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VIRGINIA RACING COMMISSION

MARCH 27, 2014

10700 Horsemen's Road

New Kent, VA 23124

Commencing at 9:58 a.m.

**COMMISSION MEMBERS:**

J. Sargeant Reynolds, Jr., Chairman  
D. G. VanClief, Jr., Vice Chairman (via speaker phone)  
Carol G. Dawson  
Stran Trout

**COMMISSION STAFF:**

Bernard J. Hettel, Executive Secretary  
David S. Lermond, Jr., Deputy Executive Secretary  
Kimberly C. Mackey, Office Administrator  
C. Richard Harden, DVM, Equine Medical Director  
Courtney Reid, Permitting Clerk

**ATTORNEY GENERAL'S OFFICE**

Joshua Laws, Assistant Attorney General

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1           NOTE: The meeting of the Commission convenes at  
2 9:58 a.m. as follows:

3           MR. REYNOLDS: Good morning.

4           Let the record show that I started the meeting two  
5 minutes early. Thank you-all for coming today.

6           Let's see. I guess we'll go through the agenda.  
7 The first item for business is to approve three sets of  
8 minutes. The first one is our regular meeting of December  
9 11th, which you can find on Tab 1. Has everybody read them?  
10 Does anybody have any additions or corrections?

11           NOTE: There was no response.

12           MR. REYNOLDS: If not, I would entertain a motion  
13 to approve the minutes of December 11, 2013.

14           MS. DAWSON: I so move.

15           MR. REYNOLDS: Do I hear a second?

16           MR. TROUT: Second.

17           MR. REYNOLDS: Any discussion?

18           All in favor?

19           NOTE: All indicated by voting aye.

20           MR. REYNOLDS: All right. That was easy.

21           The next one, behind Tab 2 are the minutes of  
22 January 21st, 2014. Does anybody have any additions or  
23 corrections?

24           NOTE: There was no response.

25           MR. TROUT: Mr. Chairman, I would move that they

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1 be approved.

2 MR. REYNOLDS: Do I hear a second?

3 MS. DAWSON: Second.

4 MR. REYNOLDS: Any discussion?

5 NOTE: There was no response.

6 MR. REYNOLDS: All in favor say aye.

7 NOTE: All indicated by voting aye.

8 MR. REYNOLDS: And behind Tab 3, we have the  
9 minutes of the regular meeting of March 17th, 2014. Any  
10 additions or corrections to that?

11 If not, I would entertain a motion to approve the  
12 minutes.

13 MS. DAWSON: So moved.

14 MR. REYNOLDS: Do I hear a second?

15 MR. TROUT: Second.

16 MR. REYNOLDS: Do I hear any discussion?

17 NOTE: There was no response.

18 MR. REYNOLDS: All those in favor, say aye.

19 NOTE: All indicated by voting aye.

20 MR. REYNOLDS: The minutes, all three sets of  
21 minutes are approved.

22 And next on the agenda are Commissioner's  
23 Comments. Do any of the Commissioners have any comments?

24 MR. TROUT: One real quick one, Mr. Chairman. I  
25 would like to introduce Ron Stiers who is in the audience

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1 who is one of the members of our Board of Supervisors and  
2 actually represents this area, so he'll get the blame as we  
3 will for anything that goes wrong.

4 MR. STIERS: Thank you for allowing me to be here.

5 MS. DAWSON: Yes, I do too, Mr. Chairman.

6 MR. REYNOLDS: Yes, ma'am.

7 MS. DAWSON: If you can give me a couple of  
8 minutes here.

9 I would like to take a few moments to recognize  
10 a number of persons who have recently passed away who were  
11 leading members of our horse industry in Virginia. I want  
12 to recognize the significance of their legacy and offer the  
13 condolence of the Commission to their family and friends.

14 First, Mrs. Ann Via, of Free Union, passed away  
15 on March 7th. Mrs. Via was the wife of Harold A. "Sonny"  
16 Via and was known for her love of foxhunting and steeple-  
17 chasing. With her husband, Sonny, she was the proud owner  
18 of Good Night Shirt, twice winner of the Eclipse award.

19 Next, Dr. Joe Rogers of Hamilton passed away on  
20 March 8th. Dr. Rogers was a founder of Oatlands Point to  
21 Point of the Loudon Hunt, and of the Morven Park Steeple-  
22 chase (the first race meet in Virginia to offer pari-mutuel  
23 wagering). His horse, King of Spades, won the 1972 Virginia  
24 Gold Cup.

25 We also mourn the loss of Jack Ludwig, Jr., of

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1 Ashland, who passed away February 11th. Ludwig trained Reef  
2 Searcher, a multiple stakes winner who placed in four graded  
3 stakes.

4 Gary Baker passed away on January 27th in  
5 Middleburg. Baker was a member of the Virginia Steeplechase  
6 Hall of Fame, the Maryland Horse Shows Hall of Fame, and the  
7 Virginia Horse Shows Hall of Fame.

8 We also lost the legendary Bay Cockburn, the  
9 British born foxhunter, steeplechase rider and trainer, who  
10 passed away December 25th, 2013. Cockburn was a talented  
11 rider who raced 433 times in Virginia and Maryland, winning  
12 85 races. He trained 68 winners and was the leading rider  
13 in the Virginia Steeple Chase Point to Point Year End Awards  
14 for the years 1990 through 1994.

15 Another important Virginia horseman, Robert  
16 "Bob" Powell of Middleburg, passed away January 11th. Mr.  
17 Powell was a lifelong horseman who worked for several lead-  
18 ing breeders such as Mrs. A. C. Randolph, Arthur Godfrey,  
19 and more recently, he worked for Herman and Monica Greenberg  
20 at Rutledge Farm. He was inducted into the National Horse-  
21 show Association's Hall of Fame.

22 Robert Pillion of Millwood passed away January  
23 12th. Pillion was a member of the Blue Ridge Hunt, a ring-  
24 master with Upperville Colt and Horse Show for 40 years.  
25 Pillion was in the Virginia Horseman's Association Hall of

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1 Fame.

2 And just recently, on March 17th, Mrs. Bunny  
3 Mellon, who with her husband, Paul Mellon, was a breeder of  
4 premier Thoroughbreds in Virginia, passed away as well.

5 Finally, I'm including a non-Virginian here  
6 too because he was so widely known in Virginia horsemen  
7 circles. The Steeplechase and flat trainer, Tom Voss,  
8 passed away on January 21st. He had won five National  
9 Steeplechase championships as leading trainer and campaigned  
10 steeplechase champion, Slip Away. Voss died at his home in  
11 Monkton, Maryland.

12 I want to salute these recently deceased members  
13 of the horse community. Their passion for the sport helped  
14 create the history of horse racing in Virginia. Please join  
15 me in praising their dedication and in offering our condol-  
16 ence to their families.

