



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting
January 5, 2010**

The Delaware Thoroughbred Racing Commission held a regular meeting on Tuesday, January 5, 2010, at 11:00 AM, in the Conference Center, at the Delaware Department of Agriculture, 2320 S. Dupont Highway, Dover, Delaware 19901.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary-Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner

The following commission members attended via telephone conference call:

Edward J. Stegemeier, Commissioner

The following individuals also were present:

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Frederick "Fritz" Burkhardt, DTRC, Associate Steward
Donald J. Churchill, Sr., Owner
Kevin DeLucia, Delaware Park, Vice President of Accounting Operations
Jeff Ganc, Delaware Park, Assistant Director of Security
Bessie Gruwell, DTHA, Executive Director (arrived 11:10 a.m.)
Madeline Locke, Owner/Trainer
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Doug Phillips, Horthy & Horthy, Director
Joseph Rudisill, Delaware Park, Senior Vice President of Compliance
Joe Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Jane Teichner, V.M.D., DTRC, Associate Veterinarian
Paul Trapani, Owner/Trainer
Michael Vild, Esq., Delaware Park, Vice President of Racing and General Counsel

1. **WELCOME & CALL TO ORDER**

At 11:00 AM, Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Decker) minutes of November 3, 2009 were approved as submitted with one correction to the Veterinary Health Statistical Report correcting the total number of deaths to four in the REPORT FROM CHIEF COMMISSION VETERINARIAN:

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

Report submitted through October 31, 2009. Dr. Peters reported four deaths during the reporting period – three were racing; one foundered.

3. **OLD BUSINESS**

A. **Proposed Rule Change – DTRC Rule 14.6 Parade to the Post**

Commission Counsel Kerber opened the discussion and introduced the rule change proposed by the Board of Stewards. Today the Commission is asked to accept the proposal to publish and to promulgate the changes.

Mr. Mooney stated that “weight” in racing-lingo means the “weight of the jockey.” This rule change originates from a complaint from a trainer that the competing horse didn’t carry the weight and therefore didn’t tire equally during the 12 minute parade to the post.

Upon a motion duly made (Patterson) and seconded (Killeen) the Commission accepts the proposed rule change. The rule shall be published in the February 1, 2010 Register of Regulations and final vote will be made at the Commission’s March 16, 2010 meeting.

The proposed rule change will allow a jockey, if unseated during the parade to the post, **to re-mount in the vicinity** of where the jockey was unseated instead of having to return to the area at which thrown, as follows.

14.6 Parade to the Post; Time

14.6.1 All horses shall parade and carry their declared weight from the paddock to the starting post, such parade to pass the Stewards' stand. After passing the Stewards' stand once, horses may break formation and canter, warm up, or go as they please to the post. The parade to the post shall not exceed 12 minutes from the time the field enters upon the track, except in cases of unavoidable delay. ~~If a Jockey is thrown on the way to the post, such Jockey must remount at the point at which thrown.~~ In the event ~~the a~~ a Jockey is ~~so~~ injured as to require a substitute Jockey to be named for the horse by the Stewards, the horse shall be returned to the paddock where the horse shall be mounted by a substitute Jockey.

14.6.2 The Stewards may allow the weight to be taken off a horse, for any reason they deem necessary, or for safety reasons.

14.6.3 The Stewards or Starter may allow the weight to be taken off a horse, so that the horse may be loaded in the starting gate, or for safety reasons. Also to repair, replace, or adjust any equipment.

14.6.4 If a jockey is unseated from the paddock to the post, said horse shall be re-mounted in the vicinity where the jockey was unseated, unless excused by the Stewards.

14.6.5 The Stewards or the Outriders may excuse a horse from the post parade whenever they deem necessary.

4. **NEW BUSINESS**

A. **Live Racing Schedule 2010 – Delaware Racing Association**

Upon a motion duly made (Patterson) and seconded (Decker), the Live Racing Schedule for 2010, including 116 live-racing dates, was approved as submitted by Mr. Vild. The 2010 DTRC license to Delaware Park was presented and signed by the Commission. (Notation by minute-taker: Mr. Stegemeier signed the license on January 8, 2010.)

