

Virginia Racing Commission

MINUTES

OF THE

COMMISSION MEETING

August 23, 2011

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

In Attendance

Commission Members:

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

Commission Staff:

Bernard J. Hettel, 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

At 11:40 a.m., the regular monthly meeting of the Virginia Racing Commission (VRC) was called to order by Chairman Miller. Mark Brown is not present.

The minutes of the regular meeting held on June 29, 2011 were approved unanimously.

The minutes of the special meeting held on August 5, 2011 were approved unanimously.

Acting on the recommendation of Mr. Hettel, the Commission unanimously approved the list of racing officials for Colonial Downs for the 2011 Standardbred race meet. The motion was made by Commissioner S. Reynolds and seconded by Chairman Miller. All were in favor.

Acting on the recommendation of Mr. Hettel, and after a motion by Commissioner S. Reynolds and a second by the Chairman, the Commission approved the Judges for the 2011 Harness Meet. George Hickman will be the Presiding Judge and will be joined in the stand by Jean Chalk and Ozzie Cole. Dave Lermond will serve as the alternate.

Acting on the recommendation of Mr. Hettel, the Commission approved the VA Breeders Fund Harness Incentive Payments for 2011 in the amount of \$388,000.

During public participation, Chris Smith expressed the importance of the Stewards responsibilities. Mr. Smith also expressed a desire for the Virginia Derby to become WIN and YOUR IN.

There being no further business, Wednesday, September 28, 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.

Prior to the regular monthly meeting, an appeal In the Matter of Trainer Bay Cockburn of "MAXIMIZE" was scheduled. A lengthy discussion ensued regarding the appeal.

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 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: D. Reynolds, aye; Siegel, aye; Chairman Miller, aye.

The commission moved to overturn the ruling made by the stewards. The horse also was released to resume training and racing.