17 Thank you, Mr. Chairman.

18 MR. REYNOLDS: Thank you.

19 D. G., do you have any comments?

20 MR. VAN CLIEF: No, Mr. Chairman, I do not. Thank  
21 you.

22 MR. REYNOLDS: I have some brief comments.

23 You know, I believe the Richmond Times Dispatch  
24 is here with us today to I guess look into and perhaps write  
25 about what's going on with Virginia horseracing right now,

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1 so certainly my hope -- I feel like we should be getting  
2 pretty close. D. G. and I went down to Florida to meet Jeff  
3 Jacobs on Tuesday. I thought it was a very productive meet-  
4 ing. I think they have some ideas, and hopefully we're get-  
5 ting closer. I sure would like for us to quickly resolve  
6 our issues, so hopefully what comes out in the Richmond  
7 Times Dispatch is that we came to an agreement. I don't  
8 know if it's going to happen today or tomorrow, but that is  
9 certainly my -- I have high hopes for that.

10 Other than that, I guess those are my comments. I  
11 think I had one other thing, but I've already forgot.

12 Anyway, with that, let's move on to our Committee  
13 Reports. Do we have any Committee Reports today? I don't  
14 believe we do.

15 MR. HETTEL: I don't believe so.

16 MR. REYNOLDS: Behind Tab -- we're going to move  
17 on to the VHHA contract behind Tab 4.

18 This is the 2014 proposed budget for the admini-  
19 stration of the Virginia Breeders Fund. I believe it's the  
20 same budget that we have approved each and every year. So  
21 does anybody have any questions on this budget before I ask  
22 for a motion for approval?

23 MR. TROUT: Mr. Chairman, you indicated that there  
24 are no changes from previous years?

25 MR. HETTEL: That's correct. It's identical to



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1 last year's.

2 MR. REYNOLDS: So I'll entertain a motion for the  
3 approval of the 2014 proposed budget.

4 MR. TROUT: Mr. Chairman, I move for its approval.

5 MS. DAWSON: I second.

6 MR. REYNOLDS: Any discussion?

7 If not, all of those in favor say eye.

8 NOTE: All indicated by voting aye.

9 MR. REYNOLDS: Thank you. That motion carries.

10 Now, we move on to Item 7 on the Agenda, Chapter  
11 130 Administrative Regulation Amendments behind Tab 5. Do  
12 you want to --

13 MR. HETTEL: Debbie Easter spoke to this last week  
14 at our unofficial meeting. Debbie, would you give us just a  
15 thumbnail sketch of what's entailed in these Administrative  
16 Regs that were passed?

17 MS. EASTER: I think that as I spoke at the last  
18 meeting, Dave and Bernie had asked me just to go through the  
19 regs, and I took over and just took a peek and make sure we  
20 were working -- the regs said how we were working register-  
21 ing horses, and that's what we did, and most of it is just  
22 clean-up language that we think makes registering horses for  
23 virginians easier than what was there, and there was some  
24 language in a couple of spots that should have you been  
25 taken out on previous updates.

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1 other than that, you know, that's it.

2 MR. REYNOLDS: Okay. Do any of the Commissioners  
3 have any questions? If not, I'll entertain a motion to  
4 approve.

5 MS. DAWSON: I think Debbie covered this quite  
6 well the last time, and I am comfortable with it, so I would  
7 move to approve it.

8 MR. REYNOLDS: Do I hear a second?

9 MR. TROUT: Second.

10 MR. REYNOLDS: All those in favor?

11 NOTE: All indicated by voting aye.

12 MR. REYNOLDS: Great. Okay, that motion carries.

13 I'm going to slip in the Agenda, Mr. Laws has a  
14 motion that he would like to present.

15 MR. LAWS: Thank you, Mr. Chairman.

16 The Commission's aware we had a -- we've had a  
17 hearing scheduled for Mr. Eckley concerning the Stewards'  
18 decision. We haven't been able to have the hearing the last  
19 couple of meetings because of a quorum and the weather. His  
20 counsel wasn't here today or wasn't available to conduct a  
21 hearing today, so his counsel and I agreed that I would make  
22 a joint motion to continue that hearing to the next regular-  
23 ly scheduled meeting of the Commission, whether that's in  
24 April, which will hopefully occur, or later, and it's also a  
25 joint motion to continue the stay of the Stewards' ruling

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1 until the Commission can hear the appeal and rule on it, so  
2 I'd like to make that motion in front of the Commission to-  
3 day.

4 MR. REYNOLDS: Okay. Do you have to have that  
5 motion seconded?

6 MR. LAWS: Yes.

7 MS. DAWSON: I second it.

8 MR. REYNOLDS: All those in favor?

9 NOTE: All indicated by voting aye.

10 MR. REYNOLDS: As a point of protocol, I guess  
11 as our attorney, you're allowed to make a motion, or does it  
12 need to come from a Commission member?

13 MR. LAWS: It's okay for me to make a motion.

14 MR. REYNOLDS: Great. Thank you.

15 Now we'll move on to the Stakeholders part of the  
16 agenda. Behind Tab 6 is the Gold Cup request. I believe  
17 the Gold Cup asked us at the last meeting, but we did not  
18 have a quorum because of the weather, and so that we would  
19 like to vote on that today.

20 MR. HETTEL: Mike Pierce is here to explain the  
21 request.

22 MR. PIERCE: In conjunction with the VTA, the  
23 Gold Cup is going to have an event out on the race course  
24 tomorrow evening. We would like to open a few machines and  
25 test our mobile betting at that time.

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1 MR. VAN CLIEF: Mr. Chairman?

2 MR. REYNOLDS: Yes, sir.

3 MR. VAN CLIEF: Could you ask the speaker to kind  
4 of get closer to the telephone?

5 MR. PIERCE: Sorry.

6 MR. VAN CLIEF: Thank you. I'm just having a  
7 little trouble hearing.

8 MR. PIERCE: I understand that quite well.

9 In conjunction with the VTA, Gold Cup is having  
10 an event at the race house Friday evening. We would like to  
11 open a few machines and test the mobile betting as well at  
12 that time, just sort of a dry run and a promotional thing --  
13 a cross-promotion for VTA and Gold Cup. So the only betting  
14 that would be available would be on the following day's Gold  
15 Cup card, no bringing in or sending out of signals.

16 MR. REYNOLDS: Okay.

17 MR. PIERCE: Any questions?

18 MR. REYNOLDS: Does the Commission --

19 MS. DAWSON: Yes, sir. Is there some precedent  
20 for this? I mean is there some precedent to have the bet-  
21 ting the day before.

22 MR. PIERCE: It would be a big step for us to be  
23 sure that everything was plausible for the next day, and it  
24 would offer those folks that come out a chance to get their  
25 bets in and keep them out of the lines.

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1           MR. REYNOLDS: And this is for the races the next  
2 day, not anything else but what they're going to see the  
3 next day.

4           MR. PIERCE: Sort of like when we have pre-Derby  
5 betting at Colonial Downs.

6           MR. HETTEL: Or Churchill Downs.

7           MR. PETRAMALO: But there are actual bets.

8           MR. PIERCE: Yes, they will actually be able to  
9 bet.

10          MR. TROUT: Is there a significant number of  
11 people who are there the night before and then it runs for  
12 several days?

