

1
2
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VIRGINIA RACING COMMISSION

May 25th, 2010

10700 Horsemen's Road

New Kent, VA 23124

Commencing at 9:40 a.m.

COMMISSION MEMBERS:

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

COMMISSION STAFF:

Victor I. Harrison, Executive Secretary
David S. Lermond, Jr., Deputy Executive Secretary
Kimberly M. Carter, Office Administrator

ATTORNEY GENERAL'S OFFICE:

Amy K. Dilworth

I N D E X

1		
2	1. Approval of the minutes of the regular meeting of April 27, 2010	3
3		
4	2. Commissioners Comments	3
5		
6	3. Committee Reports	4
7		
8	4. Executive Secretary's Report	
9	a. Approval of EZ Horseplay	5
10		
11	5. Stakeholders	
12	a. Colonial Downs report on Opening of 2010 Thoroughbred Meet	20
13	b. Standardbred Race Dates - Final Order	67
14	c. Standardbred Management Contract	69
15	d. Approval of Benevolence Fund	70
16		
17	7. Public Participation	72
18		
19	8. Set next meeting -- June 16, 2010	74
20		
21	9. Adjournment	74
22		
23		
24		
25		

1 MAY 25, 2010

2 MR. BURNETT: Good morning. We're dawdling a
3 little bit this morning because Mr. Brown is going
4 to be a little bit late, but we thought we'd start
5 and make what progress we can and he can be here in
6 time for any -- for the fun items, if we have any.

7 Let's start with item one, approval of the
8 minutes. They're under Tab 1. Has everybody had a
9 chance to review those? If so, are there any
10 changes or amendments of any sort?

11 Hearing none, do I have a motion?

12 MR. SIEGEL: So move to be approved.

13 MR. BURNETT: The chair seconds. It's been
14 moved and seconded that the minutes of April 27th,
15 2010, be approved. All in favor indicate by saying
16 aye.

17 Note: (Aye.)

18 MR. BURNETT: Motion carries unanimously.

19 Item 2 is commissioners comments. Gentlemen,
20 any comments? I guess the -- I got a comment and a
21 question. I hope I'm correct when I look at the
22 numbers of handle activity, that at least those
23 double digit declines have gotten into the single
24 digits. Is that fair that last month we were at
25 about an eight percent decline month to month over

1 last year in handle? It seems like that's what I
2 looked at. It may sound odd that that's seen as a
3 positive sign, but that's where we are, and it's 40
4 percent in January in decline, let's put it that
5 way.

6 Vic?

7 MR. HARRISON: If you were discussing April
8 versus April, you did have the Kentucky Oaks in this
9 year's -- in the April figures and not in last
10 year's. So I don't know if it was April you're just
11 looking at or the quarter.

12 MR. BURNETT: No. I was looking at April, but
13 I was just hoping that -- recognizing that the
14 Triple Crown was -- is every year, and hopefully the
15 Oaks wasn't a gigantic influence on our monthly
16 members and that things will be even better for the
17 month of May.

18 We don't have any committee reports this
19 month, so we'll move on to the executive secretary's
20 report.

21 There's Mr. Brown.

22 MR. BROWN: Good morning.

23 MR. BURNETT: We're getting rid of all the
24 junky stuff so you could come for the important
25 decisions.

1 MR. BROWN: Good.

2 MR. BURNETT: Good to see you.

3 Let the record reflect that Mr. Brown has
4 joined us. Thank you.

5 Mr. Harrison?

6 MR. HARRISON: Thank you, Chairman Burnett.

7 The staff has created a report recommending
8 approval of the EZ Horseplay agreement, amended and
9 restated agreement. We went through some of this at
10 various earlier meetings this year, I think February
11 and March. It was a big piece of our staff report
12 on the Thoroughbred Horsemen's Agreement, but we at
13 that time decided to break it out of that agreement
14 so we can address the Thoroughbred Horsemen's
15 Agreement on its own separate from this. So this
16 relates specifically to EZ Horseplay.

17 So some of this you have seen before and we
18 have gone over this, but I'd be happy to go through
19 it either item by item or the parties are here, and
20 I'm sure they'd be happy to answer your questions.
21 My recommendation -- our recommendation is to
22 approve with certain conditions shown on page 5 of
23 the document.

24 MR. BURNETT: Gentlemen, any questions of
25 Mr. Harrison about his report?

1 We'll give EZ Horseplay an opportunity to
2 comment as well. I did have a couple of questions.

3 Is there a reason that the hardware definition
4 in your report enjoys so much prominence? Is there
5 any issue about that that requires us to know
6 precisely what the hardware is?

7 MR. HARRISON: No. It just comes up time and
8 time again in both the agreement and in the staff
9 report. I thought I should make it clear that when
10 we talk about hardware, we're talking about in
11 betting terminals, which are computers that are
12 dedicated to EZ Horseplay where you can wager and
13 view the races, and the separate item, which is a
14 stand-alone, upright kiosk from which you can open
15 an account and print programs and add money to your
16 account and take cash from your account at the end
17 of the day.

18 It wasn't clear to me early on in all of our
19 discussions that these were separate units. It took
20 actually visiting the sites and going to the mobile
21 trailer to understand exactly what it is. When we
22 talk about hardware, we're talking about those two
23 units, the betting terminal and the stand-alone
24 kiosk. When we talk about location, really what I
25 should have done is broken down the location. When

1 you talk about the EZ Horseplay location, the
2 standard locations are two betting terminals and one
3 upright kiosk.

4 MR. BURNETT: So hardware is limited to that
5 hardware that is on site?

6 MR. HARRISON: Right. When we talk about
7 manufacturing hardware, rolling out hardware, we're
8 talking about those items.

9 MR. BURNETT: I have a question on a different
10 subject. On eBet, are they required to be licensed
11 by us?

12 MR. WEINBERG: I believe you permitted them in
13 connection with the licensing of EZ Horseplay. You
14 may have recall --

15 MR. BURNETT: That's my impression. I don't
16 recall, that's the problem.

17 MR. WEINBERG: You may recall that at one
18 point the Commission licensed both Philadelphia
19 Park -- I'm blanking on the name of their back room
20 services and EZ Horseplay. When there was a
21 transition to eBet, eBet was permitted rather than
22 separately licensed as part of EZ Horseplay's
23 license, annual license for account wagering.

24 MR. BURNETT: Were you looking for the Racing
25 Channel?

1 MR. WEINBERG: Yes. Thank you.

2 MR. BURNETT: Have you had an opportunity to
3 review Vic's report?

4 MR. WEINBERG: Yes, we have.

5 MR. BURNETT: And do you have any issues or
6 questions or comments that you would like the
7 Commission to hear about?

8 MR. WEINBERG: No. We're prepared to accept
9 the conditions outlined in the staff report. I know
10 we were working on the third bullet point, what that
11 malfunction report will look like.

12 MR. BURNETT: As a partner in this venture, we
13 certainly want to hear from the horsemen if they
14 have any particular issues one way or the other with
15 this report or agreement. I assume you're in
16 support of our approving it?

17 MR. PETRAMALO: Yes.

18 MR. BURNETT: Any comments on the conditions
19 or other features of the agreement that the
20 Commission needs to hear from the horsemen?

21 MR. PETRAMALO: No. How about that, two
22 words? Done.

23 MR. BURNETT: Is everything okay?

24 MR. PETRAMALO: Yeah.

25 MR. BURNETT: I take it that the draft, the

1 ADW Location Malfunction Report that's on the back
2 is something you're intending to refine and work
3 with Vic on to make sure we understand it?

4 MR. WEINBERG: Correct.

5 MR. BURNETT: I guess one of my questions
6 about the malfunction report or that general subject
7 of problems is it becomes a public perception
8 issue -- it can become a public perception issue, a
9 public relation issue, a political issue and all
10 that if problems get too much negative attention.

11 I would also think that this is -- correct me
12 if I'm wrong, this is part of an ongoing monitoring
13 and auditing of the system as a whole by the
14 Commission to be sure that we have a full
15 understanding of its operation and the numbers all
16 balance and whether patrons complain or not, that
17 everything is on the up and up. Just as you would
18 want to have it and the horsemen would want to have
19 it. Does this help in that regard, this malfunction
20 report?

21 MR. STEWART: Well, we actually track this
22 kind of stuff already.

23 MR. BURNETT: So this is something that, as I
24 understand it under the agreement, the Commission
25 staff is entitled to anyway --

1 MR. STEWART: Sure.

2 MR. BURNETT: -- and whatever you track and
3 your auditing processes, and this is a specific
4 report that you all wanted and that EZ Horseplay has
5 agreed to provide?

6 MR. HARRISON: That's right. We'll continue
7 to work on it. As you can see, it's a draft. We
8 thought at this point in time setting up a
9 communication mechanism to get their information and
10 to have it come to us in this form, this is probably
11 the best thing right now until we thoroughly define
12 what we have out there and what could possibly go
13 wrong. This may never be completed and sent to us.
14 On the other hand, if something does occur, this is
15 the device to use so we can get it to the
16 Commission.

17 MR. BURNETT: Is there -- I'm sorry that I've
18 not read the agreement closely enough to remember
19 this. A requirement in the contract that when there
20 is a malfunction that the report be provided
21 promptly to the Commission?

22 MR. HARRISON: There has not -- it's not in
23 there currently, no.

24 MR. BURNETT: I guess if it gets put into a
25 manila folder and put in a file drawer, it's not

1 much benefit to you. So it's a lot of work to put
2 this together, expect to see it, and then you don't.
3 I accept the representation that the track will
4 promptly provide the data, but I don't know that
5 we'll be amending the contract.

6 MR. WEINBERG: Right. If I understood
7 Mr. Harrison's comment, the report is only generated
8 if there is a malfunction.

