

In The Matter Of:
VIRGINIA RACING COMMISSION
PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS
September 12, 2024

ORTEGA INTERNATIONAL REPORTING
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1 VIRGINIA:

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VIRGINIA RACING COMMISSION

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7

PUBLIC HEARING

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Thursday, September 12, 2024

11

12

11:00 a.m.

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When heard at:

16

17

Colonial Downs

18

Ballroom, 4th Floor

19

10515 Colonial Downs Parkway

20

New Kent, Virginia 23124

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Reported by:

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JUAN ORTEGA, CCR

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A P P E A R A N C E S :

COMMISSION MEMBERS:

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

COMMISSION STAFF:

- Waqas Ahmed, Executive Secretary
- Kimberly C. Mackey, Director of Operations
- Ada K. Caruthers, DVM, Equine Medical Director

ATTORNEY GENERAL'S OFFICE:

- Elizabeth B. Myers, Esquire

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I N D E X

PAGE

1	Call to Order and Roll Call	4
2	Opening Remarks	5
3	Approval of Minutes from the Previous Meeting of the VRC	6
4	Reports	8
	a. Update on STRIDESafe	
	b. Update from the Virginia Horsemen's Benevolent and Protective Association (Virginia HBPA)	
	c. Colonial Downs Group (CDG) 2024 Race Meet	
	d. Spectrum Group Update	
5	New Business	75
	a. Approval of Remote Attendance and Electronic Meeting Policy	
	b. Designate Deadline for 2025 Race Dates Request	
6	Public Comment*	80
7	Closed Session - Discussion of matters authorized under Virginia Code Section 2.2-3711	85
8	Adjournment	90

1 P R O C E E D I N G S

2 September 12, 2024

3

4 CHAIR NIXON: Good morning.

5 I'm going to go ahead and call
6 this September 12th, 2024, meeting of
7 the Virginia Racing Commission to
8 order.

9 The first agenda -- the first
10 item on the agenda is to call the role
11 of the commissioners.

12 Vice Chair Tanner?

13 COMMISSIONER TANNER: Here.

14 CHAIR NIXON: Commissioner
15 Bette Brand?

16 COMMISSIONER BRAND: Here.

17 CHAIR NIXON: Commissioner
18 Gordon-Moore?

19 COMMISSIONER GORDON-MOORE: Here.

20 CHAIR NIXON: And Commissioner
21 Siegel?

22 COMMISSIONER SIEGEL: Here.

23 CHAIR NIXON: Let the record
24 reflect that we have a quorum with all
25 the members present.

1 P R O C E E D I N G S

2 Before I start with my opening
3 remarks, I would like to welcome
4 Secretary Laura of Agricultural
5 Forestry -- there we are -- and Deputy
6 Rickman. Thank you so much for joining
7 us.

8 And now, it is my honor to go
9 ahead and introduce our new executive
10 secretary Waqas Ahmed. He comes to us
11 from the Kentucky Horse Racing
12 Commission where he served as deputy
13 executive director. We are looking
14 forward to working with Mr. Ahmed to
15 continue to promote, grow, sustain, and
16 control the native horse racing in
17 Virginia.

18 So welcome.

19 MR. AHMED: Thank you so much.

20 CHAIR NIXON: Please note that
21 The Commission will take public
22 comments, if any, before the closed
23 session, this is a slight change from
24 previous meetings. So I want everyone
25 to be aware and prevent any

1 P R O C E E D I N G S

2 interruption as The Commission conducts
3 this meeting.

4 First thing is the approval of
5 the minutes from the previous meeting
6 of the VRC. I would like to entertain
7 a motion to approve the proposed
8 minutes of the July 25th, 2024,
9 Virginia Racing Commission meeting.

10 Is there a motion from The
11 Commission?

12 COMMISSIONER TANNER: I'll move
13 it.

14 COMMISSIONER SIEGEL: I second.

15 CHAIR NIXON: Executive Secretary
16 Ahmed is assigned the floor.

17 MR. AHMED: Thank you, Madam
18 Chair.

19 Behind tab 1 are the minutes from
20 the Virginia Racing Commission meeting
21 on the July 25th, staff have no changes
22 for this meeting -- for the minutes.

23 CHAIR NIXON: Thank you.

24 Are there any additional --
25 additions or corrections from The

1 P R O C E E D I N G S

2 Commission?

3 COMMISSIONER BRAND: I just had a
4 comment that the August 9th meeting
5 that was listed as scheduled was
6 canceled and I don't -- it's not a
7 correction on these minutes but in
8 subsequent minutes that we just
9 probably need to note to that.

10 CHAIR NIXON: Thank you.

11 Any other corrections or
12 additions from The Commission?

13 All commissioners in favor of
14 approving the proposed minutes of the
15 July 25th, 2024, Virginia Racing
16 Commission meeting as presented please
17 indicate by responding yes.

18 COMMISSIONER TANNER: Yes.

19 COMMISSIONER SIEGEL: Yes.

20 MR. AHMED: Yes.

21 CHAIR NIXON: All commissioners
22 opposed please indicate by responding
23 no.

24 No one abstained. Motion
25 carried. Minutes approved as

1 P R O C E E D I N G S

2 presented.

3 Next up is our reports and I
4 believe the first is VRC equine medical
5 director, Dr. Ada Caruthers. She's
6 assigned to the floor and will provide
7 an update on the StrideSAFE initiative.

8 And I think there's one there,
9 yeah.

10 DR. CARUTHERS: Thank you,
11 everyone. I just want to take a moment
12 and thank everyone for allowing us in
13 funding the StrideSAFE program for us.
14 I thought it went very well. And first
15 off, I just want to read an e-mail from
16 the general manager of StrideSAFE that
17 was sent to me a few days ago. Excuse
18 my voice, I'm getting over a cold.

19 "First of all, we just wanted to
20 say congratulations on a very safe
21 meet. We were very pleased to take
22 such an active role in your pre-race
23 exam protocol. This was the first time
24 that we had integrated directly with
25 the regulatory vets and we felt that it

1 P R O C E E D I N G S

2 was a big success. In fact, it was
3 your inputs that led to your
4 development -- sorry about that -- of
5 our regulatory vet product that we are
6 rolling out this week which will list
7 all horses entered on a particular day
8 along with their category history and
9 the ability for the vets to see and
10 interpret the stride graphs on the
11 spot.

12 Also, Colonial was the first meet
13 we had sensors on steeplechase horses
14 for an entire meet. This data would be
15 shared with the NSA in an effort to
16 make their program safer as well. We
17 are also developing a track index that
18 will allow us to give information
19 directly to the track maintenance
20 department at each track in an effort
21 to allow them to tune their surface,
22 both turf and dirt, to reduce the
23 overall risk.

24 Since we run an average of 80
25 horses a day over a track, we have the

1 P R O C E E D I N G S

2 ability to pass on to them what the
3 horse is feeling that day so they can
4 use that information to make
5 adjustments to the surface. That
6 product is scheduled to be tested at
7 Churchill Downs meeting September in
8 and Keeneland in October."

9 And he goes on to say: "During
10 the off-season, we're available to work
11 with you on any questions you have or
12 help with any projects to which our
13 results can contribute. I will be
14 sending you the final statistics for
15 the meet today."

16 I just want to, again, say that
17 StrideSAFE -- we incorporated into our
18 post-entry pre-race protocol and I
19 thought it went very well. We received
20 a report after the horses ran and we
21 used those numbers that range from 1 to
22 5. 5 being the worst movement. And
23 again, just to review what StrideSAFE
24 is for those who don't know, it's a
25 sensor that is placed in the saddle

1 P R O C E E D I N G S

2 towel of the horses that are racing.

3 And it senses the movement up and
4 down, sideways, and forward, and
5 backwards, and I believe it's about
6 1,200 senses per second. So it's much
7 more sophisticated than -- or can feel
8 and incorporate all that data more so
9 than a human can actually feel.

10 So we get a number that just
11 correlates to an average horse versus
12 how far away from average that horse
13 is. So if they're a number 5, they're
14 not moving like an average horse would
15 be.

16 So that could be a red flag that
17 there is an issue and -- and maybe
18 there isn't, but it's something that
19 maybe the trainers need to look into
20 and we did make an effort to contact
21 trainers directly if they had a horse
22 with a high rating and talk to them
23 about StrideSAFE if they were even
24 aware that the horses had this sensor
25 and what StrideSAFE was.

1 P R O C E E D I N G S

2 Most trainers did not know
3 anything about StrideSAFE. So there's
4 an educational component that went on
5 with us and the trainers. And they
6 were very open to, you know, hearing
7 about it especially when the horses had
8 a high rating. They were, like, "Wow,
9 you know, I had no idea. I'm going to
10 have my vet look over my horse." So I
11 thought it was very useful in that
12 sense as well.

13 We followed, we tracked horses,
14 and this is what Greg was talking about
15 each race. So if the horse went from a
16 1 which everyone was at least a number
17 1, which is good, to a 5. You know, we
18 would track them along and put them in
19 our pre-race watch course list. So
20 every race day we have a list of
21 horses. We've reviewed every horse and
22 we spent a lot of time reviewing the
23 history, the PPs, the medical history,
24 everything that has happened with the
25 horse and any other kind of risk

P R O C E E D I N G S

1
2 factors and we have a list of horses
3 that we watched.

4 So this was part of our watch
5 list if it went from a low rating to a
6 higher rating. We also could call
7 StrideSAFE, Greg Pachman, he was our
8 main contact, and he would actually
9 break it all out. If it was a number
10 5, he could go into the system and read
11 the graphs and tell us, "Well, it could
12 be a front-end issue, or a high-end
13 issue, or a left or right-hand issue."
14 So that was very useful as well.

15 So, again, I -- I was really
16 happy to incorporate this into our
17 toolbox to keep the horses safe. And I
18 will say that we had a safe meet. My
19 calculations to date -- hold on a
20 second -- is that we had one flat
21 fatality musculoskeletal, the NSA is
22 excluded from our flat fatalities. And
23 -- and it's always unfortunate that we
24 have any fatality. Our goal is to have
25 none. But our incidents per 1,000

P R O C E E D I N G S

1 starts is 0.49 and as of the second
2 quarter for the heights of tracks in
3 2024, their incident rate generally was
4 0.76 per 1,000 starts.
5

6 So overall, we have a very -- we
7 had a very safe meet. I hope it
8 continues and I give credit to our
9 veterinarians, to the track team, and
10 to everybody involved and I hope it
11 continues. And I would just like to
12 recommend that we continue using
13 StrideSAFE in -- in our future meets.

14 Any questions?

15 CHAIR NIXON: Thank you,
16 Dr. Caruthers. I want to thank you for
17 bringing the attention to StrideSAFE as
18 far as the tool to help with the
19 welfare of the horses.

20 DR. CARUTHERS: Yeah.

21 CHAIR NIXON: So I appreciate
22 that.

23 Any other comments from the
24 commissioners?

25 Commissioner Gordon.

1 P R O C E E D I N G S

2 COMMISSIONER GORDON-MOORE: Yes,
3 I was just wondering, did the trainers
4 warm up to it towards the end of the
5 meet as they saw what it could do?

6 DR. CARUTHERS: Yeah, the
7 ones that actually went in, they had --
8 the trainers have to sign up with
9 StrideSAFE. It doesn't automatically
10 go to them. They have to say, "Yes,
11 please send me the information." That
12 was the hardest barrier to break
13 because they were, like, "Well, I don't
14 know."

15 But when we called them and say,
16 "Your horse has a 5. This could mean
17 something or maybe it doesn't." Then
18 they wake up and go, "Oh, yeah. Let me
19 look into this." So I think that --
20 you know, was very useful. But the
21 ones that did get reports really
22 appreciated the reports and used the
23 reports.

24 COMMISSIONER BRAND: I just have
25 a question. The trainer contact or

1 P R O C E E D I N G S

2 information they received at the
3 beginning of the meet, did they receive
4 any kind of, "Here, sign up for this.
5 This might be helpful" or something
6 really --

7 DR. CARUTHERS: Yeah. So,
8 actually, I had postcards --

9 COMMISSIONER BRAND: Okay.

10 DR. CARUTHERS: -- that I was
11 physically going around, handing to
12 everybody at the beginning of the meet.
13 "Call this number or use this QR code
14 to sign up for your reports." It went
15 in the overnights as well.

16 So we were trying to disseminate
17 that information, not everybody got it.
18 No, they don't always look at
19 everything, but I really made a big
20 effort to get these cards and hand them
21 to everybody I saw.

22 COMMISSIONER BRAND: Thank you.

23 DR. CARUTHERS: Mm-hmm.

24 CHAIR NIXON: Commissioner Brand.

25 COMMISSIONER BRAND: So where

1 P R O C E E D I N G S

2 does -- do we stand relative to other
3 racing -- other states racing as far as
4 the mandating that every horse carry
5 the device and the participation and
6 those sorts of things? Where do we
7 stand?

8 Are we like in the cutting edge
9 more than most states or are we right
10 in the middle or how do we find it?

11 DR. CARUTHERS: I know New York
12 has used it when it first came out for
13 quite a while. I don't know exactly
14 how many states. There are quite a few
15 that do use StrideSAFE. Kentucky has
16 been using it. I can't give you the
17 exact number of states. But I wouldn't
18 say it was the majority of the states.

19 COMMISSIONER BRAND: It wasn't --
20 you say it's not the majority?

21 DR. CARUTHERS: Probably not. I
22 think it will be eventually. I think
23 HISA is actually doing some kind of a
24 study on these monitors and eventually,
25 I think it will be incorporated into

1 P R O C E E D I N G S

2 the HISA protocols.

3 COMMISSIONER BRAND: Are we the
4 only ones that you know of that that
5 are mandating?

6 DR. CARUTHERS: No -- well, if --
7 if it's used at a track, then all the
8 horses get it.

9 COMMISSIONER BRAND: Okay.

10 DR. CARUTHERS: And just like
11 here. You don't have an option. It --
12 it just goes on the saddle towel and
13 everybody gets ready.

14 You don't have to use the
15 information, the information can just
16 sit there and not go anywhere.

17 COMMISSIONER SIEGEL: There's no
18 cost to the trainers. So I --

19 DR. CARUTHERS: No.

20 COMMISSIONER SIEGEL: -- don't
21 see the downside to any trainer to sign
22 up for it --

23 DR. CARUTHERS: Right.

24 COMMISSIONER SIEGEL: -- and
25 disregard the report when they get it.

1 P R O C E E D I N G S

2 But it could be helpful and -- and
3 certainly improve the performance --
4 performance of the horse.

5 DR. CARUTHERS: Exactly. Yeah.
6 And according to Greg Pachman, the new
7 things that they are building will
8 not -- we will not incur any other
9 costs. The costs will stay the same,
10 they're just adding new functions.

11 CHAIR NIXON: Thank you.

12 DR. CARUTHERS: Yeah. Thank you.

13 CHAIR NIXON: Any other comments
14 from the commissioners? Okay. Thank
15 you.

16 Next, as far as the reports go is
17 the Virginia HBPA, executive director
18 Glen Berman, he's assigned to the floor
19 to provide an update for the Third Red
20 Horsemen.

21 MR. BERMAN: Good morning.

22 CHAIR NIXON: Good morning.

23 MR. BERMAN: Thank you for
24 allowing me to speak to you this
25 morning. I'm here to just give an

P R O C E E D I N G S

1
2 update from the VHBPA as to the meet
3 that just concluded. This is the first
4 season that I've been here and I've got
5 to say, I -- I can't compare it to
6 previous years here but I can compare
7 it to other states I've been in this
8 same position and I'd say, overall, the
9 meet went very well and things went
10 very well.

11 The relationship between the
12 horsemen and management was very good.
13 Communication, very open. I was always
14 able to reach Frank Hopf and other
15 people working with for -- with the
16 track to address issues that came up
17 and in most cases, they were just in a
18 prompt manner.

19 As you know, I started here at
20 the beginning of January and
21 immediately was involved in working on
22 the condition book. This is something
23 that I personally hadn't had a lot of
24 experience with because in most
25 racetracks, the condition book was the

P R O C E E D I N G S

1
2 purview of the race secretary and
3 horsemen input was not all that welcome
4 in drafting the initial condition book.
5 Maybe day-to-day races, but not the
6 initial book.

7 So I was happy that -- to be a
8 part of that and it was a very
9 exhaustive process. We had a committee
10 that worked on it on behalf of the HBPA
11 and the track had multiple inputs from
12 here and from Louisville and it took
13 quite a while to get that first book
14 out because of drafts that went back
15 and forth. It was a little bit slow
16 coming back to us.

17 We were very quick in responding
18 any time we got a draft. But, you
19 know, I don't know what was going on on
20 their side. But it seemed to take a
21 long time and as a result, the first
22 book didn't get out until probably way
23 later than they had intended which I
24 don't know if it's true or not, but it
25 could have been an impact on horsemen

P R O C E E D I N G S

1
2 deciding to come here because those
3 books didn't get into their hands until
4 they may have made decisions to go
5 elsewhere.

6 So I think that we ultimately
7 came up with a good condition book and
8 the horsemen who were here last year
9 told me they thought -- told me that it
10 was substantial improvement over the
11 previous year's book. Not perfect.
12 It's never perfect. And the goal is to
13 eliminate extras as much as you could
14 and try to let the races that are in
15 the book go. But the track stuck to
16 the contractual requirements of running
17 the races that they are supposed to
18 run. Including the Virginia-bred
19 races, Virginia-restrictive races.

20 So overall it was good and I
21 think we've got a good starting point
22 for next year. And I'm hoping that the
23 process starts when the contract says
24 it was supposed to start. In -- in
25 February is when we were supposed to

P R O C E E D I N G S

1
2 have gotten the first draft. I -- I
3 don't think we got it until April. The
4 first draft, so --

5 And now that I've been here and
6 now I've been here for a year and
7 having gone through a season, I think
8 this process will be a lot smoother,
9 quicker, and we'll get a first
10 condition book out a lot quicker than
11 we did this past year.

12 As far as issues that we've had
13 during the year, I'll start with the
14 backside. It started out kind of
15 herkey jerky with issues regarding
16 overflowing manure bins and overflowing
17 garbage cans and things like that. And
18 over time, it -- it -- it resolved and
19 by the end of the meet, these weren't
20 issues anymore.