13          MR. PIERCE: This is the first time we've done  
14 this.

15          MR. TROUT: Okay.

16          MR. PETRAMALO: I'll be there.

17          MR. PIERCE: We're confident of that.

18          MR. REYNOLDS: Okay. Are there any other comments  
19 or questions from the Commissioners? If not --

20          MR. WEINBERG: Mr. Chairman, could I ask a  
21 question? I think the action this Commission is about to  
22 take to approve pari-mutuel wagering on a date, that's the  
23 same request that Colonial Downs is making in the next item  
24 on the agenda. I understand there may be some procedural  
25 objections to Colonial Downs' request. I would request that

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1 the Commission just defer action and consider them both  
2 together so that there's some uniformity in the Commission's  
3 position on the two items.

4 MR. HETTEL: Mr. Chairman, may I interject? I've  
5 got a signed contract with the HBPA to allow it.

6 MR. WEINBERG: Understood. I still think -- I  
7 understand there's going to be some objection under Section  
8 392, which involves the unlimited licensee.

9 MR. HETTEL: It's a contractual agreement.

10 MR. TROUT: Mr. Chairman, it seems to me these  
11 are separate issues because they are dealing with different  
12 races, different types of things, and this is adding onto  
13 something that we already have approved in the past. So I  
14 don't have any objection to doing them separately. I think  
15 doing them together, we need to look at consistency, but we  
16 need to look at that in each of our actions rather than  
17 doing everything at one time.

18 MR. WEINBERG: I'd be happy to explain further why  
19 I think the same issue will arise in both instances.

20 MR. REYNOLDS: Okay.

21 MR. WEINBERG: I am anticipating that VHBPA will  
22 object to the setting of the take-out percentages for wagers  
23 on the Dogwood Classic, and under 392 of the Act, paragraph  
24 B, there is a requirement that VHBPA will assert that they  
25 join in the request for setting those take-out percentages.

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1 If the Commission is to read that statute literally, it has  
2 to be a joint request of the majority horseman's group and  
3 the unlimited licensee.

4 To be clear, Colonial Downs has no objection as  
5 the unlimited licensee to the pari-mutuel wagering proposed  
6 for Gold Cup. It does object, however, if it is going to be  
7 treated differently and not be allowed to conduct pari-mut-  
8 uel wagering on the Dogwood Classic and be asked to consent  
9 under this to the Gold Cup as well.

10 To put it more bluntly, if the HBPA has no  
11 objection to pari-mutuel wagering on the Dogwood Classic,  
12 Colonial Downs has no objection under the same statute under  
13 which the HBPA will object to wagering on this early night,  
14 which has not been previously approved by the Commission.

15 MR. REYNOLDS: I have a question. Have we already  
16 approved the pari-mutuel for you on Saturday?

17 MR. PIERCE: Yes.

18 MR. REYNOLDS: We've already approved that?  
19 So why wouldn't we approve it Friday night if we've al-  
20 ready approved it, there's already a contract in place, and  
21 now we're just talking about Friday night?

22 MR. WEINBERG: As I said, substantively, we have  
23 no problem with Friday night, but we do object to being  
24 treated differently.

25 MR. PETRAMALO: I think we can solve that very

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1 quickly.

2 I would orally join the Gold Cup in making a  
3 joint proposal under 392 that that retainage be as stated in  
4 the statute without any change -- that is 18 percent being  
5 the win, place, and show, and I think it's 20 percent or 21  
6 percent, 22 percent for the exotics. I'm not even sure whe-  
7 ther the Gold Cup is going to have the exotics, but to the  
8 extent that a joint request is necessary, and I agree with  
9 Jim that it is necessary under 392, we make an oral request  
10 that you approve that.

11 MR. WEINBERG: My point is the statute says  
12 the unlimited licensee, which is Colonial Downs. So if Mr.  
13 Petramalo would be so kind as to make the same oral motion  
14 for the Dogwood Classic, we would be done.

15 MR. PETRAMALO: I don't read the statute the  
16 same way. I think the licensee referred to in 392 is the  
17 licensee who is conducting the pari-mutuel wagering, which  
18 in this case is the Gold Cup, not Colonial Downs.

19 MR. WEINBERG: But it does not say that.

20 MR. PETRAMALO: Of course, I understand that. But  
21 when reading a statute, you don't throw out common sense.

22 MR. REYNOLDS: Right. Okay. well --

23 MR. STEWART: We've never done that before.

24 MR. REYNOLDS: I personally don't understand.  
25 We've already approved something for Saturday and we're not



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1 going to do it for Friday night? I understand where you're  
2 coming from, you just want to be treated fairly, and you  
3 cite the Act as, you know, your basis for making that argu-  
4 ment.

5 My question is -- when is the Gold Cup? Derby  
6 Day, May 1st? We will have a meeting before then. When do  
7 you have to know that you can do it Friday night? Can you  
8 wait until -- we're probably going to meet very, very early  
9 in April.

10 MR. PIERCE: We operate at the Commission's  
11 pleasure.

12 MR. REYNOLDS: Well, that's fine, but we want  
13 to be a Commission that is functional and you-all are funct-  
14 ional as well. Can it wait until the next date?

15 MR. PIERCE: It's not ideal, but if those are the  
16 circumstances we're faced with --

17 MR. REYNOLDS: I just feel like I'm not educated  
18 enough on the Act and all of this, and this was kind of a  
19 surprise to us. If it can wait one more meeting --

20 I'm in favor of approving it, but I want to make  
21 sure we have all our ducks in a row.

22 MR. VAN CLIEF: Mr. Chairman, can I pose a  
23 question?

24 MR. REYNOLDS: Please.

25 MR. VAN CLIEF: I think I heard you say something

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1 similar a few minutes ago. I'm wondering -- and I would  
2 like to ask Mr. Laws as our counsel and AG's rep here today,  
3 given the fact that there is a contract in existence between  
4 Gold Cup and HBPA, and as you point out, we have already ap-  
5 proved wagering during the Saturday, the main body of the  
6 event, is there anything to prevent us from going ahead and  
7 approving the evening session that they're requesting?  
8 Given the timeline, I think it would be beneficial to Gold  
9 Cup if they could begin to publicize this and get the word  
10 out. I think the longer we wait, the less benefit for them  
11 there will be.

12 MR. LAWS: No, D. G. The Commission has the  
13 authority to give them the right to conduct pari-mutuel  
14 wagering on Friday, the day before the Saturday races.

15 Does that answer your question, D. G.?

16 MR. VAN CLIEF: I think it does. That would be  
17 irregardless of the arguments being posed with regards to  
18 the interpretation of the statute, am I correct?

19 MR. LAWS: I'm not entirely sure how to answer  
20 that.

21 If we treat Colonial Downs different than Virgin-  
22 ia Gold Cup, then that would leave us open to a claim that  
23 we're acting arbitrarily and capriciously and with an irrat-  
24 ional basis that could lead to a claim against the Commis-  
25 sion to challenge the ruling that the Commission makes.

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1 MR. VAN CLIEF: Okay. Follow-up question.

