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VIRGINIA RACING COMMISSION

September 16th, 2009

10700 Horsemen's Road

New Kent, VA 23124

Commencing at 9:30 a.m.

COMMISSION MEMBERS:

Peter C. Burnett, Chairman

Mark T. Brown

David C. Reynolds

William H. (Trip) Ferguson

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

Frank S. Ferguson

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1 SEPTEMBER 16, 2009

2 MR. BURNETT: Good morning. We're short one
3 commissioner this morning, but we'll start here at
4 9:30. We're short Frank Petramalo, and we're short
5 Ian. It looks like Jim made it back last night,
6 getting back from Colorado. Hope you're not too jet
7 lagged.

8 MR. WEINBERG: I'm fine. Thank you.

9 MR. BURNETT: The first order of business is
10 the approval of the minutes of our August 19th
11 meeting. They're under Tab 1. I hope everybody has
12 had a chance to review them. I would ask for any
13 corrections, changes, typos? Any observations?

14 MR. BROWN: Should I excuse myself since I
15 wasn't here last month?

16 MR. BURNETT: We can just let you abstain from
17 the vote.

18 MR. FERGUSON: I move we approve the minutes.

19 MR. BURNETT: The chair seconds that motion.
20 All in favor indicate by saying aye.

21 NOTE: The motion is made by Commissioner
22 Ferguson and seconded by Commissioner Burnett. All
23 were in favor. The motion carries.

24 MR. BURNETT: Mr. Brown abstains having not
25 been at the meeting; is that fair?

1 MR. BROWN: That's fair.

2 MR. BURNETT: Gentlemen, we think we have a
3 chance at a meeting record of brevity. We're going
4 to dispense with the commissioners comments and move
5 right to committee reports. Executive secretary's
6 report. Mr. Harrison?

7 MR. HARRISON: Okay. I don't have a whole lot
8 today, but the steward's report was produced by
9 Senior Commonwealth's Steward Jean Chalk, and I
10 don't know if you want me to run through it, but it
11 pretty much mirrors what we heard last month from
12 Ian as far as -- Ian Stewart as far as stats on the
13 meet.

14 I can hit some of the highlights. It was
15 considered a fairly successful meet. Some of this
16 was due to the very nice weather that we had, cooler
17 than usual, and there were full fields. The turf
18 races averaged nine -- almost nine and a half
19 starters per race, and that was up from 8.18 last
20 year.

21 The dirt races averaged seven and a half
22 starters per race and combined that's almost nine
23 horses per race, 8.93 per race. Fifty races were
24 moved from the turf to the dirt due to the rain.

25 Total purses were \$6,361,479, which included

1 438,000 in Virginia-bred bonus, 100% bonus went to
2 the winners.

3 There were a total of 55 stewards' rulings.
4 Most notably was the Teresa Connelly incident.

5 As far as Breathalyzer testing, 89 were done.
6 This year it was done on a random basis, and it
7 proved to be a nice kind of policing factor. They
8 didn't really know when the tests were coming, and
9 so everybody came in compliant.

10 There were two on-track accidents. The handle
11 for the meet, thoroughbred meet was \$31 million,
12 which consisted of five million -- a little over
13 5,100,000 wagered at the racetrack, about a million
14 at the OTBs or SWFs, and 25,100,000 at the
15 out-of-state locations.

16 And unless Jean has anything else to add,
17 that's just kind of a thumbnail sketch of what he
18 presented.

19 MR. BURNETT: The one comment I'd like to make
20 is how impressed I am by the nine -- a total of nine
21 drug positives. And when you break those down for
22 what they really were, I think half of them were
23 Lasix and -- I mean, it really -- the one that would
24 give anybody concern was, you know, essentially an
25 innocent circumstance with the situation with the

1 stall and the prior horse and the vet and
2 everything. You know, that's the kind of thing that
3 I wish we could find way to get out to the public.
4 If you use the number of races times the number of
5 average starters, I mean that's roughly 3,500, 3,600
6 individual starts, and you got nine innocuous
7 positives. I just have to say that the public was
8 extremely well protected and should have enormous
9 trust in what's going on with these animals on the
10 racetrack in terms of everything being fair and
11 square.

