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VIRGINIA RACING COMMISSION

5

AUGUST 23, 2011

6

10700 Horsemen's Road
New Kent, VA 23124
Commencing at 9:43 a.m.

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11 COMMISSION MEMBERS:

12 I. Clinton Miller, Chairman

13 Mark T. Brown

14 Stuart Siegel

15 David J. Reynolds

16 J. Sergeant Reynolds, Jr.

17

18 COMMISSION STAFF:

19 Bernard Hettel, Executive Secretary

20 Kimberly M. Carter, Office Administrator

21

22 ATTORNEY GENERAL'S OFFICE

23 Amy K. Dilworth

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1 NOTE: The regular meeting is convened at 11:43
2 a.m.

3 MR. MILLER: Now, if I can -- I apologize again to
4 those of you here for the regular Commission meeting, but as
5 you can see -- as I hope you can readily see, these cases
6 are very important, very important not only for the general
7 public and for the integrity of racing in Virginia, but they
8 are incredibly important to the individual who is directly
9 affected.

10 Have the Commissioners reviewed the minutes of
11 the regular meeting of June 29th, 2011, and if so, do I hear
12 a motion for their approval?

13 MR. SIEGEL: So moved.

14 MR. J. SERGEANT REYNOLDS: Seconded.

15 CHAIRMAN MILLER: It's been moved and seconded
16 that the minutes of the regular meeting of June 29th, 2011,
17 be approved.

18 All in favor, say aye.

19 NOTE: All indicated by voting aye.

20 CHAIRMAN MILLER: They are approved.

21 Has the Commission had an opportunity to review
22 the minutes of the special meeting of August 5th, 2011, and
23 if so, is there a motion for their approval?

24 MR. SIEGEL: So moved.

25 MR. J. SERGEANT REYNOLDS: Seconded.

1 CHAIRMAN MILLER: It's been moved and seconded
2 that the minutes of the special meeting of August 5th, 2011,
3 be approved.

4 All in favor, say aye.

5 NOTE: All indicated by voting aye.

6 CHAIRMAN MILLER: They're approved.

7 Any comments from any of the Commissioners?

8 NOTE: There was no response.

9 CHAIRMAN MILLER: Any committee reports to be made
10 to the Commission at this time?

11 NOTE: There was no response.

12 CHAIRMAN MILLER: There being none, we'll move
13 onto the Executive Secretary's report, and the first item on
14 the Executive Secretary's report is the approval of Racing
15 Official's for the 2011 Harness Race Meet to be found at Tab
16 4.

17 Mr. Hettel?

18 MR. HETTEL: Sir, I seek on behalf of the Racing
19 Secretary approval of the Racing Official positions that are
20 entailed in his letter of July 8th to me. I think it's the
21 usual and customary people, and I believe their competency
22 is well-stated. I would seek their approval.

23 CHAIRMAN MILLER: Any comments from any of the
24 stakeholders regarding the individuals who are designated
25 Racing officials for 2011?

1 NOTE: There was no response.

2 CHAIRMAN MILLER: Any comments from any of the
3 Commissioners?

4 NOTE: There was no response.

5 CHAIRMAN MILLER: Do I hear a motion that they be
6 approved?

7 MR. J. SERGEANT REYNOLDS: So moved.

8 MR. SIEGEL: Second.

9 CHAIRMAN MILLER: It's been moved and seconded
10 that the approval of the Racing Officials for the 2011
11 harness race be done.

12 All in favor say aye.

13 NOTE: All indicated by voting aye.

14 CHAIRMAN MILLER: Item B is the approval of Judges
15 which will be found at Tab 5.

16 Mr. Hettel?

17 MR. HETTEL: Mr. Chairman, I seek the approval of
18 this Commission for the approval of the stewards' Judges for
19 the 2011 Standardbred Meet here at Colonial Downs. Again,
20 this is the usual and customary line-up that includes the
21 four people also with our alternate Commonwealth Judge being
22 listed, so I'd seek your approval of this list that was
23 submitted.

