

1 **Virginia Racing Commission**

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5 COLONIAL DOWNS
6 THIRD FLOOR
7 10515 COLONIAL DOWNS PARKWAY
8 NEW KENT, VA 23124

9 Wednesday, May 22, 2024

10

11 Commencing at 11:00 a.m.

12

13

14

15 **Commission Members:**

16 Stephanie B. Nixon, Chair
17 John F. Tanner, Jr., Vice Chair
18 Stuart C. Siegel
19 Bette Brand
20 Gillian Gordon-Moore

21

22

23 **Commission Staff:**

24 David S. Lermond, Jr., Executive Secretary
25 Kimberly C. Mackey, Director of Operations
 K. Caruthers, DVM, Equine Medical Director
 Yolanda Lopez Macias, Commission Veterinarian

26

27 **Attorney General's Office:**

28 Elizabeth B. Myers, Esquire

29

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1 CHAIR NIXON: I'd like to go ahead and call
2 the meeting to order. First on the agenda is the
3 approval of the February 27, 2024 meeting minutes.
4 Has the rest of the Commission had any time to
5 review the minutes? Are there any corrections?

6 Do I hear a motion to approve?

7 COMMISSIONER SIEGEL: So moved.

8 COMMISSIONER GORDON-MOORE: Second.

9 CHAIR NIXON: Commissioner Siegel and Jill
10 Gordon-Moore. All those in favor?

11 NOTE: The Commission votes aye.

12 CHAIR NIXON: All those opposed?

13 NOTE: There is no response.

14 CHAIR NIXON: Thank you. Next on the agenda
15 is our public comment period. Is there anyone who
16 would like to get up and speak? Is there no one to
17 speak? Okay.

18 All right. Moving on, next on the agenda
19 is the request for the approval of the 2024 racing
20 officials for Colonial Downs, to include
21 Commonwealth stewards. I believe our executive
22 secretary will present this item.

23 MR. LERMOND: Thank you, Madam Chair. We
24 received the letter that we received behind Tab Two
25 of your notebooks from Frank Hopf on May 15th.

1 Each year, the licensee has to submit a list of
2 racing officials that have to be approved 30 days
3 prior to the race meet.

4 We have reviewed the list and most of the
5 people on the list have been here for several years
6 and it's a great crew and they work very well
7 together.

8 I would point out Director of Track Operations
9 who is new, Mr. Leif Dickenson, Frank's going to
10 give you a little bit more detail on Leif and his
11 qualifications, but we're certainly happy to have
12 him on board and I think it's going to be a great
13 addition.

14 The other thing I would mention is that three
15 Commonwealth stewards have also been included on
16 this list for approval. Unfortunately, Patrick
17 Bovenzi has had a recent operation for lung cancer.
18 He believes he's going to be here in time for the
19 meet and we certainly hope that's the case, but if
20 not, I do have a very good steward lined up just in
21 case; Brooke Hawkins, who I've worked with at
22 Delaware Park.

23 He has been at the fairgrounds and I think
24 people probably know him. I think he would do very
25 well, but I'm very hopeful that Mr. Bovenzi will be

1 with us when the race meet starts.

2 I'd be happy to answer any questions from my
3 fellow Commissioners.

4 CHAIR NIXON: Anyone have any questions?

5 MR. LERMOND: Hearing none, I would seek a
6 motion to approve the 2024 racing officials for
7 Colonial Downs, to include the three Commonwealth
8 stewards.

9 COMMISSIONER SIEGEL: So moved.

10 COMMISSIONER BRAND: Second.

11 CHAIR NIXON: Commissioner Siegel,
12 Commissioner Brand. All those in favor?

13 NOTE: The Commission votes aye.

14 CHAIR NIXON: All those opposed?

15 NOTE: There is no response.

16 CHAIR NIXON: Thank you. Next is the request
17 for the approval of a joint request from the
18 Colonial Downs Group and the VHBPA for a lower
19 retainage percentage on the Pick-5, 12 percent, and
20 Pick-6, 15 percent, pari-mutuel pools offered on
21 live racing conducted at Colonial Downs for 2024.

22 The executive secretary will present this item
23 as well.

24 MR. LERMOND: Thank you, Madam Chair. The
25 Code of Virginia allows the Commission to approve a

1 lower take-out rate for live racing, provided that
2 it is requested by the horsemen and the racetrack
3 licensee.

4 The request this year is the exact same as the
5 request last year; however, the Attorney General
6 has told me we cannot go with the same request each
7 year. It has to be requested each year, even
8 though it's the same request.

9 I believe it's somewhat successful as far as
10 gaining interest on the Pick-5 with the 12 percent
11 I know there are some big betters that really like
12 these type of wagers and chase them and it
13 certainly helps the handle.

14 The only thing I would point out is the
15 Breeders Fund portion will not be reduced. The
16 only thing that is reduced is the track share and
17 the horsemen's share slightly to make up for the
18 lower take-out.

19 If there are no questions from the
20 Commissioners, I would seek a motion to approve the
21 request.

22 COMMISSIONER SIEGEL: So moved.

23 COMMISSIONER GORDON-MOORE: Second.

24 CHAIR NIXON: Commissioner Siegel and
25 Commissioner Gordon-Moore. All those in favor?

1 NOTE: The Commission votes aye.

2 CHAIR NIXON: All those opposed?

3 NOTE: There is no response.

4 CHAIR NIXON: Thank you, Dave. Next is the
5 request for the approval of the benevolence budget,
6 submitted by the VHBPA for 2024. A request letter
7 from Glen Berman is located behind Tab Four of our
8 notebooks.

9 The letter contains the usual expenditure
10 items and he is asking for just slightly more than
11 last year. I believe Glen is available to speak.
12 where is he? There he is. Does anyone have any
13 questions for Glen?

14 COMMISSIONER SIEGEL: Can we get a reason, any
15 idea why they want to increase it?

16 MR. BERMAN: Based on last year's
17 expenditures, we budgeted an additional \$10,000 for
18 transportation, which is driving people to the
19 doctor and driving, you know, vanning people around
20 the back side and the cost of that; golf carts,
21 gas, insurance.

22 Then an additional \$10,000 is budgeted for
23 medical and dental care. That's based on the fact
24 that last year, we budgeted \$40,000 and spent
25 \$55,000 on medical, dental, optical care for back

1 stretch people.

2 COMMISSIONER SIEGEL: If I recall correctly,
3 there were surpluses here and there, but in this
4 case you're short?

5 MR. BERMAN: This past year, yes. I wasn't
6 here last year, but from the numbers I'm looking
7 at, it appears so.

8 CHAIR NIXON: Any other questions for Glen
9 Berman?

10 NOTE: There is no response.

11 CHAIR NIXON: Hearing none, I seek a motion to
12 approve.

13 COMMISSIONER TANNER: So moved.

14 COMMISSIONER BRAND: Second.

15 CHAIR NIXON: Commissioner Tanner approves and
16 Commissioner Brand seconds. All those in favor?

17 NOTE: The Commission votes aye.

18 CHAIR NIXON: All those opposed?

19 NOTE: There is no response.

20 CHAIR NIXON: Thank you, Glen.

21 MR. BERMAN: Thank you.

22 CHAIR NIXON: Next is the request for approval
23 of the benevolence budget, submitted by the VHHA
24 for the fall racing at Shenandoah Downs in 2024.

25 A request letter from Debbie Warnick is

1 located in your notebooks behind Tab Five by the
2 VHHA for the 2024 fall races at Shenandoah Downs.

3 Please note that 5,000 of the request is for a
4 driver that has been diagnosed with a brain tumor
5 and the money will go towards helping with his
6 living expenses while he undergoes treatments.

7 Does anybody have any questions for Debbie?

8 NOTE: There is no response.

9 CHAIR NIXON: Hearing none, I seek a motion to
10 approve.

11 COMMISSIONER GORDON-MOORE: I make a motion to
12 approve.

13 COMMISSIONER TANNER: Second.

14 CHAIR NIXON: Commissioner Gordon-Moore moves,
15 Commissioner Tanner seconds. All those in favor?

16 NOTE: The Commission votes aye.

17 CHAIR NIXON: All those opposed?

18 NOTE: There is no response.

19 CHAIR NIXON: Thank you. Next is the request
20 for the approval to begin the notice of intended
21 regulatory action stage for an amendment to
22 11VAC10-47-180, simulcast operations, and I believe
23 the executive secretary will present this item.

24 MR. LERMOND: Thank you, Madam Chair. Years
25 ago when we were drafting the regulations for

1 Historical Horse Racing, one of the things that I
2 wanted to make sure that we had in there was
3 requirements that the satellite wagering facilities
4 would have a reasonable amount of tellers and
5 signals and I just didn't want anyone to lose sight
6 of the fact that HHR was here because of horse
7 racing and to help horse racing and it's just as
8 important that someone can bet a live race through
9 simulcasting as it is for them to bet through
10 an HHR terminal.