9 MR. BURNETT: Right.

10 MR. WEINBERG: It's not a weekly report.

11 MR. BURNETT: Right.

12 MR. WEINBERG: But if there is a malfunction,
13 yes.

14 MR. BURNETT: We need to know about it.

15 MR. STEWART: I mean, it's roughly an analgous
16 to a tote system. If you have self-serving tote
17 machines, they malfunction from time to time.

18 MR. BURNETT: Oh, yeah.

19 MR. STEWART: It's a mechanical device.

20 MR. SIEGEL: What's the history on how often
21 that happens?

22 MR. STEWART: I couldn't tell you out of how
23 many transactions, but we've had it happen.

24 MR. SIEGEL: So there would be a fair amount
25 of those reports?

1 MR. STEWART: A fair amount? I don't know
2 about a fair amount.

3 MR. PETRAMALO: Commissioner, are you talking
4 about the tote machine or the EZ Horseplay kiosk?

5 MR. SIEGEL: Well, I guess anything that would
6 generate a report.

7 MR. PETRAMALO: What's the experience been
8 with the kiosk so far in terms of malfunction?

9 MR. STEWART: Once in a while it doesn't --
10 it's supposed to kick out a hundred and it only
11 kicks out 80. Bills stick together or something
12 like that happens. That happens at ATM machines.
13 It happens at --

14 MR. SIEGEL: Yeah. It's infrequent, though;
15 is that fair to say?

16 MR. STEWART: Right.

17 MR. BURNETT: I understand that the father of
18 the ATM machine died last week. There's something
19 like a million and a half or some gigantic number,
20 maybe it's 15 million, but there's a lot of ATM
21 machines around the world. You don't hear about
22 them malfunctioning very often. I think they're
23 fairly reliable.

24 MR. PETRAMALO: I think there are two
25 inventions that advanced society in the last 200

1 years. One of them is the ATM machine and the other
2 is the electric cordless drill. Those two things --
3 I mean, think about it.

4 MR. BURNETT: I will. All the way up the road
5 to Leesburg, I'll be thinking about that.

6 MR. SIEGEL: No cell phone.

7 MR. BURNETT: That's way -- a distant third,
8 and the computer is way down the list.

9 Do we have any further questions on the EZ
10 Horseplay agreement or Mr. Harrison's report about
11 it?

12 I don't see any reason why we should not go
13 ahead and approve it today, and I would so move. Do
14 we have a second?

15 MR. BROWN: Second.

16 MR. BURNETT: It's been seconded by Mr. Brown.
17 All in favor indicate by saying aye.

18 Note: (Aye.)

19 MR. BURNETT: The EZ Horseplay agreement is
20 approved.

21 We next move to the stakeholders. If I may,
22 could I ask you all to give us some kind of a
23 thumbnail sketch of how things are going with Finn
24 McCools?

25 MR. STEWART: It's going real well.

1 Obviously, the Kentucky Derby and the Preakness were
2 huge, but on Fridays and Saturdays, we've been doing
3 very well. We're performing I would say ahead of
4 our budget, ahead of our expectations. We're
5 pleased. I think we're seeing a lot of people that
6 we haven't seen before. I don't think we're seeing
7 a lot of cannibalization of existing facilities.
8 We're getting a lot of positive comments.

9 MR. BROWN: How about the negative side?
10 Anything cropping up?

11 MR. STEWART: Not really. I mean, obviously
12 we'd like to see a little more business on some
13 days.

14 MR. BURNETT: It occurred to me that it might
15 make sense for either myself or somebody from the
16 commission staff to call the neighbor that took all
17 the trouble to come out here and ask the same
18 question, whether she's aware of any issues, and if
19 she is, we'd like to address them and solve them.
20 My guess is she's going to say no, but I think
21 providing attention and interest and making sure
22 that we're being a responsible corporate friend in
23 the neighborhood there might be a good idea. If
24 anybody has that number, I'd be glad to call that
25 lady.

1 MR. STEWART: I think it's a great idea. We'd
2 be happy to address any concerns she may have.
3 We're not aware of any.

4 MR. BURNETT: Nobody has asked for better
5 glasses to read the form?

6 MR. STEWART: Given our customer base,
7 generally they aren't the youngest folks in the
8 world. I would think it might be a benefit to her
9 business.

10 MR. BURNETT: Exactly.

11 MR. PETRAMALO: Ian, do you have a feel for
12 the share of the wagering that's going to the tote
13 machine, the self-service tote, and the EZ Horseplay
14 touchscreen?

15 MR. STEWART: Well, most -- we're not doing a
16 whole lot through the EZ Horseplay touchscreens, but
17 that's not unexpected at least from my standpoint
18 because most people when they're offered the
19 opportunity to, you know, wager through the
20 traditional tote system versus wagering through EZ
21 Horseplay, they'll take the traditional tote system.
22 Where it is being helpful, though, is through the EZ
23 Horseplay video streaming, we can in effect show
24 virtually any racetrack.

25 So we've had situations where folks -- while

1 we're limited in the number of decoders that we have
2 out there and the number of signals that we show
3 through sort of the traditional means, if you want
4 to wager on any racetrack virtually, we can bring it
5 up via video streaming on EZ Horseplay. So it's
6 been beneficial from that standpoint.

7 MR. BURNETT: How many screens are in the
8 facility?

9 MS. BOUZEK: How many touchscreens? There's
10 two --

11 MR. BURNETT: No, no, no. How many showing
12 horse racing?

13 MS. BOUZEK: There's 12 televisions. There's
14 two touchscreens.

15 MR. BURNETT: What would you say the average
16 number of separate tracks are that are being shown
17 on those 12 screens at any given time?

18 MR. BOUZEK: We can only show five at any
19 given time.

20 MR. BURNETT: So you got two to one --

21 MS. BOUZEK: Right. Then the other two on
22 HRTV.

23 MR. PETRAMALO: If I wanted to watch Tioga
24 Downs, you can video stream that to me and I could
25 watch it on the touchscreen. Can I bet on that

1 through the self-service tote or the real tote?

2 MR. STEWART: Yes.

3 MR. PETRAMALO: I see.

4 MR. BURNETT: So a track that's not up on the
5 wall that somebody -- you know, I don't want to call
6 it unpopular, but a --

7 MR. STEWART: A niche track.

8 MR. BURNETT: A niche track, there you go. I
9 want to go bet on Bangor Raceway. I can go bet my
10 \$2 at your window on that racetrack, and then
11 they've got to go through that whole account
12 settlement routine and everything at the end of the
13 month with my two bucks?

14 MR. STEWART: Well, I'm not sure we take every
15 single one.

16 MR. BOUZEK: We only take what we are approved
17 to take in the OTBs.

18 MR. BURNETT: Right. But that's a lot of
19 signals. I mean, it's a long list that gets
20 submitted to us.

21 MR. BOUZEK: Exactly. We are to do
22 settlements, so we're not creating --

23 MR. STEWART: You can certainly download any
24 one of them. How many tracks do we take on EZ
25 Horseplay? Probably about 50.

1 MS. CALABRESE: There's 50 now, but they're
2 expanding it. It's limitless there. It doesn't
3 matter how many you take.

4 MR. BURNETT: From a streaming standpoint?

5 MS. CALABRESE: Right. Well, from a betting
6 standpoint. Right now tote has us limited to 50,
7 but we're trying to expand it, but they all stream.
8 All of them stream.

9 MR. BURNETT: Any other questions about Finn
10 McCools? Yes, sir.

11 MR. HARRISON: Two things. On the motion for
12 the approval of EZ Horseplay, it has to or it should
13 be re-done to include the conditions.

14 MR. BURNETT: Thank you.

15 MR. HARRISON: And also the hours of Finn
16 McCools are about to change. They're having slow
17 Wednesdays, so they're moving the start time back to
18 three o'clock on Wednesday.

19 MR. BOUZEK: Correct.

20 MR. HARRISON: I just wanted to let you know
21 that.

22 MR. BURNETT: I'll come back to the contract.
23 On the issue of hour changes, I don't know that we
24 ever agreed on a standard by which the Commission or
25 its staff needed to be notified or any approval

1 needed to be obtained from commission staff in terms
2 of whether the hour changes by more than five
3 percent or three percent or ten percent, whatever it
4 is in a week or a month. I'm not suggesting we do
5 it today, but I think -- it's good to know about it.
6 It seems to me if you tinker with half an hour, we
7 don't necessarily need to know about, but if it
8 closes for a day, we might want to know. So they
9 ought to know which side of that line they're on in
10 terms of being required to tell us.

11 Now, with respect to my faux pas with regard
12 to the contract, I don't know if we have any
13 parliamentarians here that can tell us how we have
14 to properly go back and re-open that issue, but I
15 assume there's no objection to doing that. I would
16 remove the approval of the contract and amend my
17 prior motion to include the conditions set forth in
18 the staff report provided by Mr. Harrison that we
19 previously discussed. It's my understanding that
20 both the horsemen and EZ Horseplay have agreed to
21 those four conditions. Is that right?

22 MR. WEINBERG: Yes. The fourth bullet point
23 is more of a statement of future plans, but I agree.

24 MR. BURNETT: With that caveat, I would couch
25 my motion that way. Do we have a second to my

1 amended motion?

2 MR. BROWN: I'll second it.

3 MR. BURNETT: Seconded by Mr. Brown. All in
4 favor indicate by saying aye.

5 Note: (Aye.)

6 MR. BURNETT: Thank you for catching that,
7 gentlemen.

8 Now, we'll move to item A under the
9 stakeholders portion of our agenda. Colonial Downs
10 report on the opening of the 2010 thoroughbred meet.

