



**Delaware Jockey's Health & Welfare Benefit Board
Minutes of Regular Meeting Held On
April 01, 2020**

The Delaware Jockey's Health & Welfare Benefit Board held a teleconference meeting on Wednesday, April 1, 2020 at 10:00 a.m. via Skype for business.

The following Board members were present:

Edward J. Stegemeier, Chairman
Duncan Patterson, Ex-Officio Member, DTRC Chair
John Mooney, Delaware Park Executive Director of Racing
Bessie Gruwell, DTHA Executive Director
Pedro Lizarzaburu, DJH & WBB Board Member
Heriberto Rivero, Jr., Jockeys' Guild

The following individuals also were present:

Robert E. Colton, Delaware Jockey's Association, Director
Andrew Kerber, DTRC Commissioner
Sarah Crane, DTRC Acting Executive Director
Kadijah Smith, DTRC (recording minutes)

1. WELCOME AND CALL TO ORDER

Chairman Stegemeier called the meeting to order at approximately 10:11 a.m.

2. APPROVAL OF MINUTES

3. OLD BUSINESS

A. Suspending Member Monthly Premiums for May and June 2020

i. General Discussion

Chairman Stegemeier led the discussion concerning the payment of health insurance for active and retired jockeys. The cost of the premium is about \$7,800 for each month and would be just under \$16,000 for the two months. There is currently \$380,000 in the fund and the payment would be made from that, for May and June 2020. There is an additional \$475,000, which would bring back into surplus of between \$700,000 and \$750,000.

Chairman Stegemeier proposed that the board consider payment for May and June 2020, with the idea that the board will revisit once it has determined what type of program will happen in Delaware or if we have one at all.

This would be a two-month program starting on April 14, 2020 and May 14, 2020 covering all retired and active jockeys.

Executive Director of Racing John Mooney opposed the recommendation. He felt it was too early to make the decision. Live racing is not scheduled until May 27, 2020. He felt the board should discuss what to do as Covid-19 issue goes on.

Executive Director of the DTHA Bessie Gruwell agreed with Mr. Mooney.

DJH&WBB board member Pete Lizarzaburu asked about the active riders that are unable to ride right now. They have no income coming in and it would impact them as they are unable to race anywhere. He also questioned whether they would be able to afford the premiums.

Mr. Mooney questioned who those riders were and if they were attending the meet at Delaware Park and whether they are riding or not. He knew of some riding in Florida.

Chairman Stegemeier advised that it was not a question of whether the jockeys were riding or not they qualify for the insurance and the commitment was made to pay those premiums for one year.

Mr. Patterson questioned if there was a way to determine who was riding or not.

Chairman Stegemeier suggested, to consider the number of retired riders. There are approximately 8 active and about 16 to 17 retired. It is unknown if they have jobs or not. The projected unemployment rate for the country is estimated to be at 30% within the next month. He also felt that the board has built up a fund to cover emergencies and \$15,000 out of the \$750,000 in the grand scheme of things is not a whole lot of money, and it provides a measure of protection. Delaware Park, DTHA and the DJH&WBB, have been very active in supporting the disabled jockeys, and it is his opinion that it would be wrong time to turn a back on them.

Mr. Patterson who is not a voting member agreed with Chairman Stegemeier.

Mr. Mooney questioned what would happen in July and August.

Chairman Stegemeier advised it would be re-evaluated, and questioned Mr. Mooney what would be the chances of Delaware Park not racing in July.

Mr. Mooney had no idea, and added that if there is no income coming in he doesn't see how they were going to race.

Mr. Colton re-stated Chairman Stegemeier previous point that it would give the board two months to see which way the Corona virus goes. In terms of looking at each individual rider he could investigate it and ask the riders who could afford to pay. He imagines most of them would say they couldn't. If the board is going to err, they should err on the side in making sure that it is not a financial hardship for anyone to pay their health premium, when they could very well need it the most right now.

Mr. Stegemeier questioned if the jockeys where eligible for unemployment.

Mr. Colton said they were not as they were independent contractors. With the tracks running and the surge expected, most riders will start on April 15, 2020 depending on the state. With the few tracks open; he is almost certain that they will be closed. It is his opinion that the surge is expected to be bad and the Governors in those states will step in and shut down racing as they did in San Anita.

Chairman Stegemeier commented that the Governor in Florida has been criticized for not taking aggressing action. The peak of Corona virus cases is projected to be mid-May.

Mr. Colton advised he would send out information on a website that details peak dates for each state.

Mrs. Gruwell advised based on reports that she has read, Delaware's projected peak was April 20, 2020. New York and New Jersey were April 9, 2020 and Maryland was May 10, 2020.

Sarah Crane Acting Executive Director of DTRC, addressed Mr. Colton regarding independent contractors. There is a Federal Corona Virus aid and economic relief through the Cares Act. The federal

government is working on passing the aid to include, independent contractors, freelancers and self-employed workers. She suggested that before telling individuals that they are not eligible it may be worth looking into and steering them in that direction as there is something in the works.

Mrs. Gruwell confirmed the information and advised that at 11:00 a.m., April 01, 2020, the NTRA will be holding a teleconference meeting to discuss the Cares Act. She would be on the call as she believed it would benefit her organization. There could be relief for trainers, small businesses. She added that there is money there and you just need to know how to file for it. They are calling it a loan that is 100% forgivable if you don't use it all. She suggested everyone be on the call to determine what needs to be done to help everyone with what is going on. She wants to provide her owners and trainers with information on where they can find relief. She also suggested that the board decide on whether to pay for the insurance until after that meeting.

