

**VIRGINIA RACING COMMISSION**

September 25, 2013

10700 Horseman's Road

New Kent, VA 23124

Commencing at 10:00 a.m.

**COMMISSION MEMBERS:**

Stuart Siegel, Chairman

J. Sargeant Reynolds, Jr., Vice Chairman

Carol G. Dawson

D.G. Van Clief, Jr.

Stran L. Trout

**COMMISSION STAFF:**

Bernard J. Hettel, Executive Secretary

David S. Lermond, Jr., Deputy Executive Secretary

C. Richard Harden, DVM, Equine Medical Director

Courtney Reid, Office Administrator

**ATTORNEY GENERAL'S OFFICE**

Joshua E. Laws, Esquire

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1           CHAIRMAN SIEGEL: We will go right into our  
2           September meeting of the Commission. Okay. I will  
3           call to order the September meeting of the Virginia  
4           Racing Commission. The first item on our agenda is  
5           the approval of the minutes of the meeting from  
6           July 10th that have been distributed.

7           Can I have a motion they be approved?

8           MR. S. REYNOLDS: So moved.

9           CHAIRMAN SIEGEL: Second?

10          MS. DAWSON: Second.

11          MR. TROUT: Second.

12          CHAIRMAN SIEGEL: Any additions, corrections to  
13          these minutes?

14          NOTE: There is no response.

15          CHAIRMAN SIEGEL: Okay. All in favor, say aye.

16          NOTE: The Commission votes aye.

17          CHAIRMAN SIEGEL: They are approved.

18          Commissioners' comments.

19          MR. TROUT: Mr. Chairman, I do have one. I  
20          was -- the New Kent County fair was out here this  
21          past weekend, and I was out there four days off and  
22          on, and there were a lot of folks walking around,  
23          and I haven't seen any numbers which we'll probably  
24          hear about. There was a supplement to the racing  
25          and racing people there who supplemented the fair,

1       so I think both organizations benefited from it, and  
2       I think it was a good day for racing and a good day  
3       for the fair.

4               CHAIRMAN SIEGEL:   Good.   Thank you.

5               Ms. Dawson, you attended the ARCI in August.  
6       Would you like to comment on that experience?

7               MS. DAWSON:   Yes.   Thank you, Mr. Chairman.

8               I noted that in the minutes it did say that I  
9       would provide a report at the next meeting, so I  
10      promise to be brief.

11              I had the privilege of attending the ARCI  
12      meeting held in Saratoga Springs, New York,  
13      July 29th, 30th, and 31st.

14              David Lermond, the Virginia Commission's deputy  
15      executive secretary was also in attendance, and  
16      provided the meeting with sound input about what is  
17      happening here in our state.

18              This is the second opportunity I've had to  
19      attend the ARCI meeting, and this year's session  
20      gave me a chance to renew some friendships with many  
21      of those I met last year.

22              There are a lot of problems in horseracing, we  
23      all know, but there are also a lot of fine people  
24      you meet along the way in an effort to make it  
25      better.

1           As most of you know, ARCI is an association of  
2 members of racing commissions throughout the U.S.  
3 and Canada, and including parts of the Caribbean.

4           As part of this summer's meeting, the  
5 association offered a special training course  
6 for new racing commissioners. Participants of that  
7 program included representatives from Washington  
8 State, Minnesota, Massachusetts, Delaware and  
9 Virginia.

10          Training sessions covered all aspects of horse  
11 racing and wagering, including technical aspects of  
12 conducting appeals hearings, administrative  
13 procedures, and the nuts and bolts aspects of drug  
14 testing.

15          Staff that conducted training sessions came  
16 from the New York Gaming Commission, the New York  
17 Racing Association, Saratoga Raceway and Gaming, the  
18 South Dakota Commission on Gaming, the Minnesota  
19 Racing Commission, and the Louisiana Racing  
20 Commission.

21          One of the highlights and the biggest newsmaker  
22 of the event was the meeting of the Model Rules  
23 Committee and the Board of Directors of ARCI.  
24 There, the ground breaking new penalty guidelines  
25 for multiple medication violations was adopted.

1           The point system is to be launched next year  
2           and is modeled after a similar approach taken in the  
3           U.S. Federal sentencing guidelines.

4           Ed Martin, ARCI's president, described the  
5           Model Rules Committee meeting as spirited, and it  
6           was. Many regulators on the committee supported the  
7           concept of points applied to all regulatory  
8           violations.

9           The most ambitious aspect of the system is that  
10          it depends on all racing regulatory entities,  
11          commissions like this one, submitting violation data  
12          through a central portal into the RCI database,  
13          which will track points and their expiration.

14          There were challenging presentations by Larry  
15          Aliason of South Dakota on rule making and RCI model  
16          rules process, and an important session on hearings  
17          provided by Ralph Kenmints [ph] and Rick Udell of  
18          the New York State Racing and Wagering Board.

19          At a roundtable held to encourage everyone to  
20          ask questions, we heard a fascinating presentation  
21          by a member of the Louisiana Racing Commission, who  
22          had won her credentials as a champion of the  
23          National Handicapping Contest, winning first place  
24          in that competition in 2000. Her presentation was  
25          informative and led to a discussion of how to get

1 more people to come to the track.

2 New commissioners were also given a tour of one  
3 of New York State's off-track betting parlors, a  
4 two-story, well-run location where patrons can bet  
5 on races from all over the United States. We were  
6 also given tours of track facilities at the Saratoga  
7 Thoroughbred racing track and the Saratoga Harness  
8 racing track.

9 We met with stewards, the racing secretaries,  
10 paddock judges, the horse identifier and the track  
11 veterinarians.

12 There's always one important thought to take  
13 away from conferences like these. For me, it came  
14 with observations by Duncan Patterson, the chairman  
15 the of ARCI, whose comments on the roundtable began  
16 with his personal creative priorities for a racing  
17 regulator. For him, he said it was first the  
18 welfare of the horse; second, the safety of the  
19 jockeys; third, the interest of the betting public;  
20 fourth, the rights of owners and trainers; and  
21 finally, the horse breeders.

22 Not everyone might agree with his personal  
23 priorities, but I found them very close to my own.  
24 As regulators, we must deal with all those whose  
25 interest in horse racing is affected by our

1 decisions. Duncan Patterson's list suits me just  
2 fine.

3 That's the end of my report, Mr. Chairman.

4 CHAIRMAN SIEGEL: Thank you, Ms. Dawson. Any  
5 questions of Ms. Dawson and her report?

6 NOTE: There is no response.

7 CHAIRMAN SIEGEL: We appreciate your bringing  
8 it to us. I think D.G. has a report of the Racing  
9 Safety Medication Committee, and I'll ask that you  
10 present that.

11 MR. VAN CLIEF: Thank you, Mr. Chairman.

12 As most of you in the room will recall, earlier  
13 in the year, the subject of a Mid-Atlantic proposal  
14 to create uniformity with regards to medication  
15 rules and testing protocols was introduced.

