

Virginia Racing Commission

MINUTES

OF THE

COMMISSION MEETING

September 12, 2024

**Colonial Downs
Ballroom, 4th Floor
10515 Colonial Downs Parkway
New Kent, VA 23124**

In Attendance

Commission Members:

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

Commission Staff:

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

Attorney General's Office:

Elizabeth Myers, Assistant Attorney General

The September 12th, 2024, meeting of the Virginia Racing Commission (VRC) was called to order by Chair Nixon at 11:00 a.m. A roll call was conducted, confirming the presence of Vice Chair Tanner, Commissioner Brand, Commissioner Gordon-Moore, and Commissioner Siegel. With all members present, Chair Nixon declared that a quorum was established, allowing the meeting to proceed.

Chair Nixon welcomed Secretary of Agriculture and Forestry Matt Lohr and Deputy Secretary Travis Rickman to the meeting. She then introduced the new Executive Secretary: Waqas Ahmed. Chair Nixon expressed enthusiasm for working with Executive Secretary Ahmed to promote, grow, and regulate Virginia's horse racing industry. Mr. Ahmed responded with thanks, and the meeting proceeded from there.

Chair Nixon noted a procedural change for the meeting, stating that public comments would be taken before the closed session, differing from the format of previous meetings. This adjustment

was highlighted to ensure that everyone was aware and to prevent any interruptions during the Commission's proceedings.

The Commission discussed the approval of the minutes from the July 25th, 2024, VRC meeting. Commissioner Tanner moved to approve the minutes, and Commissioner Siegel seconded the motion. Executive Secretary Ahmed confirmed that no changes were made to the minutes by staff. Commissioner Brand suggested noting in future minutes that the August 9th meeting had been canceled. With no further additions or corrections, Chair Nixon called for a vote. All commissioners present voted in favor, with no opposition or abstentions. The motion carried, and the minutes were approved as presented.

Dr. Ada Caruthers, the VRC's Equine Medical Director, provided an update on the StrideSAFE initiative, a program designed to monitor horse movement through sensors placed in their saddle towels. She highlighted the success of the program during the recent meet at Colonial Downs and shared a message from StrideSAFE's general manager. This was the first meet where StrideSAFE collaborated directly with regulatory vets and included sensors on steeplechase horses. StrideSAFE reported that the data collected helped improve track safety and allowed trainers to monitor horses' performance more effectively. Trainers were initially unfamiliar with the system, but after receiving feedback on their horses' movements, they showed greater interest, and many took advantage of the data to assess their horses. StrideSAFE also noted that Virginia's incident rate of 0.49 per 1,000 starts was below the national average. Dr. Caruthers recommended the continued use of StrideSAFE for future meets, and commissioners expressed support, discussing the potential for wider adoption of the system across other states and its positive impact on horse welfare.

Glen Berman, Executive Director of the Virginia HBPA, provided an update on the 2024 Colonial Downs race meet from the horsemen's perspective. Overall, he felt the meet went well, emphasizing the positive relationship between horsemen and track management. The Virginia HBPA played a key role in drafting the condition book, which he said was a significant improvement from previous years, though it was delayed, potentially affecting horsemen's decisions to participate. He highlighted operational challenges at the start, such as manure bin issues, which were resolved as the meet progressed. Weather-related schedule changes impacted attendance, and On-Track Handle was down 9.1%. Special events like Derby Day and Wiener Dog Racing Day boosted attendance, and Berman stressed the importance of such events for the track's image and handle. Looking ahead, he discussed plans for a March race that could be a Kentucky Derby qualifier and highlighted the need for better dirt track conditions. He concluded by mentioning improvements in backside accommodations, including the construction of a new dormitory, and highlighted the lack of positive drug tests during the season.

Frank Hopf, Senior Director of Racing Operations at Colonial Downs, provided a detailed overview of the 2024 Colonial Downs race meet from the licensee's perspective. He recapped promotional events such as Party at the Downs, noting that despite weather-related challenges, attendance was strong for key events like Virginia Derby Day and Wiener Dog Racing Day. Hopf discussed challenges with schedule changes and their impact on Handle, which was down from 2023. He also highlighted improvements made to the turf and dirt tracks, particularly addressing concerns about the dirt track becoming too fast early in the season. Hopf emphasized plans to add

new material to the dirt track and increase equipment for better maintenance in preparation for the upcoming March 2025 meet, which will feature a new Derby prep race. Marketing efforts included partnerships with local media and enhanced digital presence, which Hopf intends to expand. Operational upgrades such as new dormitory construction, paddock improvements, and grandstand fans were mentioned. Hopf also acknowledged commissioner concerns, including potential improvements to military outreach and weather accommodations for March.