21 It could have been the quantity
22 of staff on the backside, it could have
23 been the qualifications of the people
24 working on the backside. There could
25 have been an issue for a lot of the

1 P R O C E E D I N G S

2 problems that occurred. But overall,
3 it was resolved. It just slowed things
4 down a little bit. A lot -- a lot more
5 attention paid to stuff that shouldn't
6 have been an issue at the beginning,
7 but they were resolved.

8 On the front side, the racing,
9 I'm sure Frank will talk about it. A
10 good meet. Of course we had weather
11 issues. We had our big weekend delayed
12 which could have had quite an impact on
13 people coming in -- overall handle
14 because now we're running Monday,
15 Tuesday, Wednesday, instead of
16 Thursday, Friday, Saturday. The
17 weekends. When you change dates, when
18 you change post times, that all affects
19 the overall experience in -- in how
20 many people attend and how many people
21 are watching online.

22 So that's something that needs to
23 be discussed going into the next season
24 a little bit more carefully. I'll --
25 I'll look at these numbers, try to give

1 P R O C E E D I N G S

2 our input as to what days we think are
3 better than others, what post times
4 might be better than others.

5 Handle overall, Handle was down
6 8.8 percent according to my figures and
7 On-Track Handle was down 9.1 percent.
8 So -- and I'd like to talk a little bit
9 about On-Track Handle. There is maybe
10 disagreement on how important Handle
11 is, in particularly On-Track Handle,
12 but overall Handle.

13 On behalf of the horsemen, I
14 think it's very important. Even though
15 the majority of our money does not --
16 money from purses does not come from
17 Handle. But it's still -- is something
18 that should be primary in our minds and
19 in both also -- and management and I'd
20 like to see what we could do to try to
21 improve. Instead of going backwards,
22 we should be on the improve with better
23 racing, bigger purses.

24 The best On-Track Handle day this
25 year was this past Saturday, Derby Day,

P R O C E E D I N G S

1
2 by far. Number two was the festival of
3 Racing Day. And number three was a
4 Saturday in July. It was NASCAR Day.
5 I don't -- I don't remember what the
6 event was for NASCAR but, apparently,
7 people showed up for that. And number
8 four was the Wiener Dog Racing Day.
9 And I -- I just remember walking into
10 the racetrack that day and saying, "Oh
11 my God, where are all these people
12 coming from?" They were there for this
13 event.

14 So it's interesting how special
15 events like that really bring the crowd
16 out which is important to get not only
17 Handle in people betting but also, of
18 course, improves the image of the
19 racetrack in the community, in the
20 state. You know, we -- we want people
21 to support this product and this
22 industry and getting out there on fun
23 days, I think is very important. So I
24 hope to do the same and do more next
25 year.

1 P R O C E E D I N G S

2 As far as next year goes, we've
3 got the March dates that have been
4 added to put up a new Virginia Derby
5 Race. That's going to be a points race
6 towards the Kentucky Derby. A very
7 good thing for us. It's very important
8 to get eyes on us. It's a big deal.
9 However, the -- how it's going to be
10 executed has to be talked about some
11 more in -- in -- and management has a
12 lot to do to get this thing so it's --
13 it'll -- it'll run smoothly and that
14 the track is ready and that way we can
15 get entries for those races.

16 It started out, the first
17 conversation we had about this, it was
18 talked about having five days. Then it
19 became four days when the document came
20 out with a proposed calendar. And this
21 past Saturday, I was talking to
22 Louisville management and they were
23 saying maybe it's going to be three
24 days over the fear of not being able to
25 get enough horses here to race and they

1 P R O C E E D I N G S

2 don't want to have short fields in a
3 race day.

4 So certainly the -- the -- the
5 Saturday is going to be just fine, but
6 I don't know about the other days.
7 And, you know, getting personnel here,
8 getting this place up to speed in March
9 is -- is going to be a tall order for
10 management and, of course, the horsemen
11 have to help out also.

12 The one thing that I think is the
13 hidden benefit of this is that the --
14 they're going to have to get the track
15 in really good shape, the dirt track in
16 a really good shape for this race. And
17 so, unlike this season where the -- it
18 appeared that the turf was the focus
19 and is the focusing of our racing here
20 and a full-time turf superintendent was
21 hired. The same thing didn't happen on
22 the dirt side. Dirt was kind of was --
23 not as much attention was given to the
24 dirt side.

25 And when the time started coming

P R O C E E D I N G S

1
2 in at record-breaking times at the
3 beginning of this season and horsemen
4 were complaining that the dirt track
5 was too hard, it became an issue that
6 really there was not -- not much they
7 could do about it at that point.

8 There, apparently, was not enough --
9 there wasn't any material to add to it
10 and the fears of they had might make
11 it -- have a problem going the other
12 way.

13 But that's something that I think
14 is going to be addressed. Frank can
15 tell you at this going into this season
16 so that we don't have those things that
17 stand out that there's something amiss
18 here because these horses that
19 shouldn't be running sub 108, 641 --
20 times are overdoing it. And so
21 something -- something is amiss.

22 Luckily, it didn't seem to have
23 an effect on the health of the horses
24 although there were reported fractures,
25 stress fractures. We had a safety

1 P R O C E E D I N G S

2 committee meeting where the data was
3 gone overly -- a vet here and -- the --
4 the vets here and the vet in
5 Louisville, Dr. Farmer, went over the
6 reports and concluded that it wasn't
7 from the condition of the racetrack.
8 Even in the necropsies of the three
9 horses that went down.

10 When asked in a questionnaire to
11 the vets, to the trainers, to the
12 jockeys, "Was the condition of the
13 racetrack an issue?"

14 "No. No. No. No. No." All of
15 them said, "No." It wasn't the
16 condition of the track that was an
17 issue here in -- in this incident.
18 So -- so that's good. And I believe
19 we've had no positive drug tests here
20 this season which is great. It tells
21 you a few things, but most important is
22 that the trainers here follow the
23 rules. Yet people shipping in from
24 other racetracks and, you know, there
25 could always be accidental

1 P R O C E E D I N G S

2 contamination, so whatever was being
3 done here, you know, knock on wood that
4 this last weekend was okay, is
5 excellent.

6 And I'm just hoping that with my
7 year of experience here I can add to
8 the discussions that will help make
9 next season even better. So that's all
10 I got. Thank you.

11 CHAIR NIXON: Thank you,
12 Mr. Berman.

13 Any questions or comments from
14 the commissioners?

15 COMMISSIONER GORDON-MOORE: I was
16 just wondering about the accommodations
17 for people on the backside, did that go
18 smoothly and will the addition of the
19 new dormitory next year solve any
20 issues that might have come up?

21 MR. BERMAN: Yeah. It's -- at --
22 at the very beginning there were -- I
23 heard of -- you know, and -- and I only
24 know what people tell me and people
25 come to complain to me. And by the

1 P R O C E E D I N G S

2 way, I didn't get a lot of complaints
3 this year. I got -- I got the normal
4 complaints, but compared to past years
5 in my experience, pretty minimal.

6 The -- we had the mobile dorm
7 that was put in the spot where they are
8 now going to build a permanent dorm.
9 And so, there were some issues at the
10 beginning but I think they were all
11 resolved. I think everybody had a
12 place to sleep. And in this new dorm
13 which they're supposed to put the
14 shovel on the ground this coming Monday
15 to start construction of it, should
16 alleviate any problems that there could
17 be certainly in -- in the near future.
18 So I think that's going to be great.

19 And as far as the barns go. And
20 we had a barn that was basically not
21 used this year, barn 14, which is the
22 so-called quarantine barn. Half of it
23 is supposed to be quarantined, half of
24 it for not -- for horses that aren't in
25 quarantine. And I don't think it was

P R O C E E D I N G S

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2 used. So there was plenty of space
3 here and maybe that barn could be used
4 even better. Maybe figure something
5 else out because as far as I know, I
6 think there was only one horse that
7 came from overseas that needed to be
8 quarantined when it got here all
9 season.

10 And we had a barn with, I don't
11 know, 63 or more stalls in it that
12 basically went unused. So there was
13 plenty of space here and I'm hoping
14 that getting the book out sooner,
15 getting the message out, getting it
16 into the hands of trainers before they
17 make the decision of where they're
18 going to go for this summer will help
19 fill this place up even more and --

20 COMMISSIONER GORDON-MOORE: Thank
21 you.

22 MR. BERMAN: -- give us what we
23 need.

24 CHAIR NIXON: Any other questions
25 or comments for Mr. Berman?

1 P R O C E E D I N G S

2 Thank you.

3 Next is Colonial Downs Senior
4 Director of Racing Operations, Frank
5 Hopf. He's assigned the floor to
6 provide an update on the 2024 race
7 meet.

8 MR. HOPF: Good morning, Madam
9 Chair. Commissioners. Thank you for
10 having me speak. Give a quick -- quick
11 recap of the '24 season. I think we
12 were racing about a week ago at this
13 time. So I apologize if I miss some
14 information, I have been answering
15 questions of the things that you guys
16 want -- well, that's not discussed
17 here.

18 All right. So first we'll just
19 kind of go over the promotions. Again,
20 Thursdays, we did a promotion called
21 Thirsty Thursdays with drink specials
22 and hotdogs. I think, overall, I think
23 the crowd we had on Thursdays was a
24 positive from what I remember from '23.
25 Obviously, we're going to evaluate how

1 P R O C E E D I N G S

2 this promotion went as we move forward.

3 Fridays, Party at the Downs which
4 was with a happy hour from 4:00 to
5 7:00, live music in the tent. You
6 know, I think when we had the Fridays
7 that we could run, I think the crowd
8 was good, I think the atmosphere was
9 nice. The racing was good. Handle
10 started off pretty well, we'll go into
11 that a little bit -- a little later
12 with Saratoga adding some more races.
13 And Del Mar moving up an hour on those
14 Fridays after we got going.

15 But a quick recap on the Fridays,
16 so obviously, in '23 we ran -- we ran
17 at 1:30. This year we moved post to
18 4:30. So for 2024, we had six days. I
19 excluded -- July 12th was the day we
20 canceled because of the rain.

21 August 2nd was the day that we
22 had the heat, we ran four races and
23 then we had the front come through and
24 knock out power and we lost the last
25 five races.

1 P R O C E E D I N G S

2 And then we had August 9th which
3 was a Friday that we pushed back, I
4 think Monday. So, obviously, those
5 numbers aren't in here. But we did
6 have six days. Average attendance was
7 slightly down from 2023 with the eight
8 days.

9 Total Handle was -- just over
10 2.5 million compared to 2.6 in 2023.
11 On-Track Handle for these six days was
12 actually above the Fridays in 2023.

13 As I mentioned, one thing that we
14 started out with the Fridays, we were
15 in a pretty good spot between Saratoga
16 wrapping up, Del Mar starting, and just
17 working ourselves in the right
18 position.

19 Saratoga, obviously, had some
20 weather issues and they started adding
21 some races. Starting, I think,
22 probably first or second week in
23 August. And then about the same time,
24 Del Mar who typically runs at 7:00
25 o'clock, Eastern on Fridays, moved

P R O C E E D I N G S

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2 their post time up to 6:00 o'clock. So
3 that gap that we had in between the two
4 tracks certainly shrunk a little bit.
5 And we saw in the Handle that the
6 numbers were still pretty good. But,
7 again, obviously, with Del Mar in
8 there, they -- they certainly do take
9 up a large part of that market.

10 So we saw a little bit of the
11 drop-off from the beginning to end of
12 the -- of the Fridays that we ran. So,
13 overall, I thought the Fridays went
14 well, you know, as we look forward
15 to '25, we're certainly going to
16 evaluate every there with -- with our
17 post times as Glen alluded to. Post
18 times are pretty important to me. So,
19 again, I just want to at least capture
20 what the numbers showed how Friday
21 went '24 to '23.

22 Looking at the Saturday
23 giveaways, we tried to do something
24 each week. I think some events did
25 better than others. You know, we -- we

1 P R O C E E D I N G S

2 saw some positive attendance numbers
3 from the New Kent County Fair, even
4 thought that didn't necessarily bring
5 in Handle. We did see a lot of people,
6 you know, coming to the fair, staying,
7 watching the racing. Wiener dogs, as
8 Glen mentioned.

9 Certainly a strong crowd, I think
10 everyone who -- who has participated
11 with wiener dog racing that -- that
12 attracts -- certainly knows that it
13 brings a lot of people. Not
14 necessarily betting but they do come,
15 they do enjoy the races and, you know,
16 I think the crowds worked out well on
17 those days.

18 Festival racing, no need to talk
19 about that, we know what there with
20 moving from Saturday to Sunday. I
21 still thought the crowd was good with
22 the quick turnaround with us announcing
23 the change of date within the week.
24 And then Virginia Derby Day that we
25 just had, I -- I thought the crowd

P R O C E E D I N G S

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2 was -- was really happy with how the
3 crowd turned out. I think everyone was
4 really engaged with the racing.

5 Certainly my second Virginia
6 Derby Day, so I cannot compare it to --
7 to the group that's been here much
8 longer than me. But again, it's a --
9 it's a great day here. I know that is
10 why everyone knows Colonial Downs for
11 and I think it turned out as -- as well
12 as it has in the past. So it
13 happened -- it had to do with lighting
14 delays on closing day this year again.

15 So that was just the Saturday
16 recaps. I think, again, the Saturday
17 crowds were pretty good, you know, to
18 start off this season, again, weather
19 certainly played a little bit of a role
20 with the forecast and, you know, the
21 rain that we would get on a Friday or
22 even on a Saturday morning certainly
23 probably dampened some -- some of the
24 ground. But, you know, again, as we
25 look forward, you know, we are going to

1 P R O C E E D I N G S

2 take look at post times and seeing, you
3 know, there are certain Saturdays that,
4 you know -- you know, the Haskell Day
5 in particular, that is a tough day for
6 us from -- from a Handle standpoint.

7 So we are -- so I want to take a strong
8 look at some of these days that for the
9 last two seasons we've kind of not done
10 as well Handle-wise and position
11 ourselves that, you know, in
12 discussions with -- with, you know,
13 Churchill and -- and internally that
14 we're going to take -- take a strong
15 look at a lot of different things as we
16 move forward.

17 Again, to marketing real -- real
18 quick recap on this. You know, we did
19 in-studio interviews with CBS6 and NBC
20 back in June. We did have both CBS6
21 and NBC12 on location. We had Virginia
22 this morning here on opening Friday.
23 Obviously, it -- it rained and we
24 canceled the day. But I think we got a
25 lot of positive coverage by doing those

1 P R O C E E D I N G S

2 types of shows and, obviously, we're
3 going to continue to look to expand and
4 build upon our -- our reach on
5 television. We also gave our mascot
6 the fiberglass horse to CBS6 for their
7 weather previews. So if you watch
8 CBS6 -- CBS6 Weather, you would see our
9 horse back there and they decorated
10 with Colonial Downs stuff and we were
11 the weather sponsor for the season.

12 So, again, trying to do some
13 different things and we're going to
14 continue to -- to improve upon that.
15 ESPN Radio, Richmond was here every --
16 I'm sorry that's a Saturday. But they
17 were here every Friday. And then,
18 obviously, we would do call-ins with
19 people from Colonial Downs every
20 Thursday talking about live racing.

21 So, again, they want -- they
22 reached out to me prior to the end of
23 the season and want to continue it
24 throughout the year. So, if it's me
25 boring them on -- on the radio or we'll

P R O C E E D I N G S

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2 get other people from -- from here
3 to -- to talk about live racing and
4 talk about racing in general so to
5 keep -- kind of keep that momentum.
6 They -- they sound that they were
7 really pleased with what they were
8 receiving on their end from -- from
9 their listeners about horse racing.

10 So, again, more to come there.
11 Kind of to rekindle a lease from -- not
12 from '23, or the lease from my year of
13 '23 with Richmond Times-Dispatch --
14 Dispatch, I think there's a larger
15 partnership that we're going to
16 continue to explore as we move forward
17 with all their various entities that
18 they can reach in the state. I think
19 there's a lot of positives from there.

20 They're really engaged with the
21 season and that would be something that
22 we -- we -- we elaborate moving
23 forward. You know, we did reach a
24 magazine with a cover of Colonial
25 Downs. We worked with the New Kent

P R O C E E D I N G S

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2 Neighbors magazine as well, just
3 letting people know here locally what
4 was going with live racing.

5 So, again, continued to build
6 upon all these items. Digital, a lot
7 of things were sitting on search
8 engines and stuff like that, but Bella
9 Hodge who worked this season for us.
10 She started an Instagram account,
11 TikTok account, things that I don't do.
12 But at her Twitter account -- or X
13 account, and really saw a lot of growth
14 there.

15 So that -- you know, again, those
16 are other ways that don't cost a lot of
17 money but we can certainly keep
18 building upon that. So we got a lot of
19 good kind of feedback from there and
20 started building those markets
21 internally. So that's a very quick
22 recap of the marketing that we did.

23 Again, capital expenditures. We
24 redid the outer turf irrigation system.
25 We purchased new racing equipment

P R O C E E D I N G S

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2 mostly on the turf side. The saddling
3 paddock pavers were -- were done.

4 Obviously, we did the big fans out in
5 the grandstand seats which I think was
6 a positive. New chairs for the -- for
7 the grandstand seating. And then as --
8 was talking about earlier, the new
9 dorm.

10 I'm not sure if a shovel will be
11 on the ground on Monday per se, but
12 they are going to start working on that
13 next week is what I've been told
14 from -- from corporate. So the new
15 dorm should be ready to go. It's
16 probably about six -- six month lead
17 time, depending on how weather goes.
18 But I believe everything is moving
19 on -- on time here based on my
20 conversation even on Monday with our
21 construction team at corporate.

22 Okay. So I want to talk on a few
23 things that, you know, a lot of changes
24 this year. This was really kind of a
25 baseline year as my second season here

1 P R O C E E D I N G S

2 on how we were going to move forward,
3 trying to identify how the entire
4 operation works here at Colonial from
5 the racing side. And, you know,
6 obviously, we had some new -- new -- a
7 lot of new players, some, you know,
8 concepts that we were working through.