16 At that time, the Chairman asked the VRC Racing  
17 Safety and Medication Committee to convene for the  
18 purpose of reviewing that proposal, providing input  
19 back to the Mid-Atlantic regulators who are  
20 overseeing its development, as well as the ARCI and  
21 the RTC, which obviously has substantial input into  
22 the process, and to have a pipeline for input from  
23 the Virginia industry.

24 Ultimately, our job as we saw it was to come  
25 back to the Commission with a recommendation with



1        regards to that proposal and our potential adoption  
2        of the proposal. That's our purpose today.

3            The committee, just to give you a little  
4        background on the process we've been through, has  
5        met once in person, that was in April, and again by  
6        teleconference last month.

7            Between those meetings there have been  
8        substantial correspondence amongst committee members  
9        allowing for input, questions, clarification, and  
10       then for the opportunity to upstream our input as a  
11       committee representing the Commission to the process  
12       at the Mid-Atlantic regional level. All that has  
13       now occurred.

14           I believe, Bernie, I'm correct in saying that  
15       the input from our committee has been upstreamed to  
16       the process at the Mid-Atlantic level.

17           MR. HETTEL: Correct. Clear.

18           MR. VAN CLIEF: It has been taken into account,  
19       and in a number of cases incorporated into the  
20       proposal.

21           MR. HETTEL: That's correct.

22           MR. VAN CLIEF: I'd like to move on to  
23       basically a brief description of what the  
24       proposal now includes and the changes to the  
25       Virginia Administrative Code 11VAC10-180 that we are

1 going to recommend this morning.

2 These amendments are not only recommended by us  
3 as a committee -- and I should stop right there and  
4 say that I think I can speak for the committee in  
5 saying that it is very strongly unanimous when it  
6 comes to supporting interstate uniform medication  
7 rules. There has never been a question about that.

8 I think that the goal of our industry at the  
9 national level for a long time has been to find  
10 harmony from state to state with our medication  
11 rules and testing protocol. Obviously, that would  
12 make it, if we can achieve that, it makes it much  
13 easier on horsemen who are running in a number of  
14 jurisdictions at any given time, and also makes our  
15 industry a much more attractive wagering opportunity  
16 for the better who doesn't want to sit through a  
17 variety of variables, including medication rules and  
18 what's allowed one horse in one state, the same  
19 horse in another state. So this is a goal that has  
20 been long sought by the industry.

21 The amendments have been recommend by the  
22 Racing Safety and Medication Committee, and these  
23 were in response to the Mid-Atlantic regulators who  
24 developed them in conjunction with the ARCI.

25 The states which we hope will participate with

1 us, and as I understand it, it was announced last  
2 week that Maryland has gone ahead and approved this  
3 protocol. The states that we hope we will be in  
4 concert with would include New York, New Jersey,  
5 Pennsylvania, Delaware, Maryland -- as I mentioned  
6 has already gone ahead with this as of last week --  
7 West Virginia and Massachusetts.

8 Officials in those states are committed to this  
9 protocol and are now going through the process of  
10 either at the commission level or the legislative  
11 level getting the necessary changes to regulations.

12 The program divides medications into two  
13 categories; controlled therapeutic substances and  
14 prohibited substances. The controlled therapeutics  
15 will limit the horsemen if this is adopted, to 24  
16 medications that have been recognized as appropriate  
17 for use in race horses to treat illness or injury.

18 These medications will each have a specified  
19 and published restrictive administration time or  
20 withdrawal time and uniform lab detection levels.

21 These will enable therapeutic treatment of a  
22 horse while ensuring that no pharmacologically  
23 significant residue of any of those medications will  
24 be present in the horse during a race.

25 The testing labs of the participating states

1 will uniformly, and I stress the word uniformly,  
2 test for substances using the same state-of-the-art  
3 technology and levels of detection. Quality and  
4 testing is absolutely essential to make this work.  
5 To ensure that the labs will be working uniformly  
6 and to the highest standards, each state will submit  
7 its laboratory to accreditation by the Racing  
8 Medication and Testing Consortium by a code of  
9 standards promulgated by that body.

10 HFL, which is the VRC's current lab, has  
11 already been fully accredited by the body.

12 The program permits administration of Lasix on  
13 race day, and Lasix only, the only medication  
14 permitted, and it will be administered strictly and  
15 uniformly by Commission designees. In laymen's  
16 terms, what this does is it keeps other practicing  
17 veterinarians out of the stall of the horse and away  
18 from contact with the horse on race day.

19 So this, as we see it, would be a major step  
20 and a big step towards uniform regulation of  
21 medication and drug testing, and certainly in the  
22 Mid-Atlantic region, and hopefully that will  
23 translate ultimately to adoption by jurisdictions  
24 around the country and ultimately on a national  
25 uniform medication protocol.

1           So with that in mind, Mr. Chairman, I would  
2           like to make a motion that this Commission adopt a  
3           resolution as follows, and I'll read this for the  
4           record.

5           The resolution would read: Whereas the  
6           Virginia Racing Commission sustains and promotes the  
7           growth and welfare of the Commonwealth's pari-mutuel  
8           horse racing industry and regulates that industry so  
9           as to ensure the highest possible quality and  
10          integrity of the sport and the wagering product; and  
11          whereas it now becomes prudent and necessary to  
12          amend the existing regulations governing the use of  
13          therapeutic medications in race horses and to  
14          implement the highest possible degree of interstate  
15          uniformity regarding race horse medication  
16          regulations; and whereas it now also becomes prudent  
17          and necessary to promote interstate standards which  
18          will ensure the testing for substances in race  
19          horses is conducted with maximum effectiveness,  
20          utilizing state-of-the-art technology and  
21          methodology; and whereas the Racing Safety and  
22          Medication Committee of the Virginia Racing  
23          Commission recommends the regulations contained in  
24          11 VAC10-180, subsections 25, 35, 60, 70, 75 and 80  
25          be amended in accordance with the provisions

1 attached hereto. Therefore, be it resolved that  
2 that the Virginia Racing Commission accepts and  
3 approves the recommendation to alter the  
4 aforementioned regulations provided in 11 VAC10-180,  
5 in accordance with the attachments, the motion on  
6 behalf of the Racing Safety and Medication  
7 Commission.

8 CHAIRMAN SIEGEL: Is there a second?

9 MS. DAWSON: Second.

10 CHAIRMAN SIEGEL: Any discussion? Any comments  
11 regarding this rather extensive but important  
12 motion?

13 MR. PETRAMALO: Yes. We fully support, as  
14 Commissioner Van Clief pointed out, the need for  
15 uniform desire to reach that.

16 We have one minor dissent from the proposed  
17 amendments to the regulations; we have raised this  
18 before. That is under the proposed amendments,  
19 Lasix is administered four hours before race time,  
20 which means horsemen have to be on the grounds five  
21 hours.