24 CHAIRMAN MILLER: Do I hear a motion?

25 MR. REYNOLDS: So moved.

1 MR. J. SERGEANT REYNOLDS: Second.

2 CHAIRMAN MILLER: It's been moved and seconded
3 that the Judges for the 2011 Standardbred Meeting at Colonial
4 Down be approved.

5 All in favor say aye.

6 NOTE: All indicated by voting aye.

7 CHAIRMAN MILLER: They are approved.

8 C is the approval of the Virginia Breeders Fund
9 Harness Incentive Payments for 2011, found at Tab 6.

10 Mr. Hettel?

11 MR. HETTEL: Yes, sir. I seek your approval --
12 your Commission's approval for the Standardbred subcommittee's
13 recommendation for the following incentives for the
14 2011 standardbred meeting to be held here at Colonial Downs:
15 The first is to provide purse money for eight \$30,000
16 Virginia-bred stake races to be held here at Colonial on
17 November 5th for a total of \$240,000.

18 The second item is the award of a 20 percent bonus
19 for owners of Virginia-bred horses that finish in the first
20 five spots of an unrestricted race during the standardbred
21 meet for an estimated cost of approximately \$40,000.

22 The third is payment -- it's normally the year-end
23 awards for Virginia-breds at an estimated cost of approximately
24 \$15,000.

25 This was the recommendation made by all the

1 Commissioners who responded and all of the members of the
2 committee, the subcommittee that responded.

3 CHAIRMAN MILLER: Do I hear a motion for approval
4 of the Virginia Breeders Fund Harness Incentive Payments for
5 2011?

6 DR. DUNNAVANT: Mr. Chairman?

7 MR. REYNOLDS: There's a question.

8 CHAIRMAN MILLER: Oh, I'm sorry.

9 DR. DUNNAVANT: I wanted to make a comment.

10 These were based on the monies that were available
11 that the Racing Commission has, it comes through. We have
12 been setting aside some monies for a rainy day from the
13 advance deposits of wagering, and the VHHA intends to in-
14 crease these payments to the Virginia Horsemen in these
15 races. We intend to increase our two and three year-old
16 stake races from \$30,000 to \$35,000. We're going to double
17 over own enrollment from 20 percent to 40 percent. That's
18 estimated that we'll add another \$40,000 to that, and our
19 breeder's bonus from 30 percent to 40 percent. In the past,
20 we have raced our elimination races for these stakes for a
21 \$4,000 purse, and we're going to up that purse to \$5,000
22 each for the eight elimination races, and we decided after
23 having the \$40,000 Patriot Trot that produced some outside
24 horses, we're going to offer an age trot and pace for horses
25 four years-old and up that were eligible as two and three

1 year-olds for our stake races of one trot and one pace,
2 mixed gate. That will be another \$40,000.

3 So the VHHA is going to add \$148,000 to the figure
4 that is there in the hopes of we'll distribute this advance
5 deposit wagering money to our Virginia horsemen.

6 CHAIRMAN MILLER: Thank you, Dr. Dunnavant.

7 Anyone else have any comment?

8 NOTE: There was no response.

9 CHAIRMAN MILLER: All right.

10 Now, I'm sorry, I was hasting on there, and I
11 didn't give you an opportunity to comment.

12 DR. DUNNAVANT: That's all right.

13 CHAIRMAN MILLER: All in favor say aye.

14 NOTE: All indicated by voting aye.

15 CHAIRMAN MILLER: The Breeder's Fund payments for
16 2011 are approved.

17 Item E is veterinarian's comments regarding the
18 2011 Thoroughbred Race Meet, Tab 7.

19 DR. HARDEN: well, thank you.

20 Basically, my report is just a compilation of
21 statistics, and if you thumb through there and have any
22 questions, I'm happy to answer them, but just in a capsule,
23 the decision to race four days a week for an eight-week meet
24 I think enabled a lot of the horsemen to participate, and we
25 had fewer numbers of horses, and yet our field size was

1 larger, and I think that's because the horsemen were able to
2 come here and utilize their horses better with a four-day a
3 week schedule.

