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

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

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

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

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

MR. FERGUSON: I move we approve the minutes.

MR. BURNETT: The chair seconds that motion.

All in favor indicate by saying aye.

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

MR. BURNETT: Mr. Brown abstains having not been at the meeting; is that fair?
MR. BROWN: That's fair.

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

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

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

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

Total purses were $6,361,479, which included
438,000 in Virginia-bred bonus, 100% bonus went to the winners.

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

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

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

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

MR. BURNETT: The one comment I'd like to make is how impressed I am by the nine -- a total of nine drug positives. And when you break those down for what they really were, I think half of them were Lasix and -- I mean, it really -- the one that would give anybody concern was, you know, essentially an innocent circumstance with the situation with the
stall and the prior horse and the vet and everything. You know, that's the kind of thing that I wish we could find way to get out to the public. If you use the number of races times the number of average starters, I mean that's roughly 3,500, 3,600 individual starts, and you got nine innocuous positives. I just have to say that the public was extremely well protected and should have enormous trust in what's going on with these animals on the racetrack in terms of everything being fair and square.

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

So I just congratulate everybody on a very successful meet in that regard. Hopefully, we can keep that kind of record going and let the public know about it.
MR. HARRISON: Peter, what we could do is we can kind of explode that in the annual report, which we issue every year. That's the least we could do on our end.

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

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

So I'd like sometime before the next race meet to sit down with the racetrack, maybe with Pat, and try to put a notification on any stall where medical work has been done. Just put a sticker up there, some sign that a horse -- a trainer bringing in an
incoming horse can be forewarned that there may be
some contamination in there. Just come up with some
kind of procedure that will prevent this kind of
instance in the future because, you know, the
fellow -- the horse owner was notably upset, and
that's understandable, but his horse tested positive
and was over the threshold amounts and had to be
disqualified. It's just no two ways around it. So
some kind of a warning system would be --

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

I'm sorry.

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

MR. BURNETT: I mean --

MS. RICHARDS: And that was for Banamine. It
was for -- I mean, a horse can actually contaminate
himself just being in that stall with urine and

things on the wall.

MR. BURNETT: The advancement of science and

the levels at which we can test now running head-on

into zero tolerance, zero takes on new meaning when

you can test at levels that we now can. I think

that's going to have to be addressed in some

fashion. I'm not sure we would want Louisiana

leading the way, but --

MS. RICHARDS: Well, maybe not.

MR. BURNETT: -- Virginia could. We can think

about how we can accomplish that, but thank you.

From looking at that CD, I'm sure that what you say

is so given the level of testing that we can now do.

All right. Any further comment on -- with

respect to the steward's report?

MR. CHALK: One thing I might say is we had

more rider infractions this year than normal than

we've had in other years, and 17 was a lot more than

we had in the past. We told the riders before the

meet was over, three days didn't seem to be getting

their attention. So if they come back here next

year, they can figure it'll be five. We're taking

steps to correct that because it's just

carelessness, not doing what they're supposed to do.
MR. BURNETT: That was my question. It's not a matter of having more apprentices who are less experienced. It's riders not paying -- who are plenty experienced and not paying attention.

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

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

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

MR. BURNETT: Good.

All right. Anything further on that report? Next?

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

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

MR. BURNETT: Well, wait a minute now. We
just said some very nice things about the meet and how well it went, and we'll find some positive things in your report. That's not a problem.

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

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

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

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

MR. BURNETT: Doctor --

MR. FERGUSON: I have a question.

MR. BURNETT: Go ahead.

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

MR. BURNETT: Sure.

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

MR. BROWN: Blowing their nose.

MR. FERGUSON: Blowing their nose, just
excretion?

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

MR. BURNETT: And the stall floor or airborne.

MR. FERGUSON: Urine and stuff like that?

MR. BURNETT: Sure.

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

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

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

MR. FERGUSON: Stripped.

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

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

DR. HARDEN: They're not stripped.

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

MR. FERGUSON: Right.

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

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

So it is scary. You get into a situation that our labs can detect drugs down to a very minute levels. I don't know if y'all remember that graph I showed a few months ago that had 21 zeros on it as to how many drug molecules were in a single dose of Butazolidin.
We have established with our laboratory some
cutoffs that, look, we don't want you looking any
lower than this because the number is so
ridiculously low that it's wasting your resources,
and then if you find something, it's wasting our
time and energy and harassing horsemen over
something that's non-meaningful.

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

DR. HARDEN: Yeah.