22 The current rule in Virginia always has been --  
23 not always, I take that back. The last five or six  
24 years has been Lasix at three hours, on the grounds  
25 at four hours.

1           The reason for that is our unique location.  
2           Some would say it's not so unique being on I-95, but  
3           the problem is we have maybe 35 to 40 percent of our  
4           horses shipping in on a daily basis to race. They  
5           are coming from Maryland, West Virginia, Northern  
6           Virginia, and the ship down 95 and then 64 is  
7           horrendous.

8           What that means is they have to get an early  
9           start, which means leaving the farm early, and it  
10          was really burdensome with a five hour on the  
11          grounds rule, because that meant they basically had  
12          to get their work done on the farm, including  
13          training, et cetera, probably by eight or nine  
14          o'clock in the morning.

15          So we changed the rule to make it three hours  
16          Lasix, four hours on the ground, and it worked very  
17          well. So for that reason, we dissent from the  
18          change here.

19          Let me point out also that the scientific  
20          research, the published research on this issue  
21          demonstrates that with respect to the efficacy of  
22          Lasix, there is no difference between administering  
23          four hours out, three hours out, or two hours out,  
24          so you have our position in the record on that.

25          More importantly -- now I'm being a lawyer --

1 I don't think the proposed regulations achieve what  
2 you want, and that is to the extent you want to  
3 incorporate both the 24 medication control  
4 therapeutic concept, as well as the multiple penalty  
5 of violation concept. These regulations don't do  
6 it. We are going to have to fix them, and it might  
7 be beneficial for the committee to, or members of  
8 the committee including maybe a lawyer if there is a  
9 lawyer on the committee, to meet with Josh Laws to  
10 try and get the regulations straight so that we can  
11 do what you want to do.

12 Right now, if you read through the proposed  
13 amendments, there is nothing in there that  
14 incorporates what we have been talking about, so  
15 it's just a lawyer's fix, but if you want  
16 enforceable regulations, we've got to fix them.

17 CHAIRMAN SIEGEL: Can I assume that this  
18 question has been raised previous to this occasion  
19 to the committee?

20 MR. PETRAMALO: Yeah. Not the committee, but  
21 Bernie and I had talked about it. Well, let me take  
22 that back.

23 MR. VAN CLIEF: Two-fold, I think the question  
24 of the -- I'm sympathetic to your point on the  
25 shipping, the difficulty in shipping here. I think



1 the question about the three- versus four-hour  
2 administration time on the Lasix has been circulated  
3 through the committee. We did discuss it at the  
4 last meeting last month, and Doc, I might ask you to  
5 address that from the standpoint of a scientific  
6 perspective.

7 DR. HARDEN: The same articles that Frank  
8 references, in fact I provided him the information  
9 on that; he is correct. The Lasix is equally  
10 beneficial at three ours or four hours.

11 Also in those same articles though, the  
12 damaging effect of Lasix is more serious at two and  
13 three hours than it is at four hours. So there is  
14 some scientific evidence to suggest that four hours  
15 is better than three, so far as the horse recovering  
16 from the electrolyte disturbance and the fluid  
17 evacuation from the body.

18 MR. VAN CLIEF: So with that in mind, we  
19 thought that it was prudent to take a conservative  
20 approach, given the science we do have at our  
21 disposal, and albeit it is going to provide or cause  
22 at least an hour's inconvenience in some cases, we  
23 are recommending that we leave the four-hour  
24 administration as is.

25 One other reason would be purely

1       administratively, and I consider the science the  
2       driving factor, but the four hours leaves us in  
3       compliance from a uniformity standard with the rest  
4       of our fellow jurisdictions, our neighboring  
5       jurisdictions.

6               I haven't addressed the legal point that Frank  
7       brings up with regards to the accurate, proper  
8       incorporation of the changes in the regulations.

9               CHAIRMAN SIEGEL: Other comments?

10              MR. TROUT: Just one quick one. I think  
11       Mr. Van Clief just answered this one. Is the Lasix  
12       administration that is in this proposal, this is  
13       what is being adopted or what is being considered by  
14       the other jurisdictions?

15              MR. VAN CLIEF: That's correct.

16              MR. TROUT: Including Maryland?

17              MR. VAN CLIEF: That's correct.

18              MR. TROUT: So this would make it consistent?

19              MR. VAN CLIEF: It does.

20              MR. PETRAMALO: With regard to Lasix, I think  
21       we are okay. The other important part of the Lasix  
22       issue is the prohibition on adjuncts. They're gone.  
23       So the Lasix part is fine.

24              CHAIRMAN SIEGEL: While we may have a higher  
25       percentage of ship-ins than other tracks, my guess

1 is that other states will be dealing with this  
2 issue, and we can keep an ear to the ground and hear  
3 what their dialogue is as well going forward.

4 MR. PETRAMALO: I'm reflecting the views of my  
5 constituents. Practically speaking, it seems to me  
6 uniformity is certainly desirable, so that  
7 regardless of where you are in the Mid-Atlantic, you  
8 know that it's a four-hour Lasix rule.

9 Don't tell anybody I said that.

10 MS. NIXON: I won't.

11 CHAIRMAN SIEGEL: Any other questions or  
12 comments?

13 NOTE: There is no response.

14 CHAIRMAN SIEGEL: All in favor of supporting  
15 this recommendation, say aye.

16 NOTE: The Commission votes aye.

17 CHAIRMAN SIEGEL: Any opposed?

18 NOTE: There is no response.

19 CHAIRMAN SIEGEL: The ayes have it. I want to  
20 thank the committee. I think the heavy lifting was  
21 done by Dr. Harden and D.G. and Sargeant, and  
22 whoever else was there. You guys put an awful lot  
23 of effort in to it, and we do appreciate that time  
24 and commitment.

25 MR. VAN CLIEF: I just add to that I'd also

1       like to thank the committee, and I think one of our  
2       most active and productive members is sitting right  
3       there, Mr. Petramalo, on behalf of his constituency,  
4       his input was very productive and very helpful.

5               MR. PETRAMALO:   Thank you.

6               MR. VAN CLIEF:   It's a very good committee.  
7       It's got a great balance of veterinarian experience,  
8       science and horsemen, so it was a pleasure to work  
9       with them.

10              CHAIRMAN SIEGEL:   Good.   Good.

11              Next item on our agenda is the executive  
12       secretary's report.   Mr. Hettel.

13              MR. HETTEL:   I seek your approval today for the  
14       approval of the harness racing officials, which has  
15       started to get retroactive approval at this current  
16       race meet.   Additionally, I seek the approval of the  
17       International Gold Cup racing officials for the 2013  
18       meet in October.