11 So the way that it was set up was that you had
12 to have at least two tellers or one for every 200
13 terminals in operation. This was based on the fact
14 that we thought there would never be more than 700
15 terminals at any one location. So that would have
16 been three tellers.

17 Nobody anticipated the Slot Bill or Chapter
18 1197, as it's referred to, that would allow
19 Dumfries to have 1650 terminals in one location.
20 If we followed the regulations on that, that would
21 mean they would have to have eight tellers at all
22 times.

23 Rhonda Davis and I have spoken with Jack Sours
24 about this. We realize that this is not what we
25 had intended. Unfortunately, in Virginia, because

1 this is not an exempt action, it does not cover
2 subject matters such as Breeders' Fund or technical
3 rules of live racing.

4 This is not an exempt action that is going to
5 take hopefully a year to get this done. Kimberly
6 Mackey is going to stay on it for some of the stops
7 along the way. There is a time limit and when it
8 gets to DPB, they have 14 days. If we really stay
9 on top of it, I'm hoping we can get this done in a
10 year.

11 Unfortunately, there's no other way for us to
12 allow them to have less tellers until these
13 regulation amendments become official.

14 So given the new language, the smaller
15 satellite wagering facilities would have to have
16 one teller at all times. Sites like Vinton,
17 Hampton and Richmond would have to have two and The
18 Rose would have to have three.

19 Colonial Downs is very much in favor of this
20 and once the Commission approves this to start the
21 NOIRA stage, Kimberly can get started on this and
22 hopefully we'll get this effective as soon as we
23 can.

24 But for today, I need a motion from the
25 Commission to approve starting this action to the

1 notice of intended regulatory action stage. I
2 would seek that motion and also answer any
3 questions first.

4 COMMISSIONER TANNER: One question I have is
5 what happens if there is a staff shortage under the
6 current regulations?

7 MR. LERMOND: Well, we haven't had that
8 happen. Once in a while we'll go to an inspection
9 and there might be one less teller, but they've
10 called out sick that day or something like that.

11 It would be a violation of the regulations
12 and we could take some punitive action if we chose
13 to.

14 The other thing I would mention, Commissioner
15 Tanner and the other Commissioners, is that because
16 we're lessening the amount, there will always be
17 an additional teller station available at all of
18 these locations so that on a big day, Triple Crown
19 days, they could have the ability to bring in
20 another teller and they wouldn't have to change
21 anything around. That terminal would just flip up
22 simply when it's in self-serve mode and they could
23 activate it to have more tellers on those days.

24 CHAIR NIXON: Any other questions?

25 COMMISSIONER GORDON-MOORE: I have one

1 question. It doesn't exactly refer to that, but
2 when you look at these machines, there's not a
3 picture of a horse. There's nothing. We talk
4 about Historical Horse Racing, which is fueling our
5 business, and there's no indication that a horse
6 has anything to do with it.

7 It would just seem to make sense. Even a
8 little picture. Hey, try a real race or something.
9 Something that might point someone towards actual
10 horse racing. There must be some reason why
11 there's not a horse in the mix.

12 MR. LERMOND: Okay. Is that a question?

13 COMMISSIONER GORDON-MOORE: Well, no. A
14 general observation. It seems like an easy fix to
15 something. There's no horse there.

16 I just walked through the casino and there's
17 no evidence of any horse anywhere. It says
18 Historical Horse Racing and yet there are no
19 horses.

20 MR. LERMOND: The only time you'll see the
21 horses is when somebody hits the spin button you'll
22 see the three races appear at the top.

23 COMMISSIONER GORDON-MOORE: But just for
24 marketing purposes. I mean this is what's fueling
25 our business and yet we don't talk about it. The

1 horse isn't mentioned. That's just a personal
2 opinion.

3 COMMISSIONER SIEGEL: It's a good thought.

4 MR. LERMOND: Yes. Commissioner, possibly the
5 manufacturers of HHR terminals might look in to
6 this because in a lot of cases these terminals are
7 at racing locations not just in Virginia, but in
8 Wyoming and Kentucky and other states. So maybe we
9 can talk to some of the manufacturers and see if
10 they can come up with a couple themes.

11 COMMISSIONER GORDON-MOORE: It would be
12 logical. If you like this, try the real thing.

13 MR. LERMOND: I think it's a great idea.

14 COMMISSIONER GORDON-MOORE: We need to
15 emphasize that horses are still involved with this.

16 MR. LERMOND: Right.

17 COMMISSIONER GORDON-MOORE: Other than that, I
18 would move to accept.

19 COMMISSIONER SIEGEL: Second.

20 CHAIR NIXON: All those in favor?

21 NOTE: The Commission votes aye.

22 CHAIR NIXON: All those opposed?

23 NOTE: There is no response.

24 CHAIR NIXON: Thank you. Next is a
25 presentation by Larry Smith on the science of

1 training and racing horses without front shoes.

2 Larry, are you ready?

3 MR. SMITH: I'm just trying to get it up on
4 the screen.

5 CHAIR NIXON: How about I read about your bio
6 while you're doing that?

7 Larry is a lifelong Marylander. He currently
8 owns, trains and breeds Thoroughbred race horses
9 with his wife, Connie, at their farm in
10 Westminster.

11 He is known for running his horses with no
12 front shoes and providing them with ample turnout
13 time between races. Larry also works as a
14 logistics executive for Bells Logistics Services.

15 MR. SMITH: Thank you very much. It's really
16 an honor to be here today. I came up through
17 Thomas H. Voss. I was his assistant for a while
18 and Bruce Fenwick before him and I fell in love
19 with horse racing back in 1977 and a couple years
20 later, I said I think I want to go to Cornell and
21 study.

22 So I graduated from Cornell in 1987 and sat in
23 on some veterinary equine classes in the vet school
24 and fell in love with the game.

25 I trained at Sagamore Farm, trained for a

1 number of years and was frustrated by horses that
2 broke down. You can always drop a horse in and try
3 to find a place to win, but when they get hurt it's
4 game over.

5 One day I was driving to Suffolk Downs or
6 something. A lot of alone time in the van. It
7 occurred to me that foot sticks way out in front of
8 the ankle so that it's a leverage, it's a torque
9 problem and that most of the injuries we have are
10 from the ankle dropping down too far. That's
11 caused by that torque on the back of the ankle.
12 Anything we can do to shorten the distance from the
13 fetlock to the ground would help the horse stay
14 sound.

15 We're even taught in Pony Club that you don't
16 buy horses with a long pastern because that's going
17 to be tough on the tendons and the suspensories.
18 Ever since we developed aluminum shoes, which are
19 not as strong as steel, we've put very fat, thick
20 shoes on our horses.

21 In the old days, Lexington ran with an iron or
22 steel rim that was very, very narrow, very small.
23 Didn't add any height to the hoof. Now we add a
24 considerable amount of height to the hoof and we
25 even add yellow pads to it to make it even higher.

1 So a four inch hoof turns into a four-and-a-quarter
2 inch hoof or four-and-three-eighth inch and that
3 1200 pounds going 40 miles an hour, that's enough
4 to throw things off.

5 That was my initial theory. I tried barefoot.
6 I just tried taking all the shoes off. Some horses
7 slipped behind going around the turn and suddenly
8 their rear end would give out from under them both
9 in races and training.

10 So I said let me put hind shoes back on
11 because that makes sense. That's where they get
12 all their energy from. They kick from behind.
13 You'd much rather be kicked by a front foot than a
14 back foot. So they need that traction pushing off.
15 All the front foot does is set up for another kick
16 behind.

17 The analogy is what you do when you're running
18 down a snowy bank. You run your feet as fast as
19 you're falling. That's all the front feet do and
20 it's very heavy up there and their four inch by
21 four inch hoof is enough traction. It's more than
22 enough traction.

23 What we've seen lately is a lot of research
24 that shows the traction devices up front are the
25 main culprit in horses breaking down.

1 So this no front shoes which I've been doing
2 for 22 years is simply the last step in allowing a
3 horse to return to their natural way of going up
4 front.

5 Then in the process of doing this, I learned
6 other things about the foot that make it even more
7 sensible to do no front shoes and I want to show
8 this to you right now.

9 All right. This should do it. In addition to
10 the résumé that Stephanie read for us, I'm also the
11 current vice president of the National Steeplechase
12 Owners and Trainers Association, so I'm not only
13 here on my behalf, but also on behalf of the owners
14 and trainers of the National Steeplechase
15 Association.

16 I will go as fast as I can, but it really is
17 an important topic because we're talking about life
18 and death. We're talking about life and death of
19 our horses because a lot of times when they get
20 these injuries we can't keep them alive.

21 We're also talking about life and death of our
22 industry. Some of you may not be aware, but the
23 owner, D. Wayne Lukas's horse in the Preakness
24 fractured its sesamoids in the race. If that
25 happened earlier and we had a tumble in the

1 Preakness and people had gotten hurt, we would be
2 in a very dark time right now.

3 We're having steeplechasing coming back to the
4 main card at Colonial Downs this year. If we had
5 injuries, et cetera, it'll be tough for the PR that
6 we have to do every day and you saw what Saratoga
7 went through last summer and what Santa Anita went
8 through seven or eight years ago.