4 we had four fatal breakdowns during the flat
5 racing, which we regret, but this is a statistic that is
6 right in line with the national average, so we're no better
7 and no worse than the other horses -- than the other states
8 in those things, and I think our drug positives, we had a
9 total of ten now, so -- but I think we've debated that
10 enough already today.

11 One thing I would like to point out though,
12 the horsemen -- many of the horsemen were appreciative of
13 Colonial Downs for some of the maintenance items in the barn
14 area this year. We got the wooden panels removed out of the
15 top of the barns, and that made the barns a lot more com-
16 fortable to the horses, so my thanks to them. They also
17 painted stall numbers on the wall above the stalls so now
18 they're visible. That's made all the vets and those of us
19 that have to find the horses very appreciative. So at any
20 rate, that did not go unnoticed, and we thank you.

21 Basically, I think the horsemen, Colonial Downs,
22 and the Commission staff, Colonial Downs staff basically try
23 to cooperate at much as we could with each other to have a
24 meet under pretty tough circumstances around the world.

25 Anyway, thank you.

1 MR. MILLER: Anyone have any questions?

2 MR. J. SERGEANT REYNOLDS: I've got one, if you
3 don't.

4 Dr. Harden, can you talk a little more about what
5 happened on July 3rd? There was a horse that just won a
6 race that was in the test barn and you had a fireworks --
7 Colonial Downs had a fireworks display, that horse spooked
8 and had to be euthanized?

9 DR. HARDEN: Yes, sir, the horse -- we had
10 actually completed drawing the urine sample and had com-
11 pleted the drawing of the blood. The technician was putting
12 a cotton ball on the horse's neck where he had stuck him,
13 and this is approximately the time that the fireworks start-
14 ed, within a couple of seconds, and the horse basically re-
15 acted pretty violent, reared up, flipped over, injured him-
16 self to the extent that the horse had to be euthanized pret-
17 ty much on the spot. And it was a very tragic happening,
18 but it just points out the difficulty of having live fire-
19 works when you've got 900 to a thousand horses on the back
20 side here.

21 Every year, we have some instance of a horse
22 getting injured or something happening, and this year was,
23 you know, probably about the worst scenario we could
24 imagine.

25 MR. J. SERGEANT REYNOLDS: All right. Thank you.

1 CHAIRMAN MILLER: Was it a Virginia owner or
2 trainer?

3 DR. HARDEN: Yes, sir, the horse was owned by Gary
4 Williams, who's 25 miles up the road here. He's been a long
5 time Virginia resident and Virginia trainer/owner.

6 CHAIRMAN MILLER: Do we expect any ramifications
7 from that?

8 DR. HARDEN: To my knowledge, he and Colonial
9 Downs are in conversations, but I have no knowledge whatso-
10 ever beyond that.

11 MR. HETTEL: I believe they've completed the
12 discussion and everybody's satisfied at this point.

13 MR. WEINBERG: (Nodding head indicating in the
14 affirmative).

15 CHAIRMAN MILLER: All right. Thank you, very
16 much.

17 Jim, do you have anything?

18 MR. WEINBERG: I think Darrell Wood would like to
19 apprise you of the plans for the standardbred meet. I don't
20 know if you're looking for other comments on Dr. Harden's
21 report.

22 CHAIRMAN MILLER: No, no, I'm on -- I should have
23 made that clear. I'm on Number 6.

24 MR. WOOD: Good morning. We start an eight-week
25 season on September 17th, run through November the 5th, and

1 I think for the first time in recent memory, we're running
2 all afternoons, so we'll put our promotional marketing focus
3 on trying to draw a crowd especially on Saturday and Sunday
4 afternoons.

5 For the second straight year, we start the meet
6 off in conjunction with the New Kent County Fair. They're
7 going to be running the fair on Saturday and Sunday; we'll
8 be running at 1:00 o'clock both days, and I believe on that
9 Sunday, we'll be running the mixed breed card with I believe
10 the training flat and two jumps. So it's kind of a neat op-
11 portunity to run in conjunction. Hopefully, we'll expose
12 the product to a lot of people that wouldn't normally come
13 here.

