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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

## I N D E X

1		
2	1. Approval of the minutes of August 19, 2009 meeting	3
3		
4	2. Commissioners Comments	4
5		
6	3. Committee Reports	4
7		
8	4. Executive Secretary's Report	
9	a. Deadline for Submitting for 2010 Racing Dates	30
10	b. Steward's Report from Jean Chalk on the Live Thoroughbred Meet	4
11	c. Equine Medical Director's Report from Richard Harden on the Live Thoroughbred Meet	10
12		
13	5. Stakeholders	
14	a. Colonial Downs -- Update for the 2009 Harness Meet	20
15		
16	6. Public Participation	22
17		
18	7. Set next meeting -- October 21, 2009	30
19		
20	8. Adjournment	31
21		
22		
23		
24		
25		

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.

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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.

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Melissa H. Custis, RPR

Notary Public for the State of Virginia at Large

My Commission expires:

March 31, 2011