9 The thing we have to do as an industry is let
10 everybody know that we are doing everything we
11 possibly can to safeguard the health and welfare of
12 our horses. If we do that, they will accept that
13 there is background risk in the game, but if they
14 know that we could have done something and we
15 didn't do it, they won't forgive us.

16 Our main focus in this effort is protecting
17 the legs. The next three slides are all the same
18 slide. I just zero in on that right front leg.

19 So the right front leg, right as it pushes off
20 with all that weight up front is where the injuries
21 happen.

22 As I said, it's a leverage problem. We have a
23 downward force supplied by the horse. It's related
24 to how much they weigh and how fast they're going.
25 The lever is the distance from the back of the

1 fetlock to the tip of the toe on the hoof. So the
2 fulcrum is the toe of the hoof and that's that blue
3 line on the bottom left.

4 Just a reminder, on the right side is what
5 torque is. Torque is a rotational force that's
6 related to both force and the length of the lever
7 arm, such that it's much easier to carry your
8 groceries next to your body than to hold them out
9 here when you're leaving the car.

10 So let's zero in a little bit more on that
11 back leg. You can see the lever arm there, the
12 blue, and the force going down at 40 miles an hour.

13 What that torque does is it causes the
14 rotational force that drops the fetlock down to the
15 ground. The farther the fetlock drops down, the
16 higher the risk to both tendons, pulled suspensory
17 ligaments, fractured sesamoids.

18 Now let me tell you what a fractured sesamoid
19 is. It's simply the suspensory ligament being so
20 strong that you couldn't tear it, so it ripped
21 itself out of the sesamoid bones where it connects
22 and it breaks the sesamoid bones in half.

23 The sesamoid bones are relatively inert,
24 massive calcium that hold the suspensory ligaments.
25 Just like Olympians who break down at the upper end

1 of their game, the suspensory ligament can break
2 the sesamoid bones.

3 You also get ankle injuries. The fetlock, you
4 have joint capsule strains, you get green osselets
5 that are very painful and you get dorsal chip
6 fractures. When I say dorsal, I mean the front.

7 You can see as that ankle folds down on
8 itself, the front bones bang in to each other and
9 you get dorsal chip fractures which cause arthritis
10 and a lot of problems.

11 So the thing we've always assumed is that
12 55 million years of evolution isn't enough to
13 protect the horse. We assume that they need some
14 help and I think that's a bad assumption.

15 I think they have a miraculous shock
16 absorption mechanism and that we should let it do
17 its job instead of getting in its way.

18 This is the part that I really love that I
19 learned about hoofs beyond just the leverage issue.
20 When you look at the front of a hoof, it looks like
21 one organ, doesn't it? It looks like one object.
22 When you look at the back you see two heel bones.

23 Then you learn that the hoof is actually a
24 dynamic dual-action organ with lateral cartilages
25 that go up and down depending on the ground they're

1 on.

2 So in this example, there's a stone or
3 something on the left of the horse's hoof. He's a
4 shod horse and when he hits that uneven ground and
5 the foot tilts down to the right, you see the white
6 dots, the entire foot tilts because it's connected
7 by the hoof. The hoof keeps everything solid.

8 watch what happens when a barefoot horse walks
9 on the same uneven ground. Their hoof has enough
10 flexibility to lower itself on the right side while
11 keeping the left cartilage higher. What that does
12 is it keeps the leg straight. You can adjust the
13 hoof and keep the leg straight. Keeping the leg
14 straight and the bones aligned is what keeps horses
15 sound.

16 So in review. Barefoot on the left with the
17 straight up and down leg alignment and the
18 traditional with the shoe where you're getting
19 contortion. You're getting twisting. Let me show
20 you what that looks like inside.

21 There is the ground and this is another way of
22 looking at it and the ground is tilting the other
23 way. On the left is before they hit the sloping
24 ground. In the middle, barefoot, the left
25 cartilage goes down, the right cartilage stays

1 higher, compresses higher and the bones stay
2 aligned.

3 On the right when they're shod, the whole foot
4 gets twisted down and there has to be an equal and
5 opposite reaction in the fetlock and it gets
6 contorted the other way. There's a lot of
7 twisting.

8 This has now been shown probably as one of the
9 cases of navicular disease because that pedal bone
10 joint and other things in there are getting
11 stressed every time the leg goes out of line.

12 You may say at the races we don't have uneven
13 ground, but it's simulated uneven ground when they
14 go around a turn because it's flat but the horses
15 are tilted.

16 So when my horse's front feet go around the
17 turn, the left inside cartilage goes a little
18 higher than the outside cartilage and they actually
19 get better traction than if they have a shoe
20 because their entire foot gets into the dirt and
21 gets a hold of the track or the turf.

22 It's much safer to run on uneven ground with
23 straight legs than it is to have twists and lateral
24 forces on the inside of the bones.

25 In summary, no front shoes equals soundness.

1 You get better circulation, which produces stronger
2 feet. This image is of a horse named Hipnotizada.
3 when we took her shoes off, which by the way, it
4 takes about two months for a horse to get used to
5 it. You can't just take the shoes off and horses
6 suddenly run barefoot.

7 A horse that's used to being shod needs to get
8 those cartilages and everything re-strengthened and
9 they need to get a strong foot again that has the
10 entire foot load so that the sole is getting some
11 of the weight-bearing, not just the peripheral
12 wall.

13 You can see the line in her hoofs where she
14 used to have shoes below that and above it is
15 barefoot and it's a much darker hoof. It's always
16 a darker hoof. It's always perfectly aligned with
17 her pastern. Shod horses have a broken angle
18 because it's going out to the longer toe.

19 You get better shock absorption with stronger
20 feet because the weight is distributed through the
21 whole foot and the foot strengthens itself.

22 You get bigger frogs. The frogs atrophy with
23 shoeing because the frogs are no longer doing their
24 job, which is the second heart. They pump blood
25 throughout the foot and up the leg when they get

1 crushed on every stride. When we elevate it from
2 the ground, their role gets diminished. They have
3 a job and if you look at any frog of a horse with a
4 shoe, you've got contracted heels, an atrophied
5 frog and you get this long toe.

6 The long toe is caused by feet that aren't
7 quite shod every time right on the day they should
8 be and the foot grows down and forward. So you get
9 long toe low heel syndrome with a small frog and
10 that increases the lever even more so there's even
11 more stress on the back of the fetlock.

12 The other amazing thing is I haven't had any
13 quarter cracks in 22 years because you're taking
14 the load off the periphery of the hoof. You're
15 putting it on the whole hoof and you're making the
16 hoof much, much healthier. Quarter cracks are a
17 bang for some horses. It's a disaster once that
18 starts.

19 We talked earlier about the better alignment
20 of the leg bones and how the hoof angles match the
21 pastern angles. Let's talk about it again.

22 The less fetlock torque, you can lower the
23 instance of bone, tendon, strained ligaments,
24 fractured sesamoids, dorsal chip fractures and
25 joint capsule strain.

1 Now I'd like to talk about a couple case
2 studies. The first one is a horse called
3 westerland. If you don't mind, I'll just read
4 Kathy Neilson's email to me.

5 I have had westerland in my care for over
6 three years now and for most of that time he
7 suffered through chronic heel pain. I was about to
8 give up on him, but in February of 2024, I decided
9 to train him without front shoes as a last-ditch
10 strategy.

11 In April, he won a point-to-point race and the
12 jockey could not pull him up. Then he followed
13 that effort up with a third-place finish. This
14 past Saturday, he won his first sanction jump race
15 by five-and-a-half lengths going away.

16 My vet cannot believe how sound he is. He was
17 bucking and squealing on his bare front feet this
18 morning like a two-year-old. Many of you know
19 Kathy Neilson, a very accomplished trainer.

20 Her veterinarian sent me an email, too, and
21 she said, I fully support westerland running
22 without front shoes. He is markedly improved this
23 season.

24 The next case study is my horse, Eye of
25 Gunfighter. Eye of Gunfighter was a horse we

1 claimed for \$7500 and parts. He's just a blue
2 collar, lunch pail race horse. He's very good at
3 picking up his front feet so he's a very good
4 hurdler. This is a beautiful shot of him running
5 in the steeple pond in Middleburg last month.

6 The most amazing thing about him is how he's
7 as sound as the day he was as a yearling to this
8 day. While I've had him, I've run him 52 times and
9 you can see the earnings there.

10 In 2022, he ran 25 times in one year and in
11 2023, he ran 21 times. I would like to run him on
12 July 18th at Colonial Downs, but currently they
13 don't allow horses to run without front shoes.