2 If we approve Colonial Downs' request for the day,  
3 is that not contingent on achievement of a contract with the  
4 HBPA operationally anyway?

5 MR. LAWS: The Colonial Downs' request for Dog-  
6 wood, is that what you're referring to D. G.?

7 MR. VAN CLIEF: Yes, it is. I'm sorry, the Dog-  
8 way day. If we were to approve that today, the Commission's  
9 approval would obviously be in place, and then their ability  
10 to operate is going to be dependent on a contract with HBPA  
11 anyway, isn't it?

12 I guess what I'm asking is: Can we -- if we  
13 wanted to, could the Commission provide consent for Dogwood  
14 day contingent on the necessary contractual agreements being  
15 reached?

16 MR. LAWS: The Commission I think has the author-  
17 ity to do that, but the Commission can also give Colonial  
18 Downs permission to run the Dogwood Classic without a con-  
19 tract with HBPA, but there would be consequences to that.

20 The contract -- the permission that the Commission  
21 hypothetically gives to Colonial Downs in the absence of a  
22 contract with the HBPA would most likely be different than  
23 the permission the Commission gives if there were a contract  
24 with HBPA.

25 MR. PETRAMALO: Let me be clear. We don't

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1 believe the Commission has the authority to do that. The  
2 statute clearly says a contract is necessary which provides  
3 for purses, et cetera. I don't think the Commission has the  
4 authority to grant permission to Dogwood to run a pari-mut-  
5 uel day on April 5th.

6 MR. LAWS: I didn't mention pari-mutuel wagering.  
7 I'm trying to be as neutral between --

8 where I'm actually heading, D. G. and Frank, is  
9 if the Commission gives Colonial Downs the authority to run  
10 Dogwood in the absence of a contract with the HBPA, that  
11 authority would be different than the authority it could  
12 grant Colonial Downs if there were a contract with HBPA.

13 MR. PETRAMALO: Well, let me be clear. Last  
14 year, Colonial Downs ran the Dogwood races without pari-mut-  
15 uel wagering and not under the auspices of the Virginia Rac-  
16 ing Commission. It was run pursuant to National Steeple-  
17 chase Association.

18 We don't have any objection if Colonial Downs  
19 wants to do that this year. It doesn't require any action  
20 by this Commission if Colonial chooses to do that.

21 MR. LAWS: I understand.

22 D. G., I have some questions for Jim based on  
23 the argument that he just raised or initially raised, so  
24 when you're ready, I'd like to ask him a couple of questions  
25 about that and then ask Frank a couple of questions.

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1           MR. VAN CLIEF: Okay. That's fine. Thank you,  
2 I'll just stand by and listen.

3           MR. LAWS: Jim, under 392, the various sections,  
4 B, C, D and E, is it your position today that Colonial Downs  
5 as the unlimited licensee has standing and authority under  
6 that statute to intervene in this because Virginia Gold Cup  
7 as a limited licensee, they're dependent on your position?

8           MR. WEINBERG: Correct. I mean that is the  
9 words -- to be clear, the Act specifies very specifically  
10 between limited licensees and unlimited licensees, and the  
11 literal words in the sections you cited refer only exclu-  
12 sively to unlimited licenses. So --

13           MR. LAWS: That's correct.

14           And I understand your argument is that has  
15 consequences.

16           MR. WEINBERG: It does, and I think all I'm  
17 arguing is for basic equity. The two meets are not really  
18 different. They are steeplechase meets, both licensees have  
19 asked for pari-mutuel wagering. It is -- we spend a lot of  
20 time here talking about how do we expand the patron base?  
21 How do we get new people interested in betting? On Saturday  
22 April 5th, between five and 10,000 people are going to be  
23 here. I would bet 80 percent of them have never placed a  
24 wager in their life. It is a prime opportunity to introduce  
25 them to pari-mutuel wagering, and we're getting caught up,

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1 with all due respect, in posturing over a contract. All  
2 we're asking for is to be treated equally.

3 I can go into the legalese arguments of why I  
4 don't think the HBPA has standing to object -- I would dis-  
5 agree with Frank. Yes, the statute says you need a contract  
6 for purses and prizes. HBPA is not awarding any purses or  
7 prizes on April 5th, Colonial Downs is. It's not coming out  
8 of the million dollars that the HBPA is holding and refusing  
9 to release; it's coming out of Colonial Downs' pocket.

10 So to argue that because the statute says  
11 there has to be a contract over purses and prizes, he gets  
12 to block pari-mutuel wagering at the Dogwood classic makes  
13 no sense.

14 MR. PETRAMALO: This is interesting. Do you have  
15 the million dollars, because I sure don't?

16 MR. WEINBERG: It is in the partnership. You  
17 don't think there's a million dollars in the partnership  
18 account?

19 MR. PETRAMALO: Oh, there is. But that's our  
20 money, not yours.

21 MR. WEINBERG: It's a joint account, is it not?

22 MR. PETRAMALO: Hello.

23 MR. WEINBERG: For purses and prizes. How do you  
24 spend that money?

25 MR. PETRAMALO: That comes directly to the HBPA

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1 by statute. You get your statutory share, we get ours.  
2 That's not your money.

3 MR. WEINBERG: I'm not saying it is.

4 MR. PETRAMALO: Well, you just did.

5 MR. WEINBERG: I said it was your money and you  
6 told me -- you said you didn't have it.

7 MR. REYNOLDS: Let me rein it back in, please.  
8 Y'all will have another chance, because right now we're  
9 talking about the Gold Cup, and now all of a sudden we're on  
10 the other page. But I hear you loud and clear; your point's  
11 well-taken. You should be treated equally, and that is the  
12 Commission's intent is to treat everybody equally.

13 Right now we're talking about the Gold Cup. I  
14 believe -- and I want to hear from the rest of the Commis-  
15 sioners, but I believe that we have a contract, that it is a  
16 reasonable request to have pari-mutuel betting on the Friday  
17 night. Basically all we're doing is just making the hours  
18 earlier. It's the same thing in my mind that's already been  
19 approved.

20 I'd like to hear from the other Commissioners, and  
21 then after that I'd like to hear a motion to approve.

22 MS. DAWSON: I have a question pertaining to  
23 what Jim said about there's a disagreement between the two  
24 attorneys on the interpretation of the statute, and I be-  
25 lieve it revolves around the question of the licensee. What

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1 is your interpretation?

2 MR. LAWS: Under the statute, Virginia Gold Cup  
3 is a limited licensee. Under 392, there has to be a joint  
4 request between the recognized majority horseman's group and  
5 the unlimited licensee -- that would be Colonial Downs. So  
6 the request has to be -- the request for Virginia Gold Cup  
7 has to jointly come from these two groups. That's what --

8 Jim, is that correct? Is that what your argument  
9 is?

10 MR. WEINBERG: (Nodding head indicating in the  
11 affirmative).

12 MR. LAWS: I happen to agree with him. I think  
13 under the statute, it specifically says unlimited licensee,  
14 and my understanding is the only unlimited licensee in Vir-  
15 ginia is Colonial Downs.