11 MR. WEINBERG: Darrell Wood will report on
12 some of the marketing.

13 MR. BURNETT: Thank you, Mr. Wood.

14 MR. WOOD: I've got a few passouts here to
15 show to you.

16 Good morning. There's three documents here
17 that kind of -- will go with some of the plans we
18 got promotion-wise at least for the summer season.
19 The first postcard is what you probably want to look
20 at, but our marketing plans, as always, revolve
21 around the two biggest races, the Turf Cup and the
22 Virginia Derby. With the Turf Cup, we've had a
23 pretty successful microbrew festival called the
24 Rhythm Bets 'n Brews that we're going to come back
25 with for the fourth time on June 19th. It's a

1 microbrew sampling event with live music
2 entertainment. It's been pretty successful and
3 hoping the growth continues.

4 On Derby day, you know, we're trying to
5 emulate what they do at Churchill Downs on Derby
6 Day. We've got an official drink. We just had a
7 contest on Facebook. It's called the Gentleman's
8 Gallop this year. We've got a fancy hat contest
9 sponsored by the Virginia Lottery, and we've got two
10 parties. We're kind of book ending the facility.
11 On the green, we've got an all inclusive party zone,
12 which a \$30 ticket gets you your food and booze and
13 live music, but in the first turn, this is kind of
14 what we're pretty excited about. We feel this has
15 got a great potential.

16 It's a BYOB party. We've got a non-profit,
17 Richmond Ski Club. Last year we did this for first
18 the time, it was called Chill on Derby Hill. We had
19 about 6 or 700 people out there, but it just felt
20 right. Everyone out there, different ages, male,
21 female, young, old, just had a great time, and we
22 shifted Hooters Day that we've had by itself and we
23 partnered it with this first turn event. We're
24 going to have 25 Hooter girls, a BYOB event. It's
25 going to be like Strawberry Hill in the summertime.

1 It's got a \$10 price point and the hope is we can
2 get the derby attendance in the five figures for the
3 first time ever. This would be the -- I guess the
4 impetus to make that happen. Our ticket sales are
5 actually going pretty good. We had 11 Hooter girls
6 out here on Strawberry Hill Day going tailgate to
7 tailgate passing these out. So hopefully the --

8 MR. BURNETT: What number would make you say,
9 yeah, that was really a success?

10 MR. WOOD: Whatever he's happy with. Probably
11 3,000, 2,500.

12 MR. BURNETT: You had 700 last year. You're
13 hoping you're going to triple --

14 MR. STEWART: I think there's a good chance we
15 will, but I feel like we're having a conversation
16 about 1997 where somebody put the number 4,000 out
17 there and we averaged 3,400 people, and we were
18 failure. We're not going to set a number like that.
19 This is a long-term project.

20 MR. BURNETT: Well, some of those projects
21 that -- and you said that several years ago when you
22 engaged in the construction on the other end, and
23 that to me has been successful. I don't think
24 anybody has seen any of that as a failure, but the
25 bring your own last year on the hill with 700 people

1 was fairly populated up there. I wonder how the
2 facility has to spread to handle three or four times
3 as many people. Are you having to push the fences
4 further back and put more tables and chairs and that
5 kind of thing out there or do you think what you had
6 setup last year will do it?

7 MR. STEWART: I think what we had setup will
8 do it. I mean, if you've never driven back there,
9 there's a tremendous amount of space. It's much
10 bigger than it looks from a distance. You can
11 easily accommodate 10,000 people out there.

12 MR. BURNETT: Really?

13 MR. STEWART: That's my opinion. I mean, when
14 you start to spread toward the chute.

15 MR. BURNETT: It's a great location to watch
16 the race, a spectacular location.

17 MR. PETRAMALO: Are you putting a Jumbotron
18 out there?

19 MR. STEWART: A mini Jumbotron, like we did
20 last year.

21 MR. BURNETT: Isn't that an oxymoron? I just
22 wanted to make sure I understood that.

23 MR. PETRAMALO: A small, large screen.

24 MR. BURNETT: It's right up there with the
25 electric drill, isn't it?

1 MR. PETRAMALO: Cordless.

2 MR. BURNETT: Cordless. I'm sorry. Cordless
3 drill.

4 MR. PETRAMALO: The 25 hooter girls, that's a
5 firm figure?

6 MR. BURNETT: No pun intended.

7 MR. PETRAMALO: They were at Strawberry Hill.
8 They were very nice and very friendly.

9 MR. BURNETT: Darrell, do you want to get us
10 back on track?

11 MR. WOOD: Those are the two big events. Our
12 theme is eight weeks of winning this year. The
13 newsletter here pretty much -- you can look at that
14 at their leisure, but it pretty much outlines the
15 eight weekends.

16 The third passout is a thing we're doing with
17 the Virginia Lottery. It's a winner circle
18 scratch-off ticket, which is going to debut on
19 June 1st. It's unique because there is an on-line
20 second chance element, and it's the first time the
21 lottery has gotten involved in this. If you have a
22 non-winning ticket, you can go to VA lottery dot com
23 and go to the winner circle. It's a simulated,
24 animated horse racing game.

25 Based on the horse you choose in that game,

1 you'll accumulate points in a shopping cart, and
2 then you can purchase any -- one of 15 items from
3 now -- from June 1st through mid-November. They
4 range from apparel items to tickets to the Derby to
5 kind of fan experiences, like the inside track where
6 you get to go next to the starting gate for the
7 start of the thoroughbred race. One of the prizes
8 is you can get a \$10 win bet on every horse in every
9 race. You get a ride in the harness starting gate.

10 So we -- I think we're pretty excited about
11 this. The piece in front of you actually is a piece
12 that's going in the Val Pack mailer this week, going
13 statewide to 1.8 million homes, which is going to
14 be -- I think it's a big, big plus for Colonial
15 Downs. It's the first time since Commissioner
16 Reynolds' committee that we've been able to do
17 something, you know, that can get us some statewide
18 presence. So this kicks off June 1st, and hopefully
19 it'll get us some extra hype this year, too.

20 MR. BURNETT: That scratch ticket right there
21 will be found in 7-Elevens and the thousands of
22 retailers of tickets around the state?

23 MR. WOOD: And they've got a nice pamphlet in
24 every one of those locations that tells you the
25 prizes you can win, how to play the on-line second

1 chance game.

2 You know, hopefully it's going to be a good
3 experience and we can take it maybe, if it works, to
4 another level in the future.

5 MR. STEWART: It's been one of our goals for a
6 long time to get a scratch-off ticket with the
7 lottery. Darrell has worked hard on this for a
8 number of years, and it's finally coming to
9 fruition. I'm thrilled about it. I think it's
10 going to be wonderful.

11 MR. BURNETT: Has the -- is the lottery board
12 excited about it? We've got some people here that
13 have had some experience with the lottery board,
14 both legal and otherwise.

15 MR. SIEGEL: Yeah. You mentioned you're
16 not -- that you worked for a lot of years. I'm not
17 sure whether the lottery or the lottery board was
18 opposed to it or whether there were legal issues,
19 because I always felt like the lottery wanted to
20 work with the racetrack. Were there legal issues
21 that you had to overcome?

22 MR. STEWART: It just seemed like whenever --

23 MR. SIEGEL: Political issues?

24 MR. STEWART: -- we wanted to do it, there was
25 some reason why we couldn't. One reason or another.

1 We've seemed to have avoided whatever those reasons
2 were now.

3 MR. SIEGEL: I think it's a natural
4 collaboration. So that's a good start, anyway.

5 MR. WOOD: So those are pretty much the firmer
6 promotional plans. We've got -- I don't know if you
7 saw it at the last meeting, but we've got a mobile
8 promotional unit for EZ Horseplay. It's a 20-foot
9 trailer that we've done a lot of grass root
10 marketing with over the past couple months. We've
11 been to any number of microbrew festivals, wine
12 festivals, concerts, baseball games, and given out
13 pocket schedules, EZ Horseplay information,
14 brochures, free admit passes, stuff like that. So
15 hopefully that will pay some dividends to us as we
16 get closer to the meet.

17 MR. BURNETT: Can people open accounts right
18 there at that trailer when you're out displaying?

19 MR. WOOD: They can, yes.

20 MR. BURNETT: Have you found folks doing that?

21 MR. WOOD: Have not.

22 MR. BURNETT: They look and think, wow, is
23 that how that works?

24 MR. WOOD: Yeah. I mean, if you're at a
25 microbrew festival or wine festival, you're with

1 friends, you've having cocktails, and do you want to
2 take the time with your group of friends to do it?
3 So we give out a lot of packets of information. I'm
4 sure there's been some sign-ups from these events,
5 but it's a great grass root vehicle that we're
6 taking advantage of.

7 MR. BURNETT: Did you have a good response at
8 Great Meadow?

9 MR. WOOD: Yeah. It was the first time we
10 were up in northern Virginia working, and really had
11 a good response.

12 MR. BURNETT: Good.

13 Okay. Sounds terrific. Any other questions
14 of Darrell on the marketing side of the opening of
15 the meet?

16 MR. BROWN: Good job.

17 MR. PETRAMALO: Darrell, is Ladies Day still
18 scheduled for June 26th?

19 MR. WOOD: It is.

20 MR. PETRAMALO: And are you having the all
21 female jockey race?

22 MR. WOOD: Yeah, they're coming in here the
23 twenty-sixth.

24 MR. PETRAMALO: There was a candidate in here
25 this morning who you may know, Reverend Marjorie

1 Bevins, she was very interested in that race.

2 MR. WOOD: We're expecting a big turnout.

3 We're hoping for a full field.

4 MR. PICKLESIMER: Just to give you an update

5 on the racing side.

6 MR. BURNETT: Please.

7 MR. PICKLESIMER: We were able to get the
8 racetrack down in, I think, three days. We opened
9 that up a day earlier than we had scheduled. We've
10 got roughly, I don't know, 350 horses on the
11 grounds. We should be pretty much full by this
12 weekend. Actually, it's a pretty strong opening
13 day. We're taking entries today for Sunday.

