

Virginia Racing Commission

MINUTES

OF THE

COMMISSION MEETING

January 20, 2010

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

In Attendance

Commission Members:

Peter C. Burnett, Chairman
Clinton Miller, Vice Chairman
Mark Brown
David C. Reynolds
Stuart Siegel

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 Security & Enforcement
Dennis E. West, Director of Operations

Attorney General's Office:

Amy K. Dilworth

At 9:39 a.m., the monthly meeting of the Commission was called to order by Chairman Burnett.

Chairman Burnett opened the floor to nominations for the 2010 Chairman. Commissioner Brown moved to re-elect Peter Burnett as Chair and Clinton Miller as Vice Chairman. There were no further nominations and Commissioner Burnett was unanimously re-elected Chairman and Commissioner Miller was unanimously re-elected Vice Chairman. The ratification of their elections were moved, seconded, and carried.

Commissioner Siegel moved to approve the minutes of December 16, 2009 as amended. Seconded by Commissioner Brown. The motion carried; five for, none opposed.

During Commissioners' Comments, Chairman Burnett informed the Commission that Senator Norment will introduce the Historical Racing Bill again this year during the 2010 session of the General Assembly. The Chairman led a discussion that included the revenue potential of approximately 1,500 Instant Racing machines.

Executive Secretary Harrison presented the issue of Horse Slaughter to the Commission. Chairman Burnett expressed his concerns about the complexities of the slaughter issue. VHBPA President Robin Richards stated that they are working on a policy in response to horses being deposited across their county (and state) line after they have been abandoned elsewhere. She added that the only successful retirement facilities thus far have been built in jurisdictions that capture revenues from alternative gaming such as slot machines. Dr. Harden, Equine Medical Director, spoke to this issue and agreed that it is a multi-faceted and complicated topic.

Mr. Harrison presented the recently approved ARCI model Rules for information only:

1. Defining 'Real Time Wagering Transactional Monitoring'
2. Adding language to the Racing Program allowing Jockeys +3 lbs for protective and weather related equipment.
3. Increasing the Minimum weights for jockeys from 115 to 118 lbs.
4. Suggested increases in minimum jockey losing mount fees, and
5. Post Mortem Exam procedures.

Mr. Harrison informed the Commission that the next meeting of the Virginia Racing Improvement Group will be held on February 17, 2010 following the monthly commission meeting and the minutes of the prior meeting and upcoming agenda are to be distributed shortly.

James Weinberg, counsel for Colonial Downs presented the OTB/SWF January Hours of Operation Request. Chairman Burnett stated that, for future requests, the Commission should be notified with specifics in advance so that the Commission 'understands what is happening in the racing landscape'. Jeanna Bouzek, VP (of) Wagering Operations, stated that, for January, all sites will be closed on Tuesdays and Scott County will be closed on Sundays and Mondays. Chairman Burnett moved that the schedule as proposed be set henceforth unless there is a need for the Hours of Operation to be amended. Seconded by Mark Brown. 5 for, none opposed.

During the discussion of the thoroughbred race days, Chairman Burnett initially moved to approve the dates for the live thoroughbred meeting, commencing on May 29, 2010 and ending on July 21, 2010 (40 days). Commissioner Brown amended the motion to approve such race dates subject to review and subsequent ratification of a three-year

thoroughbred horseman's contract during the February commission meeting. Seconded by Vice Chairman Miller. The motion carried 5 for, none opposed.

Frank Petramalo ran through the key provisions of the thoroughbred horsemen's agreement and stated that the parties have also reached an Amended and Restated Agreement on EZ Horseplay. Vice-Chairman Miller wished that the thoroughbred agreement had been provided in a timelier manner to the VRC.

Chairman Burnett 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." Seconded by Commissioner Brown. All were in favor by saying, "Aye."

Coming out of closed meeting, "in accordance with Section 2.2-3712 that to the best of each member's knowledge, one, only public business matters lawfully exempted from open meeting requirements under this chapter, and two, only such business matters as were identified in the motion by which the closed meeting were convened were heard, discussed, or considered in the meeting by the public body." Certified by the Commission, the vote was: Brown, aye; Siegel, aye; Reynolds, aye; Miller, aye; and Chairman Burnett, aye.

"There being no further business," Wednesday, February 17th 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 January, 2010 monthly meeting of the Commission.

Following the regular monthly meeting, the Commission held a hearing in the matter of Mark Gray. Chairman Burnett informed the Commission that the appellant would not be present because his horse was colicky. Vice Chairman Miller stated that evidence presented to the commissioners be made part of the permanent record. Commissioner Siegel moved to impose a \$200 fine and if not paid within 72 hours, suspension. Chairman Burnett suggested amending the motion to increase the fine to \$500 and if not paid within 72 hours, suspension. Vice Chairman Miller amended the original motion to impose a fine of \$300. Seconded by Chairman Burnett. The motion carried 5 for, none opposed.