16 MR. PETRAMALO: Let me ask you this then --

17 MR. LAWS: Sure.

18 MR. PETRAMALO: You read the rest of the statute.  
19 Do you think that the retainage --

20 MR. LAWS: B, C, D or E?

21 MR. PETRAMALO: Doesn't make any difference.

22 -- do you think that where it otherwise refers to  
23 unlimited licensee in that statute with regard to how much  
24 the unlimited licensee can retain for itself that that means  
25 Colonial Downs and not the Gold Cup? I don't think so. It



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1 doesn't make any sense to read the statute that way.

2 MR. LAWS: Give me one the second.

3 Do you have the statute in front of you?

4 MR. PETRAMALO: Yes, I do.

5 MR. LAWS: When you say that there's other areas  
6 where it mentions unlimited licensee and it wouldn't make  
7 sense to interpret it that way, can you point me to where  
8 you're talking about?

9 MR. PETRAMALO: Sure. Take a look at 392 B.

10 MR. LAWS: Okay. I'm with you.

11 MR. PETRAMALO: Talking win, place, and show,  
12 the licensee shall retain a percentage amount approved by  
13 the Commission as jointly requested by a recognized majority  
14 horsemen's group and an unlimited licensee. And let's see  
15 -- it also picks that up in D.

16 MR. LAWS: And C and E.

17 MR. PETRAMALO: Yeah, well, wherever the retainage  
18 is. It just makes no sense to think that a licensee who is  
19 out there licensed to conduct pari-mutuel wagering some  
20 place far away from Colonial Downs needs the permission of  
21 Colonial Downs, plus Colonial Downs gets to keep the retain-  
22 age. That doesn't make any sense.

23 MR. WEINBERG: To be clear, we're not asking to  
24 keep retainage.

25 MR. LAWS: Well, in the statute, where would it

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1 say that Colonial Downs gets to keep the --

2 MR. PETRAMALO: Well, it says the licensee.

3 MR. LAWS: Well, I think what it's saying is in  
4 a licensee, it's actually Virginia Gold Cup because it's the  
5 licensee, but the unlimited licensee, and that's --

6 MR. PETRAMALO: Ask yourself this: What sense  
7 does it make to require Colonial Downs' approval for pari-  
8 mutuel wagering some place 150 miles to the north at a dif-  
9 ferent facility?

10 MR. LAWS: Well, I think the statute refers to the  
11 unlimited licensee.

12 MR. PETRAMALO: Yes.

13 MR. LAWS: Which Colonial Downs happens to be.

14 MR. PETRAMALO: Yes.

15 MR. LAWS: So I don't think the General Assembly  
16 is saying Colonial Downs has the -- it's says unlimited  
17 licensee.

18 MR. PETRAMALO: Well, there's only been one  
19 unlimited licensee in the last 17 years.

20 MR. LAWS: And whether it makes sense to you or  
21 me isn't the question, it's what the General Assembly says.  
22 And in that statute, it says licensee in one place, unlimit-  
23 ed licensee, and the common rule of statutory construction  
24 is that when the General Assembly uses two different phrases  
25 or two different words, it intends to do that, you have to

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1 give the effect to both words.

2 MR. PETRAMALO: well, I think also the statutory  
3 maxim also requires you to use common sense. All --

4 MR. LAWS: I'm not aware of that in statutory  
5 construction. I'm just kidding.

6 MR. STEWART: well, with all due respect, to  
7 use common sense, why don't you just agree to ours and we'll  
8 agree to theirs and we'll go on down the road?

9 MR. PETRAMALO: well, we're leaving out some-  
10 thing very important here. There is another argument under  
11 the section 369-14 that is the requirement of a contract  
12 between the Virginia HBPA and the licensee. We have such a  
13 contract with regard to the Gold Cup. We do not have a  
14 contract with Colonial Downs. Big difference.

15 So, even if you were to treat, quote, Colon-  
16 ial Downs and the Gold Cup equally with regard to 392, you  
17 certainly have to treat them equally with regard to the con-  
18 tract requirement, and there's the difference: They do not  
19 have a contract.

20 MR. WEINBERG: If I may, I would like to say  
21 that's irrelevant. That is absolutely unrelated to what  
22 we're talking about.

23 MR. LAWS: I would like to make sure that we  
24 answer Ms. Dawson's question, and I understand each side is  
25 going to have more to say, and I thank you for your explan-

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1 ation, Jim, and Frank, your explanation as well. I under-  
2 stand -- I think I understand both sides' positions.

3 In this case, Ms. Dawson, my legal advice that I  
4 give in open session is that under Section 392, the General  
5 Assembly used the word licensee and then it used the phrase  
6 unlimited licensee. The General Assembly intended in the  
7 plain meaning of the words to create a licensee, Virginia  
8 Gold Cup, and an unlimited licensee, in this case Colonial  
9 Downs, and the -- Colonial Downs consent and agreement with  
10 the HBPA is contingent and is necessary for the Virginia  
11 Gold Cup as a licensee to get what it wants.

12 I hope that colloquy is understandable.

13 MR. REYNOLDS: Right now we have two licensees,  
14 one is limited and one is unlimited.

15 MR. LAWS: Correct.

16 MR. REYNOLDS: The limited licensee has the  
17 contract which is required -- they have a contract with the  
18 HBPA.

19 MR. WEINBERG: I would just like to note that I  
20 disagree that a contract is required for a lot of reasons.  
21 It is for simulcast wagering, but is not for live racing.

22 MR. REYNOLDS: We will get to that. Let's get  
23 back and try to resolve this.

24 The way I see it is we already have approved  
25 pari-mutuel racing for the Gold Cup. What you're asking us

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1 to do is just open it up on Friday night for the same races  
2 the next day that we've already approved, is that correct?

3 MR. PIERCE: There will be no additional races  
4 wagered on that have not been approved.

5 MR. REYNOLDS: Okay.

6 You know, I'm inclined to approve it, but I'd like  
7 to hear from the other Commissioners, and if they agree, I'd  
8 like to hear a motion.

9 MR. TROUT: Mr. Chairman, my concern is basically  
10 what counsel has been stating, and that is that we want to  
11 make sure that what we do is not going to be immediately  
12 assailable in any kind of legal action. I have to admit I  
13 went to law school a long time ago, and I don't remember the  
14 word common sense coming up in any of my courses, but the  
15 law certainly did, and the distinction between the licensees  
16 -- and there are basically two licensees, but there's only  
17 one unlimited licensee, and where that is used by the Gen-  
18 eral Assembly, that's what the law says.

19 So the concern I have is to make sure that the --  
20 I don't have any objection certainly to the taking in events  
21 the previous evening, and I think that's a good idea and I  
22 think it adds to the event that has already been approved by  
23 this Board, but I do want to make sure we're doing something  
24 that's going to be within Virginia Code and the interpre-  
25 tation of the Virginia Code when we do that. So I'm glad to

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1 make that motion, but I also want to make sure we're doing  
2 something --

3 MR. REYNOLDS: Are you leaning towards deferring  
4 it until we can find out?

5 MR. TROUT: I'd rather not defer it, but if  
6 that's going to be the best way to handle it -- and I think  
7 we will be having probably a meeting in the very near fut-  
8 ure -- that might be the thing to do, and its hard to tell.  
9 I'm really just not clear with it. I'd like to go ahead  
10 with it, but at the same time I want to make sure we're  
11 doing it within the Virginia Code and not just within common  
12 sense.