19              CHAIRMAN SIEGEL:   Behind Tab Four.

20              MR. HETTEL:   Yes, sir.

21              CHAIRMAN SIEGEL:   Any questions of Bernie on  
22       these nominations?

23              NOTE:   There was no response.

24              CHAIRMAN SIEGEL:   If not, can I get a motion to  
25       affirm them?

1 MR. S. REYNOLDS: So moved.

2 CHAIRMAN SIEGEL: Second?

3 MS. DAWSON: Second.

4 MR. TROUT: Second.

5 CHAIRMAN SIEGEL: All in favor?

6 NOTE: The Commission votes aye.

7 CHAIRMAN SIEGEL: Thank you. Do you have more  
8 on your report?

9 MR. HETTEL: That should do, sir. We have this  
10 next agenda item.

11 CHAIRMAN SIEGEL: I understand that you've --

12 MR. HETTEL: I have completed my report, yes.

13 CHAIRMAN SIEGEL: Okay. Mr. Petramalo, I guess  
14 you again or Mr. Mulligan have a statement you'd  
15 like to make?

16 MR. PETRAMALO: Was that a sigh of resignation  
17 when you said you again?

18 CHAIRMAN SIEGEL: Yeah. You again.

19 MR. PETRAMALO: I can't live on my handicap. I  
20 have to do something else.

21 Thank you, Mr. Chairman.

22 Teddy -- we of course got the two decisions  
23 fining Teddy Mulligan \$500, as well as the decision  
24 taking the \$15,000 purse because of the  
25 Glycopyrrolate positive. Teddy wanted the

1 opportunity to let you know what he thought about  
2 the process and the result.

3 Before he does so, I would be remiss if I did  
4 not make a few comments as a lawyer.

5 I was somewhat disappointed, because the  
6 Commission, like the stewards, seem to be not paying  
7 enough attention to the regulation that's present  
8 with regard to the drug issues, and ceding too much  
9 of their jurisdiction or their discretion to the  
10 testing lab.

11 Let me read what I'm talking about. I'll give  
12 you the cite here. It's 11VAC10-180-110. It's very  
13 short. What it says is after receiving the  
14 appropriate information on the identified substance  
15 -- this is the report from the lab -- the steward  
16 shall determine whether the chemical identification  
17 constitutes a violation, and whether it should be  
18 deemed a positive test.

19 Now here's the key. In doing so, the stewards  
20 and by reference the Commission, shall consider,  
21 among other things, the concentration level reported  
22 and its likely effect on the horse.

23 I think that, with all due respect, your  
24 decision didn't adequately look at those two points.  
25 The concentration level reported and its likely

1 effect on the horse.

2 There, it seemed to me the facts are pretty  
3 much undisputed. Glycopyrrolate is not a  
4 performance-enhancing drug. It's a bronchodilator.  
5 It dries up a horse's nasal passage. It's effect  
6 probably lasts for about four hours. Not  
7 performance enhancing, not likely to affect the  
8 outcome.

9 Secondly, with regard to the concentration  
10 level found, recall in this case, Teddy Mulligan's  
11 case, it was 1.9 nanograms. A nanogram is a billion  
12 of a gram. That's a tiny concentration.

13 Now, the Commission in supporting its finding,  
14 pointed to prior cases where the purses were  
15 forfeited with three nanograms, and I think ten or  
16 20 nanograms.

17 I think the Commission overlooked the precedent  
18 from last year where we had a 1.5 nanogram overage  
19 of -- excuse me, concentration of Glycopyrrolate.  
20 1.9 is closer to 1.5.

21 More importantly, that consideration of that  
22 1.5 I think is perhaps explained briefly in one of  
23 Dr. Harden's reports that was submitted to the  
24 Commission. It showed that in that case with the  
25 1.5, there was a fine but no loss of purse. I think

1 I submitted earlier a copy of that decision in the  
2 back-up medical data.

3 The point being, using the vernacular, the  
4 trainer was cut a little slack in that case. For  
5 among other reasons, we had a new testing lab, HFL  
6 Science. These guys are good. The other guys are  
7 good, too, but HFL is top of the line. They were  
8 finding stuff that our other labs weren't finding.

9 So the 1.5 nanogram finding was cut a little  
10 slack. There was a fine of \$500 but no loss of  
11 purse.

12 I would submit and I hope that I made this  
13 argument at the hearing, that the situation with the  
14 Gold Cup was very much analogous. Remember, this is  
15 the first time the Gold Cup is running under VRC  
16 rules. The NSA always does drug testing. They  
17 don't use HFL, they use a different lab, and in our  
18 case, Teddy Mulligan's horse two or three weeks  
19 earlier had run on the same medication, won the  
20 race, been tested again by a different lab, and  
21 there was no problem.

22 So it seemed to me as a lawyer, our case was  
23 closer than the other cases you cited, but that's  
24 just a lawyer's comment on losing the case.

25 Let me turn it over to Teddy, and he can tell



1           you what his concern is.

2           MR. MULLIGAN: I just wanted to point out that  
3 I think my horse won fair and square that day, and I  
4 talked to my vet and they told me they had no -- the  
5 Glycopyrrolate did not cause us to win by nine and  
6 three quarter lengths.

7           I trained a horse and he won, and I've been an  
8 NSA trainer, national stepplechase trainer, and I  
9 got my Virginia license for that day when I ran here  
10 at Dogwood Classic.

11          To get to be a trainer in the NSA, you get two  
12 notes from other trainers. You don't take a test,  
13 so I was unaware of the trainer responsibility  
14 thing, which is big here, and I think it's a good  
15 idea, but I don't know.

16          I was following my vet's orders to give it nine  
17 hours out. I did it, my horse one. I don't really  
18 think that the drug caused the horse to win. I  
19 think he won fair and square, that's all I wanted to  
20 point out today.

21          What Frank said about losing \$15,000 and being  
22 fined \$500 and my vet being fined \$1,000, that's a  
23 big hit, especially on a young trainer trying to  
24 start out with a tiny barn full of horses. So  
25 that's all I wanted to point out to all of you.

1           Thanks.

2                   CHAIRMAN SIEGEL:   Okay.   We do appreciate your  
3           comments.   All of what you've said, Frank, was  
4           presented, I believe, at the hearing, and one could  
5           argue what the Commission did or didn't consider in  
6           its deliberation, but the Commission has ruled, of  
7           course, and that rule must stand.   We do appreciate  
8           your input and your coming here to voice your  
9           concerns.

10                   Okay.   The next item on the agenda, I believe,  
11           Mr. Petty, you would like to make a statement to the  
12           Commission as well.

13                   MR. PETTY:   I'd like to make an amended one,  
14           beyond what I've already sent you.   I sent you a  
15           letter between Bernie and I about how one might bid  
16           on or apply for or make a presentation to becoming  
17           the entity designated by the Commission to manage  
18           and promote the Breeders Fund.

19                   We hadn't really hit on the right way to go  
20           about doing that, I don't think, and rather than  
21           debate the legislative intent and statutory  
22           language, I think what Mr. Laws said is correct,  
23           that it says that the Commission may designate an  
24           entity.

