

In The Matter Of:
VIRGINIA RACING COMMISSION
PUBLIC HEARING

Transcript of Proceedings
July 25, 2024

ORTEGA INTERNATIONAL REPORTING
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1 VIRGINIA:

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VIRGINIA RACING COMMISSION

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PUBLIC HEARING

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Thursday, July 25, 2024

11

12

11:00 a.m.

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14

15

When heard at:

16

17

Colonial Downs

18

Ballroom, 4th Floor

19

10515 Colonial Downs Parkway

20

New Kent, Virginia 23124

21

22

23

24

Reported by:

25

JUAN ORTEGA, CCR

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

2

3 COMMISSION MEMBERS:

4 Stephanie B. Nixon, Chair

5 John F. Tanner, Jr., Vice Chair

6 Stuart C. Siegel

7 Bette Brand

8 Gillian Gordon-Moore

9

10 COMMISSION STAFF:

11 David S. Lermond, Jr., Executive Secretary

12 Kimberly C. Mackey, Director of Operations

13 Ada K. Caruthers, DVM, Equine Medical
14 Director

15 ATTORNEY GENERAL'S OFFICE:

16 Elizabeth B. Myers, Esquire

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

2 July 25, 2024

3

4 CHAIR NIXON: Good morning.

5 I'd like to go ahead and call the
6 meeting to order.

7 First on our agenda is, I'd like
8 to welcome our interim executive
9 secretary, Bernie -- Bernard Hettel.
10 He currently was in this position, I
11 believe, 2010, 2016; is that correct?

12 MR. HETTEL: That's correct.

13 CHAIR NIXON: And I'd like to
14 thank him for coming in to assist us
15 while we continue our search for our
16 new executive secretary.

17 So thank you.

18 MR. HETTEL: You're very welcome.
19 It's a pleasure to be back. I missed
20 you all greatly. Wait, is it not on?
21 Can you hear me now?

22 I missed you all greatly.
23 I've -- I've -- I've really enjoyed the
24 second visit and I can't tell you
25 how -- how the conditions at this

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

2 racetrack, overall outlook on
3 Virginia Racing has improved with the
4 addition of the new old. It's -- it's
5 been perfect. It's great. It's a good
6 relationship. Let's continue to grow
7 and get better.

8 Also today, I've got -- I got
9 some great news yesterday. The
10 Gold Cup is going to have an additional
11 Grade 1 race for the fall race meeting.
12 And the rest of the good news is, that
13 race is going to be named after William
14 H. Allison.

15 William H. Allison states --

16
17 NOTE: Audience applauds.

18
19 MR. HETTEL: And we'll be going
20 on October 26th and we'll all go there
21 to enjoy it.

22 So congratulations, Doctor. It's
23 an honor and well deserved. Let's get
24 a good race and a good safe race.
25 Would you have a comment?

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

2 DR. ALLISON: Well, thank you for
3 your kind words. And we're delighted
4 to have you back.

5 MR. HETTEL: Thank you.

6 DR. ALLISON: So I have wonderful
7 confidence in our commission and all
8 moving in a great race --

9 CHAIR NIXON: Is it on?

10 DR. ALLISON: It's on. Thank
11 you.

12 CHAIR NIXON: Thank you.

13 Thank you, Mr. Hettel.

14 MR. HETTEL: You're very welcome.

15 CHAIR NIXON: All right.

16 Next on the agenda is the
17 approval of the May 22nd, 2024, meeting
18 minutes. The meeting -- the minutes
19 from May 22nd are included in your book
20 behind tab 1.

21 Have the commissioners had a
22 chance to review the minutes?

23 COMMISSIONER TANNER: I move
24 approval.

25 COMMISSIONER BRAND: Second.

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

2 CHAIR NIXON: All those in favor?

3

4 NOTE: The Commission votes aye.

5

6 CHAIR NIXON: All those opposed?

7

8 NOTE: No audible response.

9

10 CHAIR NIXON: Thank you.

11 Next on the agenda is the public
12 comment period. And I believe -- is
13 there anyone that would like to get up
14 and speak? We have microphones up
15 here, I believe. No one? Okay.

16 Next on the agenda is new
17 business which -- oh, I'm sorry. No,
18 he said no.

19 Next is the new business which is
20 none. So we will move on to number 6
21 which is the update on the Virginia
22 Industries Strategic Planning
23 Committee. And Jill Byrne of the VEA
24 will be speaking.

25 MS. BYRNE: Good morning,

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

2 everybody. And great to be here with
3 an update on our marketing initiative
4 from the VEA for Virginia Horse Racing.
5 And as you all know, we started a full
6 campaign maybe about September.

7 At this time of last year, we
8 started creating the content for this
9 campaign for Virginia's Economy Wins
10 With Horses was our main, kind of, goal
11 of this campaign. So that was the
12 first part of it. So we'll start going
13 through the slide quickly here.

14 So here was our objective as I
15 just mentioned to basically highlight
16 how important the entire Virginia horse
17 industry and specifically all racing
18 and breeding in the state is to the
19 Commonwealth's economy. And this has
20 been a statewide campaign with a lot of
21 focus on Northern Virginia, this area,
22 central, really throughout the entire
23 State of Virginia.

24 And you'll see this is our media
25 plan that we had presented at the

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

2 beginning of this with -- with Virginia
3 with a population of over 8 million
4 people, but we're looking at an
5 estimated delivery of over 71 million
6 impressions. So you can do the math on
7 that and see how much that we
8 anticipated and we have actually far
9 exceeded that number. We're over
10 80-plus million impressions at this
11 point in time.

12 So we created a lot of custom
13 content. Our first campaign, as I
14 mentioned, Virginia's Economy Wins With
15 Horses. That one we have just sort of
16 completed the TV part of that, the
17 radio. And now, we just launched our
18 new campaign which still is Virginia's
19 Economy Wins With Horses, but now we're
20 drilling down more into the specifics,
21 so how does it, and this particular
22 campaign focuses on jobs, careers, and
23 agriculture.

24 The first lady of Virginia has
25 been a huge support and lent a great

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

2 deal of her time, and all of her
3 passion for this industry to this
4 campaign.

5 So you can see some of the
6 numbers that we have up here. And this
7 is just through May. We did not have
8 June's numbers or July's at this point.
9 So this is the total value that we're
10 getting for this campaign, over 2
11 million in value in media buy. That's
12 not what we're spending by any means,
13 we've only spent about 300,000 on this,
14 but this is the value that you get from
15 all of the TV and radio that we are
16 producing.

17 Again, kind of looking at our
18 flowchart and May's numbers didn't pop
19 up on there. Those are the months
20 that -- that have run. Again, we'll
21 have June and July is coming up soon as
22 well. So you can kind of see where
23 this is just TV and radio, the
24 locations where -- where this is taking
25 place since we started this.

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

2 This is digital or over the top
3 as it's also called, so more of your
4 streaming services, digital, online,
5 and those are the numbers for that as
6 well. And as you see, the numbers are
7 kind of -- sort of holding steady a
8 little bit. We started in April. We
9 took the campaign just down a little
10 bit and then ramped it back up again in
11 May as we were getting closer to
12 Colonial Downs racing and also, we had
13 already done a lot of promotion for
14 Shenandoah.

15 Again, just kind of showing how
16 the chart -- we also do a lot of
17 magazine ads and we did a big ad with
18 Virginia Business magazine. And
19 actually, our second one for their next
20 edition is just coming out and they
21 have a very large readership, and this
22 hits a lot of really high-level
23 business people. We were in their big
24 business magazine which was great
25 because that's their biggest one as far

P R O C E E D I N G S

1
2 as amount of people that get that. A
3 monthly readership over 88,000. So we
4 felt that this was a very good way to
5 get this message out to a much larger
6 audience and also a large Virginia
7 business audience.

8 So this is the summary as of May.
9 Again, the total value and the cost of
10 that over 300,000 that we've spent.
11 Total impressions, as I mentioned, we
12 are now over 90 million with a total
13 value of this content of over 2
14 million. Additional things -- and this
15 is more what we do -- what we call
16 earned media and I really have to give
17 a really big shout-out to both
18 Aidan Turnage-Barney and Darrell Wood
19 who have been out and about the
20 community. NBC, CBS, Darrell went down
21 to, I believe, Hampton and did a piece
22 for television. So these have been
23 very much strategically placed for
24 promoting the Colonial Downs race meet.

25 We also want to really show some

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

2 of the organizations in the State of
3 Virginia. And of course, we support
4 Horses in Healing. So this was a -- a
5 nice piece that we had done in the
6 Richmond Times Dispatch on how horses
7 are used to help with equine therapy
8 and we plan to also start doing a
9 social media campaign on that angle as
10 part of the importance of the Virginia
11 horse industry as well.

12 We also have a lot of additional
13 magazines, Advise, Horse Times,
14 Virginia Agriculture Magazine,
15 Virginia's Sportsman, HR and Radio, and
16 Steve Byk, and the one that is not on
17 there is the Racing Biz which we do a
18 lot of marketing with. We spent over
19 15,000 with them and that really is a
20 lot of promotion of Shenandoah Gold Cup
21 and Colonial Downs Racing. Yes.

22 Technology. And we also started
23 a new website this year. So this was a
24 great project for
25 virginiahorseracing.com. I'm very

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

2 proud of how this turned out. I
3 encourage everybody to check out our
4 new website. And we worked with a
5 company called Culture Foundry based
6 out of Texas, who also is doing the
7 Nyro -- the new Nyro website, the
8 Kentucky Derby website, Churchill
9 Downs, as well as a lot of other
10 businesses. So they helped us create a
11 whole new look. The website also has
12 much more capability to show video
13 content as well as hosting on the news.

14 I want Aidan just to quickly tell
15 you all a little bit about it because
16 Aidan and Darrell, they -- they did all
17 of the legwork as far as really making
18 this something that they were going to
19 be comfortable -- with how we could
20 present Virginia Horse Racing.

21 MR. TURNAGE-BARNEY: Good
22 morning, everybody. Yes, so for the
23 last seven, eight months, we have been
24 working on this Agriculture Foundry as
25 Jill talked about. You know, when we

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

2 think of the Virginia Horse Racing
3 website, we really want it to be a
4 bucket that is something that anybody
5 who has any interest in the sport would
6 use to visit.

7 So fans, horsemen, experience,
8 first time coming out, want to go to
9 the races. We want them to be able to
10 access everything from our website. So
11 trying to push it in with a new modern
12 look, cleaner, and hopefully, it gets
13 everybody where they need to go.

14 MS. GORDON-MOORE: And it also
15 has -- we have really invested through
16 the website and the search -- SEO,
17 search engine optimization. So when
18 people do Google Virginia Horse Racing,
19 this would be number one that they
20 should find and Google. And out -- off
21 of this website, you still have all the
22 links to Virginia Gold Cup, to
23 Virginia Harness, Shenandoah Downs,
24 Colonial Downs. So all that -- and
25 Virginia Thoroughbred Association,

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

2 virginiabred.org easily accessible
3 through this website. So we are very
4 proud of how this has turned out.