13 MR. REYNOLDS: Okay.

14 MS. DAWSON: Mr. Chairman, I tend to agree with  
15 Commissioner Trout, and I would favor deferring to this to  
16 the next meeting.

17 MR. REYNOLDS: Okay. Mr. Laws, if we voted on  
18 it, do you think we're in conformance with the Act, or do  
19 you think deferring it so we could dot our i's and cross our  
20 t's --

21 MR. LAWS: I think -- and the statute says on  
22 pari-mutuel pools generated by wagering, so even though the  
23 Commission has already approved the Saturday races, if we --  
24 if the Commission wants to approve Friday, it's voting on  
25 pari-mutuel wagering pools, so that's why colonial --

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1 MR. PIERCE: Are they not the same pools?

2 MR. LAWS: No, they'd be different because the  
3 income from Friday is additional because it wouldn't -- in  
4 other words, to me it is. I mean even chronologically and  
5 temporally, if it's something that happens on Friday, it  
6 doesn't happen on Saturday, so if we're trying to include  
7 Friday, that creates an additional pool.

8 MR. PETRAMALO: No, that's not true.

9 MR. VAN CLIEF: Just a follow-up to that last  
10 question. My understanding was that the betting on Friday  
11 evening would be pooled with Saturday, not as Mr. Laws just  
12 suggested, that this would be considered advance wagering  
13 and go into the following day's pool. Can we get clarifi-  
14 cation on that?

15 MR. PIERCE: That's correct, Commissioner. Your  
16 thought is correct.

17 MR. REYNOLDS: Okay.

18 MR. PETRAMALO: Right. If you wagered \$10,000 on  
19 Friday night and 90,000 on Saturday, there's 100,000 in the  
20 pool.

21 MR. REYNOLDS: D. G., do you have any comments  
22 based on the Commissioner's comments of just not being so  
23 sure and perhaps we should defer this?

24 MR. VAN CLIEF: Well, I would rather vote today  
25 if we can. I'd certainly defer to counsel's recommendation,

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1 but I just think that if we're not able to vote today and  
2 give Gold Cup the advantage of more time to publicize the  
3 additional wagering, it's just more collateral damage eman-  
4 ating from this impasse that we're dealing with, and I'd  
5 rather vote today if we can, but I would certainly defer to  
6 the advice to make sure we stay within our legal parameters.

7 MR. LAWS: And Commissioner, may I?

8 MR. REYNOLDS: Yes, please.

9 MR. LAWS: Jim, is Colonial Downs jointly  
10 requesting with the HBPA, making the request for Virginia  
11 Gold Cup?

12 MR. WEINBERG: To be clear, Colonial Downs would  
13 be happy to join with the HBPA if the HBPA will join with us  
14 for the Dogwood Classic. That's as simple as I can make it.

15 We have two more days of pari-mutuel wagering  
16 to negotiate. Our other contractual differences aside, can-  
17 didly, it's not a lot of money we're talking about, but it  
18 would be very nice to have two more days of pari-mutuel  
19 wagering in the State. All we're asking for is VHBPA, don't  
20 be obstructionists for the Dogwood Classic; we don't want to  
21 be obstructionists here. We'd much rather see pari-mutuel  
22 wagering being conducted. But it's just back to the basic  
23 equity. It's very similar days. Let's just get on with it.

24 MR. PETRAMALO: Let me ask you this, Jim:

25 Assuming the HBPA were to agree with regard to the retain-



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1 age --

2 MR. WEINBERG: Uh-huh.

3 MR. PETRAMALO: -- and pari-mutuel wagering were  
4 to otherwise go forward on Dogwood, where would the purse  
5 money come from for Dogwood?

6 MR. WEINBERG: Colonial Downs.

7 MR. PETRAMALO: Really?

8 MR. WEINBERG: Yes.

9 MR. STEWART: We've met all our financial  
10 obligations in the past, unlike some others.

11 MR. PETRAMALO: Well, last year the horsemen put  
12 up the \$70,000.

13 MR. WEINBERG: And I think the horsemen made clear  
14 they're not prepared to do that, and Colonial Downs is.

15 MR. STEWART: Without an agreement.

16 MR. WEINBERG: Without an agreement.

17 MR. STEWART: Right.

18 MR. PETRAMALO: And where does the horsemen's  
19 share of Dogwood racing, the statutory share for example is  
20 eight percent -- I believe it's eight percent on win, place,  
21 and show betting -- where does that money go?

22 MR. WEINBERG: Into the checking account, the  
23 purse account.

24 MR. PETRAMALO: The joint account?

25 MR. WEINBERG: No, the checking account.

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1 MR. PETRAMALO: Oh, I see. So you're going to use  
2 that wagering to finance the \$70,000 in purses?

3 MR. STEWART: Well, to be clear, if it generates a  
4 \$1,000 in that account, I'd be stunned.

5 MR. PETRAMALO: I understand that. You'd have to  
6 generate 875,000 in handle to raise \$70,000.

7 MR. WEINBERG: Frank, let's be clear. It will  
8 go into the same account that wagering on live racing at  
9 Colonial Downs goes.

10 MR. PETRAMALO: I don't think that's accurate,  
11 Jim.

12 MR. WEINBERG: Yeah, it is. Well, that's the  
13 account it will go to. It will be treated no different than  
14 what has been going on for 17 years.

15 MR. PETRAMALO: No, I think -- I think -- the  
16 live wagering during your regular meet goes into the joint  
17 partnership account because then we turn-around and write  
18 checks on that to the --

19 MR. WEINBERG: Okay. I think in practice  
20 you're right. If you read the statute literally, it should  
21 be going into the other account, but I'm telling you we're  
22 not looking to treat it any differently than the way it's  
23 been treated for the last 17 years.

24 MR. PETRAMALO: And that would have meant going  
25 into the partnership account.

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1 MR. WEINBERG: Fine. Into the partnership  
2 account.

3 MR. REYNOLDS: Okay. Are you-all comfortable  
4 having a vote or are you-all adamant about -- obviously, if  
5 you vote no, then it doesn't pass, and I think I'd like to  
6 vote on it, and I think D. G. would like to vote on it, but  
7 if you two don't want to do it --

8 MR. TROUT: Mr. Chairman, I think we can. If  
9 we do a deferral, I think we may not under the circumstances  
10 and under our agenda, we may wind up being able to consider  
11 it later on in this same meeting or even deferring it to the  
12 next meeting. That may be the thing to do, or go ahead and  
13 vote on it now. I'd vote for it now, and I'd probably vote  
14 for it then, but I just want to make sure we're doing the  
15 right thing, and it sounds like to me some agreement may be  
16 being made on Dogwood right here.