25                   So I think what I would like, I guess the

1 blessing or a nod of the head that yes, that's the  
2 way to go about this, that maybe the entities that  
3 are interested in this contract submit a proposal to  
4 the Commission and the Commission may designate who  
5 they want the entity to be.

6 I think that's simpler than public procurement  
7 and some other options that we kicked around, and it  
8 would be not dissimilar to other processes you've  
9 done, but not the same as how you chose the drug  
10 lab.

11 In this particular case, that might be the  
12 simple way to go about it, and so I just wanted to  
13 announce that it was my intention to do that and see  
14 if everybody thought within the scope of a public  
15 meeting if that was the right way to do it.

16 CHAIRMAN SIEGEL: Well, I would just suggest  
17 we're under a contract currently which expires at  
18 the end of the year. Anyone, including yourself, is  
19 free to propose for subsequent years, but we  
20 obviously will not take any action on anything until  
21 this contract is at or has reached its expiration,  
22 so I would not encourage you or discourage you.  
23 This is still America and you can still do whatever  
24 you choose to do.

25 Are there any other comments regarding this

1 issue?

2 MR. VAN CLIEF: Just a question, Mr. Chairman,  
3 on process. If we open this up to bids, are we  
4 required to engage in a formal RFP process?

5 CHAIRMAN SIEGEL: Well, let me suggest the  
6 Attorney General's office, and Mr. Laws in  
7 particular, have opined on some of this. I think  
8 that perhaps more work needs to be done.

9 I don't believe that a bid process would  
10 necessarily be the appropriate fashion. We have two  
11 or three choices. One, we could continue with our  
12 current provider, if you will, change to another  
13 provider, or bring it in-house and do it ourselves.  
14 I do not think there's a prohibition against any of  
15 that. How we would proceed and in what manner we  
16 would proceed, I think we would certainly have to  
17 follow Mr. Laws and the Attorney General's office.

18 Am I correct with that?

19 MR. LAWS: Yes, Mr. Chairman.

20 CHAIRMAN SIEGEL: Bernie.

21 MR. HETTEL: I've had several discussions on  
22 this topic. The discretion of the Commission is to  
23 go ahead with procurement, go ahead and select an  
24 entity to administer this.

25 As you pointed out, status quo, new or

1 in-house. It's that simple. It would be tough to  
2 write a criteria for an invitation for bid on  
3 specifics for what you want for that. It would be a  
4 matter of considering who you choose.

5 We've had the same provider for 15 years.

6 CHAIRMAN SIEGEL: Since the beginning.

7 MR. HETTEL: Yeah, and that's never been  
8 debated or questioned. It was satisfactory to the  
9 Commission long before I came here.

10 CHAIRMAN SIEGEL: And of course our obligation  
11 is a fiduciary one to represent the Commonwealth and  
12 to assure fairness, and so we would obviously, that  
13 would be our main consideration in any decision we  
14 would make going forward.

15 Other comments or questions? Anyone?

16 NOTE: There is no response.

17 CHAIRMAN SIEGEL: Okay. Hearing none, I'd like  
18 to hear from the stakeholders. Mr. Woolnough, I'm  
19 not sure whether you're prepared with anything, but  
20 how is your meet going?

21 MR. WOOLNOUGH: It has just started right now,  
22 Mr. Chairman. Pretty much, we are in comparison  
23 with last year about the same. We are running at  
24 Wednesday and Thursday at one o'clock. The  
25 attendance is light. We have approximately 350

1 horses back there. We'd like to see more. They say  
2 more are coming, but in the racing game, you count  
3 when they come through the stable gate, and not on  
4 speculation or promises.

5 CHAIRMAN SIEGEL: Right. Well, of course as  
6 you say you're just beginning, but hopefully, you're  
7 optimistic perhaps there would be some improvement.

8 MR. WOOLNOUGH: We certainly hope so. I think  
9 what you're seeing right now in the quality of the  
10 horse here is what you're going to expect and what  
11 you're going to maintain and that's about it. We  
12 cannot compete with other states that have  
13 alternative forms of supplying their purse account  
14 with casinos and gambling, because we don't.

15 CHAIRMAN SIEGEL: Right. It's a universal  
16 province. Not unique to you.

17 MR. WOOLNOUGH: Right.

18 CHAIRMAN SIEGEL: Any questions or comments on  
19 the stepplechase?

20 NOTE: There is no response.

21 CHAIRMAN SIEGEL: The other Ian, how are things  
22 going with Colonial?

23 MR. STUART: Don't really have a lot to add.  
24 As Mr. Woolnough mentioned, we started last week.  
25 It went pretty well. The numbers are remarkably

1 similar to last year in terms of attendance and  
2 handle. That's really all I have to say.

3 MR. WOOLNOUGH: Well, one question or  
4 statement. I would like to thank Colonial Downs.  
5 It's nice to have our concession stand in there, and  
6 I hope we put enough money in there to keep it open.  
7 It does a much better job than a bar in the corner.  
8 The horsemen appreciate it.

9 CHAIRMAN SIEGEL: You have to eat more.

10 MR. WOOLNOUGH: Yep.

11 CHAIRMAN SIEGEL: I'd just like to inquire in  
12 the hope that the parties that are moving forward  
13 with preparing for race dates for the Thoroughbred  
14 meet next year.

15 Our meeting, of course, is December 11th, our  
16 next meeting, and it is our anticipation that will  
17 be settled by that date and we will be able to move  
18 forward on that issue. I think last year we did  
19 extensions and belabored the process and Mr. Hettel  
20 sort of -- and getting in a room with everyone and  
21 helped to get this issue settled.

22 We have plenty of time between now and that  
23 date, and will hopefully come back with a  
24 recommendation and this Commission expects that to  
25 be done.

1           MR. HETTEL: Mr. Chairman, just for your  
2 information, I've got the harness request on file  
3 and Gold Cup. We are abating Thoroughbred.

4           CHAIRMAN SIEGEL: Okay. Good. So hopefully,  
5 that will go smoothly.

6           Any comments from the commissioners regarding  
7 this or any other issue at this point?

8           MR. TROUT: I just make one. I echo your  
9 statement that having that done by December 11 would  
10 be very good for us to be able to do that and have  
11 things firm for 2014, the race date, so that we can  
12 move ahead, and of course publicity can move ahead,  
13 advertising, everything else it takes to make it a  
14 success and get started in plenty of time. So I  
15 would encourage all the parties involved to  
16 cooperate on that one.

17          MR. PETRAMALO: There's one other thing that  
18 you keep in mind, putting aside race days. That is  
19 our horsemen's contract expires at the end of the  
20 year. My belief is that if we reach an agreement  
21 with Colonial on race days, we can quickly put  
22 together a contract that would cover 2014.

23          But to be fair, we haven't discussed in any  
24 detail with Colonial anything in the contract other  
25 than race dates, but I'm hopeful that we will be



1       able to wrap up all of these issues by the end of  
2       the year.