12 From the perspective of staff, jockeys, and
13 others, when you have 100% compliance with
14 Breathalyzer, you know, it's hard to say that we got
15 any kind of alcohol problem. I'm not suggesting we
16 don't keep up with testing, but I mean, it would
17 probably be acceptable to have a few positives or a
18 few people that had some problems. Certainly, we
19 know the percentages in society generally and any
20 industry that can hit 100% compliance is doing very,
21 very well.

22 So I just congratulate everybody on a very
23 successful meet in that regard. Hopefully, we can
24 keep that kind of record going and let the public
25 know about it.

1 MR. HARRISON: Peter, what we could do is we
2 can kind of explode that in the annual report, which
3 we issue every year. That's the least we could do
4 on our end.

5 MR. BURNETT: I know this probably isn't
6 politicking. I made the comment before, so I'll
7 just repeat it. I don't think that the General
8 Assembly would do as well on the Breathalyzer as we
9 have. They might read that with interest, let me
10 put it that way, when you explode it.

11 MR. HARRISON: If I could take just a minute
12 with respect to that. The incident that we had to
13 disqualify a horse, because in his stall prior to
14 the race he was nibbling on some wood which had been
15 contaminated when a prior horse had to get some kind
16 of novocaine-like injection, and that contaminated
17 blood fell onto the floor. The horse ended up
18 nibbling on that and his thresholds and the test
19 came back positive because of that, and he had to be
20 disqualified.

21 So I'd like sometime before the next race meet
22 to sit down with the racetrack, maybe with Pat, and
23 try to put a notification on any stall where medical
24 work has been done. Just put a sticker up there,
25 some sign that a horse -- a trainer bringing in an

1 incoming horse can be forewarned that there may be
2 some contamination in there. Just come up with some
3 kind of procedure that will prevent this kind of
4 instance in the future because, you know, the
5 fellow -- the horse owner was notably upset, and
6 that's understandable, but his horse tested positive
7 and was over the threshold amounts and had to be
8 disqualified. It's just no two ways around it. So
9 some kind of a warning system would be --

10 MR. BURNETT: I thought maybe we could talk
11 about that a little bit when we get to Dr. Harden's
12 report as well, because there are some other issues
13 involved with ship-ins and where horses are. It
14 seems to be a persistent problem, and maybe we can
15 talk about that a little bit when we get to that.

16 I'm sorry.

17 MS. RICHARDS: I was just going to say that
18 I'd be glad to give you a CD of our seminar we had
19 at a HBPA convention. They did studies at Louisiana
20 Downs, and basically came up with positives on walls
21 of anywhere in the receiving barn. So contamination
22 is -- it's a really big issue.

23 MR. BURNETT: I mean --

24 MS. RICHARDS: And that was for Banamine. It
25 was for -- I mean, a horse can actually contaminate

1 himself just being in that stall with urine and
2 things on the wall.

3 MR. BURNETT: The advancement of science and
4 the levels at which we can test now running head-on
5 into zero tolerance, zero takes on new meaning when
6 you can test at levels that we now can. I think
7 that's going to have to be addressed in some
8 fashion. I'm not sure we would want Louisiana
9 leading the way, but --

10 MS. RICHARDS: Well, maybe not.

11 MR. BURNETT: -- Virginia could. We can think
12 about how we can accomplish that, but thank you.
13 From looking at that CD, I'm sure that what you say
14 is so given the level of testing that we can now do.

15 All right. Any further comment on -- with
16 respect to the steward's report?

17 MR. CHALK: One thing I might say is we had
18 more rider infractions this year than normal than
19 we've had in other years, and 17 was a lot more than
20 we had in the past. We told the riders before the
21 meet was over, three days didn't seem to be getting
22 their attention. So if they come back here next
23 year, they can figure it'll be five. We're taking
24 steps to correct that because it's just
25 carelessness, not doing what they're supposed to do.

