

MINUTES
WV RACING COMMISSION
Tuesday, May 19, 2020
WV Racing Commission Conference Room

The WV Racing Commission met on May 19, 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.

Executive Director's Report

Executive Director, Joe Moore, provided the following overview from the Executive Director's Report. Joe Moore gives an update on where they are with the Advance Deposit Account Wagering rule to be filed on July 1, 2020. There have been discussions about some options surrounding the rule. The Charles Town Horsemen's Benevolent and Protective Association supplied current rules from other states that are in place. Since the ADW legislation does not go into effect until July 1, 2020, and it is that legislation that authorizes the filing of the rule. The commission cannot file the rule with the Secretary of State's office until on or after July 1, 2020. Joe Moore anticipates that they will come back to the Racing Commission in June with a draft rule for review and approval. In preparation of getting it filed as soon as possible once the legislation goes into effect. Since it is an emergency rule, it will go into effect almost immediately of filing with the Secretary of State's office. It will also go out for a 30-day public comment period at the same time, after which the Racing Commission could change the rule and refile it based on those comments. So that the rule does not have to be changed and it is already filed, the Racing Commission will be seeking input from constituents. From the members of the racing community, the Racing Commission and the initial drafting of the rule. As soon as possible after filing the rule, applications will begin to be accepted from ADW providers. The Racing Commission will have to review each application and approve their licensure before any ADW wagers are taken in the state. There will be some time between the effective date (July 1, 2020) and when ADW wagers are legalized to be taken place after the legislations approval of licensures being an issue to applicants. Hopefully, the time period can be shortened as much as possible. This will be done on filing dates for the applications, that way they are all ready for the Racing Commissions approval. The Racing Commissions consideration at one meeting can either be approved or denied. The licenses will also be issued. This will help to get the activity moving forward. The HBPA will have some assistance in Doug McSwain, a hired legal advisor for Charles Town HBPA, who has reached out to Kelli Talbott to provide input and help draft the rule. The rule will be drafted with the input of everyone involved and circulated to make sure that everyone is on the same page. This will take place before it is brought before the Racing Commission. There will be some filing deadlines getting approved through the Secretary of Revenue's office. These deadlines will have to be complied with since it is an emergency rule.

Chairman Rossi states that the commissioners need to be prepared to expedite anything that they can. The Racing Commission appreciates the HBPA of Charles Town giving assistance. Mountaineer is invited for input.

Commissioner Lowe is concerned about companies that have been operating who have not been licensed. If one is an owner, trainer, jockey, jockey valet or a groom, you must have a license. Commissioner Lowe will make sure that all procedures for the ADW act will be done lawfully.

Authorization for Executive Director to Approve the Pick 6 Payout

Joe Moore provided an overview of the following from the Pick 6 Payout. Traditionally, Charles Town will request the Racing Commission to force the pull of their Pick 6 (force of payout). Currently, there are no payouts scheduled. Erich Zimney approached the Racing Commission, last week, regarding a request to make those payouts upon the approval of the Executive Director. There were concerns that if a force payout were requested under current conditions, where there are limited tracks running, the money tied up in that Pick 6 would be too great. It would also be detrimental overall if the track had to wait a month or so for the Racing Commissions approval. Upon receiving approval for this agenda item, the track would request approval of that payout of the Executive Director.

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

Charles Town Requests Approval to Add Pick 5 to the Wagering Menu

Joe Moore provided an overview of the following from adding the Pick 5 to the wagering menu for Charles Town. The same time that Erich Zimney requested the Pick 6 approval he also had the idea of a Pick 5 approval for Charles Town wagering menu. A concern was established about the Pick 5 being able to display simple payouts for the wager before the last race. There is a rule that states, "one shall not receive information pertaining to covering combinations amounts wagered on combinations and the number of tickets sold or remaining". Charles Town racetrack believes that this applies to jackpot style wagers. Currently, they are displaying the will pays for a Pick 4 that is already in place.

Kelli Talbott states agrees that it applies to the jackpot style wagers.

Joe Moore asks, with the Racing Commissions approval, should the Charles Town racetrack decide to add a Pick 5 to their wagering menu?

Erich Zimney states that for the Racing Commissions knowledge, the intention would be to add this to their wagering menu on Thursday night.

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

Mountaineer Park Requests Reduction in Live Race Days

Joe Moore presented the request to reduction in live race days at Mountaineer Park. For the most part, this cancels the live race days previously approved from the Governor's announcement that live racing could take place. May 14th was the date that they could race without patrons. Mountaineer Park's first live race date will be May 31, 2020. The dates cancelled are May 17th, 18th, 19th, 20th, 24th, 25th, 26th and 27th. During these two weeks, Mountaineer Park is requesting the cancelling of, as well as the Wednesday's in June. These dates include June 3rd, 10th, 17th and 24th. In June, Mountaineer Park will run three days a week

and in July they will go back to their previously approved four days a week. In addition, they are going to reduce the race card from nine races to eight races. The letter that the Racing Commission received is signed by the General Manager at Mountaineer Park, the President of the Mountaineer Park's HBPA as well as the President of the local Teller Union at Mountaineer Park. Joe Moore believes that the reduction does not need to be put out for the ten-day requirement because all three have agreed before submitting for approval.

Kelli Talbott agrees that the Racing Commission has substantially complied especially because it was necessitated by the Governor.

Commissioner Lowe asks if Mountaineer Park offers the Pick 4, 5 and 6.

Jim Colvin, representing Mountaineer Park states that Mountaineer Park does not offer the Pick 6.

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

Delaware North Requests the Opening Plan

Joe Moore presented the request to approve Delaware North for the opening plan. Kim Florence, General Manager Delaware North at Wheeling Island, submitted the re-opening plan for Wheeling Island and Mardi Gras, both owned by Delaware North. At the time the Racing Commission received the plan, it was a projection, but the dates are now known. The casinos, per the announcement of the Governor, will re-open on Friday, June 5, 2020. With the approval of the re-opening plan, the live racing will also take place on Friday, June 5, 2020. This plan designs the requirement for official schooling to be waived, allowing live racing to resume on June 5, 2020, with the opening of the casinos, as directed by the Governor's office. The operational items will be modified to promote the ongoing health and safety of kennel and track workers. Included but not limited to entering and exiting the paddock, maintaining and social distancing of 6 feet for weigh-ins, limited personnel within the office space and regular sanitation of high touched areas. Track Management and Kennel Association Leadership have put this plan together and have agreed to its bullet points and bases prior to submitting for approval. The West Virginia state vet at Wheeling Island is on the call for any questions regarding the waiving of the official schooling. Representatives from Delaware North are also present on the call for any questions.

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

Public Comments

Commissioner Lowe states that he is proud of the way Charles Town has been working together during race days. Erich Zimney, Jim Miller, Maria Catignani and all the racing officials worked efficiently. He was happy to see all the smiling faces at Charles Town. He also wants to congratulate the Racing Commission, Joe Moore, and Kelli Talbott for doing a good job.

Erich Zimney states that the handle for Charles Town was about 4.3 on Thursday, 4.33 on Friday and was slightly above 4 on Saturday. He agrees that people were pleased to get back to normal and that he agrees with Commissioner Lowe.

Commissioner Lowe believes that the purse account increased by a quarter of a million dollars.

Adjournment

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