14 On the back end of the meet, we run the Day of
15 Champions for the Virginia-breds that Doc Dunnavant was just
16 referring to, but the eight divisional championships will
17 run on that day and they're held in conjunction with the
18 Breeder's Cup Simulcast Races and the Annual Parade of Car-
19 riages, and that's probably been our best -- it's definitely
20 been our best handle date of the past six, seven years, and
21 look for more of the same.

22 In the middle of the meet, we're going to run a
23 trackside tailgate party. Based on the success of the Vir-
24 ginia Derby First Turn Party that drew 2700 people, we're
25 going to try to fill the green with cars; people can lit-

1 erally bring their cars trackside, tailgate, and we chose a
2 day that University of Richmond is not playing football and
3 hope to attract a good number of those students here that
4 day as well.

5 A number of other events going on: Saturdays and
6 Sundays, the horsemen just talked about an idea they've got
7 as well for a promotion, but hopefully we can carry the
8 momentum we gained from the thoroughbred meet, especially in
9 the second half of the season, into the fall harness meet
10 and go forward from there.

11 CHAIRMAN MILLER: Thank you. Anything further?

12 MR. WEINBERG: Nothing further.

13 CHAIRMAN MILLER: I do want to point out that at
14 our last meeting, we had a presentation by Colonial Downs
15 regarding some ideas for the future of harness racing, and
16 Dr. Dunnavant has advised us his group is working to put
17 together a plan for the future of harness racing in Virgin-
18 ia, and hopefully at the regular September meeting, we'll
19 have some fleshing-out of some of those ideas.

20 I commend both Colonial Downs and your group, Dr.
21 Dunnavant, for your efforts, and we look forward to hearing
22 from you in September.

23 DR. DUNNAVANT: Yes, we'll have a proposal in
24 September.

25 CHAIRMAN MILLER: Any member of the public wish to

1 make any comments at this time relating to anything?

2 MR. SMITH: Yes, sir. Just two comments.

3 I appreciate the Commission looking at each
4 case by case basis. The hearing that we heard earlier on
5 the drug results, I know the stewards have a very tough job
6 in how they have to look at things, and sometimes in my
7 history, you kind of look at things black and white. I
8 think just like you mentioned, on a case by case basis, that
9 it's not always black and white; there's gray areas. Some-
10 times you really have to look at stuff.

11 So I think it's very important to the Racing
12 Commission and it's a very important responsibility.

13 Number two, I do have a question, I don't know if
14 it can be answered, but I know with the premiere race that
15 is on the turf that we have, is there any negotiations with
16 the Breeder's Cup and, you know, one year-end race which is
17 very, very -- you know, I think it's to bring out more of
18 the -- as far as the public knowing about Colonial Downs,
19 and when I say we, I understand we get into the pros and
20 cons of the turf --

21 CHAIRMAN MILLER: I'm not aware of anything. Jim,
22 do you have any --

23 MR. SIEGEL: First off, can you identify yourself?

24 MR. SMITH: My name is Curtis Smith.

25 MR. SIEGEL: Curtis Smith?

1 MR. SMITH: Curtis Smith.

2 MR. WEINBERG: There are no conversations that I
3 could report on regarding that. It certainly is an idea
4 that has a lot of appeal, and perhaps there have been dis-
5 cussions in the past.

6 CHAIRMAN MILLER: Did you hear that?

7 MR. SMITH: Yes, thank you.

8 CHAIRMAN MILLER: Any other members of the public
9 or anyone else who's not a member of the public wish to make
10 a comment?

11 NOTE: There was no response.

12 CHAIRMAN MILLER: All right. Okay.

13 Our next meeting is scheduled for September 27.
14 Is that date satisfactory with everyone? Any conflicts?
15 September the 27th at 9:30 a.m.

16 MR. HETTEL: Mr. Chairman, at one of the previous
17 meetings, you mentioned about the necessity to have a work
18 work session that's included in the governance manual. I
19 was wondering if you want to do it on that date, either have
20 an afternoon session for working or a morning session, de-
21 pendant on your pleasure, and we could do that either in
22 September or October as long as the group's combined rather
23 than just have a special meeting just to do that.