9 And so, one of the -- one of the
10 things that I wanted to touch on was
11 the -- was the dirt track. Obviously,
12 we've had Ken Brown here for years.
13 Ken left to go to Maryland. We
14 elevated Kelly Jackson who worked under
15 Ken for the last few years. But,
16 obviously, knew we needed some
17 additional help and part of -- in
18 discussion with the horsemen, that we
19 contracted and, you know, we went back
20 and forth with a couple of other people
21 but we did up contracting with
22 Alfredo Laureano who was the -- who is
23 the track superintendent in Keeneland
24 in June. And was here to assist and
25 provide guidance throughout this

1 P R O C E E D I N G S

2 season. Alfredo was on site every
3 racing weekend here. He worked closely
4 with Kelly, he certainly gave Kelly a
5 lot of guidance and -- and helped work
6 on the track as well.

7 We did -- before the season
8 started, we did add the -- the rest
9 material that we had to order from last
10 year and everything was tested by RSTL
11 in late June. Based on the reports,
12 nothing really changed from the 2023
13 report to the 2024 report.

14 In early August, I believe was
15 early August, we met with the
16 stakeholders to discuss the concerns
17 with the dirt track as Glen mentioned.
18 I believe it was determined that the
19 weather and the maintenance procedure
20 were causing the track to become more
21 compact and causing a faster surface.

22 You know, obviously, weather --
23 the rain that we had and I believe a
24 lot of the procedures that we have been
25 doing in the past were continuing with

P R O C E E D I N G S

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2 kind of more rolling the track, putting
3 more water on after training, certainly
4 kind of made the issue a little bit --
5 a little worse. So, obviously, after
6 talking with the stakeholders and the
7 weather did improve, we made
8 adjustments to our procedures,
9 obviously, with Alfredo's guidance.

10 And -- and once we got going and,
11 you know, took a week or so for the
12 track kind of settle down, I believe
13 that the -- at least the last few weeks
14 of the season, the track seemed to
15 subside back to -- I guess, to the
16 normal concept of the -- the track here
17 in Colonial which is typically what
18 I've been told is a faster track than
19 most.

20 One thing that we will be doing
21 is we are going to be adding material
22 to the track. This will be to help to
23 increase the base which will allow us
24 to adapt quicker to weather track
25 conditions. So, obviously, we need to

1 P R O C E E D I N G S

2 add more material so we can help -- you
3 know, when we do get a lot of rain that
4 we can kind of dig a little bit deeper
5 into it to help slow it down a little
6 bit.

7 But again, there is a -- in
8 working with Alfredo, he is kind of
9 probably help us out throughout the --
10 you know, this downtime and trying to
11 find the right balance of when we put
12 the material down, when we mix it, and
13 get it ready for the -- for the March
14 meets. So that's -- that's a high
15 priority for us.

16 Obviously, when we're looking at
17 a full dirt racing program in March.
18 We're going to -- a lot of discussions
19 have already been occurring internally
20 and will continue to do so, probably
21 even weekly in how we move forward with
22 the dirt course for the March meet.

23 Additionally, I'm working with
24 Alfredo and the team about getting
25 additional equipment for the dirt track

P R O C E E D I N G S

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2 itself so I do have a few things that I
3 need to talk to him about with quotes
4 and stuff like that to get, you know,
5 updated equipment, some harrows and
6 stuff like that that, you know, he has
7 certainly recommended that will help --
8 help our team work more efficiently as
9 we move forward.

10 Moving on to the turf track,
11 obviously, Leif Dickison is our
12 director of track operations so he does
13 oversees both surfaces. Again, Leif
14 does have a good knowledge of the turf
15 course but his primary function was the
16 dirt track and understanding everything
17 here with that. So with Blake being
18 here, his main concerns, obviously,
19 understanding the operation,
20 understanding the course. And then,
21 obviously, being not used to running so
22 many turf races from his previous
23 tracks. His goal was to find a way to
24 maximize every inch of that turf
25 course.

P R O C E E D I N G S

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2 In 2023, we utilized about
3 165 feet of the course but it was
4 determined we could use about 170 feet
5 moving forward. So in May, we had the
6 track -- the turf track resurveyed to
7 provide accurate locations for rail in
8 ideally gate settings. So we wanted to
9 make sure that we knew -- Leif is very
10 meticulous about this of where
11 everything is, gaps, rails, and the
12 starting point. Once the survey was
13 completed, we confirmed with Gmax who
14 is our timing system through Equibase,
15 and our third-party vendor who did the
16 survey, who did the original survey
17 here when the track opened, and both
18 surveys matched.

19 Though we were in constant
20 contact with Gmax when rail settings
21 were moved, we did experience longer
22 run-ups than expected, especially when
23 the rail is out 100 feet.

24 To correct this issue, I've got
25 some -- a slide next that kind of goes

1 P R O C E E D I N G S

2 over the rail setting or the run-ups.
3 But to correct this issue as we move
4 forward, we're going to be adding more
5 gaps from the main track to the turf
6 course to accommodate the races and the
7 distances that we run now. There's not
8 a gap for the mile 316 for the Beverly
9 D. So we need to make sure that we
10 have a proper -- proper lane for the --
11 for the turf gates that get across and
12 properly be at the right spot. So
13 that's going to be happening pretty
14 soon.

15 So this is a very small sample of
16 the run-up distances for the last three
17 years. So I had Gmax provide this data
18 to me through Saturday's racing and I'm
19 happy to show the entire data but I
20 just wanted to give a quick snapshot.
21 So this is broken down by -- by year.
22 So green is 2024, yellow is 2022, and
23 blue is 2023. So what you're looking
24 at -- in -- in the packet at -- on the
25 screen is the run-up distances by date

P R O C E E D I N G S

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2 by longest run-ups.

3 So, obviously, when we started
4 out this season and Leif working
5 through this process and working with
6 Gmax, we had run-ups that were way too
7 long compared to what we have done in
8 the past. But some of those run-ups
9 weren't as far off as what has been
10 happening in the past. So we -- I
11 needed to get a better idea on making
12 sure how -- where we were at and how
13 we -- we were in the past.

14 So, obviously, if you look at the
15 first set of columns or set of numbers
16 in green -- that's not acceptable, and
17 that's going to be -- that's going to
18 not happen again. You'll see in 2022,
19 we did have a couple of days -- or a
20 couple of races that had a run over 400
21 feet, 390, 380.

22 Again, the further that rail goes
23 out the more run is going to happen.
24 But, again, it shouldn't be more than
25 furlong because it changes -- it

1 P R O C E E D I N G S

2 completely changes the -- the -- the
3 complexion of the race.

4 So, again, I've got -- I've got
5 this information. I'm happy to share
6 more with you but I did wanted to at
7 least give it a quick snapshot of the
8 longest run-ups we've had the last
9 three years during the racing season
10 here.

11 Looking on through more of the
12 operation. As Glen mentioned, the
13 manure program continues to improve. I
14 know that was a -- a hot topic when I
15 joined last year. We did -- we did
16 fall a little short to start off with
17 but I think once we made those
18 adjustments, I think the manure program
19 worked -- worked well. I did not hear
20 any other issues regarding it
21 after probably the first couple of
22 weeks of the season.

23 Again, trash collection and
24 maintenance needs to be adjusted but,
25 overall, once we kind of got our feet

1 P R O C E E D I N G S

2 wet, I had a new stable area manager
3 back there that I think once he kind of
4 got into a good working groove and
5 after he got over an illness mid-way
6 through late July, you know, I think we
7 were able to get through some of the
8 trash collection.

9 Again, it's going to improve as
10 we move forward but again, just wanted
11 to make that -- I understand that that
12 was an issue we had. I thought stall
13 and dorm allocations went better this
14 year. But again, I think we need to
15 make further modifications to improve.

16 Again, preparations for the 2025
17 season are already happening. If you
18 guys haven't taken a look at the -- the
19 turf course already it's been -- it's
20 being mowed and shaved down and being
21 treated. There's a lot of things that
22 we need to get moving on with the
23 parking lot lights and the barn
24 speakers.

25 There is some shortages back

1 P R O C E E D I N G S

2 there and I did not want to have heavy
3 equipment going through there digging
4 trenches during the rain season. So
5 what I -- one thing I'm going to be
6 doing next week is starting to get
7 these lined up so we can get those
8 things done now.

9 There's team members that we've
10 we have here. We've got -- we've got a
11 good group of people that worked this
12 season. We're going to keep working
13 and start prepping for March. So this
14 is not going to be one of those where
15 everyone kind of just disappears, we
16 are going to keep working with people.

17 We are having weekly meetings. I
18 have one again this afternoon with my
19 team. That's going to be weekly and we
20 are going to go and make sure that
21 everything is ready to go, not even for
22 the March but even for the July meeting
23 that happens.

24 So we're going to get on top of
25 things and be proactive now when we

1 P R O C E E D I N G S

2 have a good crew and we have good
3 weather to get ready for some of the --
4 you know, as Glen mentioned, there
5 is -- there is a lot of things coming
6 for this March meet that we need to get
7 done so that we're working on that
8 stuff now.

9 The mutual operations, again, we
10 have a new tote provider that came in
11 March which is United Tote. Overall, I
12 thought the machines handled well. I
13 think we had some, you know, with the
14 humidity, probably some issues with
15 some cash the -- the bill accepters.
16 But overall, I thought that operation
17 went fine.

18 Food -- food and beverage
19 operation, this was the second season
20 with our third-party concessioner. A
21 lot of internal discussions, a lot of
22 things that we meet with them on some
23 things that I think we missed, you
24 know, especially early at -- at points
25 of this season, so we're going to

P R O C E E D I N G S

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2 continue to improve the food and
3 beverage operation.

4 Because, obviously, we're
5 marketing people to come out here, is
6 part of the experience, and food and
7 beverages is -- is probably the -- the
8 easiest one to pick up. If you don't
9 have a good time, if you don't win
10 bets, you might remember that. But if
11 the food is bad or the service is bad,
12 you're certainly going to remember
13 that. So again, a lot -- a lot more to
14 come with how we are perceived with the
15 food and beverage operations here.

16 So, Glen, we have a couple of
17 different numbers here but we can talk
18 about -- talk about this. But the --
19 the next sheet is kind of a -- lot of
20 information that I put together
21 comparing '24 and '23. I'll just touch
22 on a couple -- couple of these and
23 happy to answer any questions. So we
24 did have 27 race dates, same as last
25 year. Attendance was 4 percent down in

1 P R O C E E D I N G S

2 '24 compared to '23. Handle I have
3 down as 12 percent down compared
4 to '23.

5 In red you'll see the jump races.
6 That number, that \$513,000 is included
7 in the \$63 million but I wanted to show
8 how the jump races handled this year
9 because this was the time. At least
10 the last two years, and I'm thinking
11 probably in while that we had jump
12 racing for parimutuel purposes.

13 So they average about 34,000 a
14 race which -- which I think was
15 probably the number I was expecting
16 going into this season. I did talk
17 with Bill Gallup last week and how we
18 are going to move forward with the jump
19 races. They seem happy with it.

20 I think one thing knowing if we
21 are going to pursue with parimutuel
22 wagering again, that, you know, from
23 the a marketing standpoint, letting
24 people know that the race is a little
25 bit earlier and when we are talking

1 P R O C E E D I N G S

2 about post times and where we move
3 forward, that is going to be a big part
4 of the discussion that we message that
5 properly.

6 Because we did have people show
7 up and say, "You're already in race
8 four. Well, it's the first flat race."
9 Well, that -- once you get past that
10 explanation you've lost customers. So
11 something else we just need to improve
12 on, so I want to have those discussions
13 with -- with those guys and the
14 horsemen soon before we even start
15 announcing post times.

16 We did end up -- so putting this
17 report was interesting because there
18 was no parimutuel last year but I
19 wanted to make sure that the numbers
20 kind of matched up. So we did have the
21 same exact number of races between the
22 two years, 266 races. This year, we
23 had 261 flat races and 15 jumps. In
24 2023, we had 250 flat and 16 jump
25 races.

1 P R O C E E D I N G S

2 We had 2 percent less starters
3 this year, field size was down 3
4 percent. Turf racing was down 4
5 percent. Some of this was by design to
6 increase the dirt racing program
7 because, obviously, when we have
8 expanded race dates starting next year,
9 we've got to have more dirt racing and
10 plenty more to come with that.

11 Scratches were up to 15 percent. We
12 did move to a seven-day entry period
13 this year compared to 72 hours.

14 When I looked at the day-by-day
15 numbers when -- weather was comparable
16 with no issues with being softer,
17 fielding turf, off turf, our scratches
18 were about the same on those days.

19 Obviously, we had 35 -- I think 35
20 scratches on Virginia Derby Day. The
21 days that the track was yielding, we
22 had -- we were in 28th, 30th race, so
23 there were some days that kind of
24 increased that number.

25 Well, of course, we'll take a

P R O C E E D I N G S

1
2 look at -- if seven-day entry is the
3 right -- the right number for us. I'm
4 not aware of any issues from the
5 horsemen side about being seven days
6 about transportation and the highest
7 requirements. I -- I -- but again, we
8 can certainly talk about that as we
9 move forward.

10 Virginia races, I have a
11 25 percent increase from last year and
12 Virginia runners being -- and these are
13 restricted bred and side races, I
14 believe. And, you know, please correct
15 me if I'm wrong but I do have a sub 27
16 percent over last year which if my
17 numbers are correct that is -- that's a
18 positive in where things are going.
19 That is a credit to everyone with the
20 VEA and VHBPA getting horses here to
21 Virginia. Claims were up 3 from last
22 year. So we were 29 last year compared
23 to 26 in 2023.

24 So you'll see that the totals and
25 then there's averages on the -- on the

1 P R O C E E D I N G S

2 other side of the column there with the
3 Handle. So -- and all of this
4 information so if there's any other
5 information you need, I can certainly
6 provide in the next set of meetings as
7 well. And that was it.

8 CHAIR NIXON: Thank you, Frank.
9 One thing you forgot to mention was the
10 oysters that you served on --

11 MR. HOPF: Oh. So sorry.

12 CHAIR NIXON: -- Friday night.
13 Those were fabulous. I -- I personally
14 ate a lot of those. So thank you.

15 MR. HOPF: I think you know what
16 sells there. That was another -- kind
17 of conversation that we had, so --

18 CHAIR NIXON: Great. One thing I
19 do have to mention is seeing that
20 racing in March is new to us, would you
21 please update the maintenance of the
22 dirt at our meetings leading up to the
23 March meeting?

24 MR. HOPF: Yes, certainly will.

25 CHAIR NIXON: Thank you.

1 P R O C E E D I N G S

2 MR. HOPF: And I -- part of the
3 discussions that I have been having is
4 that we're coming in January and
5 February, typically the track has not
6 worked there and at times we have to be
7 very mindful and considerate of how we
8 are going to do that moving forward.
9 So yeah, a lot of -- a lot of those
10 discussions are already happening but
11 will continue and I'll keep providing
12 updates as needed.

13 CHAIR NIXON: I appreciate it.

14 Any other comments?

15 COMMISSIONER SIEGEL: Yeah. I've
16 got a couple of things.

17 CHAIR NIXON: Yes.

18 COMMISSIONER SIEGEL: While we're
19 talking about the spring meet, is there
20 any effort to move the Virginia Derby
21 from crate 3 up?

22 MR. HOPF: The -- so I'm under
23 the impression that the Virginia Derby
24 will not be -- the March one will not
25 be graded. The -- the existing

1 P R O C E E D I N G S

2 Virginia three-year-old race will be --
3 will keep the grade.

4 COMMISSIONER SIEGEL: So it'll be
5 ungraded but it'll be a Derby prep?

6 MR. HOPF: It'll be a Derby prep,
7 yes. With the hope that those -- that
8 race would move up the ranks pretty
9 quickly to get graded as well.

10 COMMISSIONER SIEGEL: Okay.
11 Also, the attendance -- am I correct
12 that in the past that used a clicker
13 downstairs and included those people to
14 come into Rosie's. I don't know if
15 that changed or not, but that certainly
16 doesn't give you a correct attendance
17 for racing.

18 MR. HOPF: So the methodology
19 that we used last year and this year
20 was, obviously, ticket sales, clicks at
21 the grandstand -- or the paddock
22 entrance and then everyone who came in
23 through the grandstand entrance from
24 the racing hours. So that does include
25 maybe some numbers from people who were

P R O C E E D I N G S

1
2 at Rosie's. Because what we found was
3 that some people did -- would -- would
4 come out -- would go to the machines,
5 and then go out and watch a race or
6 two, and go back and bet at the
7 machine. So we try to keep that --
8 that -- that calculation based on, you
9 know, the four-hour, five-hour period
10 between during racing days.

11 COMMISSIONER SIEGEL: I thought
12 you guys did a pretty good job of
13 marketing and advertising during the
14 year. It was sort of surprising the
15 attendance would be down and the
16 On-Track Handle would be down. But I'm
17 not sure if there's an explanation for
18 that.

19 MR. HOPF: You know, I
20 think things got -- we -- we did a
21 better job than '23. Again, you know,
22 there's the field size, there's the
23 weather. There's just some other
24 things that might have come into play a
25 little bit. Because I thought the

1 P R O C E E D I N G S

2 grounds were pretty good all season
3 long every time I would be out on -- on
4 the apron, so --

5 COMMISSIONER SIEGEL: But they
6 were down.

7 MR. HOPF: Yeah. I think it was
8 down. Obviously, festival racing we
9 were down.

10 COMMISSIONER SIEGEL: That's
11 understandable.

12 MR. HOPF: So there were some
13 things that we missed, you know, we --
14 we moved to a Monday, Tuesday. I think
15 that Wednesday -- Wednesday that we
16 rescheduled in closing week. I think
17 we had 800 people here. So there --
18 there were some things that probably
19 attributed to that number as well.

20 COMMISSIONER SIEGEL: Yes, I
21 guess so.

22 CHAIR NIXON: Any other comments,
23 questions?

24 COMMISSIONER GORDON-MOORE: Yeah.

25 CHAIR NIXON: Commissioner Moore?

1 P R O C E E D I N G S

2 COMMISSIONER GORDON-MOORE: I had
3 a whole lot of questions but you mostly
4 answered them all.

5 Was there any reach out to the
6 naval base? A lot of people sitting
7 down there may want to be entertained.

8 MR. HOPF: I think that's
9 something we're going to look into for
10 next year. I don't think we -- I
11 know -- I know personally I did not
12 have many discussions with the
13 military.

14 Obviously, we did the flyers and
15 stuff like that. But I think that's
16 again, being close enough to Norfolk
17 that we should be doing a little bit
18 more with -- with the military and --
19 and local bases here.