14 Case study three is Mr. Fine Threads from Joe
15 Davies. I'll just read his real quick. I write in
16 support of Colonial Downs allowing horses to run
17 with no front shoes.

18 I was sent a horse called Mr. Fine Threads who
19 has failed to win a race for several years as a
20 result of sore feet. In fact, he was typically
21 lame for about a week following every shoeing.

22 After consulting with my veterinarian, Dr.
23 Cooper Williams, and my blacksmith, David Belt, I
24 decided to train without front shoes. Since he
25 started racing with no front shoes, he's had two

1 very competitive wins at recognized races on both
2 firm and soft turf and is now the soundest horse in
3 my barn.

4 The physics of it are undeniable and it's
5 clearly an amazing development for keeping race
6 horses sound. And he goes on.

7 So in all these pictures you can see in there
8 they have no front shoes on. The current state of
9 affairs of no front shoes is that these 19
10 racetracks and associations permit me to run with
11 no front shoes.

12 Now it's an item of equipment. I have to say
13 that upon entry, I'm entering this horse with no
14 front shoes or no front shoes again. They put that
15 in the program and they make an announcement.

16 I can't change that in the paddock. I can't
17 show up with shoes on in the paddock. I enter with
18 no front shoes. I'll talk about why I bring that
19 point up in a couple slides.

20 These are the tracks that don't permit, they
21 prohibit no front shoes. Colonial Downs, Moline
22 Valley and Mountaineer Park. So that's the group
23 we're currently in.

24 My request of the Commission this morning is
25 to permit horses that already raced or worked but

1 definitely already raced with no front shoes
2 elsewhere to be allowed to do that in Colonial
3 Downs this year; i.e., permit trainers to enter no
4 front shoes again.

5 The second request I have is that in your
6 condition book it reads: Steeplechase horses will
7 follow NSA shoe rules. But last year, you said,
8 yeah, that's true but it's not true. If you don't
9 have front shoes on, you can't run here. So even
10 though the NSA allows me to run it, Colonial Downs
11 supercedes them.

12 Now, the other thing that I would say is that
13 I have two three-year-olds and Woodberry Payne
14 trains them, he preps them down at Montpelier
15 Station and none of them have shoes on them right
16 now. When they're ready to run, we'll put hind
17 shoes on them.

18 Woodberry fully supports and likes what we do
19 with these horses. He says this one horse, Uncle
20 Lino, out of the Harlan's Holiday mare will do
21 really well at Colonial. She's a
22 Virginia-certified.

23 I said, Yep, but they're going to ask me to
24 put front shoes on her for the first time in her
25 life and I can't do that because my horses don't

1 ever wear front shoes from the day they're born.

2 So as I understand it, the reason Colonial
3 Downs has a house rule against front shoes is that
4 steward Jack Houghton had a bad experience at
5 Delaware Park where a horse came over and lost his
6 shoes either in the receiving barn or on the way
7 over, but he arrived in the paddock without one or
8 maybe without two shoes and he was too wild to
9 replace the shoe.

10 I don't know the story well enough to know
11 whether they let him run with three shoes or maybe
12 they pulled the other shoe. I don't know.

13 I know they let him run and I know he had a
14 catastrophic injury in that race. So
15 understandably, Jack's like well, it must have been
16 because he was missing a shoe.

17 I will agree that a horse that has never ever
18 had no front shoes is not a good candidate to
19 suddenly take a shoe off and put him in a race,
20 because as I said earlier, it takes at least two
21 months for them to adapt and get their feet fit for
22 no front shoes.

23 So this is a movement, you look at some of the
24 other trainers that's catching on and it's for the
25 love of the horses that we all share. The science

1 is there. I would not keep doing this for 22 years
2 if it didn't work amazingly.

3 So that's all I have for my presentation.
4 My hope is that you will ask the stewards to make
5 those adjustments for this meeting because I have a
6 lot of horses that I'd like to run here and I hope
7 that you will do the right thing. Thank you.

8 Any questions?

9 CHAIR NIXON: Thank you. Before I comment,
10 I'd like to open up any other questions for the
11 rest of the Commission.

12 COMMISSIONER SIEGEL: I'd just like to, it's a
13 very interesting proposal and I understand your
14 veterinarians and others have endorsed this, but I
15 would be interested in what farriers have to say
16 and what our vets have to say about that as well.
17 I'm not sure whether it's universal or whether it's
18 not.

19 MR. SMITH: Well, if I could just make one
20 comment. Rich -- I've been doing it for a long
21 time, haven't I, Rich?

22 RICH: Years ago when I was the Commission
23 veterinarian here, we did allow Larry to run with
24 no front shoes and to my knowledge, he never had
25 any issue with any of his horses doing that.

1 COMMISSIONER SIEGEL: Dr. Caruthers, what do
2 you have to say?

3 DR. CARUTHERS: I don't really have much
4 experience with no front shoes, so until I research
5 the whole thing, I can't really comment on it. So
6 that's where I stand at this point.

7 COMMISSIONER SIEGEL: I don't know whether the
8 stewards have opined on this or not.

9 CHAIR NIXON: It's my understanding it's a
10 house rule. Is that correct, Mr. Lermond?

11 MR. LERMOND: Madam Chair, that is correct;
12 however, I think it was our chief steward, Jack
13 Houghton, that suggested to Colonial that they not
14 allow horses to run without front issues.

15 It's not just the one incident at Delaware
16 Park. Jack feels that without the front shoes the
17 horse doesn't have enough grip and they could slip,
18 especially on turf or wet turf.

19 I don't think it's an issue on the dirt, but
20 for consistency's sake, most tracks would either
21 say all or nothing. I know Tampa Bay Downs does
22 not allow no front shoes is what Jack and Patrick
23 have told me, and Delaware Park is questionable,
24 but again, it's up to the racetrack because it is a
25 house rule.

1 COMMISSIONER SIEGEL: I would just suggest
2 that we ask the stewards to take a look at it.

3 CHAIR NIXON: I was going to say it sounds
4 like it's a discussion that possibly you could have
5 continued with the horsemen and track management
6 and keep us posted on something like that.

7 COMMISSIONER BRAND: I'd also like to suggest
8 that these other tracks that are allowing no front
9 shoes, I don't know what time frame, but is there
10 any data on injuries or whatever?

11 It's probably not going to be black and white,
12 but I would be interested in knowing what other
13 tracks have found if they have minimized injuries
14 or if it changed the other direction.

15 CHAIR NIXON: Commissioner Moore.

16 COMMISSIONER GORDON-MOORE: I find the rule in
17 the Virginia book to be a little ambivalent. It
18 says, No Thoroughbred may race shod in anything
19 other than ordinary racing plates; example, bar
20 shoe, mud caulks, without the permission of the
21 stewards and the public being informed through
22 appropriate means.

23 I'm not a lawyer, but that leaves it open. If
24 they're shod or they're unshod, the rule doesn't
25 make sense.

1 Secondly, with all of the new HISA rules, is
2 this following the course? I just think it's time
3 for a review. I'm all for no front shoes. Having
4 ridden a lot of horses in my time, I think it's
5 something that can be better for them.

6 I've always brought race horses home, pulled
7 their shoes, let them grow their feet and you see
8 a huge difference. If they're training on
9 manicured surfaces they're probably in pretty good
10 shape to continue.

11 MR. SMITH: I could add just one thing.
12 Dr. Nick Meittinis is the president of the National
13 Association of Racetrack Veterinarians. He writes
14 in the first paragraph, Shoes by their nature act
15 as a means of traction, thereby decreasing sliding
16 and exacerbating the forces thrust upon a horse's
17 lower limb at higher speeds.

18 This fact has been increasingly recognized in
19 the industry to the extent that HISA has made all
20 traction devices, including block heels and toe
21 grabs, illegal in their participating jurisdiction.
22 Then it goes on to say the NSA allows no front
23 shoes.

24 So I appreciate that. I will talk to the
25 horsemen and certainly I'm going to keep fighting

1 because I think it's really important for the
2 horses.

3 CHAIR NIXON: I appreciate that. Thank you
4 very much.

5 MR. LERMOND: Madam Chair?

6 CHAIR NIXON: Yes.

7 MR. LERMOND: If I may, if the racetrack
8 decides that they want to change the house rule to
9 allow for no front shoes, our stewards would be
10 okay with it.

11 CHAIR NIXON: Okay. Thank you. Next on the
12 agenda is the report from the VEA on the recently
13 concluded 2024 spring Standardbred racing season at
14 Shenandoah Downs and I believe Darrell Wood is
15 going to get up and speak first. There he is.

16 MR. WOOD: Good morning, Commissioners. We
17 just on Sunday completed our second straight spring
18 meet-up in Woodstock, Virginia. It was 14 days
19 over seven weeks. We've been up at the fairgrounds
20 now for, this is the ninth year, but this is just
21 our second spring meet.

22 We're still learning about it. We find the
23 weather is a bit more unstable than it is in fall.
24 There's even a different crop of horsemen that come
25 to compete in spring versus fall.

