



Governor
Matthew H. Mead

Wyoming Pari-Mutuel Commission

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Executive Director
Charles E. Moore

COMMISSIONERS

Robert Atherton, President Joe Tully, Vice President
Bill Dobbs Danny Glick Jacqueline Crow Patti Bergstrom Mantha Phillips

Minutes of the July 10, 2013 Special Meeting of the Wyoming Pari-Mutuel Commission held in Casper, Wyoming.

Members in attendance: **Robert Atherton, President**
 Joe Tully, Vice President
 Bill Dobbs, Commissioner
 Jacqueline Crow, Commissioner
 Mantha Phillips, Commissioner
 Patti Bergstrom, Commissioner
 Danny Glick, Commissioner, entered the meeting at 10:19a.m.

Administrative staff: **Charles E. Moore, Executive Director**
 Michael T. Kahler, Senior Assistant Attorney General
 Brande Koltiska, Administrative Staff

Guest:

Eugene Joyce, Wyoming Horse Racing	Wade Johnson, WABRA
Tim Lattner, Wyoming Horse Racing	Beth Johnson, WABRA & UQHA Racing
Laurie Urbigkit, Wyoming Horse Racing	Tim Yelton, RaceTech & AmTote
Karen Joyce, Wyoming Horse Racing	Jim Purdy, AQHA
Eric Nelson, Wyoming Downs	Steve Day, WABRA
Bruce Salzburg, Wyoming Downs	Sherlyn Kaiser, ACMS Inc.
Ronald Cook, WABRA	Elaine Dobbs, Visitor
Gerald Kaul, WABRA	

Item #1 Call to Order

The meeting convened at 10:07 a.m., President Atherton presiding.
A roll call was taken, Commissioner Danny Glick was delayed all others present. Wyo. Stat. § 11-25-104(b) a majority of the commission constitutes a quorum and a majority vote of a quorum may act for the commission. We have a quorum.

Director Moore read a brief statement regarding the conduct of open meetings.

Item #2 Motion to adopt agenda

A. Adopt Agenda. A motion was made by Commissioner Phillips and seconded by Commissioner Bergstrom to adopt the agenda as presented. **Motion carried.**

Item #3 Approvals

A. May 10, 2013 meeting minutes. President Atherton asked for any discussion or changes in the May 10, 2013 meeting minutes. With none, a motion was made by Commissioner Tully and seconded by Commission Dobbs to approve the minutes as presented for the May 10, 2013 meeting. **Motion carried.**

B. Financials. Director Moore presented the Financials. Commissioner Crow asked about the AG payout, after a short explanation of the line item, a motion was made by Commissioner Bergstrom and seconded by Commissioner Crow to approve the financials as presented. With no further discussion, **motion carried.**

C. Wyoming Horse Racing LLC, race meet officials. Director Moore presented the list of officials as submitted by Wyoming Horse Racing LLC. A motion was made by Commissioner Bergstrom and Seconded by Commissioner Phillips to accept the list of officials as submitted subject to completion of licensing. With no discussion, **motion carried.**

Commission Glick entered the meeting at 10:22 a.m. All seven members of the Commission present.

Item #4 Dynasty Development Management, LLC. dba Wyoming Downs

A. Application for live flat track horse racing September 14th & 15th, 2013. President Atherton asked Director Moore to read through the staff summary. Director Moore asked if the Commissioners had any questions. With none, Mr. Nelson (DDM) was asked to present his application. Mr. Nelson introduced his attorney Mr. Bruce Salzburg. A lengthy presentation and discussion ensued. Mr. Nelson was asked numerous questions by the Commissioners regarding his conduct and history in business as well as his conduct and concerns in other racing and gaming jurisdictions. Mr. Nelson answered the questions as well as other questions and concerns raised by the interested parties attending the meeting.

Commissioner Dobbs requested that the Commission go into executive session pursuant to W.S. § 16-4-405(a)(i). A motion was made by Commissioner Bergstrom and seconded by Commissioner Dobbs to go into executive session pursuant to W.S. § 16-4-405(a)(i). **Motion carried.**

The meeting reconvened; Commissioner Phillips continued the questioning of Mr. Nelson. Additional concerns were raised by attendees and respectively heard by the Commission. The discussion continued with more questions from the Commissioners. Mr. Joyce & Mr. Tim Lattner asked to address the Commission regarding the integrity and responsibility a permittee has to the State of Wyoming, the Horsemen, and WHR's business model and its place within that model.