20 COMMISSIONER GORDON-MOORE: And
21 the other thing, talking about the
22 run-up times, I asked a whole lot of
23 questions and it seems there are no
24 parameters within which the distances
25 are dictated. It's based on each

1 P R O C E E D I N G S

2 racetrack and I appreciate the fact
3 that you're addressing and putting in
4 the gaps to make it more reasonable.

5 The other thing I wanted to ask,
6 any looking into fans in the receiving
7 barn, perhaps the big fans above?

8 MR. HOPF: Yeah, that's going to
9 be one of the items I'm going to take a
10 look at. And I'll -- I'll reach out to
11 the contractor who did the fans and the
12 grandstand boxes and see what
13 opportunities we have in there to help
14 out. Because I know that's one thing
15 we -- when we did our walkthrough that
16 we -- that you brought that up. So
17 certainly on my list to explore.

18 COMMISSIONER GORDON-MOORE: Thank
19 you.

20 Oh. One more quick thing, my
21 particular pet peeve. We bring people
22 to the track and we say, "Okay. This
23 is our historical horse racing
24 machine." And the first question is,
25 "Where is the horse?"

1 P R O C E E D I N G S

2 And I spoke to a bunch of them,
3 manufacturers, and they said the people
4 who are betting on those don't want to
5 see the horse, they want to see pandas
6 and buffalos. And it just seems to me
7 that it's a -- some smart marketing
8 person may be able to tie the two
9 together. Even if it's just image.
10 Just my particular thing.

11 MR. HOPF: I can certainly
12 continue to pass that along.

13 COMMISSIONER GORDON-MOORE: Thank
14 you.

15 CHAIR NIXON: Any other questions
16 or comments?

17 COMMISSIONER BRAND: I just --
18 just had started thinking about the
19 weather in March. And I'm from
20 Roanoke, Virginia, so it might be a
21 little different than it is down here.
22 But do the dorm rooms or the facilities
23 have heaters?

24 Is there any auxiliary plan in
25 case it should have -- be a lot colder

1 P R O C E E D I N G S

2 than it normally is?

3 MR. HOPF: Are those units
4 with -- with heaters in there or are
5 they just ACs?

6 I think we need to find that out.
7 We can -- you know, I know units can
8 have both. Coming from a track that
9 ran --

10 COMMISSIONER BRAND: Yeah.

11 MR. HOPF: -- in the wintertime,
12 even though it's Houston, it still got
13 cold every once in a while. So we can
14 make sure that whatever dorms we -- we
15 have set forth for this upcoming March
16 meet that we have the ability to keep
17 people warm as well.

18 COMMISSIONER BRAND: Thank you.

19 CHAIR NIXON: Commissioner
20 Tanner?

21 Thank you. I appreciate it.

22 MR. HOPF: Thank you.

23 CHAIR NIXON: Next on the agenda
24 are the representatives from the
25 Spectrum Group are assigned the floor

1 P R O C E E D I N G S

2 to provide an update on their recent
3 engagement with The Commission.

4 Please identify yourselves for
5 the record when you get to a
6 microphone.

7 MS. ELLOYAN: Thank you,
8 Commissioner -- Chairman Nixon.

9 Good afternoon. My name is Sally
10 Elloyan and I'm a representative of
11 Spectrum Gaming Group. And as an
12 introduction to Spectrum Gaming, we are
13 a nonpartisan consultancy that
14 specializes in the economics,
15 regulation, and policy of legalized
16 gambling worldwide.

17 Established in 1993, Spectrum has
18 worked in 44 U.S. States, and
19 territories, and in 48 countries, and
20 on six continents for both private and
21 public sector clients. This brings a
22 wide industry perspective to each of
23 our engagements. We are happy to be
24 here with the Virginia Racing
25 Commission.

1 P R O C E E D I N G S

2 I am here with my counterpart,
3 Terri Avansino. And we have both been
4 with Spectrum Gaming Group five and six
5 years respectively and actually bring a
6 wealth between the two of us, probably
7 almost 50 years of gaming regulation
8 experience with the Nevada Gaming
9 Control Board.

10 I -- Terri is a certified
11 internal auditor and specialized in the
12 investigation and review of publicly
13 traded companies. And I was deputy --
14 deputy chief of investigations
15 specializing in individual
16 investigations in privately held
17 companies.

18 In addition to that, I was also
19 the executive secretary of the Nevada
20 Gaming Commission and Board and retired
21 out as the chief of administration.

22 So we feel like we are uniquely
23 qualified to assist the VRC in the
24 expansion of their capacity as HHR in
25 live gaming -- excuse me, live racing

1 P R O C E E D I N G S

2 grows in the Commonwealth.

3 Our site visits this week, and
4 the rest of our work will be done
5 remotely, has included interviewing
6 staff, gaining an understanding of the
7 VRC, its mission and opportunities. We
8 have toured the HHR facility emporium
9 at Colonial Downs and we look forward
10 to continuing our work with the VRC.
11 And we plan to complete our review and
12 publish a report to the VRC within in
13 the near future and I'm open for any
14 questions that I can respond to.

15 Commissioners and audience.

16 Thank you.

17 CHAIR NIXON: Thank you. Are
18 there any questions or comments from
19 the commissioners?

20 We'll save any questions for the
21 public -- public in the public comment
22 period.

23 COMMISSIONER BRAND: Yes, I'd
24 like to comment. We get -- and I both
25 get -- and I guess Stephanie, you get

1 P R O C E E D I N G S

2 that, too.

3 CHAIR NIXON: Yes.

4 COMMISSIONER BRAND: A daily
5 rundown of all the people, what they've
6 done, who they've visited with, things
7 that have come up, and I will say that
8 we really welcome any insights that are
9 given.

10 There are some things that we
11 knew about and some things that we're
12 glad to be -- have recognized and that
13 we look at this as a real opportunity
14 for us to strengthen the organization,
15 the racing commission and to better
16 serve you all in the community.

17 So this is a really good
18 opportunity for us to take advantage on
19 some expertise outside of Virginia.
20 Thank you.

21 MS. ELLOYAN: Thank you.

22 CHAIR NIXON: Any other questions
23 or comments from the commissioners?

24 Thank you.

25 MS. ELLOYAN: Thank you for

1 P R O C E E D I N G S

2 having us.

3 CHAIR NIXON: Thank you.

4 That concludes the reports.

5 Next we'll move on to the new
6 business. I would like to entertain
7 the motion to approve the remote
8 attendance and electronic meeting
9 policy?

10 You will speak in a moment.

11 COMMISSIONER SIEGEL: Okay. I'll
12 move it just to get it started.

13 CHAIR NIXON: Is there a second
14 from the commission?

15 COMMISSIONER BRAND: Second.

16 CHAIR NIXON: Executive Secretary
17 Ahmed is assigned the floor.

18 MR. AHMED: Thank you, Madam
19 Chair.

20 This agenda item is pretty
21 self-explanatory, it's a remote
22 attendance and electronic meeting
23 policy to enable us to adapt better to
24 changing schedules and provide
25 accessibility to commissioner and staff

1 P R O C E E D I N G S

2 and anybody that is not able to make
3 meetings in the future.

4 It -- there has been a policy
5 approved in the past but our assistant
6 AG, Liz, had told me that this is a
7 policy that needs to be renewed every
8 year. And so, we just came up with a
9 new policy and it provides for
10 instances when commissioners can
11 participate remotely, when the guide --
12 the guardrails around what constitutes
13 an electronic meeting and things like
14 that.

15 So I'm happy to take any
16 questions and I -- the staff recommends
17 approval of this policy.

18 CHAIR NIXON: Any questions or
19 comments?

20 COMMISSIONER BRAND: Just -- just
21 have -- it says the person from the --
22 are we almost -- the farthest away from
23 Roanoke, Virginia. I do have a
24 question, I guess, or a comment about,
25 so we approve the policy, now we have

1 P R O C E E D I N G S

2 to be able to initiate it.

3 It -- so if someone -- we have to
4 have an open meeting, how do we make
5 sure that everyone gets to participate
6 in that?

7 And so, hopefully, when we could
8 start working on that as well.

9 MR. AHMED: Oh, yeah.
10 Absolutely. There's going to be
11 some -- I want to say capital
12 improvements. I know there is a
13 huge -- people say, "There is a huge
14 cost to it." But in this day and age,
15 it's, obviously, we are going to
16 procure webcams, things like that. But
17 it's absolutely possible. And we'll
18 get it done, so --

19 CHAIR NIXON: Any other questions
20 or comments?

21 All the commissioners in favor of
22 approving the remote attendance and
23 electronic meeting policy, please
24 indicate by responding yes.

25 COMMISSIONER TANNER: Yes.

1 P R O C E E D I N G S

2 MR. AHMED: Yes.

3 COMMISSIONER GORDON-MOORE: Yes.

4 CHAIR NIXON: All commissioners
5 opposed, please indicate by responding
6 no.

7 No one abstained. Motion
8 carried.

9 Next is the -- under new
10 businesses, is I would like to
11 entertain a motion to designate the
12 deadline to apply for the race dates to
13 be conducted in calendar year 2025.

14 Is there a motion from the
15 commission?

16 COMMISSIONER SIEGEL: So moved.
17 We have the dates.

18 CHAIR NIXON: Is there a second
19 from the commission?

20 COMMISSIONER GORDON-MOORE:
21 Second.

22 CHAIR NIXON: Executive Secretary
23 Ahmed is assigned to the floor.

24 MR. AHMED: Thank you, Madam
25 Chair.

1 P R O C E E D I N G S

2 There unfortunately isn't a memo
3 to answer this. It's a pretty simple
4 ask. The staff is recommending a
5 deadline to apply for 2025 race dates
6 to be October 12th. That gives all the
7 applicants enough time to get the race
8 dates together.

9 I know we heard from the Third
10 Man Horsemen today that some of those
11 dates have already been given out.
12 This allows the commission members, the
13 staff to have clarity well before a
14 meeting in December to approve these
15 race dates.

16 So we recommend October 12th to
17 be that deadline for all -- all breeds,
18 and I will take any questions that you
19 may have.

20 CHAIR NIXON: Any questions?

21 Thank you.

22 All commissioners in favor of
23 approving the deadline to apply for
24 race dates to be conducted in the
25 calendar year 2025, please indicate by

1 P R O C E E D I N G S

2 responding yes.

3 COMMISSIONER TANNER: Yes.

4 COMMISSIONER SIEGEL: Yes.

5 COMMISSIONER GORDON-MOORE: Yes.

6 CHAIR NIXON: All commissioners
7 opposed, please indicate by responding
8 no.

9 No one abstained. Motion
10 carried.

11 Thank you.

12 That concludes the new business.

13 Next is the public comment that
14 I'd like to read first.

15 The Commission will now open the
16 floor for comments from the public.
17 Comments are limited to three minutes
18 each and I will instruct the executive
19 secretary to keep track of this while
20 The Commission may sometimes address
21 issues raised in the public comment
22 section, we cannot respond to each and
23 every comment and questions during this
24 period.

25 Feedback and input from the

1 P R O C E E D I N G S

2 public -- public is invaluable to The
3 Commission and each public comment will
4 be recorded into the public record of
5 this meeting. A draft of that record
6 will be available within 10 business
7 days of the meeting's conclusion.

8 So I'd like to open it up to
9 public comments. There's a microphone
10 here and one there as well.

11 MS. EASTER: Debbie Easter.
12 President of the Virginia Equine Lines.
13 And thank you all for letting us
14 have -- I have few comments. And
15 first, I want to welcome Waqas here, we
16 are just tickled to death to have
17 him as our new executive secretary to
18 the Racing Commission.

19 Obviously, you all know that
20 we're facing a possible legislative
21 move from the Racing Commission over to
22 a Gaming Commission which we the
23 horsemen don't find as a favorable
24 outcome. And we just -- I can't thank
25 you all enough for moving so quickly

P R O C E E D I N G S

1
2 to -- to get Waqas here who I think is
3 very capable. For getting Spectrum
4 here.

5 I just hope that we are going to
6 be able to -- the secretary is allowing
7 us to do this. I'm hoping that we're
8 going to be able to really show the
9 legislature that this group is very
10 capable of -- of regulating the horse
11 racing here and how important it is to
12 stay under your guidance.

13 Secondly, I want to also thank
14 both Frank and Glen. I think as you
15 all can see, they're communicating very
16 well. I appreciate that Frank told you
17 that they have some issues that they
18 need to address in the future. And I
19 just want to -- I -- I want to make
20 sure that you all are helping Frank to
21 make sure that corporate is giving him
22 the resources that he needs to move our
23 races forward in the future and -- and
24 not to just pick on things that you all
25 already addressed, but stuff -- things

1 P R O C E E D I N G S

2 such as muck and -- and trash removal
3 and -- and people from maintenance back
4 there and cleaning.

5 Those are human beings that are
6 back in that backside that live there
7 and -- and to -- to not respect them by
8 that backside being clean and
9 addressed, and for us to have to take
10 two or three weeks at the beginning of
11 the meet to get that all addressed
12 which it did, I think is -- is
13 unacceptable. And because we've got
14 bigger more important things for us to
15 be moving racing forward here today.

16 So I just hope that you will all
17 and the maintenance to the track and
18 the report, I think that's right in
19 the -- right in the wheelhouse of
20 things that we do. But I just -- I
21 hope that you all realize it and we can
22 stay on top of that in the future.

23 And just to finish off
24 positively, when people ask me about
25 this meet and what is going on in

1 P R O C E E D I N G S

2 Colonial, I think from the overhead
3 view, it is a very positive situation
4 what we have going on here in Virginia.
5 And I get a lot of negative comments
6 that come to me.

7 And I want to tell you all I was
8 here the last week of the racing and
9 took -- spent three hours going around
10 to the barns, talking to trainers, and
11 people that come here, and I got
12 nothing but very positive responses
13 from people.

14 And all the maintenance issues
15 that -- that were given to me had been
16 taken care of. And I -- I just think
17 we have a lot to grow on and thank you
18 for letting me speak.

19 Any questions?

20 Thank you.

21 CHAIR NIXON: I would just like
22 to thank you for your time and
23 industry. I personally know how much
24 effort you put into it -- to this. So
25 thank you.

1 P R O C E E D I N G S

2 MS. EASTER: Thank you.

3 CHAIR NIXON: Any others for the
4 public comment period?

5 Okay. Thank you.

6 Next, we will be going into
7 closed session. I would like to
8 entertain a motion to go into closed
9 session. Is there a motion from the
10 commission?

11 COMMISSIONER SIEGEL: Motion.

12 CHAIR NIXON: Is there a second
13 from the commission?

14 COMMISSIONER GORDON-MOORE:
15 Second.

16 CHAIR NIXON: All commissioners
17 in favor of convening in close session,
18 please indicate --

19 MR. AHMED: She'll make the
20 motion.

21 CHAIR NIXON: Okay. Okay.

22 COMMISSIONER GORDON-MOORE: I
23 move that we convene a closed meeting
24 in accordance with the Virginia Freedom
25 of Information Act. The purpose of

1 P R O C E E D I N G S

2 this meeting is to discuss personnel
3 matters and consultation with legal
4 counsel.

5 The subject of this meeting is to
6 discuss current Virginia Racing
7 Commission staff positions and to
8 receive legal advice from counsel.

9 The applicable exemptions from
10 opening -- open meeting requirements
11 under the Freedom Information Act is
12 2.2-3711-A.1.N. 2.2-3711.A.8.

13 CHAIR NIXON: Is -- is there a
14 second from the commission?

15 COMMISSIONER SIEGEL: Second.

16 CHAIR NIXON: All commissioners
17 in favor of convening in closed
18 session, please indicate by responding
19 yes.

20
21 NOTE: The commissioners respond
22 yes.

23
24 CHAIR NIXON: All commissioners
25 opposed, please indicate by responding

1 P R O C E E D I N G S

2 no.

3 No one abstained.

4 Motion carried.

5 Thank you.

6

7 NOTE: There is a recess while
8 the commissioners are in closed
9 session; thereafter, the commission
10 returns to open session and reconvenes
11 as follows:

12

13 CHAIR NIXON: I would like to
14 entertain a motion from the commission
15 to return to open session.

16 COMMISSIONER GORDON-MOORE: I
17 move that we vote on and record our
18 certification that to the best of each
19 member's knowledge, only public
20 business matters lawfully exempted from
21 opened meeting requirements under this
22 chapter and only such public business
23 matters as were identified in the
24 motion by which the closed meeting was
25 convened were heard, discussed, or

1 P R O C E E D I N G S

2 considered in this meeting by the
3 public body.

4 CHAIR NIXON: Do we have a second
5 from the commission?

6 COMMISSIONER TANNER: Second.

7 CHAIR NIXON: All the
8 commissioners in favor of reconvening
9 in open session, please indicate by
10 responding yes.

11 COMMISSIONER TANNER: Yes.

12 COMMISSIONER GORDON-MOORE: Yes.

13 COMMISSIONER BRAND: Yes.

14 CHAIR NIXON: All
15 commissioners opposed, please indicate
16 by responding no. No -- oh. Sorry.

17 COMMISSIONER TANNER: That is --
18 that is not a response.

19 CHAIR NIXON: That is not a
20 response.

21 Did anyone abstain?

22 Motioned carried.

23

24 NOTE: The Commission votes yes.

25

1 P R O C E E D I N G S

2 CHAIR NIXON: Okay. So we need
3 to go ahead and do a recall vote?

4 Okay. Commissioner Siegel left
5 the closed session.

6 And I'm going to go ahead and do
7 a recall vote now.

8 Commissioner Brand.

9 COMMISSIONER BRAND: And -- and
10 what am I voting on? Coming back out
11 of closed session?

12 CHAIR NIXON: Yes.

13 COMMISSIONER BRAND: Yes.

14 CHAIR NIXON: Commissioner
15 Tanner?

16 COMMISSIONER TANNER: Yes.

17 CHAIR NIXON: Commissioner
18 Gordon-Moore?

19 COMMISSIONER GORDON-MOORE: Yes.

20 CHAIR NIXON: And Commissioner
21 Nixon.

22 Is that everything? Do we vote
23 on that -- I did. Okay. Super.

24 Since there's no other business,
25 I would like to entertain to adjourn

1 P R O C E E D I N G S

2 this September 12th, 2024 meeting of
3 the Virginia Racing Commission.