1 MR. BURNETT: That was my question. It's not
2 a matter of having more apprentices who are less
3 experienced. It's riders not paying -- who are
4 plenty experienced and not paying attention.

5 MR. CHALK: Got their head down riding not
6 knowing where they're at, you know. So we're going
7 to try to pick it up for them.

8 MR. BURNETT: You're going to help them a
9 little bit.

10 MR. CHALK: Teach them what the reins are for.

11 MR. BURNETT: Good.

12 All right. Anything further on that report?
13 Next?

14 MR. HARRISON: Dr. Harden produced another
15 very comprehensive report on the race meet. He made
16 several salient comments about the ship-ins and
17 receiving barns. So you might want to speak to that
18 yourself, Doctor.

19 DR. HARDEN: First, I apologize to Colonial
20 Downs because overall I thought we had a really good
21 meet and a lot of things were done very well.
22 Unfortunately, we talk about the things that go
23 wrong. And so anyway, I guess that's the way things
24 work.

25 MR. BURNETT: Well, wait a minute now. We

1 just said some very nice things about the meet and
2 how well it went, and we'll find some positive
3 things in your report. That's not a problem.

4 DR. HARDEN: But basically we have and have
5 had a continuing problem with ship-in horses from
6 day one. It wasn't quite so critical last year
7 because nobody could afford the gas to bring a horse
8 here. So the number of ship-ins were lower last
9 year, but this year, you know, they're returning
10 back and that's good. Ship-ins help fill our
11 fields, and we're glad to have them, but the
12 stabling issue for ship-in horses is a concern.

13 The receiving barn is half full of outriders'
14 ponies and they use it for some overflow stabling
15 here and there, and so that only leaves a few horses
16 for -- a few stalls for ship-ins to stay in.
17 Sometimes there is an adequate number of stalls, but
18 if you have that receiving barn filled with 100%
19 capacity, it's such a ruckus in there that it's just
20 not a good environment for a race horse coming here
21 to race. You know, you like your horse to kind of
22 unwind for a few minutes before racing, and when you
23 got a hundred horses and two hundred people milling
24 around in there, it's just not the best environment.

25 So a lot of trainers will come in and say,

1 "Well, I'm not going to put my horse in the
2 receiving barn," and they'll squat in the back barns
3 with or without the permission of the stable
4 superintendent. So we have a hard time finding
5 these horses to examine them pre-race. The Lasix
6 vets sometimes have a hard time finding them for
7 Lasix, and then we also had the issue of this
8 particular stall that was contaminated that was a
9 ship-in in the stakes barn.

10 So I would -- I think we need to help Colonial
11 Downs find a way to tighten their controls on the
12 ship ins and tighten their controls on cleaning the
13 stalls, turning the stalls over from day to day to a
14 new horse and so forth.

15 MR. BURNETT: Doctor --

16 MR. FERGUSON: I have a question.

17 MR. BURNETT: Go ahead.

18 MR. FERGUSON: How does a horse get
19 contaminated? I mean, other than -- when you clean
20 the stalls out, you say the -- some of the
21 contaminants are on the walls itself?

22 MR. BURNETT: Sure.

23 MR. FERGUSON: How do they get on the wall?

24 MR. BROWN: Blowing their nose.

25 MR. FERGUSON: Blowing their nose, just

1 excretion?

2 DR. HARDEN: Basically, any drug you give a
3 horse depending on the drug can be excreted in any
4 of the body fluids, and they can get on the wall
5 through the nose or occasionally --

6 MR. BURNETT: And the stall floor or airborne.

7 MR. FERGUSON: Urine and stuff like that?

8 MR. BURNETT: Sure.

9 DR. HARDEN: A horse can urinate, and it can
10 get in the straw on the floor.

11 MR. FERGUSON: And then the following horse
12 chews on the wood or something like that?

13 DR. HARDEN: The next horse coming in will
14 nibble on the straw. The straw has just been
15 urinated on. Theoretically, the stalls are emptied
16 out --

17 MR. FERGUSON: Stripped.

18 DR. HARDEN: -- and replaced with or re-bedded
19 with new straw. That doesn't always happen. When
20 you got -- I don't know the number of people
21 involved, but you got two or three people to clean
22 60 stalls overnight, have them ready the next
23 morning. A lot of times they'll go in and pick up
24 the obvious piles and throw some fresh straw on top,
25 and this was exactly what happened in that

1 contaminated situation.