		Proposed 2010 Racing Calendar																					
		2010 Racing Calendar																					
Month	(# Days)	ACTUAL DATES																					
May	(18)	1	3	4	5	8	10	11	12	15	17	18	19	22	24	25	26	29	31				
June	(18)	1	2	5	7	8	9	12	14	15	16	19	21	22	23	26	28	29	30				
July	(20)	3	5	6	7	10	12	13	14	15	17	19	20	21	22	24	26	27	28	29	31		
August	(22)	2	3	4	5	7	9	10	11	12	14	16	17	18	19	21	23	24	25	26	28	30	31
September	(17)	1	4	6	7	8	11	13	14	15	18	20	21	22	25	27	28	29					
October	(17)	2	4	5	6	9	11	12	13	16	18	19	20	23	25	26	27	30					
November	(4)	1	2	3	6																		
Total 116 Days																							

Mr. Mooney noted that the Big Event Weekend would be split this year over two weekends – July 10 and July 17, 2010.

Commissioner Stegemeier inquired as to cutting race days, i.e. 2009, 116 days down to 109 days; Mr. Mooney replied he couldn't predict at this point in time whether 2010 would be shortened. Commissioner Decker asked if sports' betting helped; Mr. Vild replied it helped pari-mutuel wise anecdotally, although horsemen complained about sports bettors taking seats.

Ms. Madeline Locke asked when horsemen can come for the 2010 meet; Ms. Gruwell replied 30 days before the meet starts.

B. **Engineer's Report – Delaware Racing Association**

Upon a motion duly made (Decker) and seconded (Killeen) the Annual Structural/Safety Inspection of Clubhouse & Slots Area report, dated November 19, 2009, was accepted.

C. **Certificate Of Insurance – Delaware Racing Association**

Upon a motion duly made (Decker) and seconded (Killeen) the Certificate of Liability Insurance, dated March 25, 2009 for the period April 1, 2009 through April 1, 2010, was accepted. The Commission asked that Mr. Petkiewicz be prepared at the Commission's April 20, 2010 meeting the Certificate of Insurance for 2010 through 2011.

D. Horty & Horty – Mr. Doug Phillips, Director

Mr. Doug Phillips, Director of Horty & Horty read into the record the following request from Horty & Horty memorandum dated January 5, 2010.

Currently, as part of our quarterly tests of ticket prices, commissions, breakage, fees etc. for simulcast-in (import of signal) and simulcast-out (export of signal) we have performed a procedure whereby we obtain from the other racetrack or simulcast outlet (hereafter collectively referred to as "racetracks") a report of their end of day summary of handle, commission, fees, break and payout and then compare that to the reports generated that same race day at Delaware Park. In the past we have been able to get these reports with significant effort from Delaware Park personnel, but it has become increasingly difficult to get the other racetracks to cooperate. This has resulted in significant delays in issuing our reports to the Commission. Presently there are open quarters for which our reports to the DTRC have not been issued because we have been unable to obtain the needed reports from the other racetracks. In some cases, the other racetrack's meets have ended which will make it even more difficult to get these reports.

There have been no exceptions in recent years. Any prior issues with protocols among the totalizator companies appear to be virtually non-existent now. Differences we noted in prior years were always small, never more than a few cents or dollars.

As a result we are proposing that the procedure be eliminated and a new procedure be approved. Instead of "confirming" activity for each racetrack on a daily basis, we recommend a procedure whereby we agree the daily activity with the particular track to the internal accumulation of the specific racetrack (the subsidiary ledger of daily activity) which is recorded via Delaware Park's pari-mutuel accounting system (Perfecta). We would then verify the settlement of the accumulated monthly amounts with the other racetrack for the particular month for a sample of racetracks each quarter by tracing to settlement statements (an internally generated document to facilitate settlement) where applicable and subsequent payment to or cash receipts from the other racetrack, or if settlement for some reason has not occurred, some other confirming correspondence with the other racetrack. Since settlements generally occur without issue, this would greatly reduce the need to have the other racetrack's cooperation.

We propose that we test settlement for six racetracks per quarter. If approved, we would begin this immediately for all open quarters.

Commissioner Decker inquired as to what degree of risk Horty & Horty is undertaking; Mr. Phillips replied he doesn't feel they are at any risk especially considering there have, historically, been no exceptions. Commissioner Decker asked if there was anyone else in the State that Horty & Horty required approval from; Mr. Phillips replied that there was not.

Upon a motion duly made (Decker) and seconded (Patterson) the request is approved.