1 The people that come to bet don't gamble as
2 much as spring or fall, either, so we're working
3 through it. It's a work in progress. We did have
4 some weather issues early on and I'll talk about
5 that here in a couple of minutes.

6 Some of the good things. We did race on Derby
7 day and Preakness day, which was encouraging that
8 we could take advantage of the Triple Crown
9 Thoroughbred race to introduce new people to the
10 sport of harness racing.

11 We had a Corgi dog race. I know Colonial
12 Downs has a wiener dog race, but it was Sunday and
13 81 degrees and we had the best crowd in four or
14 five years for that, so very encouraging.

15 Through Debbie Warnick's group, the VHHA, we
16 gave 24 different fans the chance to own a horse
17 for a day. They invested about \$15,000 in the
18 promotion. The people get to meet the horse and
19 trainer, driver in the paddock area and keep the
20 purse money their horse earns, which made a lot of
21 folks quite happy. So a lot of good things.

22 We also brought in the richest horse of all
23 time, Foiled Again, for his 20th birthday. We had
24 him shipped from Florida to Pennsylvania and got a
25 horseman to bring him down to Shenandoah. So we

1 had a grand old time with a legend so that was kind
2 of neat for the fans to see.

3 From on the track, we gave out over \$1 million
4 in purse money. When you include the Virginia
5 bonus moneys and the starter bonuses, it's about
6 \$1.2 million.

7 We ran 153 races, set a track record twice.
8 We equaled a track record on opening day; 152 and
9 one and broke that three years later with a 151 and
10 four, which for our half-mile oval is pretty
11 impressive. We were quite pleased with that. That
12 record held for eight years until this year when it
13 was broken.

14 Part of that is we've been able to upgrade the
15 track equipment over the past three years through
16 our track man, J.D. Thomas, his suggestions on
17 different things we can do. We upgraded the
18 track's surface as well.

19 We didn't lose a single race this year. We
20 raced every race that we were supposed to. First
21 time in a couple years. Even with an inch of rain
22 we continued to compete, so very encouraging.

23 We ran four \$25,000 Virginia-Certified races.
24 The horsemen have a certified residency program.
25 When you spend six months in the state before you

1 turn two years old, you can race for bonus moneys
2 as two- and three-year-olds, but at four and five
3 years old, they can run in these \$25,000 races.
4 Just another perk to enhance the program.

5 We did a U.S. Driver's Club amateur series
6 over the course of the meet. The neat thing about
7 that series is that drivers donate their share of
8 the money they would have gotten toward a charity.

9 So we were able to give out five checks toward
10 the end of the meet to some nonprofits locally and
11 to the Harness Racing Hall of Fame.

12 We've got a pretty good (indiscernible) in the
13 fall so we'll be giving a lot more checks out as
14 well, including to some Standardbred retirement
15 foundations, too.

16 Moving forward, I think we would like to take
17 advantage of the Belmont. I think we're going to,
18 if all things work out, apply maybe in 2025 to
19 start a couple weeks later and be able to run in
20 conjunction with the Derby, the Preakness and the
21 Belmont and see if that can give us a bit of a jump
22 start.

23 Because of the wind situation in early April
24 and the weather, we've had some issues. Our stalls
25 are based under tents in most of the barn area and

1 we've had some damage a couple times this past
2 spring to it.

3 We're currently doing a study through the DEQ
4 to get the storm water compliance issues addressed
5 as to what we need to be able to maybe look at
6 getting a couple permanent barns or a permanent
7 barn. So we're in the process of pricing that out
8 and getting those DEQ studies done.

9 By September 1st, we should be able to present
10 to the VEA board some options to consider that
11 would be permanent stabling. That would give about
12 130 horses we have that live on the grounds
13 throughout the season a chance to be in secure
14 stabling for those seven weeks. So that would be a
15 big deal. We'll obviously keep Dave and the
16 Commission staff informed at future meetings and
17 bring that up as well.

18 Finally, I want to just talk about the great
19 staff we've got because from Debbie Warnick at the
20 VHHA to J.D., who used to be the trackman here for
21 Thoroughbred and Standardbred, he's up in
22 Shenandoah, to longtime race secretary Dee
23 Lineweaver and our mutuels manager, Ana Murray, and
24 working with the VRC and the fairgrounds.

25 The core has been together since 2016. Aiden

1 Turnage has been here a couple years now. He
2 brings our average staff age down from the mid
3 sixties to the mid forties, which helps. But kudos
4 to everybody and we'll be back in the fall.

5 CHAIR NIXON: Thank you, Darrell. Jeb, is
6 there anything else you'd like to add?

7 MR. HANNUM: Thank you, Darrell. I just
8 wanted to make one more comment. So this year, we
9 had a heightened level of scrutiny amongst the
10 Commission in terms of monitoring what was
11 happening on the backside and I just wanted to
12 thank the Commission and acknowledge that and thank
13 Mr. Lermond for that.

14 The horsemen were subject to searches
15 periodically. Horses that there was question about
16 soundness were put through a more thorough pre-race
17 examination. That is normal for the harness horse
18 racing.

19 Drivers were breathalyzed periodically, and
20 this has been done in the past, but there was a
21 whole other level of scrutiny this year, which we
22 appreciate and that set a different tone and I know
23 that it was effective because the horsemen were
24 complaining about it a lot. So that's a good
25 thing.

1 So it really did, I think, just change the
2 approach that the horsemen had on the backside and
3 knowing that we were holding them to a very high
4 standard and that's what is critically important
5 for the safety of the drivers and the horses. So
6 thank you to Dave and Aida for their added
7 scrutiny.

8 CHAIR NIXON: Thank you, Jeb. And on that
9 note, I'd again like to thank Dr. Caruthers and her
10 staff for doing that. I know it's a lot of work
11 and we appreciate that. Thank you. Any other
12 comments for Jeb or Darrell? Thank you.

13 Next is the report on plans for the 2024
14 Thoroughbred racing season at Colonial Downs. I
15 believe Frank Hopf will be here to do a
16 presentation.

17 MR. HOPF: I just want to go over a quick kind
18 of high level kind of synopsis of what we're
19 working on, what we've been working on for the
20 upcoming season. I'll get this going here.

21 So just to go over a quick intro. The barn
22 area will open up June 24th, which is a Monday.
23 Training will start June 27th. This year we'll go
24 seven days a week for training. Again, standard
25 training schedule; six a.m. to ten a.m. with a

1 break between eight and 8:30.

2 Live racing July 11th through September 7th.
3 Post times again, Thursday, Saturday 1:30; Fridays
4 will be 4:30. The plan is to have nine flat races
5 a day and then there will be six weeks during the
6 season that will have three jump races on Thursdays
7 this year, which is different from the Fridays of
8 the past. The plan of right now is pari-mutuel
9 wagering will be available for all races at
10 Colonial.

11 The stakes program, 29 total at 5.9 million.
12 A couple changes to the stake schedule from last
13 year. We set up three prep races; what we hope to
14 be PREP races for the Million, Beverly D and
15 Secretariat. That will occur on opening Saturday.

16 July 20th, we will have the four stake races
17 for Virginia and then on August 3rd. The Festival
18 of Racing on August 10th with the same three races
19 as last year; the Million, the Beverly D and
20 Secretariat.

21 One change is that we've tried to increase
22 that day's stakes program by moving the Andy Guest
23 and the Van Clief to the Festival of Racing.

24 In addition to, we have added two races; one
25 named after Mr. Petramalo, the Petramalo Mile, will

1 be run this year, along with the Penny Chenery. So
2 these are for the three-year-olds. We're excited
3 to have those here. Hopefully it really does add
4 to the day.

5 We're trying to build the Festival of Racing
6 into something the national scene will take to,
7 adding some stake races and hopefully increasing
8 some participation in the undercard races. We're
9 looking forward to seeing how that plays out.
10 Certainly an honor to have the race named after
11 Mr. Petramalo for sure.

12 Moving on to the 31st is what we called
13 Commonwealth Champions day last year. Again, this
14 will be for VA-restricted races. That will be on
15 Labor Day weekend.

16 Then Virginia Derby day on closing day; same
17 stakes as we had last year. Hopefully the rain
18 will stay away. At least the lightening so we can
19 get the card in at a normal time and not try to
20 expedite that.

21 Then we do have the two NSA stakes, the
22 Randolph Rouse and the Life's Illusions. So that
23 is the stakes for this upcoming season.

24 Promotion. We've been working on a promotion
25 plan and schedule really probably since November.

1 I think I've been driving marketing nuts on this
2 for a while.

3 A couple things we're going to do. Try to
4 highlight each day of racing. Thursdays we're
5 going to have a promotion called Thirsty Thursdays.
6 It's going to be more of a drink special promo
7 during live racing hours.

8 we'll have a souvenir cup that will be
9 available for purchase and then from there, people
10 can certainly bring that cup back through the
11 season on Thursdays and get a discounted draft
12 beer.