5 So we'd like to show you -- this
6 is the -- can we get audio?

7

8 NOTE: Video playing.

9

10 MS. GORDON-MOORE: Just hold on
11 for one second.

12 So this is a radio and social
13 media part of the new campaign that
14 we're doing. These are ten 30-second
15 social media pieces that we'll be
16 pushing out and putting into rotation
17 and they're also complemented by ten
18 radio spots so the audio you hear on
19 those social media pieces are the radio
20 ads that you'll be hearing throughout
21 the state as well.

22 So we'll play one more of those
23 and then our 60-second new TV ad.

24

25 NOTE: Video playing.

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

2

3 MS. GORDON-MOORE: And then we'll
4 play our 60-second TV ad and this just
5 came out last week.

6

7 NOTE: Video playing.

8

9 MS. GORDON-MOORE: So in addition
10 to this, we actually have some breaking
11 news that we just got this morning and
12 I think we got it through on an e-mail.
13 But the first TV ad commercial that we
14 ran, the Virginia's Economy Wins With
15 Horses, just won a national Telly
16 Award.

17 So that's really really exciting.
18 BES, the company that we work with, one
19 of the best production companies I've
20 ever worked with, and I've worked with
21 a lot, and we all worked together to
22 put this content, and this TV ad. And
23 so, they were notified of a
24 Telly Award. So we'll be getting a
25 trophy for that. And hopefully, the

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

2 second one will have as equal an
3 impression.

4 Any questions?

5 COMMISSIONER TANNER: Will you be
6 getting a -- the trophy in a media
7 circle with lots of good social media
8 coverage?

9 MS. GORDON-MOORE: Absolutely.
10 No. Since we get a copy of that
11 trophy, it'll be like -- what was it?
12 The Flat Stanley. We'll take it
13 everywhere. And we're getting pictures
14 everywhere.

15 Now that sounds -- I think
16 it's -- it's great. But, you know,
17 it's a huge team effort and all the
18 people who let us into their barns and
19 at the track to get all of this
20 content, and all of these people that
21 have lent their time for the
22 interviews. But really look forward to
23 what's to come down the road for our
24 next campaign as well.

25 We plan to shoot at Shenandoah

P R O C E E D I N G S

1
2 this fall when it's beautiful and the
3 leaves are changing, a lot of content
4 there, and the interviews. It's the
5 same with a lot of the Harness people.
6 Go to one of the standard bred farms
7 and get content from there. We're also
8 trying to schedule -- see if we can
9 work it out to shoot at Gold Cup as
10 well.

11 COMMISSIONER SIEGEL: So kudos to
12 VEA for making such a huge investment
13 in the horses and horse racing. It's
14 great to see. And I know the Colonial
15 and the Churchill has done a great job
16 in promoting as well. So with
17 everything combined, it's going to be a
18 big plus for Racing Virginia.

19 MS. GORDON-MOORE: That's what
20 we're hearing, everybody. And I think
21 Mr. Hettel said in the beginning of
22 Virginia Horse Racing and the last five
23 years and Virginia itself has really
24 made a huge statement and impact
25 nationally from where it stands now.

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

2 COMMISSIONER BRAND: Jill, let me
3 add my congratulations, too. That
4 trophy and -- and the amazing amount of
5 exposure in all mediums across --
6 you -- you're going to hit every person
7 in the population, I would think.

8 But as I was looking through the
9 board package and reviewing this and
10 just amazed at all the -- the media
11 that was used, it occurred to me, at
12 the end of the day, how do we measure,
13 to say well, all this money was
14 well-spent, it was put in the right
15 places?

16 And I'm sure we talked about that
17 early on, but can you refresh my memory
18 about, how are we going to measure how
19 successful it's been?

20 MS. GORDON-MOORE: Yes, you know,
21 and I think sometimes it's hard to put,
22 you know, a definitive, you know, black
23 and white measurement so to speak on
24 that. I think when you look at it's
25 really, you know, a lot of things. So

P R O C E E D I N G S

1
2 how were we with Colonial Downs? Will
3 we see an increase, you know, of people
4 coming out to the races because of
5 something that they saw? Same with
6 Shenandoah. That's one metric that you
7 could look at.

8 I mean, another is certainly, you
9 know, understanding people may be, you
10 know, realizing the economic impact
11 that the entire industry has on the
12 state. So maybe it's a recognition of
13 down the road there might be something
14 that needs to be voted on or something
15 that needs to be supported that because
16 they now understand how valuable this
17 industry is to the State of Virginia.
18 That will help make their mind up more
19 and supporting just, you know, farms
20 and all of these various industries
21 that we talked about.

22 But I think, you know, working
23 with our team that's doing this is
24 maybe seeing how they can get some
25 definitive numbers, you know, down.

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

2 This is so new, this campaign. So I
3 think, you know, we'll start collecting
4 more and more numbers and be able to
5 turn that into something more of a, you
6 know, exactly what you want to see in
7 a, maybe a financial --

8 COMMISSIONER BRAND: Thank you.

9 MS. GORDON-MOORE: Mm-hmm.
10 Anything else?

11 COMMISSIONER GORDON-MOORE: I
12 just think it's really nice that you're
13 connecting the far-flung horse industry
14 with the haymakers and every -- all
15 people who are involved in this.
16 Because a lot of people don't
17 understand how farfetched it really is
18 and it takes everybody to make it
19 happen. So, well done.

20 MS. GORDON-MOORE: Thank you.
21 Yes, that is definitely one of the
22 primary goals.

23 COMMISSIONER SIEGEL: I'll --
24 I'll make one additional comment,
25 follow-up to the question of how you

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

2 measure it.

3 MS. GORDON-MOORE: Mm-hmm.

4 COMMISSIONER SIEGEL: It's pretty
5 well documented that the state
6 legislature over the years has done a
7 big bang on how they feel about horse
8 racing and the return to the
9 Commonwealth. I think if these --
10 these folks see this promotion and --
11 and hopefully they will, I think it
12 gives us additional support. It may
13 change some minds.

14 MS. GORDON-MOORE: Now, that's
15 definitely, you know, well, there's --
16 there's our Telly Award, right?

17 I -- I absolutely agree, that was
18 one of the primary goals with our
19 entire five-year strategic plan was to
20 really educate legislators and people
21 that make decisions on how important
22 the entire industry is to the economy
23 in the State of Virginia.

24 CHAIR NIXON: Only thing I have
25 to add is the -- obviously,

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

2 congratulations on the Telly Award.

3 And this presentation is wonderful.

4 But also, congratulations to you
5 and your team. The daily social media,
6 I think I get on, and I see two or
7 three things every day, and I -- I
8 think it's Darrell, maybe, and Aidan.

9 MS. GORDON-MOORE: Darrell and
10 Aidan are the stars behind the social
11 media account.

12 CHAIR NIXON: I mean, it's
13 fantastic to, you know, learn about the
14 various horsemen that are accomplishing
15 things or just seeing the photos in the
16 morning, you know, of them training.
17 So congratulations to them as well.

18 MS. GORDON-MOORE: Absolutely.

19 Full -- full team effort by
20 everybody and the support that we get
21 from the commissioner.

22 CHAIR NIXON: Thank you.

23 Next on the agenda is the update
24 on the Colonial Downs race meeting.
25 And I believe Frank Hopf from Churchill

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

2 will be presenting.

3 Yes?

4 COMMISSIONER SIEGEL: I was -- I
5 was hoping to go before Frank.

6 CHAIR NIXON: Well, I think he is
7 on the agenda first and then we'll have
8 you go after him.

9 COMMISSIONER SIEGEL: Okay.
10 Thank you.

11 CHAIR NIXON: Mm-hmm.

12 MR. HOPF: Thank you, Madam
13 Chair. Commissioners. I don't have a
14 presentation today. Obviously, we're
15 in the middle of the race season. It's
16 been a little up and down. Mother
17 nature has not been on our side so far.
18 Obviously, we had a short, a small
19 power outage this morning that delayed
20 racing one hour today. But we are
21 running and the plan is to be on the
22 turf. Overall, the way this season has
23 gone to this point, I think we've had
24 some positives. I think we've had some
25 things that haven't gone according to

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

2 plan.

3 I think some of the positives
4 again, in addition to some of the work
5 the VEA has done, we've also done some
6 things that kind of correlate the same
7 companies, same stations, same media
8 partners. We're getting a lot of
9 positive feedback from them. I can
10 certainly send you guys some of the
11 stuff we have done as well. I'll have
12 a presentation, either next commission
13 meeting or in December to go over that.

14 I think some of the other items
15 that probably haven't gone so well.
16 Obviously, we've set some lofty goals,
17 had pretty high expectations. We
18 haven't hit those yet. We've had a lot
19 of turnover discussions with our team
20 members to make sure some of these
21 things will go a little better.
22 Some -- some things that we've had some
23 issues with, and I know Glen was going
24 to talk about this. So I'll just kind
25 of touch on them from my side.

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

2 We changed -- we kept our same
3 manure company. Tried to change that
4 plan and make it a little less
5 intrusive with some of the cleaning up
6 around there. That had not gone
7 according to plan so we kind of
8 reverted back to that plan that we did
9 last year. So they're getting back
10 with the manure pick up there.

11 Obviously, I think we have a few more
12 horses this year on site than we
13 probably did last year. So I think
14 that was a part of that issue.

15 Trash in the dorm area hasn't
16 gone completely smooth. Our stable
17 area manager was sick, was ill for a
18 week, and he lost his assistant who was
19 called up for the Army. So I lost two
20 people in -- about for about eight to
21 ten days. That certainly did not help
22 the process back there.

23 Working on a few other things. I
24 think ice is another item that's out
25 there that we need to improve on.

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

2 Moving on over to the front side, I
3 think there's been some things with
4 some food service that we've been
5 addressing. Ticketing we've been
6 addressing. And with the racing
7 surfaces, I know this is something
8 that, you know, we've been working hard
9 on.

10 The main track, again, in my
11 opinion, I will say that part of the
12 issue has probably been the weather.
13 We've gotten a lot of rain. I think
14 the way the track was maintained was
15 probably maintained the -- the similar
16 process we had in the past.

17 We've had Alfredo Laureano, who
18 is the track superintendent for
19 Keeneland. He's been here every week.
20 He got with Kelly last week after Tony
21 and I talked with him and made sure
22 that some adjustments were made which
23 were done prior to Saturday's race car.
24 So we're hopeful that that will
25 continue to kind of slow down the

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

2 times. We do realize that they have
3 been pretty fast. So we'll continue.
4 Alfredo is in town. I believe today
5 his flight made it so we'll meet with
6 him again today to see how -- how
7 things are progressing there.

8 The turf course, obviously, Leif
9 is new to the team. We got the track.
10 We surveyed back at April. Got with
11 the G-max. We're trying to maximize
12 every part of that turf course that we
13 have and, obviously, we're going to
14 take a look at gaps and some other
15 spots around the tracks to -- to
16 continue to put races where we can and
17 use the turf as much as we can.

18 But I think on opening weekend,
19 we had some issues with -- a
20 miscommunication between Leif and --
21 and the G-max system on -- on the rails
22 and where they were set. The gates
23 were set which caused a lot of run-up
24 issues which have been resolved last
25 week and, obviously, moving forward. I

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

2 don't believe -- that should not be an
3 issue either.

