

APPROVED

VIRGINIA RACING COMMISSION

WORKING SESSION

MINUTES

AUGUST 18, 2004

HUNTON & WILLIAMS
RIVERFRONT PLAZA, EAST TOWER
951 EAST BYRD STREET
RICHMOND, VIRGINIA

In Attendance

Commission Members:

Anne D.W. Poulson, Chairman
Peter C. Burnett, Vice Chairman
Mark T. Brown
Dr. George W. Rimler

Commission Staff:

Stanley K. Bowker, Executive Secretary
David S. Lermond, Jr., Director of Pari-Mutuels

Attorney General's Office:

Teresa C. Griggs
Carla Collins
Sara Allen

Special Counsel:

James R. Kibler, Jr.

Chairman Poulson called the working session to order at 9:50 a.m. and announced that the Commission intended to immediately go into a closed meeting to receive legal advice on the pending account wagering regulations.

James Weinberg, counsel for Colonial Downs, asked if he could provide an update on the progress being made on the new Vinton satellite wagering facility. He was advised to proceed and he stated that the construction was moving along smoothly and it

was anticipated it would be completed by September 30, 2004. He further advised if there is no objection from the Commission, Colonial Downs anticipated opening on October 15, 2004, which would allow approximately two weeks for the on-site training of staff and the completion of any last-minute details. He said he would ask for formal approval at the Commission's September meeting. Chairman Poulson thanked him for the update.

Chairman Poulson then offered the following motion:

"In accordance with the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, I move that the Commission go into closed meeting for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Commission, and consultation with legal counsel employed or retained by the Commission regarding specific legal matters requiring the provision of legal advice by such counsel regarding the Commission's proposed regulations regarding advance deposit account wagering."

The motion was seconded by Vice Chairman Burnett and was unanimously approved.

The Commission came out of the closed meeting at 12:10 p.m. and Chairman Poulson offered the following resolution:

"Whereas, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of The Virginia Freedom of Information Act; and

"Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law;

"Now, therefore, be it resolved, that the Virginia Racing Commission certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Commission in the closed meeting."

The motion was seconded by Commissioner Brown and the vote was as follows: Brown, aye; Burnett, aye; Rimler, aye; and Chairman Poulson, aye.

The Commissioners broke for lunch.

Following lunch, Chairman Poulson reopened the working session and offered the following motion:

“In accordance with the provisions of Section 2.2-3711 (A)(1) of the Code of Virginia, I move that the Commission go into closed meeting for the purpose of discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the Commission.”

The motion was seconded by Vice Chairman Burnett and was unanimously approved.

The Commission came out of closed meeting at 3:30 p.m. and Chairman Poulson offered the following resolution:

“Whereas, the Virginia Racing Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

“Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law;

“Now, therefore, be it resolved, that the Virginia Racing Commission certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Commission.”

The motion was second by Commissioner Brown and the vote was as follows: Brown, aye; Burnett, aye; Rimler, aye; and Chairman Poulson, aye.

Chairman Poulson said the Commission needed to schedule the September meeting, that the third Wednesday was not a good day but that the meeting needed to be before September 27. After considerable discussion it was decided to schedule the next meeting on Wednesday, September 22 at 9:30 a.m. at the State Corporation Commission Building.

There being no further business the meeting was adjourned at 3:35 p.m.