



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting & Public Hearing Held  
August 17, 2010**

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on Tuesday, August 17, 2010, at 10:00 AM, in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

**The following commission members were present:**

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary-Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier

**The following commission members were excused:**

Henry James Decker, Commissioner
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**The following individuals also were present:**

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Barbara Gadbois, Esq., Deputy Attorney General, Stewards' Counsel
Robert E. Colton, Delaware Jockeys Association, Director
Bessie Gruwell, DTHA, Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, Owner/Trainer
John E. Mooney, Delaware Park, Executive Director of Racing
Scott Peck, DTHA, President
Anthony Pecoraro, Trainer
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Joseph Rudisill, Delaware Park, Senior Vice President of Compliance
Patty Shelton, Wilcox & Fetzer, Court Reporter
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel
Carissa Lee Wickens, University of Delaware, Assistant Professor

1. **WELCOME AND CALL TO ORDER**

At 10:00 AM, Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Patterson) minutes of July 20, 2010 were approved as submitted.

3. **OLD BUSINESS**

None

4. **NEW BUSINESS**

A. **On-Track Bonus Program**

Presentation by Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel, of proposed change. Excerpted from August 12, 2010 e-mail memorandum.

“In order to promote wagering on our races on track, Delaware Racing Association is considering implementation of what we believe to be a unique on-track wagering bonus. We propose to reduce the takeout on wagers made by patrons at Delaware Park as opposed to those wagers made off-track. This change would result in higher payoffs for on-track as opposed to off-track wagers and is intended to encourage our patrons to make their wagers here rather than through ADWs or other off-track wagering options. We have successfully tested the bonus program with the assistance of our tote provider, Scientific Games.

Of course, Delaware Racing Association would not implement such a change without the knowledge and consent of the Delaware Thoroughbred Racing Commission. I have reviewed the relevant statute, 3 Del. C. § 10166, and believe that the program is legally permissible. In my view, § 10166 establishes the maximum takeout on pari-mutuel pools and that the Commission can authorize a licensee to take less, but not more, than the statutory commission rates.”

For further clarification, and, to answer questions posed by the Commission, Mr. Vild issued the following e-mail memorandum directly after meeting with the Commission.

“Commissioner Stegemeier asked me today about the anticipated increase in payoffs after the implementation of our on-track bonus program. I pulled the analysis that we did and the percentage increase is between approximately 10.5% and approximately 12%. The difference turns on whether the percentage of winning ticket dollars sold on track is greater than, less than or equal to the percentage of winning ticket dollars sold off-track.”

Commission Counsel Kerber shared Mr. Vild's opinion of 3 Del. C section 10166, in that there would be no problem under our statute. Upon a motion duly made (Stegemeier) and seconded (Patterson) the Commission accepts the recommendation from Delaware Park to modify their take-out on their exacta pools for on-track betting.

**INTERRUPTION**

At 10:10 AM, Associate Steward, Mr. Dennis Lima, entered the room and advised Executive Director Wayne that trainer, Mr. Juan Vasquez, was injured this morning in a training accident and was taken to Christiana Hospital. Mr. Vasquez is the appellant in today's hearing before the Commission. At 10:12 AM, Chairman Daney advised the Commissioners of Mr. Vasquez' accident. Commission Counsel Kerber dismissed the court reporter.

4. **NEW BUSINESS (continued)**

B. **2010 Budget – Delaware Racing Commission**

In reference to #200, entitled "Front-Side Maintenance" in the column entitled "Allocated But Not Spent", Chairman Stegemeier remarked: "What was actually spent and what was the carryover from 2009? For various reasons, the projects are postponed, and, making an observation, as of right now, the Racing allocation is \$2.8 million and 10% of that has been spent. I'm not faulting I'm just asking why the budget isn't more realistic."

5. **REPORT FROM EXECUTIVE DIRECTOR**

Executive Director, Mr. John F. Wayne, referred to his Summary of Activities report for the previous month summarizing the activities of the Commission and staff.

