

**MINUTES**  
**WV RACING COMMISSION**  
**Friday, September 18, 2020**  
**WV Racing Commission Conference Room**

The WV Racing Commission met on September 18, 2020 to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Ken Lowe Jr., Commissioner Anthony Figaretti, and Commissioner JB Akers. Counsel was represented by Kelli Talbott.

**Approval of August 12<sup>th</sup> minutes**

Motions to approve the meeting minutes for August 12<sup>th</sup> was made by Commissioner Akers, seconded by Commissioner Figaretti. Motions were passed.

**Executive Director's Report**

Executive Director, Joe Moore, provided the following from the executive director's report. The pari-mutuel comparison for year to date Fiscal Year (FY) 2021 versus 2020 is down. Live handle is down. A little over twenty-nine percent. Export is up twenty-nine percent. Simulcast is down nearly twenty-eight percent. That means the in-state handle is the Racing Commission derives its revenues is down about twenty-eight half percent. Advanced Deposit Account Wagering (ADW) total year to date handle in WV, inclusive of a partial month of July and a full month of August, is a million nineteen. The total allocation to the four tracks combined is just over eighteen thousand. The same thing for the purse funds since their allocations the same. The Racing Commission off the million nineteen has earned just over five thousand dollars for the fiscal year. The Racing Commission's FY 2020 draft financial audit has been submitted to Financial Accounting and Reporting Section (FARS) on September the fourteenth to meet the September fifteenth draft deadline. It is anticipated no issues with getting the final filed by October the fifteenth.

**Legal Update**

Legal Counsel, Kelli Talbott, provided the following legal updates to the commissioners. The Racing Commission has an objection appeal from Mr. Wayne Potts out of Charles Town. The hearing has been scheduled for on October seventeenth.

The federal bill related to horse racing introduced in the United States Senate and House will have a significant impact on racing if it passes. It would create a new body at the Federal level who would be responsible for promulgating rules related to medications and horse racing as well as other safety matters. The medication rules would be enforced by the United States Anti-Doping Agency (USADA). There are a lot of moving parts to the bill that can be seen. The last report she saw is there is some thinking the bill could pass before the end of the year. If that would happen it would take effect probably a year or more out. Kelli Talbott will continue to monitor and inform as the

Chairman Lowe expressed gratitude to Kelli Talbott for her work and keeping the commissioner's informed. He encourages any stakeholders to reach out to their legislative representatives to share their position on the matter.

**Hearing Examiner's Recommended Decision – Paul Groves**

Joe Moore presented the hearing examiner's recommendation related to Paul Groves appeal. The hearing examiner recommends having the appeal denied and that the current ejection at Mountaineer Park remained undisturbed.

Motion to adopt the recommended decision was made by Commissioner Akers, seconded by Commissioner Figaretti. Motion was passed.

### **Consideration of Occupational Permit Reinstatement – Jesus Suarez**

Joe Moore presented the occupational permit reinstatement request for Mr. Jesus Suarez. Mr. Suarez is before the Racing Commission as convicted felon. The Charles Town Stewards and investigator recommend approving the request. Joe Moore also recommends approving the request.

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

### **Consideration of Occupational Permit Reinstatement – Arthur Tsiamis**

Joe Moore presented the occupational permit reinstatement request for Mr. Arthur Tsiamis. Mr. Tsiamis is before the Racing Commission due to have prior convictions on his record. The Charles Town Stewards and investigator recommend approving the request. Joe Moore also recommends approving the request.

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

### **Consideration of Occupational Permit Reinstatement – Karl Green**

Joe Moore presented the occupational permit reinstatement request for Karl Green. Mr. Green is before the Racing Commission due to having a prior conviction on his record. The Mountaineer Park recommend approving the request. Joe Moore also recommends approving the request.

Commissioner Akers requested more details be provided related to the charge of trafficking marijuana. The reason for asking is the applicant's written statement is it occurred twenty years ago, but their application notes July 2020.

Joe Moore shared from the applicant's background check the date of offense of January 17, 1996 for trafficking of drugs. The date on the application appears to be a mistake and looks like the date of application being made.

Commissioner Akers wants to make sure there are no other convictions in recent history from the date of application.

Joe Moore reports the last date of offense was in 2003 which was not a felony offense.

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

### **Mountaineer Requests Additional Live Race Days**

Joe Moore presented the request from Mountaineer Park to approve an additional twelve live racing days to end of their calendar beginning with December 6, 2020 and ending the last race day on December 23, 2020. The action causing the need to make the request was the need to cancel the WV Derby card. The five hundred thousand dollars approved for the WV Derby cannot be used for any other race as described by

statute. The remainder of the races that are on that card is what is funding the additional race days being requested. A letter with signatures from the track management, president of the Mountaineer Horsemen's Benevolent and Protective Association (HBPA), and the president of the local Pari-mutuel clerk's union approving the request. Joe Moore recommends approving request.

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

### **Charles Town Requests Approval of Capital Improvement Project – Phase 2 CAFO**

Joe Moore presented the Charles Town capital improvement request of \$1,173,747 for phase 2 of their CAFO project. Phase one has been completed. Joe Moore stated funding is available and recommends approving request.

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

### **Charles Town Requests Reduction of Live Race Days**

Joe Moore presented Charles Town request to reduce ten live race days from their calendar. Reason for request is a declining gaming revenue both on the lottery and racing sides which funds the purse funds. The Racing Commission has received letters from the president of the Charles Town HBPA and the president of the local Pari-mutuel clerk's union approving the request. Joe Moore recommends approving the request.

Chairman Lowe asked Erich Zimny with Charles Town racetrack whether not the monies for purse funds have been received from the State Treasury and if it would mean Charles Town would come back later to request reinstating the race days requested to be reduced.

Erich Zimny confirmed the monies have been received and it is possible they may come back to request reinstating a number of race days.

Commissioner Figaretti stated he is opposed to reducing the number of race days since it will reduce the ability to make any monies.

Motion to approve was made by Commissioner Akers, seconded by Chairman Lowe. Motion was passed with Chairman Lowe and Commissioner Akers voting in favor with Commissioner Figaretti voting opposed.

### **Public Comments**

### **Adjournment**

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