4 So a lot of things that, you
5 know, haven't met my expectations.
6 Hopefully, you know, after today's
7 weather we can get back on a -- on a
8 positive note. I will say Friday's --
9 the first Friday that we did run, the
10 weather was fantastic. I think we had
11 a very nice crowd here, the live music,
12 the racing was good, the track lights
13 looked good. I thought everything
14 turned out well there.

15 And, again, I'm very very excited
16 about this season. Nominations just
17 closed for the festival. They have
18 come in very strong. And, you know,
19 we'll get past these first two weeks
20 and, hopefully, everything will be back
21 to -- to my expectations.

22 So just wanted at least bring
23 some of those up. I know Glen may have
24 some other things he might bring up.
25 But I'm happy to answer any question

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

2 now or after the meeting.

3 CHAIR NIXON: Okay. Before I
4 open it up for commissioner's comments,
5 Mr. Berman, do you have any --

6 MR. BERMAN: Well, I got -- I
7 wanted to talk about the VEA.

8 CHAIR NIXON: Okay. Well, do --
9 does anyone -- the commissioners have
10 any comments for Mr. Hopf?

11 COMMISSIONER BRAND: I have a
12 question. And it -- and it may be --
13 be directed to the wrong person but I
14 was curious. Last week, I read an
15 article about the criticism that
16 Churchill was receiving from the
17 facility and Henrico, the HHR Facility.

18 And just curious, you know, I'm
19 reading the press, but I'd like to
20 know, is that -- how is the update on
21 that? Where are you standing -- where
22 does Churchill stand on it? Because I
23 understand they're proceeding and that
24 was just one individual, or can you
25 elaborate on that.

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2 MR. HOPF: So I can answer on
3 that question. Obviously, we have
4 applied with the county and working
5 with the administrators there.

6 Now, in regards to the articles
7 and maybe some of the pushback that we
8 have gotten, that's probably not
9 something that I can answer. I believe
10 if Jack Sours is here, if -- if --

11 COMMISSIONER BRAND: Oh, okay.

12 MR. HOPF: If he'd like to answer
13 those questions, he certainly --
14 probably a lot more privy than I am.

15 MR. SOURS: Yes. Thank you for
16 the question. It is public knowledge
17 we did apply for the license until a
18 week ago.

19 COMMISSIONER BRAND: Can you grab
20 the microphone, please?

21 MR. SOURS: Yes. Absolutely.

22 COMMISSIONER BRAND: Thank you.

23 MR. SOURS: Can you hear me?
24 Yes, so we did apply for the
25 licenses -- not license. The building

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2 permit in Henrico for -- for the HHR
3 under the buy right provisions. So
4 that is -- that building application is
5 a process. There was an article out.
6 Some of the folks in Henrico weren't
7 happy with our process.

8 We are working with those
9 authorities now to -- to, you know,
10 come to an understanding. Get the --
11 get the building permit through. But
12 it is -- it is progressing. It's going
13 to be 175 HHRs and we expect it to be
14 able to build the next facility.

15 Kind of the breakdown on that.
16 It's a -- it's a rehab of a -- a
17 furniture manufacturing facility there.
18 So we'll have to go and rehab it and --
19 and get up it. So working with the
20 Henrico authorities there to get that
21 building permit approved.

22 COMMISSIONER SIEGEL: As a -- as
23 a Richmonder myself, I'm familiar with
24 that site. Was there opposition to the
25 site specifically, or to the fact that

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

2 you made -- make application in Henrico
3 County in general?

4 MR. SOURS: I -- I believe
5 there -- the one person's opposition
6 was -- they were working through a
7 process to revise the building codes.
8 Okay? We submitted the application.
9 They felt like we submitted the
10 application -- well, we did submit the
11 application before they had a chance
12 to -- to revise the code.

13 COMMISSIONER SIEGEL: And -- and
14 a few days before the new change that
15 would have prohibited that, as I
16 understand that, right?

17 MR. SOURS: I'm not sure that
18 would or would not have.

19 COMMISSIONER SIEGEL: Well, they
20 were saying it would have.

21 MR. SOURS: It would have? Okay.
22 Yes. I think that's their intent to --
23 to revise the code.

24 COMMISSIONER SIEGEL: We -- we
25 have some optimism that it might get

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2 worked out.

3 MR. SOURS: Well, I think -- I
4 think we are working with the
5 authorities. We're addressing their
6 concerns. Again, the building permit
7 is filed with them so they are going to
8 work through that building permit with
9 us and we'll -- we'll continue
10 collaborating on that effort.

11 Thank you for the question.

12 COMMISSIONER BRAND: Just -- just
13 one comment. It's Henrico instead of
14 Henrico and that might help.

15 MR. SOURS: Henrico. Got it.
16 Thank you very much.

17 CHAIR NIXON: Yes. Does anyone
18 else have any questions or comments for
19 Mr. Hopf?

20 Thank you, Frank.

21 MR. HOPF: Thank you.

22 CHAIR NIXON: Mr. Berman, HBPA.

23 MR. BERMAN: Hi, I'm Glen Berman
24 from the Virginia HBPA. I just want to
25 talk a little bit about what we have

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2 been doing and our work with the
3 training.

4 So, you know, in the big picture,
5 the HBPA represents the owners and
6 trainers racing here. So we deal with
7 the contract issues, we deal with the
8 legislative issues, and the micro
9 issues, the race track. We're very
10 involved on the backstretch. And so, I
11 just want to let you know some of the
12 things we have done and continue to do.

13 We purchased a grill top. A new
14 grill top for the track kitchen. We
15 provide meals to people on the
16 backstretch that need help, more than
17 \$100 a day in meals we pay. We
18 purchased a -- what they call a donut
19 dolly. It's a -- it's a golf cart that
20 has donuts and snacks and coffee that
21 the track kitchen sends someone around
22 the backstretch to sell during the day,
23 during the -- during training.

24 We secured our 12-passenger van
25 and a driver for it to take people

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2 where they need to go. We provide
3 medical services for people that need
4 it. We provide through -- through Med
5 Express and dental service. And so,
6 the van will drive these people to a
7 doctor, to the dentist. To Walmart if
8 they need to go shopping. To the
9 laundromat if they need to go to the
10 laundromat.

11 We -- we've purchased bed frames,
12 mattresses, particularly for the
13 temporary mobile dorm for people that
14 come in on the shuttle, that shuttle
15 in, and -- and ship in and need to have
16 a place to stay overnight.

17 We purchased air-conditioners for
18 broken air-conditioners. We keep them
19 stocked in our office for when they go
20 down, we don't have to -- they don't
21 need to wait. We've got them in stock.
22 We purchased a washing machine this
23 year, the beginning of this season for
24 a broken washing machine and then
25 realized that the problem on a lot of

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

2 these washing machines that weren't
3 working were broken latches, a lot of
4 switches.

5 So now we've purchased switches
6 and gotten the backstretch maintenance
7 people to install those switches and we
8 keep those in stock for when they break
9 down again. We have a chaplain in our
10 offices who is there five days a week
11 providing his services and we pay his
12 fees. And he provides -- and also, he
13 has a bible study class every Tuesday
14 night at our offices.

15 We did an open house at the
16 beginning of the season, that was well
17 attended with great barbecue from
18 Richmond. Aidan does a cornhole
19 tournament every Wednesday night. We
20 provide awards to grooms, they call the
21 best turned-out award every race and
22 the horse that gets the award gets \$50
23 cash.

24 We also have the golf tournament
25 coming up on August 11th which is the

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2 fundraiser for Shannon Campbell and the
3 Disabled Jockey's Fund, Permanently
4 Disabled Jockey's Fund. And,
5 hopefully, everybody will attend. A
6 lot of donations have come.
7 Stephanie -- commissioner chairman is
8 involved in that also. Very very
9 helpful.

10 Now, to the racetrack issues. We
11 were extensively involved in the -- in
12 the drafting of book one. We're
13 currently working on book two. And
14 it's been a very collaborative
15 relationship between us and the
16 racetrack. They -- they consult us on
17 issues, like, should we take the races
18 off the turf? Should we cancel the
19 day? That kind of stuff we're being
20 consulted on and -- and we appreciate
21 the -- again, the collaborative nature
22 of our relationship.

23 Some of the problems on the
24 backstretch that Frank mentioned, at
25 the beginning, there was a problem with

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2 overflowing trash, overflowing manure
3 bins, mostly resolved. We keep an eye
4 on it.

5 Aidan rides around the
6 backstretch multiple times a day. I go
7 around the backstretch at least once a
8 day to see how things are going, ask
9 people how things are going, and -- and
10 I think those issues have pretty much
11 been resolved.

12 Broken washing machines, I think
13 we've resolved it and we're prepared to
14 address it as they happen. There's
15 been a little bit of a problem with
16 overzealous, what I would call
17 overzealous security. There was an
18 issue with a trainer who was told he
19 couldn't have his 11-year-old son with
20 him while he worked.

21 It's been resolved. The rules
22 say that -- the track rules say that
23 the children can be there, they just
24 can't stay overnight. But for a couple
25 of days there, there were some anxious

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1
2 times for the trainer and his family
3 and others who have their kids,
4 worrying that they were going to -- not
5 be able to stay.

6 And I just would like to make a
7 comment. This could come up in the
8 future, these children on the
9 backstretch question, if there is a
10 question. And, you know, we -- we're
11 at a place where we got a casino that
12 doesn't allow children. So security on
13 the front side is used to saying, "No
14 kids."

15 On the backside, it is a
16 different story and, you know, racing
17 is a different story. Kids, they grow
18 up on the backstretch, wind up going
19 into the business, and that's where we
20 get our future trainers and future
21 owners by having children who grow up
22 seeing their parents do this business
23 and fall in love with it like everybody
24 else does.

25 As far as the racing goes, we

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2 have had very fast times and complaints
3 of the track being hard. Frank
4 addressed it. The first week, we had
5 two new track records with horses that
6 probably shouldn't be setting track
7 records. So, you know, I'm not sure if
8 they -- if they figured out where it
9 is, but I know they're working on it.

10 There was an issue with the
11 run-ups. The run-ups is the distance
12 from where the gate is -- where they
13 come out of the gate, so the spot where
14 the timing starts. That's the run-up.

15 And just for reference, 330 feet
16 is 1/16th of a mile. We have run-ups
17 on the first day of 265, 380, 380,
18 520 feet. That was -- that was opening
19 day. So we have a mile and six two
20 threes, that was actually more than a
21 mile a day, almost a mile 3/16s.

22 Day three, we had a 200.

23 Day four, we had three 175s.

24 Day five, we had a couple of
25 175s. And even on Saturday, the 175,

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2 that's the mile on the inner turf that
3 seems to be set at 175 run-up. I'm not
4 sure they can be adjusted or not. I --
5 I don't know what the issue is there.

6 Mile and 16th was 200 and another
7 mile and 16th was 310. So that race on
8 Saturday was practically a mile on the
9 8th race. So -- and it affects a lot
10 of things. It affects the horse, it
11 affects the betters and, you know, what
12 shows up in the past performances.
13 Hopefully, that can be addressed.

14 And there was some problems with
15 outer turf versus inner turf. The
16 program being wrong the first couple of
17 weeks. And I'm told that that has been
18 addressed so that the correct turf
19 course is in the program. That's it.

