

MINUTES
WV RACING COMMISSION
Thursday, September 5, 2019
WV Racing Commission Conference Room

The WV Racing Commission met on September 5, 2019 to conduct business and consider administrative matters. Roll call was taken, and present were Commissioner Ken Lowe, Jr. and Commissioner Anthony Figaretti. Counsel was represented by Kelli Talbott. Commissioner Lowe chaired the meeting in Chairman Rossi's absence.

Approval of Meeting Minutes for May 2, June 11 and July 16

Joe Moore reviewed the request to approve meeting minutes for commission monthly meetings in 2019 for May, June, and July. Commissioner Lowe identified a correction necessary for May 2, 2019 meeting minutes to reflect the Commissioners approved the occupational work permit for Denise Henderson. Joe Moore acknowledged need for correction and will ensure correction is made to May 2, 2019 meeting minutes.

Motion to approve May 2, 2019 meeting minutes as corrected was made by Commissioner Figaretti, seconded by Commissioner Rossi. Motion was passed.

Motion to approve June 11, 2019 meeting minutes was made by Commissioner Figaretti, seconded by Commissioner Rossi. Motion was passed.

Motion to approve July 16, 2019 meeting minutes was made by Commissioner Figaretti, seconded by Commissioner Rossi. Motion was passed.

Executive Director's Report
Joe Moore

Joe Moore highlighted the following from the executive director's report submitted to the commissioners prior to the meeting. The injury data for Charles Town and Mountaineer Park through July 2019. The fatal M/S rate per thousand races CT 1.26 MP 2.34. Joe Moore will continue to provide the commissioners monthly the fatal M/S rates for each horse racetrack.

Jon Cain has completed the racing commission's physical inventory of information technology assets. This effort is in line with the need to upgrade the racing commission computer systems to support Microsoft Windows 10.

The list of vacancies was also made available for the commissioner's review and consideration.

**Accountants Report
Joe Moore**

Joe Moore identified the following from the wagering summary report submitted to the commissioners. SFY2019 compared to SFY 2018 ended with; live handle up 1.7%, export up 12.75%, simulcast down live 3.4%. July of SFY2020 compared to July of SFY2019, total in state handle decreased by 1.5% and live handle decreased by 9.5%. Joe Moore provided the commissioners the SFY2020 expenditures schedule for review. Work is ongoing to support the SFY2019 audit. The budget versus actuals will be provided to the commissioners on a monthly basis. The auditor, Suttle & Stalnaker, was at the Racing Commission for final field work in preparation for their September 15, 2019 draft deadline. Joe Moore will make sure the Commissioners are updated as the audit gets closer to the deadlines and the progress made.

**Legal Update
Kelli Talbott**

Kelli Talbott reviewed the following from the latest legal report submitted to the commissioners. The proposed amendments to the thoroughbred rule were final filed. They will be on an interim agenda prior to the upcoming legislative session. The commissioners will be informed once the proposed amendments are put on an interim agenda.

The Racing Medication Testing Consortium (RMTTC) voted to propose to the Association of Racing Commissioners International (ARCI) some notable changes to the therapeutic medication model rules. The proposed changes would further limit and change withdrawal times for non-steroidal anti-inflammatory drugs. Corticosteroid injection is also being proposed for changes on how it should be used. Additionally, bisphosphonates used with younger horses for bone issues is being proposed for changes. There is increasing concern bisphosphonates are causing skeletal problems as a horse develops over time resulting in the horse breaking down. These proposed changes are moving forward to the ARCI for model rules and scientific advisory subcommittees to take up.

The Mid-Atlantic Racing Regulators group will be meeting in early October at Wilmington Delaware. An agenda will be shared with the commissioners once its been provided.

Commissioner Lowe voiced his appreciation for the work Kelli Talbott and Joe Moore do to stay on top of these matters.

**ARCI Meeting Update
Commissioner Lowe**

Commissioner Lowe stated he was very honored to have the opportunity to attend the round tables as well other meetings available. The Commissioner Lowe reported how invaluable it was to be able to offer his input into the meetings. He continued to help inform attendees his view on the importance of Lasix to horse racing. There are a few items Commissioner Lowe is looking forward to discussing further once the ARCI meeting minutes are distributed. First, there was a private meeting held with the Jockey's Club. Second, there are a number of horses supposed to be on a vets list racing by approval of unauthorized individuals. Third, the evaluation of whether or not to use the international jurisdiction rules for handling ejections.

Commissioner Lowe believes the international jurisdiction rule for handling ejections is in the best of interest of racing in the United States of America.

Charles Town Request for 3 additional Live Race Days

Joe Moore provided an overview for Charles Town's request to add three additional live race days to the 2019 racing calendar. The three race days would be on November; 6th, 13th, and 20th. These race days would be in addition to the four days Charles Town requested to be made up. Joe Moore recommends for the commission to approve.

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

Charles Town Capital Improvement Request - Electric UTV

Joe Moore provided an overview of Charles Town's funding request for an electronic UTV at a cost of \$12,951. The electric UTV would be used solely for horse racetrack tasks such as; test escort processes between barns, patrolling for general security and safety functions, and as necessary large-scale medical incident response. Joe Moore recommends for the commission to approve.

Commissioner Lowe asked if there would be a sales tax since it would be purchased from one state to another. The Charles Town Lead Security Director, Dewayne Sowers, informed the commission the lowest bid received was significantly lower than others. Joe Moore informed the commission according to the lowest vendor bid response received there is no tax applied.

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

Wheeling Island Capital Improvement Request - Kennel Refurbishment

Joe Moore provided an overview of the funding request by Wheeling Island for the kennel refurbishment for 17-18 cages. The cost for the project includes furnishing labor and materials necessary to plywood floors, repair screens, wheels, side and back panels, doors, and galvanized wire. The project cost is \$18,175. Joe Moore reports funding is available and recommends the commission approves.

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

Approval of Mardi Gras Kennel Contract - Rangle Kennel Inc

Joe Moore provided an overview for the request to replace a Mardi Gras kennel contract due to medical reasons. The current owner due to medical reason needs to transition their contract to another. In researching Rangle Kennel, Inc. background and reputation it was determined they are in good standing currently where they operate at in Wheeling Island. Therefore, Joe Moore recommends for the commission to approve.

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

Employment Matter - Hire Judge for Mardi Gras

Joe Moore provided an overview of the request to hire Joseph Oliver as a full-time employee in the role of a Mardi Gras Judge. Joe Moore reviewed the experience of Joseph Oliver. Joe Moore recommends for the commission to approve. Commissioner Lowe stated he was impressed by the resume.

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

Employment Matter - Hire part-time receptionist

Joe Moore provided an overview of the request to hire Chloe Humphries as a part-time employee in the role of a receptionist at the Charleston office location. Joe Moore recommends for the commission to approve.

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

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.