Mr. Colton suggested the board could always have another meeting when needed. Since there are excess funds the board could do at least one month although he was hoping for two. The payment will be due on the 14th of each month. Unless there is a meeting prior to then, the billing process will go forward. He felt due to the surplus payment could be made by for the two months

Mrs. Gruwell asked Mr. Heriberto Rivero Jr. from the Jockeys Guild if he would be on the call. He requested the link and would see if he could get some of his guys. She felt it could benefit him and his organization.

Mr. Stegemeier advised that if the legislation gets passed it may take a week or two to get it passed, and it may not get implemented. What has been passed already, is not expected until around Mid-April or later. We could be possible looking at Mid-May. He suggested making a motion and decide what the board wants to be done or not. In his opinion the board would be fiscally responsible in making the payment for the two months. With the uncertainty of what is going on he did not believe the board should add more uncertainty and hardship on the jockeys, if the board can help a little bit. He argued for the 16 riders who have had 100 mounts for the last 10 years. For the \$8,000 per month he felt the board should not turn their backs on those people, when there are resources to do it.

Mr. Stegemeier requested a motion be made to consider it, not consider it, go one month, two months. He did not feel the board was not moving forward and a decision needed to be made.

Mr. Rivero Jr. motioned for the two months.

Board member Pete Lizarzaburu second the motion.

No discussion on the motion. Board voted 4 yes and 1 sustained. Motion carried.

Mr. Kerber suggested that a letter be sent out to the jockeys to notify them of the decision, with an emphasis that the payment will only be for April and May 2020. There is no assurance after that timeframe that the board would be able to continue going forward. Mr. Colton agreed to draft for Chairman Stegemeier approval.

ii. Contract for the HeadCheck

Mr. Kerber led the discussion and advised he had given his comments to HeadCheck. There were some things in their agreement that the DJH&WBB board of the State of Delaware could not agree to. He understood that the contract has been entered into by the physical therapy company and the board just pay the bill. His recommendation is that the board proceed further that way. It would not increase the cost of the Commission. The Physical Therapy company would be interacting most directly, and it makes sense that they should be the parties of the contract.

Chairman Stegemeier agreed and requested that a motion be made to administer the HeadCheck program and absorb the cost, and then reimburse HeadCheck for the \$1500.00.

Mr. Rivero Jr. made the motion and Mr. Mooney second the motion.

Motion carried 5-0

4. NEW BUSINESS

A. Bobby Colton's resignation.

Mr. Colton announced that he was returning as a Steward this year. However, when the meet starts, he will be resigning and there will be a need for a new administrator. He previously spoke to Chairman Stegemeier and Chairman Patterson of the DTRC board. Their recommendation was to have Pete Lizarzaburu step in since he is well familiar with the program ran at Delaware Park. He will be resigning mid-May.

Chairman Stegemeier commented that it was required as he could not hold the position as a steward as well as represent the Jockeys.

Mr. Colton will assist Mr. Lizarzaburu in any capacity that he can to help with the transition.

Mr. Lizarzaburu looks forward to his new role as a Steward.

Mr. Mooney and Mrs. Gruwell were comfortable with the decision.

Mr. Mooney requested an update from Mr. Colton regarding the software and the programming with HeadCheck

Mr. Colton advised that it has progressed quite a bit and that they have come out with a new revision with their app, several changes have been made. Dr. Ryan down in Maryland has done a really good job. Since they deal with HIPPA issues they wanted to be in control of the software and not have the NTHA and the Jockey Club sign the contract. There were some issues in the beginning, performance is much better. The issues were addressed fast and believes it will work well.

Chairman Stegemeier commented that in the past the Jockey Guild was not on board with the HealthCheck program. He asked Mr. Rivero if he knew where they stood. Mr. Rivero said he did not and would find out as much as he can. Chairman Stegemeier advised him that it will be done in Delaware and Maryland. He would like the Guild to support them on it.

Mr. Colton offered to assist with the app and what it is. He does not believe health providers want to work or approve an app they don't have control over when it concerns HIPPA. They will not allow a patient to come with a HIPPA app and the provider ends up getting sued if something does not go right. Premier was adamant against working with the app that they did not have control over. He advised the Guild to consider when they are getting providers to sign on.

Mr. Patterson questioned if there were other jurisdictions who have embraced the program. Mr. Colton advised that West Virginia, New York, and some individuals from California. There has been quite a bit of interest.

Mr. Patterson noted the recent meeting with the Mid Atlantic jurisdictions, and they are trying to be uniform throughout the Mid Atlantic with Jockeys riding at multiple tracks in the Mid Atlantic. He believed it would be helpful if the other jurisdictions signed onto it.

Mr. Colton added that as soon as we get back to racing it is certainly something that could be pushed forward quickly with the software changes being made.

Mr. Colton thanked Acting Executive Director of the DTRC Sarah Crane for a wonderful job that she has been doing since the untimely passing of former Executive Director John F. Wayne's and now the issues with the corona virus. She has been doing an amazing job working behind the scene to keep things running.

Mr. Patterson second and Chairman Stegemeier agreed as well.

Mrs. Crane appreciated everyone's support.

5. PUBLIC COMMENT

There was no public comment at this time.

6. ADJOURNMENT

Upon a motion duly made (Stegemeier), the meeting was adjourned at approximately 10:42 a.m.