2 MR. FERGUSON: So they're not stripped
3 completely before the new horse comes in?

4 DR. HARDEN: They're not stripped.

5 MR. BURNETT: Honest and truly, you can't
6 completely strip a stall. If a horse has urinated
7 in a stall, you're not going to take that moisture
8 out of the floor of the stall.

9 MR. FERGUSON: Right.

10 MR. BURNETT: It's going to stay there.

11 DR. HARDEN: And not to scare you further, but
12 you can take a sample of water from New York City,
13 and it would possibly be suspicious through our
14 testing program because there's so much human drug
15 residue in the environment there, it's actually got
16 to where it's contaminated the drinking water in New
17 York City and probably in many other cities as well.
18 New York happened to be the one that was tested in
19 this report that I read.

20 So it is scary. You get into a situation that
21 our labs can detect drugs down to a very minute
22 levels. I don't know if y'all remember that graph I
23 showed a few months ago that had 21 zeros on it as
24 to how many drug molecules were in a single dose of
25 Butazolidin.

1 We have established with our laboratory some
2 cutoffs that, look, we don't want you looking any
3 lower than this because the number is so
4 ridiculously low that it's wasting your resources,
5 and then if you find something, it's wasting our
6 time and energy and harassing horsemen over
7 something that's non-meaningful.

8 MR. BURNETT: That's what I characterize as
9 changing the definition of zero, which I think is --
10 has a purpose in our case. Instead of saying zero
11 or nothing, you know, when people talk about zero,
12 they mean an amount that makes no difference.

13 DR. HARDEN: Yeah.

14 MR. BURNETT: I think that's -- we rely on you
15 and our good people in Iowa to come up with numbers
16 that make sense.

17 DR. HARDEN: Well, I think that for the most
18 part the numbers we're working with now are
19 meaningful, and in the case of the horse that the
20 Mepivacaine contaminated the stall, the level found
21 in that horse was above what could be considered a
22 minimum therapeutic dose. So it was at a level that
23 theoretically could have been significant. It
24 wasn't just a smidge.

25 MR. BURNETT: Going back to the stall issue, I

1 don't know that we're going to solve it today, but
2 it strikes we ought to agree to address it. I think
3 it's a combination -- it's really a tripartite
4 effort. We need the help of the vets. We need the
5 help of the stewards. We need the help of Colonial
6 Downs.

7 I wonder whether these -- you could get
8 temporary-type of stalls, stalls under tents that
9 they use at horse shows. Maybe for the ponies. I'm
10 not sure people would want to put race horses into
11 those lighter weight stalls. I think the ponies
12 would probably -- I think most of them would do fine
13 in there.

14 It strikes me that since we examine every
15 horse that comes in before it races and you need to
16 examine that horse, if they're given a stall and
17 they're not in the stall, scratch. I will tell you
18 if that horse -- somebody drives here and they get
19 scratched because they're not in the right stall,
20 either they're not coming back or next time they're
21 in the stall. One or the other.

22 I think the stewards have authority with a
23 snap of a finger to get compliance. It's just a
24 matter of whether you can still do your job and
25 whether it's havoc over there and all the rest. So

1 we ought to look at it, I think.

2 DR. HARDEN: Yeah. Well, we run into
3 situations then where you got a horse in the tenth
4 race and he shows up in the third race. He arrives
5 on the grounds, you know, when the third race is
6 going on. Our vets are on the track and in the test
7 barn. You know, we don't always know when he
8 arrives, and then where he arrives. We do manage to
9 track him down, but it utilizes a lot of resources
10 to do that, but worse than that is just knowing
11 where -- what stall they're supposed to be in.