20 CHAIR NIXON: Thank you,
21 Mr. Berman.

22 Other commissioners, do you have
23 any questions or comments?

24 COMMISSIONER GORDON-MOORE: Yes.
25 Talking about the safe times.

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2 What about the safety factors? They're
3 running fast, but were they coming home
4 okay?

5 MR. BERMAN: I've -- I've asked
6 many trainers, "How are your horses?
7 Are they okay?"

8 I've had one or two people say
9 that they may be a little bit sore,
10 either on their foot or on their -- the
11 back of the ankles. But not much
12 complaint about that.

13 I really haven't gotten the kind
14 of complaints that I'm -- I'm used to
15 from trainers about the condition of
16 the track. But their -- the complaint
17 is, it's fast. But I haven't gotten
18 any soft tissue injury types and
19 certainly nothing worse than that
20 complaint-wise. So I don't know.

21 COMMISSIONER GORDON-MOORE: What
22 would be the average run-up -- run-up
23 distance you'd be aiming for?

24 MR. BERMAN: Okay. So typically,
25 the track here, 50 feet, 30 feet,

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1
2 sometimes as low as 10. Sometimes as
3 high as 80. I've looked at Saratoga on
4 Saturday and their numbers were 40, 53,
5 80, 53, 45, and 80, 53, 45. But then
6 they also had a 90 in a 120, then an
7 80, and then they had a 165 for a mile
8 and a half on the turf. So their
9 largest was 165.

10 Certainly, 380 and 520 is -- is
11 was way way too much. The 175 mile in
12 the turf, I don't know, it's -- it's
13 getting -- getting up there.

14 COMMISSIONER GORDON-MOORE: So
15 the purpose of being a safer track, we
16 don't want the gate the same place
17 every single time. So we need to sort
18 of have an average that we're looking
19 for parameters within which they --
20 well, they must stay.

21 MR. BERMAN: Well, I mean, if --
22 if -- when you're out in the turf,
23 you -- you, obviously, want to mix it
24 up a little bit so you're not wearing
25 out the -- the ground where the gate

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2 goes and where the boards go.

3 So you would think that, you
4 know, and this is a Frank issue, not
5 mine. But you would think that they
6 would move it periodically to make sure
7 they're not overwearing a certain part
8 of the turf course.

9 But, how far away it is from the
10 electric eye where the timer starts?
11 That's to me a little bit of a
12 different issue.

13 CHAIR NIXON: Well, it seems like
14 you have some concerns that at this
15 time you're working with Churchill on.
16 Possibly, at the next meeting, you can
17 get on the agenda and give us an update
18 of -- of where you are on those.

19 MR. BERMAN: Surely. Thank you.

20 CHAIR NIXON: Thank you.

21 MS. EASTER: Can I make one
22 comment?

23 CHAIR NIXON: Oh, I'm sorry. I
24 didn't see you over there.

25 MS. EASTER: Don't be sorry.

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2 Just one question. And -- and,
3 obviously, the fast times are of -- of
4 concern to horsemen. We've had a -- a
5 wonderful history of -- of a very safe
6 dirt track at this -- at this here over
7 the years and that's something none of
8 us would like to see changed.

9 Obviously, the great thing is
10 that Glen and Frank, and everybody are
11 working together on it. The weather
12 has to be an issue because when they're
13 having to seal the tracks like they're
14 having to do.

15 My only question, and I hope
16 that -- and it wasn't for lack of
17 trying, it's -- it's -- is finding
18 people with experience, but not having
19 a full-time dirt maintenance guy who
20 had a lot of experience. We've got a
21 great guy coming in from Keeneland, but
22 only partial days of the week.

23 So I want -- as we evaluate that,
24 I think we need to take that into
25 account, too, in the whole -- in the

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2 whole part of it. Is -- is that an
3 issue or just, you know, just the
4 weather?

5 So anyways. Just wanted to make
6 sure we're looking at the whole thing.

7 CHAIR NIXON: Thank you.

8 Next on the agenda is StrideSAFE
9 presentation. And I believe our equine
10 director, Dr. Caruthers, will get us
11 started on this and make the
12 introductions.

13 DR. CARUTHERS: Thank you.

14 First of all, I just want to
15 thank the Virginia Racing Commission
16 for funding StrideSAFE. I think it's a
17 fantastic opportunity to help save some
18 horses and prevent catastrophic
19 injuries.

20 Secondly, I'd like to say the
21 trainers have been very receptive to
22 StrideSAFE. I've been going from barn
23 to barn and handing out cards and
24 telling trainers how to sign up for
25 their reports. And they're very

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2 curious and interested. And I think
3 Greg has received quite a few signups
4 at this point. So I'm excited about
5 that.

6 And thirdly, I'd like to thank
7 Greg for all of his hard work for
8 implementing this and talking to all
9 the trainers because they get on the
10 phone with him for hours at a time
11 asking questions.

12 So now Greg can take --

13 MR. PACHMAN: Hi, everyone. On
14 behalf of StrideSAFE, I just want to
15 say thanks for having me here and
16 giving me a chance to speak to you.

17 I've had the opportunity to speak
18 to a lot of viewers, be confronted by a
19 lot of viewers. So I'm going to try to
20 keep this short. I'm going to treat it
21 more like an update of what we are
22 doing with StrideSAFE here at Colonial.

23 However, give a quick review of
24 the sensor and a couple of other items
25 and try to gain some time for questions

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2 at the end. But, I'm going to try to
3 make it fast.

4 For those that don't know, this
5 is a sensor. It's about the size of a
6 medium size iPhone. It measures
7 acceleration and actually, 9 -- it
8 measures 9 axes of information. 6
9 degrees of acceleration. We use three
10 of them. Forward, backward,
11 longitudinal in veterinary terms or
12 surge in engineering terms. Up down,
13 dorsiventral, veterinarian terms. And
14 heath in engineering terms. And left,
15 right, mediolateral in veterinary
16 terms, and sway in veterinarian terms.

17 So those are the three degrees of
18 freedom that we -- that we use
19 currently in the algorithm. We also
20 measure pitch, roll, and yaw like an
21 airplane does. Those all act around
22 the center of gravity of any vehicle.
23 Currently, our electrical engineers and
24 the sort of math people are -- are
25 minding that information.

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2 We also have three measurements
3 of heading for the -- for the units
4 that we are using. So we're measuring
5 9 degrees of -- or 9 acts as a
6 measurement every time.

7 We take 800 samples per second.
8 So we generate 2,400 samples per second
9 if you include all three axes.
10 That's how much data -- that's how many
11 data samples, basically, we take in a
12 second.

13 And that's necessary because we
14 have a quadruped that's running. If
15 you go to a -- an NBA game or an NFL
16 game, you see an athlete like that and
17 they tend to run at about 30 samples
18 per second because they have some
19 advantages. They only have two legs.
20 And they can talk to them after the
21 event and see what was going on with
22 them.

23 So with a horse, a quadruped, you
24 have to have a lot of measurements in
25 order to decipher what's going on with

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2 the strides. It's a very intricate
3 thing. So when you're looking at
4 sensors in general, you need to make
5 sure that the sensor was designed for
6 equine purposes and not necessarily a
7 repurposed sensor from another --
8 another area. And this is, obviously,
9 an important design sensor. It's a
10 little longer than I want to go.

11 But it fits in the saddle cloth.
12 I -- I invite anyone in the commission
13 or anyone interested. Kaleel is
14 running the system here at Colonial.
15 If you go into the jockey's room, go in
16 the entrance, you make a right, go past
17 the purpose sales office, we are right
18 there in the next office. Feel free to
19 stop by.

20 Kaleel is a great guy and he'll
21 be glad to show you how they download,
22 how they upload, how he puts them in
23 the saddle cloth, and how the whole
24 system runs if you actually want to go
25 and take a look at it.

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

2 So why does it exist? I'm really
3 fast. Let me go through this. Equine
4 Analysis is a StrideMASTER.

5 StrideMASTER is an Australian company.
6 A lot like Trakus or G-max. They were
7 operating for 11 years, you know, in
8 Australia which is a man -- gentleman
9 named David Hawke, Dr. David Lambert.

10 Equine Analysis has been around
11 for 40 years in Lexington and probably
12 best known for hard standing in sales
13 but also has done genetic testing, wind
14 testing, and all other kind of things.

15 They both met in 2019 right about
16 the time that the -- the incidents
17 happened in St. Anita. Dr. Lambert had
18 done a ton of work on gate analyses but
19 he didn't have a sensor that was
20 accurate enough to get what he needed.

21 It turns out he runs into David
22 Hawke who does have a sensor that's
23 accurate enough and who was smart
24 enough to -- 11 years earlier, turned
25 the sensor on completely and database

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2 and everything that happened in
3 Tasmania from 2010 to 2019 which gave
4 us 30,000 runs to mine right on day one
5 of the company.

6 So the company is a technology
7 startup. We run it that way. But the
8 two companies behind it are -- are
9 experienced equine companies and they
10 have been around for years. So that's
11 how we came to exist.

12 Like I said, we had a strong
13 initial database. And, fortunately,
14 Dr. -- David Hawke had put the sensor
15 in an area on the saddle cloth that is
16 basically on the lumbar spine of the
17 horse which is by complete luck, the
18 perfect place to put it if you're
19 trying to measure the horses on all
20 four legs.

21 You can almost think of the spine
22 as being a drive shaft of a horse and
23 the engine is in the rear. It is
24 driving from the rear. So by putting
25 the sensor right there on the -- on the

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2 lumbar spine, we get a good reading
3 through all the limbs about what the
4 horse is doing.

5 Now, obviously, we don't have
6 sensors on the hoofs. So any force
7 that happens when a -- when a horse's
8 hoof hits the ground, it goes through
9 its -- through its leg, part of its
10 scapula, through the spine, and it's
11 all measured there on the -- on the
12 lumbar spine.

13 How is that done? Lots and lots
14 of math. We have a whole staff of --
15 of electrical engineers and
16 mathematicians and programmers who --
17 who decipher the -- the signals.
18 Unfortunately, this is no different
19 than -- well, a couple of our guys who
20 do space work for NASA -- an -- an
21 electronic signal -- a radio signal or
22 this type of signal is similar
23 regardless of where it's generated
24 from.

25 So, for example, I'll give you an

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2 example, if you watch the horses gallop
3 by, you're going to see the back of the
4 saddle cloth going like this

5 (indicating) the entire stretch of it.

6 And you have to think to yourself,

7 "These guys are measuring horse motion.

8 How are you dealing with the fact that

9 the whole saddle cloth is flapping?"

10 Well, it flaps at a very precise

11 frequency. So when you talk to the

12 electrical engineer and say, "How are

13 we going to fix it?" That's not a

14 problem, we just turn off that

15 frequency and it goes away.

16 So they analyze this.

17 Fortunately, our mathematicians and --

18 and, you know, the whole staff of that

19 varies. But the mathematicians, they

20 can just do signal. They process it

21 like any other kind of signal. And

22 they write software like any other kind

23 of software.

24 So basically, we have an entire

25 set -- a team of veterinarians and

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2 equine motion experts. We have a
3 sensor group, and we have the
4 electrical engineers and mathematicians
5 to do -- integrate everything and turn
6 it into a report. Next slide.

7 So the purpose itself -- it's an
8 injury screen. So what we're trying to
9 do is we're trying to identify horses
10 that have an increased probability of
11 serious injury by identifying the
12 normal -- the abnormal gait at high
13 speed. I'm going to tell you what
14 abnormal is in a second.