13 Again, some beer specials, additional beer
14 specials for those who don't want to buy the cup
15 and then we'll do \$3 hot dogs throughout Thursdays
16 during live.

17 Fridays we're moving to Party at the Downs
18 with a 4:30 post. Happy hour is from four to
19 seven. Again, some domestic beer and wine
20 specials. we'll also have live music throughout
21 live racing in between races over in our trackside
22 tent.

23 we have live bands, local bands already booked
24 and we'll make sure that obviously we have someone
25 there making sure they stop playing when the horses

1 hit the track and all of that, but hopefully to add
2 a little bit of live entertainment, add a little
3 atmosphere at 4:30.

4 We're certainly going to target the New Kent
5 County area for those days. Friday, summer traffic
6 is certainly busy, so we want to make sure our
7 local people that don't have to fight 64 sometimes
8 will be here and have a nice evening of racing with
9 this promotion.

10 Saturdays, every Saturday, we'll have a
11 promotion tied to live racing and including the
12 stake program. Every Saturday will either have
13 pony rides, a petting zoo or Junior Jockey Club
14 activity.

15 Junior Jockey Club will present different
16 types of activities for kids, introduce them to
17 racing and have some fun. Again, just some other
18 items to introduce the families as we introduce
19 more people to the track.

20 Opening Saturday will be Rosie's Give Back
21 day. Obviously, we'll have a giveaway item; an 18
22 month calendar.

23 Rosie's Give Back day is something we're going
24 to really tie in with the community and try to
25 promote things that we try to do here with Rosie's

1 with the community. Donations along with the stake
2 races.

3 So we'll certainly continue to push that and
4 let people know that they can certainly take
5 advantage of applying for some of Rosie's Give Back
6 awards money.

7 The 20th, Flying Squirrels day. Obviously,
8 we're working with the Squirrels, trying to get
9 more participation from them, trying to drive their
10 fan base.

11 The Squirrels are actually out of town that
12 weekend, so hopefully we'll get the mascot. I
13 always screw up their name so I won't try it again.
14 But again, get more participation from them.

15 July 27th, I believe it's gonna be the PDJF
16 day. I think that's national that particular
17 weekend, so we're going to do some things around
18 that.

19 We're going to do Dawn at Colonial Downs.
20 We're going to open up the track to the public,
21 hopefully reach out to some community groups, have
22 them come out for training, meet some trainers,
23 maybe some riders, have doughnuts and coffee and
24 just let people come on over earlier and enjoy a
25 day of training and talk with them and obviously

1 we'll get with everyone here and participation
2 and just help introduce people there and drive
3 people here to the track.

4 In addition, we're working with Richmond
5 Raceway to be here as well. Again, they don't have
6 a race that week, so hopefully we can get some
7 participation and have a driver here and have some
8 fun with the jockeys with PDJF day as well.

9 August 3rd, we're working with New Kent quite
10 a bit on a few things. Trying to host some of
11 their events here on the track at racing. We'll
12 have Taste of New Kent day here.

13 There will be an event in the parking lot, but
14 it's a free event and obviously with the free
15 general admission, hopefully it gets people to go
16 to their event, come in, watch a couple of races.
17 Just working with the county itself to continue to
18 build a strong partnership there.

19 We will have a giveaway of a Colonial Downs
20 hat. That turned out pretty nice on that day.

21 August 10th is the Festival of Racing.
22 August 17th, again something with the county fair.
23 They will host their New Kent County fair here at
24 Colonial Downs. It doesn't have ferris wheels or
25 anything like that, but it's primarily going to be

1 over in the trackside tent. There will be three
2 events so people can come in.

3 I believe that last year's attendance was a
4 couple thousand. I think they're pretty excited
5 and hoping that more people will come since it's
6 here at the track and they can enjoy some racing as
7 well.

8 August 24th, as Darrell alluded to, we will be
9 hosting wiener dogs and thank you to Shenandoah for
10 allowing us to borrow their gate. I didn't want to
11 build one.

12 I've hosted a few of these at my previous
13 track. They are very popular and as Shenandoah can
14 attest, I think Corgis are probably just as popular
15 as wiener dogs.

16 The turnout and registration has been pretty
17 strong, so I'm looking forward to a nice day of
18 wiener dog activity on the track and get them off
19 the track quickly and then get to the horse racing.

20 August 31st, obviously Commonwealth Champions
21 day and September 7th, Virginia Derby day. We will
22 have a Secretariat poster. I've seen the poster.
23 We're good to go.

24 Some things we're doing in marketing. We have
25 been working with our local media company and

1 trying to get some on-site television coverage
2 before the season or during the season.

3 We're doing a variety of add placements with
4 our local affiliates, digital coverage throughout
5 the region. We're working on a partnership with
6 Lee Enterprises, which is the Richmond
7 Times-Dispatch, but they also have all of the local
8 media newspapers around the state. We're certainly
9 going to take advantage of as well.

10 Partnership with ESPN Richmond, which has been
11 in the past. Obviously with the Rosie's
12 properties, we want to take advantage of our
13 members, our Rosie reward members, so starting in
14 February, horse racing for the upcoming season has
15 been included in all of our monthly mailers.

16 Email blasts to all members is ongoing
17 and then obviously TV slates with the racing
18 schedule at all the properties as well. Trying to
19 touch our other properties throughout the
20 Commonwealth just to let those players who may be
21 interested coming up here for racing at least we
22 know what we have coming up.

23 So a couple new things with TV. CBS 6, I'm
24 sure some may know Virginia This Morning is their
25 nine a.m. broadcast. Unfortunately for central

1 Virginia, I have to go on there tomorrow along with
2 NBC 12, but doing an in-studio interview tomorrow,
3 but on opening Thursday they're actually going to
4 do their live broadcast of their show here at
5 Colonial Downs.

6 So again, it's at nine to ten. I would prefer
7 them to be here for racing, but we're going to do
8 some stock footage, B roll for the show. Their
9 talent will be here. They've already done the site
10 visit and obviously they'll stay.

11 We welcome them here for racing so they'll get
12 some footage of the crowd, B roll for future use
13 that we're working on with them as well. Looking
14 forward to having them here.

15 I think it has been a good hopefully
16 demonstration what we're doing with racing,
17 wagering, the restaurants, the food, the beverage.
18 Just what kind of happens here at the track that
19 maybe not everyone knows about.

20 Also, CBS 6. Rosie's has been sponsoring the
21 Play of the Day sponsorship, but starting in June
22 it will become the Colonial Downs Play of the Day
23 sponsorship.

24 So again, taking advantage of some of the
25 Rosie's promotions and switching that to Colonial

1 Downs once we're in racing season.

2 As I mentioned, NBC 12. I will be going
3 tomorrow after CBS 6 and doing a studio interview
4 with 12 About Town. Again, there in the season we
5 are going to do at the horse races. These are one
6 minute segments.

7 Again, things that are going on here.
8 Hopefully some live segments that will be running
9 mid July through the end of the meet.

10 So there will be a variety of things that they
11 are going to be pushing with some promos through
12 the seven weeks. We'll have these promos pushed
13 and our commercials pushed during the newscast at
14 5:30 and 7:00 during the Today Show and five p.m.
15 and the 6:30 newscast. Then obviously the one
16 minute segments will be branded on the website on
17 NBC 12.

18 Again, ESPN radio, we're talking with them,
19 having a live broadcast here every Thursday.
20 Again, working with racing days Off To the Races
21 and then Summit Media doing some traffic
22 sponsorships during peak hours and just
23 highlighting opening weekend, the festival and
24 closing week, meaning the Derby.

25 Print. Again, Richmond Times-Dispatch. Doing

1 some things with them for Sunday sports. Wednesday
2 and Friday main bundles, again focusing on opening
3 festival and the Derby.

4 Reach Magazine is a mailing that goes out. We
5 will be on the cover of that with a full-page add.

6 New this year, we did the New Kent Neighbors
7 Magazine. It's a small publication, but we will be
8 kind of the top title part of that magazine with
9 some articles about what goes on here at Colonial
10 Downs and that hits New Kent, Quinton and
11 Providence Forge.

12 Again, small, but again, for Friday nights, we
13 want to make sure that our local neighbors are able
14 to make it out here and enjoy a night of racing.

15 Outdoor. Again, Rosie's has outdoor
16 messaging. It has already started. Three signs in
17 Hampton and four in Richmond will be rotating with
18 Colonial Downs with our live racing season.

19 Digital. Again, a lot of variety of things
20 throughout the racing season. Again, targeting
21 people 50 miles from Colonial. Then obviously with
22 again some of these things gets a little bit above
23 where I stop following, but targeting people that
24 have interest in racing, dining, live sports,
25 betting and stuff like that. So we will be

1 targeting that and people around the area.

2 Racing media. So this is for more inside the
3 industry in just trying to drive horse players to
4 pay attention to the signal. We'll be doing
5 something with America's Best Racing again.