12 MR. BURNETT: What I'm saying is that's a
13 logistics issue that could -- we were talking before
14 the meeting about tracking white sharks off of Cape
15 Cod and the sophistication they do that with, I
16 think we can find a way to figure out where people
17 are in stalls and report it. It should not be that
18 difficult. It's a matter of people wanting to do
19 it. I think the horsemen, many of them don't want
20 to be in that barn, and as long as there's no
21 penalty, they're going to keep doing it the way
22 they've been doing it, and they're not going to be
23 too bothered by inconveniencing you, unfortunately,
24 and your good staff.

25 To the extent that that's creating problems

1 for other horsemen and creating problems for you and
2 the smooth operation of a race day, I think we have
3 to balance that out and find a way to correct it.
4 We have some policemen called stewards that can
5 really get these folks attention.

6 MR. CHALK: If they bring their names up, we
7 can find them to start with.

8 MR. BURNETT: All right. Anything further on
9 the vet report?

10 MR. HARRISON: No, not unless Doc had
11 something else.

12 MR. BURNETT: I did notice one thing when I
13 was looking at this last night. There was a number
14 that jumped at me that -- oh, the fatalities on a
15 percentage basis were way down, off by 40% or so.

16 DR. HARDEN: Right.

17 MR. BURNETT: Is the sampling so small over
18 the years that it's just really hard to draw much
19 conclusion from that, or is there an industry
20 standard on that?

21 DR. HARDEN: There is an industry standard,
22 but for the past three years prior to this year, we
23 were way above industry standard. I personally
24 thought that -- it factually did coincide with us
25 raising the tolerance level for Butazolidin. We

1 raised it from two micrograms to five micrograms,
2 and our fatalities on the tracks statistically went
3 haywire. This year --

4 MR. BURNETT: Up?

5 DR. HARDEN: Up, yes.

6 This year we reduced the tolerance back to two
7 micrograms. Our number came down. This is not the
8 only possible factor involved, and so you can't say
9 absolutely that's the case. I do know of two other
10 jurisdictions that raised their level to five
11 micrograms to comply with the RMTTC model ruling.
12 They had the same situation. Their deaths went up
13 significantly with the five microgram level. Again,
14 that's anecdotal information, but I'm not -- I don't
15 disbelieve anecdotes always.

16 MR. BURNETT: Right. Just because it's
17 anecdotal doesn't mean it's not true.

18 DR. HARDEN: That's right.

19 So anyway, I think we're on the right track,
20 and hopefully it will improve even next year.

21 MR. BURNETT: Our morning scratches dropped
22 off dramatically and our stewards scratches
23 skyrocketed, is that because of the new entry
24 system?

25 DR. HARDEN: Yeah. I think that's probably

1 precisely why both of those numbers changed.

2 MR. BURNETT: And the scratch part of entry
3 would be similar, because we went from last year
4 scratching apart of an entry, 44, to this year
5 scratching part of an entry, 15. One-third. Is
6 that part and parcel of --

7 MR. CHALK: I don't think we had as many
8 entries in races as we had previous years.

9 MR. BURNETT: Because of the new change?

10 MR. CHALK: Right. Yes. And the change in
11 the rule about where you could put entries at.

12 MR. BURNETT: Okay. Thank you.

13 Any other questions?

14 MR. BROWN: It's very thorough.

15 MR. BURNETT: Very thorough. Nice to get this
16 report. I thank you for your hard effort in putting
17 the report together, Doctor.

18 All right. We'll move onto stakeholders,
19 Colonial Downs, Update for 2009 Harness Meet.
20 Mr. Weinberg?

21 MR. WEINBERG: Yes. I apologize. Mr. Andow I
22 think planned to be here, but I understand he is
23 engaged in a draw at the moment. So I will do the
24 best I can to fill in and welcome additional
25 comments from other members of Colonial Downs who

1 are here.