4 COMMISSIONER TANNER: Second.

5 COMMISSIONER GORDON-MOORE:
6 Second.

7 COMMISSIONER BRAND: Second.

8 CHAIR NIXON: Is there a second?

9
10 NOTE: The commissioners respond
11 second.

12
13 CHAIR NIXON: All commissioners
14 in favor -- or adjournment, please
15 indicate by saying yes.

16 COMMISSIONER TANNER: Yes.

17 COMMISSIONER GORDON-MOORE: Yes.

18 CHAIR NIXON: All commissioners
19 opposed, please indicate by responding
20 no.

21 No one abstained.

22 Motion carried.

23 Meeting adjourned.

24

25 HEARING CONCLUDED

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C E R T I F I C A T E

STATE OF VIRGINIA)

: ss.

COUNTY OF NEW KENT)

I, JUAN ORTEGA, a Notary Public
within and for the State of Virginia,
do hereby certify:

THAT SAID PROCEEDINGS is a
transcript of the Virginia Racing
Commission Public Hearing, when held on
September 12, 2024, at 11:00 a.m. in
New Kent, Virginia.

I further certify this is a true
and accurate transcript to the best of
my ability to hear and understand the
proceedings and other incidents of the
hearing herein as set down to the best
of my ability.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of October
2024.

Juan Ortega

JUAN ORTEGA, CCR

	adjusted (1) 53:24 adjustments (3) 10:5; 47:8;53:18 administration (1) 72:21 advantage (1) 74:18 advertising (1) 65:13 advice (1) 86:8 affects (1) 24:18 afternoon (2) 55:18; 71:9 AG (1) 76:6 again (36) 10:16,23; 13:15;34:19;37:7,19; 39:8,14,16,18,24; 40:17;41:12,21; 42:10;43:5,15,23; 48:7;49:13;52:18,22, 24;53:4,23;54:9,10, 14,16;55:18;56:9; 57:13;58:22;61:7; 65:21;67:16 age (1) 77:14 agenda (4) 4:9,10; 70:23;75:20 ago (2) 8:17;34:12 Agricultural (1) 5:4 ahead (4) 4:5;5:9; 89:3,6 Ahmed (13) 5:10,14, 19;6:16,17;7:20; 75:17,18;77:9;78:2, 23,24;85:19 Alfredo (4) 45:22; 46:2;48:8,24 Alfredo's (1) 47:9 alleviate (1) 32:16 allocations (1) 54:13 allow (3) 9:18,21; 47:23 allowing (3) 8:12; 19:24;82:6 allows (1) 79:12 alluded (1) 37:17 almost (2) 72:7;76:22 along (3) 9:8;12:18; 69:12 although (1) 29:24 always (4) 13:23; 16:18;20:13;30:25 amiss (2) 29:17,21 announcing (2) 38:22; 59:15 answered (1) 67:4 anymore (1) 23:20 apologize (1) 34:13 apparently (2) 26:6; 29:8 appeared (1) 28:18 applicable (1) 86:9 applicants (1) 79:7 apply (3) 78:12;79:5, 23	appreciate (5) 14:21; 63:13;68:2;70:21; 82:16 appreciated (1) 15:22 approval (2) 6:4; 76:17 approve (4) 6:7;75:7; 76:25;79:14 approved (2) 7:25; 76:5 approving (3) 7:14; 77:22;79:23 April (1) 23:3 apron (1) 66:4 area (1) 54:2 around (3) 16:11; 76:12;84:9 assigned (7) 6:16;8:6; 19:18;34:5;70:25; 75:17;78:23 assist (2) 45:24;72:23 assistant (1) 76:5 ate (1) 62:14 atmosphere (1) 35:8 attend (1) 24:20 attendance (9) 36:6; 38:2;57:25;64:11,16; 65:15;75:8,22;77:22 attention (3) 14:17; 24:5;28:23 attracts (1) 38:12 attributed (1) 66:19 audience (1) 73:15 auditor (1) 72:11 August (6) 7:4;35:21; 36:2,23;46:14,15 automatically (1) 15:9 auxiliary (1) 69:24 available (2) 10:10; 81:6 Avansino (1) 72:3 average (6) 9:24; 11:11,12,14;36:6; 58:13 averages (1) 61:25 aware (3) 5:25;11:24; 61:4 away (2) 11:12;76:22	barns (2) 32:19;84:10 barrier (1) 15:12 base (2) 47:23;67:6 based (4) 44:19; 46:11;65:8;67:25 baseline (1) 44:25 bases (1) 67:19 basically (2) 32:20; 33:12 became (2) 27:19; 29:5 become (1) 46:20 beginning (9) 16:3,12; 20:20;24:6;29:3; 31:22;32:10;37:11; 83:10 behalf (2) 21:10; 25:13 Behind (1) 6:19 beings (1) 83:5 Bella (1) 43:8 benefit (1) 28:13 Berman (7) 19:18,21, 23;31:12,21;33:22,25 best (2) 25:24;87:18 bet (1) 65:6 bets (1) 57:10 Bette (1) 4:15 better (11) 25:3,4,22; 31:9;33:4;37:25; 52:11;54:13;65:21; 74:15;75:23 betting (3) 26:17; 38:14;69:4 beverage (3) 56:18; 57:3,15 beverages (1) 57:7 Beverly (1) 51:8 big (7) 9:2;16:19; 24:11;27:8;44:4; 59:3;68:7 bigger (2) 25:23; 83:14 bill (2) 56:15;58:17 bins (1) 23:16 bit (14) 21:15;24:4, 24;25:8;35:11;37:4, 10;39:19;47:4;48:4,6; 58:25;65:25;67:17 Blake (1) 49:17 blue (1) 51:23 Board (1) 72:20 body (1) 88:3 book (11) 20:22,25; 21:4,6,13,22;22:7,11, 15;23:10;33:14 books (1) 22:3 boring (1) 41:25 both (10) 9:22;25:19; 40:20;49:13;50:17; 70:8;71:20;72:3; 73:24;82:14 boxes (1) 68:12	Brand (23) 4:15,16; 7:3;15:24;16:9,22,24, 25;17:19;18:3,9; 69:17;70:10,18; 73:23;74:4;75:15; 76:20;88:13;89:8,9, 13;90:7 break (2) 13:9;15:12 bred (1) 61:13 breeds (1) 79:17 bring (4) 26:15;38:4; 68:21;72:5 bringing (1) 14:17 brings (2) 38:13; 71:21 Broad (1) 72:9 broken (1) 51:21 brought (1) 68:16 Brown (1) 45:12 buffalos (1) 69:6 build (3) 32:8;41:4; 43:5 building (3) 19:7; 43:18,20 bunch (1) 69:2 business (6) 75:6; 80:12;81:6;87:20,22; 89:24 businesses (1) 78:10
			C	
			calculation (1) 65:8 calculations (1) 13:19 calendar (3) 27:20; 78:13;79:25 call (4) 4:5,10;13:6; 16:13 called (2) 15:15;34:20 call-ins (1) 41:18 came (8) 17:12; 20:16;22:7;27:19; 33:7;56:10;64:22; 76:8 can (25) 10:3,13;11:7, 9;18:15;20:6;27:14; 29:14;31:7;42:18; 43:17;48:2,4;55:7; 57:17;61:8;62:5; 69:11;70:7,7,13; 73:14;76:10;82:15; 83:21 canceled (3) 7:6; 35:20;40:24 cans (1) 23:17 capable (2) 82:3,10 capacity (1) 72:24 capital (2) 43:23; 77:11 capture (1) 37:19 cards (1) 16:20 care (1) 84:16 carefully (1) 24:24	

<p>carried (6) 7:25;78:8; 80:10;87:4;88:22; 90:22 carry (1) 17:4 Caruthers (16) 8:5,10; 14:16,20;15:6;16:7, 10,23;17:11,21;18:6, 10,19,23;19:5,12 case (1) 69:25 cases (1) 20:17 cash (1) 56:15 category (1) 9:8 causing (2) 46:20,21 CBS6 (5) 40:19,20; 41:6,8,8 certain (1) 40:3 certainly (22) 19:3; 28:4;32:17;37:4,8,15; 38:9,12;39:5,19,22; 43:17;46:4;47:3; 49:7;57:12;61:8;62:5, 24;64:15;68:17;69:11 certification (1) 87:18 certified (1) 72:10 CHAIR (68) 4:4,12,14, 17,20,23;5:20;6:15, 18,23;7:10,21;14:15, 21;16:24;19:11,13, 22;31:11;33:24;34:9; 62:8,12,18,25;63:13, 17;66:22,25;69:15; 70:19,23;73:17;74:3, 22;75:3,13,16,19; 76:18;77:19;78:4,18, 22,25;79:20;80:6; 84:21;85:3,12,16,21; 86:13,16,24;87:13; 88:4,7,14,19;89:2,12, 14,17,20;90:8,13,18 Chairman (1) 71:8 chairs (1) 44:6 change (1) 5:23; 24:17,18;38:23 changed (2) 46:12; 64:15 changes (4) 6:21; 44:23;52:25;53:2 changing (1) 75:24 chapter (1) 87:22 chief (2) 72:14,21 Churchill (2) 10:7; 40:13 Claims (1) 61:21 clarity (1) 79:13 clean (1) 83:8 cleaning (1) 83:4 clicker (1) 64:12 clicks (1) 64:20 clients (1) 71:21 close (2) 67:16;85:17 closed (9) 5:22;85:7, 8,23;86:17;87:8,24; 89:5,11</p>	<p>closely (1) 46:3 closing (2) 39:14; 66:16 code (1) 16:13 cold (2) 8:18;70:13 colder (1) 69:25 collection (2) 53:23; 54:8 Colonial (10) 9:12; 34:3;39:10;41:10,19; 42:24;45:4;47:17; 73:9;84:2 column (1) 62:2 columns (1) 52:15 coming (10) 21:16; 24:13;26:12;28:25; 32:14;38:6;56:5; 63:4;70:8;89:10 comment (9) 7:4; 73:21,24;76:24; 80:13,21,23;81:3; 85:4 comments (17) 5:22; 14:23;19:13;31:13; 33:25;63:14;66:22; 69:16;73:18;74:23; 76:19;77:20;80:16, 17;81:9,14;84:5 Commission (33) 4:7; 5:12,21;6:2,9,11,20; 7:2,12,16;71:3,25; 72:20;74:15;75:14; 78:15,19;79:12; 80:15,20;81:3,18,21, 22;85:10,13;86:7,14; 87:9,14;88:5,24;90:3 COMMISSIONER (83) 4:13,14,16,17,19,20, 22;6:12,14;7:3,18,19; 14:25;15:2,24;16:9, 22,24,25;17:19;18:3, 9,17,20,24;31:15; 33:20;63:15,18;64:4, 10;65:11;66:5,10,20, 24,25;67:2,20;68:18; 69:13,17;70:10,18, 19;71:8;73:23;74:4; 75:11,15,25;76:20; 77:25;78:3,16,20; 80:3,4,5;85:11,14,22; 86:15;87:16;88:6,11, 12,13,17;89:4,8,9,13, 14,16,17,19,20;90:4, 5,7,16,17 commissioners (25) 4:11;7:13,21;14:24; 19:14;31:14;34:9; 73:15,19;74:23; 76:10;77:21;78:4; 79:22;80:6;85:16; 86:16,21,24;87:8; 88:8,15;90:10,13,18 committee (2) 21:9;</p>	<p>30:2 Commonwealth (1) 73:2 communicating (1) 82:15 Communication (1) 20:13 community (2) 26:19; 74:16 compact (1) 46:21 companies (2) 72:13, 17 comparable (1) 60:15 compare (3) 20:5,6; 39:6 compared (7) 32:4; 36:10;52:7;58:2,3; 60:13;61:22 comparing (1) 57:21 complain (1) 31:25 complaining (1) 29:4 complaints (2) 32:2,4 complete (1) 73:11 completed (1) 50:13 completely (1) 53:2 complexion (1) 53:3 component (1) 12:4 concept (1) 47:16 concepts (1) 45:8 concerns (2) 46:16; 49:18 concessioner (1) 56:20 concluded (3) 20:3; 30:6;90:25 concludes (2) 75:4; 80:12 conclusion (1) 81:7 condition (8) 20:22, 25;21:4;22:7;23:10; 30:7,12,16 conditions (1) 47:25 conducted (2) 78:13; 79:24 conducts (1) 6:2 confirmed (1) 50:13 congratulations (1) 8:20 considerate (1) 63:7 considered (1) 88:2 constant (1) 50:19 constitutes (1) 76:12 construction (2) 32:15;44:21 consultancy (1) 71:13 consultation (1) 86:3 contact (4) 11:20; 13:8;15:25;50:20 contamination (1) 31:2 continents (1) 71:20 continue (10) 5:15; 14:12;41:3,14,23;</p>	<p>42:16;48:20;57:2; 63:11;69:12 continued (1) 43:5 continues (3) 14:8,11; 53:13 continuing (2) 46:25; 73:10 contract (1) 22:23 contracted (1) 45:19 contracting (1) 45:21 contractor (1) 68:11 contractual (1) 22:16 contribute (1) 10:13 control (2) 5:16;72:9 convene (1) 85:23 convened (1) 87:25 convening (2) 85:17; 86:17 conversation (3) 27:17;44:20;62:17 corporate (3) 44:14, 21;82:21 correction (1) 7:7 corrections (2) 6:25; 7:11 correlates (1) 11:11 cost (3) 18:18;43:16; 77:14 costs (2) 19:9,9 counsel (2) 86:4,8 counterpart (1) 72:2 countries (1) 71:19 County (1) 38:3 couple (8) 45:20; 52:19,20;53:21; 57:16,22,22;63:16 course (12) 12:19; 24:10;26:18;28:10; 48:22;49:15,20,25; 50:3;51:6;54:19; 60:25 cover (1) 42:24 coverage (1) 40:25 crate (1) 63:21 credit (2) 14:8;61:19 crew (1) 56:2 crowd (7) 26:15; 34:23;35:7;38:9,21, 25;39:3 crowds (2) 38:16; 39:17 current (1) 86:6 customers (1) 59:10 cutting (1) 17:8</p>	<p>dates (11) 24:17; 27:3;57:24;60:8; 78:12,17;79:5,8,11, 15,24 day (22) 9:7,25;10:3; 12:20;25:24,25;26:3, 4,8,10;28:3;35:19,21; 38:24;39:6,9,14;40:4, 5,24;60:20;77:14 day-by-day (1) 60:14 days (20) 8:17;25:2; 26:23;27:18,19,24; 28:6;35:18;36:6,8,11; 38:17;40:8;52:19; 60:18,21,23;61:5; 65:10;81:7 day-to-day (1) 21:5 deadline (4) 78:12; 79:5,17,23 deal (1) 27:8 death (1) 81:16 Debbie (1) 81:11 December (1) 79:14 deciding (1) 22:2 decision (1) 33:17 decisions (1) 22:4 decorated (1) 41:9 deeper (1) 48:4 Del (4) 35:13;36:16, 24;37:7 delayed (1) 24:11 delays (1) 39:14 department (1) 9:20 depending (1) 44:17 Deputy (4) 5:5,12; 72:13,14 Derby (10) 25:25; 27:4,6;38:24;39:6; 60:20;63:20,23;64:5, 6 design (1) 60:5 designate (1) 78:11 determined (2) 46:18; 50:4 developing (1) 9:17 development (1) 9:4 device (1) 17:5 Dickison (1) 49:11 dictated (1) 67:25 different (4) 40:15; 41:13;57:17;69:21 dig (1) 48:4 digging (1) 55:3 Digital (1) 43:6 directly (3) 8:24;9:19; 11:21 director (5) 5:13;8:5; 19:17;34:4;49:12 dirt (15) 9:22;28:15, 22,22,24;29:4;45:11; 46:17;48:17,22,25; 49:16;60:6,9;62:22 disagreement (1)</p>
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<p>25:10 disappears (1) 55:15 discuss (3) 46:16; 86:2,6 discussed (3) 24:23; 34:16;87:25 discussion (2) 45:18; 59:4 discussions (8) 31:8; 40:12;48:18;56:21; 59:12;63:3,10;67:12 Dispatch (1) 42:14 disregard (1) 18:25 disseminate (1) 16:16 distances (4) 51:7,16, 25;67:24 document (1) 27:19 Dog (2) 26:8;38:11 dogs (1) 38:7 done (9) 31:3;40:9; 44:3;52:7;55:8;56:7; 73:4;74:6;77:18 dorm (7) 32:6,8,12; 44:9,15;54:13;69:22 dormitory (1) 31:19 dorms (1) 70:14 down (23) 11:4;24:4; 25:5,7;30:9;36:7; 47:12;48:5,12;51:21; 54:20;57:25;58:3,3; 60:3,4;65:15,16;66:6, 8,9;67:7;69:21 Downs (8) 10:7;34:3; 35:3;39:10;41:10,19; 42:25;73:9 downside (1) 18:21 downstairs (1) 64:13 downtime (1) 48:10 Dr (17) 8:5,10;14:16, 20;15:6;16:7,10,23; 17:11,21;18:6,10,19, 23;19:5,12;30:5 draft (4) 21:18;23:2,4; 81:5 drafting (1) 21:4 drafts (1) 21:14 drink (1) 34:21 drop-off (1) 37:11 drug (1) 30:19 During (7) 10:9; 23:13;53:9;55:4; 65:10,13;80:23</p>	<p>edge (1) 17:8 educational (1) 12:4 effect (1) 29:23 efficiently (1) 49:8 effort (6) 9:15,20; 11:20;16:20;63:20; 84:24 eight (1) 36:7 elaborate (1) 42:22 electronic (4) 75:8,22; 76:13;77:23 elevated (1) 45:14 eliminate (1) 22:13 ELLOYAN (4) 71:7, 10;74:21,25 else (2) 33:5;59:11 elsewhere (1) 22:5 e-mail (1) 8:15 emporium (1) 73:8 enable (1) 75:23 end (6) 15:4;23:19; 37:11;41:22;42:8; 59:16 engaged (2) 39:4; 42:20 engagement (1) 71:3 engagements (1) 71:23 engines (1) 43:8 enjoy (1) 38:15 enough (5) 27:25; 29:8;67:16;79:7; 81:25 entered (1) 9:7 entertain (6) 6:6;75:6; 78:11;85:8;87:14; 89:25 entertained (1) 67:7 entire (3) 9:14;45:3; 51:19 entities (1) 42:17 entrance (2) 64:22,23 entries (1) 27:15 entry (2) 60:12;61:2 Equibase (1) 50:14 equine (2) 8:4;81:12 equipment (4) 43:25; 48:25;49:5;55:3 especially (3) 12:7; 50:22;56:24 ESPN (1) 41:15 Established (1) 71:17 evaluate (2) 34:25; 37:16 even (15) 11:23; 25:14;30:8;31:9;33:4, 19;38:3;39:22;44:20; 48:21;55:21,22; 59:14;69:9;70:12 event (2) 26:6,13 events (2) 26:15; 37:24 eventually (2) 17:22,</p>	<p>24 everybody (6) 14:10; 16:12,17,21;18:13; 32:11 everyone (11) 5:24; 8:11,12;12:16;38:10; 39:3,10;55:15;61:19; 64:22;77:5 exact (2) 17:17;59:21 exactly (2) 17:13;19:5 exam (1) 8:23 excellent (1) 31:5 excluded (2) 13:22; 35:19 Excuse (2) 8:17;72:25 executed (1) 27:10 executive (9) 5:9,13; 6:15;19:17;72:19; 75:16;78:22;80:18; 81:17 exempted (1) 87:20 exemptions (1) 86:9 exhaustive (1) 21:9 existing (1) 63:25 expand (1) 41:3 expanded (1) 60:8 expansion (1) 72:24 expected (1) 50:22 expecting (1) 58:15 expenditures (1) 43:23 experience (7) 20:24; 24:19;31:7;32:5; 50:21;57:6;72:8 expertise (1) 74:19 explanation (2) 59:10; 65:17 explore (2) 42:16; 68:17 extras (1) 22:13 eyes (1) 27:8</p>	<p>favor (7) 7:13;77:21; 79:22;85:17;86:17; 88:8;90:14 favorable (1) 81:23 fear (1) 27:24 fears (1) 29:10 February (2) 22:25; 63:5 feedback (2) 43:19; 80:25 feel (3) 11:7,9;72:22 feeling (1) 10:3 feet (5) 50:3,4,23; 52:21;53:25 felt (1) 8:25 festival (3) 26:2; 38:18;66:8 few (8) 8:17;17:14; 30:21;44:22;45:15; 47:13;49:2;81:14 fiberglass (1) 41:6 field (2) 60:3;65:22 fielding (1) 60:17 fields (1) 28:2 figure (1) 33:4 figures (1) 25:6 fill (1) 33:19 final (1) 10:14 find (5) 17:10;48:11; 49:23;70:6;81:23 fine (2) 28:5;56:17 finish (1) 83:23 first (24) 4:9,9;6:4;8:4, 14,19,23;9:12;17:12; 20:3;21:13,21;23:2,4, 9;27:16;34:18;36:22; 52:15;53:21;59:8; 68:24;80:14;81:15 five (3) 27:18;35:25; 72:4 five-hour (1) 65:9 flag (1) 11:16 flat (5) 13:20,22;59:8, 23,24 floor (8) 6:16;8:6; 19:18;34:5;70:25; 75:17;78:23;80:16 flyers (1) 67:14 focus (1) 28:18 focusing (1) 28:19 follow (1) 30:22 followed (1) 12:13 follows (1) 87:11 Food (6) 56:18,18; 57:2,6,11,15 forecast (1) 39:20 Forestry (1) 5:5 forgot (1) 62:9 forth (3) 21:15;45:20; 70:15 forward (21) 5:14; 11:4;35:2;37:14; 39:25;40:16;42:16,</p>	<p>23;45:2;48:21;49:9; 50:5;51:4;54:10; 58:18;59:3;61:9; 63:8;73:9;82:23; 83:15 found (1) 65:2 four (4) 26:8;27:19; 35:22;59:8 four-hour (1) 65:9 fractures (2) 29:24,25 Frank (8) 20:14;24:9; 29:14;34:4;62:8; 82:14,16,20 Freedom (2) 85:24; 86:11 Friday (7) 24:16;36:3; 37:20;39:21;40:22; 41:17;62:12 Fridays (9) 35:3,6,14, 15;36:12,14,25; 37:12,13 front (2) 24:8;35:23 front-end (1) 13:12 full (1) 48:17 full-time (1) 28:20 fun (1) 26:22 function (1) 49:15 functions (1) 19:10 funding (1) 8:13 furlong (1) 52:25 further (2) 52:22; 54:15 future (7) 14:13; 32:17;73:13;76:3; 82:18,23;83:22</p>
<p>E</p> <p>earlier (2) 44:8;58:25 early (3) 46:14,15; 56:24 easiest (1) 57:8 Easter (3) 81:11,11; 85:2 Eastern (1) 36:25 economics (1) 71:14</p>	<p>F</p> <p>fabulous (1) 62:13 facilities (1) 69:22 facility (1) 73:8 facing (1) 81:20 fact (2) 9:2;68:2 factors (1) 13:2 Fair (2) 38:3,6 fall (1) 53:16 fans (4) 44:4;68:6,7, 11 far (10) 11:12;14:18; 17:3;19:16;23:12; 26:2;27:2;32:19; 33:5;52:9 Farmer (1) 30:5 farthest (1) 76:22 faster (2) 46:21;47:18 fatalities (1) 13:22 fatality (2) 13:21,24</p>	<p>G</p> <p>gaining (1) 73:6 Gallup (1) 58:17 gambling (1) 71:16 Gaming (8) 71:11,12; 72:4,7,8,20,25;81:22 gap (2) 37:3;51:8 gaps (3) 50:11;51:5; 68:4 garbage (1) 23:17 gate (1) 50:8 gates (1) 51:11 gave (2) 41:5;46:4 general (2) 8:16;42:4 generally (1) 14:4 gets (2) 18:13;77:5 giveaways (1) 37:23 given (4) 28:23;74:9; 79:11;84:15 gives (1) 79:6 giving (1) 82:21 glad (1) 74:12 Glen (8) 19:18;37:17; 38:8;46:17;53:12; 56:4;57:16;82:14 Gmax (4) 50:13,20;</p>		