14 I offered an invitation for you guys to come
15 over and view the entry process and see what goes on
16 on the racing part of it if you haven't had an
17 opportunity to do so. It's day by day. We'll see,
18 you know, how it goes, but right now things are
19 looking good. The track is down. It's safe. It's
20 even.

21 MR. BURNETT: Are you getting good reports
22 from the horsemen on the surface?

23 MR. PICKLESIMER: Yeah. No complaints. The
24 rain helped it that we've had here the last couple
25 days. So we're on target for more people, more

1 horses, and more people to ride around in circles.

2 MR. BURNETT: I understand you have some
3 larger stables or some expansion of the stables?

4 MR. PICKLESIMER: Yeah. Ms. McDonald, she
5 grew. I think she's up to about 40. A few other
6 guys have gotten bigger. We've got about 90
7 trainers on the ground, which is good, a little
8 diversity. You don't have, you know, a whole lot of
9 big outfits tying up a lot of stalls. I'd like to
10 get more starts out of those 10, 15 horse outfits,
11 but so far, we're pleased.

12 MR. BURNETT: Great. Thank you.

13 Anything further?

14 MR. WEINBERG: No.

15 MR. BURNETT: Thank you.

16 We'll move next to the standardbred racing
17 dates, award of those dates. As I understand it and
18 so often occurs, there's been a continuing
19 discussion to resolve issues. I'm told that the
20 issue of days themselves has been resolved. Please
21 correct me if I'm wrong about that, but there's an
22 outstanding matter of the grandstand at this point.

23 MR. STEWART: No. There's -- as far as I'm
24 concerned, there's no agreement.

25 MR. BURNETT: All right. Tell us where you

1 are, if you would.

2 MR. STEWART: I'd be happy to. I think it
3 would be useful to just kind of go through a
4 chronology of how we got here and why we're sitting
5 here again discussing a relatively minor matter.

6 Back in the fall, we commenced negotiations
7 with the horsemen of both breeds. We were
8 interested in help with the western OTBs in order to
9 make them financially viable. We were interested in
10 help with EZ Horseplay in order to expand that a
11 little faster than we would normally, and we were
12 interested in help with Finn McCools because with
13 relatively small volumes, we needed some
14 participation from the horsemen.

15 Colonial Downs was willing to work with the
16 horsemen to help them achieve what their goals might
17 be if they're to help us achieve ours. Fortunately,
18 we were successful in doing that with the
19 thoroughbred. Unfortunately, from the standpoint of
20 helping us with the western OTBs, the harness
21 association was unwilling. They were unwilling to
22 help us with EZ Horseplay, and they were unwilling
23 to help us with Finn McCools.

24 So we went ahead and made our agreement with
25 the thoroughbreds and we filed our timely race day

1 request on December 1st for the standardbred racing
2 days for 2010. On the 14th of December, the harness
3 association filed a response, which included the
4 following sentence. The VHHA is not opposed to
5 Colonial Downs opening the grandstand only on
6 Saturdays and Sundays.

7 At the December racing commission meeting, we
8 discussed the 2009 harness meet, including a number
9 of comments from the staff and the commissioners,
10 racing concerns about the 2009 meet, which the VHHA
11 representative agreed with. However, no action was
12 taken regarding the race days.

13 The January meeting comes, Colonial Downs is
14 prepared to discuss race days, but there's no
15 action. I believe -- and I may be wrong, but I
16 believe it was at the harness association's request.

17 The February meeting, it's basically the same
18 thing. Colonial Downs is prepared to discuss race
19 days, and we don't discuss them.

20 At the March meeting, Dr. Dunavant refuted all
21 the comments from the December meeting, and
22 basically a 28-day meet is awarded with essentially
23 the same purse structure with the harness
24 association and Colonial Downs delegated to work out
25 the details.

1 Now, if you look at the 28-day meet, four days
2 a week, that would end on a Wednesday before the
3 Breeders Cup. The harness association wanted to
4 extend it to the Breeders Cup, and as I sent around
5 a schedule, this will cost Colonial Downs another
6 \$9,700 because of additional training days. What
7 would basically happen is the Tuesday and Wednesday
8 where we would be racing would become the training
9 days, and then the Friday would become a training
10 day, and then we would race on Saturday and Sunday
11 or Thursday would become a training day, and we
12 would race on the Friday and Saturday. So this
13 would cost us another \$9,700.

14 The harness association wants to do this
15 because by running on Friday and Saturday, Breeders
16 Cup, instead of Tuesday and Wednesday, there's
17 additional wagering on the live meet, which if you
18 net it out comes to about \$2,700 in additional money
19 for the association. I offered to run their
20 schedule if they'll give us the 2,700 bucks, to help
21 offset some of that 9,700. They refused.

22 Then on Thursday, I said fine. We'll give you
23 the \$2,700 if you run our schedule. They refused.
24 On Friday I call them and I'm told that they refuse.
25 I hear nothing further. Then on Monday, I open my

1 e-mail. There's an e-mail -- a copy from Vic that
2 has a letter from the harness association that
3 contains a counter offer. I didn't get a call. I
4 just happen to read my e-mail, so I called and I
5 basically agreed to their proposal.

6 Then I find out that the harness association
7 has now decided that they don't like our grandstand
8 proposal in spite of their statement in the
9 December 14th letter and in spite of Dr. Dunavant's
10 testimony at the March meeting, which I'm shuffling
11 my papers to find. At the March meeting,
12 Commissioner Miller says, "Mr. Chairman, before we
13 vote on the motion, you don't have any problem with
14 the suggestion by Mr. Stewart that they don't open
15 the full grandstand on certain days?"

16 Dr. Dunavant: "No. We have no objection to
17 that."

18 At this point I just cannot agree. I mean,
19 we've been going on with this for the last seven
20 months. For the last seven months, I've done my
21 best to reach an accommodation with the harness
22 association. It's just without success. This is
23 just another example, as we pointed out in our
24 letter, of death by a thousand cuts. I'm not trying
25 to be unreasonable, but there's a limit and we've

1 reached it.

2 MR. BURNETT: Would the horsemen like to offer
3 any response, harness horsemen?

4 MR. WOOLNOUGH: Well, basically -- Iain
5 Woolnough for the VHHA. I was not here for any of
6 those meetings. I was in Florida, but I have been
7 in touch with Dr. Dunavant on most of them.

8 Let me go back to the first one you say there,
9 the western OTBs and that the thoroughbreds made
10 that deal. At that time the thoroughbreds were in a
11 contract negotiation for their horsemen contracts.
12 We already had one in existence. So really I think
13 that may be part of that play. When ours comes up,
14 it may be part of that issue. At that point, it was
15 not. When the OTBs opened in the first place, there
16 was a discount rate given to the western OTBs.
17 We've honored that and we'll continue to honor that.
18 When the new horsemen's contract comes up, it may be
19 up for discussion.

20 Going back to EZ Horseplay, I believe that
21 Mr. Stewart may have talked to Dr. Dunavant, I know
22 he has, and explained that. We had the harness
23 horsemen's board meeting here on Sunday. The
24 majority of the board members did not really know
25 what's involved here. They're under the impression

1 they have to front money, and we tried to explain
2 that's not the case.

3 We have since then called Mr. Stewart and
4 requested a committee sit down with him and discuss
5 the feasibility of this. The harness association is
6 not against getting involved with EZ Horseplay.
7 Never has been. It needs to know exactly what's
8 going on. That's all. The board members don't.
9 The suggestion will be at the board meeting that
10 Colonial Downs come over and explain it to as many
11 members as we can get here. That would be easy to
12 do.

13 I'm not sure again on Finn McCools, what the
14 issue is with Finn McCools. If there's an issue
15 there, I'm not aware of any. I don't know what they
16 did or didn't get involved in.

17 Going back to Mr. Stewart's offer of \$2,700 to
18 make us go away, it's not entirely about money.
19 You've got a marketing opportunity where you have a
20 much greater amount of people coming to the Breeders
21 Cup. They may be coming to the Breeders Cup. It
22 doesn't matter. They're being here and we're
23 exposing harness racing, and we thought that was
24 important to us.

25 The same way as we got the opening of the

1 fair. We never said we wouldn't open the first day
2 of the fair. We always said we would. You get
3 4,000 people plus at the New Kent County Fair. I
4 know half of those are probably children. So half
5 of those is exposed to the marketing, and that's
6 what we're looking to do. We did give up three
7 training days on the front end and three training
8 days on the back end. So this should compensate for
9 any of the training days, the three in the middle.
10 We'll double that one up there.

11 Going back to the March meeting, and I've
12 talked to Dr. Dunavant on this, his basic thing was
13 he had the discussion with Mr. Stewart on the
14 grandstand and was his understanding and what I can
15 read in there, not open the full grandstand. Just
16 the bottom portion of it. If you don't open
17 anything, you're inviting people to come to the
18 races and basically telling them we're closed.
19 That's not what we're trying to do.

20 We're willing to turn around and give up the
21 fourth floor on Tuesdays and Wednesdays. We've
22 always had that open. We've said we don't need
23 that. Just a portion -- not the whole first floor,
24 you would have one bay of tellers, which you would
25 have outside if you didn't. You have bathroom

1 facilities inside. You have self-service inside.
2 You have TVs out there so you can watch the other
3 races that they have going on, and then Saturday and
4 Sunday you have our normal schedule. I don't think
5 that's really unreasonable.

6 MR. BURNETT: Any questions of either party?

7 MR. SIEGEL: I just have one comment. I think
8 when Mr. Stewart read what was offered and what was
9 accepted by you, the word full grandstand was in
10 that, I believe. So there may be just a
11 communication issue whether full means all or
12 whether you agree not to have the full grandstand
13 open, whether that means none.

14 So I think there's a basic communication issue
15 about what you thought he meant what he said full.

16 MR. WOOLNOUGH: Well, when I went to
17 Dr. Dunavant about that, that was his understanding
18 also, was not open the full grandstand, which means
19 that the third floor and the fourth floor would
20 remain closed and a portion of the first floor would
21 remain closed. We would just need one end, the
22 western end. That's all we need.