Commissioner Stegemeier asked if there have been more fines this year for jockeys reporting overweight. Chief State Steward, Mr. Houghton indicated that there have been more fines for jockeys being overweight. Mr. Houghton elaborated that the riders under report their weight due to recommendations they receive from their agents because it makes them more marketable. Mr. Houghton complimented the Clerk of Scales for being vigilant on these issues.

6. **REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

Dr. Peters reported 2 deaths racing in July 2010, one broke both sesamoid bones, the second broke left cannon bone. Dr. Peters reported 2 deaths not racing in July 2010, one was sent to New Bolton which was posted as cardiac insufficient, the second died on the track during training.

**Unanswered problems Dr. Peters discussed:** We don't know why two horses had heart attacks in July 2010. To date, in August 2010, Dr. Peters reported two deaths in racing, one heart attack, and one fractured knee. To date, in August 2010, Dr. Peters reported one death not racing, a two-year-old broke his cannon bone in training. Brings the total number of heart attacks this season to five. Secretary/Commissioner Patterson remarked that this is an unusual amount of heart attacks and asked Dr. Peters if all were different trainers, Dr. Peters replied that yes all were different trainers; Secretary/Commissioner Patterson rephrased his question for clarity, that no more than one per trainer, Dr. Peters confirmed that was correct, no more than one horse per trainer had suffered a heart attack. Secretary/Commissioner Patterson asked if Dr. Peters thought trainers were giving the horses something that precipitated the heart attacks, Dr. Peters replied, no.

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

A. **Delaware Certified Thoroughbred Program Report**

DTHA Executive Director, Bessie Gruwell, reported that the Delaware Certified States are being run in October this year, which is a little later in the year than in the past; and this year they will be running the two-year-olds on dirt instead of the turf.

The DTHA 18<sup>th</sup> Annual Owner's Day festivities begin on Friday, September 10, 2010, with the DTHA Horsemen's Classic Golf Tournament, followed that evening with the banquet and silent auction. On Saturday, September 11, 2010, there will be 12 races and \$750,000 in purses - \$300,000 in three stakes races.

8. **PUBLIC SESSION**

Chairman Daney solicited the following attendees for their remarks.

**Delaware Park, Executive Director of Racing, Mr. John E. Mooney:** Nothing to report – the racing office is getting entries on a daily basis, a few have inquired about getting stalls down here from Philadelphia Park.

**Dalare Associates, Inc., Laboratory Director, Mr. Joseph Strug:** Discussions continue on the Phenylbutazone coverage; 2 or anything over 2.

**DTRC Chief State Steward, Mr. G. Jack Houghton:** Found in the Jockeys' Room whips that appear to be padded but aren't padded. The Commission may want to draft a rule in that regard and then the Stewards would have more power to do something. DTRC Executive Director, Mr. John F. Wayne, stated the Commission would have a written proposed rule by the end of this racing season. It would be intended to have the rule in place by the time the 2011 racing season begins.

**Delaware Jockeys Association, Director, Mr. Robert E. Colton:** Dr. Snyder is getting a summary report together from the survey and Mr. Colton will report back to the Commission.

**Carissa Lee Wickens, University of Delaware, Assistant Professor:** The Commission welcomed Ms. Wickens. Ms. Wickens started last summer at equine science and management with extension outreach with the Department of Agriculture. Students in preventive medicine and how that pertains to the horse racing industry. Internships and/or field trips. To administer to folks in the industry how best to serve them. Ms. Wickens wants to capture both sides of the industry – back yard horse owners, Secretary/Commissioner Patterson recommends someone from the Commission speak to her class. There are 150 students in the program with ten horses in teaching herd at the University of Delaware made of Arabians and some quarter horses.

9. **EXECUTIVE SESSION**

At 10:46 AM, upon a motion duly made (Killeen) and seconded, the Commission was moved into executive session to discuss personnel issues.

At 11:08 AM, the Commission was moved back into public session.