24 CHAIRMAN MILLER: Let me suggest if we're going to
25 be receiving the information from the harness racing stuff,

1 and hopefully maybe we'll get an update on the, you know, on
2 the status of the thoroughbred industry, et cetera, et
3 cetera --

4 MR. HETTEL: Yes, sir.

5 CHAIRMAN MILLER: -- maybe we'll make the working
6 session in October.

7 MR. HETTEL: All right, I'll remind you of that.

8 CHAIRMAN MILLER: Remind us on the 27th so we can
9 set the meeting in October so that we can have a -- at least
10 several hours opportunity for a working session.

11 MR. HETTEL: Yes, sir.

12 MR. SIEGEL: Now, Mr. Chairman, would you schedule
13 that after the meeting or --

14 MR. MILLER: What do you suggest?

15 MR. SIEGEL: Well, I would just like to put it on
16 my calendar so I don't end up with a conflict that afternoon
17 if we're going to do it.

18 CHAIRMAN MILLER: You mean in October?

19 MR. HETTEL: And certainly there's no urgency to
20 do it. The governance manual does say annually have a work-
21 ing session, so we could do it at a later time if there's
22 conflicts.

23 DR. DUNNAVANT: Mr. Chairman, just checking on
24 that date, I was just going to suggest that we will be
25 racing harness, and that's on a Tuesday, which is our dark

1 day. We'd sure invite the Commissioners to make that meet-
2 ing on Wednesday so they can attend the harness race.

3 MR. SIEGEL: Are you talking about the September
4 meeting?

5 DR. DUNNAVANT: Yes, sir.

6 MR. HETTEL: So it would be the 28th rather than
7 the 27th?

8 CHAIRMAN MILLER: What do you think about that?

9 MR. SIEGEL: Well, let me go back to that again.

10 CHAIRMAN MILLER: The Virginia Racing Commission
11 takes precedence over everything, Stuart.

12 MR. SIEGEL: What's that date again?

13 CHAIRMAN MILLER: The 28th. Wednesday the 28th.

14 MR. SIEGEL: I could do that.

15 CHAIRMAN MILLER: Is that all right with you,
16 Sarge?

17 MR. J. SERGEANT REYNOLDS: Works well for me as
18 long as I get me some winners.

19 CHAIRMAN MILLER: What time does the harness
20 racing begin?

21 DR. DUNNAVANT: 1:00 o'clock.

22 CHAIRMAN MILLER: Let's have our meeting at 10:00
23 on that date, if that's all right. It gives me an extra
24 half hour to get here from the mountains. Is that all
25 right? Our next regular meeting then will be on Wednesday,

1 September the 28th at 10:00 a.m. And let's all plan to stay
2 for the harness racing; we'll eat lunch here that day and
3 attend the harness racing in the afternoon at 1:00 o'clock.
4 okay?

5 MR. PETRAMALO: Commissioner Siegel, I'm much
6 better handicapping harness racing than I am thoroughbred.

7 MR. SIEGEL: I hope so. You didn't do so well.

8 CHAIRMAN MILLER: All right, I don't see any need
9 for a closed meeting, but I do want to meet with -- if it's
10 all right with everyone, I want to meet with Mr. Hettel and
11 Amy just for a few minutes following the meeting, if we
12 could meet in Mr. Hettel's office.

13 MR. HETTEL: Yes, sir.

14 CHAIRMAN MILLER: Anything further to come before
15 the Commission?

16 NOTE: There was no response.

17 CHAIRMAN MILLER: Thank you-all for your
18 attendance. Again, I apologize for taking so long.

19 we're adjourned.

20 NOTE: The meeting adjourned at 12:04 p.m.

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22 **MEETING ADJOURNED**

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CERTIFICATE OF COURT REPORTER

I, Roy Garrison Wood, hereby certify that I was the Court Reporter at the meeting of the Virginia Racing Commission at the time of the hearing herein.

Further, that to the best of my ability, the foregoing transcript is a true and accurate record of the proceedings herein.

Given under my hand this 4th day of October, 2011.

ROY GARRISON WOOD
REGISTERED PROFESSIONAL REPORTER