23 MS. SMITH: Mr. Siegel, I had several
24 conversations with Dr. Dunavant around that time --
25 Katherine Smith -- and his understanding to me and

1 to other members of the board from his conversations
2 with Mr. Stewart were that the full grandstand was
3 what we were viewing as the traditional opening,
4 which was the fourth floor, as we had last year, the
5 suite, and the first floor.

6 His understanding was that we could manage on
7 the two weekdays with just the bottom floor of the
8 grandstand, open where people could get something to
9 eat, go to the bathroom, wager and watch the races.

10 MR. STEWART: I'd like to point out that I
11 know what Dr. Dunavant said because I explained
12 exactly what I meant. If I meant that we were only
13 going to shut down the fourth floor, I assure you
14 that that's what I would have put in the race day
15 request.

16 MR. HARRISON: Ian, it would helpful I think
17 to explain exactly what you do mean. What do you
18 envision for Tuesdays and Wednesdays?

19 MR. STEWART: What we envision for Tuesdays
20 and Wednesdays, it's free admission. We'll open the
21 gate by the paddock. We'll have seating in the
22 outdoor grandstand. We will have concessions under
23 the overhang on the green side. We'll have the
24 education center open so that any folks that want to
25 come in and wager on simulcast can come in and watch

1 the television. We will have the bathroom open on
2 the first floor that we will basically corner off so
3 that, you know, you can just go to the bathroom and
4 come out.

5 It's important to us because the cleaning bill
6 alone -- the cleaning bill alone in the grandstand
7 building is \$7,300 a week for four days. If you do
8 the math, I guess that's \$1,800 bucks a day just to
9 clean it. Plus, we've talked to the New Kent
10 Sheriff's Office and instead of having two officers,
11 they think we can get by with one officer to save us
12 some money, plus obviously the food service on the
13 fourth floor was a cash drain.

14 So I think that we can easily accommodate the
15 people that are likely to come, and I think the
16 accommodations will be fine and it will save us a
17 ton of money. I don't know if any of you have been
18 here on a day when there's 150 people rattling
19 around that building, but it's -- not to mention,
20 it's a little depressing, but it's awful expensive.
21 That doesn't even include the utilities.

22 The utility bill over there just as a
23 comparison for the last four months, which granted
24 is the winter, but on the other hand, you do have
25 air conditioning in the warmer weather. Our total

1 utility bill is somewhere in the neighborhood of
2 about \$30,000 a month. So, you know, if you can cut
3 that down, you could probably save close to a
4 thousand bucks a day. We're talking about real
5 money here.

6 MR. WOOLNOUGH: In response to that statement
7 right there, I do believe that Colonial Downs still
8 operates the second floor during those days. So the
9 utilities, the lights, the heat, air conditioning,
10 whichever one it needs to be, it's still going to be
11 ran.

12 MS. SMITH: And the cleaning as well.

13 MR. STEWART: As you know, there's zones. You
14 can turn off certain zones.

15 MR. WOOLNOUGH: That building, if you look at
16 it, you can certainly do certain things. It's a
17 wide open building, and it was never constructed to
18 be temperature controlled.

19 MR. BURNETT: Mr. Brown, you had a question or
20 an observation?

21 MR. BROWN: As far as -- yes. As far as the
22 grandstand goes, it's not in the best interest of
23 the track to just keep the west end of the bottom
24 section open as far as like a food concession-type
25 thing and you have your simulcast people in there?

1 MR. STEWART: Well, we can accommodate those
2 people in the racing education center. We can also
3 accommodate them with the outdoor concessions.
4 We'll have outdoor tellers. I mean, it's really no
5 different than going to the Diamond, you know, on a
6 fall afternoon.

7 MR. BROWN: But you're going to have people
8 coming in on the hotter days that are going -- you
9 know, you're going to have some older folks that are
10 probably going to need a little air conditioning at
11 times.

12 MR. STEWART: That's why the education center
13 is available to them. It's air conditioned in
14 there.

15 MR. HARRISON: Will the hours of operation,
16 will the race start at one o'clock?

17 MR. STEWART: Uh-huh.

18 MR. HARRISON: You're in agreement on that.

19 MR. BURNETT: Couple of observations from my
20 perspective. One is I'm guessing that attendance
21 will go from 150 in the evening on Monday and
22 Tuesday to about 75 or 80 during the day. That's
23 kind of the way it is, I think. I could well be
24 wrong, but I don't think that change in time
25 necessarily is going to increase attendance. My

1 guess is it will decrease it.

2 I would prefer not to be making a decision
3 based on who struck John at prior meetings and who
4 says what, double hearsay and everything else. I
5 look at the two principal issues here of racing or
6 no racing on Breeders Cup Day and this closing the
7 grandstand as -- both of those as being image issues
8 more than anything. I don't mean for a minute to
9 diminish folks who are writing the checks since it's
10 important to this, and I think that's a big deal.

11 I worry, for example, that an article in the
12 Times-Dispatch that there's no grandstand open a
13 couple days a week and somebody starts jumping on
14 this decline of racing bandwagon, which seems to be
15 popular these days, they can just start pointing to
16 these kinds of things as Virginia dying by a
17 thousand cuts. Here's a couple more, and they
18 acknowledge they're dying. There's this cut and
19 that cut and everybody is doing it, and I worry
20 about that.

21 I'm encouraged that the VHHA wants to get back
22 up on the power curve here and learn about what's
23 going on, and I frankly put it at the VHHA's feet
24 that they don't know about this. They should know
25 it. It affects racing in Virginia. It affects

1 their own bottom line. It affects the host track
2 where they spend the most time at, and it's
3 incumbent upon the leadership and membership alike
4 to stay up on these issues. If you end up saying no
5 thank you, we don't want to be involvement, that
6 statement should be made based on an informed and
7 well thought out understanding and decision of what
8 is being offered. Simply to say, wow, we said no
9 because we don't know what's going on, we've got to
10 do better, folks, than that.

11 I'll leave those observations there for the
12 moment to see what other people have to say about
13 this. Anybody down on the end?

14 MR. REYNOLDS: I've got a couple questions.
15 We've been talking about this since December the
16 first. Negotiation, we're at a standstill. What
17 happens if we don't have an agreement?

18 MR. BURNETT: Subject to legal counsel, my
19 understanding is that since an application has been
20 filed with us, we can amend it and order days. I
21 assume the incidental features that go with it, but
22 I may be wrong.

23 MS. DILWORTH: That's what the regulation
24 says.

25 MR. WEINBERG: Could I?

1 MR. BURNETT: Yes, please. Mr. Weinberg,
2 please.

3 MR. WEINBERG: I'll let my client kick me if
4 he disagrees. I think your order is pretty narrowly
5 crafted in the regulations as to six particular
6 matters, which are pretty clear. Number of days,
7 which this commission has already decided is 28; the
8 days of when the races are to be conducted, which I
9 think we're all in agreement that September 17th is
10 the beginning date; which days are dark, I think
11 we've reached agreement that those are Monday,
12 Tuesday, and Friday; breeds to be utilized --

13 MR. WOOLNOUGH: No, no. Monday, Thursday, and
14 Friday. Race Tuesday, Wednesday.

15 MR. WEINBERG: I'm sorry. My mistake.

16 Breeds to be utilized, standardbreds; types of
17 racing to be offered, characterized as harness
18 racing; and the horse racing facility at which
19 that's to be conducted, which in Virginia is only
20 Colonial Downs.

21 So in answer to the question, what does the
22 order need to specify, I believe it needs to specify
23 those six things.

24 MR. BURNETT: Any other questions?

25 MR. REYNOLDS: Perhaps we approve those six

1 items today, that doesn't cover the grandstand
2 opening? I don't know what happens.

3 MR. WEINBERG: Can I attempt to respond to
4 that?

5 MR. BURNETT: Please.

6 MR. WEINBERG: I think the answer is -- as
7 you've heard Mr. Woolnough identify, there are a
8 number of other issues that are being discussed. I
9 would say that there are certain issues that should
10 be discussed between the parties, that the
11 Commission need not necessarily rule upon, and I
12 would think dealing with the business at hand, which
13 is issuing an order as to the race days and when
14 they're conducted and what type, would address that
15 and leave the parties to work out what, if any,
16 portion of the grandstand is open and how we deal
17 with Finn McCools, western OTBs, and EZ Horseplay.

18 MR. SIEGEL: Do you believe you can reach
19 satisfactory conclusions left with that option?

20 MR. WEINBERG: I would hope so. With all due
21 respect, I believe the parties in good -- I will say
22 from my side of the table for the last two weeks,
23 those issues have been raised. We've addressed it.
24 I mean, we started off -- not to beat a dead horse,
25 pardon the pun. We had -- we started off with

1 wanting to race five days of the week, we're down to
2 four. We started off we wanted to race Monday night
3 because the simulcast market is much better for
4 Colonial Downs than it is on Wednesday during the
5 day, but we resolved that. We resolved the post
6 times. I think we've agreed tentatively one and
7 five. We're working out a resolution of this
8 Breeders Fund issue.

9 As you heard Mr. Woolnough propose, cutting
10 days earlier rather than later. This issue
11 literally arose sometime yesterday afternoon. I
12 think the documentary evidence was that this issue
13 was discussed from day one in the fall,
14 December 1st, December 14th, March 17th. Thought it
15 was done.

16 So if there's a history that issues had been
17 resolved, there is a history that issues had been
18 resolved. So I can't promise you that we'll be able
19 to repeat that experience, but I am optimistic that
20 we can.

21 MR. BROWN: Is this something that by next
22 meeting if we don't have any kind of real positive
23 thing that if you bring it back to the Commission,
24 we could -- would you feel comfortable with us
25 making a ruling on it?