3               CHAIRMAN SIEGEL:   Okay.   So your agenda is a  
4       bit larger, but hopefully that's plenty of time.  
5       There do not appear to be things that will change  
6       between now and then that might cause these  
7       deliberations to go further.   I think all the issues  
8       are on the table, everybody knows them.

9               The next item is the Virginia Gold Cup wagering  
10       format.   Mr. Pearson, are you going to speak to that  
11       issue?

12              MR. PEARSON:   The Virginia Gold Cup has for the  
13       fall decided to drop the Holding Double.   In the  
14       spring, it had to be refunded on two occasions  
15       because no one took part, so there will be  
16       Win/Place/Show, Exacta and Trifecta.

17              I can also report that they have installed the  
18       wireless so that hand-held cell phones, Smart Phones  
19       will be able to be operational.

20              There should in that case be a terminal at each  
21       car or each person.   They have upgraded the type of  
22       standing machines that they are using.   They were  
23       able to get some machines at the conclusion of the  
24       United Totes contract from Belmont so that there's a  
25       higher level of standing machine.

1           I think that they are in a position that they  
2 will be able to provide better service to the  
3 public.

4           Certainly in the fall, the attendance level is  
5 a little lower, not the 70,000 people they had in  
6 the spring.

7           I did get a report from them the other day.  
8 Their pre-admission sales were up \$38,000 from the  
9 same time period from last year, and that everyone  
10 that's called to order those tickets so far has  
11 acquired there will there in be pari-mutuel, so it  
12 seems to have been a real hit and they have started  
13 marketing their deposit cards that are used with the  
14 phones, so I think they are in good shape. They are  
15 working very hard.

16          At Gold Cup, their motto has been customer  
17 service. That's why they were in a position to be  
18 able to undertake this.

19          CHAIRMAN SIEGEL: Good. Sounds good. Any  
20 questions or comments of Mr. Pearson?

21          MS. DAWSON: Have we heard of any other  
22 steeplechase races that are interested in doing  
23 wagering?

24          MR. PEARSON: We've heard from some other meets  
25 asking questions. There have been a series of other

1           meets, both in the Virginia and in the Mid-Atlantic  
2           region.

3           CHAIRMAN SIEGEL:   We've had no formal interest  
4           beyond conversation?

5           MR. HETTEL:   Just conversation.

6           MS. DAWSON:   Good.

7           CHAIRMAN SIEGEL:   Okay.   Any other questions or  
8           comments?

9           MR. HETTEL:   Mr. Chairman, we have the HBPA  
10          claiming.

11          CHAIRMAN SIEGEL:   I'm sorry.   Frank, you want  
12          to, wish to address that issue for the HBPA,  
13          regulations?

14          MR. PETRAMALO:   Yes, Mr. Chairman.   I think we  
15          had proposed this about four months ago, and we  
16          needed to have the notice of it out sufficiently in  
17          advance, so that's why it is back on the agenda  
18          here.

19          As I think I described it at that time, we have  
20          a unique claiming, we currently have a unique  
21          claiming rule, and that is the principle is if you  
22          put in a successful claim as soon as the horse is  
23          deemed to start, not as it comes out of the gate,  
24          it's your horse.

25          However, the losing owner doesn't get paid

1           until the drug results come back, and often times,  
2           that could be as long as two weeks. So in the  
3           meantime, he's lost his horse, somebody else has got  
4           the horse training it or even perhaps running it and  
5           he's not getting the money.

6           So that's not the general way it is done. The  
7           general way it is done in other jurisdictions is  
8           once the claim is deemed successful, the money is  
9           transferred to the losing owner, and if that's any  
10          problem later on for a void claim, then the  
11          obligation of the claimant is to go and get the  
12          money from the owner.

13          That seems to be working well, but this year,  
14          we probably had at least three or four situations  
15          where owners losing a horse had to wait two or  
16          three, I think in one case almost four weeks before  
17          they got the money. In the meantime, the horse was  
18          out being trained, and in one case, I think it was  
19          even entered to run someplace else.

20          So this merely changes the rule to reflect what  
21          we understand to be the general rule in other racing  
22          jurisdictions.

23               CHAIRMAN SIEGEL: Okay. Are we to take any  
24               action?

25               MR. HETTEL: Seek a motion and put it in the

1 pipeline.

2 CHAIRMAN SIEGEL: Okay. Let's get a motion on  
3 the floor and we can have a discussion. Is there a  
4 motion to support this amendment?

5 MR. TROUT: Move to adopt the recommended  
6 changes.

7 CHAIRMAN SIEGEL: Second.

8 MS. DAWSON: Second.

9 CHAIRMAN SIEGEL: Okay. Discussion. Any  
10 discussion at this point? This has obviously been  
11 in force for quite a while, and were there reasons  
12 to support that policy that have now changed or --

13 MR. HETTEL: It gets it to the national  
14 standard. It was not usually done here in Virginia.

15 CHAIRMAN SIEGEL: It will become uniform with  
16 the rest of the country at least?

17 MR. HETTEL: For the most part. Yes, sir.  
18 It's a good change. It keeps the money in  
19 operation. A man loses a horse, he can claim its  
20 won at that next race if he wants to because he now  
21 has new money.

22 Prior, he had to wait for the lab results,  
23 which quite frankly never made a lot of sense to me  
24 anyway.

25 MR. VAN CLIEF: How often has there been a

1           dispute due to lab results, do we know?

2           MR. HETTEL:   None that I'm aware of.

3           CHAIRMAN SIEGEL:   However unlikely it is, that  
4           can happen, I'm sure, from time to time, but you  
5           don't believe there's enough risk?

6           MR. HETTEL:   There's not.   In that general  
7           economy of people who need to revitalize their  
8           stable, having the money to go forward to claim  
9           another horse or buy another horse, this keeps the  
10          money rolling.

11          CHAIRMAN SIEGEL:   In the event there is a  
12          positive drug test, then that person that claimed  
13          the horse could seek remedy from the purse?

14          MR. HETTEL:   Make some complaint and we will go  
15          from there.

16          CHAIRMAN SIEGEL:   So that would be their issue,  
17          not ours?

18          MR. HETTEL:   We could make it our issue.

19          CHAIRMAN SIEGEL:   We won't have any liability,  
20          I guess is my question.

21          MR. HETTEL:   We do not have any.   No, sir.  
22          It's recommend this change be made.   It's a good,  
23          well-written rule, and it really works better for  
24          Virginia racing in terms of the economy of Virginia  
25          racing.

1           MR. PETRAMALO: I would assume it would be a  
2           very simple process. If for example, I claimed the  
3           horse and it came back with a drug positive for some  
4           exotic drug, under the rules, I could request that  
5           you, the Racing Commission, void the claim, the  
6           stewards void the claim, and assuming I was correct  
7           with the lab results, you void the claim and say the  
8           claim is hereby voided, and so-and-so, who had the  
9           horse claimed from him is hereby ordered to refund  
10          the money.

