

**MINUTES**  
**WV RACING COMMISSION**  
**Friday, March 20, 2020**  
**WV Racing Commission Conference Room**

The WV Racing Commission met on March 20, 2020 to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Jack Rossi, Commissioner Ken Lowe Jr., and Commissioner Anthony Figaretti. Counsel was represented by Kelli Talbott.

**Opening Remarks**

Chairman Rossi stated the purpose of the emergency meeting called is to address the imminent threat posed by COVID-19 to take the precautionary measures necessary to provide the safety required for the public which the Racing Commission serves.

**Request to suspend live racing at the greyhound racetracks due to COVID-19**

Executive Director, Joe Moore, presented the request from Delaware North to suspend live racing at its greyhound racing tracks during the same time the casinos are closed due to COVID-19. Because the commission also not only approves the racing calendar from the licensee it also approves the calendar days the licensee is allowed to hold live racing it necessary for the commission to act on the intent of the requested initiated by Delaware North.

Chairman Rossi assumes the licensee would work with the commission to alter the race calendar to make up as many days possible once the COVID-19 safety concern has been resolved.

Commissioner Figaretti stated he understands the need to suspend racing. He wonders though how other states are continuing thoroughbred live racing with not live attendance from patrons. He would think it may be possible the greyhound racetracks could do this with the casinos shut down. He hopes the suspension of live racing does not go on too long and that COVID-19 comes to a fast end. If it does not the commission may have to have another meeting about how to resume greyhound live racing without live attendance.

Joe Moore informed the commission about one difference in the way thoroughbred racing is conducted compared to greyhounds is the way the purse funds are distributed. The greyhounds purse fund is distributed in its entirety on a weekly basis. So, if the casino side is not operating then there are no deposits into the purse funds to be dispersed to the racing participants. What is there would be the appropriate piece the legislature appropriates each year, but that is a drastically reduced number that would be dispersed over the course of a normal business week.

Commissioner Lowe asked Joe Moore what the percentage is.

Joe Moore reported he does not have the information at this time but does know the purse funds are dependent on all four casinos.

Commissioner Lowe asked if there were any reserves set aside in the event needed like this considering the casinos have done well.

Chairman Rossi thinks no one has ever dreamed of anything like this ever happening. Going forward everyone needs to be prepared for something like this possibly happening again.

Commissioner Lowe understands even though the casinos and live racing may need to stop you still need to account for greyhounds and thoroughbreds to continue training to protect their welfare. He would like to hear someone from the greyhound industry share whether or not greyhounds need to train and if so, what exactly needs to be done to do so.

Chairman Rossi agrees the commission does need to look at that and will ask the industry to discuss the matter further after the request for approval has been taken care of. Chairman Rossi asked for Joe Moore to share any more information regarding greyhound training.

Joe Moore received from one of the commission vets concern about how care can be provided to a greyhound in the event of an injury while training if the vets did not have the appropriate access to the facility during training to treat. It is also imperative to take in consideration the COVID-19 impact on the partnerships the vets have with institutions such as Ohio State university to assist with providing necessary care for the greyhounds. Joe Moore asked the vet to formally contact the Delaware North management on the matter and how to best address this. Joe Moore understands as a result of this direction Kim Florence with Delaware North management and Steve Sarras with the Kennel Association are work with together with the vet to try to figure out a solution.

Chad Robinson representing the Kennel Association believes there has been no communication from the casino or an agreement reached for training. The Kennel Association has received some correspondence from the commission vet. It is critical for an agreement to be achieved to allow the dogs to train. The Kennel Association request before racing be suspended for an agreement for training to be done along with the approval of suspending live greyhound racing.

