



**Delaware Jockey's Health & Welfare Benefit Board  
Minutes of Regular Meeting Held On  
June 14, 2017**

The Delaware Jockey's Health & Welfare Benefit Board held a Regular Meeting on Wednesday, June 14, 2017, at 09:05 a.m., in the Horsemen's Office, Delaware Park, 777 Delaware Park Blvd, Wilmington, DE, 19804.

**The following Board members were present:**

Edward J. Stegemeier, Chairman
W. Duncan Patterson, Jr., DTRC Chair, Ex-Officio Member
John E. Mooney, Delaware Park, Executive Director of Racing
Bessie Gruwell, DTHA Executive Director
Pedro Lizarzaburu, Retired Jockey, DJHWBB Member
Scott Spieth, Jockey, DJHWBB Member

**The following individuals also were present:**

Andrew G. Kerber Esq., Deputy Attorney General
John F. Wayne, DTRC Executive Director
Robert E. Colton, Delaware Jockey's Association, Director
Kevin DeLucia, Senior Vice President & CFO, Racing-Administration, Delaware Park
Reese Howard, DTRC Safety Steward
Thomas W. Kaminski, University of Delaware, Professor/Director of Athletic Training Education
Kyle S. McMinn, University of Delaware
Molly Church, DTRC (recording minutes)

**1. WELCOME AND CALL TO ORDER**

Chairman Stegemeier called the meeting to order at approximately 9:01 a.m.

**2. APPROVAL OF MINUTES (January 11, 2017)**

Upon a motion duly made (Lizarzaburu) and seconded (Gruwell), the minutes from the January 11, 2017 meeting were approved.

**3. APPROVAL OF MINUTES (April 13, 2017)**

Upon a motion duly made (Gruwell) and seconded (Lizarzaburu), the minutes from the April 13, 2017 meeting were approved.

**4. OLD BUSINESS**

Mr. Colton introduced Thomas Kaminski, professor and director of Athletic Training Education at University of Delaware, and Kyle McMinn, who would be the Athletic Trainer at

Delaware Park. At the April 13, 2017 meeting, the Board approved the expenditure for a full time Athletic Trainer to provide services in the Jockeys' Room during race days for the 2017 Racing season. The Athletic Trainer will be provided by the University of Delaware. Mr. Colton reported that the University of Delaware sent him a contract for this, and provided copies of it to all Board members.

Mr. Colton addressed Mr. Kaminski about the Compensation section in the contract, which states,

"It is agreed and understood by the parties hereto that the fixed price for performing the services and providing the deliverables shall by thirty one thousand eight hundred and three dollars (\$31,803)."

Mr. Colton had previously been told that the compensation would only be \$27,662.00. Mr. Kaminski clarified that the Board, which is the sponsor, should only have to pay the \$27,662.00 and he is unsure why the \$31,803.00 figure was put in the contract. He will get more clarification on that. Mr. Colton expressed that he would like to see a per diem amount on the contract, because the compensation covers 81 racing days and racing has already been going on since June 3<sup>rd</sup>. And depending on how long it takes for the contract to be sent back to and reviewed by the University of Delaware's legal department, even more racing days will have gone by. Mr. Kaminski said that he has made the University Contracts and Grants Office aware of this and he will work on getting a per diem amount for the Board. Mr. Colton asked the Board if it would be appropriate to move forward with the contract by making their changes to it and getting it signed so that it can be given back to the University's legal department. Mr. Kerber answered that it would be fine. Mr. Kaminski said he would also try to get clarification on the compensation issue.

Mr. Kerber asked Mr. Kaminski who wrote the contract. Mr. Kaminski answered that the contract was written by the University's Contracts and Grants Office and was written using a common template that they use with other Athletic Trainers (e.g., for high school sports teams). Mr. Kerber said that if the contract was written by the University of Delaware, they should be able to move along in reviewing the contract fairly quickly.

Mr. Colton also presented the Insurance and Indemnification Agreement, which is an agreement of terms given by the Delaware Racing Association. Ms. Bessie Gruwell noted that it says that the agreement would be for a whole year, although it wouldn't be utilized for the parts of the year where there is no racing. Mr. Colton clarified that after extensively speaking to Mr. Kaminski, the agreement really applies only to the racing days, when the Athletic Trainer would be present.

Mr. Duncan Patterson asked Mr. Colton what he envisioned the Athletic Trainer doing for the jockeys. Mr. Colton said that for the first time in a long time, there will be a licensed medical provider on the grounds. He would work under a doctor's license and he has the ability to render a medical opinion about whether or not a rider should return to riding after an injury. At the moment there is no method of dispensing any type of medication, even over-the-counter medication, to injured riders. The Athletic Trainer would have the ability to administer that. The injured riders would also be able to be fast-tracked through Christiana Hospital, which is something that Mr. Colton said riders have had issues with in the past. Mr. Colton also stated that the Athletic Trainer will have extensive training in treating concussions, which is very important.

At this time, Mr. Kaminski explained that Mr. McMinn would be working under Christiana Care's Dr. Sandella, who is very interested in the health and safety of jockeys. He noted that prevention is a very big part of jockeys' safety. He will work with the jockeys off track to provide additional treatment, care, and rehabilitation with the Christiana Care network of physicians.

Mr. Kaminski said that they have been working off of the model of Keeneland Racecourse, which also uses a similar program with an Athletic Trainer provided by the University of Kentucky. He is in contact with the Athletic Trainer there. Mr. Kaminski predicts that in Delaware, there may be a "steep learning curve" for all involved, but ultimately, this will be very beneficial to the jockeys' welfare and safety.