15 So originally, in 2019, remember,
16 we were having issues with horses that
17 were going through enhanced veterinary
18 screens and places like the
19 Greeters Cup, yet still breaking down.
20 So clearly, there's a -- a cohort of
21 horses that break down without having
22 any of the classic signs of lameness.
23 They don't have inflammation. They
24 don't have problems flexing. They
25 don't have -- they are not limping at

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2 the -- at the crop.

3 So there are horses that slip
4 through the veterinary net and still
5 have injuries. And a lot of them have
6 pre-existing conditions but they have
7 pre-existing conditions with -- in
8 areas that are very very difficult for
9 traditional medicine to find because
10 there isn't any sign of it, there's no
11 inflammation, there's no swelling,
12 there's no heat, there's no anything.
13 So that's what we are designed to do.

14 The simple answer of what we are
15 designed to do is we're the only
16 product right now that is designed to
17 measure what's going on with the horse
18 at 40 miles an hour. So every
19 veterinary exam that's out there and
20 even when they are in a PET scanner or
21 scintigraphy machine, they're all at 1G
22 and they are all sitting there and not
23 moving, or they are jogging down the
24 shedrow.

25 We're the only piece of equipment

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2 that gives you a representation of
3 what's going on with the horse when
4 it's going full speed. And anybody who
5 knows anything about physics will tell
6 you, "When you're going 40 miles an
7 hour, the forces on the legs are quite
8 a bit different than what you're going
9 to have in a shedrow, for example. So
10 we're giving the vets and the trainers
11 an opportunity to see what's going on
12 at full speed.

13 Now, we'll be the first to tell
14 you and this has been miss -- misspoken
15 of and I'm fighting this battle all the
16 time. All we can do is provide
17 information to decision-makers. That's
18 it.

19 There's -- there was a -- when we
20 started in Kentucky a year ago, there
21 was a concern that the people were
22 going to make decisions or that the
23 sensors would make a decision for the
24 veterinarian. We do not believe that
25 can happen. We don't want that to

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2 happen.

3 All we want to do is provide
4 information to the trainers, the vets,
5 the regulatory vets, the racetrack,
6 whoever needs it, so that those humans
7 can make decisions about what should be
8 done. Whether a horse should go on the
9 vet's list or come off the vet's list,
10 or race in this track.

11 Whatever it is, we are not a part
12 of that decision-making process, we are
13 an information source for those people.
14 It is built on a catastrophic fatal
15 injury model. Meaning that when we
16 built the mathematical model, we
17 focused on bone breaks because those
18 are the hardest to heal from. Those
19 are the most traumatic. Those are the
20 most troubling to the industry.

21 It does see soft tissue injuries,
22 so when a horse bows a tendon, we're
23 going to see it. But I'll tell you
24 that the soft tissue injuries and
25 things like muscle soreness or

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

2 suspensory ruptures are very very hard
3 to predict. They don't have a lot of
4 lead up to them. They just tend to
5 happen. So although we can see them
6 and I'll show you where we do that with
7 Dr. Caruthers after an injury in a
8 race, the model was not actually
9 designed for that.

10 It's not a lameness predictor and
11 it can't on its own diagnose lameness.
12 But there are some correlations because
13 we've been in -- on every horse in
14 Kentucky for the past year. We've done
15 16,000 runs in all of the racetracks in
16 Kentucky. And I'm going to show you
17 some slides of what we've learned there
18 over the past year.

19 The finish position, the speed
20 figure doesn't matter. So -- I know I
21 talk to trainers all the time but he
22 ran his best speed figure of his life
23 where he -- he won that race. He
24 hasn't won in two months. You know,
25 why are you saying that his gait was

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

2 off?

3 It doesn't really have to do with
4 that. We're looking primarily at a
5 welfare screen. So it doesn't
6 necessarily have anything to do with
7 where the horse finished or anything.
8 It's just what the horse's strides is
9 at.

10 And post-race condition may not
11 matter. If the horse is sore after a
12 race and he's -- he's struggling to --
13 to walk around the barn and he gets a 1
14 in our system which is a low risk.
15 Some people question that. But again,
16 if it's a muscle soreness issue, it's
17 not something that we're modeled to --
18 to measure. So that has to be kept in
19 mind whenever it may be involved.

20 There we go. So this is the
21 trainer report. It's generated via
22 algorithm after every race. So every
23 race at the Colonial. We've been on
24 the horses already so there's a -- one
25 of these in a trainer folder for every

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

2 horse that has raced at Colonial. It's
3 a relatively simple report right now.
4 Although it is going to change here
5 pretty soon.

6 So we have five categories of
7 risk. The lowest is a category 1.
8 There is no such thing as a category 0.
9 A horse can break down with a category
10 1. It's just statistically less likely
11 than a category 5. So you can think of
12 it almost like the hurricane scale, 1
13 being the lowest and 5 being the
14 highest. And as a horse's stride gets
15 away from what's considered optimum,
16 all the algorithm does is score. And
17 it gives it a score.

18 So there's no humans. There's no
19 "our opinion" of that horse. That's
20 not even in there. The algorithm is
21 four pages long. We've had to build AI
22 systems now to monitor it because it is
23 getting so complicated that we have to
24 have an AI police force in there to
25 make sure that if we make a change to

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

2 the algorithm, it doesn't go off
3 reservation as they say.

4 So we have no real input what --
5 you know, other than to change it
6 and -- and research it. This is done
7 automatically after every race. That
8 is -- like I said, page 1, if you look
9 at the bottom. It's hard to see. But
10 the risk categories have increased risk
11 associated with it.

12 One thing to remember is
13 breakdowns are still very very rare.
14 They're very rare occurrences. So even
15 if a 50 percent increase in the
16 breakdown, if you have something that
17 happens .001 times per, you know,
18 percent, to -- even if you multiply
19 that 50, that by 50, doesn't make that
20 a frequent occurrence.

21 So there's -- anybody who has had
22 medical issues and had to deal with
23 tests and things like that know that
24 when there's a low incidence, let's say
25 a certain type of cancer, you can

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

2 double your risk but really not
3 increase your -- your -- the chances
4 that you personally are going to get
5 it.

6 So you run into that same kind of
7 thing when you are dealing with any
8 kind of statistics that deal with
9 something that happens in a very rare
10 occurrence. So that's page 1.

11 Page 2 is the next one. And this
12 we just give to the trainers because
13 it's interesting and we have it. It's
14 stride length and frequency for each of
15 the furlongs that the horse runs.
16 First furlong is one and it goes on.

17 We also have a speed figure -- or
18 a speed and a miles per hour. So if
19 you wanted to and you had an assistant
20 who is math-inclined, you can do a
21 velocity curve with it. You could
22 scrape it and do a velocity curve. We
23 also do averages.

24 This is not a welfare thing, but
25 we collect it and we thought, "Let's

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

2 just give it to the trainers because
3 stride length and frequency in the last
4 couple of years has gotten more popular
5 as a metric." And so, we just give it
6 to them as part of the report. So
7 every race, the horse has -- it'll --
8 it'll have -- it'll give them this as
9 well.

10 And also, at every track that
11 we're at, it will all go into one file.
12 So if the horse runs at Ellis Park
13 where we are operating right now, and
14 then comes to Colonial, that last draft
15 that you saw will include Ellis Park's
16 race and Colonial's race. If we have a
17 sensor on the horse, it'll show up in
18 the training report wherever that is.
19 Yes.

20 Real quick on a single stride --
21 one more time --

22 COMMISSIONER BRAND: While that's
23 coming up, can I ask you a question?

24 MR. PACHMAN: Sure.

25 COMMISSIONER BRAND: So what

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

2 percentage of horses racing here at
3 Colonial wear that device?

4 MR. PACHMAN: All of them.

5 COMMISSIONER BRAND: Is it
6 voluntary or is it mandatory?

7 MR. PACHMAN: I assume it's
8 mandatory. They -- they all have it
9 on.

10 COMMISSIONER BRAND: Who pays for
11 it?

12 MR. PACHMAN: You do. Okay.
13 Yes. I believe. Was that -- was there
14 anything else you'd like to --

15 COMMISSIONER BRAND: I have
16 another question but I'll wait.

17 MR. PACHMAN: Okay. Sounds good.

18 So this is a single stride. I'm
19 going to jump over to this side to try
20 and help you. And just to give you a
21 quick idea, this is almost normally,
22 like, an hour to an hour-and-15-minute
23 brief. So I'm not going to -- not
24 going into this.

25 But this isn't what we considered

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

2 an optimal stride. So this is
3 generated by, generally, 700 to 1,000
4 Grade 1 winning horses who were sound
5 in -- in all estimation. And you can
6 see from an engineering standpoint,
7 there's two axes here. This is G
8 forces. 0G being at the center.
9 Positive and negative don't necessarily
10 mean negative G like in an airplane.
11 It means, usually, left or right or up
12 or down. So up will be a -- a G and
13 then down will be the corresponding
14 negative to the positive G.

15 So this stride graph is
16 measured -- is basically broken into
17 three parts. The first third -- or,
18 actually, with this horse, is the first
19 40 percent is the hind limb stance. So
20 the -- the graph starts with the
21 hind -- first hind limb touching the
22 ground.

23 So what you see is the first
24 40 percent is the two hind limbs
25 touching the ground and at this second

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

2 40 percent is when the front limbs
3 touch the ground. Now, obviously,
4 which one is first depends at what type
5 of horse gallop the horse is in,
6 whether it is rotary or normal, and
7 which lead the horse is in. So it's
8 hind limbs, front limbs, and then from
9 about 80 percent onto the end of the
10 graph is airborne.

11 One of the more surprising things
12 is how much a horse rotates its pelvis
13 and trunk when it's in the air. So
14 horses naturally and especially -- and
15 that's something we look at to sense
16 discomfort in the horse. They will --
17 horses that are moving their pelvis
18 quite a bit in mid-flight are trying to
19 adjust their position so that when
20 their hind limbs hit the ground,
21 they're probably in the most
22 comfortable place for them to hit the
23 ground.

24 So that's a sign that something
25 might be bothering the horse in the

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

2 hind end because the ones, you know,
3 that struggle, we've seen a lot more
4 pelvic motion there, in mid-air. And
5 again, all this stuff is happening in
6 milliseconds which is why we have to
7 take 800 samples per second to be able
8 to capture it.

9 Next slide. The very next.
10 There you go. B. So what we've done
11 here is a, basically, a sound \$10,000
12 claimer. So we've gone from a Grade 1
13 horse to a \$10,000 dollar claimer but
14 you'll notice the graph is relatively
15 similar. And from an engineering
16 standpoint, what I like to see is a
17 person who has a pretty extensive
18 engineering background, is I love low
19 G, right?

20 So if you design any kind of
21 vehicle at all. Bicycle, car, any --
22 any vehicle that's in motion and you
23 want it to stay together, one of the
24 things you want to do is -- is make
25 sure it has low G. Because the higher

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

2 the G-force is on it, the more chance
3 that you have to damage it. Whether it
4 is a horse or anything else.