<p>51:17;52:6 goal (3) 13:24;22:12; 49:23 God (1) 26:11 goes (6) 10:9;18:12; 27:2;44:17;50:25; 52:22 Good (31) 4:4;12:17; 19:21;22:20;12:22;7; 20:21;24:10;27:7; 28:15;16:30;18;34:8; 35:8,9;36:15;37:6; 38:21;39:17;43:19; 49:14;54:4;55:11; 56:2,2;57:9;65:12; 66:2;71:9;74:17 Gordon (1) 14:25 Gordon-Moore (21) 4:18,19;15:2;31:15; 33:20;66:24;67:2,20; 68:18;69:13;78:3,20; 80:5;85:14,22;87:16; 88:12;89:18,19;90:5, 17 grade (1) 64:3 graded (2) 63:25;64:9 grandstand (5) 44:5,7; 64:21,23;68:12 graphs (2) 9:10;13:11 great (4) 30:20;32:18; 39:9;62:18 green (2) 51:22;52:16 Greg (3) 12:14;13:7; 19:6 groove (1) 54:4 ground (3) 32:14; 39:24;44:11 grounds (1) 66:2 group (6) 39:7;55:11; 70:25;71:11;72:4; 82:9 grow (2) 5:15;84:17 grows (1) 73:2 growth (1) 43:13 guardrails (1) 76:12 guess (4) 47:15; 66:21;73:25;76:24 guidance (4) 45:25; 46:5;47:9;82:12 guide (1) 76:11 guys (4) 34:15;54:18; 59:13;65:12</p>	<p>handled (2) 56:12; 58:8 Handle-wise (1) 40:10 hands (2) 22:3;33:16 happen (3) 28:21; 52:18,23 happened (2) 12:24; 39:13 happening (4) 51:13; 52:10;54:17;63:10 happens (1) 55:23 happy (10) 13:16; 21:7;35:4;39:2; 51:19;53:5;57:23; 58:19;71:23;76:15 hard (1) 29:5 hardest (1) 15:12 harrows (1) 49:5 Haskell (1) 40:4 HBPA (2) 19:17;21:10 health (1) 29:23 hear (1) 53:19 heard (3) 31:23;79:9; 87:25 hearing (2) 12:6; 90:25 heat (1) 35:22 heaters (2) 69:23; 70:4 heavy (1) 55:2 heights (1) 14:3 held (1) 72:16 help (13) 10:12; 14:18;28:11;31:8; 33:18;45:17;47:22; 48:2,5,9;49:7,8;68:13 helped (1) 46:5 helpful (2) 16:5;19:2 helping (1) 82:20 herkey (1) 23:15 HHR (2) 72:24;73:8 hidden (1) 28:13 high (3) 11:22;12:8; 48:14 high-end (1) 13:12 higher (1) 13:6 highest (1) 61:6 hired (1) 28:21 HISA (2) 17:23;18:2 historical (1) 68:23 history (3) 9:8;12:23, 23 Hodge (1) 43:9 hold (1) 13:19 honor (1) 5:8 hope (7) 14:7,10; 26:24;64:7;82:5; 83:16,21 hopefully (1) 77:7 Hopf (19) 20:14;34:5, 8;62:11,15,24;63:2, 22;64:6,18;65:19; 66:7,12;67:8;68:8;</p>	<p>69:11;70:3,11,22 hoping (4) 22:22; 31:6;33:13;82:7 Horse (22) 5:11,16; 10:3;11:11,12,14,21; 12:10,15,21,25; 15:16;17:4;19:4; 33:6;41:6,9;42:9; 68:23,25;69:5;82:10 Horsemen (13) 19:20; 20:12;21:3,25;22:8; 25:13;28:10;29:3; 45:18;59:14;61:5; 79:10;81:23 horses (19) 9:7,13,25; 10:20;11:2,24;12:7, 13,21;13:2,17;14:19; 18:8;27:25;29:18,23; 30:9;32:24;61:20 hot (1) 53:14 hotdogs (1) 34:22 hour (2) 35:4,13 hours (3) 60:13; 64:24;84:9 Houston (1) 70:12 huge (2) 77:13,13 human (2) 11:9;83:5 humidity (1) 56:14</p>	<p>13:16 incorporated (2) 10:17;17:25 increase (3) 47:23; 60:6;61:11 increased (1) 60:24 incur (1) 19:8 index (1) 9:17 indicate (13) 7:17,22; 77:24;78:5;79:25; 80:7;85:18;86:18,25; 88:9,15;90:15,19 individual (1) 72:15 industry (3) 26:22; 71:22;84:23 information (14) 9:18; 10:4;15:11;16:2,17; 18:15,15;34:14;53:5; 57:20;62:4,5;85:25; 86:11 initial (2) 21:4,6 initiate (1) 77:2 initiative (1) 8:7 input (3) 21:3;25:2; 80:25 inputs (2) 9:3;21:11 insights (1) 74:8 Instagram (1) 43:10 instances (1) 76:10 instead (2) 24:15; 25:21 instruct (1) 80:18 in-studio (1) 40:19 integrated (1) 8:24 intended (1) 21:23 interesting (2) 26:14; 59:17 internal (2) 56:21; 72:11 internally (3) 40:13; 43:21;48:19 interpret (1) 9:10 interruption (1) 6:2 interviewing (1) 73:5 interviews (1) 40:19 into (23) 10:17;11:19; 13:10,16;15:19; 17:25;22:3;24:23; 26:9;29:15;33:16; 35:10;48:5;54:4; 58:16;64:14;65:24; 67:9;68:6;81:4; 84:24;85:6,8 introduce (1) 5:9 introduction (1) 71:12 invaluable (1) 81:2 investigation (1) 72:12 investigations (2) 72:14,16 involved (2) 14:10; 20:21 irrigation (1) 43:24 issue (13) 11:17;</p>	<p>13:12,13,13;23:25; 24:6;29:5;30:13,17; 47:4;50:24;51:3; 54:12 issues (15) 20:16; 23:12,15,20;24:11; 31:20;32:9;36:20; 53:20;56:14;60:16; 61:4;80:21;82:17; 84:14 item (2) 4:10;75:20 items (2) 43:6;68:9</p>
J				
<p>Jackson (1) 45:14 January (2) 20:20; 63:4 jerky (1) 23:15 job (2) 65:12,21 jockeys (1) 30:12 joined (1) 53:15 joining (1) 5:6 July (7) 6:8,21;7:15; 26:4;35:19;54:6; 55:22 jump (5) 58:5,8,11,18; 59:24 jumps (1) 59:23 June (3) 40:20;45:24; 46:11</p>				
K				
<p>Keeneland (2) 10:8; 45:23 keep (11) 13:17;42:5, 5:43;17;55:12,16; 63:11;64:3;65:7; 70:16;80:19 Kelly (3) 45:14;46:4,4 Ken (3) 45:12,13,15 Kent (2) 38:3;42:25 Kentucky (3) 5:11; 17:15;27:6 kind (24) 12:25;16:4; 17:23;23:14;28:22; 34:19;40:9;42:5,11; 43:19;44:24;47:2,4, 12;48:4,8;50:25; 53:25;54:3;55:15; 57:19;59:20;60:23; 62:16 knew (3) 45:16;50:9; 74:11 knock (2) 31:3;35:24 knowing (1) 58:20 knowledge (2) 49:14; 87:19 knows (2) 38:12; 39:10</p>				

	40:2,8,15;41:3;52:14; 54:18;61:2;67:9; 68:10;73:9;74:13	marketing (6) 40:17; 43:22;57:5;58:23; 65:13;69:7	mindful (1) 63:7 minds (1) 25:18 minimal (1) 32:5	22:13;28:23;29:6; 39:7;84:23 muck (1) 83:2
L	looked (1) 60:14 looking (6) 5:13; 37:22;48:16;51:23; 53:11;68:6 lost (2) 35:24;59:10 lot (41) 12:22;20:23; 23:8,10,25;24:4,4; 27:12;32:2;38:5,13; 40:15,25;42:19;43:6; 13,16,18;44:23;45:7; 46:5,24;48:3,18; 54:21,23;56:5,21,21; 57:13,13,19;62:14; 63:9,9;67:3,6,22; 69:25;84:5,17 Louisville (3) 21:12; 27:22;30:5 low (1) 13:5 Luckily (1) 29:22	markets (1) 43:20 Maryland (1) 45:13 mascot (1) 41:5 matched (2) 50:18; 59:20 material (5) 29:9; 46:9;47:21;48:2,12 matters (3) 86:3; 87:20,23 maximize (1) 49:24 may (6) 22:4;50:5; 67:7;69:8;79:19; 80:20 maybe (9) 11:17,19; 15:17;21:5;25:9; 27:23;33:3,4;64:25 mean (1) 15:16 medical (2) 8:4;12:23 meet (21) 8:21;9:12, 14;10:15;13:18;14:7; 15:5;16:3,12;20:2,9; 23:19;24:10;34:7; 48:22;56:6,22;63:19; 70:16;83:11,25 meeting (28) 4:6;6:3, 5,9,20,22;7:4,16; 10:7;30:2;55:22; 62:23;75:8,22;76:13; 77:4,23;79:14;81:5; 85:23;86:2,5,10; 87:21,24;88:2;90:2, 23 meetings (5) 5:24; 55:17;62:6,22;76:3 meeting's (1) 81:7 meets (2) 14:13;48:14 members (3) 4:25; 55:9;79:12 member's (1) 87:19 memo (1) 79:2 mention (2) 62:9,19 mentioned (5) 36:13; 38:8;46:17;53:12; 56:4 message (2) 33:15; 59:4 met (1) 46:15 methodology (1) 64:18 meticulous (1) 50:10 microphone (2) 71:6; 81:9 middle (1) 17:10 mid-way (1) 54:5 might (7) 16:5;25:4; 29:10;31:20;57:10; 65:24;69:20 mile (1) 51:8 military (2) 67:13,18 million (2) 36:10;58:7	minutes (9) 6:5,8,19, 22;7:7,8,14,25;80:17 miss (1) 34:13 missed (2) 56:23; 66:13 mission (1) 73:7 mix (1) 48:12 Mm-hmm (1) 16:23 mobile (1) 32:6 modifications (1) 54:15 moment (2) 8:11; 75:10 momentum (1) 42:5 Monday (6) 24:14; 32:14;36:4;44:11,20; 66:14 money (3) 25:15,16; 43:17 monitors (1) 17:24 month (1) 44:16 Moore (1) 66:25 more (28) 11:7,8; 17:9;24:4,24;26:24; 27:11;33:11,19; 35:12;42:10;46:20; 47:2,3;48:2;49:8; 51:4;52:3,24;53:6, 11;57:13;60:9,10; 67:18;68:4,20;83:14 morning (7) 4:4; 19:21,22,25;34:8; 39:22;40:22 Most (6) 12:2;17:9; 20:17,24;30:21;47:19 mostly (2) 44:2;67:3 motion (16) 6:7,10; 7:24;75:7;78:7,11,14; 80:9;85:8,9,11,20; 87:4,14,24;90:22 Motioned (1) 88:22 move (21) 6:12;35:2; 40:16;42:16;45:2; 48:21;49:9;51:3; 54:10;58:18;59:2; 60:12;61:9;63:20; 64:8;75:5,12;81:21; 82:22;85:23;87:17 moved (5) 35:17; 36:25;50:21;66:14; 78:16 movement (2) 10:22; 11:3 moving (11) 11:14; 35:13;38:20;42:22; 44:18;49:10;50:5; 54:22;63:8;81:25; 83:15 mowed (1) 54:20 much (8) 5:6,19;11:6;	multiple (1) 21:11 musculoskeletal (1) 13:21 music (1) 35:5 mutual (1) 56:9
				N
	M			
<p>lane (1) 51:10 large (1) 37:9 larger (1) 42:14 last (20) 22:8;31:4; 35:24;40:9;45:15; 46:9;47:13;51:16; 53:8,15;57:24;58:10, 17;59:18;61:11,16, 21,22;64:19;84:8 late (2) 46:11;54:6 later (2) 21:23;35:11 Laura (1) 5:4 Laureano (1) 45:22 lawfully (1) 87:20 lead (1) 44:16 leading (1) 62:22 lease (2) 42:11,12 least (5) 12:16;37:19; 47:13;53:7;58:9 led (1) 9:3 left (3) 13:13;45:13; 89:4 legal (2) 86:3,8 legalized (1) 71:15 legislative (1) 81:20 legislature (1) 82:9 Leif (4) 49:11,13; 50:9;52:4 less (1) 60:2 letting (4) 43:3;58:23; 81:13;84:18 lighting (1) 39:13 lights (1) 54:23 limited (1) 80:17 lined (1) 55:7 Lines (1) 81:12 list (6) 9:6;12:19,20; 13:2,5;68:17 listed (1) 7:5 listeners (1) 42:9 little (18) 21:15;24:4, 24;25:8;35:11,11; 37:4,10;39:19;47:4,5; 48:4,5;53:16;58:24; 65:25;67:17;69:21 live (7) 35:5;41:20; 42:3;43:4;72:25,25; 83:6 Liz (1) 76:6 local (1) 67:19 locally (1) 43:3 location (1) 40:21 locations (1) 50:7 long (3) 21:21;52:7; 66:3 longer (2) 39:8;50:21 longest (2) 52:2;53:8 look (18) 11:19; 12:10;15:19;16:18; 24:25;37:14;39:25;</p>	<p>machine (2) 65:7; 68:24 machines (2) 56:12; 65:4 Madam (4) 6:17;34:8; 75:18;78:24 magazine (2) 42:24; 43:2 main (3) 13:8;49:18; 51:5 maintenance (7) 9:19; 46:19;53:24;62:21; 83:3,17;84:14 majority (3) 17:18,20; 25:15 making (1) 52:11 Man (1) 79:10 management (5) 20:12;25:19;27:11, 22;28:10 manager (2) 8:16; 54:2 mandating (2) 17:4; 18:5 manner (1) 20:18 manufacturers (1) 69:3 manure (3) 23:16; 53:13,18 many (5) 17:14;24:20, 20;49:22;67:12 Mar (4) 35:13;36:16, 24;37:7 March (14) 27:3;28:8; 48:13,17,22;55:13, 22;56:6,11;62:20,23; 63:24;69:19;70:15 market (1) 37:9</p>			<p>name (1) 71:9 NASCAR (2) 26:4,6 native (1) 5:16 naval (1) 67:6 NBC (1) 40:19 NBC12 (1) 40:21 near (2) 32:17;73:13 necessarily (2) 38:4, 14 necropsies (1) 30:8 need (15) 7:9;11:19; 33:23;38:18;47:25; 49:3;51:9;54:14,22; 56:6;59:11;62:5; 70:6;82:18;89:2 needed (4) 33:7; 45:16;52:11;63:12 needs (4) 24:22; 53:24;76:7;82:22 negative (1) 84:5 Neighbors (1) 43:2 Nevada (2) 72:8,19 new (24) 5:9;17:11; 19:6,10;27:4;31:19; 32:12;38:3;42:25; 43:25;44:6,8,14;45:6, 6,7;54:2;56:10;62:20; 75:5;76:9;78:9; 80:12;81:17 Next (21) 8:3;19:16; 22:22;24:23;26:24; 27:2;31:9,19;34:3; 44:13;50:25;55:6; 57:19;60:8;62:6; 67:10;70:23;75:5; 78:9;80:13;85:6 nice (1) 35:9 night (1) 62:12 NIXON (65) 4:4,14,17, 20,23;5:20;6:15,23; 7:10,21;14:15,21; 16:24;19:11,13,22; 31:11;33:24;62:8,12, 18,25;63:13,17; 66:22,25;69:15; 70:19,23;71:8;73:17; 74:3,22;75:3,13,16; 76:18;77:19;78:4,18, 22;79:20;80:6;84:21; 85:3,12,16,21;86:13, 16,24;87:13;88:4,7, 14,19;89:2,12,14,17,</p>

