. Therefore, it's the stewards recommendation to deny her request.

Commissioner Rossi provided Melanie Medley the opportunity to speak. She did not announce her self during role call nor take the opportunity to say anything on her behalf.

Motion was made to deny the request by Commissioner Lowe, seconded by Commissioner Figaretti. Motion was passed.

### **Mardi Gras Capital Improvement Requests**

Joe Moore provided an overview of three requests as capital improvements for Mardi Gras to make kennel facility improvements to three kennel buildings to replace roofing at a cost of \$285,000. The second request is for a cost of \$400,000 to address lighting, flooring, fencing, and plumbing needs in the Café/Dining. The third request is \$200,000 for ADA improvements to the Big Easy lounge next to simulcasting and guest area parking lot. The total cost of the projects is \$885,000. The funding available for the projects is \$850,000. Mardi Gras understands they will have to fund the additional money for the projects.

Commissioner Figaretti requested to know if the projects were going to be performed at the same time. Mardi Gras representation confirmed they would like to try to do so to get the work hopefully completed by Fall.

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

### **Wheeling Island Capital Improvement Request – Increase to Adoption Center Approval**

Joe Moore provided an overview of the capital improvement request for \$650 to provide additional indoor fencing and gates needed at the adoption center. The commission previously approved \$21,936 to make improvements to the adoption center. The funding is available. Ben Travis with Wheeling Island informed the commission the goal is to provide a better experience by encouraging more interaction with the dogs without being in the pen with the dogs. The concept was not identified until working through the initial project.

Motion to approve was made by Commissioner Lowe, seconded by Chairman Commissioner Rossi. Motion was passed.

### **Mountaineer Park Capital Improvement Request - Grandstand Roof Replacement**

Joe Moore provided an overview of the capital improvement request for \$210,489.50. Mountaineer Park has provided the appropriate bids for review. Funding is available. It is Joe Moore's recommendation to approve the request.

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

### **Mountaineer Park Capital Improvement Request - Barn Area Lighting System**

Joe Moore provided an overview of the capital improvement request for 88 5k LED flood lights and 88 photo-controlled sensors to improve the barn area lighting for night racing. Cost of request is \$19,779.09. Mountaineer Park has provided the appropriate bids for review. Funding is available. It is Joe Moore's recommendation to approve the request.

Commissioner Figaretti asked if this would be lighting at every barn. Representation from Mountaineer Park advised this would be lighting for between the barns which lead to the track.

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

### **Mountaineer Park Capital Improvement Request - Tote Room Switch gear**

Joe Moore provided an overview of the capital improvement request for \$7,109.35. This would allow in the event of power failure to switch automatically to backup power for an extended period time while waiting on power to be restored.

Commissioner Figaretti asked how this would impact the tote board while racing was going on. Representation from Mountaineer Park advised this would be for the whole tote computer system not the tote billboard which runs off another backup generator system in the infield. This improvement would provide means for maintaining business continuity and safely saving data in the event of power failure.

Commissioner concurs its very important and used commonly across businesses.

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

## **Charles Town Capital Improvement Request - Track Kitchen**

Joe Moore provided an overview of the capital improvement request for \$5,411.84. Bids are available for review for the items requested. Joe Moore recommends approving seven items on the list; serving counter for hot food, refrigerated merchandiser, equipment stand, sandwich salad prep table, work table, wire shelving, and microwave for a total \$5,217.56.

Commissioner Figaretti asked where this would be located. Joe Moore informed this would be the horsemen's kitchen in Charles Town. It's Joe Moore's understanding this has been out of commission since January. The commission would be disallowing \$194.24 based on the recommendation. Joe Moore has briefed both track manager and the HBPA on the matter and neither take issue with the disallowance.

Commissioner Lowe expressed how important and vital this is to the operations. He hates seeing it being down this long and supports a motion to approve.

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

### **Public Comments**

There are no public comments at this time.

### **Adjournment**

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