1 MR. STEWART: I don't know. I mean, I
2 suppose. At the end of the day, I think the
3 Commission can basically do whatever it wants to.

4 MR. BURNETT: We would like to avoid that
5 image.

6 MR. BROWN: We need to see a positive from
7 both sides.

8 MR. HARRISON: Chairman Burnett, setting
9 the -- excuse me, Mark. Setting the race dates
10 alone would allow the track and the horsemen to
11 advertise so that horsemen around the country can
12 make plans to come here. So doing that today would
13 be very helpful.

14 MR. BURNETT: We have entered no order at this
15 point.

16 MR. WEINBERG: That's correct.

17 MR. BURNETT: Our good counsel has provided me
18 with a shopping list from the reg of no less than 25
19 items, the last one being all inclusive, anything
20 else you want to consider of things we need to
21 consider before we make any ruling on these six
22 items as set forth.

23 I'm a little tired of this thing coming back.
24 We've been the Commission that said, if it had
25 blamed others for not getting in front of us in time

1 and these things dragging out, one thing or another,
2 it would be awfully nice if we could put this issue
3 to bed today. Now, I don't know whether we have the
4 authority or jurisdiction to pass specifically on
5 these -- all of the items that are in front of us,
6 but to start this discussion, for what it's worth,
7 we do have the right to set the days and if we set
8 the days for 28 days through the Breeders Cup, that
9 takes care of that issue.

10 And I don't know whether it's apples to apples
11 or not, but it strikes me that when we're down to
12 \$2,700, that is more a gesture than an economic
13 hardship on anybody when I see later on we're going
14 to be talking about \$135,000 worth of money going to
15 benevolence, of which the standardbred folks are
16 going to get exclusively about 35,000 or whatever
17 the number is. I'm sorry. I don't remember what it
18 is exactly.

19 I would like to -- I'd like to see that
20 grandstand open and I wonder -- how it would play to
21 have the horsemen make that helping gesture of
22 giving up that \$2,700 in exchange for having the
23 ground floor of the grand stand open and re-visit
24 next year if need be. We could get to those -- do
25 that, I think we're done, I think. Am I wrong about

1 that from the track side?

2 MR. STEWART: I made that offer.

3 MR. BURNETT: Is that something that you all
4 can live with?

5 MR. WOOLNOUGH: What was that?

6 MR. BURNETT: You give up \$2,700 in one form
7 or another and they stay open as you've requested
8 for Breeders Cup and they open the grandstand on
9 Tuesdays and Wednesdays on the ground floor, half of
10 it.

11 MR. WOOLNOUGH: And we're giving up 2,700?

12 MR. BURNETT: You give up 2,700.

13 MR. WOOLNOUGH: We gave up six days already.
14 He's asking for three, and we gave up six. Also, we
15 turned around and agreed to run days instead of
16 night. There's tremendous savings on the lights. I
17 don't know what it's going to do on Tuesdays.
18 Tuesdays by far are our best simulcast day at night
19 by far. It's not much out there. By going on
20 Tuesday on days, I have no idea. We don't have any
21 idea.

22 MR. BURNETT: Commissioner Miller?

23 MR. MILLER: I'm a little bit confused and
24 other than being generally confused, I'm also
25 confused about this.

1 You say you gave up nights and that saves on
2 electricity, but I understood they wanted to race on
3 Monday night because of the additional simulcast
4 handle.

5 MR. WOOLNOUGH: There's a reason that we have
6 that in there, Commissioner. We go Saturday and
7 Sunday and have Monday off, and then Tuesday and
8 Wednesday. There's a lack of horsepower. We don't
9 have that many horses here. Standardbreds are
10 different than thoroughbred. With a standardbred,
11 you can run him on Saturday and run him on Tuesday,
12 but to run him on Saturday and back Monday is tough.
13 It's hard to do. That gives us more opportunity for
14 them to race. So we have a day off in-between.

15 MR. MILLER: One other thing, in reading all
16 this stuff, I see there's an attendance figure for
17 certain days that I see and there's average handle
18 in all the documentation. What is the average
19 attendance for -- what was the average attendance
20 for the standardbred meet last year, daily
21 attendance?

22 MR. WOOLNOUGH: I'll have to go back to my
23 office and get it.

24 MR. WEINBERG: Overall or on particular days?

25 MR. MILLER: No, no. I don't care on which

1 particular day. What's the average --

2 MR. WOOLNOUGH: 367. I'm sorry. I brought it
3 with me.

4 MR. MILLER: Pardon?

5 MR. WOOLNOUGH: 367.

6 MR. MILLER: 367 people?

7 MR. WOOLNOUGH: Yeah.

8 MR. REYNOLDS: Mr. Chairman?

9 MR. BURNETT: Yes.

10 MR. REYNOLDS: I keep trying to hone in on
11 what happens if we don't have an agreement. Do we
12 have a meet?

13 MR. BURNETT: I think until we assign days, I
14 don't know how they can have a meet, but the good
15 news and the bad news is that doesn't happen until
16 the fall. So we have the thoroughbred meet to get
17 through and all the rest before they actually have
18 to come to it.

19 Now, every day that goes by that they would
20 otherwise be publishing the meet and recruiting
21 horsemen and doing all the things necessary in
22 preparation is delayed by virtue of a decision not
23 being made doesn't help.

24 And just to be clear, if it's the consensus of
25 this Commission that we need to wait another month

1 and let these folks knock heads for about a month,
2 that's fine. It just would be nice if we could
3 close this chapter on this meet and this year, but I
4 don't think it's life and death if we go 30 more
5 days. We have a wonderful history of turning 30
6 into 90 into 120. I would like to avoid all of that
7 if we can.

8 MR. MILLER: When -- Mr. Chairman?

9 When do you have to -- what's the deadline for
10 going out and contracting for the horses for the
11 standardbred meet?

12 MR. WOOLNOUGH: The advertising should have
13 gone out this month. Our stake program, our early
14 closers, we call that the Virginia-breds should have
15 gone in all the trade magazines this month.

16 MR. MILLER: It appears to me, Mr. Chairman,
17 we ought to do something today.

18 MR. SIEGEL: We can rule on the six items
19 today and let the rest go 30 more days if we have
20 to.

21 MR. BURNETT: Is the harness horsemen's
22 contract silent as to days for this year?

23 MR. STEWART: I believe it is.

24 MR. WEINBERG: Yes.

25 MR. MILLER: What was that question?

1 MR. BURNETT: Is the harness horsemen's
2 contract with the track silent as to days this year?
3 Both sides would agree we're not going to get any
4 assistance from reviewing the contract itself
5 between the horsemen and the track.

6 MR. STEWART: I don't think so.

7 MR. WOOLNOUGH: No.

8 MR. BURNETT: Well, I suggested what the
9 Commission would like to do in terms of putting this
10 to bed and I made a suggestion, which so far has
11 gone nowhere. What is the sentiment of the parties
12 in terms of what -- how you would have us go
13 forward?

14 MR. STEWART: Colonial Downs is happy to
15 support your suggestion. If the harness association
16 is willing to pay us the \$2,700, we would open the
17 grandstand. I have no problem with that.

18 MR. PETRAMALO: And run on Breeders Cup Day?

19 MR. STEWART: Right. Run on Breeders Cup Day
20 and open the barn area on the day Mr. Woolnough and
21 I agree.

22 MR. WEINBERG: September 10th.

23 MR. WOOLNOUGH: Well, that was -- the opening
24 of the barn area is on the tenth is what we talked
25 about. That was all part of running -- we've gone

1 back and re-visited that twice.

2 MR. BURNETT: I understand that. I understand
3 that you might be feeling leveraged and they might
4 as well. The question is are we going to get this
5 done or are you going to have the Commission enter
6 some order that might be unhappy for everybody or
7 delay it and let y'all keep talking for another
8 month at the detriment to the program?

9 MR. WOOLNOUGH: Well, I think -- again, we
10 have enough legal people here to answer those
11 questions, but I think the racing issues are already
12 answered. The only issue that remains there. I
13 don't know if it's in your jurisdiction whether
14 you're indoors or outdoors over there. I think that
15 can be worked out between the two parties. It
16 doesn't affect the days that we race or the times we
17 race. We agreed to that.

18 MR. BURNETT: The way I read this reg that I
19 have in front of me is, it says the horse racing
20 facility where the racing days will be conducted.
21 To me --

22 MR. WOOLNOUGH: Which is Colonial Downs.

23 MR. BURNETT: Correct. I don't think there
24 would be much disagreement, but that doesn't cover
25 what part of the facility is open, whether they've

1 got a Coke machine or don't have a Coke machine,
2 whether there's beer and not beer and all this. We
3 could get involved in all of the plenary power and
4 the rest, but it would be nice if we could have the
5 parties come to an agreement. That's just a better
6 way to do it in my view.

7 MR. BROWN: Mr. Chairman?

8 MR. BURNETT: Yes, sir.

9 MR. BROWN: Mr. Stewart, as far as the six
10 days that they're giving up, they're giving up three
11 in the front and they're giving up three in the
12 back, what kind of money is that saving you?

13 MR. STEWART: Well, as we know, the three on
14 the back really don't mean anything because they all
15 pack up and leave as fast as they possibly can. The
16 three on the front would compensate us for the
17 additional time between -- the additional training
18 days. That's a swap. So I'm agreeable to that.

19 Our plan in closing the grandstand, which, as
20 I said, I believe was fully disclosed, would save us
21 a bunch of money. I'm willing to -- in the interest
22 of compromising, I'm willing to settle for \$2,700,
23 which I think is probably about 15 cents on the
24 dollar, but I'm doing my best.

25 MR. BROWN: Mr. Chairman?

1 MR. BURNETT: Yes.

2 MR. BROWN: What I would suggest -- and this
3 is just my thought at this point. You may have some
4 variations. If we -- if it's agreeable with Ian,
5 Ian Stewart and Mr. Woolnough, let's go ahead and
6 put the days down as far as the way we want to do
7 it, and let's see if we can get this negotiated out
8 as far as the grandstand goes.