- E. **Capital Budget Report (Quarterly Update) – Delaware Racing Association**
Upon a motion duly made (Decker) and seconded the 2009 Quarterly Update was accepted as submitted.

The 2010 Capital Budget has not been received by the Commission – the report may be offered at the next Commission meeting scheduled for March 16, 2010.

- F. **Report From Secretary/Commissioner Patterson – ROAP December 2009**
Secretary/Commissioner Patterson submitted meeting materials for Commission review from the Racing Officials Accreditation Program he attended December 2009. Discussion points included:

- Approved minimum amounts on Jockey Fees.
- Approved Jockey weight allowing 3 pounds for weather conditions.
- Canada wanted to make a proposal about the riding crop – Secretary/Commissioner Patterson spoke out against it stating the Stewards need to enforce current rules.
- Mandatory post mortem examinations promoted by AAEP
- Test samples
- Hyperbaric chambers still enforced mandatory in New York (10 day recovery period following treatments).
- ARCI – DTSP – Quality assurance samples will be paid for by the Racing Medication and Testing Consortium (Jockey Club). These spiked samples will be submitted to the DTRC official laboratory periodically to ensure efficiency of testing methods. The savings passed on to the DTRC and Delaware Park will be \$6,500.00 each, respectively.
- Jurisdictions hurt by the economy

Secretary/Commissioner Patterson provided materials from the Racing Officials Accreditation Program (ROAP) for other commissioners.

5. **REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Wayne submitted the Summary of Activities Report for the period November 1, 2009 through December 31, 2009. He also advised that the 2009 Annual Report will be available by the end of January, 2010.

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

Dr Peters reported that winter training at Delaware Park is running smoothly thanks to the Racing Office. Dr. Peters wished everyone a happy new year and is looking forward to 2010.

Secretary/Commissioner Patterson spoke about the New York out-of-competition testing program and asked if New York could come here and demand (request) us to test a horse. The DTRC Executive Director advised that the DTRC would comply with a request to secure a sample for another jurisdiction by having our commission veterinarian withdraw a sample while maintaining chain of custody and sending any samples via bonded courier as required by the requesting jurisdiction.

- A. **Veterinary Health Statistical Report** No report during off-season.

B. **Report From Dr. Picciano, AAEP Meeting, December, 2009**

Dr. Picciano submitted an executive summary report on the American Association of Equine Practitioners (AAEP) meeting held December 2009.

Chairman Daney and the Commission thanked Dr. Picciano for an excellent report and for a job well-done.

7. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

A. **Delaware Certified Thoroughbred Program Report**

Statistics through October 26, 2009 (last day of racing in 2009)

Number of Starters	- 287
Number of Starts	- 921
1 st Place	- 105
2 nd Place	- 120
3 rd Place	- 120
25% DCTP Earnings	- \$ 511,452.50
25% Certifier Awards	- \$ 584,025.00
Total Annual Awards	- \$1,095,478.00
Total DCTP Applications To Date	- 2026
2010 DCTP Horses of Racing Age	- 1955
Number of Two-Year-Olds	- 380
Number of Three-Year-Olds	- 374
Number of Four-Year-Olds	- 296
Number of Older Horses	- 905

Ms. Gruwell endorsed the ROAP training program.

8. **PUBLIC SESSION**

Mr. Mooney remarked that the Racing Office is working on their first condition book for 2010; and that Racing Secretary, Mr. Patrick Pope, is due back at Delaware Park in mid-April. Mr. Mooney reported winter stabling for approximately 420 to 480 horses – and at times as high as 500 horses.

Dalare Associates Laboratory Director, Mr. Joe Strug, reported that he's aware of, and a test has been developed on Ractopamine hydrochloride referred to on page two of Dr. Picciano's report *2009 Racing Regulatory Veterinarians Meeting Summary*.

9. **RECESS**

At 12:23 PM, upon a motion duly made (Decker) and seconded (Patterson) the Commission recessed for lunch.

10. **EXECUTIVE SESSION**

At 12:56 PM, Chairman Daney recalled the meeting to order, and upon a motion duly made and seconded, the Commission entered into Executive Session to discuss investigative matters.

At 1:47 PM, the Commission was returned to public session.

11. **ADJOURN**

At 1:47 PM, upon a motion duly made and seconded, the meeting was adjourned.

The next Commission meeting will be held at 10:00 AM, on March 16, 2010, at the usual location, the second floor conference room of the Horseman's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.