11          CHAIRMAN SIEGEL: But the collection of that  
12          money in the event that the person -- we don't want  
13          to put ourselves in a position to have civil  
14          litigation on behalf of the Commission.

15          MR. PETRAMALO: No, no. I wouldn't say that  
16          that you had to collect it, but to the extent that  
17          that owner is competing in this jurisdiction or any  
18          other jurisdiction, you do have some practical  
19          leverage about getting the money back.

20          MR. HETTEL: In terms of eligibility for a  
21          license, the Commission has the ability to revoke  
22          the license, and that then makes them non-essential  
23          anywhere else. They can't run anywhere else until  
24          they clear the mess up here. So there's a lot of  
25          ways to do that that never was contemplated when it

1 was written originally.

2 MR. PETRAMALO: If all else fails, they could  
3 hire a lawyer.

4 CHAIRMAN SIEGEL: Hire a good lawyer.

5 MR. TROUT: Mr. Chairman, there's one thing on  
6 there, I think you expressed this, that I don't like  
7 if we can avoid it, at least to put the Commission  
8 in the middle of the transaction.

9 CHAIRMAN SIEGEL: Right.

10 MR. TROUT: I think that you'd have a civil  
11 action by the new owner against the old owner for  
12 the money without having the Commission actually  
13 having to be the one to go back to the old owner and  
14 get the money and having any financial liability or  
15 legal liability in that particular action.

16 Because if the title does transfer immediately  
17 or vest immediately in the new owner, then that goes  
18 beyond any of the actions that would be taken by the  
19 Commission. In other words, the Commission would  
20 not be the one to go out and get the money back.

21 MR. PETRAMALO: No, I agree. All I'm saying is  
22 in that circumstance, the Commission has the  
23 authority to void the claim.

24 MR. TROUT: Yes.

25 MR. PETRAMALO: As part of the order voiding



1 the claim, and simply suggesting the Commission or  
2 the stewards say the claim is hereby void, and John  
3 Jones is directed to return the claiming amount --

4 MR. HETTEL: In the horse.

5 MR. PETRAMALO: -- in the horse.

6 MR. HETTEL: It's not like the guy is going to  
7 lose both. He gets the bad horse back, plus his  
8 money.

9 MR. PETRAMALO: Yes.

10 CHAIRMAN SIEGEL: And we can revoke the license  
11 if we need to.

12 MR. TROUT: If an order like that comes from  
13 essentially from the Commission, then it would be --

14 MR. PETRAMALO: It would come from the  
15 stewards.

16 MR. TROUT: But it would be incumbent on the  
17 stewards or the Commission or somebody to work for  
18 the enforcement of that, I'd that's what I'm kind of  
19 concerned with. I'd like to see the individual  
20 owners among themselves work that out in a legal  
21 context.

22 Maybe it can't be done. Maybe this is the way  
23 it has to be done.

24 MR. HETTEL: I think that would fall under the  
25 responsibility first and foremost with the stewards

1 to make the order and see that it's executed, and  
2 then secondarily the Racing Commission to support  
3 the stewards in the direction of the returning of  
4 the horse and money. That's the way it's done  
5 everyplace else I know of.

6 MR. TROUT: That's fine.

7 I do have one question. I like that I can  
8 change the wording, "the title of the horse  
9 immediately transfers" It says, "at the time the  
10 horse is deemed a starter."

11 Looking through the definitions, I found a  
12 definition of a non-starter, and I found a  
13 definition of a starter being a person, but I'm not  
14 sure that I found a definition of when the horse is  
15 deemed a starter, and I would assume it's when the  
16 gate opens legitimately, but I don't know that  
17 that's in writing anywhere.

18 MR. PETRAMALO: I don't know the answer to  
19 that, either.

20 MR. TROUT: That's the key issue in this  
21 particular thing, and of course, if the gate opens  
22 accidentally --

23 MR. PETRAMALO: Don't the stewards normally  
24 determine whether a horse is deemed a starter?

25 MR. HETTEL: When the gate opens, he's deemed a

1 starter. Again, universally -- but the amalgamation  
2 of these rules that we work by were taken from other  
3 places when this rule was written, and they may have  
4 neglected to put that in most other racing  
5 jurisdictions. Specifically, why don't we go ahead  
6 and add that as a definition?

7 MR. TROUT: It might be good because --

8 MR. HETTEL: That would satisfy I think you,  
9 Mr. Commissioner, and probably them, and take any  
10 question of when the horse is a starter out of  
11 discussion.

12 CHAIRMAN SIEGEL: It adds clarity.

13 MR. TROUT: The gates could open accidentally.

14 MR. HETTEL: That would be at the stewards'  
15 discretion of a start versus a non-start.

16 MR. TROUT: But in reading this, I like the  
17 idea of whether the horse is dead or alive. That  
18 makes it pretty definite. So presumably if the  
19 horse is in the starting cage, the gate hasn't  
20 opened, the horse keels over dead, he belongs to the  
21 old owner. If the gate opens and the horse keels  
22 over dead, he belongs to the new owner.

23 CHAIRMAN SIEGEL: I think that's probably  
24 pretty clear.

25 MR. TROUT: That's what the deal is. I hope

1           that doesn't happen very often.

2           CHAIRMAN SIEGEL: That's pretty clear already,  
3 I think. Did you want to make that amendment?

4           MR. HETTEL: Could you write a sentence to  
5 describe what a starter is?

6           MR. PETRAMALO: Yes. Let me think. You all go  
7 ahead.

8           MR. HETTEL: We'll go ahead and write that and  
9 present it.

10          CHAIRMAN SIEGEL: All right. Thank you. If  
11 there's no other discussion, we'll ask --

12          MS. DAWSON: Mr. Chairman, I have one more  
13 comment.

14          CHAIRMAN SIEGEL: I'm sorry.

15          MS. DAWSON: That is, I realize the language is  
16 not being changed here, but it talks about a  
17 positive test result for any prohibited drug is  
18 grounds for voiding the claim, and then in the next  
19 section it says, the new owner may request that the  
20 horse be tested for equine infectious anemia.

21                 In other words, that's not automatic. Is there  
22 some reason for that? It would seem to me, you  
23 would want -- almost every sale of a horse, you have  
24 to have a negative Coggins test. Why is that an  
25 exception?

1           MR. PETRAMALO: I don't know. I would assume  
2 if the horse is on the grounds, it has a Coggins  
3 test.

4           MR. HETTEL: I would not know.

5           MS. DAWSON: So we would not need to repeat it?

6           MR. HETTEL: Maybe we can delete that, too,  
7 Frank.

8           MS. DAWSON: Although the horse could contract  
9 EIA on the ground.

10          MR. HETTEL: It's only good for the moment that  
11 it's taken.

12          MR. PETRAMALO: I was going to say I think  
13 you're right. Maybe that's why it's in there.

14          MS. DAWSON: So it's a choice of the new owner,  
15 not a requirement?

16          MR. PETRAMALO: Yes.

17          CHAIRMAN SIEGEL: So we go ahead and leave that  
18 for that reason?

19          MR. PETRAMALO: I would say leave that in  
20 there.

21          MS. DAWSON: Just a question.

22          CHAIRMAN SIEGEL: You'll add clarity on the  
23 starter. Is there any other discussion? All in  
24 favor, say aye.