17 MR. PETRAMALO: Mr. Chairman, can we have about  
18 two minutes and confer here?

19 MR. REYNOLDS: Yes.

20 NOTE: The meeting observes a recess at 10:41 a.m.  
21 and is reconvened at 10:51 a.m. as follows:

22 MR. REYNOLDS: Now, we're back.

23 MR. HETTEL: Mr. Petramalo, you had the floor  
24 last. You're up.

25 MR. PETRAMALO: Yes, come, let us reason together.

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1           MR. REYNOLDS: Let me get the wax out of my ears  
2 for that.

3           MR. PETRAMALO: We're amenable to doing the  
4 following: Number one, if Colonial will not oppose the Vir-  
5 ginia Gold Cup by giving permission to do what it wants to  
6 do Friday night or Saturday -- that's number one -- number  
7 two, we, the HBPA, will agree to Colonial Downs' request  
8 before the Commission to conduct pari-mutuel wagering at the  
9 Dogwood races provided that the horsemen's share of wagering  
10 under the statute be deposited in the joint partnership  
11 trust account. And two, that the \$70,000 in purse money  
12 comes from Colonial's funds; and three, that this agreement  
13 is without prejudice or precedent to positions that we have  
14 taken with regard to the necessity of a contract for Colon-  
15 ial to conduct live racing or to conduct pari-mutuel wager-  
16 ing, et cetera.

17           And if that's agreeable to Colonial, I think we  
18 can go forward.

19           MR. STEWART: That's fine with us.

20           MR. WEINBERG: Can I be the utter lawyer for one  
21 moment? Frank, you said \$70,000, wasn't it seventy-five?

22           MR. PETRAMALO: Trust me. Five thousand comes  
23 from the NSA.

24           MR. REYNOLDS: Jim, we're on a roll here.

25           MR. WEINBERG: No, I'm agreeing, I just want to

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1 make sure we get the record right.

2 I would suggest respectfully to the Commission  
3 that the resolution be the Commission is approving a joint  
4 request from all the interested parties for a take-out of  
5 18 percent for straight wagers and 22 percent for exotics  
6 for both the Gold Cup and the Dogwood Classic. If you want  
7 to do them in separate resolutions, that's fine. I do think  
8 it's important that the numbers be cited in the resolutions;  
9 that's what the statute requires.

10 MR. PETRAMALO: I agree. You might want to think  
11 about some better numbers though.

12 MR. WEINBERG: As we said, we're on a roll.

13 MR. REYNOLDS: Is that a resolution we need to  
14 draw up right now?

15 MR. WEINBERG: I think as long as both sides are  
16 taking that it is without prejudice to their views on the  
17 need or no need for a contract --

18 MR. REYNOLDS: Does one of us have to make that  
19 motion and recite all that? Or is it on the record?

20 MR. PETRAMALO: Subject to Josh's comments, I  
21 think the motion you make is a motion to adopt the repre-  
22 sentations of counsel for the HBPA and counsel for Colonial  
23 Downs.

24 MR. LAWS: A motion to pass what he said?

25 MR. PETRAMALO: Whatever he said, let that be my

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1 motion.

2 MR. REYNOLDS: Josh, put that together in a quick  
3 motion, and let's get it approved.

4 I guess the first order of business is to approve  
5 the Gold Cup right now. Right?

6 MR. PETRAMALO: Yes.

7 MR. REYNOLDS: We're going to do that right now.

8 Do I hear a motion to approve the Gold Cup to  
9 extend their license to Friday night?

10 MS. DAWSON: So moved.

11 MR. TROUT: Second.

12 MR. REYNOLDS: All in favor?

13 NOTE: All indicated by voting aye.

14 MR. HETTEL: Mr. Chairman, while Josh is working  
15 that up, can I seek approval of the racing officials for the  
16 2014 Gold Cup meet?

17 MR. PETRAMALO: You also should, I believe,  
18 formally approve the contract that's been executed by Gold  
19 Cup.

20 MR. HETTEL: One item at a time.

21 MR. PETRAMALO: I just didn't want you to think I  
22 was just a potted plant sitting here doing nothing.

23 MR. HETTEL: We haven't poured any water on you  
24 yet.

25 Second is approval of the horsemen's contract

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1 submitted, signed and approved by David Ross and will  
2 Robinson of Gold Cup. I seek that separate approval.

3 MR. TROUT: Mr. Chairman, so moved.

4 MS. DAWSON: Second.

5 MR. REYNOLDS: Any discussion? All in favor say  
6 aye.

7 NOTE: All indicated by voting aye.

8 MR. REYNOLDS: Now, point of protocol.

9 (To Mr. Hettel) You made the motion. Does one of  
10 us need to make the motion?

11 MR. HETTEL: To seek a motion is what I was doing.

12 MR. TROUT: I did that.

13 MR. REYNOLDS: Thank you.

14 MR. PIERCE: Thank you.

15 MR. REYNOLDS: Dot a couple i's.

16 we're done with Gold Cup, so now we're going to  
17 go down to Colonial Downs' request which we talked a lot  
18 about and we're writing up the resolution, but I'm going to  
19 turn it over to Colonial Downs to formally request.

20 MR. WEINBERG: The request is to permit  
21 pari-mutuel wagering on the races to be run on April 5th at  
22 the Dogwood Classic with a straight wager take-out of 18  
23 percent and an exotic wager take-out of 22 percent.

24 MR. LAWS: Provided that HBPA percentage is  
25 deposited to a joint account, purses come from Colonial

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1 Downs, and it's not precedent setting?

2 MR. PETRAMALO: Correct.

3 MR. LAWS: Somebody has to make the motion.

4 MS. DAWSON: I so move.

5 MR. TROUT: Second.

6 MR. REYNOLDS: All in favor?

7 NOTE: All indicated by voting aye.

8 MR. REYNOLDS: There wasn't any discussion, right?

9 The motion passes.

10 MR. WEINBERG: Thank you.

11 MR. REYNOLDS: Now to the big stuff. Now we will  
12 go to the Executive Secretary's Report.

13 MR. HETTEL: Mr. Chairman, we continue to struggle  
14 with the 2014 Thoroughbred date assignment and we've had  
15 some productive discussions, I think. Hopefully, some pro-  
16 gress in moving the ball forward.

17 I'd call on now -- Frank, would you care to talk  
18 first about 2014, or would you prefer to defer that and let  
19 Colonial make some presentation and then you comment?

20 MR. PETRAMALO: Well, let me just recap the  
21 bidding from our meeting on St. Patrick's day. At that  
22 time, the Commission proposed a compromise of seven weeks  
23 with 21 days.

24 we discussed that with our Board of Directors, and  
25 the following day, in writing to the Commission, we accepted



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1 that proposal, seven weeks, 21 days, and further added that  
2 we would be agreeable to executing a contract for this year  
3 which tracked the expired contract for last year which in-  
4 cluded our funding from the horsemen's purse account, the  
5 Dogwood races. That's where it stood. We haven't had any  
6 response from Colonial on that.

