

Virginia Racing Commission

MINUTES

OF THE

COMMISSION MEETING

August 19, 2009

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

In Attendance

Commission Members:

Peter C. Burnett, Chairman
Clinton Miller, Vice-Chairman
Trip Ferguson
David C. Reynolds

Commission Staff:

Victor I. Harrison, Executive Secretary
David S. Lermond, Jr., Deputy Executive Secretary
Kimberly M. Carter, Office Administrator
C. Richard Harden, DVM, Commission Veterinarian
Joseph M. Roney, Director of Operations & Enforcement
Dennis E. West, Director of Operations
Philip Grove, Thoroughbred Steward

Attorney General's Office:

Amy K. Dilworth

At 9:40 a.m., the monthly meeting of the Commission was called to order by Chairman Burnett.

Prior to the regularly monthly meeting, an appeal was heard on the matter of Owner/Trainer Annette Eubanks who had her horse #6 "Little Ice Patch" disqualified from 1st position and placed 5th for drifting in, without sufficient clearance, shortly after leaving the starting gate, thereby crowding and impeding several horses toward his inside and forcing their riders to check and change course to avoid clipping heels. Chairman Burnett informed the Commission that Ms. Eubanks's case had been heard by the Stewards and that the Stewards had imposed a penalty. One of her owners, Attorney

Phillip Bartz spoke on her behalf. Mr. Grove spoke to the matter from the Steward's point of view. After a lengthy discussion and going into executive session, the Commission concluded that there was insufficient evidence to overturn the ruling of the stewards.

The minutes of the July 15, 2009 meeting were approved unanimously.

Acting on the recommendation of Mr. Harrison, the Commission approved the list of racing officials for Colonial Downs for the 2009 Harness race meet. The motion was made by Vice Chairman Miller and seconded by Commissioner Ferguson. All were in favor. The motion carried.

Acting on the recommendation of Mr. Harrison, the Commission approved the Stewards/Judges for the 2009 Harness Meet. Jean Chalk will be the Chief Steward and will be joined in the stand by George Hickman and Brent McLaren. The motion was made by Commissioner Ferguson and seconded by Vice Chairman Miller. All were in favor. The motion carried.

The Commission set December 1 as the deadline for submitting requests for the 2010 Live Racing Dates.

Ian Stewart, President of Colonial Downs commented positively on the thoroughbred meet. Mr. Stewart said, "This year Colonial ran 40 days versus 45 days last year. However, 379 races, which at the rate of nine races per day, which was the rate in 2008, 2009 was really the equivalent of a little over 42 days. An average of 8.9 horses per race, which was a pretty good increase over last year when there were 7.9. The daily average was 181,000, which was down about 15% from the prior year. Average attendance increased. 1,668 in 2008 to 1,712 in 2009. On-track per capita wager was \$74.84, which is arguably basically the same as last year, \$75.60. Both rounded to 75 bucks."

"The TrackNet boycott was a major contributor to a reduction in our out-of-state signal sales, which went from about \$960,000 in handle per day last year to 628 this year, but that decline cannot all be attributed to TrackNet as wagering in general, has declined significantly from last year nationwide."

During public participation, Mr. Pulaski, a resident of nearby Brickshire gave a major complaint concerning the flies. After a lengthy discussion, including comments from track employees Dawes Lee and J.D. Thomas, it was concluded that an affordable and reasonable conclusion will be implemented for next year.

VHHA representatives Iain Woolnough and Katherine Smith spoke to the issue of whipping rules and a discussion ensued whereby Executive Secretary Harrison said he would call a meeting of the Rules Committee at which the issue of Toe Grabs would also be addressed.

Colonial Downs' employees Darrell Wood, Robin Dale and Kristin Iwan spoke to the issue of promotions for the upcoming harness meet. President Ian Stewart made comments relative to Account Wagering.

The Commissioners went into a brief closed session and, upon return, "there being no further business," September 16th was set as the date of the next meeting to be held at the Horsemen's Building, Colonial Downs, 10700 Horsemen's Road, New Kent, VA. It was moved, seconded, and carried to adjourn this August, 2009 monthly meeting of the Commission.