25                 NOTE: The Commissioners vote aye.

1 CHAIRMAN SIEGEL: Any opposed?

2 NOTE: There is no response.

3 MR. HETTEL: We have found a definition for  
4 "starter".

5 MR. PETRAMALO: Oh, good.

6 MR. LERMOND: The definition is the first  
7 section of the flat racing chapter in 140. It  
8 reads, starter means a horse that obtains a fair  
9 opportunity to start when the starter dispatches the  
10 horses.

11 CHAIRMAN SIEGEL: Good. Excellent.

12 MR. TROUT: In my reading, I didn't find that,  
13 so that's good.

14 MR. PETRAMALO: Okay. We're all set then.

15 CHAIRMAN SIEGEL: Okay. We're gonna have a  
16 closed meeting shortly, but I'd like to get through  
17 the rest of the agenda because we'll take no action  
18 in that closed meeting, so it will not be necessary  
19 for anyone to stay, but we will just come back and  
20 adjourn.

21 I'd just like to ask if there's any member of  
22 the public that would like to make any comments?  
23 Public participation? Yes, Debbie.

24 MS. EASTER: Mr. Chairman, may we ask that  
25 maybe we form a committee under the Commission's

1 direction that for a short-term mission the  
2 Committee would be involved with -- composed of the  
3 stakeholders, but short-term mission, I think look  
4 at legislation in 2014 and get us all looking at  
5 what we might want to do and help move racing  
6 forward and have the Commission on board and see if  
7 we can do anything there, and maybe the long-term  
8 mission is what we could do to move the Virginia  
9 Thoroughbred and racing industry forward over the  
10 next few years.

11 CHAIRMAN SIEGEL: That's sort of the Blue  
12 Ribbon panel area that we were talking about.  
13 That's more of long range. It doesn't address the  
14 way you and I discussed it. It wouldn't discuss  
15 legislation for January of this year, but it would  
16 talk about the long-term future of racing in  
17 Virginia. Any thoughts or comments, D.G.?

18 MR. VAN CLIEF: I would support the idea and  
19 thank Debbie for bringing it up today.

20 Seems to me that this would be a likely spot  
21 for the VRC, and we could act, for lack of a better  
22 description, as a convening authority to put  
23 together a group of key stakeholders, and I think  
24 start to work our way methodically through what I  
25 see as a whole series of issues and challenges,

1 ultimately towards the development of a strategic  
2 plan involving all of the stakeholders, which would  
3 hopefully result in enabling us to grow the sport in  
4 the industry here in Virginia.

5 I think it will have necessarily a legislative  
6 component, and I think probably the quicker we can  
7 get cracking on that, the better. I think  
8 ultimately, it will involve questions such as dates  
9 allocations, marketing of the sport, revenue  
10 sources, and so forth. That's just to name a few  
11 off the top of my head.

12 I think it's a excellent idea, and I'd like to  
13 see the Commission act as a convening authority and  
14 appoint such a committee.

15 CHAIRMAN SIEGEL: Well, what I would suggest is  
16 that we do so and begin discussion of that group on  
17 the issues that may face us in the January General  
18 Assembly, since that is upon us pretty quickly.

19 We could perhaps talk about whatever  
20 legislation we'd like to or the group would like to  
21 recommend and move forward with that, if everyone is  
22 in agreement, and then continue the dialogue for the  
23 overall purpose that you're stating.

24 D.G., I'd like to appoint you chairman of the  
25 group. I think you're the guy with the most



1 experience, and I think, clearly, you have a vision  
2 of what is needed here, and if you're willing to do  
3 it, I will get together with you and Bernie and put  
4 a group together.

5 MR. VAN CLIEF: I'd be happy to serve.

6 CHAIRMAN SIEGEL: Good. I volunteered him, and  
7 we appreciate your service.

8 Thank you, Debbie, for bringing that up.

9 MR. PETRAMALO: You might check. It seems to  
10 me we used to have a legislation committee or  
11 something like that as part of the VRC. It still  
12 may be there.

13 MR. WEINBERG: There is a code revision  
14 committee that used to meet annually about this time  
15 to sort of collaborate on what legislation we might  
16 see they're proposing or make sure we are all on the  
17 same page.

18 CHAIRMAN SIEGEL: I'm sure some of those  
19 members are in the room and others are gone, so we  
20 probably do need, if we are going to continue that  
21 effort, we need to update that group and have those  
22 folks serve both purposes, I would think.

23 MR. PETRAMALO: I think all the important  
24 members are here.

25 CHAIRMAN SIEGEL: All the important ones, yeah.

1           MR. PETRAMALO: These who have served on the  
2 committee before.

3           CHAIRMAN SIEGEL: Old times.

4           Any other members of the public that would like  
5 to speak?

6           NOTE: There is no response.

7           CHAIRMAN SIEGEL: Our next meeting is December  
8 the 11th at ten a.m., and so unless anyone has a  
9 problem with that date, we will reaffirm it.

10          Again, we are going to adjourn for a closed  
11 meeting and we will come back and adjourn the  
12 meeting itself. No reason for folks to stay because  
13 we will take no action, but we need a motion to go  
14 into the closed session.

15          MS. DAWSON: I so move.

16          CHAIRMAN SIEGEL: Second?

17          MR. VAN CLIEF: Second.

18          CHAIRMAN SIEGEL: We are now in closed session.  
19 Thank you, everyone, for your participation today.

20          NOTE: There is a closed session from  
21 12:19 p.m. until 12:30 p.m.; thereafter, the  
22 hearing reconvenes as follows:

23          CHAIRMAN SIEGEL: Okay. Unless there's any --  
24 excuse me. Can I have a motion to come out of  
25 closed session?

1 MR. VAN CLIEF: So moved.

2 CHAIRMAN SIEGEL: Second?

3 MS. DAWSON: Second.

4 CHAIRMAN SIEGEL: All in favor?

5 NOTE: The Commission votes aye.

6 CHAIRMAN SIEGEL: We are out of closed  
7 session. Unless there is any other business to come  
8 before this Commission, we are adjourned. Thank you  
9 very much.

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11 NOTE: The hearing is adjourned at 2:31

12 p.m.

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## 1 CERTIFICATE OF COURT REPORTER

2  
3 I, Sandra G. Spinner, hereby certify that having  
4 first been duly sworn, I was the Court Reporter at the  
5 meeting of the Virginia Racing Commission at the time of  
6 the hearing herein.

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

10 Given under my hand this 13th day of December, 2013.  
11  
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13 \_\_\_\_\_  
14 SANDRA G. SPINNER  
15 COURT REPORTER  
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