



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting  
March 15, 2011**

The Delaware Thoroughbred Racing Commission held a public hearing and regular meeting on Tuesday, March 15, 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, Secretary-Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner

**The following Commission members were excused:**

Edward J. Stegemeier, Commissioner
------------------------------------

**The following individuals also were present:**

Ed Kee, Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Fritz Burkhardt, DTRC, Associate State Steward
Robert E. Colton, Delaware Jockeys Association, Director
Bessie Gruwell, DTHA Executive Director
Madeline Locke, Owner/Trainer, DTHA President
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I
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
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Carissa Wickens, University of Delaware, Equestrian Program

1. **WELCOME AND CALL TO ORDER**

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

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Decker) and seconded (Killeen) meeting minutes of February 9, 2011 were approved with the following correction to the record (indicated below in bold type) as proposed by Commissioner Decker.

3. **OLD BUSINESS**

A. **Live Racing Schedule 2011**

The Commission heard testimony from the Delaware Thoroughbred Horsemen's Association (DTHA), their individual membership, and Delaware Racing Association (DRA) senior management. Initial negotiations noted a 110 day racing schedule endorsed by the DTHA while DRA presented a 102 day schedule. Further negotiations between the two groups altered their requests to 108 for the DTHA and 105 for DRA and later altered that number to 106 with an April 30<sup>th</sup> opening day. The last information presented to the Commission had the horsemen endorsing a 108 day schedule with modifications to the schedule of racing and to time of day. DRA endorsed a 106 racing day schedule consistent with their 2010 season maintaining a minimum purse distribution of \$200,000.00 daily. There was much cross discussion as to each group's preference.

Acting in accordance with the Commission's statutory responsibility under 3 **Del.C** §10122(c), the Commission will determine the 2011 number of live racing dates. *(Attachment 3-A Commission's letter to the DRA and the DTHA) **The Delaware Thoroughbred Horseman's Association (DTHA) and Delaware Park, including legal counsel for Delaware Park, agreed with deputy attorney general and counsel to the Commission Mr. Andrew Kerber, that the Commission did indeed have the authority to set the number race days.***

Upon a motion duly made (Decker) and seconded (Patterson) the Commission directs that the number of days specified in the license be 106 days, all were in favor and the motion carried unanimously.

3. **OLD BUSINESS**

A. **Delaware Racing Association (DRA) 2010 Capital Budget Update**

Upon a motion duly made (Daney) and seconded (Patterson) the matter is held over until the next Commission meeting so that a member of the DRA is present to discuss the budget with the Commission.

4. **NEW BUSINESS – PUBLIC HEARING ON PROPOSED RULE CHANGE**

A. **DTRC Rule 15.1.3.1.5 entitled Medication; Testing Procedures**

The DTRC, in accordance with 3 **Del.C.** §10103(c), has proposed changes to its rules and regulations. The proposal amends the rules and regulations to conform to recently revised national standards for the acceptable levels of phenylbutazone and oxyphenbutazone in thoroughbred race horses. As detailed below.

**Title 3 Agriculture**

**1001 Thoroughbred Racing Commission**

**15.0 Medication; Testing Procedures**

**15.1.3.1.5** The test level of phenylbutazone under this Rule shall not be in excess of two ~~point five~~ (2.50) micrograms (mcg) per milliliter (ml) of plasma without penalties in the following format:

Micrograms per milliliter	Penalties
0 to 2.50	No action
2.61 to 4.94	First Offense-\$500.00 fine
2.61 to 4.94	Second Offense within 365 days \$1000.00 fine
2.61 to 4.94	Third Offense within 365 days \$1000.00 fine and/or Suspension and/or Loss of Purse
5.0 4.5 and Over	Fine, Suspension, Loss of Purse

**15.1.3.1.6** The test level for oxyphenbutazone under this Rule shall not be in excess of two (2) micrograms (mcg) per milliliter (ml) of plasma.

Micrograms per milliliter	Penalties
0 to 2.50	No action
2.61 to 4.94	First Offense-\$500.00 fine
2.61 to 4.94	Second Offense within 365 days \$1000.00 fine
2.61 to 4.94	Third Offense within 365 days \$1000.00 fine and/or Suspension and/or Loss of Purse
5.0 4.5 and Over	Fine, Suspension, Loss of Purse

Commission counsel Andrew Kerber directed the proceedings and verbatim testimony recorded by a court reporter.

Upon a motion duly made (Patterson) and seconded (Decker) the proposed rule change is approved and the final order shall be published in the April 1, 2011 *Register of Regulations* and become effective ten days after publication.

**5. REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Wayne reported activities during the period January 1, 2011 through February 28, 2011.

Persons fingerprinted = 2

Fingerprinting fees collected = \$158.00

DTRC licenses issued = 1,112

License fees collected = \$16,375.00

**6. REPORT FROM CHIEF COMMISSION VETERINARIAN**

**A. Recommendation to Delaware Park to modify Vaccination house-rule**

Dr. Peters reported that several meetings had been conducted regarding the time of vaccinations on flu and Equine Herpes virus (Rhinopneumonitis) and DTHA Executive Director, Bessie Gruwell, suggested that the DTHA would like to have it changed from 90 days to 120 days. Dr. Peters called New Bolton Center and talked with Dr. Amy Johnson about this subject. Dr. Peters relayed that after hearing the opinion of Dr. Johnson he agreed that it would be safe to move the vaccination period to 120 days. Dr. Peters also reported that he consulted with John E. Mooney, Delaware Park, Executive Director of Racing, DTRC Executive Director, John F. Wayne, DTRC Associate Steward, Fritz Burkhardt, and State Veterinarian, Dr. Heather Hirst, and all agreed this would be a Delaware Park house-rule issue and as such Delaware Park will be responsible for drafting that rule.

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

A. **Groom Elite Program**

Program roll-out gearing up. Hopeful that the program becomes an industry standard.

B. **Delaware Certified Thoroughbred Program Report**

- Thursday, May 12, 2011 is the scheduled date for the DTHA awards banquet.
- DCTP statistics reported:
- Current Delaware Farms enrolled 82
- Last month reported change in bonus reduced by 5% on each side.

8. **PUBLIC COMMENT**

John Mooney: Reported extended deadline on stall applications and a strong response with 145 applications as of March 16, 2011 with a total of 2,500 horses. Mr. Mooney also advised that 28 new trainers (new to Delaware Park) had applied. Rejection of stall applications will be based on factors including horses equal to the Delaware Park race program, background checks, and the ability to pay stall fees. Mr. Mooney concluded that horsemen that are granted stalls at Delaware Park will be expected to race at Delaware Park. Horsemen will not be permitted to ship to other tracks to race without approval of the racing office.

Robert Colton: Foal count drop nationally.

Joe Strug: Thank you for getting Dalare Associates paid on a timely basis. Will be attending RMTC meeting Thursday.

Carissa Wickens: Teaches equine science and is the new extension specialist for State of Delaware hopeful that she is able to coordinate a program beneficial to her students and to Delaware Park.

9. **EXECUTIVE SESSION**

At 10:49 a.m. upon a motion duly made (Decker) and seconded (Killeen) the meeting was moved into executive session to discuss personnel matters.

At 11:40 a.m., upon a motion duly made and seconded, the Commission was moved back to public session.

10. **ADJOURN**

At 11:40 a.m. the meeting was adjourned. The Commission will be next on April 19, 2011.