Representatives from Spectrum Gaming Group, Sally Elloyan and Terri Avansino, provided an update on their engagement with the VRC. Elloyan introduced Spectrum as a nonpartisan consultancy specializing in the economics, regulation, and policy of legalized gambling worldwide. With nearly 50 years of combined gaming regulation experience, they are assisting the VRC as historical horse racing (HHR) and live racing expand in Virginia. Their recent site visits included interviews with staff and a tour of Colonial Downs' HHR facility. They will continue working remotely and plan to submit a report to the VRC soon. Commissioner Brand expressed appreciation for the insights provided by Spectrum and noted the opportunity to strengthen the VRC through this collaboration. No further questions or comments were raised, concluding the Spectrum Group's report.

Next, the Commission addressed new business. The Commission discussed and voted on the approval of the remote attendance and electronic meeting policy. Commissioner Siegel moved to approve the policy, and Commissioner Brand seconded the motion. Executive Secretary Ahmed explained that the policy allows for remote participation in meetings, providing flexibility and accessibility for commissioners and staff. The policy, which must be renewed annually, outlines guidelines for when remote attendance is permissible and the parameters of electronic meetings. Commissioner Brand raised a question about ensuring participation for those attending remotely, and Ahmed confirmed that necessary technological improvements, such as procuring webcams, would be made. After the discussion, all commissioners voted in favor, with no opposition or abstentions, and the motion was carried.

The Commission discussed setting a deadline for race date applications (limited licenses) for the 2025 calendar year. Commissioner Siegel moved to approve the motion, and Commissioner Gordon-Moore seconded it. Executive Secretary Ahmed explained that the proposed deadline for applications was October 12th, 2024. This date was recommended to provide ample time for applicants to organize their race dates and to ensure the Commission could review them before the December meeting. After brief discussion, all commissioners voted in favor, with no opposition or abstentions. The motion was carried, and the deadline was approved. This concluded the new business for the meeting.

During the public comment section, Debbie Easter, President of the Virginia Equine Alliance, addressed the Commission. She began by welcoming the new Executive Secretary and expressed her support for his leadership. Easter raised concerns about the potential legislative move to transition horse racing regulation from the Virginia Racing Commission to a Gaming Commission, which the horsemen oppose. She commended the Commission's quick action in bringing in Ahmed and the Spectrum Group, emphasizing the importance of maintaining horse racing under the Commission's oversight. Easter also highlighted the need for Colonial Downs to address ongoing issues, particularly relating to backside maintenance, such as muck and trash removal, as well as

providing sufficient resources for Frank Hopf and his team to manage the track effectively. She stressed the importance of respecting the people working and living on the backside by ensuring clean and well-maintained facilities. Despite these challenges, she concluded with a positive outlook, noting the overall success of the meet and the positive feedback she received from trainers and participants. Chair Nixon thanked Easter for her time and dedication to the industry. No further public comments were made.

The Commission moved to enter a closed session to discuss personnel matters and consult with legal counsel, in accordance with the Virginia Freedom of Information Act. Commissioner Gordon-Moore formally moved to convene the closed meeting, citing the relevant exemptions under the act: 2.2-3711-A.1 and 2.2-3711.A.8. The motion was seconded by Commissioner Siegel, and all commissioners present voted in favor through a roll-call vote. There were no objections or abstentions, and the motion to enter closed session was carried.

After the closed session, the Commission reconvened in open session. Commissioner Gordon-Moore moved to certify that only public business matters exempt from open meeting requirements and identified in the motion to convene the closed session were discussed. Commissioner Tanner seconded the motion. All commissioners present voted in favor of returning to open session, with no opposition or abstentions. A roll-call vote confirmed that Commissioner Brand, Commissioner Tanner, Commissioner Gordon-Moore, and Chair Nixon all voted in favor of reconvening. Commissioner Siegel had left the session before the vote. The motion was carried, and the Commission resumed its public proceedings.

The September 12th, 2024, meeting of the Virginia Racing Commission was adjourned after Chair Nixon called for a motion. Commissioner Tanner, Commissioner Gordon-Moore, and Commissioner Brand all seconded the motion. All commissioners present voted in favor of adjournment, with no opposition or abstentions. The motion was carried, and the meeting was officially adjourned.