

MINUTES
WV RACING COMMISSION
Friday, October 25, 2019
WV Lottery Commission Conference Room

The WV Racing Commission met on October 25, 2019 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.

**Discuss disposition of thoroughbreds that expire and/or
are euthanized on WV Racetracks**

Chairman Rossi informed attendees the meeting was called to discuss the very unexpected very horrible event the Racing Commission was made aware of that happened at Mountaineer Park. Chairman Rossi is going to first ask the executive director, Joe Moore, for a presentation of the facts and circumstances the Racing Commission knows at this time. The chairman will then defer for statements first to the Racing Commissioners then the horse racetracks and horsemen.

Joe Moore reported it's been nearly two weeks since the incident was first brought to the Racing Commission's attention. Shortly thereafter the Racing Commission released the following public statement.

The West Virginia Racing Commission is reviewing and investigating the circumstances surrounding the recent incident involving a racehorse at Mountaineer Park. All horses, including the horse in question, undergo a pre-race examination by a State Veterinarian to ensure that they are in sound racing condition. The horse in question experienced a catastrophic injury during the race and was pulled up. The horse was attended at the time of injury by a State Veterinarian, given sedation and pain management. The horse was then vanned off and euthanized by a second State Veterinarian off track. From conversations with Mountaineer Park management, it is the understanding of the Racing Commission that Mountaineer Park has an arrangement for the disposal of horse remains and the specific manner in which the disposal is to occur does not appear to have been followed in this case. With that said, the Racing Commission does not have any specific regulation that directs our racetracks to dispose of horse remains in any specific manner. However, the Racing Commission desires that all equine athletes that compete on our racetracks whose racing lives have come to an end are treated in a dignified and humane manner. During the 2019 Legislative Session, the West Virginia Racing Commission was successful in getting legislation passed to give it funds to conduct necropsies on horses that die or that are euthanized on our racetracks. Going forward, as we are able to implement a plan to utilize those funds, deceased horses will be transported to qualified necropsy facilities for a necropsy. Thereafter, the facility will be responsible for the humane and respectful disposition of the remains.

Joe Moore stated it is the goal of the Racing Commission to have fully implemented its necropsy plan by January of 2020. With that, the instances in which a racetrack would be responsible for the disposition a racehorse's remains would greatly be diminished. Joe Moore has spoken with each track regarding their disposition plan and will provide suggested changes as necessary.

Chairman Rossi asked if either Commissioners have a question for Joe Moore at this time. No questions from the Commissioners at this time.

Chairman Rossi thinks you can see the Racing Commission are working on the situation with the goal to see such an event will never happen again but cannot say it won't because you are dealing with human beings.

Chairman Rossi asked if Commissioner Lowe would like voice any comments or suggestions at this time.

Commissioner Lowe stated as an experience long-time horse owner/breeder it hurts him this happened. Commissioner Lowe said we know it's wrong, it should have never happened, and it should never happen again. The Racing Commission will do the best they can to address this. The Commissioner would come down very hard on someone if he thought someone would do that to a horse and he found out about it. He cannot stand the thought of it. Commissioner Lowe wants to see what happens. He's supportive of Joe Moore. It takes a lot to dig into this. Neither Joe nor he is a private investigator, but we got to not let this happen again.

Chairman Rossi whole heartedly agrees with Commissioner Lowe. Chairman Rossi asked if Commissioner Figaretti would like to make his comments about the event.

Commissioner Figaretti agrees a hundred percent we cannot let this happen again. We have got to investigate it. It gives a black eye.

Chairman Rossi would like Erich Zimney to talk about what Charles Town handles things.

Eric Zimny reports the current process is a little different than Mountaineer Park's. Charles Town has an agreement with a local hauling company who takes the horse to a local farm after the hauling is complete. In terms of the necropsies going forward Charles Town is certainly working with Joe Moore and some people on the ground to figure out the best way to arrange transport the horse to Virginia Tech facility as well as other logistics. He also agrees with the Commissioners it gives us a black eye.

Chairman Rossi asked if someone from the Charles Town Horsemen can speak.

Maria Catignani with the Charles Town Horsemen stated they are very saddened by what they feel is very distressing not only because of the animal, but also distressing because it feels like it was something setup. We should never be in a position where we could be doing anything less than one hundred percent that puts forth a good reputation for the horse racing industry and how we take care of our animals. We are saddened by it and we are committed to working to get the situation resolved as soon as possible.

Chairman Rossi thanked Maria Catignani for her input.

Commissioner Lowe asked Maria Catignani what she meant by setup.

Maria Catignani stated from looking at the pictures she just feels like there is it's a contrived situation. She does not have any facts. She just thinks the angle from with she saw

the picture from her perspective it looks like a contrived photo. It looks like it was some planned situation.

Commissioner Lowe stated he would go back to look at the pictures again. He thanked Maria Catignani for sharing.

Chairman Rossi shared his appreciation to Maria Catignani for her input and that this also is about facing finding.

Chairman Rossi asked for Jim Colvin with Mountaineer Park to provide his input.

Jim Colvin stated its unfortunate incident and is inexcusable. Mountaineer Park is reinstated its house policies to ensure it never happens again.