2 I think we're experiencing full fields, ten
3 horse fields. Last night our top driver from last
4 year returned. I think that is a welcome return to
5 the meet and improving driver's colony as a result
6 of that.

7 Sunday, you may have noticed was our mixed
8 bred where we did standardbred racing with a few
9 steeplechase, and even a flat thoroughbred race
10 thrown in. I understand that went fairly smoothly.
11 It did attract some attention in the *Thoroughbred*
12 *Times*. So we'll see how that progresses and what
13 type of buzz that creates.

14 Stakes races seem to be filling nicely, and I
15 think Mr. Andow is pleased with how those are coming
16 along. I'm happy to -- I think the marketing
17 efforts that Darrell described to you at the last
18 meeting are well underway and hope to see some
19 improvement in crowd attendance, but it's a
20 challenging time.

21 MR. BROWN: Jim, do you know about what your
22 population horse-wise is right now? Are we looking
23 good as far as being able to fill the cards every
24 week?

25 MR. WEINBERG: I think we're doing okay.

1 MR. BURNETT: I rode down to the stable area
2 this morning, and it looked to me like there's a
3 pretty good population of horses until you got to
4 the last couple barns. I don't know whether they're
5 dispersed from this end down or how exactly it's
6 done, but --

7 MR. BROWN: There are some big racetracks
8 closing up.

9 VOICE IN THE AUDIENCE: They're getting ready
10 to close and they'll be coming here.

11 MR. BROWN: Well, it should get a little
12 better anyway.

13 MR. BURNETT: Well, I mean, even without that,
14 apparently we're getting good full fields, so it's a
15 good start for now. You can run standardbreds every
16 other day, right? Isn't that how it works?

17 MR. BROWN: I did race one two days in a row
18 here about three weeks ago. I topped that.

19 MR. BURNETT: All right.

20 MR. BROWN: They will do it.

21 MR. BURNETT: Any questions for Mr. Weinberg?
22 Further observations?

23 MR. BROWN: I think we're good.

24 MR. BURNETT: Thank you, Jim.

25 We'll next come to public participation. Do

1 we have any members of the public that are
2 interested in addressing the Commission?

3 MS. MCCLAIN: That's me.

4 MR. BURNETT: Please.

5 MS. MCCLAIN: Yes.

6 MR. BURNETT: Would you identify yourself for
7 our court reporter?

8 MS. MCCLAIN: I'm Marty McClain. I'm an
9 owner. My husband, Doug Parker, is a trainer here.
10 I've been coming seven years since I retired, and my
11 husband has been coming ten years.

12 I brought a concern and I tried to put it in
13 writing as I was sitting there last night thinking
14 of the -- some of the issues that we have with
15 Lasix. I've talked to a number of people since
16 arriving here. I talked to Iain. He was the last
17 person I talked to. I tried to put it in writing to
18 see if there was a solution. This may not be the
19 body to talk to, but I thought I'd go ahead and
20 write and have something here, and you can give some
21 suggestions on how I should proceed.

22 It's basically about the process of doing
23 Lasix here. I have to tell you, I'm from Ohio,
24 Scioto Downs. We race in Ohio. Every now and then
25 we go out of state obviously to Hoosier and to the

1 Meadows, but we basically -- we live in Ohio, so we
2 race in Ohio.

3 We always have enjoyed coming here because we
4 have family here. So this is like -- as my husband
5 would say, my second honeymoon and my family
6 vacation, even though the work does not seem quite
7 to be that way for me, but when we get here, I
8 brought this concern before, a couple years ago,
9 that they had us put in our evaluations, if there
10 are any concerns that we have, and I talked about
11 the Lasix process that we had and I talked about it
12 also to Dr. Carruthers that's here.

13 But as I told her, right now Lasix -- you must
14 walk to barn one. If you drove back to the far end
15 last night, you know that's quite a truck to get up
16 to barn one to do Lasix. We are closer. Thank
17 goodness. We were barn three or barn four. This
18 year it's barn three. So you would imagine that it
19 would seem easier for us to get a horse there, but
20 you have to imagine first how the people in the back
21 get up. That's a very creative process.