7 MR. REYNOLDS: Okay.

8 MR. HETTEL: Ian or Jim, would you like to speak?

9 MR. WEINBERG: I think we plan to discuss a  
10 response to that after this meeting privately with the HBPA.  
11 I think the themes embodied in the seven week, 21 day re-  
12 quest were two; one to reduce the number of days to increase  
13 the purses to attract a higher quality of racing, and to ex-  
14 tend the meet to provide more opportunities for the horsemen  
15 to race.

16 The proposal we'll discuss this afternoon embodies  
17 those two concepts as well in slightly different formulat-  
18 ion, so we look forward to those discussions.

19 MR. REYNOLDS: Okay. Anything else, Ian?

20 MR. STEWART: No, sir.

21 MR. REYNOLDS: Okay. Before we go to the public  
22 participation, which y'all are welcome to speak, we need to  
23 go into closed session to discuss a personnel matter, and  
24 with that, do I have to read something?

25 MR. LAWS: I can do it.

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1 MR. REYNOLDS: We're going to let them do it  
2 afterwards. We're not going to take very long.

3 MR. TROUT: Mr. Chairman, if I could just --  
4 before we do that, we do have two more visitors here from  
5 New Kent County, Rod Hathaway -- he was here at the last  
6 meeting, is the County Administrator is here; Thomas Evelyn  
7 from the Board of Supervisors is here along with Ron Stiers  
8 that was introduced earlier, and we've probably started to  
9 attract some attention here in New Kent County. I'm not  
10 sure it's what we intended to do --

11 MR. REYNOLDS: I think we're attracting attention  
12 from a lot of places.

13 MR. TROUT: We've got good participation.

14 MR. REYNOLDS: Great. Thank y'all for coming.

15 MR. LAWS: In order to go into closed session, if  
16 one of the Commissioners would like to make a motion under  
17 Virginia Code 2.2-3700, Freedom of Information Act, in order  
18 to discuss a personnel issue and to get legal advice.

19 MS. DAWSON: I so move.

20 MR. REYNOLDS: Do I hear a second?

21 MR. TROUT: Second.

22 MR. HETTEL: Frank, if you don't mind, we'll use  
23 your office for two minutes.

24 MR. PETRAMALO: No, that's fine.

25 MR. REYNOLDS: All those in favor, say aye.

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1 NOTE: All indicated by voting aye.

2 The Commission goes into closed session at 11:01  
3 a.m. and is reconvened at 11:09 a.m. as follows:

4 MR. REYNOLDS: Thank y'all for your patience.

5 MR. LAWS: At this point, would one of the  
6 Commissions like to make a motion bringing us back into open  
7 session, certifying that all that was discussed in the  
8 closed meeting was personnel issues and legal advice from  
9 counsel?

10 MS. DAWSON: I'd like to move that we go back  
11 into open session, and I certify that we only spoke about  
12 personnel issues.

13 MR. TROUT: Second.

14 MR. REYNOLDS: All those in favor, say aye.

15 NOTE: All indicated by voting aye.

16 MR. REYNOLDS: We are back in session.

17 The next part of our agenda is public partici-  
18 pation, so if anybody would like to come up and make some  
19 comments, please do so, but come to the front so Commis-  
20 sioner Van Clief can hear you, and if you would like to  
21 speak, please state your name before you speak.

22 So with that, I'll turn it over to the public for  
23 comments.

24 NOTE: There was no response.

25 MR. REYNOLDS: Oh, come on.

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1           Okay. Well, thank you-all very much. We need to  
2 set a date for the next meeting.

3           MR. HETTEL: What I would suggest, Mr. Chairman,  
4 we've got the one issue of Dean Eckley's appeal that's been  
5 on hold literally all this year. Josh, help me with this.  
6 Could we call a meeting with his counsel for an available  
7 date in early April? I think that would be conducive to  
8 your schedule, and D. G., when will you return to Virginia?

9           MR. VAN CLIEF: I'm available to be at a  
10 meeting -- well, let's say I should be firmly in place  
11 Monday, 7 April going forward, I should be at your disposal.

12           MR. LAWS: So some time between Tuesday, April 8th  
13 and Tuesday --

14           MR. REYNOLDS: The rest of my Commissioners,  
15 what's --

16           MS. DAWSON: I'm sorry, what date?

17           MR. LAWS: Between Tuesday, April 8th, and  
18 Tuesday, April 15th inclusive.

19           MR. TROUT: I've got all my taxes done, so the  
20 15th is open.

21           MR. HETTEL: Pick a date then. What's the best  
22 date?

23           MR. REYNOLDS: I'm wide open if I don't get thrown  
24 in jail.

25           MR. HETTEL: Now, in terms of giving notice, Ms.

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1 Brown, proper notice, let's go ahead and figure that.

2 MR. PETRAMALO: The only purpose of this meeting?

3 MR. HETTEL: The Eckley appeal hearing. So  
4 certainly everybody can come listen to it, but there would-  
5 n't be any other business discussed, unless something great  
6 happens later and we have race days, and then I'll put that  
7 on the notice.

8 MR. TROUT: So the contingency is that it could be  
9 for that if there's a reason?

10 MR. REYNOLDS: Yes, good point. If we do get  
11 fortunate enough to have race days, I want to make sure it's  
12 -- what's the notice period, 12 days?

13 MR. LAWS: Ten days.

14 MR. REYNOLDS: So that gives us our ten days to  
15 the next meeting, so that's perfect.

16 MR. HETTEL: We'll certainly know something later  
17 today.

18 MR. LAWS: Friday, April 11th at 9:00 o'clock.

19 MR. HETTEL: Okay. Read that into the record,  
20 Josh.

21 MR. LAWS: The next scheduled meeting of the  
22 Commission will be Friday, April 11th --

23 MR. REYNOLDS: Can we do the tenth?

24 MR. LAWS: 11th is the --

25 MR. REYNOLDS: That's the day? Okay. I'll just

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1 have to cancel this. That's fine.

2 MR. LAWS: So the next meeting of the Commission  
3 will be Friday, April 11, 2014, at 9:00 a.m. for the purpose  
4 of hearing the appeal from Mr. Eckley.

5 MR. REYNOLDS: Very good.

6 There being no further business before the  
7 Commission, I would like make a motion to adjourn, or  
8 somebody please make the motion --

9 I'm going to make the motion to adjourn.

10 MR. TROUT: We'll both second that.

11 MR. REYNOLDS: Awesome.

12 All in favor?

13 NOTE: All indicated by voting aye.

14 MR. REYNOLDS: Thank you-all for coming. See  
15 you-all next time.

16 NOTE: The meeting adjourned at 11:13 a.m.

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18 **HEARING CONCLUDED**

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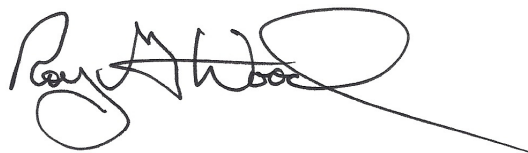
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**CERTIFICATE OF COURT REPORTER**

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 29th day of June, 2014.



**ROY GARRISON WOOD**  
REGISTERED PROFESSIONAL REPORTER