<p>20,21;90:8,13,18 none (1) 13:25 nonpartisan (1) 71:13 Norfolk (1) 67:16 normal (2) 32:3;47:16 normally (1) 70:2 note (6) 5:20;7:9; 86:21;87:7;88:24; 90:10 NSA (2) 9:15;13:21 number (15) 11:10, 13;12:16;13:9;16:13; 17:17;26:2,3,7;58:6, 15;59:21;60:24;61:3; 66:19 numbers (12) 10:21; 24:25;36:5;37:6,20; 38:2;52:15;57:17; 59:19;60:15;61:17; 64:25</p>	<p>opening (3) 5:2; 40:22;86:10 operation (6) 45:4; 49:19;53:12;56:16, 19;57:3 Operations (4) 34:4; 49:12;56:9;57:15 opportunities (2) 68:13;73:7 opportunity (2) 74:13, 18 opposed (6) 7:22; 78:5;80:7;86:25; 88:15;90:19 option (1) 18:11 order (3) 4:8;28:9; 46:9 organization (1) 74:14 original (1) 50:16 others (4) 25:3,4; 37:25;85:3</p>	<p>paid (1) 24:5 pandas (1) 69:5 parameters (1) 67:24 parimutuel (3) 58:12, 21;59:18 parking (1) 54:23 part (7) 13:4;21:8; 37:9;45:17;57:6; 59:3;63:2 participate (2) 76:11; 77:5 participated (1) 38:10 participation (1) 17:5 particular (4) 9:7; 40:5;68:21;69:10 particularly (1) 25:11 partnership (1) 42:15 Party (1) 35:3 pass (2) 10:2;69:12 past (12) 23:11; 25:25;27:21;32:4; 39:12;46:25;52:8,10, 13;59:9;64:12;76:5</p>	<p>played (1) 39:19 players (1) 45:7 Please (18) 5:20; 7:16,22;15:11;61:14; 62:21;71:4;77:23; 78:5;79:25;80:7; 85:18;86:18,25;88:9, 15;90:14,19 pleased (2) 8:21;42:7 plenty (3) 33:2,13; 60:10 point (3) 22:21;29:7; 50:12 points (2) 27:5;56:24 policy (9) 71:15;75:9, 23;76:4,7,9,17,25; 77:23 position (3) 20:8; 36:18;40:10 positions (1) 86:7 positive (8) 30:19; 34:24;38:2;40:25; 44:6;61:18;84:3,12 positively (1) 83:24 positives (1) 42:19 possible (2) 77:17; 81:20 post (9) 24:18;25:3; 35:17;37:2,17,17; 40:2;59:2,15 postcards (1) 16:8 post-entry (1) 10:18 power (1) 35:24 PPs (1) 12:23 prep (2) 64:5,6 preparations (1) 54:16 prepping (1) 55:13 pre-race (3) 8:22; 10:18;12:19 present (1) 4:25 presented (2) 7:16; 8:2 President (1) 81:12 pretty (12) 32:5; 35:10;36:15;37:6,18; 39:17;51:13;64:8; 65:12;66:2;75:20; 79:3 prevent (1) 5:25 previews (1) 41:7 previous (5) 5:24;6:5; 20:6;22:11;49:22 primary (2) 25:18; 49:15 prior (1) 41:22 priority (1) 48:15 private (1) 71:20 privately (1) 72:16 proactive (1) 55:25 probably (15) 7:9; 17:21;21:22;36:22; 39:23;44:16;48:9,20; 53:21;56:14;57:7;</p>	<p>58:11,15;66:18;72:6 problem (1) 29:11 problems (2) 24:2; 32:16 procedure (1) 46:19 procedures (2) 46:24; 47:8 process (4) 21:9; 22:23;23:8;52:5 procure (1) 77:16 product (3) 9:5;10:6; 26:21 program (6) 8:13; 9:16;48:17;53:13,18; 60:6 projects (1) 10:12 promote (1) 5:15 promotion (2) 34:20; 35:2 promotions (1) 34:19 prompt (1) 20:18 proper (2) 51:10,10 properly (2) 51:12; 59:5 proposed (3) 6:7; 7:14;27:20 protocol (2) 8:23; 10:18 protocols (1) 18:2 provide (9) 8:6;19:19; 34:6;45:25;50:7; 51:17;62:6;71:2; 75:24 provider (1) 56:10 provides (1) 76:9 providing (1) 63:11 public (17) 5:21; 71:21;73:21,21,21; 80:13,16,21;81:2,2,3, 4,9;85:4;87:19,22; 88:3 publicly (1) 72:12 publish (1) 73:12 purchased (1) 43:25 purpose (1) 85:25 purposes (1) 58:12 purses (2) 25:16,23 pursue (1) 58:21 purview (1) 21:2 pushed (1) 36:3 put (7) 12:18;27:4; 32:7,13;48:11;57:20; 84:24 putting (3) 47:2; 59:16;68:3</p>
O				
<p>Obviously (30) 34:25; 35:16;36:4,19;37:7; 40:23;41:2,18;44:4; 45:6,11,16;46:22; 47:5,9,25;48:16; 49:11,18,21;52:3,14; 57:4;60:7,19;64:20; 66:8;67:14;77:15; 81:19 occurred (1) 24:2 occurring (1) 48:19 o'clock (2) 36:25;37:2 October (3) 10:8;79:6, 16 off (7) 8:15;35:10; 39:18;52:9;53:16; 60:17;83:23 off-season (1) 10:10 once (7) 47:10;50:12; 53:17,25;54:3;59:9; 70:13 one (25) 7:24;8:8; 13:20;28:12;33:6; 36:13;45:9,9;47:20; 55:5,14,18;57:8; 58:20;62:9,18;63:24; 68:9,14,20;78:7;80:9; 81:10;87:3;90:21 ones (3) 15:7,21;18:4 online (1) 24:21 only (6) 18:4;26:16; 31:23;33:6;87:19,22 On-Track (6) 25:7,9, 11,24;36:11;65:16 open (10) 12:6;20:13; 73:13;77:4;80:15; 81:8;86:10;87:10,15; 88:9 opened (2) 50:17; 87:21</p>	<p>out (38) 9:6;13:9; 17:12;21:14,22; 23:10,14;26:16,22; 27:16,20;28:11; 29:17;33:5,14,15; 35:24;36:14;38:16; 39:3,11;41:22;44:4; 48:9;50:23;52:4,23; 57:5;65:4,5;66:3; 67:5;68:10,14;70:6; 72:21;79:11;89:10 outcome (1) 81:24 outer (1) 43:24 outside (1) 74:19 over (14) 8:18;9:25; 12:10;22:10;23:18; 27:24;30:5;34:19; 36:9;51:2;52:20; 54:5;61:16;81:21 overall (14) 9:23; 14:6;20:8;22:20;24:2, 13,19;25:5,12;34:22; 37:13;53:25;56:11,16 overdoing (1) 29:20 overflowing (2) 23:16, 16 overhead (1) 84:2 overly (1) 30:3 overnights (1) 16:15 overseas (1) 33:7 oversees (1) 49:13 oysters (1) 62:10</p>	<p>pavers (1) 44:3 peeve (1) 68:21 people (38) 20:15; 23:23;24:13,20,20; 26:7,11,17,20;30:23; 31:17,24,24;38:5,13; 41:19;42:2;43:3; 45:20;55:11,16;57:5; 58:24;59:6;64:13,25; 65:3;66:17;67:6; 68:21;69:3;70:17; 74:5;77:13;83:3,24; 84:11,13 per (4) 11:6;13:25; 14:5;44:11 perceived (1) 57:14 percent (10) 25:6,7; 57:25;58:3;60:2,4,5, 11;61:11,16 perfect (2) 22:11,12 performance (2) 19:3, 4 perhaps (1) 68:7 period (5) 60:12;65:9; 73:22;80:24;85:4 permanent (1) 32:8 person (2) 69:8;76:21 personally (4) 20:23; 62:13;67:11;84:23 personnel (2) 28:7; 86:2 perspective (1) 71:22 pet (1) 68:21 physically (1) 16:11 pick (2) 57:8;82:24 place (3) 28:8;32:12; 33:19 placed (1) 10:25 plan (2) 69:24;73:11 play (1) 65:24</p>	<p>played (1) 39:19 players (1) 45:7 Please (18) 5:20; 7:16,22;15:11;61:14; 62:21;71:4;77:23; 78:5;79:25;80:7; 85:18;86:18,25;88:9, 15;90:14,19 pleased (2) 8:21;42:7 plenty (3) 33:2,13; 60:10 point (3) 22:21;29:7; 50:12 points (2) 27:5;56:24 policy (9) 71:15;75:9, 23;76:4,7,9,17,25; 77:23 position (3) 20:8; 36:18;40:10 positions (1) 86:7 positive (8) 30:19; 34:24;38:2;40:25; 44:6;61:18;84:3,12 positively (1) 83:24 positives (1) 42:19 possible (2) 77:17; 81:20 post (9) 24:18;25:3; 35:17;37:2,17,17; 40:2;59:2,15 postcards (1) 16:8 post-entry (1) 10:18 power (1) 35:24 PPs (1) 12:23 prep (2) 64:5,6 preparations (1) 54:16 prepping (1) 55:13 pre-race (3) 8:22; 10:18;12:19 present (1) 4:25 presented (2) 7:16; 8:2 President (1) 81:12 pretty (12) 32:5; 35:10;36:15;37:6,18; 39:17;51:13;64:8; 65:12;66:2;75:20; 79:3 prevent (1) 5:25 previews (1) 41:7 previous (5) 5:24;6:5; 20:6;22:11;49:22 primary (2) 25:18; 49:15 prior (1) 41:22 priority (1) 48:15 private (1) 71:20 privately (1) 72:16 proactive (1) 55:25 probably (15) 7:9; 17:21;21:22;36:22; 39:23;44:16;48:9,20; 53:21;56:14;57:7;</p>	<p>QR (1) 16:13 qualifications (1) 23:23 qualified (1) 72:23 quantity (1) 23:21</p>
P				Q
<p>Pachman (2) 13:7; 19:6 packet (1) 51:24 paddock (2) 44:3; 64:21</p>				

<p>quarantine (2) 32:22, 25 quarantined (2) 32:23;33:8 quarter (1) 14:3 questionnaire (1) 30:10 quick (10) 21:17; 34:10,10;35:15; 38:22;40:18;43:21; 51:20;53:7;68:20 quicker (3) 23:9,10; 47:24 quickly (2) 64:9;81:25 quite (4) 17:13,14; 21:13;24:12 quorum (1) 4:24 quotes (1) 49:3</p>	<p>rate (1) 14:4 rating (4) 11:22;12:8; 13:5,6 reach (6) 20:14;41:4; 42:18,23;67:5;68:10 reached (1) 41:22 read (3) 8:15;13:10; 80:14 ready (6) 18:13; 27:14;44:15;48:13; 55:21;56:3 real (3) 40:17,17; 74:13 realize (1) 83:21 really (18) 13:15; 15:21;16:6,19;26:15; 28:15,16;29:6;39:2,4; 42:7,20;43:13;44:24; 46:12;74:8,17;82:8 reasonable (1) 68:4 recall (2) 89:3,7 recap (4) 34:11; 35:15;40:18;43:22 recaps (1) 39:16 receive (2) 16:3;86:8 received (2) 10:19; 16:2 receiving (2) 42:8; 68:6 recent (1) 71:2 recess (1) 87:7 recognized (1) 74:12 recommend (2) 14:12; 79:16 recommended (1) 49:7 recommending (1) 79:4 recommends (1) 76:16 reconvenes (1) 87:10 reconvening (1) 88:8 record (5) 4:23;71:5; 81:4,5;87:17 record-breaking (1) 29:2 recorded (1) 81:4 red (3) 11:16;19:19; 58:5 redid (1) 43:24 reduce (1) 9:22 reflect (1) 4:24 regarding (2) 23:15; 53:20 regulating (1) 82:10 regulation (2) 71:15; 72:7 regulatory (2) 8:25; 9:5 rekindle (1) 42:11 relationship (1) 20:11 relative (1) 17:2 remarks (1) 5:3</p>	<p>remember (5) 26:5,9; 34:24;57:10,12 remote (3) 75:7,21; 77:22 remotely (2) 73:5; 76:11 removal (1) 83:2 renewed (1) 76:7 report (7) 10:20; 18:25;46:13,13; 59:17;73:12;83:18 reported (1) 29:24 reports (9) 8:3;15:21, 22,23;16:14;19:16; 30:6;46:11;75:4 representative (1) 71:10 representatives (1) 70:24 requirements (4) 22:16;61:7;86:10; 87:21 rescheduled (1) 66:16 resolved (4) 23:18; 24:3,7;32:11 resources (1) 82:22 respect (1) 83:7 respectively (1) 72:5 respond (4) 73:14; 80:22;86:21;90:10 responding (12) 7:17, 22;21:17;77:24;78:5; 80:2,7;86:18,25; 88:10,16;90:19 response (2) 88:18,20 responses (1) 84:12 rest (2) 46:8;73:4 restricted (1) 61:13 result (1) 21:21 results (1) 10:13 resurveyed (1) 50:6 retired (1) 72:20 return (1) 87:15 returns (1) 87:10 review (3) 10:23; 72:12;73:11 reviewed (1) 12:21 reviewing (1) 12:22 Richmond (2) 41:15; 42:13 Rickman (1) 5:6 right (10) 17:9;18:23; 34:18;36:17;48:11; 51:12;61:3,3;83:18, 19 right-hand (1) 13:13 risk (2) 9:23;12:25 Roanoke (2) 69:20; 76:23 role (3) 4:10;8:22; 39:19 rolling (2) 9:6;47:2 rooms (1) 69:22</p>	<p>Rosie's (2) 64:14;65:2 RSTL (1) 46:10 rules (1) 30:23 run (7) 9:24;22:18; 27:13;35:7;51:7; 52:20,23 rundown (1) 74:5 runners (1) 61:12 running (4) 22:16; 24:14;29:19;49:21 runs (1) 36:24 run-up (3) 51:16,25; 67:22 run-ups (6) 50:22; 51:2;52:2,6,8;53:8</p> <p style="text-align: center;">S</p> <p>saddle (2) 10:25; 18:12 saddling (1) 44:2 safe (4) 8:20;13:17, 18;14:7 safer (1) 9:16 safety (1) 29:25 sales (1) 64:20 Sally (1) 71:9 same (8) 19:9;20:8; 26:24;28:21;36:23; 57:24;59:21;60:18 sample (1) 51:15 Saratoga (3) 35:12; 36:15,19 Saturday (11) 24:16; 25:25;26:4;27:21; 28:5;37:22;38:20; 39:15,16,22;41:16 Saturdays (1) 40:3 Saturday's (1) 51:18 save (1) 73:20 saw (6) 15:5;16:21; 37:5,10;38:2;43:13 saying (3) 26:10; 27:23;90:15 scheduled (2) 7:5; 10:6 schedules (1) 75:24 Scratches (3) 60:11, 17,20 screen (1) 51:25 se (1) 44:11 search (1) 43:7 season (29) 20:4; 23:7;24:23;28:17; 29:3,15;30:20;31:9; 33:9;34:11;39:18; 41:11,23;42:21;43:9; 44:25;46:2,7;47:14; 52:4;53:9,22;54:17; 55:4,12;56:19,25; 58:16;66:2 seasons (1) 40:9 seating (1) 44:7</p>	<p>seats (1) 44:5 second (23) 6:14; 11:6;13:20;14:2; 36:22;39:5;44:25; 56:19;75:13,15; 78:18,21;85:12,15; 86:14,15;88:4,6;90:4, 6,7,8,11 Secondary (1) 82:13 Secretary (10) 5:4,10; 6:15;21:2;72:19; 75:16;78:22;80:19; 81:17;82:6 section (1) 80:22 sector (1) 71:21 seeing (2) 40:2;62:19 seem (2) 29:22;58:19 seemed (2) 21:20; 47:14 seems (2) 67:23;69:6 self-explanatory (1) 75:21 sells (1) 62:16 send (1) 15:11 sending (1) 10:14 Senior (1) 34:3 sense (1) 12:12 senses (2) 11:3,6 sensor (2) 10:25; 11:24 sensors (1) 9:13 sent (1) 8:17 September (4) 4:2,6; 10:7;90:2 serve (1) 74:16 served (2) 5:12;62:10 service (1) 57:11 session (11) 5:23; 85:7,9,17;86:18;87:9, 10,15;88:9;89:5,11 set (4) 52:15,15;62:6; 70:15 setting (1) 51:2 settings (2) 50:8,20 settle (1) 47:12 seven (1) 61:5 seven-day (2) 60:12; 61:2 shape (2) 28:15,16 share (1) 53:5 shared (1) 9:15 shaved (1) 54:20 sheet (1) 57:19 shipping (1) 30:23 short (2) 28:2;53:16 shortages (1) 54:25 shovel (2) 32:14; 44:10 show (4) 51:19;58:7; 59:6;82:8 showed (2) 26:7; 37:20 shows (1) 41:2</p>
---	--	---	--	--

