

MINUTES
WV RACING COMMISSION
Wednesday, June 28, 2021
WV Racing Commission Conference Room

The WV Racing Commission met on June 28, 2021, to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Ken Lowe Jr., and Commissioner JB Akers. Counsel was represented by Kelli Talbott.

Chairman Lowe Opening Remarks

Chairman Lowe opening remarks. After the pandemic we have all been through things are back to normal. That is what people thinking and are saying. He sees around the country things done different in a few places. We need to put air, we need to excel, and we need to pick up the momentum to keep it going. He can say personally being ten miles away he feels a sea change at Charles Town. Not quite sure what that means, but we will find out later in this meeting and continue on with that particular location. He visited Wheeling about two weeks ago. It had been a while since he had been. He talked to some fine folks most of which had not met. He got to speak with folks in the administration, but not the kennels. He will be back to Wheeling and plan to do that. He was pleased with what he saw. He also owes Mountaineer Park a visit which he knew as Waterford Park. Beknown to most people in the 1970s right out of college he was the state patrol judge there. He graduated from the New York Jockey Club School for Racing Officials at Aqueduct Racetrack for coldest month of his life before working at Waterford for nine months. He knows it all starts with the people the boots on the ground. When he took that turn in his life back then he deviated from the thoughts of potentially going to law school and going into racing and with a touch he might add of politics that seem to come back and forth in his life. Through the first appointment by Governor Arch Moore. He has been appointed by every Governor since him for something since then. Cable TV, Tourism Commissioner, Economic Development, Infrastructure, Jobs Development Council, and some other stuff, but he is independent. He is not a Republican. He was. He is not a Democrat. He was. He is an independent. He can tell you three Governors who told him they are putting him in as chairman of this commission or committee because I want you to take the politics out of the decisions. He thinks that is what he does. He tries to all the time. You have heard him use the word compromise quite a bit, but we I am telling you the horse folks, he does not like the name horsemen or dogmen, the horse folks, and the greyhound folks the Racing Commission and the staff are with you. We are all going to make it better. We are all going to succeed. It starts with you folks on the ground at all those tracks. You have got to do what is right to take care of your animals humanely and we have to continue to make this business prosper. He is not speaking for them, but you have also got the support of the Governor and the Legislature. They are behind us. Now we want to show them what we can do. They have done somethings for us. Let us do what we should do for them. Let us make these the best days of our lives in front of us and not behind us. He not forgotten Mardi Gras. He will pay them a visit too.

Executive Director's Report

Executive Director, Joe Moore, provided a brief report. Looking at the parimutuel wagering comparison for May 2021 each of our wagering types has increased over April 2021 which is a good sign. Live racing is still down 3 ¼ percent compared to last year. Simulcast is on even keel compared to last year. Last year being a pandemic year still tells us our wagering activity has decreased continually over recent years. That is something we need to look at financially going forward as commission. As far as State Fiscal Year 2021 audit goes it will be performed with auditors in the office starting next week through late August to prepare those reports for the appropriate deadlines. Shortly after this meeting concludes he will send out an email to begin coordinating a meeting probably to be held the week of July 12. That meeting will consist in large part of reviewing and addressing comments received from public comment on the Thoroughbred Racing Rule out for amendment.

Legal Update

Legal Counsel, Kelli Talbott provided the following update. The comment period for proposed amendment for the Thoroughbred Rule ends today at 5pm. We have received several comments so far but just a reminder it closes at five. As Joe indicated, once it concludes, they will look at them and sending them to the commissioners with thoughts on how to deal with those. Once you review them at your next meeting, we will have ultimately to then file them with the Secretary of State with any changes if there are any that need made as a result of the comments.

Chairman Lowe strongly encouraged anyone who wants or needs to submit comment to do so. Do not let it go past the 5pm deadline. Stop what you are doing to get them submitted. Do not say you forgot. We have to get this right. We are going to get it right. It is drop dead date and time to get it done.

Wheeling Island Requests Approval of 2021 Stakes Races

Joe Moore presented the Wheeling Island request for approval for the 2021 stakes races. The \$35,000 juvenile with the championship on Saturday September 5th, 2021, and a \$65,000 keystone championship to be held on November 27th, 2021. In addition to those two stake races that are in the statute Wheeling in recent years established a \$100,000 Mountaineer Classic to be held on Saturday October 23rd, 2021. Joe Moore recommends approving.

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

Mardi Gras Requests Approval of 2 additional race days

Joe Moore presented the Mardi Gras request to approve two additional races for July 4th, 2021, and September 6th, 2021. The race cards will have sixteen races on each with start times of 7pm. Joe Moore recommends approving.