5 So ideally, a horse's stride is
6 very low G. Obviously, when the front
7 legs hit the ground, the horse pitches
8 forward and hits the ground, there's
9 going to be G-force generated. You
10 can't avoid that. But ideally, we want
11 to see a low G in a -- in a well-timed
12 stride.

13 If you'll go to slide C, this is
14 what we consider -- go forward. Oh,
15 yes. There we go. All right. So this
16 is a horse that broke down in the
17 briefs after we recorded it on this
18 race.

19 If you want to think of this as
20 the worst-case scenario, that's
21 probably fair. So what the algorithm
22 does, if you consider this the best
23 case scenario and this the worst case
24 scenario, the algorithm will score in
25 between there. And that's how we do

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

2 it.

3 It's based on standard
4 deviations. So the -- a horse that
5 gets a category is within two standard
6 deviations of the norm. So it's not
7 like we expect every horse to run like
8 this because they all have different
9 weights and different sizes and
10 different limb lengths. And there's a
11 ton of reasons that there's going to be
12 differences in stride variations with
13 all horses because they're individuals.

14 So what we've done is we built a
15 model that the first two standard
16 deviations absorbs the differences from
17 a tall horse, to a short horse, to a
18 heavy horse, to a light horse. Once
19 they get above two standard deviations
20 from optimum, which anybody who is
21 familiar with statistics knows, two
22 standard deviations is quite a bit.

23 Now, we're a skewed -- we're
24 not -- we're not a normal distribution.
25 We are a skewed distribution. So two

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

2 standard deviations for us is about
3 70 percent whereas in a normal
4 distribution, you can cover about
5 96 percent. But that's a lot.

6 And so, after that, every
7 standard deviation you get away, that's
8 when your category score goes up. So a
9 horse that gets a 2 is within three
10 standard deviations. A horse gets a 3
11 is within a four standard deviations.

12 When a horse gets up to a 5, his
13 stride is five standard deviations away
14 from what we consider optimum. And so,
15 that's pretty far. And that usually
16 indicates something is not right.

17 Some horses -- when you have
18 10,000 horses, you're going to have a
19 couple of horses, a few horses that --
20 that will generate a 5 because their
21 stride is just a 5. And they survive
22 and they actually do well with it. But
23 those horses are outliers. We've got
24 about 100,000 runs in the system now.
25 And so, we can tell, you know, what the

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

2 norm is nationwide.

3 We've been at 11 different
4 tracks, Relato, Saratoga, Belmont,
5 Aqueduct, here, all the -- all the
6 Kentucky Track fairgrounds, Emerald
7 Downs, Wyoming Downs. So we have a --
8 a breadth of tracks, turf and dirt.
9 And we also have a large deviation from
10 horses, Grade 1 at Saratoga to \$3,000
11 claimers at Emerald Downs. So we've
12 seen a lot and so we're able to make
13 judgments I think pretty well on that.

14 CHAIR NIXON: Maybe -- one
15 second. Have you been able to get any
16 data this early in the meet?

17 MR. PACHMAN: Yes. Let's --
18 let's talk -- again, small sample size.
19 We have only been here a couple of
20 weeks, right?

21 CHAIR NIXON: That's okay.

22 MR. PACHMAN: So let's talk about
23 that. I think that's coming up next.

24 Challenges real quick. Yes.
25 Speed, when they go faster, the forces

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

2 are higher and that's a challenge.
3 Mobility. Some horses have better
4 strides than others, naturally. So we
5 have to allow for that.

6 The conformation we talked about.
7 One thing we tried to do was -- was
8 model all the potential fracture sites.
9 So let's say, for example, we have
10 decided to just model -- because
11 fetlocks were 50 percent or so of the
12 fractures, we could have just done a
13 fetlock model that ignored scapula
14 fractures and pelvic fractures. But we
15 decided to try and incorporate all of
16 them.

17 Now, if you go to a room full of
18 horsemen and say, "How many of you guys
19 have had a pelvic fracture in a race?"
20 You know, I've been in rooms with 50
21 guys and no one has raised their hands.
22 So -- things like a pelvic fracture are
23 really really hard to model because
24 they just don't happen very often.

25 The biggest thing, again, putting

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2 my engineering hat on. Variations of
3 raw materials. I've got a big
4 background in aviation. Obviously,
5 every airplane that Boeing makes comes
6 out of a factory, it's exactly the
7 same. Same material, same G-force, you
8 know, same rivets, same carbon fiber.
9 It's all standardized. There's
10 engineering diagrams and everything.
11 And so, when you take an airplane and
12 put it in the sky and you put six Gs on
13 it, you'll know exactly how much that
14 wing is going to bend and you know to
15 the 0.1G whether that is excessive or
16 not.

17 However, with horses, there's
18 just a huge variation as to what they
19 can take. I mean, we all -- a lot of
20 people in this room probably have bred
21 horses and raced horses, I would
22 imagine. They know that 30 percent of
23 a full crop never makes it to the
24 races. Primarily for musculoskeletal
25 reasons.

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

2 Another 10 or 15 percent have a
3 racing career that's about three races.
4 So these horses have a tremendous
5 variation as to what they can take
6 before they break. And, again, a lot
7 of people try and judge us on "Did you
8 find the horse that broke?"

9 Well, we can show you the forces
10 that if you look at 100,000 horses in
11 our database, are forces to be
12 concerned about. Whether the horse
13 actually breaks is down to whether that
14 individual horse can handle the forces
15 that -- that were introduced on it.

16 Engineer 101 is, things break
17 because the forces involved exceeded
18 design load of the -- of the object.
19 Obviously, with a manufactured object,
20 the design load is known. With a
21 biological object, like a horse, the
22 design load is -- is unknown and it's
23 tremendously variant. Go to the next
24 one.

25 So this is our herd health. This

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

2 is actually a Kentucky slide. But what
3 we do as part of our work with Kentucky
4 is we give them slides every week that
5 talks about -- basically, since we know
6 the categories that we've given, we --
7 we monitor all of the categories and we
8 give them an -- an indication of their
9 herd health. There's a number of
10 things that you can do with this.

11 And I think we'll go into the
12 next slide. We'll go into the -- yeah.
13 Okay. This is you. So it's been a
14 couple of -- a couple of -- a couple of
15 weeks now. A small sample size, please
16 take that into account. We would not
17 say this is statistically significant
18 yet, but it's interesting.

19 So what we have here is an
20 amalgamation since we don't want to
21 release other track's data. We
22 basically have some sort of an average
23 that we generate so that tracks can
24 compare themselves to what other tracks
25 are doing nationwide.

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

2 So, obviously, this is for dirt.

3 You guys don't run on the dirt quite a
4 bit. So you can see, like, next to,
5 maybe the Kentucky tracks, you have
6 fewer runs per day. But on the CAT 1
7 scale, you're slightly lower than the
8 average. So 50 -- 62.7 CAT 1s are
9 about 53.9. CAT 2 dirt, slightly up.
10 CAT 3 dirt -- so each category is
11 divided by weeks.

12 So this is week 1 and week 2 of
13 your meet. CAT 5 dirt, week 1 you had
14 none. Okay. That's the -- the -- the
15 most serious one, but that's backed up
16 by maybe slightly more CAT 2s. Okay?
17 And we monitor three to five or three
18 to six -- six is an internal thing.

19 You have no CAT 6s which is good.
20 That's our next category that we
21 haven't actually introduced to the
22 public yet. We're monitoring it. And
23 this is 3 to 6. You had a drop and
24 then a gain. But still, you're
25 underneath what's considered the

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

2 average.

3 Now, you can say, you know,
4 what -- why is that? And Dr. Caruthers
5 and I had a discussion the other day
6 about that. What -- why is that?

7 And you can go to the next slide.
8 This is turf. Okay. So you're pretty
9 much average on CAT 1s. You're
10 slightly high on CAT 2s. You went down
11 at the second week. Slightly high on
12 CAT 2s, went down the second week in
13 CAT 3s. And then CAT 4s and 5s, you
14 were below. Okay. So why is -- why --

15 So, again, as the worst -- the
16 higher categories get up, the more away
17 from a -- from a standard that the
18 stride gets. So if you want to think
19 of it as a measure of stride quality,
20 that's probably a good way to think of
21 it.

22 What are the things that generate
23 a lower or a higher? There's a number
24 of things that could do it. One is
25 aggressive vetting is one of them. If

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

2 you're scratching a lot of -- if
3 you're -- if your regulatory vets are
4 aggressive. Obviously, that is going
5 to do a lot to keep your numbers down.
6 If the weather is friendly. That's
7 going to help.

8 Santa Anita took a pretty extreme
9 position last year where basically, if
10 it rained hard, they canceled. And
11 maybe for a numbers of reasons, that
12 day had not been a great decision from
13 a business perspective. But from a
14 safety perspective, it helped their
15 numbers. You have horses that maybe
16 are pointed towards this meet, so they
17 have more rest coming into this.

18 There's just a number of safety
19 reasons why -- and you can't point at
20 the track. You can't point at one
21 thing and say, "Oh, that's an
22 indication that there's something wrong
23 with this." Because it's usually a
24 combination of issues that lead to a
25 reduction or an increase.

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

2 We have seen tracks where --
3 where -- when you seal the track, the
4 risk spikes goes up pretty
5 aggressively. We've seen tracks where
6 if they aren't maintained properly in
7 the winter and you get a freeze and a
8 lot of snow, the risk goes up.

9 So there's a lot of things that
10 we -- and we've had tracks -- again, I
11 don't want to release other track's
12 information. We've gotten calls from
13 tracks to say, "What are you seeing on
14 the turf course? Are you seeing
15 anything that is concerning you?"

16 And we look at the stats and go,
17 "Yeah, we are. It's starting to spike
18 the last four days." And they were
19 seeing stuff on the ground they didn't
20 like so they made adjustments to the
21 racing schedule based on that.

22 So, again, our data did not make
23 that decision but it backed up what
24 they were seeing on the -- what they
25 were seeing with their own eyes. And

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2 that's what we're really here for, to
3 back up the decision-makers, to give
4 them more information so that they can
5 make good decisions. But we're not a
6 decision-maker. Next.

7 The other thing we do,
8 Dr. Caruthers is familiar with this.
9 Is we do forensic analysis on any horse
10 which gets manned off. So if a horse
11 gets manned off and it's a -- for a
12 reason other than he was tired, we will
13 go through and we will analyze every
14 single stride that the horse took.

15 So in effect, it's a plane crash
16 investigation if a horse gets manned
17 off. So one of the -- some of the
18 slides we use is a 10-stride graph. So
19 that is the first 10 strides that the
20 horse took out of the gate.

21 In Kentucky, we might have seven
22 or eight races with that horse. So we
23 can take the last race that it had and
24 overlay it against this race and we can
25 say if anything has changed between the

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

2 two races. Has the horse's stride
3 changed?

4 Assuming they're on the same
5 track and it's a fast track and they're
6 at the same racetrack. One thing we
7 can analyze, is the horse having
8 trouble from the minute he left the
9 gate? Meaning, something probably
10 happened before the race.

11 Axis per second graphs. It's the
12 same three axes but it's cut up,
13 chopped up by seconds. And you can see
14 this horse broke down at 91 seconds.
15 You can see that this is a relatively
16 standard graph up to this point right
17 here. You can see this massive change
18 and there was an injury that took place
19 there.