9 MR. BURNETT: It would certainly be nice if
10 that could happen.

11 MR. BROWN: I think we have to get together
12 and work this out.

13 MR. WOOLNOUGH: I agree.

14 MR. BROWN: Is that okay with you,
15 Mr. Stewart?

16 MR. STEWART: Sure.

17 MR. SIEGEL: Is there anything else that you
18 feel you -- that you're willing to do beyond what
19 you said? If there is and we can put it on the
20 table now, we can deal with it. Otherwise, I would
21 suggest that Mr. Brown's suggestion is a good one.

22 MR. STEWART: If the harness horse association
23 is still willing to give up the three days on the
24 front end and three days on the back end, then I'm
25 agreeable to -- we'll negotiate out the grandstand

1 solution. I'm agreeable to that.

2 MR. BROWN: All right.

3 MR. WOOLNOUGH: We are in agreement with that.

4 MR. BROWN: Pardon?

5 MR. WOOLNOUGH: We are in agreement with that
6 also.

7 MR. BURNETT: I guess the one piece that I'd
8 throw in here that's been mentioned, but no one is
9 particularly jumping at, it seems to me that the
10 biggest prize in all of this is maybe to get the
11 VHHA to be a working partner on this, whether it be
12 Finn McCools or whether it be ADW activity, because
13 it has long-term ramifications. It gets everybody
14 on board.

15 It's a different population and demographic
16 that bets the races, and whether it's a 10 percent,
17 90 percent split between the thoroughbred and the
18 standardbred horsemen, I don't think the amount
19 matters so much as -- and it can be done by handle
20 or it can be done some other way if y'all agree on
21 it, but I just think that's a big deal to have
22 everybody on the same page.

23 It strikes me that -- and I don't want to
24 speak for the racetrack, but if I'm sitting in the
25 racetrack's shoes, I would guess that they would be

1 very quick to give up that \$2,700 that seems to be
2 the sticking point if they had some great sense of
3 confidence that the VHHA was going to get serious
4 about joining in on this EZ Horseplay agreement.

5 MR. WOOLNOUGH: Again, Mr. Chairman, as I
6 pointed out earlier, I was gone all winter in
7 Florida, so I wasn't involved in those conversations
8 before that. Since coming back, I've talked to a
9 lot of the board members of the VHHA and the vice
10 president right here. We've gone through a lot of
11 trouble to convince people let's take a serious look
12 at EZ Horseplay. You discounted it very quickly,
13 but you don't know enough about it.

14 I talked to Mr. Stewart. There is a committee
15 being formed right now of the VHHA to sit down with
16 EZ Horseplay and just go through the whole -- you
17 had a track record on there also. That is a good
18 selling point. Just take a look it, look at its
19 projections, look at its cost, look at the expenses,
20 whatever, we're willing to do that -- more than
21 willing to do that.

22 MR. BURNETT: All right.

23 MR. WOOLNOUGH: I'm not saying I don't know
24 what the answer is going to be when they've all seen
25 it.

1 MR. BURNETT: We've got someone here that's
2 very experienced in mediation of late. He'll --

3 MR. WOOLNOUGH: Frank and I had a long
4 conversation yesterday.

5 MR. BURNETT: He'll tell me whether I'm
6 screwing up or not here, but let me suggest a side
7 agreement that might make this thing go away today.
8 How about y'all agree that if you give up the \$2,700
9 on Breeders Day and they open the grandstand and all
10 that, if you're on board with the EZ Horseplay
11 agreement by the end of the year, if that's a
12 reasonable amount of time for you guys to talk it
13 out and get it figured all out, if you enter into
14 that partnership, they'll refund you the \$2,700?

15 MR. STEWART: Sure.

16 MR. BURNETT: That's a side agreement. All
17 you've got to do is just shake hands on that one.
18 You said it in front of all of us. We don't have
19 the power to push you into it. We'll just put that
20 out there.

21 MR. WOOLNOUGH: You can also say it the other
22 way. By the end of the year and we don't, then
23 we'll give you the \$2,700, sitting on it for that
24 length of time. What people don't understand --

25 MR. BURNETT: Will you give him that last one,

1 Mr. Racetrack?

2 MR. WOOLNOUGH: We're already putting up over
3 200,000 into the accounts. We're sponsoring the
4 Patriot's and we're putting up the money for the
5 Breeders Fund, putting up money to keep the purse
6 accounts at 50 a day.

7 MR. BURNETT: We're down to this little tiny
8 end.

9 MR. WOOLNOUGH: I know. I know. I think
10 Mr. Stewart is looking at it the same way probably
11 that I am. It's called principle.

12 MR. BURNETT: We're looking at it as what's
13 best for racing --

14 MR. WOOLNOUGH: Yeah. And I do, too.

15 MR. BURNETT: -- and moving things forward.
16 We'd like to see the grandstand filled with people
17 and racing on Breeders Cup Day. I think we'd like
18 to -- I don't want to see anything negative about
19 old folks not being able to get into the air
20 conditioning and the area they want to be in the
21 grandstand.

22 MR. WOOLNOUGH: And this is our main concern
23 because out there, Mr. Chairman, those are our fans.

24 MR. BURNETT: We would like to see you engaged
25 in the ADW side of life there as well.

1 MR. WOOLNOUGH: If it makes sense, then they
2 will be. No one is going to turn down any good
3 opportunities or good money. Maybe it wasn't
4 explained right. I don't know. I wasn't there. If
5 it's a good program, they put it out there, it makes
6 sense, then sure they're going to join you.

7 MS. SMITH: Excuse me. I was there.
8 Dr. Dunavant and I were taken over and shown the
9 trailer that Darrell mentioned earlier. We saw the
10 kiosk. It was not operational at the time that we
11 saw it, however. That made the experience a little
12 difficult, frankly. It's tough to visualize
13 especially for people who may not be up to snuff
14 with ADW satellite wagering.

15 However, we came back and we entered into
16 discussions with the board, which has only met the
17 one time since that happened, by the way. At that
18 point, there was a lot of discussion about it. We
19 had a meeting Sunday, at which time there was a
20 committee formed to go pursue details of that.
21 Mr. Petramalo was here, as a matter of fact, he
22 helped us by supplying us with some information to
23 look at so people could actually see the machines
24 and what they look like and so forth. So I don't
25 think in any way that this is a neglected issue or a

1 denied issue.

2 Just for the record, I don't understand what
3 help we were asked for on Finn McCools. I was not
4 aware of any help that we were asked for. Maybe
5 that -- again, maybe that's a conversation I was not
6 involved in.

7 MR. BROWN: I think they need to talk about
8 it.

9 MR. BURNETT: Am I making any progress here
10 anybody?

11 MR. PETRAMALO: Oh, yeah. I think we're
12 almost to a deal. Let me see if I summarize it.

13 MR. BURNETT: Our mediator is going to close
14 it. Here it comes. We're counting on you, Frank.

15 MR. PETRAMALO: Our mediator, by the way, was
16 \$1,000 an hour. Believe it or don't. It wasn't me.

17 MR. SIEGEL: That's a minute and a half worth.

18 MR. PETRAMALO: In all seriousness, it seems
19 that on the major issue, there's an agreement. The
20 harness association is willing to do the three and
21 three day give up; Colonial is willing to keep the
22 grandstand open -- excuse me, not keep the
23 grandstand open, run on Breeders Day. So the only
24 issue is the grandstand and what you suggest is why
25 don't you folks talk about it and, in addition,

1 broaden the discussion to talk about Finn McCools
2 and EZ Horseplay.

3 Let me suggest kind of an amendment to that.
4 It might be helpful if the discussions -- at least
5 to the extent we're talking about Finn McCools and
6 EZ Horseplay and the western SWFs, that we have
7 three parties involved, our horsemen's committee,
8 their horsemen, and the track, because we've been
9 through this all before, and I think maybe we can
10 help both sides understand the perspective of the
11 harness association.

12 I did talk briefly with some of the board
13 members and Iain on Sunday only because I was
14 unpacking my boxes, and they were clearly
15 interested. They weren't saying, you know, bologna.
16 This is crazy stuff. They were interested, but it
17 was also clear that they weren't as steeped in the
18 history of all this as we were on the thoroughbred
19 side.

20 MR. SIEGEL: I thought you were going to
21 mediate this.

22 MR. BURNETT: Yeah.

23 MR. PETRAMALO: Well, it seems to me you've
24 got a solution here. On the main issue of days,
25 dates, and whether or not it's going to be on

1 Breeders Cup, that's been solved. The only issue
2 now is --

3 MR. BURNETT: We'd like to go away from here
4 knowing whether or not we're going to tell them the
5 grandstand is open.

6 MR. SIEGEL: We're close enough to do that.
7 It's a question of when the 2,700 is paid I think is
8 where you are.

9 MR. WOOLNOUGH: That's it. If we don't, at
10 the end of the year, then we'll give them the
11 \$2,700.

12 MR. WEINBERG: I'd like to set the context a
13 little bigger than that.

14 MR. BURNETT: All right.

15 MR. WEINBERG: From Colonial Downs'
16 perspective, one, when we began this discussion, I
17 think we confided in you, we lost \$19,000 a day last
18 year to run the standardbred meet. We were awarded
19 seven more days than we requested. That's roughly
20 \$133,000. I mean, we're down to talking about
21 2,700.

22 Closing the grandstand was a premise from day
23 one of starting the negotiations for race days.
24 That's an \$80,000 issue. We're saying it's \$2,500,
25 but I suspect that Mr. Stewart added all that up.

