

By VICKI SMITH

MORGANTOWN, W.Va.

Judges, stewards and investigators now paid by West Virginia's four racetracks would become state employees under a package of proposals the Racing Commission says will modernize outdated rules and eliminate the appearance of a conflict of interests.

The commission hopes to fund 12 positions in 2011, said attorney Kelli Talbott. They include two more horse veterinarians for Hollywood Casino at Charles Town Races and Mountaineer Casino, Racetrack & Resort in Chester.

New rules that will be presented to legislators next year call for a pre-race examination in the morning, which Talbott said can't be accomplished with just one onsite veterinarian.

The commission also wants to make sure all three judges at the two greyhound tracks - Wheeling Island Hotel-Casino-Racetrack and Mardi Gras Casino & Resort in Nitro - are state employees. Currently, only one at each track is paid by the state.

At the horse tracks, the three judges are called stewards; two are state employees while the third is a track employee, Talbott said.

The investigators at all four facilities are also currently on the tracks' payrolls, even though they are supposed to do the commission's work. That, Talbott said, "doesn't make a whole lot of sense."

"It's not only a perception issue, but it's an issue for the commission to have control over that person," she said. "That person should answer to the state if they're going to investigate rule

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violations."

Lobbyist John Cavacini, head of the West Virginia Racing Association, said the proposal would put the system above reproach.

"One thing the public has to be assured of is the credibility of what's going on in the pari-mutuel industry," he said. "The fact that these inspectors will now be full-time employees of the Racing Commission should relieve any doubt of anything that happened, or any type of questions."

The Racing Commission proposes funding the positions with money diverted from a seldom-used account for injured workers that collected about \$584,000 last year, Talbott said. The fund was set up to cover medical claims for people who hold some sort of permit to work at one of the tracks but are not covered by any insurance policy.

But the law currently caps the fund at \$5,000, requiring that any surplus be diverted to general revenue.

"The fund has never really functioned the way it was intended," Talbott said, "... and the commission is going to need some resources to have those people on the payroll to perform the regulatory function that we should be doing."

The staffing changes are a byproduct of a comprehensive rewrite of racing rules that began in the fall of 2009.

Erich Zimny, director of racing operations at Charles Town, said the overhaul helps protect the integrity of the sport. From simple operational issues about how to handle race entries to new drug-testing provisions, they bring West Virginia closer to 21st century racing, he said.

The rules also recommend tougher fines and suspensions for repeat offenders when horses test positive for banned drugs, Zimny said, "to both punish and deter those who are contributing

to the integrity issues we have in racing."

But Maria Catignani, executive director of the Mountaineer Horsemen's Benevolent & Protective Association, argues some medication rules are too stringent.

The horsemen believe the state should set "tolerance levels" for legal, therapeutic drugs, such as those used to treat inflammation or bellyaches, differentiating them from illegal, performance-enhancing drugs.

"And the commission is not prepared to go in that direction," she said Tuesday.

Talbott said the commission is largely adopting "model rules" recommended by the Association of Racing Commissioners International. They will be presented to a legislative interim committee sometime between now and January.

The commission is also pitching a bill that would require Mountaineer to contribute to the Thoroughbred Development Fund, which provides incentives to owners and breeders of horses raised in West Virginia.

Although Mountaineer benefits from the fund, Talbott said, only Charles Town contributes 2 percent of its pari-mutuel wagering funds.

Catignani said Mountaineer contributes from other sources, but the HBPA is concerned that cutting into pari-mutuel money could hurt purses that have already been cut three times in less than three years.

That proposal did not go through the same process as the rules, Catignani said, "and there needs to be a discussion with all the stakeholders before we go to legislation."

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"We need to look at the overall impact," she said. "Maybe the answer is 1 percent, or maybe half a percent."

Whatever the amount, she said, "We would not want to see anything that would preclude us from participating in the fund."

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