

# **Virginia Racing Commission**

## **MINUTES**

### **OF THE**

#### **COMMISSION MEETING**

**January 27, 2016**

**State Corporation Commission**

**Tyler Building**

**Courtroom B**

**1300 East Main Street**

**Richmond, VA 23219**

#### In Attendance

##### Commission Members:

D.G. Van Clief, Jr., Chairman

Carol G. Dawson, Vice Chairman

Charles Steger, PhD

J. Sargeant Reynolds, Jr.

##### Commission Staff:

Bernard J. Hettel, Executive Secretary

Kimberly C. Mackey, Office Administrator

##### Attorney General's Office:

J. Duncan Pitchford, Esquire

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At 2:00 p.m., the regular monthly meeting of the Virginia Racing Commission (VRC) was called to order by Chairman Van Clief. Commissioner Miller was absent.

Chairman Van Clief informed the Commission that there was some late-breaking news regarding an agreement involving mediated negotiations between TwinSpires and the Virginia Equine Alliance (VEA).

At 2:02 p.m., the Commission went into closed session with counsel reading the following motion at the request of the Chairman. "In accordance with the provisions of §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 and briefing by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such

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counsel concerning agenda item number one, which is the TwinSpires matter. The commissioners will only ask counsel questions and will not engage in deliberations or any other activity”. The motion for approval was made by Commissioner Reynolds and seconded by Commissioner Steger. All were in favor. The motion carried unanimously.

Returning from closed session, at 2:19 p.m., counsel read the following motion, “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 for approval was made by Commissioner Steger and seconded by Commissioner Reynolds. All were in favor. The motion carried unanimously.

Chairman Van Clief informed the Commission that a memorandum of understanding between the parties had been executed; the parties in this case being the Commonwealth of Virginia, Churchill Downs Technology Initiatives Company, d/b/a Twinspires.com, and the VEA.

Commissioner Reynolds moved that the Commission provisionally approve the 2016 ADW license for Churchill Downs Technology Initiatives Company, d/b/a Twinspires.com. The motion was seconded by Vice Chairman Dawson. All were in favor. The motion carried unanimously.

Approval of the minutes of the regular meeting held on January 6, 2016 was deferred until the next meeting.

Vice Chairman Dawson moved that the Commission approve the Breeders Fund Expenditure for 2015 Year-end Breeders and Stallion Awards. The motion was seconded by Commissioner Steger. All were in favor. The motion carried unanimously.

Chairman Van Clief suggested that it would be a good idea for the VEA to continue its regular budget updates to the Commission. Debbie Easter in turn gave a briefing on the progress regarding the VEA budget development as well as audit solicitations.

During the public comment period, Debbie Easter of the VEA introduced Brooke Royster as the new president of the VTA.

During Commissioners’ comments, each Commissioner thanked the parties involved in the memorandum of understanding resolution process.

With no further business set forth on the agenda, the meeting was adjourned at 2:43 p.m.