



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting
May 17, 2011**

The Delaware Thoroughbred Racing Commission held a regular meeting on Tuesday, May 17, 2011, at 10:00 a.m., 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, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following individuals also were present:

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Gerald Brady, State Representative (at 11:07 a.m.)
Robert E. Colton, Delaware Jockeys Association, Director
Greg Griffith, Trainer
Bessie Gruwell, DTHA Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, Owner/Trainer, DTHA President
John E. Mooney, Delaware Park, Executive Director of Racing
Ron Moquett, Trainer
Anthony Pecoraro, Trainer
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Joseph Rudisill, Delaware Park, Senior Vice President of Compliance
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME & CALL TO ORDER**

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

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Decker) minutes of April 19, 2011 were approved as submitted.

3. **OLD BUSINESS**

A. **Discussion on Commission reviews of disciplinary matters directly**

Moved to DTRC meeting on June 21, 2011.

4. **NEW BUSINESS**

None offered.

5. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne reported activities during the period April 1 – 30, 2011.

License Office Activity:

Persons fingerprinted = 35

Fingerprinting fees collected = \$2,765.00

DTRC licenses issued = 2,116

License fees collected = \$48,840.00

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

Dr. Peters stated that the official report is due the end of this month. Yesterday a horse was lost due to it sustaining a medial fractured sesamoid.

7. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION (DTHA)**

A. **Racing Card Cancellation – Tuesday, May 10, 2011**

DTHA President, Ms. Madeline Locke and executive director, Ms. Bessie Gruwell, reported having a very good meeting with Mr. John Mooney last week and stated they agreed anecdotally, problems remain with working with the racing association.

- Constantly having problems filling races.
- Horsemen have no control over who gets stalls and what types of races are formed.
- Ms. Locke believes she should know in advance so that the problem can be resolved before race day to be sure we're filling races. She doesn't have access to *Incompass*™ so she can't confirm – but has a lot of trainers saying they haven't been called when race is short. Ms. Gruwell remarked that trainers get called every day from the race office in reference to other matters.
- Commissioner Killeen – “well, who is ultimately responsible for entering the race?”
- Ms. Locke and Ms. Gruwell – the trainers.
- Commissioner Killeen – “what does getting a stall have to do with entering a race?”
- Ms. Locke – “it's a matching thing – they should be writing cards for the horses on site.” She agrees it's not just a horse issue – if we're not part of the process of writing the book and/or filling stalls don't blame DTHA for not filling card. There are 1200 horses on the grounds – why aren't they racing? Last week we had 3 races that were short 3 horses and the card was cancelled at 12:30 p.m. – trainers reported not being called.
- Ms. Gruwell commented that 12:30 is early to cancel a card - and considered cancelling today because 2 races have a 5 horse field. Per the stall agreement horses required to be here by May 10 – that's too late.
- Mr. Mooney – stated many times that April is too early to open the meet with a full schedule and had submitted the first dates request with an opening in May. We've done a good job filling the races that we've filled. Whether we want to admit it or not there aren't horses here ready to race. In the instance of cancelled Tuesday card – simulcast outlets no longer accept us after 2 pm on a weekday (Tuesday) and if you're not in the Daily Racing Form there is no point in racing.

