

MINUTES
WV RACING COMMISSION
Thursday, May 2, 2019
WV Racing Commission Conference Room

The WV Racing Commission met on May 2, 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 prior to the meeting a copy of the executive director's report. Mountaineer Park began its races on April 28, 2019. Mountaineer Park regular cards will take place on Sunday through Wednesday. Dr. Weir is under contract for pre-race inspections as well as to help Dr. Bohenko for the nightly cards. Dr. Bruner is on contract to view morning training hours once a week and work horses off the vets list. The one-million-dollar race for the Charles Town Classic was run on April 20, 2019. Runnin'toluvya owned by Gram's racing stable and trained by Tim Grams became the first West Virginia (WV) bred horse to win the race. The over 5.7 million dollar wagered on the race eclipses the single card by a million dollars. Joe Moore provided a current list of vacancies. Joe Moore introduced Jon Cain as the new Information Technology Manager. The Charles Town injury report for 2019 through the end of March was made available for review. Starts are up over three hundred compared to 2018. The number of racing fatalities per a thousand starts are down significantly compared to the previous seven years.

Accountants Report
Joe Moore

Joe Moore provided an overview of the report. The pari-mutuel wagering comparison for 2019 shows the live handle has increased by 3% compared to 2018. The export handle has increased over 14% compared to the same time in 2018. That includes simulcast for export handle. The total instate handle including simulcast is roughly equal to what it was last year.

Financial summary reports for the third quarter State Fiscal Year (SFY) 2019 was provided for review. Joe Moore provided the following highlights from the financial summary reports. During the third quarter of SFY2019 much of the cost associated to greyhound racing has now been allocated to our general administrative fund 7305. This is due to no money remaining in the 7307-fund supporting those functions. The burden it will place on 7305 will now cause that fund to deplete its reserves by SFY2022. The Racing Commission is looking at three years down the road without any additional revenue source the Racing Commission will be out of funds.

Legal Update
Kelli Talbott

Kelli Talbott reports an objection appeal was received from an owner/trainer ejected from the Mountaineer racetrack. All parties have agreed to have the hearing at Mountaineer on May 22, 2019. Kelli Talbott will need Chairman Rossi to sign the notice of hearing. Kelli Talbott

provided an update on the Association of Racing Commissioners International (ARCI) annual meeting she attended in California. It was a somber experience due to the concern with the future of thoroughbred racing. There is an extensive investigation regarding the horse deaths at the Santa Anita horse racetrack. There is a potential criminal investigation with the Los Angeles County Sheriff. In California the law allows horse racetracks to be more restrictive with the medication rules by obtaining the approval of their racing commission. Horse racetracks in other states such as Maryland are looking at changing their medication rules. The ARCI board decided to form a sub-committee to look at various ways the drug testing currently functions and how it can improve for horse racing. WV was assigned to the sub-committee. The ARCI will meet this summer in New York. Kelli Talbott participated in the licensure compact meeting at the annual meeting. The next licensure compact meeting which WV is a part of as a voting member will also likely be held in NY. Kelli Talbott reiterated the draft changes to date with the bylaws governing the licensure compact are focused on expanding the participants in racing across multi-jurisdictions. Kelli Talbott attended the medication testing compact meeting. The outcome of the meeting is a sense of urgency for states to get the multistate medication testing compact solidified particularly since the re-introduction of a bill on Capitol Hill to federally regulate the testing of the thoroughbred racing industry. Kelli Talbott also informed the commission the ARCI and the Racing Medication & Testing Consortium are looking into assisting smaller states with by offering as a contracted service an equine medical director to help with policy development and review.

Commissioner Figaretti asked if Kelli Talbott is recommending the commission to hire an equine medical director. Kelli Talbott responded it would certainly be beneficial to have a fulltime equine medical director. However, considering the commission's current resources it may be better to do this through a contract with another state or entity like ARCI.

Effective Date of 2019 Thoroughbred Rule change

Kelli Talbott provided an overview of the need to filing the rule with the Secretary of State. The rule includes the new concussion protocol requirement passed by the legislature. It is expected to file the rule with the Secretary of State before the end of this week. It is Kelli Talbott and Joe Moore's recommendation for the commission to approve filing with the Secretary of State with an effective date of 90 days from the date filed with the Secretary of State. That would make it effective in late July or early August giving the racetracks enough time to implement.