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

Mountaineer Requests Approval of Mystery Voucher promotion

Joe Moore presented Mountaineer Park's request to approve a mystery voucher promotion. We have done this several times in the past. Mountaineer Park is going to mail out to patrons in their database mystery vouchers worth anywhere from \$5 to \$10,000. The promotion will be conducted either September 11th, 2021, or September 25th, 2021. Joe Moore recommends approving.

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

Update on 24hr Accessibility of CT Barn Area

Charlie McIntosh did not know if Lee Monaco is on the call or not. He does not have as much detail as he would right now. If not, he is prepared to provide a little update. There was meeting on Monday before last he can share with scouts' honors Lee Monaco directed all of this staff to do whatever is necessary to have the motorized CT gate and the swipe access at the 6 ½ pole entrance up and running. Both are well underway. All the conduit has been placed across the road from the CT gate where the motorized open will be, and the concrete pad has been set. We are just waiting on the actual gate motors. He understands they are forthcoming pretty quickly. All the prep work has been completed there. Same on the 6 ½ pedestrian gate. All

the fencing adjustments have been made. We are waiting the swipe pad. They have ordered a new badging machine. He understands that has been a challenge. It was breaking down and people were having trouble getting badges. It is his understanding one is on order. He is not exactly sure when it will be shipped here, but it has been expedited. He does not have any hard deadlines to report. He was hoping Lee Monaco was going to be on call. He may have some better details. He has been put on lead for the project. They are hoping to have within the week both the CT motorized gate and swipe pad gate. He is sorry he does not have actual dates at this time for the Racing Commission. He can assure the Racing Commission everything is being done to get this done.

Chairman Lowe said we will need those dates and to make note Lee Monaco was not on the call. He knew about the call and the need for him to provide an update. He should have given us those dates. Need hard dates for these things. This is an emergency. He should have been on the call as far as he is concerned. We need to know when things are going to happen, because there are people being greatly inconvenienced and the horses are in danger. We are not going to have that. He thanked Charlie McIntosh for what he has done. He asked for Charlie McIntosh to get the dates from Lee Monaco or from someone above him. We need those dates now. He asked if there was any other way the badging situation could be dealt with while waiting on the printer.

Charlie McIntosh does not believe so since the cards have a magnetic strip on them. He does not know 100% but will look into to it.

Chairman Lowe asked if someone from the Charles Town Horsemen's Benevolent and Protective Association (HBPA) would like to provide an update on how access on the backside is going since the last meeting.

President of the Charles Town HBPA, Jim Miller, met with racetrack management about how to gain access. It was a good meeting. They have provided clear instructions on how to get everyone the access while ensuring the gates are secure. The two main issues were people coming in that may be proper and could cause harm as well as horses could get loose. As well as getting grooms and trainers access while they are waiting on the motorized gate and swipe pad. The effort has been cooperative with everyone trying to make it work. They have been trying to provide access longer than previously promised. They have seen personnel authorized to work overtime to help meet need. Clearly as the new technology is deployed and more casino staff being hired things should improve. The Charles Town HBPA really did appreciate their work and their commitment to make it work.

Chairman Lowe said with regards to authorizing part timers to work more. He was personally told they are not getting their calls returned to approve the overtime.

Executive Director of the Charles Town HBPA, Maria Catignani, would like to know if the technology is going to be the backup for both gates or is the manned gates the backup to the technology.

Charlie McIntosh said he hopes it would be staffed and the technology would be the backup to the manned gates.

The executive director of the Charles Town HBPA, Marie Catignani, said there may be an issue at the 6 ½ gate with patrons and handy cap access taking parking away. In the past it has been designated parking with signs stating horsemen only. This could cause an issue for horsemen.

Joe Moore seconded in his discussion with Lee Monaco the intent is to staff the gates. In the event someone is not there they will utilize as secondary means the technology to gain access.

Chairman Lowe noticed recently while at Charles Town the gate at the paddock that goes into the grandstand yard as we call it. He saw six horse folks had to climb over the gate because it was locked. At 6:45pm it was unlocked not by Charles Town security, but by Roy Cave, the Racing Commission investigator. That gate should not be locked that soon before start time. It should be opened by at least 6:30pm. It is unacceptable to

have that gate locked until 6:45pm. He asked Charlie McIntosh to please ask Lee Monaco or whomever with racetrack management to get that addressed.

Public Comments

Adjournment

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