22 People bring their horses up on trailers.
23 They bring them up on a bicycle. They bring them up
24 on a golf cart. They hook -- take their truck, hold
25 on to the horse in the back end as they come up or

1 outside the windows and come up. So if you're
2 walking to Lasix, you're going through all that,
3 plus the people that are still jogging the path.

4 So as I told them, I felt that the process
5 that we had felt a little unsafe if you had a
6 difficult horse. This year we have a difficult
7 horse that started into Lasix. We had him at the
8 end of the meet last year and this year. So I came
9 prepared thinking how are we going to get a
10 difficult horse to Lasix when you have to stand
11 outside a door, let them know how much you need in a
12 line with no place to go. And if a horse gets
13 antsy, you can imagine anything could happen.

14 I've always said maybe the spit box should be
15 open so you could walk a horse in there and put him
16 in crossties if they start to get antsy. I said
17 maybe we should have a couple stalls close to barn
18 one.

19 Yesterday, case in point, I come up early with
20 two other horses with my husband, and she said you
21 haven't brought your first horse up. I said I don't
22 know where to put him. The spit box isn't open.
23 They were working on a horse in the crossties that
24 were closest. I said I'm not really sure what we're
25 going to do. I said I put in a call to another vet

1 that's here on the ground to see if she could come
2 to the barn to give the Lasix. We couldn't get
3 ahold of her. So we eventually brought him up, but
4 my problem here is safety. I'm always concerned
5 with safety. Not just for the horsemen, also for
6 the horse itself if it would happen to get loose.
7 It's not just the truck up, but it's walking them
8 back. It's the efficiency of time.

9 I gave them my thought to the process. I
10 thought, well, I'll tell you how we do it at Scioto
11 Downs and how a lot of the Ohio tracks do it. We
12 have one Lasix vet. We turn in slips in advance.
13 They get organized with the dosage. We have to be
14 at the barn to sign for it. They're not going to go
15 looking for us. They come to the barn, and they
16 actually give Lasix at the barn.

17 But like I said, I thought, well, I'll come to
18 this body. I need to have a suggestion of what our
19 options are for a difficult horse. That's the
20 summarized -- what I'm feeling right now today.

21 MR. BURNETT: It would be nice if we had a
22 head start on this problem, but it's here now and
23 it's happening now. I don't want to put Doc Harden
24 on the spot, but he might have some comment.

25 Jean?

1 MR. CHALK: We have a -- we started a year
2 ago, we have a meeting with the horsemen's rep every
3 week, which yesterday was our first meeting. This
4 was brought up and we're discussing how to try to
5 remedy it. The first thing is they got to
6 understand, what they talked about in the
7 thoroughbred meetings is the vets go to the barn,
8 but we have six or seven vets there. Here we have
9 one vet or two vets, you know, that come. Sometimes
10 there's only one here a night, so they have to have
11 a central location.

12 I know it may not be convenient from barn one,
13 but they talked about doing barn seven. Well, you
14 got people stabled in that barn. There's a room
15 there that they use as a tack room. So if we take
16 that away from them to lock up the veterinary stand,
17 then they're going to be upset and, you know, move
18 it to barn seven. We would be interfering with
19 their horses, you know, at the same time. So we are
20 discussing it, and we're trying to come up with a
21 solution.

22 MS. MCCLAIN: I would point out that at Scioto
23 Downs, we have one Lasix vet that does all the Lasix
24 for the whole nigh of racing.

25 MR. CHALK: And that --

1 MS. MCCLAIN: And that's usually the way it's
2 done.

3 MR. CHALK: We're lucky to have them --

4 MS. MCCLAIN: Right. I agree.

5 MR. CHALK: -- because they drive a long
6 distance to come here just to give Lasix. And if we
7 get too many other vets giving it, they're going to
8 stop coming because they can't make a profit here.

9 So there's all these questions, and we're
10 trying to come up with an answer. We talked to
11 their reps yesterday, and we are discussing that to
12 see if can come up with a solution for that.