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

Proposed Thoroughbred Rule changes for 2020

Joe Moore reports Kelli Talbott and he met with the thoroughbred rule making committee to discuss possible rule changes to run through the 2020 legislature. Several items were identified to post for public comment based on the feedback received by the committee. The public comment period will be for thirty days. Once the public comment period is over its necessary for the racing commission to vote on what would move forward as proposed rule change to the 2020 legislature. The Governor's office and Secretary of Revenue's office are reviewing the request to post for public comment. It is Joe Moore's recommendation for the commission to approve posting for public comment. This would help facilitate timely posting of

the public comment period once approvals are received by the Governor's office and Secretary of Revenue's office.

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

Wheeling Island approval for 2019 Mountaineer Classic

Wheeling Island is requesting to set the final entry date as October 4, 2019 and race date as October 26, 2019 for the Mountaineer Classic. Joe Moore recommends the Racing Commission to approve the request.

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

Wheeling Island approval for 2019 WVGoba Juvenile

Wheeling Island is requesting to change the final entry date to September 6, 2019 and race date to September 28, 2019 for the WVGoba Juvenile. Joe Moore recommends the Racing Commission to approve the request.

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

Wheeling Island Capital Improvement Request - Kubota Tractor

Joe Moore reports Wheeling Island is requesting \$45,100 to purchase a new Kubota tractor. Commissioner Lowe requested to know if there was a competitive bid. Joe Moore deferred to anyone from Wheeling Island attending the meeting to address the commission's question. Joe Moore reports only receiving one quote from Wheeling Island. No one responded from Wheeling Island. Commissioner Lowe's recommendation is to table until next meeting to allow Wheeling Island to respond.

Motion to table was approved was made by Commissioner Lowe, seconded by Commissioner Rossi. Motion was passed.

Request to Reinstate Occupational Permit - Anthony Collins

Joe Moore reported Anthony Collins is requesting a groom permit at Charles Town. He has a felony conviction and a long history of problems. Stewards have reviewed the request and it is the steward's recommendation to deny his request.

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

Request to Reinstate Occupational Permit - Douglas Harrison

Joe Moore reported Douglas Harrison is requesting to be reinstated with a blacksmith permit at Mountaineer Park. He has a felony conviction from 1986. Stewards have reviewed the request and it is the steward's recommendation to approve his request.

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

Request to Reinstate Occupational Permit - Alexis Rios-Conde

Joe Moore reported Alex Rios-Conde is requesting to be reinstated with a jockey permit at Charles Town. He has felony accounts on his record as recently as 2014. He was recently released from prison. He was also one of the jockey's involved in the weight scandal back in 2008-2009. Stewards have reviewed the request and it is the steward's recommendation to deny his request. The stewards would like to see more of him in the future before approving.

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

Request to Reinstate Occupational Permit - Guille Rodriguez

Joe Moore reported Guille Rodriguez is requesting to be reinstated with a jockey permit at Charles Town. He has a felony record from a year ago. He received twenty-four months of probation as part of his plea bargain. Stewards have reviewed the request and it is the steward's recommendation to deny his request.

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

Request to Reinstate Occupational Permit - Denise Sanderson

Joe Moore reported Denise Sanderson is requesting to be reinstated with a trainer permit at Mountaineer Park. There was animal welfare issue with a horse under her care. Therefore, at the time her last request for a trainer license was denied but her groom permit was approved. She has worked at a farm for the past year. Her employer at the farm recommends for her to have another chance since she has demonstrated her ability to be reliable. Stewards have reviewed the request and it is the steward's recommendation to approve her request.

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

Charles Town Capital Improvement Request – Spreader

Joe Moore provided an overview of the capital improvement request for \$70,000. Mr. Bowling with Charles Town has provided information in support of the request. The commission asked if Mr. Bowling would like to add any more detail in support of the request. Mr. Bowling Joe provided background on the age of the existing equipment has surpassed its ability to function properly. Commissioner Lowe requested to know if funds are available. Joe Moore confirms funding available.

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

Public Comments

Commissioner Lowe commends everyone for their hard work on contributing to the success of the thoroughbred racing industry in WV. He wants to see everyone continue to work together in that direction. Chairman Rossi and Commissioner Figaretti concurred with Commissioner Lowe.

Adjournment

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