20 So we can identify, usually
21 within the second, what happened. A
22 lot of the times, that's misleading.
23 There's horses that break down at
24 eighth of a mile from the point they
25 normally stop. But those are some of

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

2 the graphs and Dr. Caruthers can speak
3 to what that means to her as a vet.

4 But we do basically -- our goal
5 is to have it out by the next morning.
6 So if a horse gets manned off in the
7 afternoon, by the next morning, our
8 goal is for her to have a complete
9 report as to what happened to that
10 horse, including its history.

11 Next, this is Phil Schoenthal,
12 one of the trainers. I've known Phil
13 for a long time. He is the guy who
14 calls me after every race and has a --
15 that has a sensor on it, regardless of
16 how the horse does, and we have a long
17 conversation about what the sensor is
18 telling him.

19 So thanks, Phil, I'm sure you
20 wouldn't mind that.

21 Determined Kingdom. This is the
22 race that he won the stake at last
23 week. He was the one in that race. So
24 the vets get a report. His risk
25 category history. If he had run four

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2 times in Kentucky, his fourth Kentucky
3 races would be here overlaid. And if
4 he runs back here, the next time, it
5 will have that race, too.

6 These are the actual stride
7 graphs. Dorsoventral, up, down. Both
8 in the straights and the turns and the
9 difference. So we have all three
10 axes here. And we measure them both
11 in the turns and in the straights.
12 Because as I said earlier, horses that
13 are running in a straight line have a
14 lot of freedom to move their body
15 around in flight. They have a lot of
16 freedom to move their body around in
17 general.

18 Once a horse gets into a turn and
19 he starts fighting centrifugal force,
20 he -- he doesn't -- he doesn't have
21 that freedom anymore because if he
22 actually lets his body go, he's going
23 to get pushed out to the outside of the
24 turn.

25 So a horse, much like a

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2 motorcycle, has to lock itself down in
3 order to drag itself around the corner
4 and it locks its body down and doesn't
5 give itself as much freedom to adjust.
6 So a lot of times, we might see a horse
7 change late going to the turns and it's
8 going to look completely different from
9 a stride analysis standpoint because
10 what he was doing to alleviate his
11 discomfort in the straight, he can no
12 longer do that on the turn.

13 So he is trapped, in effect. And
14 that's why we always sample on the turn
15 to get leads, both right and left
16 leads. And also to see if he is hiding
17 something in the straight. So that's
18 why you see a turn and a straight, turn
19 and a straight, turn and a straight,
20 and then a difference there. Next.

21 So here's the retrospective
22 analysis. This is from Kentucky last
23 year. 400 horses. So what this is, is
24 the percentage of horses that were off
25 training and racing for more than 30 or

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

2 60 days within three months of a flag
3 race. So this is every horse that got
4 -- well, in this case, 400 horses
5 because it was pile study.

6 But for every horse in the study
7 that got a green flag, 9 percent of
8 them were off for 30 days and about 4
9 percent were off for 60 days within
10 three months. An Amber flag, which in
11 this case is a 2, category 2, about
12 15 percent were off for 30 days and
13 about 12 were off. And if you got a
14 red flag, 58 percent were off for 30
15 days within three months and almost
16 30 percent were off for 60 days within
17 three months.

18 So, again, we're not a lameness
19 detector but what we're finding is that
20 there's a pretty strong correlation
21 between horses that get high category
22 races and they're taking -- having to
23 take a break from training within two
24 months or three months. An extended
25 break.

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

2 Now, again, we can't track every
3 horse so we are doing things with the
4 sample size to avoid -- you know,
5 horses go for their winter break
6 because they're a turf horse, it's
7 obviously going to throw those numbers
8 off. So we're doing everything we can
9 to eliminate -- you know, to eliminate
10 some of the other variables that could
11 happen that could lead to this kind of
12 number. But you can see a definite
13 correlation between a red flag and a
14 horse that is going to need a break
15 here in a couple of months. Next
16 slide.

17 Similar thing. This is a
18 two-year-old slide. This is all the
19 2-year-olds that we had in the database
20 between 2021 and 2023. So -- and what
21 this is showing is how many horses were
22 retired, because it was 2023, how many
23 horses were retired off of a certain
24 flag.

25 So the changes -- if we set the

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2 number of horses that were retired
3 after getting a green flag. The last
4 race they got was a green flag and won,
5 they were four times as likely to
6 retire off of a red flag. Two and a
7 half times off a category 5. Category
8 5 is somewhere in between these. So
9 it's about three times of the average
10 number as likely to retire off a red
11 flag and never race again as they were
12 off the green flag.

13 So what we're seeing, again, not
14 built, not modeled to -- to try and
15 predict lameness issues. But what's
16 happening in Kentucky is, we've been
17 there a long time. So now they're like
18 "Hey, that was great. Now can you do
19 this? Now can you do this?"

20 And so, now we're talking about
21 horses that are barely lying and going
22 on the vet's list. And, you know,
23 we're trying to analyze. They burrowed
24 down that far. So that's what we are
25 looking at. So, again, we're seeing a

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

2 pretty strong correlation between
3 horses that get red flags and horses
4 that have to retire.

5 Now, again, this are overall
6 number is small. Not many horses
7 retire right away. But it's pretty
8 clear from the difference between the
9 first bar and the last bar that there's
10 quite a difference in between them.

11 Next.

12 Yeah. Obviously, you know, like
13 Dr. Caruthers said, trainers can call
14 me as much as they want. There are
15 trainers in Kentucky that say, "Just
16 give me the number. I'll work on it.
17 Like that?"

18 But I'm on the overnight. My
19 phone number is very easy to find. You
20 know, we are here for the trainers and
21 for the vets and for the Racing
22 Commission. Anybody can call me at any
23 time if they need a horse analyzed.
24 Even if they got a 2 and they want to
25 know why, we can do that.

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

2 So all they have to do is give me
3 a call, send me an e-mail and we will
4 do -- we will give them a full report.
5 Now, I will say that we had a meeting
6 with Churchill this week and we're
7 probably, in the near future, going to
8 go from the trainer report you saw with
9 the category numbers to an actual
10 textual report where we are just going
11 to say, "This is what the stride graph
12 is saying."

13 Because I found when I talked to
14 trainers, the number doesn't really
15 matter. They want to know what are we
16 seeing and we, you know, we dig into it
17 and we work together to try and share
18 information and give them something
19 they don't know and then they tell me
20 stuff that I don't know. That's how it
21 works. So anybody can reach me any
22 time.

23 Any questions there? Next.

24 I think that's it. That's it.

25 COMMISSIONER SIEGEL: I have

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

2 several questions.

3 MR. PACHMAN: Yes, go ahead.

4 COMMISSIONER SIEGEL: At least

5 for me, I've been ignorant of

6 StrideSAFE. But this is valuable

7 information. No question about it.

8 But you have to use it.

9 MR. PACHMAN: Right.

10 COMMISSIONER SIEGEL: Utilize it.

11 MR. PACHMAN: Correct.

12 COMMISSIONER SIEGEL: And to

13 veterinarians and in particular, it's

14 going to be great information for her

15 here at Colonial.

16 But what percentage of the

17 trainers out there buy into it?

18 And if so, what can they do to

19 implement change to avoid some of the

20 pitfalls?

21 MR. PACHMAN: What can the

22 trainers do or what can the

23 organization --

24 COMMISSIONER SIEGEL: Yes.

25 MR. PACHMAN: Well, I mean, you

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

2 know, we have about 45 to 47 percent of
3 the trainers in Kentucky are connected.
4 It's somewhere around -- it's hard to
5 say with Dropbox. And I don't want to
6 get too much in the weeds here. But
7 when we started last summer, they said,
8 "You have two weeks to build a system
9 that can get these reports to the
10 trainers and have no security issues
11 and it's private and it's" -- you know,
12 and as a guy who developed software for
13 a living I'm, like, "Okay."

14 So the way we did that is we
15 piggybacked that Dropbox in security.
16 Basically, the system generates a
17 report, it goes to a private Dropbox
18 folder. The trainer calls me, he gets
19 an initial link to that folder, and
20 then after every race, that folder gets
21 updated and he -- he sees it.

22 So we know -- I think
23 somewhere -- and I don't know the
24 recent numbers. Around 50 percent of
25 the trainers are connected to their

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

2 folders. Right now, I can't say how
3 much they're using the information.

4 One of the things -- again, we
5 had a meeting with Churchill, it was
6 about trainer engagement. So we think
7 that going to a textual report might
8 generate more engagement that way.

9 Initially, we were -- and again, the
10 goal post -- not making excuses for
11 StrideSAFE.

12 But the goalposts have moved.
13 They tend to move quite a bit with us.
14 They want something, like, when you are
15 in the throes of a crisis like last
16 summer in Saratoga or at Churchill,
17 what they want is completely different
18 from eight months later when things
19 have calmed down and they are not
20 having -- they are having safe meets
21 and everything is going better.

22 So they're constantly changing
23 about what they want from us.

24 COMMISSIONER SIEGEL: Do most
25 trainers buy into it even though they

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

2 may not be using it? Do they believe
3 in it? Because, I mean, it's pretty
4 scientific.

5 MR. PACHMAN: Right.

6 COMMISSIONER SIEGEL: Maybe a lot
7 of trainers, like me, don't really
8 understand it or care to.

9 MR. PACHMAN: Right.

10 COMMISSIONER SIEGEL: So they can
11 ignore it or they can get on board but
12 it's up to you guys, I guess, to train
13 these people --

14 MR. PACHMAN: Right.

15 COMMISSIONER SIEGEL: -- to
16 understand it and utilize it and to
17 make differences that can save a horse.

18 MR. PACHMAN: Right. And we've
19 given numerous briefings. We gave a
20 briefing to the HBPA on day one when we
21 were here a few weeks ago. And we do
22 our best to get out there. But, you
23 know, again, we can't force people to
24 use it.

25 COMMISSIONER SIEGEL: Right.

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

2 MR. PACHMAN: And the
3 racetracks haven't -- you know,
4 Churchill has been great. In some
5 ways, they introduced it and they have
6 not used it as a regulatory tool. You
7 know, they have not used it as part of
8 their decision-making.

9 And so, that's been -- you know,
10 the trainers, initially, last summer,
11 when we started, were scared. You
12 know, they were, "Who is going to get
13 this information?" And we've been
14 there a year and you have -- there
15 hasn't been any problems. Right?

16 But, again, I can't make people
17 do that. There's things that, you
18 know, some trainers are not
19 technologically interested. You know,
20 they've been doing this for 40 years.
21 They don't need us. "I know when a
22 horse is sore. I know when a horse is
23 lame." And, you know, I can't argue
24 with that.

25 You know, all I can do -- and in

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

2 the best case, like, with a guy like
3 Phil Schoenthal, you know, you almost
4 act as a little bit of an assistant
5 trainer to. You tell him, "Hey, this
6 is what the thing is seeing."

7 Now, I will tell you this, the
8 sensor has been tested in terms of what
9 it's seeing is reality. Whether the
10 trainer wants to hear it or not, that's
11 another question. Or if the trainer
12 wants to accept it.

13 What I'm saying is, if we see an
14 AG front limb impact on a horse, it's
15 an AG front limb impact. The trainer
16 wants to ignore that? That's fine.
17 We -- you know, we can't control --
18 we're not a regulatory organization.