6 They'll do a betting guide for Colonial
7 and then they'll do five features during the season
8 and we're also fortunate one of their staff members
9 comes here for Colonial and does some stuff for
10 them as well in addition to promoting racing here
11 at Colonial.

12 BloodHorse website will have daily
13 advertisements with emails and a variety of
14 advertisements for the season.

15 Down the stretch we'll do a weekly call-in
16 during the race season on Sirius XM radio.

17 Horse Racing Nation, who we used last year.
18 Again, they'll be here on site for the Festival and
19 Derby, wagering guides and obviously a lot of
20 things they do on their website and email blasts.

21 HRRN. Four live interviews during the season
22 plus advertising, in the money media, advertising,
23 handicapping and talking points. Then Racing Biz,
24 who we certainly use, weekly radio and print and
25 on-air interviews.

1 From the wagering standpoint, FanDuel will be
2 back on site for the week of racing on the Festival
3 of Racing. Then obviously with our partnership
4 with TwinSpires, they will be doing 27 days of
5 promotions with us; expert picks, preview videos,
6 email blasts.

7 In addition to Friday nights, we'll be doing a
8 late Pick 5 insurance offer with them. Festival of
9 Racing, it would be either a profit boost or money
10 bag and the same with Virginia Derby day.

11 So really trying to work closely with our
12 partner on that one and pushing Colonial Downs
13 during the racing.

14 Ticket sales. I mentioned back in February
15 the tickets actually did go on sale February 12th.
16 we did discount grandstand seat boxes and seats.

17 As of today, we have had 800 tickets sold
18 compared with 464 last year, so things are going
19 pretty well. Tickets went on sale full public on
20 February 28th, and again, general admission is free
21 all season long.

22 The other difference for this year is that
23 ticket pricing is inclusive. So you buy a
24 grandstand seat, it's \$5. That's the total price.

25 So I think we've had a couple calls on Ticket

1 Master that it says \$3.88 and then it goes to \$5.
2 There's two different ways to look at it on Ticket
3 Master's site, but it is a \$5 ticket price all-in.

4 Same with everything else; 1609, the Jockey
5 Club and the grandstand. So trying to make it more
6 customer friendly so that when they buy a ticket
7 they know what the total price is. Hopefully we'll
8 have some positive feedback from that.

9 Also with Ticket Master, we've put our suites
10 up on sale as well and then we've done some reduced
11 pricing in the Jockey Club and suites for this
12 upcoming season.

13 Just to go over some of the improvements that
14 we've done. Track lights; 140 bulbs were replaced
15 back in February. We had two power harnesses
16 replaced on two of the poles and there will be a
17 light survey done next week to make sure that all
18 of the lights are at the right illumination and all
19 of that fun stuff.

20 We'll have that report back to the group so
21 everyone feels comfortable that the lights that we
22 have replaced are safe for the riders and the
23 horses. Again, the lights do work. I've turned
24 them on at night so it does look good.

25 New warning lights system. We did purchase 16

1 new lights and horns. The box can be controlled by
2 the stewards and or the outriders. They will have
3 a remote kind of like a garage door opener that
4 they can use on the track if they see something
5 that will set off either the horns or the lights or
6 both.

7 Thermal imaging project. I did have all of
8 the race-related areas thermal imaged. I actually
9 just got that report back today. That took a look
10 at all panels, transformers and stuff like that,
11 making sure that we can avoid any issues that we
12 can foresee.

13 It's something I have done in the past and I
14 felt it would be important to do just to have
15 an idea of where we sit back there making sure
16 everything is taken care of. That will be ongoing.
17 Every year we'll do that.

18 Another thing we did do in March, Dave
19 certainly took the lead on this. It is the United
20 Tote conversion, so we are no longer with AmTote.
21 we have switched all of our locations to United
22 Tote, so we are looking forward to that.

23 we also redesigned the betting counters on the
24 apron and grandstand box locations. Hopefully
25 you'll see a little different look in those two

1 locations for live racing.

2 Again on the capital expenditures side, we are
3 in the middle of doing the outer turf irrigation
4 project. That should be done here I'm guessing mid
5 June, barring any weather. They're moving pretty
6 quick on this project.

7 We've been in the middle of ordering a lot of
8 new racing equipment, primarily for the turf
9 course. Saddling paddock pavers. If you walk by
10 the saddling paddock, we did get pavers put in
11 around the oval.

12 That was a combination of pavers we received
13 for Churchill Downs and some additional ones that
14 we purchased to make sure we completed that
15 project.

16 In the grandstand, if you guys haven't had a
17 chance, please take a look. We have five big ass
18 fans down on the third level grandstand over the
19 boxes. Hopefully that will help with some airflow
20 in that location. We've got new chairs
21 and cushions coming to the grandstand boxes as
22 well.

23 Then for the big project coming up after the
24 season is going to be the new dormitory. As of
25 today, everything seems to be on time with

1 construction, hopefully starting at the conclusion
2 of the race season when horses have left the
3 property. So more to come on that, but I certainly
4 did want to make sure I mentioned that to this
5 group.

6 As Dave mentioned, we do have some new team
7 members here. Leif Dickinson, who's got 40 years
8 of turf experience. I don't think Leif's in there.
9 He's worked at Del Mar, Santa Anita, Gulf Stream.
10 We got him away from NYRA. He was working on the
11 Belmont project up there. So he has overseen both
12 surfaces.

13 He has brought over Justin Molina, who is our
14 turf manager. He has worked with him at Santa
15 Anita, Del Mar and Gulf Stream as well. Good
16 addition there.

17 Also, Kelly Jackson or James Jackson, who has
18 been here for a long time. He worked with Ken the
19 last few years. He will be overseeing the dirt and
20 obviously we're still working on some things on the
21 dirt site as well from a consulting standpoint.

22 So new team. Looking forward to it. Everyone
23 has been working really hard. I hope people see
24 that maybe on the far tour. I think we're in good
25 shape headed in to this season. Looking forward to

1 year two. Happy to answer any questions.

2 CHAIR NIXON: Thank you, Frank. Take a
3 breath. I just wish the race meet started
4 tomorrow. I loved all of the promotional ideas.
5 I'm very happy to see some of the media outreach.
6 Thank you.

7 Any other Commissioners want to ask some
8 questions, comments?

9 COMMISSIONER SIEGEL: I'd just like to commend
10 Churchill. This is terrific. You guys have done
11 everything you said you would do and perhaps even
12 more. Just keep on coming.

13 COMMISSIONER GORDON-MOORE: I agree with that
14 statement. I have one question. Did anybody reach
15 out to the Navy? There are a lot of people
16 standing around. Not standing around there, but
17 people who may like some other form of
18 entertainment. Send some buses, bring them up
19 here, introduce them to something they may not know
20 about.

21 MR. HOPF: I don't think we've talked to
22 anybody over there, but that's something we can
23 certainly do. We're still working on a lot of
24 things to add on to what I presented. Yes. That's
25 certainly something we can take a look at as well.

1 we've got some good things coming for Festival and
2 Derby day, so that could be an element we could add
3 as well.

4 CHAIR NIXON: Any other questions? Thank you,
5 Frank.

6 MR. LERMOND: Madam Chair.

7 CHAIR NIXON: Yes.

8 MR. LERMOND: Frank, could you just briefly
9 talk about the decision not to have the HHR
10 terminals not operating on live racing on the third
11 floor and that's going to make it easier for people
12 to come in out of the hot?

13 MR. HOPF: Yeah. So working with Dan, too,
14 the general manager here, the decision was made to
15 turn the machines off on the third floor during
16 live racing days.

17 Again, I think that presents a better
18 experience for our guests. Certainly causes a lot
19 of confusion with trying to police and tell kids
20 not to come up here if they have to go to the
21 restroom.

22 There are some elements that obviously Dan
23 took the lead and said that we're going to turn
24 those off. So I'm very appreciative of that and I
25 hope that works out as well and the customers see

1 that.

2 The other thing I did not mention is stall
3 applications are due. They're coming in pretty
4 quick. The emails keep coming in. I'm happy with
5 that. Hopefully in the next couple of days I'll
6 have a report on the number of applications and how
7 that plays itself out.

8 Things are moving right along. I'd like a
9 couple more days before the season starts, but
10 that's okay. We'll be ready to go.

11 CHAIR NIXON: Thank you very much.

12 MR. HOPF: Thank you, guys.

13 CHAIR NIXON: Next we have a presentation of
14 an economic impact study prepared by the Chmura
15 Group on the Virginia-Certified residency program
16 for Thoroughbred horses. I believe Ms. Easter is
17 going to do that.

18 MS. EASTER: Thank you very much. I think all
19 of you have a copy of an executive-type summary for
20 the study plus the whole study that was completed
21 last month.

22 We are very pleased that the study pretty much
23 verifies what we have been telling you here for the
24 last few years and what our members have been
25 telling us about on their farms.

1 In the six years that we have had the
2 Certified program, over 5,000 horses have hit
3 Virginia. Just what our folks have been telling
4 us, filling up their barns.

