



STATE OF DELAWARE
 DEPARTMENT OF AGRICULTURE
 DELAWARE HARNESS RACING COMMISSION
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**Minutes of the DHRC Meeting Held
 December 14, 2010**

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The Delaware Harness Racing Commission met
 at 10:15 AM in the Chesapeake Room at Dover Downs in Dover, Delaware

Commission Members Present

Beth Steele, Chairman	George P. Staats, Commissioner
Robert B. Brown, Commissioner	Larry Talley, Commissioner
Patt Wagner, Commissioner	

Others Present

Andrew Kerber, Deputy Attorney General	Karen Craft, Facilities Manager, HRI
Charles Lockhart, VP of Horse Racing, D. Downs	Judy Davis-Wilson, Executive Director, DSBF
John Hensley, Sr. Dir., Horse Racing, D. Downs	Hugh Gallagher, DHRC Administrator of Racing
Salvatore DiMario, Executive Director, DSOA	Brian J. Manges, DHRC Chief Inspector
James Boese, General Manager, HRI	Matt Sparacino, Assist. General Mgr., HRI
Scott Egger, Presiding Judge	Joseph Strug, Lab Director, Dalare Associates
Annie Renzetti, D.M.V.	Jo-Ann Price, DHRC Paralegal
B.A. Davis, Office Manager, DHRC Licensing	

CALL TO ORDER

At 10:20 AM, Chairman Steele called the public session of the meeting to order and welcomed all in attendance.

APPROVAL OF MINUTES

Vote: Commissioner Wagner offered a correction on her attendance for the Minutes; with that correction Commissioner Brown moved to approve the September 14, 2010 Executive Session, October 12, 2010 and November 1, 2010 Minutes. Commissioner Talley seconded for all, and the Motion passed unanimously.

OLD BUSINESS

None offered.

NEW BUSINESS

1. *Reports from Racing Administrator, Racing Officials & Veterinarians*

Administrator: State Emails Rejected by AOL and Comcast Servers: There have been problems with the State's emails being rejected as spam from both AOL and Comcast. A majority of the Commissioners use one or the other of these services. It is unknown when this will be remedied. *Kicking Incident:* Mr. Gallagher reported a kicking incident in the paddock; a DHRC Investigator will look into this to determine who is responsible. Mr. DiMario is aware of the incident. *Coggins Tests:* Coggins tests submission deadlines are not the same for overnight and added money events. This issue has been given to Mr. Kerber for his opinion, who will report back to Mr. Gallagher and Mr. DiMario will be notified. *Wagner Hearing Cancelled* Commissioner Brown asked why Mr. Wagner's hearing was cancelled. Mr. Gallagher explained that we did

receive a written request, but when an appeal is initiated by an appellant the Commission should inquire as to the reason why they are dropping. It's up to us to determine if it's for their convenience or if it is for merit. The penalty hasn't changed since it was initially given in September. Why would he accept the penalty when it was originally given and not now? Mr. Kerber will be consulted for his advice. *New Steroids Approved* Mr. Strug spoke about Ractopamine and Zilpaterol, two new steroids recently approved; he felt they had disastrous effects on horses and had no business being given to them. Checks for these Class 3 drugs will be run as part of his normal ELISA screen. He will speak further with Drs. Soma and Sams. Mr. Gallagher will dialog more with RMTTC and Mr. Strug and will report his findings at the next Rules Committee meeting.

Presiding Judge's: Sheri Fowler Application has been referred to Mr. Gallagher for final disposition. He will speak to her. Mr. Gallagher commented that she did falsify her original application two years ago. He can arrange with Mr. Riley from Western Australia and Pete Lang, harness track security, for a final telephonic hearing to be scheduled after the first of the year to determine if she should be reinstated as a minor offense or a major offense.

Chief Veterinarian's: Nothing to report, as all is well.

2. *Rule 8.4.3.5.10 (Change in DHRC Policy re: Payment of Appeal Bond)* After discussion of the current language, it was clear that no rule change was needed, only a change in policy.

3. *Rule 2.3.2 (Election of Chair, from Rules Committee)*

Discussion: Mr. Kerber's proposed language, already approved by the Rules Committee, was read.

Vote: Commissioner Talley moved to approve the language as submitted, Commissioner Staats seconded and the Motion passed unanimously.

Action Item(s): This rule language will be published and set for public discussion at a public hearing.

4. *Rule 5.1.22.4 (Conflict of Interest, from Rules Committee)*

Discussion: Mr. Lockhart proposed to strike the language that deals with conflict of interest with racing officials and family members because it was dealt with elsewhere in the regs. (The proposed language was read.)

Vote: Commissioner Brown moved to approve the language as submitted, Commissioner Staats seconded, and the Motion passed unanimously.

Action Item(s): This rule language will be published and set for public discussion at a public hearing.

PUBLIC COMMENT

None offered.

RE-SCHEDULE JANUARY MEETING DATE

Due to court date commitments for the DHRC Chair and Paralegal for January 10-12, and a conflict for Commission Counsel with a DTRC meeting on January 11, the DHRC determined to alter its usual meeting date on the second Tuesday for January. (See below.) Likewise, the Rules Medication Subcommittee meeting, originally set for January 10th, has been rescheduled to February 7th (a Monday.)

UPCOMING EVENTS

➤ *Regular DHRC Meetings*

January 4 (first Tuesday) 10:15 AM Dover Downs, The Chesapeake Room

February 8 (second Tuesday) 10:15 AM Dover Downs, The Chesapeake Room

➤ *Next Rules Committee Meeting*

February 7 (first Monday) 10:15 Dept. of Agriculture, Secretary's Conference Room

EXECUTIVE SESSION

At 10:48 AM, Mr. DiMario moved to adjourn to Executive Session, Ms. Craft seconded, and the Motion passed unanimously.

ADJOURNMENT

At 11:55 AM, Commissioner Brown moved to adjourn; Commissioner Staats seconded, and the Motion passed unanimously.

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