

UNAPPROVED

**VIRGINIA RACING COMMISSION**

MINUTES

OF THE

COMMISSION MEETING

NOVEMBER 16, 2005

THE MEADOW MANOR HOUSE  
13111 DAWN BOULEVARD  
DOSWELL, VIRGINIA

In Attendance

Commission Members:

Anne D. W. Poulson, Chairman  
Peter C. Burnett, Vice Chairman  
Mark T. Brown  
David C. Reynolds  
Dr. George W. Rimler

Commission Staff:

Stanley K. Bowker, Executive Secretary  
Kimberly M. Carter, Office Administrator  
Dr. C. Richard Harden, Commission Veterinarian  
David S. Lemond, Jr., Director of Pari-Mutuels  
Peggy E. Mason, Assistant Operations and Enforcement Manager  
Joseph M. Roney, Director of Operations and Enforcement  
Dennis West, Operations Manager

Attorney General's Office:

Theresa Griggs

---

At 1:16 p.m., Chairman Poulson called the meeting to order.

The minutes of the September 7, 2005 meeting were approved as amended.

The minutes of the October 19, 2005 meeting were approved.

In her Chairman's Report, Chairman Poulson stated that she has been in Kentucky most of the time since the last meeting and has received many positive comments about the 2005 live thoroughbred meeting and Colonial Downs' purchase of the management contract from Maryland Jockey Club. She said it appears the harness meet ended well and that there are a number of new plans for the 2006 meet.

Commissioner Brown reported that a final report of the Standardbred Blue Ribbon Committee should be completed in December. He thanked everyone involved in the process and added he believes there are a number of very good ideas in the report.

Commissioner Reynolds reported that Racing Industry Partnership Task Force had met earlier this day and that next month there should be a number of specifics for the Commission to review.

Acting on the recommendation from Mr. Bowker, the Commission approved Colonial Downs' December simulcasting schedule.

The request to approve the travel expenses for Chairman Poulson, Vice Chairman Burnett and Commissioner Rimler to attend the Racing Symposium in Tucson, AZ was moved, seconded and unanimously approved.

A request from the Virginia Thoroughbred Association to increase registration fees for non-members of VTA was deferred until the December meeting. The Commission's counsel, Teresa Griggs, and VTA Executive Director Glenn Petty were asked to work out any legal or other issues.

Colonial Downs' request for 2006 Live Racing days for Thoroughbreds commencing on Friday, June 16, 2006 and ending Saturday, August 12, 2006 for 42 days was moved, seconded and unanimously approved. Its request for 2006 Live Racing days for Harness commencing on Monday, September 4, 2006 and ending Friday, November 3, 2006 for 36 days was moved, seconded and unanimously approved.

Colonial Downs General Manager Iain Woolnough provided an update on the 2005 live harness meet. He said he especially appreciated the support of the Virginia Harness Horse Association and the horsemen who participated in the meet. He said the total attendance and handle numbers were up over 2004, that seven track records had been set and 216 horses had set lifetime records.

James Weinberg, counsel for Colonial Downs, reported that construction of the new Scott County facility was moving swiftly and still is expected to be completed by the end of December.

Jeanna Bouzak, Director of Satellite Wagering Facilities for Colonial Downs, provided an update on the many improvements and marketing plans for the eight satellite wagering facilities in the state. She said her management team has been working very hard since the buyout of the MJC management contract, brainstorming and planning and looking at ways to improve customer service.

After receiving an update on Colonial Downs' mediation discussions with YouBet and AmericaTab, Mr. Bowker was directed to send correspondence on behalf of the Commission to YouBet, and Colonial Downs was likewise orally advised, that if the parties do not have a mediator in place and a date set for the mediation by the Commission's December meeting, the Commission will act to select a mediator. Mr. Weinberg had reported that the principals of AmericaTab and Colonial Downs have continued to discuss an agreement. Mr. Bowker was further directed to send correspondence to AmericaTab requesting a report indicating the frequency of discussions and a progress report. AmericaTab also should be advised, Colonial Downs was likewise orally advised, that if no agreement can be reached, a mediator must be selected and a date set for mediation by the Commission's December meeting.

Because of the holidays the next Commission meeting was rescheduled for 9:30 a.m. on December 19, 2005, at The State Corporation Commission.

Chairman Poulson stated, "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."

The motion was approved.

Returning from closed meeting, Chairman Poulson stated, "I move the adoption 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 by Virginia law were discussed in the closed meeting to which this certification resolution applies, 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 approved with Mr. Brown, Vice Chairman Burnett, Dr. Rimler, Mr. Reynolds and Chairman Poulson voting in favor of the motion.

There being no further business before the Commission, the meeting adjourned at 3:54 p.m.