1 So, you know, we've already moved a couple hundred
2 thousand dollars off of where ideally we wanted to
3 save. To suggest that this is -- we're fighting
4 over \$2,500, what we're fighting candidly is a lot
5 of frustration in that there are bigger issues.
6 We've articulated them, as you articulated them,
7 Mr. Chairman, and what you see today is
8 Mr. Stewart's frustration, you know, I give up. I
9 feel like I'm punching a marshmallow. Someone sit
10 down, negotiate with me. If you want to talk about
11 the grandstand, sure, but let's talk about the other
12 bigger elephants in the room.

13 So my request to you is award the days, the
14 times, the dates. Let us negotiate the dollars and
15 maybe we can bring some conclusion today.

16 MR. SIEGEL: Next month, you mean?

17 MR. BURNETT: I feel like we're at that very
18 darkest moment right before dawn and, you know, I'd
19 like to just push us into a little bit of sunrise
20 here. The reason being is because I'd like to
21 finish that issue on the grandstand. It bothers me
22 to think that people are coming here and finding
23 that grandstand locked in any form on the ground
24 floor. So, you know, if we can't get there, we
25 can't get there.

1 While the bigger issues were there in the
2 beginning, we're down to as so often occurs in a
3 settlement to those last couple of dollars and now
4 it's a matter of which way the money is going to
5 flow six months from now. That strikes me as too
6 small for anybody at this table to let it hang
7 things up. I guess maybe I'd ask our mediator
8 whether he can think about a way we can split the
9 difference on that. Make it 1,350 upfront now and
10 1,350 at the end of the year. Can we have that
11 children, please? Yes? No? You guys go work it
12 out, okay?

13 MR. WOOLNOUGH: We can work it out.

14 MR. BURNETT: May I have a motion?

15 MR. BROWN: Do we have to go over all these?

16 MR. BURNETT: No. You may have to correct me
17 if I'm wrong.

18 I move that we award 28 racing days that will
19 begin on Friday, September 27th through Saturday --
20 I'm sorry, September 17th through Saturday,
21 November 6th, running four days a week, Saturday,
22 Sunday, Tuesday, and Wednesday with racing on
23 Tuesday and Wednesday beginning -- I'm sorry,
24 Tuesday, Wednesday, and Sunday beginning at one
25 o'clock in the afternoon and Saturday racing at

1 6:00 p.m.

2 MR. STEWART: Five.

3 MR. BURNETT: The request that I'm reading
4 says six, but five is fine.

5 Do I need to put in the days that the track is
6 going to be open or closed? Can somebody help me
7 with those dates for training, beginning and end?

8 MR. WEINBERG: Open September 10th.

9 MR. BURNETT: The track will open on September
10 10th for training and close --

11 MR. STEWART: Close for training after
12 November 6th.

13 MR. WOOLNOUGH: After the 6th.

14 MR. BURNETT: After November 6th. And with
15 the premises to be vacated by the horsemen how many
16 days thereafter?

17 MR. WOOLNOUGH: Seven days afterward.

18 MR. BURNETT: Seven days thereafter. What am
19 I leaving out, folks?

20 I think that's my motion, is it not? I
21 covered the dark days. It's going to be
22 standardbred racing. It's going to be held at
23 Colonial Downs. I think I've covered what's in the
24 reg.

25 MR. BROWN: I'll second it.

1 MR. BURNETT: It's been seconded by Mr. Brown.
2 All in favor indicate by saying aye.

3 Note: (Aye.)

4 MR. BURNETT: Dates are awarded. We would
5 like a report next meeting that everybody has got
6 this figured out, and because I said six months or
7 so for figuring out the ADW, please don't use that
8 full amount of time. I think -- just say this.
9 This is the direction we're going. The Commission
10 is looking at ADW and ways that we can support it
11 and ways that the Commission can continue to
12 function in a highly ADWized environment, and sticks
13 and bricks are not going to have a place in my
14 opinion.

15 We all need to figure out how to take maximum
16 advantage of ADW in Virginia if we're going to
17 survive. It doesn't matter if you're a thoroughbred
18 horsemen or a standardbred horsemen, we've got to
19 stick together and we need to invest together and we
20 need to find a way to make it work together because
21 it's going to be hard enough with all of this
22 together. Separate, we don't have a chance. With
23 that, we'll move on to the next subject. Thank you
24 for this computer.

25 Standardbred management contract, that's under

1 your Tab 4, gentlemen. This is a continuation of
2 the contract or the same amount that goes back many,
3 many years; is that right?

4 MR. WOOLNOUGH: That's correct.

5 MR. BURNETT: Do we have a motion on the
6 continuation of that contract?

7 MR. BROWN: Motion to approve.

8 MR. BURNETT: The chair seconds. All in favor
9 indicate by saying aye.

10 Note: (Aye.)

11 MR. BURNETT: The last item that we have under
12 stakeholders is the approval of a benevolence fund,
13 which as I understand it from what was provided to
14 us is essentially \$27,000 to the harness horsemen
15 108 to the thoroughbred horsemen with some
16 overlapping uses of those funds.

17 Let me stop for a second and just say because
18 it's the subject of this money. As I often do when
19 I come in in the morning during a race meet, I drove
20 through the backstretch. I saw the paper signs on
21 the dormitory doors. I stopped to look to see how
22 my air conditioners are doing. There was one that's
23 kind of hanging a little sideways and tried the
24 door, and the door was open.

25 I pushed the door open. I was first

1 overwhelmed with the smell of stale cigarette smoke,
2 and I didn't think there was any smoking allowed in
3 the dorms so that made me wonder how much
4 enforcement we're seeing there. And then -- I know
5 you can't do much with a cinder block cell, but the
6 floor was pretty dirty, the bed and the
7 mattresses -- two beds and two mattresses were up
8 against the wall out of the way. Maybe they haven't
9 been swept out yet, but they need to be swept out
10 and better yet if you could get a coat of paint on
11 the floors, that would help. It was pretty ragged
12 looking even for one of those rooms. So I think if
13 it could freshened, it would be nice.

14 Anybody have any questions or does anybody
15 want to present anything on this benevolence budget?
16 This seems like it has been well worked out since
17 our last meeting.

18 MR. WOOLNOUGH: The only thing I just wanted
19 to bring up was when Frank mentioned on the
20 recreational equipment and I pointed out that we
21 hadn't been on the backside of the standardbred
22 meet, because the volleyballs, basketballs, or
23 soccer balls don't really fit with our staff, and
24 he's worked that out.

25 MR. PETRAMALO: Let me say this. I am over

1 60, I can still hit a softball.

2 MR. WOOLNOUGH: It was something I hadn't
3 seen.

4 MS. BROWN: Croquet ball.

5 MR. BURNETT: Any questions, gentlemen?
6 Do we have a motion?

7 MR. BROWN: I move that we approve.

8 MR. REYNOLDS: Second.

9 MR. BURNETT: It's been seconded by
10 Mr. Reynolds. All in favor -- any discussion, any
11 further discussion?

12 All in favor of a 135,000 benevolence budget
13 as described indicate by saying aye.

14 Note: (Aye.)

15 MR. BURNETT: Motion carries unanimously.
16 Move to public participation, does any member of the
17 public wish to address the Commission?

18 MS. SMITH: I would.

19 MR. BURNETT: Please, Ms. Smith.

20 MS. SMITH: I would like just like to say that
21 on behalf of the standardbred horsemen, we are
22 excited for the thoroughbred's meet. We hope you
23 have a wonderful meet with lots of attendance, and
24 you make great gobs of money. Good luck and best to
25 you all.

1 MR. PETRAMALO: Thank you.

2 MR. BURNETT: All those things will happen.

3 MS. SMITH: Absolutely.

4 MR. BURNETT: Anybody else like to address the
5 Commission?

6 Seeing none, we'll set our next meeting.
7 June 22nd; is that acceptable?

8 MR. SIEGEL: I may need to be absent. Unless
9 someone else does, I think you should go forward.

10 MR. MILLER: I'll be out of the country
11 June 22nd.

12 MR. BURNETT: Do you have an alternative date
13 you'd like to join us or should we forge on without
14 you? What's your preference?

15 MR. MILLER: Stuart, are you going to be
16 absent, too?

17 MR. SIEGEL: Yeah. I'm afraid I'll need to
18 be.

19 MR. HARRISON: There's actually a fifth
20 Tuesday next month. We could do it the following
21 Tuesday.

22 MR. BURNETT: I'll guarantee you I'll be in a
23 much cooler climate on June 29th.

24 MR. MILLER: How about the 15th?

25 MR. HARRISON: When is the Turf Cup?

1 MR. PETRAMALO: Nineteenth.

2 MR. HARRISON: Would you consider meeting
3 during that week and run up to that?

4 MR. PETRAMALO: That's fine with us.

5 MR. SIEGEL: What date?

6 MR. HARRISON: That's three weeks from today?

7 MR. SIEGEL: Tuesday, June 15th, is that what
8 you're saying?

9 MR. BURNETT: Yeah. We changed the date. If
10 we're going to go to that week, we can do it that
11 Wednesday.

12 MR. MILLER: Fine with me.

13 MR. BURNETT: That will be Wednesday, the
14 16th. That will be great if you can do that.

15 All right. Thank you all. I don't think
16 there's any need for a closed meeting.

17 Mr. Brown moves for adjournment, the chair
18 seconds.

19 MR. BROWN: That will work.

20 MR. BURNETT: All in favor.

21 Note: (Aye.)

22 MR. BURNETT: Thank you all.

23 Note: The proceedings concluded at 11:08 a.m.

24

25

CERTIFICATE

VIRGINIA:

COUNTY OF NEW KENT:

I, MELISSA H. CUSTIS, RPR, hereby certify that I was the Court Reporter for the Virginia Racing Commission meeting on May 25th, 2010, New Kent, Virginia, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the meeting and other incidents of the hearing herein.

Given under my hand this 9th day of June, 2010.

Melissa H. Custis, RPR

Notary Public for the State of Virginia at Large

My Commission expires:

March 31, 2011