President of the Kennel Association, Steve Sarras, understands the commission vet's concern. However, currently the commission vet is not required and has not been on the ground during the conditioning of the greyhounds at the racetrack grounds. He understands Ohio State may have limited access due to COVID-19, but they would follow the same protocol they currently do when training to utilize their local vets which they have traditionally done. The majority of the dogs do not go to Ohio State for treatment. In the event of an injury it falls upon the kennel not the commission injury fund to address the need to take care of the dogs. The Kennel Association is a responsible group that in the event the dog requires medical attention they are going to make sure to take the dog to veterinary care. It is extremely important to maintain training for the dogs to not put the dogs at risk. By continuing to train they should with the racing commission rules be able to go back to racing as normal to generate for revenue for the state day one when the casino opens. They can follow social distancing guidelines and work on schedule that makes sense. The training would require the standard racetrack operating crew and would not involve large crowds.

Commissioner Lowe asked how management feels about working something out with the Kennel Association.

Kim Florence with Delaware North representing both racetracks shared they are completely understanding of all the concerns. Not only the state veterinarian has provided to them but also those concerns Steve Sarras has provided. She understands the conditions they are in and the uncertainty we are all dealing with. They are of the feeling taking a two-week

break is not going to be detrimental to the greyhounds. She knows from her own personal experience when flooding has occurred at Wheeling Island there was limited access to the track. The kennels at Wheeling Island are off property away from the racetrack. They are prepared to keep the track maintained. They are going to use a maintenance person to split time between the racetrack and the kennels to make sure the tracks are ready when the time comes to start again. The person will ensure the kennels sprint paths are available for all of the kennels owners to access they can continue to do conditioning. It is a two-week closure at this point. We would advocate looking at when opening is ready to begin to accelerate the schooling process with the commission's approval so we can get up and running as soon as possible. They are taking extreme caution in trying to keep people away from the property as has been mandated by the Governor. They are going to try to stand firm on doing that for the next two weeks. They respectfully request the measures they are taking to keep the track conditioned but also providing the resources for the kennels and the sprint paths needed at this time until they can revisit it again once they have more information about the longevity of this closure.

Commissioner Figaretti concurs the greyhounds need conditioning. He thinks two weeks is fair enough on both sides. After two weeks it will be necessary to let the greyhounds get the schooling and whatever has to be done with that. Commissioner Figaretti asked Kim Florence how soon they will be able to get up and running once the Governor allows the casinos and racetracks to reopen.

Kim Florence stated they are taking things like everyone else on a day by day basis. They are following the instructions and guidelines from the Centers for Disease Control (CDC) and from the gGovernor himself. They are trying to understand from health professionals what this looks like. Her comments are to try to assure people they are going to do what they can to get up and running as quickly as possible just like they would do when dealing with emergencies like flooding. They do what they can to get up and running as quickly as feasible as possible with the resources they have available. She understands schooling is going to be a necessity. They will certainly work to try to have it done as quickly as possible to maintain what the commissions expects from them, but to put a time to it is extremely difficult without not knowing how long COVID-19 will have an impact. She can assure the commission they are going to do what they can to try keep the track maintained in such a way during this period time of closure so that there will much less work needed when the time comes to reopen. They are putting forth those efforts during this closure to ensure that is happening.

Commissioner Figaretti asked why the greyhounds cannot be ready to race one the casino opens up.

Kim Florence would leave that to Joe Moore to help us navigate with the Kennel Association and the casinos to ensure that timeline is as short as possible. We certainly would be an advocate for being up and running with the COVID-19 closure is lifted. They would work in conjunction with Joe Moore to understand what would need to be done with the requirement.

Commissioner Figaretti wants to be clear he hopes the closure can end soon. He is concerned and does not want to see the greyhounds sitting for weeks and months without training.

Kim Florence stated their sprint paths will provide them with plenty of space to do that. She said it is trying times and we are all being asked to do things we do not want to do. We have a lot of people around the state out of work. It is so unfortunate, and they are going to do what they can. She thinks this the sprint paths will serve as a good alternative until we can understand longer term what this is going to look like. They are committed to that piece of it.

Commissioner Lowe asked Steve Sarras if the sprint paths serve as a good solution for the greyhound training during the closure.