<p>shrunk (1) 37:4 side (9) 21:20;24:8; 28:22,24;44:2;45:5; 61:5,13;62:2 sideways (1) 11:4 Siegel (21) 4:21,22; 6:14;7:19;18:17,20, 24;63:15,18;64:4,10; 65:11;66:5,10,20; 75:11;78:16;80:4; 85:11;86:15;89:4 sign (4) 15:8;16:4,14; 18:21 simple (1) 79:3 sit (1) 18:16 site (2) 46:2;73:3 sitting (2) 43:7;67:6 situation (1) 84:3 six (7) 35:18;36:6,11; 44:16,16;71:20;72:4 size (2) 60:3;65:22 sleep (1) 32:12 slide (1) 50:25 slight (1) 5:23 slightly (1) 36:7 slow (2) 21:15;48:5 slowed (1) 24:3 small (1) 51:15 smart (1) 69:7 smoother (1) 23:8 smoothly (2) 27:13; 31:18 snapshot (2) 51:20; 53:7 so-called (1) 32:22 softer (1) 60:16 solve (1) 31:19 someone (1) 77:3 sometimes (1) 80:20 soon (2) 51:14;59:14 sooner (1) 33:14 sophisticated (1) 11:7 sorry (4) 9:4;41:16; 62:11;88:16 sort (1) 65:14 sorts (1) 17:6 sound (1) 42:6 space (2) 33:2,13 speak (4) 19:24; 34:10;75:10;84:18 speakers (1) 54:24 special (1) 26:14 specialized (1) 72:11 specializes (1) 71:14 specializing (1) 72:15 specials (1) 34:21 Spectrum (6) 70:25; 71:11,12,17;72:4; 82:3 speed (1) 28:8 spent (2) 12:22;84:9 spoke (1) 69:2 sponsor (1) 41:11</p>	<p>spot (4) 9:11;32:7; 36:15;51:12 spring (1) 63:19 stable (1) 54:2 staff (8) 6:21;23:22; 73:6;75:25;76:16; 79:4,13;86:7 stakeholders (2) 46:16;47:6 stall (1) 54:12 stalls (1) 33:11 stand (3) 17:2,7;29:17 standpoint (2) 40:6; 58:23 start (10) 5:2;22:24; 23:13;32:15;39:18; 44:12;53:16;55:13; 59:14;77:8 started (13) 20:19; 23:14;27:16;28:25; 35:10;36:14,20; 43:10,20;46:8;52:3; 69:18;75:12 starters (1) 60:2 starting (6) 22:21; 36:16,21;50:12;55:6; 60:8 starts (3) 14:2,5;22:23 state (2) 26:20;42:18 states (7) 17:3,9,14, 17,18;20:7;71:18 statistics (1) 10:14 stay (3) 19:9;82:12; 83:22 staying (1) 38:6 steeplechase (1) 9:13 Stephanie (1) 73:25 still (4) 25:17;37:6; 38:21;70:12 strengthen (1) 74:14 stress (1) 29:25 stride (1) 9:10 StrideSAFE (13) 8:7, 13,16;10:17,23; 11:23,25;12:3;13:7; 14:13,17;15:9;17:15 strong (3) 38:9;40:7, 14 stuck (1) 22:15 study (1) 17:24 stuff (8) 24:5;41:10; 43:8;49:4,6;56:8; 67:15;82:25 sub (2) 29:19;61:15 subject (1) 86:5 subsequent (1) 7:8 subside (1) 47:15 substantial (1) 22:10 success (1) 9:2 summer (1) 33:18 Sunday (1) 38:20 Super (1) 89:23 superintendent (2)</p>	<p>28:20;45:23 support (1) 26:21 supposed (5) 22:17, 24,25;32:13,23 sure (12) 24:9;44:10; 50:9;51:9;52:12; 55:20;59:19;65:17; 70:14;77:5;82:20,21 surface (3) 9:21;10:5; 46:21 surfaces (1) 49:13 surprising (1) 65:14 survey (3) 50:12,16, 16 surveys (1) 50:18 sustain (1) 5:15 system (3) 13:10; 43:24;50:14</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tab (1) 6:19 talk (12) 11:22;24:9; 25:8;38:18;42:3,4; 44:22;49:3;57:17,18; 58:16;61:8 talked (2) 27:10,18 talking (9) 12:14; 27:21;41:20;44:8; 47:6;58:25;63:19; 67:21;84:10 tall (1) 28:9 Tanner (14) 4:12,13; 6:12;7:18;70:20; 77:25;80:3;88:6,11, 17;89:15,16;90:4,16 team (6) 14:9;44:21; 48:24;49:8;55:9,19 television (1) 41:5 tells (1) 30:20 tent (1) 35:5 Terri (2) 72:3,10 territories (1) 71:19 tested (2) 10:6;46:10 tests (1) 30:19 thereafter (1) 87:9 thinking (2) 58:10; 69:18 Third (2) 19:19;79:9 third-party (2) 50:15; 56:20 Thirsty (1) 34:21 though (3) 25:14; 50:19;70:12 thought (13) 8:14; 10:19;12:11;22:9; 37:13;38:4,21,25; 54:12;56:12,16; 65:11,25 three (8) 26:3;27:23; 30:8;51:16;53:9; 80:17;83:10;84:9 three-year-old (1)</p>	<p>64:2 throughout (3) 41:24; 45:25;48:9 Thursday (2) 24:16; 41:20 Thursdays (3) 34:20, 21,23 ticket (1) 64:20 tickled (1) 81:16 tie (1) 69:8 TikTok (1) 43:11 times (11) 24:18;25:3; 29:2,20;37:17,18; 40:2;59:2,15;63:6; 67:22 Times-Dispatch (1) 42:13 timing (1) 50:14 today (3) 10:15; 79:10;83:15 together (3) 57:20; 69:9;79:8 told (6) 22:9,9;44:13; 47:18;76:6;82:16 took (3) 21:12;47:11; 84:9 tool (1) 14:18 toolbox (1) 13:17 top (2) 55:24;83:22 topic (1) 53:14 Total (1) 36:9 totals (1) 61:24 tote (2) 56:10,11 touch (2) 45:10;57:21 tough (1) 40:5 toured (1) 73:8 towards (2) 15:4;27:6 towel (2) 11:2;18:12 track (41) 9:17,19,20, 25;12:18;14:9;18:7; 20:16;21:11;22:15; 27:14;28:14,15;29:4; 30:16;45:11,23;46:6, 17,20;47:2,12,14,16, 18,22,24;48:25; 49:10,12,16;50:6,6, 17;51:5;60:21;63:5; 68:22;70:8;80:19; 83:17 tracked (1) 12:13 tracks (3) 14:3;37:4; 49:23 traded (1) 72:13 trainer (2) 15:25; 18:21 trainers (11) 11:19,21; 12:2,5;15:3,8;18:18; 30:11,22;33:16;84:10 training (1) 47:3 transportation (1) 61:6 trash (3) 53:23;54:8; 83:2 treated (1) 54:21</p>	<p>trenches (1) 55:4 tried (1) 37:23 true (1) 21:24 try (4) 22:14;24:25; 25:20;65:7 trying (4) 16:16; 41:12;45:3;48:10 Tuesday (2) 24:15; 66:14 tune (1) 9:21 turf (16) 9:22;28:18, 20;43:24;44:2;49:10, 14,22,24;50:6;51:5, 11;54:19;60:4,17,17 turnaround (1) 38:22 turned (2) 39:3,11 Twitter (1) 43:12 two (9) 26:2;37:3; 40:9;58:10;59:22; 65:6;69:8;72:6;83:10 types (1) 41:2 typically (3) 36:24; 47:17;63:5</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>ultimately (1) 22:6 unacceptable (1) 83:13 under (6) 45:14; 63:22;78:9;82:12; 86:11;87:21 understandable (1) 66:11 unfortunate (1) 13:23 unfortunately (1) 79:2 ungraded (1) 64:5 uniquely (1) 72:22 United (1) 56:11 units (2) 70:3,7 unlike (1) 28:17 unused (1) 33:12 up (34) 8:3;11:3;15:4, 8,18;16:4,14;18:22; 20:16;22:7;26:7; 27:4;28:8;31:20; 33:19;35:13;36:16; 37:2,9;45:21;55:7; 57:8;59:7,16,20; 60:11;61:21;62:22; 63:21;64:8;68:16; 74:7;76:8;81:8 upcoming (1) 70:15 update (6) 8:7;19:19; 20:2;34:6;62:21;71:2 updated (1) 49:5 updates (1) 63:12 upon (4) 41:4,14; 43:6,18 use (5) 10:4;16:13; 17:15;18:14;50:4 used (10) 10:21; 15:22;17:12;18:7;</p>
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<p>32:21;33:2,3;49:21; 64:12,19 useful (3) 12:11; 13:14;15:20 using (2) 14:12;17:16 utilized (1) 50:2</p>	<p>wealth (1) 72:6 weather (15) 24:10; 36:20;39:18;41:7,8, 11;44:17;46:19,22; 47:7,24;56:3;60:15; 65:23;69:19</p>	<p>41:24;42:12;44:24, 25;46:10;51:21; 53:15;54:14;57:25; 58:8;59:18,22;60:3,8, 13;61:11,16,22,22; 64:19,19;65:14; 67:10;76:8;78:13; 79:25</p>	<p>57:21;58:2 25 (2) 37:15;61:11 250 (1) 59:24 25th (3) 6:8,21;7:15 26 (1) 61:23 261 (1) 59:23 266 (1) 59:22 27 (2) 57:24;61:15 28th (1) 60:22 29 (1) 61:22 2nd (1) 35:21</p>
<p style="text-align: center;">V</p>	<p>webcams (1) 77:16 Wednesday (3) 24:15;66:15,15</p>	<p>years (10) 20:6;32:4; 45:12,15;51:17;53:9; 58:10;59:22;72:5,7</p>	<p style="text-align: center;">3</p>
<p>various (1) 42:17 VEA (1) 61:20 vendor (1) 50:15 versus (1) 11:11 vet (4) 9:5;12:10; 30:3,4 veterinarians (1) 14:9 vets (4) 8:25;9:9;30:4, 11 VHBPA (2) 20:2; 61:20 Vice (1) 4:12 view (1) 84:3 Virginia (26) 4:7;5:17; 6:9,20;7:15;19:17; 27:4;38:24;39:5; 40:21;60:20;61:10, 12,21;63:20,23;64:2; 69:20;71:24;74:19; 76:23;81:12;84:4; 85:24;86:6;90:3 Virginia-bred (1) 22:18 Virginia-restrictive (1) 22:19 visited (1) 74:6 visits (1) 73:3 voice (1) 8:18 vote (4) 87:17;89:3,7, 22 votes (1) 88:24 voting (1) 89:10 VRC (6) 6:6;8:4; 72:23;73:7,10,12</p>	<p>week (12) 9:6;34:12; 36:22;37:24;38:23; 44:13;47:11;55:6; 58:17;66:16;73:3; 84:8 weekend (3) 24:11; 31:4;46:3 weekends (1) 24:17 weekly (3) 48:21; 55:17,19 weeks (3) 47:13; 53:22;83:10 welcome (5) 5:3,18; 21:3;74:8;81:15 welfare (1) 14:19 weren't (2) 23:19;52:9 wet (1) 54:2 wheelhouse (1) 83:19 whole (2) 67:3,22 wide (1) 71:22 Wiener (3) 26:8;38:7, 11 win (1) 57:9 wintertime (1) 70:11 within (4) 38:23; 67:24;73:12;81:6 wondering (2) 15:3; 31:16 wood (1) 31:3 work (5) 10:10;46:5; 49:8;73:4,10 worked (11) 21:10; 38:16;42:25;43:9; 45:14;46:3;53:19,19; 55:11;63:6;71:18 working (16) 5:14; 20:15,21;23:24; 36:17;44:12;45:8; 48:8,23;52:4,5;54:4; 55:12,16;56:7;77:8 works (1) 45:4 worldwide (1) 71:16 worse (1) 47:5 worst (1) 10:22 Wow (1) 12:8 wrapping (1) 36:16 wrong (1) 61:15</p>	<p>year's (1) 22:11 yellow (1) 51:22 yielding (1) 60:21 York (1) 17:11</p> <p style="text-align: center;">0</p> <p>0.49 (1) 14:2 0.76 (1) 14:5</p> <p style="text-align: center;">1</p> <p>1 (4) 6:19;10:21; 12:16,17 1,000 (2) 13:25;14:5 1,200 (1) 11:6 1:30 (1) 35:17 10 (1) 81:6 100 (1) 50:23 108 (1) 29:19 12 (2) 4:2;58:3 12th (5) 4:6;35:19; 79:6,16;90:2 14 (1) 32:21 15 (2) 59:23;60:11 16 (1) 59:24 165 (1) 50:3 170 (1) 50:4 1993 (1) 71:17</p> <p style="text-align: center;">2</p> <p>2 (1) 60:2 2.2-3711-A1N (1) 86:12 2.2-3711A8 (1) 86:12 2.5 (1) 36:10 2.6 (1) 36:10 2022 (2) 51:22;52:18 2023 (8) 36:7,10,12; 46:12;50:2;51:23; 59:24;61:23 2024 (10) 4:2,6;6:8; 7:15;14:4;34:6; 35:18;46:13;51:22; 90:2 2025 (4) 54:16;78:13; 79:5,25 23 (9) 34:24;35:16; 37:21;42:12,13; 57:21;58:2,4;65:21 24 (4) 34:11;37:21;</p>	<p>3 (3) 60:3;61:21; 63:21 30th (1) 60:22 316 (1) 51:8 34,000 (1) 58:13 35 (2) 60:19,19 380 (1) 52:21 390 (1) 52:21</p> <p style="text-align: center;">4</p> <p>4 (2) 57:25;60:4 4:00 (1) 35:4 4:30 (1) 35:18 400 (1) 52:20 44 (1) 71:18 48 (1) 71:19</p> <p style="text-align: center;">5</p> <p>5 (6) 10:22,22;11:13; 12:17;13:10;15:16 50 (1) 72:7</p> <p style="text-align: center;">6</p> <p>6:00 (1) 37:2 63 (1) 33:11 641 (1) 29:19</p> <p style="text-align: center;">7</p> <p>7:00 (2) 35:5;36:24 72 (1) 60:13</p> <p style="text-align: center;">8</p> <p>8.8 (1) 25:6 80 (1) 9:24 800 (1) 66:17</p> <p style="text-align: center;">9</p> <p>9.1 (1) 25:7 9th (2) 7:4;36:2</p>
<p style="text-align: center;">W</p>	<p style="text-align: center;">Y</p>	<p>year (40) 22:8,22; 23:6,11,13;25:25; 26:25;27:2;31:7,19; 32:3,21;35:17;39:14;</p>	<p style="text-align: center;">9</p>
<p>wagering (1) 58:22 wake (1) 15:18 walking (1) 26:9 walkthrough (1) 68:15 Waqas (3) 5:10; 81:15;82:2 warm (2) 15:4;70:17 watch (4) 12:19;13:4; 41:7;65:5 watched (1) 13:3 watching (2) 24:21; 38:7 water (1) 47:3 way (6) 21:22;27:14; 29:12;32:2;49:23; 52:6 ways (1) 43:16</p>	<p>year (40) 22:8,22; 23:6,11,13;25:25; 26:25;27:2;31:7,19; 32:3,21;35:17;39:14;</p>	<p>2 (1) 60:2 2.2-3711-A1N (1) 86:12 2.2-3711A8 (1) 86:12 2.5 (1) 36:10 2.6 (1) 36:10 2022 (2) 51:22;52:18 2023 (8) 36:7,10,12; 46:12;50:2;51:23; 59:24;61:23 2024 (10) 4:2,6;6:8; 7:15;14:4;34:6; 35:18;46:13;51:22; 90:2 2025 (4) 54:16;78:13; 79:5,25 23 (9) 34:24;35:16; 37:21;42:12,13; 57:21;58:2,4;65:21 24 (4) 34:11;37:21;</p>	<p style="text-align: center;">9</p> <p>9.1 (1) 25:7 9th (2) 7:4;36:2</p>