A motion was made by Commissioner Bergstrom and seconded by Commissioner Dobbs to recess for lunch and reconvene at 1:00 p.m. **Motion carried.**

The meeting resumed at 1:07 p.m. The discussion continued regarding Item #4. Gerald Kaul of the Wyoming All-Breeds Racing Association addressed Mr. Nelson concerning a horsemen's agreement, condition of the track and the proposed purse schedule. Additional concerns raised by the WABRA were the alleged loss of purses (derived from Simulcasting) when Wyoming Downs was sold in 2006. Mr. Nelson said he pays his bills and wanted to follow up on this after the meeting to clarify. As the conversation continued, Director Moore reminded the participants this was a request to offer Live Flat Track Horse Racing for 2013, not a simulcast request. With no further discussion, a motion was made by Commissioner Phillips and seconded by Commissioner Tully to approve Dynasty Development Management LLC dba Wyoming Downs

application for 2013 as submitted. President Atherton asked for any discussion. Commissioner Phillips said the application was complete and Mr. Nelson had provided the Commission all of the information as well as additional information requested today. The permit is for 2 days of racing in 2013 and the necessary requirements have been met. The question was called for. A roll call vote was requested. President Atherton abstained from voting, Commissioner Glick, yes. Commissioner Dobbs, no. Commissioner Phillips, yes. Commissioner Tully, yes. Commissioner Crow, yes and Commissioner Bergstrom, no: **Motion carried.**

Item #5 Proceeding on Rule Changes

A. Wyoming Horse Racing LLC rules petition.

(i) Amend existing rules, Chapter 9 Section 1(m)(vii)&(viii) Trifecta & Superfecta. Director Moore was asked to read the staff summary. The request aligns with "ARCI Model Rules" as well as with the language used in the surrounding states. The request contains all of the required components and would be in compliance if adopted. A motion was made by Commissioner Tully and seconded by Commissioner Bergstrom to adopt the request as presented. **Motion carried.**

(ii) New rules, Chapter 10 Section 3 prior to offering Historic Pari-Mutuel Events you must conduct eight (8) days of live flat track racing in the same calendar year or proceeding year. President Atherton asked director Moore to explain the proposed revision. After some explanations, Director Moore asked Mr. Joyce of Wyoming Horse Racing to present his suggestion. After hearing testimony a motion was made by Commissioner Crow and seconded by Commissioner Phillips to deny the request. **Motion carried.**

B. Dynasty Development Management LLC dba Wyoming Downs.

(i) Amend proposed new rules as they pertain to Enrolled Act #46 House 2013. Director Moore explained the proposed rules DDM has suggested were to address the May 10, 2013 first draft of rules. The first draft has changed considerably. While the suggestions do have merit, they are not applicable in most cases. The Commission will take the suggestion into consideration in Item #6. A motion was made by Commissioner Bergstrom and seconded by Commissioner Crow to table these suggestions to Item #6. **Motion carried.**

Item #6 Health, Safety and Welfare of Participants in Pari-Mutuel Events

A. Proposed safety vest rules revision.

B. Proposed Helmet rule revision.

At the May 10, 2013 meeting the Commission instructed Director Moore to combine the two proposed rules. The combined rule revision was briefly discussed. A motion was made by Commissioner Bergstrom and seconded by Commissioner Tully to adopt the draft rule revisions and proceed as soon as possible with the rule change. Hearing no discussion, **motion carried.**

At 2:04 p.m. a motion was made by Commissioner Bergstrom and seconded by Commissioner Crow to take a short break and reconvene at 2:10 p.m. **Motion carried.**

At 2:10 p.m. the meeting reconvened.

Item #7 Proceedings on Enrolled Act No. 46 House 2013

Director Moore was asked to go over the proposed rule amendments and changes. Chapter 1 Definitions, Chapter 5 Officials, Chapter 6 Permittee, Chapter 7 Licensing, Chapter 9 Pari-Mutuel Betting and Chapter 10, Simulcasting. The amendments and changes which the Commission approved as presented; as well as the deletion of out dated language. A motion was made by Commissioner Glick and seconded by Commissioner Phillips to adopt the language as presented and discussed. President Atherton asked for any discussion. Mr. Joyce of Wyoming Horse Racing LLC which operates "Sweetwater Downs" was in favor of the rules

and asked the Commission to consider utilizing the emergency rule process to move the rules forward as soon as possible. Hearing no further discussion, **motion carried.**

An additional motion was made by Commissioner Glick and seconded by Commissioner Tully to start the rule change process utilizing the emergency rule process. With no discussion, **motion carried.**

Item #8 Executive Session

A. The Commission may open an executive session at any point to discuss all matters identified in the agenda, pursuant to W.S. 16-04-405(a).

Item #9 Other Business which may properly come before the Commission.

No further business to consider.

Item #10 Adjourn

A motion was made by Commissioner Bergstrom and seconded by Commissioner Dobbs to adjourn. **Motion carried.**

Meeting adjourned at 3:57 p.m.

Approval Date: 8/13/13

Submitted by: _____
Charles E. Moore Executive Director