- Mr. Mooney not going into every reason why but said his office spends hours & hours calling trainers to enter race.
- Stalls here 1570 (150 of those stalls used for feed, etc.)
- 1350 full (including Arabians)
- Commissioner Decker to Mr. Mooney – you believe this is temporary?
- Mr. Mooney – yes.
- Commissioner Decker to Mr. Mooney – why do you cancel a whole day if only a couple races are cancelled?
- Mr. Mooney – simulcast.
- Mr. Mooney - All of my stalls are assigned – 2 trainers aren't here yet. Graham Motion will fill his barn next week.
- Commissioner Decker – we're now technically down to 105 days of racing – will this day be made up?
- Mr. Mooney – not that I can say for certain because the purse structure was built on 106 days.
- Commissioner Decker – can't you adjust the purse structure as you go along?
- Commissioner Decker – we're very close to the 100 day mark.
- Mr. Vild – if we race fewer than 100 days the lottery director is entitled/obligated to re-evaluate whether we keep our lottery license.
- Mr. Mooney – the last thing we want is to cancel days – we lose money when we cancel – we will do everything we can to race especially considering the amount of money that trainers spend on Delaware racing.
- Commissioner Decker – I caution you and urge you not to risk failing / to race under 100 days.
- Mr. Vild – we are the last association that wants to cancel racing – we had events planned we had to cancel – it's bad for our signal it's bad for business to cancel.
- Mr. Mooney – we have no intention of failing 100 days and all intention of running 106 days.
- Commissioner Decker – is the 100 days unreasonable?
- Mr. Mooney – in his view it will have to be addressed and may need to be addressed in the years to come. Tracks are being forced to reduce race days. However, he doesn't want to predict.
- Commissioner Decker – to Ms. Gruwell and/or Ms. Locke – the DTHA was very aggressive in opening early – what say you now?
- Ms. Gruwell – that very well may be and we may need to review of the purse structure – we've been amenable to a reduction in the purse structure.
- Commissioner Decker – that may be but my question is as to the early opening – why do you insist on the early opening?
- Ms. Locke – we did a survey on when tracks are closing and felt 4/30 was good – but when you put on the stall application that horses don't have to be here until May 10....
- Commissioner Stegemeier – this problem may surface again in October / November.
- Secretary/Commissioner Patterson – this is industry wide – and agree it's better to put out a good product than a bad product – until we change the business model we're not going to recover – we cannot have day in and day out \$5,000 claiming races. I think the only thing that is going to change is when Colonial Downs opens and the price of gas is too costly. I'm not as optimistic as Mr. Mooney – and it's bigger than blaming one person. Andy Beyer had a great article on how to change the DelMar Keeneland Saratoga and Oaklawn they're all boutique meets. Not in favor of running @60 days but that might be what we're facing 5 years from now.
- Ms. Gruwell - we're trying the family fun days and signed up @ 400 kids – diva day in June.
- Secretary/Commissioner Patterson – agreed – with the grove working in our favor.

- Chairman Daney called on trainer Ron Moquett - entered 5 horses that Tuesday and no one shipped further on that Tuesday – he asked for a call if it got close that he would get a call and he never got a call –the difference in 100 days versus 106 days is one million dollars – Churchill Downs set a new record for twilight racing – it may not have worked back then but it works now - if it's working now at other tracks we need to try it – if we try it then we can say we tried it and it didn't work – otherwise we're saying that we're the only track in American that twilight won't work.
- Mr. Moquett has 30 horses here – suggests they put on the bottom of the overnight that 2 pm is the new cut-off time. We have good people in the racing office and we have good horsemen – I want' to be here but I want a chance to run. And more here than at any other track he's been at it seems to be more “us against them.”
- Mr. Vild – we've increased the handle over the last 2 meets – in part our racing and in part our purses – we run purses off slots and that's what is driving the race days down more than anything. – it's not the racing that drives down figures – it's the way we fund the purse with the slots.
- Mr. Colton – it's a difficult position that the industry faces – i.e. the racing tsunami article he sent – we really have to start thinking outside the box – regionally to help owners and trainers stay in business – and keeping tracks in business. With a 30% reduction in foals then in 2014 we have a 30% reduction in racing.
- Secretary/Commissioner Patterson – the positive becomes a negative because raising purses for the lower priced horses kills the buyers.
- Mr. Mooney – purses are higher owners are decreasing – Ontario has lost 50 % of its breeding – with 6/5 horse fields.
- Secretary/Commissioner Patterson – if you buy a yearling today it will cost you \$50,000 to get him to the races – should I buy a yearling or should I spend \$5,000 - \$10,000 to buy a claimer?
- Secretary/Commissioner Patterson – it's not our purpose to make business decisions for the race track nor for the horsemen.

B. Delaware Certified Thoroughbred Program Report

Ms. Gruwell submitted a corrected report dated March 15, 2011, and submitted the current report, dated May 17, 2011.

8. ADJOURN

At 11:38 a.m., upon a motion duly made and seconded the meeting was adjourned and no executive session was called. The commission will meet next on Tuesday, June 21, 2011.