

UNAPPROVED

**VIRGINIA RACING COMMISSION**

MINUTES

OF THE

COMMISSION MEETING

October 17, 2007

STATE CORPORATION COMMISSION  
TYLER BUILDING, COURTROOM C  
1300 EAST MAIN STREET  
RICHMOND, VIRGINIA

In Attendance

Commission Members

Peter C. Burnett, Chairman  
Mark Brown, Vice Chairman  
William H. (Trip) Ferguson  
I. Clinton Miller  
David C. Reynolds

Commission Staff:

Stanley K. Bowker, Executive Secretary  
Kimberly M. Carter, Office Administrator  
C. Richard Harden, DVM, Commission Veterinarian  
David Lermond, Jr., Director of Pari-mutuels  
Marvin A. Sniegon, Director of Financial Management & Planning

Attorney General's Office:

Amy K. Dilworth

---

At 9:32 a.m., Chairman Burnett called the regular monthly meeting to order.

The minutes of the September 19, 2007 meeting were approved.

Commissioner Brown commended Colonial Downs on the excellent job with the \$100,000 Patriot Trot which drew most of the top older trotters in the country.

On behalf of the Marketing and Promotion Committee, Commissioner Reynolds moved that the Commission approve a grant proposal request in the amount of \$25,000 for the Harness Awareness Campaign at Colonial Downs Southwest Off Track Betting (OTB) Centers. The motion was seconded and unanimously approved.

Acting of the recommendation of Mr. Bowker, the Commission approved Colonial Downs' November simulcasting schedule.

The Commission approved the amendments to 11 VAC 10-45-10 and 11 VAC 10-45-25 (Account Wagering) Pursuant to changes approved by the General Assembly and Signed by Governor Kaine (March 23, 2007). The amended regulations will be effective in mid-December.

Mr. Bowker reported on the progress of discussions with other Executive Directors in the Mid-Atlantic on the implementation of regulations involving the use of steroids for the horse racing region. Other regional states anticipate having rules in place by April 1, 2008.

Mr. Bowker explained the reasons for withdrawing approval for Colonial Downs to sell its Standardbred racing signal to The Red Mile for the purposes of simulcasting.

Iain Woolnough, Vice President and General Manager of Colonial Downs, reported on the 2007 harness meet that concludes on November 6. He said all of the live attendance and pari-mutuel handle numbers are running considerably ahead of 2006. The horse population remains strong with the Virginia Champions Day coming up on October 27, the same day as the Breeders' Cup from Monmouth Park.

Jim Weinberg, counsel for Colonial Downs, requested the Commission consider sending a letter to the Oregon Racing Commission advising it that YouBet continues to operate in Virginia without an account wagering license. He further stated that because the Oregon Commission has enforcement responsibility and authority over YouBet that the Oregon Commission be requested to order YouBet to stop accepting wagers from customers in Virginia until such time as it is licensed to operate in Virginia.

After considerable discussion, a motion was made, seconded and unanimously passed to send the requested letter to the Oregon Racing Commission.

The November 21<sup>st</sup> Commission meeting is being changed to Wednesday, November 14, 2007 and will be in the form of a working session. It will begin at 9:30 a.m. and be held in the Horsemen's Building at Colonial Downs. Mr. Bowker said a draft agenda will be out by November 1 so that all parties have an opportunity to plan for any presentations that may be part of the working session.

Chairman Burnett made the following motion:

"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:

1. Discussion or consideration of the assignment, appointment, performance, or salary of specific employees of the Commission.

The motion was seconded and was unanimously approved.

Coming out of closed meeting, Chairman Burnett offered the following resolution:

“Whereas, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote 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.”

The motion was seconded by Commissioner Ferguson and the vote was as follows: Brown, aye; Ferguson, aye; Reynolds, aye; Miller, aye; and Chairman Burnett, aye.

Chairman Burnett announced that Mr. Bowker has informed the Commission that he will be retiring as Executive Secretary in September, 2008. Chairman Burnett stated that the Commission would be undertaking a nation-wide search for his replacement with the goal of having a new Executive Secretary in place by next June. During the 2008 Thoroughbred meet, Mr. Bowker will be available to assist in the transition while also continuing as Senior Commonwealth Steward.

There being no further business before the Commission, the meeting adjourned at 11:06 a.m.