

# **Virginia Racing Commission**

## **MINUTES**

### **OF THE**

#### **COMMISSION MEETING**

**March 22, 2011**

**HORSEMEN'S BUILDING  
COLONIAL DOWNS  
10700 HORSEMEN'S ROAD  
NEW KENT, VA**

#### **In Attendance**

##### **Commission Members:**

Clinton Miller, Vice Chairman  
David Reynolds  
J. Sargeant Reynolds, Jr.  
Stuart Siegel

##### **Commission Staff:**

David S. Lermond, Jr., Acting Executive Secretary  
Kimberly M. Carter, Office Administrator  
C. Richard Harden, DVM, Equine Medical Director  
Joseph M. Roney, Director of Security & Enforcement

##### **Attorney General's Office:**

Amy K. Dilworth

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At 9:34 a.m., the regular monthly meeting of the Virginia Racing Commission (VRC) was called to order by Chairman Miller. Vice Chairman Brown was absent.

The minutes of the regular meeting held on February 8, 2011 were approved unanimously.

The minutes of the special meeting held on March 15, 2011 were approved unanimously.

During Commissioners comments, Chairman Miller introduced the VRC's new Commissioner, J. Sargeant Reynolds, Jr. He also introduced the candidate selected for the VRC's Executive Secretary position, Mr. Bernie Hettel. Chairman Miller said that he expects the meetings to start on time and asked that everyone be present and ready by the scheduled starting time of future VRC meetings.

During the Executive Secretary's report, Mr. Lermond welcomed Commissioner Sarge Reynolds and Mr. Hettel to the Commission on behalf of the staff. Mr. Lermond also informed the Commission that the handle at the bricks and mortar betting locations in Virginia for the first two months of 2011 was almost exactly even with the same period from the prior year and that the handle of Colonial Down's ADW platform , EZ Horseplay, was up 70% as compared to the same two months in 2010.

Representatives from Colonial Downs and the Virginia Horsemen's Benevolent and Protective Association (VaHBPA) were given the opportunity to address the VRC's assignment of Thoroughbred race days for 2011.

Representatives from Colonial Downs stated that they were in agreement with staff's recommendation for the Standardbred race days for 2011.

Chairman Miller made the following motion to go into closed session. "In accordance with the provisions of Section 2.2-3711 (A) (7) of the Code of Virginia, I move that the Commission go into closed meeting for the purpose of consultation with legal counsel employed or retained by the Commission regarding specific legal matters requiring the provision of legal advice by such counsel." Chairman Miller's motion was seconded by Commissioner David Reynolds. All were in favor by saying, "Aye."

Coming out of closed meeting, Chairman Miller adopted of the following resolution:

**WHEREAS**, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and **WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law; **NOW, THEREFORE, BE IT RESOLVED**, that the Virginia Racing Commission certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Commission in the closed meeting. Certified by the Commission, the vote was: Siegel, aye; D. Reynolds, aye; S. Reynolds, aye; and Chairman Miller, aye.

Chairman Miller moved to accept the recommendation from the staff report regarding Thoroughbred race days for 2011 of 33 days as requested jointly by the VaHBPA, Colonial Downs, and the Virginia Thoroughbred Association (VTA) beginning on Wednesday, June 8<sup>th</sup> and ending on Sunday, July 31<sup>st</sup> with live racing conducted on a Wednesday, Thursday, Saturday, Sunday schedule with post times of 5:00 pm on all days except for Sundays and on Monday, July 4<sup>th</sup>, when the post times will be 1:00 pm and on Sunday, July 3<sup>rd</sup> when the post time will be 5:00 p.m. Chairman Miller's motion was seconded by Commissioner D. Reynolds and passed unanimously. Chairman Miller also reiterated that the VRC is authorized to set the percentage of stakes

races as well as race days and expects to see a new horsemen's agreement this fall that is clear and concise that addresses both the race days and stakes percentage for 2012 and that the requests for 2012 race days for both breeds will be due on November 15, 2011.

Mr. Petty from the VTA stated that a decision needed to be made on the distribution of Breeders' Fund incentives in conjunction with the live Thoroughbred meeting. He said because the race days were just approved today, the sub-committee of the Breeders' Fund had not yet meet to discuss this issue but was proposing the same plan as last year except that the 60% owners' bonus would be increased to 75%. Commissioner Siegel moved that the VRC agree to the plan as outlined by Mr. Petty and that the VRC would formally adopt the plan as recommended by the sub-committee at its April meeting. Commissioner Siegel's motion was seconded by Commissioner D. Reynolds and passed unanimously.

Commissioner Siegel moved to accept the recommendation from the staff report regarding 30 days of Standardbred racing for 2011 which would begin on Saturday, September 17<sup>th</sup> and end on Saturday, November 5<sup>th</sup> with racing conducted on Wednesdays, Thursdays, Saturdays, and Sundays with one special day of racing on Friday, November 4<sup>th</sup> with post times of 1:00 pm on all race days. Commissioner Siegel's motion was seconded by Commissioner D. Reynolds and passed unanimously.

Mr. Curry Roberts, representing the State Fair Service Corporation, addressed the Commission regarding an application for a limited license to conduct a horse race meeting for one day, known as the Strawberry Hill races, to be held on May 21, 2011 at Colonial Downs racetrack in New Kent, VA. Mr. Roberts stated that he was in agreement with the recommendation contained in the staff report and its four conditions, but that condition number four should read the "16" Directors of the State Fair of Virginia and not "22". Commissioner Siegel moved to accept the recommendation from the staff report with its four conditions as corrected. Commissioner Siegel's motion was seconded by Commissioner D. Reynolds and passed unanimously.

Chairman Miller made the following motion to go into closed session. "In accordance with the provisions of Section 2.2-3711 (A) (1) of the Code of Virginia, I move that the Commission go into closed meeting for the purpose of discussion or consideration of the assignment, appointment, performance or salary of a specific public officer, appointee or employee of the Commission." Chairman Miller's motion was seconded by Commissioner Siegel. All were in favor by saying, "Aye."

Coming out of closed meeting, Chairman Miller adopted of the following resolution:

**WHEREAS**, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and **WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law; **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Virginia Racing Commission certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Commission in the closed meeting. Certified by the Commission, the vote was: Siegel, aye; D. Reynolds, aye; S. Reynolds, aye; and Chairman Miller, aye.

Chairman Miller suggested that the VRC monthly meetings begin at 10:00 a.m. in the future in order to give everyone a little extra time to get here, especially for those that have to travel a distance to attend.

There being no further business, Tuesday, April 26, 2011 at 10:00 a.m. was set as the date and time of the next meeting to be held at the Horsemen's Building, Colonial Downs, 10700 Horsemen's Road, New Kent, VA. The meeting was then adjourned.