Mr. McMinn added that the use of an Athletic Trainer would really speed up the process of treatment for an injured jockey. In serious cases such as with concussions, timing is crucial and there will be a lot less wait time to start treatment and care with a physician and there would be less issues regarding insurance.

Mr. Patterson asked if the Athletic Trainer will be able to facilitate older jockeys or suggest exercises for them that would make riding easier. Mr. McMinn answered that he specializes in rehabilitation and strength and conditioning, so he would definitely be able to do that. Jockey Scott Spieth said that it would be very beneficial to him as he has pains at times that come from riding injuries. Mr. Spieth asked Mr. McMinn if he would be able to tape up a sprain or another type of minor injury to support it while riding. Mr. McMinn said he would be able to do that as well.

Chairman Stegemier asked how the process could be sped up to get an injured rider under the care of a physician as soon as possible. Mr. Kaminski explained that Mr. McMinn will be able to contact Dr. Sandella who will ensure that an injured jockey will be seen as soon as possible by making arrangements for "fast-tracking" them through. Dr. Sandella will also be at a concussion clinic two days a week if a rider needs to be fast-tracked through there as well. Mr. Colton added that Dr. Sandella is also a family physician, so he can see the riders not only occupationally, but personally as well. Mr. Colton said that he had sent riders to him four or five times in 2016 and he was able to see them that day or the next morning. He said that seeing a regular doctor for some injured riders can take up to two weeks.

Mr. Pedro Lizarzaburu asked if retired riders would also have access to any services of the Athletic Trainer. Mr. Lizarzaburu is retired but still gallops horses. Chairman Stegemeier said that the Athletic Trainer would be primarily for active riders.

Mr. Colton added that they will have to make arrangements to set up for Mr. McMinn, such as a table for him to work at as well as minor supplies such as aspirin. Chairman Stegemeier agreed that it makes sense to have a budget for these types of items.

Mr. Kerber asked if Mr. Colton could send him an electronic copy of the contract so Mr. Kerber could revise it to include the correct compensation. Then, he can send it back to Mr. Colton for submission to University of Delaware.

Mr. John Mooney said that it should also clearly state somewhere in the contract that the Athletic Trainer will be present for all race days from noon until the jockeys return to the jockeys' room after the last race. Mr. Kerber added that he will put that in his revision before submitting it back to Mr. Colton.

Mr. Colton also reminded the Board that injured riders will also have the ability to go to University of Delaware for treatment and rehabilitation and to use their facilities as part of the contract. Mr. Patterson also noted that for these services the compensation is pretty inexpensive.

## **5. NEW BUSINESS**

Before moving on to the State of the Fund, Mr. Colton mentioned that he had a couple of riders ask him recently about possibly having another meeting later in the year about the new eligibility regulation changes. Some riders feel that it is unfair and would like the Board to possibly review and revise those changes, preferably at a time that would fit in with their riding schedules. Chairman Stegemier said that the Board does not meet again until October, and if any changes were made it would take 100 days, which would then be off the racing season. He suggested that this discussion take place at the January 2018 meeting instead. Mr. John Wayne asked Mr. Colton if he had a better time of day to suggest for this meeting. Mr. Colton answered that it may be best if it was later in the day.

### **A. State of the Fund**

At this time, Mr. Colton reviewed the State of the Fund. The 2017 year-to-date revenue-less expenses as of June 1<sup>st</sup> is a deficit of \$19,156.00 The projected revenue-less expenses for

2017, not including the Athletic Trainer Program, is a deficit of \$31,265.00. The estimated budget for the Athletic Trainer is \$28,000, but that has still not been confirmed. This would bring the projected revenue-less expenses to a deficit of \$59,265.00. The projected revenue-less expenses with full participation is no longer being provided due to the change in open-enrollment. New members will only be allowed to enroll January 1st during the open enrollment, not affecting this year's budget. In the 2018 budget there will be a significant reduction in health benefit costs due to less active jockeys meeting the new eligibility requirement of 100 annual Delaware Park mounts. Of the current 21 active jockeys participating, 7 did not ride 100 mounts in Delaware in 2016. At the end of the 2017 racing season, these mounts per jockey will represent a 26% reduction in total member participation, including both active and retired riders. Current membership as of June 1<sup>st</sup> is 37 jockeys, 21 active and 16 retired. There are currently 13 eligible non-participating jockeys; 5 active, and 8 retired. Chairman Stegemeier said that 2017 will be the first year that the Board can accurately project what the expenses are going to be because these numbers will not change until 2018, unless participants choose to drop out. Chairman Stegemeier believes that the Board has accomplished starting to get the Fund under control. Mr. Colton also reported that there has not been a jockey to drop out of the plan so far in 2017 or at the end of 2016. He also noted that the participating jockeys have all been very responsible in paying their bills. Chairman Stegemiier noted that there was a reduction in the excess on-track benefits premium. Mr. Colton recalled that the insurance broker told him that there would be a 10% reduction this year.

Before moving on to adjournment, Mr. Wayne suggested that maybe the next meeting in October could be moved to 10:30 AM instead of 9:05 AM. Mr. Spieth said that on a race day, he would typically be in the Jockeys room at about 11:15. He suggested that a good time would be 10:00 AM or 10:15 AM. Chairman Stegemeier asked Mr. Colton to get back to him with a time and date that would work for the jockeys.

Mr. Colton asked if the Board could make a motion to approve the use of \$2,000.00 to be spent on supplies for Mr. McMinn. Mr. Mooney made a motion and Ms. Gruwell seconded it to approve the use of that \$2,000.00.

## **6. ADJOURNMENT**

Upon a motion duly made (Mooney) and seconded (Gruwell), the meeting was adjourned at approximately 9:52 AM.