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

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

MR. BURNETT: Going back to the stall issue, I
don't know that we're going to solve it today, but it strikes we ought to agree to address it. I think it's a combination -- it's really a tripartite effort. We need the help of the vets. We need the help of the stewards. We need the help of Colonial Downs.

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

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

I think the stewards have authority with a snap of a finger to get compliance. It's just a matter of whether you can still do your job and whether it's havoc over there and all the rest. So
we ought to look at it, I think.

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

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

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

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

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

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

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

    DR. HARDEN: Right.

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

    DR. HARDEN: There is an industry standard,
but for the past three years prior to this year, we
were way above industry standard. I personally
thought that -- it factually did coincide with us
raising the tolerance level for Butazolidin. We
raised it from two micrograms to five micrograms,
and our fatalities on the tracks statistically went
haywire. This year --

MR. BURNETT: Up?

DR. HARDEN: Up, yes.

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

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

DR. HARDEN: That's right.

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

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

DR. HARDEN: Yeah. I think that's probably
precisely why both of those numbers changed.

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

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

MR. BURNETT: Because of the new change?

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

MR. BURNETT: Okay. Thank you.

Any other questions?

MR. BROWN: It's very thorough.

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

All right. We'll move onto stakeholders, Colonial Downs, Update for 2009 Harness Meet.

Mr. Weinberg?

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

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

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

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

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

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

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

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

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

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

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

MR. BURNETT: All right.

MR. BROWN: They will do it.

MR. BURNETT: Any questions for Mr. Weinberg?

Further observations?

MR. BROWN: I think we're good.

MR. BURNETT: Thank you, Jim.

We'll next come to public participation. Do
we have any members of the public that are interested in addressing the Commission?

MS. MCCLAIN: That's me.

MR. BURNETT: Please.

MS. MCCLAIN: Yes.

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

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

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

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

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

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

People bring their horses up on trailers.
They bring them up on a bicycle. They bring them up
on a golf cart. They hook -- take their truck, hold
on to the horse in the back end as they come up or
outside the windows and come up. So if you're walking to Lasix, you're going through all that, plus the people that are still jogging the path. So as I told them, I felt that the process that we had felt a little unsafe if you had a difficult horse. This year we have a difficult horse that started into Lasix. We had him at the end of the meet last year and this year. So I came prepared thinking how are we going to get a difficult horse to Lasix when you have to stand outside a door, let them know how much you need in a line with no place to go. And if a horse gets antsy, you can imagine anything could happen.

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

Yesterday, case in point, I come up early with two other horses with my husband, and she said you haven't brought your first horse up. I said I don't know where to put him. The spit box isn't open. They were working on a horse in the crossties that were closest. I said I'm not really sure what we're going to do. I said I put in a call to another vet
that's here on the ground to see if she could come
to the barn to give the Lasix. We couldn't get
ahold of her. So we eventually brought him up, but
my problem here is safety. I'm always concerned
with safety. Not just for the horsemen, also for
the horse itself if it would happen to get loose.
It's not just the truck up, but it's walking them
back. It's the efficiency of time.

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

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

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

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

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

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

MR. CHALK: And that --
MS. MCCLAIN: And that's usually the way it's done.

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

MS. MCCLAIN: Right. I agree.

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

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

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

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

MS. MCCLAIN: Okay.

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

MR. CHALK: Yeah.

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

MR. CHALK: He attended our meeting yesterday
and will probably attend the other meeting unless he has other business. If not, he'll probably send Dave. We will keep him informed, and we'll try to come up with a solution for this.

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

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

MR. BURNETT: Okay.

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

MR. BURNETT: There you are.

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

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

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

MR. BURNETT: New to horses, seven years.

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

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

MR. BURNETT: Please amend.

MR. WEINBERG: I'll keep it brief. I did want to report that EZ Horseplay, Colonial Downs' account
wagering platform is contributing one percent to the Breeders Fund as we believe it is mandated by the statute that went into effect July 1. We're not aware that the other account wagering licensees are doing that and we just ask that the Commission look into it, but we believe that notwithstanding any other issues related to the source market fee, the statute is very clear about the obligation to fund the Breeders Fund.

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

Anything else from Colonial Downs?

MR. WEINBERG: No. Thank you.

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

Any problem with our next meeting on October 21?

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

MR. BURNETT: We'll set that meeting.

MR. HARRISON: I also omitted one of the items under my report there. As long as Jim and Robin are
here, just a general reminder, has there been any
movement as far as the thoroughbred race dates for
next spring?

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

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

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

MR. HARRISON: Thank you.

MR. BURNETT: Good.

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

MR. BROWN: I make that motion.

MR. FERGUSON: So move.

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

Note: (Aye.)

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

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