Steve Sarras said it does not. They need the racetrack because you cannot get back into race shape without. He stated you always hear about what National Football League athletes need. They just cannot walk on a trail or a treadmill then expect to be able to perform for four quarters. What it is going to happen if they do not have access to the track there will be an enormous spike in injuries. They use them in conjunction just like the greyhound uses during the regular race schedule to run the sprint paths as a light run and to stretch out a little bit. What will happen is every week the greyhounds are off the racetrack they get deconditioned and it will take another week to two weeks to get them back into race shape. Basically, they are trying to protect the integrity and the humane wellness of these animals. So, they need to have access to the racetrack for morning schooling to do that. They can all practice the federal guidelines for social distancing and making sure they do not have large groups and social gatherings. Right now, they have staff who take care of the greyhounds who are in groups and would just need a handful of racetrack personnel to operate brake possibly the starting blocks. Then the rest of the work would be done by the individual, but you are talking about maybe six people on a quarter mile track separated by about 100 feet between most of them.

Commissioner Lowe and Chairman Rossi asked what the minimum number of days is the greyhounds require for the racetrack schooling each week.

Steve Sarras said this is an extreme situation. Would probably be looking at a minimum of four days which is typically what has been done in the past when shutting down for flooding or resurfacing of the racetrack. They will be schooling about a thousand greyhounds. So, if you try to put them on the racetrack for only two days you will run into issues with racetrack condition due to the tractor running constantly packing the ground which would cause injuries to the greyhounds. Realistically speaking, this would take some planning and coordinating to split kennels or groups of greyhounds while running Monday and Tuesday then take Wednesday off and run again Thursday and Friday. So, what you would do is a greyhound that ran Monday would come back to run on Thursday. A greyhound that ran Tuesday would come back to run on Friday.

Commissioner Lowe asked how many hours per day for school.

Steve Sarras said probably would need six hours per school. In Arkansas where the track is owned by the same company as Wheeling and Mardi Gras they are offering three days on and two days off during the closure to replicate the racing schedule.

Commissioner Lowe asked Kim Florence if that sounds reasonable to her.

Kim Florence would error on the side of caution with the commission vet. When she spoke with the vet the two-week closure would not be detrimental to the dogs. They are advocating for the commission vet's recommendation who knows and understands the greyhounds very well. After that they would be willing to relook at the schedule.

Chad Robinson stated there is no two-week closure based on the Governor's proclamation. Human athletes would not be treated the same way. He does not understand why the same company would not be able to do for West Virginia what is doing for Arkansas.

Kim Florence was not aware of any direction beyond the two-week closure based on the Governor's press conference. The casinos are operating under the

Chairman Rossi recommends the casino should go back to reconsider how to meet the greyhound's needs given the input provided today. They should be given some time to do this and come back to the commission to address it.

Commissioner Lowe concurs.

Motion to approve for the commission to meet again on Monday to pick issue back up for decision was made by Commissioner Lowe, seconded by Commissioner Figaretti. Motion was passed.

### **Request to alter live racing schedule at Charles Town racetrack due to COVID-19**

Joe Moore presented the request from Charles Town racetrack in agreement with the Charles Town Horsemen in abundance of caution to remove the live race days March 25<sup>th</sup>, April 1<sup>st</sup>, April 8<sup>th</sup>, April 15<sup>th</sup>, and May 10<sup>th</sup> from their live race schedule. They are also requesting the commission to allow them to postpone the previously approved Charles Town Classic card to a date to be determined. In agreement with the horsemen they will resume racing tonight with their 7pm card.

Chairman Rossi asked for someone from the Charles Town horsemen to concur with the request.

Phil Reale representing the Charles Town Horsemen said concurred.

Erich Zimney with Charles Town racetrack concurred.

Jim Miller with the Charles Town Horsemen made one minor clarification regarding the Charles Town Classic on April 18<sup>th</sup> the plan is still to run the authorized stakes races on that day.

Erich Zimney concurred.

Commissioner Lowe commends and congratulates everyone for working together to make this work.

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

### **Public Comment**

### **Adjournment**

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