19 COMMISSIONER SIEGEL: But you
20 make the trainer aware.

21 MR. PACHMAN: Yes, we do. With
22 the -- I mean, a guy gets a 5, he -- my
23 phone number, if you go back to that,
24 is on there.

25 COMMISSIONER SIEGEL: He has to

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

2 read it to see the 5.

3 MR. PACHMAN: Yes, he does.

4 MS. EASTER: Hey, can I interrupt
5 a minute just on that point? I have a
6 list of the 5s and the 4s that I made
7 and I've been calling the trainers and
8 asking them, "Are you familiar with
9 StrideSAFE?

10 We have a horse that just raced
11 last Friday come back with a score of
12 5. If you want your vet to take a look
13 at this horse and sign up for
14 StrideSAFE reports, you can call Greg.
15 He has more information." So I'm
16 calling them directly.

17 COMMISSIONER SIEGEL: Good.

18 MR. PACHMAN: Yes. And like I
19 said, we're trying to spread the
20 information in order to sign up with
21 everybody that we possibly can.

22 Dr. Caruthers has given out cards
23 during the morning exams. I'm on the
24 overnight every night and I came to the
25 presentation on day 1. You know, the

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

2 website, there's a one-button click to
3 try and get connected. We're trying to
4 make it as simple as possible for the
5 trainers that are interested.

6 CHAIR NIXON: Thank you, Greg.

7 Are there any other commissioner
8 comments or questions? I think you had
9 one more.

10 COMMISSIONER BRAND: I just have
11 one more question. Late last year, I
12 read an article -- I don't know if it
13 was an opinion piece or don't remember
14 a lot about it -- but except they were
15 questioning the impact or the effects
16 of the device itself, the frequency
17 negatively impacting the horse.

18 And I don't know a lot about it.
19 I think there's great information but I
20 kind of think of it, like, are horses
21 more sensitive to those just like
22 straight voltage with cattle and
23 horses, were they more sensitive than
24 humans?

25 Is there any research done on

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

2 that?

3 MR. PACHMAN: I know the article
4 you're talking about. There was
5 another article that came out later
6 that a scientist wrote that debunked
7 it. And plus, the article that you
8 read was completely false because it
9 assumed that we have transmitters and
10 we do not have transmitters. It does
11 not connect to Bluetooth. It does not
12 connect to cell towers.

13 Now, we have a model that could.
14 But these do not connect to anything.
15 The way that the information is
16 transferred to us is via a physical
17 connection when the -- when the sensor
18 is taken out of the saddle towel, it's
19 plugged into a case that has a serial
20 port connector and the information is
21 downloaded directly from the sensor
22 into the laptop.

23 So there's no communication --
24 the article you're talking about was
25 saying that potentially cell tower --

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

2 like the same thing where people
3 holding cell phones to their heads can
4 cause brain damage and things like
5 that. There's no -- there's no
6 communication going from the sensor to
7 anything.

8 So that was the mistake that they
9 made when they wrote their article. He
10 assumed there was Bluetooth. They
11 assumed there was cell towers. There
12 is none of that in the system. So it's
13 completely false.

14 COMMISSIONER BRAND: Thank you.

15 CHAIR NIXON: Any other questions
16 or comments?

17 COMMISSIONER GORDON-MOORE: Yes.
18 Is this only done on racing?

19 It's not -- the analysis is not
20 being on horses galloping in the
21 morning?

22 MR. PACHMAN: Yeah. The AAP is
23 doing a study right now. They asked
24 for -- they had an RFP and we're
25 participating in that and they're

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

2 making a decision here pretty soon
3 about how they want to run the program.

4 I will say that because of the
5 nature of the racing, you have a horse
6 that comes in, you have a horse
7 identifier that confirms that this is
8 the correct horse, you have all of the
9 saddle towels that run through the
10 jockey's room and through the ballots.

11 It's easy for Kaleel to manage 90
12 horses a day. When you go out the
13 backstretch in the morning to try and
14 get a sensor on a horse, it's extremely
15 time-consuming. It's extremely
16 labor-intensive. There's a ton of
17 mistakes that can be made. You put a
18 saddle towel out for a horse and the
19 wrong exercise rider grabs it and puts
20 it on a different horse.

21 Logistically, it's very very
22 difficult and expensive to try and do
23 this in a breezing scenario. We have
24 always been supportive of that. The
25 industry hasn't said how they want to

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

2 do it. We've thrown out a couple of
3 ideas on how we could do it for things
4 like in Kentucky for horses coming off
5 the vet's list.

6 We can do things like that where
7 we are doing three or four. But to
8 have mass breezing analysis going on,
9 it's incredibly labor intensive and
10 that's what's stopping it right now.

11 COMMISSIONER GORDON-MOORE: Thank
12 you.

13 CHAIR NIXON: Thank you very
14 much.

15 Oh, I am sorry, Jeff. I didn't
16 see you.

17 MR. TANNER: So -- yes, so thank
18 you, Commissioners. I just want to say
19 on behalf of the VEA to thank the
20 commission for paying for this study.

21 So I think it's really important
22 and I know I've learned a lot. And I
23 think a study like this puts, you know,
24 Colonial, you know, at the forefront of
25 the leadership position of the tracks

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

2 doing this sort of work.

3 So thank you to the commission
4 for enabling this study to take place
5 this summer. So thank you.

6 CHAIR NIXON: You're welcome.

7 Thank you, Greg.

8 Next on the agenda is the
9 overview of the Spectrum Gaming Group.
10 And I believe Commissioner Brand is
11 going to give us an overview.

12 COMMISSIONER BRAND: Yes. Thank
13 you.

14 So I think on July, we recently
15 have hired the Spectrum Gaming Group to
16 help us with addressing some
17 operational issues. To review some of
18 our recent audits and reviews that we
19 had and give us recommendations on how
20 to change things operationally, how to
21 be maybe more efficient, address some
22 of those concerns that were brought up
23 in those reviews.

24 And the Gaming Group, I don't
25 know how many people were familiar with

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

2 them, but they are specialists in the
3 economics, regulation, and policy of
4 legalized gambling worldwide.

5 So they have a pretty good
6 experience, pretty good across the
7 board. And also -- so Stephanie and I
8 are working -- or Commissioner Nixon
9 and I are working with the -- very
10 closely with the secretary of
11 agriculture and his team to make sure
12 that we follow up on everything and
13 then they will be working with
14 communicating with commissioners and
15 the commission.

16 So we'll keep you all abreast,
17 but we did want you to know and it's
18 probably going to be a 10 to 12-week.
19 We met with them on the 15th of July
20 and turned over a lot of the
21 information we had on some of these
22 previous reviews and hope to have some
23 feedback very soon on that.

24 Any questions on that? Thank
25 you.

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

2 CHAIR NIXON: Thank you,
3 Commissioner Brand.

4 Next on the agenda is the update
5 on the executive search.

6 I would just like to say that
7 we've had very positive applicants.
8 We've had close to 20.

9 MR. HETTEL: 13.

10 CHAIR NIXON: 13 that have come
11 in all across the country. And pretty
12 much everyone is very excited about
13 what's going on in Virginia.

14 Hopefully, we'll have an
15 update -- I don't have a date any time
16 soon -- but, hopefully, within the next
17 couple of weeks, we'll be able to make
18 an announcement of our new executive
19 position.

20 Any other commissioner's
21 comments?

22 COMMISSIONER BRAND: I have one.

23 It's a follow-up from our last
24 meeting. The May 22nd meeting.
25 Larry Smith talked to us about the shoe

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

2 rule and I have questions about where
3 we stand on that, what the decision
4 was, and perhaps request an update that
5 the horsemen and Colonial -- Churchill
6 will get together on what that would be
7 and -- and report back to us in our
8 next meeting.

9 I believe that's September?

10 CHAIR NIXON: Yes.

11 September 12th, yes.

12 COMMISSIONER BRAND: Glen, are
13 you able to do that?

14 MR. BERMAN: Sure.

15 COMMISSIONER BRAND: Thank you.

16 CHAIR NIXON: Next on our agenda
17 is -- oh, I'm sorry.

18 Did any other commissioners have
19 comments?

20 I'm so sorry, Stuart.

21 COMMISSIONER SIEGEL: That's
22 okay.

23 This particular meeting didn't
24 have a lot of issues for us to
25 undertake in terms of us passing any

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

2 applications or whatnot. But I think
3 it's been a very informative meeting.
4 We have learned a lot across the board.
5 There's several issues as well. It's
6 always very helpful.

7 Again, thanks to the VEA for
8 their commitment in advertising the
9 support they're getting from Churchill.
10 Everybody seems to be dancing to the
11 same music which I think is a big plus
12 for Virginia.

13 CHAIR NIXON: Commissioner
14 Gordon-Moore, any comments?

15 COMMISSIONER GORDON-MOORE: It
16 looks like we have had a few stumbling
17 blocks but everybody is getting
18 together and working it out. So it
19 looks very positive for the rest of the
20 meet going forward.

21 CHAIR NIXON: Commissioner
22 Tanner? No. Okay.

23 Next on the agenda is the closed
24 session which we will go into.

25 I have a motion to go into closed

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

2 session. I move that we convene and
3 close the meeting in accordance with
4 the Virginia Freedom of Information
5 Act.

6 The purpose of this meeting is to
7 discuss prospective candidates for
8 employment. The subject of this
9 meeting is to discuss candidates for
10 the position of executive secretary.
11 The applicable exemption from opened
12 meeting requirements under the Freedom
13 of Information Act is 2.2-3711.A.1.

14 Do I hear a motion?

15 MS. MYERS: So moved.

16 CHAIR NIXON: All those in favor?

17

18 NOTE: The Commission votes aye.

19

20 CHAIR NIXON: All those opposed?

21

22 NOTE: There is no response.

23

24 CHAIR NIXON: Thank you.

25 MS. EASTER: You want to set a

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

2 date while we're all here or do you
3 want to wait?

4 CHAIR NIXON: Oh, we can go ahead
5 and do that if you -- September 12th.

6 Thank you.

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

13
14 CHAIR NIXON: All right. Motion
15 to return to open session.

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

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

2 body.

3 Do I hear a motion?

4 COMMISSIONER TANNER: So moved.

5 COMMISSIONER SIEGEL: Second.

6 CHAIR NIXON: All in favor?

7

8 NOTE: The Commission votes aye.

9

10 CHAIR NIXON: Commissioner Brand.

11 COMMISSIONER BRAND: Aye.

12 CHAIR NIXON: Commissioner

13 Siegel.

14 COMMISSIONER SIEGEL: Aye.

15 CHAIR NIXON: Commissioner

16 Tanner.

17 COMMISSIONER TANNER: Aye.

18 CHAIR NIXON: Commissioner

19 Gordon-Moore.

20 COMMISSIONER GORDON-MOORE: Aye.

21 CHAIR NIXON: Commissioner Nixon.

22 Aye.

23 All those in favor?

24

25 NOTE: The Commission votes aye.

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P R O C E E D I N G S

CHAIR NIXON: We're done.

NOTE: This concludes the July
25, 2024, meeting of the Virginia
Racing Commission.

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
July 25, 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 6th day of August
2023.



JUAN ORTEGA, CCR

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