5 One of the worries was, always is, the money
6 that we are putting out bringing back the economic
7 benefits to Virginia and I think this very much
8 says that our bonuses that we have paid out over
9 the lifetime of the program are about \$4 million a
10 year, so it totaled about \$14.6 million over the
11 lifetime and it has brought back \$86.2 million in
12 economic benefit to the state and I think that's
13 very exciting.

14 Just piggy backing on this report, one of the
15 things we haven't quite figured out, we've got
16 5,000 horses that are eligible here to run at
17 Colonial.

18 I think between Gary and Frank, the racing
19 secretary, we've tried to build a restricted race
20 program in the book this year that is a little
21 better than years in the past so people can plan on
22 how to get here.

23 I believe Frank and Gary, we've been producing
24 reports for them about certified horses and their
25 trainers and I think they're contacting trainers

1 now to get the horses here.

2 The horsemen have decided that the restricted
3 races run at 25 percent higher purse levels than an
4 open race, so all the reasons that we should be
5 able to capture these horses and bring them here to
6 Colonial.

7 Once again, as I don't see that we're going to
8 have year-round racing here in Virginia ever, this
9 program, it piggy backs along with our Breeders
10 program and turns what we've done into a year-
11 round program for horsemen.

12 I'm very happy with the results of this and I
13 hope you all finally are happy and not have to
14 listen to me say how well it has been working.

15 Any questions? Thank you.

16 CHAIR NIXON: Thank you.

17 MR. T. BERMAN: Ms. Easter, I might be
18 confused.

19 MS. EASTER: Yes.

20 MR. T. BERMAN: I always understood that
21 Certified program was for horses for six months
22 residency before their two-year-old season.

23 MS. EASTER: That is a Standardbred. We go
24 before they turn three, so they actually are at the
25 end of their two-year-old season.

1 MR. T. BERMAN: Has it always been that way?

2 MS. EASTER: Has always been that way for us.

3 MR. T. BERMAN: I heard Darrell say that
4 harness was before a two-year-old.

5 MS. EASTER: No. For us it's been good. Just
6 to show you. The 5,000 horses that we've brought
7 in in six years here, if we look at what the
8 breeding program would have done, it would have
9 been probably about 600 to 700 horses that are bred
10 here in that same amount of time.

11 Obviously, we want to continue and I think our
12 new rules are building that, but just the nice
13 thing between the racing and the two programs we've
14 had is really rounding out things nicely for our
15 horsemen. So thank you.

16 CHAIR NIXON: Thank you, Debbie. I think that
17 is everything on our agenda. We have
18 Commissioner's comments.

19 I would like just to say how happy I am to see
20 all the good reports, the good progress. I
21 appreciate Larry coming and educating us and
22 hopefully we'll hear more conversation about that
23 in the future.

24 So thank you, everybody, for all of the hard
25 work and working together to make sure that we have

1 another good meet ahead of us. Anybody else?

2 COMMISSIONER GORDON-MOORE: We did a back
3 stretch walking tour this morning to follow up the
4 one we did a couple of months ago. I was very
5 pleased to see everything we had discussed had been
6 done.

7 There are a lot of people working back there
8 and everything seems to be going in a forward
9 direction. I have only one thing left on my list
10 and everything else looks great. That's for next
11 year.

12 CHAIR NIXON: Who else went with you? Just
13 you and Commissioner Brand?

14 COMMISSIONER GORDON-MOORE: Brand went and a
15 lot of the horsemen were there and Dave, of course,
16 and a lot of activity back there and it all looks
17 good.

18 CHAIR NIXON: Great. Thank you. Anyone else?

19 COMMISSIONER SIEGEL: I'd like just to
20 comment. Glen, you weren't here last year, but I
21 believe in the HBPA report we requested a
22 line-by-line comparison, the actual from this past
23 year to the ongoing budget for this year so we see
24 the pluses and minuses. I'm sure there are some
25 things where you over spent and other things where

1 you saved.

2 MR. G. BERMAN: I've got it written on my
3 sheet here, but it's not written on the letter.

4 COMMISSIONER SIEGEL: Just put it in the
5 program next year.

6 MR. G. BERMAN: Absolutely.

7 MR. PETRAMALO: It should be an attachment to
8 the letter that Glen sent you.

9 MR. LERMOND: It's in what he sent to us.

10 COMMISSIONER SIEGEL: It's in the book?

11 MR. LERMOND: Yes, sir.

12 COMMISSIONER SIEGEL: I'm sorry. I missed it.
13 I apologize. Where is that in the book? Is it a
14 line-by-line comparison from last year and the new
15 budget? That's what I'm asking about.

16 COMMISSIONER TANNER: No. This is just
17 line-by-line for '23.

18 MR. PETRAMALO: Put the two pages together.

19 COMMISSIONER SIEGEL: If you put it all on one
20 page, it's not that hard. Just put it on one page
21 so you can look line-by-line and see what the
22 actual was versus the budget and then next year's,
23 show what your increases are or where you were plus
24 or minus and it's fine. Just a question.

25 Secondly, I just want to echo what the

1 Chairman said. Some of us have been around a long
2 time here and it's nice to celebrate the
3 relationship that continues to grow between various
4 horsemen's groups and Churchill and the successes
5 that come with working together. It's just great
6 to see.

7 COMMISSIONER BRAND: I will echo that. It is
8 just a positive report. The creativity, it just
9 seems like everybody is looking for the next best
10 way to improve. We're not resting on our laurels,
11 but looking for opportunities to make it even
12 better.

13 I love hearing a good economic impact report.
14 I think if we continue this way we'll just keep
15 seeing those things. So thank you for the hard
16 work, the teamwork, working together and I think as
17 a group we can all make things even better. So
18 thank you.

19 MR. SMITH: One more thing?

20 CHAIR NIXON: Sure.

21 MR. SMITH: I wanted to say something to
22 Frank. One thing that Harrison Young did with the
23 turf last year was for the steeplechase outer part,
24 he kept the grass higher and did a few other things
25 that are out of my pay grade, but if Churchill

1 could continue to think of how, because I know
2 jumping horses like it a little bit taller. It's
3 more cushion. So that was really cool the way he
4 did that. Thank you.

5 CHAIRMAN NIXON: Anyone else? Thank you very
6 much.

7 Next on the agenda is the closed session. We
8 will be going into closed session. I will read a
9 motion and call for the vote.

10 I move that we convene a closed meeting in
11 accordance with the Virginia Freedom of Information
12 Act. The purpose of this meeting is to discuss
13 personnel matters, the application, the application
14 exemption from open meeting requirements under the
15 Freedom of Information Act is 2.2-3711(a)(1).

16 Commissioner Brand.

17 COMMISSIONER BRAND: I approve.

18 CHAIR NIXON: Commissioner Siegel.

19 COMMISSIONER SIEGEL: Second.

20 CHAIR NIXON: Commissioner Tanner.

21 COMMISSIONER TANNER: Agree.

22 CHAIR NIXON: Commissioner Gordon-Moore.

23 COMMISSIONER GORDON-MOORE: I agree.

24 CHAIR NIXON: And Commissioner Nixon as well.
25 Thank you.

1 NOTE: There is a recess while the
2 Commissioners are in closed session; thereafter,
3 the Commission returns to open session as follows:

4 CHAIR NIXON: I will be reading a motion upon
5 return to open session. I move that we vote on and
6 record our certifications that to the best of each
7 member's knowledge, only public business matters
8 lawfully exempted from open meeting requirements
9 under the chapter and only such public business
10 matters as were identified in the motion by which
11 the closed meeting was heard, discussed or
12 considered in the meeting by the public body. I
13 need to report a role call vote.

14 Commissioner Brand.

15 COMMISSIONER BRAND: Agreed.

16 CHAIR NIXON: Commissioner Siegel.

17 COMMISSIONER SIEGEL: Agree.

18 CHAIR NIXON: Commissioner Tanner.

19 COMMISSIONER TANNER: Aye.

20 CHAIR NIXON: Commissioner Gordon-Moore.

21 COMMISSIONER GORDON-MOORE: I agree.

22 CHAIR NIXON: And Commissioner Nixon. Okay.
23 Is that everything? Okay. The next meeting is
24 July 25th. Thank you.

25 NOTE: The meeting of the Virginia Racing

Commission is concluded.

1 CERTIFICATE OF COURT REPORTER
2

3 I, Sandra G. Thinnes, hereby certify that I,
4 having been duly sworn, was the court reporter for the
5 meeting of the Virginia Racing Commission on May 22,
6 2024, at the time of the meeting herein.

7 I further certify that the foregoing
8 transcript is, to the best of my ability, a true,
9 accurate and full record of the incidents of the meeting
10 herein.

11 Given under my hand this 15th day of June,
12 2024.

13
14
15 Sandra G. Thinnes

16 Sandra G. Thinnes
17 Court Reporter
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