10. **ADJOURN**

At 11:09 AM, the Commission was adjourned. The next Commission meeting is scheduled for 10:00 a.m. on Tuesday, September 21, 2010.

DELAWARE PARK  
2010 BREAKDOWN/INJURY STATISTICS

	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct/Nov10	2009 total	2008 total	2007 total	2006 total
# STARTED THIS MONTH	1332	1386	1240							
# STARTED TO DATE	1332	2718	3958				8188	8460	8536	9318
Horses added to Vet's list	18	26	9				167	189	171	185
Prerace scratches	6	11	3				44	80	53	76
Gate scratches	3	5	3				35	27	37	27
Pulled up/return lame	7	4	2				59	55	63	71
Other	2	6	1				29	27	18	11
Removed via ambulance										
racing	2	2	2				38	35	38	45
training	3	2	0				10	8	6	10
Total racing fatalities	0	2	2				14	16	11	12
M-S fatalities	0	2	2				13	15	10	9
Sudden death/heart att	0	0	0				0	0	0	2
Other	0	0	0				0	1	1	1
*fatal M-S rac. inj/1000 sts (*cumulative)	0	0.74	1.01				1.59	1.77	1.17	0.97
Total training fatalities	3	1	2				8	7	5	8
M-S fatalities	2	1	1				8	6	5	7
Sudden death/heart att	1	0	1				0	1	0	0
Other	0	0	0				0	0	0	1
Other deaths on site	2	3	2				7	3	5	8
musculoskeletal injury	0	0	0				1	1 (pony)	0	2
colic/colitis	0	2	0				2	0	1	3
neurologic disease	1 (EPM)	0	0				0	0	2	0
laminitis	0	1	1				3			
other	1	0	1				1	2	2	3

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**DELAWARE CERTIFIED THOROUGHBRED PROGRAM**  
 Tuesday, August 17, 2010

2008	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	17	17
	Apr - Jun	8	51	59
	Jul - Sept	31	67	98
	Oct - Dec	37	158	195
	<b>Total Applications</b>	<b>76</b>	<b>293</b>	<b>369</b>

  

2009	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	20	20
	Apr - Jun	9	66	75
	Jul - Sept	21	122	143
	Oct - Dec	53	192	245
	<b>Total Applications</b>	<b>83</b>	<b>400</b>	<b>484</b>

  

2010	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	15	15
	Apr - Jun	4	78	82
	Jul - Sept	2	37	39
	Oct - Dec	0	0	0
	<b>Total Applications</b>	<b>6</b>	<b>130</b>	<b>136</b>

Total DCTP Applications to date: 2269

2010 DCTP Horses of Racing Age: 2050

475 (2 yr. olds), 374 (3 yr. olds), 296 (4 yr. olds), 905 (older horses),

Year	# of Starters	# of Starts	1st	2nd	3rd	25% DCTP Earnings	25% Certifier Awards	Total Annual Awards
<u>thru July 31</u>								
2010	225	547	58	82	62	\$ 312,703.75	\$312,703.75	\$ 625,407.50
2009	287	922	105	120	121	\$ 511,810.00	\$584,382.50	\$1,096,193
2008	210	690	94	82	109	\$367,963.60	\$433,265.20	\$801,229
2007	271	608	90	87	102	\$331,809	\$355,609	\$687,418
2006	139	476	68	61	72	\$201,286.80	\$214,936.80	\$416,224
2005	99	366	52	49	53	\$179,690.00	\$193,340.00	\$373,030
2004*	56	134	20	19	19	\$44,947.00	\$44,947.00	\$89,894
2003*	9	17	7	3	2	\$13,505.00	\$13,505.00	\$27,010

Total DCTP

- \* DCTP owners and certifiers received 10% each bonuses in 2003 & 2004
- \* DCTP owners and certifiers received 15% each bonuses in 2005 thru May 2008
- \* DCTP owners and certifiers received 20% each bonuses beginning June 1, 2008
- \* DCTP owners and certifiers received 25% each bonuses beginning April 25, 2009

Current Delaware Farms enrolled: 74

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