Chairman Rossi asked for Jami Poole or someone from the Mountaineer Park horsemen to speak.

Jana Tetrault stated it's an upsetting situation. They are particularly concerned that the trainer and owner whose horse was humanely euthanized had to see the photos. There was obviously a lapse in protocol somewhere along the way. Their main concern is always for the safety and welfare of the horses and the rider. The horse was treated immediately by the Racing Commission veterinarian. The horse was given a sedative, pain killer, before it was euthanized. So that respect, the horse was treated humanely and treated with respect and dignity. Unfortunately, what we all saw was it was _____. We need the protocols that were put in place to make sure they are followed. The horse's owner and trainer are good owners and trainers. They care deeply about their horses. They were saddened by the fact their horse was injured in the race. The horsemen are truly concerned and want to make sure this doesn't happen again.

Chairman Rossi deliberately asked the horsemen and track representatives from both Charles Town and Mountaineer Park to speak for a reason. The Racing Commission is trying to implement its protocol for necropsy. The chairman would like for the four organizations to work very closely together with Joe Moore and legal counsel, Kelli Talbott, to assure we don't have loopholes. That we have protective controls, so we don't get outside the bounds and permit some horrible event like this to happen again. Joe Moore will be in touch with the four organizations to setup conference calls so we can get it up and running by January 2020. The Racing Commission and the racing industry needs your help.

Chairman Rossi asked if Kelli Talbott had anything she would like to add.

Kelli Talbott shared the way the rule reads now it leaves it in the discretion of the Racing Commission state vet completely which horses get sent for necropsy. She and Joe Moore have been communicating with some of their mid-Atlantic partners to see what other jurisdictions plans are. It defers slightly from the states. She believes in looking both at New Jersey and Pennsylvania they exercise their discretion to have necropsies done on every horse that has some exercise related fatality. Meaning the horse had suffered from some injury during racing or training that causes them to have to be euthanized. If there are other horses subject to necropsy that's solely only within the discretion of the commission and the state vet. There might be some unexpected death on the backside that needs investigated and you would need to do a necropsy in that circumstance. All exercise related fatalities would be sent for a necropsy. It cost money to transport the horse to have the facility appropriately do away with the remains. Luckily last legislative session a bill got passed that gives the Racing Commission the monies imposed

through fines on permit holders for rule violations to be towards those necropsies. As someone mentioned Charles Town horses have got to be shipped to Virginia Tech for the necropsy. At Mountaineer Park she believes its Ohio State. The Racing Commission is looking at following the model the mid-Atlantic partners follow which is to have all exercise related fatalities be automatically sent for necropsy. There might be others but would be on a case by case basis. There still may be some horses that are not subject to necropsy that will still have to be disposed of appropriately at the racetrack level, but the number will diminish as we do more necropsies. Hopefully that will help out with the situation. If you have read the reports in the racing press the Hancock Sheriff's is close to concluding the investigation. Although there are some remaining items the Sheriff is looking into but does not appear there was any animal cruelty. It may be beneficial for the Racing Commission to talk with the Sheriff once the investigation is closed to see if there is anything useful from the report the Racing Commission may take into consideration.

Chairman Rossi concurred the Racing Commission intends to reach out to the Sheriff to once the report is complete to see if there is some action the Racing Commission can or needs to take, they will take it at that time. The Commission's idea is to ensure although it's impossible to guarantee to do everything they can to make sure this never happens again.

Commissioner Lowe asked Kelli Talbott who makes the decision about which horse gets a necropsy.

Kelli Talbott believes these decisions need to be made very quickly on the ground so it will more than likely be the Racing Commission state vet. If there is some unusual circumstance someone may need to reach out to Joe Moore. She thinks as we go forward there is going to be standard operating procedure all horses who die or are euthanized on the track as a result of an exercise related injury will be automatically sent for a necropsy. In other horses where the horse appears to not be a fatality as result of an exercise related injury it would be the discretion of the state vet likely in consultation with Joe Moore. These horses need to be shipped as soon as possible. You can't leave the horse remains out in conditions where it is going to degrade over time, because that makes it more difficult as she understands it for adequate necropsy to be performed.

Commissioner Lowe inquired with Kelli Talbott about an assumption there would be a paper trail because the horse is being sent for necropsy.

Kelli Talbott concurred there would be a paper trail. The state vets keep records on all this. When the horses are shipped for necropsies the Racing Commission will get a report. Joe Moore has been working diligently with the mid-Atlantic partners to use protocols best suited and applicable to the racing industry. This information will be necessary to share with the facilities doing the necropsy to ensure the Racing Commission receives the information needed in the reports.

Chairman Rossi emphasized that's why he wants the groups getting together with the Racing Commission to develop the protocols. The chairman wants a clear roadmap to make sure someone knows what they're supposed to do and who has the authority so that we do know it's be handled properly moving forward.

Commissioner Lowe concurs with the chairman. With that said, now we have to do something about it. The horses depend on us. We must follow the rule all the time. Don't forget

there are jockeys lives at stake too. That's why we do the pre-race checks. The commissioner will always fight for this as long as he's involved to ensure this happens.

Public Comments

There are no public comments at this time.

Adjournment

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