13 MS. MCCLAIN: Good. I didn't realize we had a
14 horsemen's committee.

15 MR. CHALK: Yeah. It's Dr. Dunavant, Houser,
16 and Manley Brown.

17 MS. MCCLAIN: Okay.

18 MR. BURNETT: Jean, can you just make sure
19 that Vic knows the outcome of whatever changes or
20 plans or --

21 MR. CHALK: Yeah.

22 MR. BURNETT: -- whatever decisions are made,
23 so they can maybe e-mail them to the Commission so
24 we can just kind of stay with it.

25 MR. CHALK: He attended our meeting yesterday

1 and will probably attend the other meeting unless he
2 has other business. If not, he'll probably send
3 Dave. We will keep him informed, and we'll try to
4 come up with a solution for this.

5 MR. BURNETT: Great. I'd like to hear it.

6 MR. CHALK: I can't tell you what it is, but
7 we'll try it.

8 MR. BURNETT: Okay.

9 MS. MCCLAIN: Thank you. I have an answer
10 right there.

11 MR. BURNETT: There you are.

12 MS. MCCLAIN: I appreciate that. I found out
13 who the horsemen's committee was.

14 MR. BURNETT: Well, we'll get you
15 participating on that committee.

16 MS. MCCLAIN: I'm new to horses. I'd rather
17 just sit back and do this.

18 MR. BURNETT: New to horses, seven years.

19 MS. MCCLAIN: I married into horses, you know
20 how that is.

21 MR. WEINBERG: I apologize. I omitted one
22 matter from my report. If I can --

23 MR. BURNETT: Please amend.

24 MR. WEINBERG: I'll keep it brief. I did want
25 to report that EZ Horseplay, Colonial Downs' account

1 wagering platform is contributing one percent to the
2 Breeders Fund as we believe it is mandated by the
3 statute that went into effect July 1. We're not
4 aware that the other account wagering licensees are
5 doing that and we just ask that the Commission look
6 into it, but we believe that notwithstanding any
7 other issues related to the source market fee, the
8 statute is very clear about the obligation to fund
9 the Breeders Fund.

10 MR. BURNETT: We are aware of these issues and
11 we're trying to get answers as quickly as we can.
12 I'm sure Glen is pleased to get EZ Horseplay's
13 contribution at this point and would like to get
14 more if he could. It would be beneficial all the
15 way around.

16 Anything else from Colonial Downs?

17 MR. WEINBERG: No. Thank you.

18 MR. BURNETT: Any other members of the public
19 that would like to address the Commission?

20 Any problem with our next meeting on
21 October 21?

22 MR. BROWN: I don't think so for me.

23 MR. BURNETT: We'll set that meeting.

24 MR. HARRISON: I also omitted one of the items
25 under my report there. As long as Jim and Robin are

1 here, just a general reminder, has there been any
2 movement as far as the thoroughbred race dates for
3 next spring?

4 MR. WEINBERG: I think we agreed we'd get that
5 to you no later than December 1st.

6 MR. BURNETT: I think we're going to have a
7 meeting on November 30th to get that ironed out.

8 MR. WEINBERG: We were hoping to set
9 notwithstanding -- Frank is not here. I think Robin
10 and I are going to try to talk about some dates.

11 MR. HARRISON: Thank you.

12 MR. BURNETT: Good.

13 All right. Any further business that we need
14 to address today? Do we have a motion to adjourn?

15 MR. BROWN: I make that motion.

16 MR. FERGUSON: So move.

17 MR. BURNETT: I have two motions. Chair
18 seconds. All in favor indicate by saying aye.

19 Note: (Aye.)

20 MR. BURNETT: I think that's a new course
21 record for me.

22 Note: The hearing concluded at 10:05 a.m.

23

24

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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 September 16th, 2009, 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 23rd day of September, 2009.

Melissa H. Custis, RPR

Notary Public for the State of Virginia at Large

My Commission expires:

March 31, 2011