



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting  
October 19, 2010**

The Delaware Thoroughbred Racing Commission held a regular meeting on Tuesday, October 19, 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, Commissioner

**The following commission members were excused**

Henry James Decker, 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
Robert E. Colton, Delaware Jockeys Association, Director
Bessie Gruwell, DTHA, Executive Director
Heather Hirst, Delaware Department of Agriculture, State Veterinarian
Jarret P. Hitchings, Whiteford, Taylor & Preston LLP, Associate, applicant to the Delaware Bar
G. Jack Houghton, Jr., DTRC, Chief State Steward
Regina Jensen, Delaware Department of Agriculture, Deputy State Veterinarian
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
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
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

**1. WELCOME AND CALL TO ORDER**

Chairman Daney called the meeting to order at 10:02 a.m. and welcomed those in attendance.

**2. APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Killeen) minutes of September 21, 2010, were approved as submitted.

### **3. OLD BUSINESS**

#### **A. Padded Riding Crop – Drafting Proposed Rules**

Upon a motion duly made (Patterson) and seconded (Killeen) the commission ordered Commission Counsel, Mr. Andrew Kerber, to publish the following proposed rule, as submitted for review by Executive Director, Mr. John F. Wayne. The rule is verbatim language of the Association of Racing Commissioners International (ARCI) Model Rule pertaining to padded riding crops. The proposed rule will appear in the December 2010 Register of Regulations and will be placed on the commission's agenda for final vote on January 11, 2011.

---

#### **ARCI-010-035 Running of the Race**

##### **A. Equipment**

- (1) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.
- (a) Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows.
    - (A) Maximum weight of eight ounces;
    - (B) Maximum length, including flap of 30 inches
    - (C) Minimum diameter of the shaft of one-half inch; and
    - (D) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter through out its circumference.
  - (b) The flap is the only allowable attachment to the shaft and must meet these specifications:
    - (A) Length beyond the end of the shaft a maximum of one inch;
    - (B) Width a minimum of 0.8 inch and a maximum of 1.6 inches;
    - (C) No reinforcements or additions beyond the end of the shaft;
    - (D) No binding within seven inches of the end of the shaft; and
    - (E) Shock absorbing characteristics similar to those the contact area of the shaft.

---

### **4. NEW BUSINESS**

#### **A. Inflatable Vests**

Commissioner Stegemeier remarked on a recent news article he had read about inflatable riding vests and solicited audience comment. Secretary/Commissioner Patterson reported that for some time now the steeplechase riders have been looking into using them and during recent competition some wore the inflatable vests which they found to be cumbersome. Mr. Robert E. Colton, director of the Delaware Jockey's Association, addressed the commission and reported that during his recent trip to Dubai, he attended a conference at which there were in attendance two manufacturers of inflatable safety vests.

#### **B. Phenylbutazone**

Commissioner Stegemeier remarked, in reference to the commission meeting minutes of September 21, 2010, that the ARCI was to reduce Phenylbutazone levels to 2 micrograms and final approval will be announced by the ARCI sometime in October 2010.

#### **C. Exchange Wagering**

Commissioner Stegemeier asked for comments on exchange wagering. Delaware Park General Counsel, Mr. Michael Vild, stated it is most prominent in England and to have exchange wagering in Delaware would require a constitutional amendment.

---

### **5. REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Wayne reported the following license office activity for the period of January 1<sup>st</sup> through September 30, 2010:

Total number of persons fingerprinted	313
Total amount of fingerprinting fees collected	\$ 24,727.00
Total DTRC licenses issued	5,740
Total Amount of fines collected	\$ 26,463.00
Total License fees collected	\$193,620.00

## **6. REPORT FROM CHIEF COMMISSION VETERINARIAN**

### **A. Veterinary Health Statistical Report (*Attached*)**

Dr. Peters related that at the last meeting, he discussed statistics that his office reported up through September 21, 2010. At that time the DTRC Vets office recorded 7 deaths; 5 racing, 1 training, 1 colic, and 1 dead in stall that was sent to New Bolton Center, which came back with findings of cardiac induction and cardiac insufficiency. Dr. Peters continued that since the last meeting, on the last day of September, a death during racing put the September deaths up to 8; 5 racing 1 training 1 colic and 1 dead in stall.

Continuing with his report, Dr. Peters advised that in previous months there were 2 deaths for each month racing; Dr. Peters related "sometimes these things just happen and this month we've have 2 slab fractures of knees, 1 right hind sesamoid, and 1 right front sesamoid, 1 training suffered fracture of humerus. This month we've had 2 deaths from racing 1 Barbaro-type fracture broke both sesamoid in right hind leg and pastern right hind leg and lateral condylar right hind leg in a green three year old who raced about 3 times with quite a length between starts no major problems."

As for October, Dr. Peters added that they had 3 deaths during training; 1 left hind pastern and 2 others (1 plural pneumonia and 1 foundered).

Commissioner Stegemeier remarked that based on the number of fatalities vs. number of starts that statistics would be higher for this racing season.

### **B. Mosquito Control**

Dr. Peters reported that New Castle County mosquito control advised his office earlier in the season of two positive sentinel chickens near Delaware Park. That information was immediately communicated to the horsemen and recommendations were issued to vaccinate for West Nile Virus. Dr. Peters advised that he was hopeful that early communication stopped the spread of the virus and thankful that mosquito populations were lower this year.

### **C. Shock Wave Therapy**

Shockwave therapy program according to Dr. Peters is running very well with no known abuses. 134 reported last month brings the cumulative total to 152 this month.

Each treatment they go on the vet's list for 10 days, in the future, in Dr. Peters' opinion, that could be lowered to 7 days which may benefit the race tracks by having more horses available. Initially, pain reduction is done at 3 days, in Dr. Peters' opinion, he can see going to 7 days with no problem and some jurisdictions are less than 10 days. We're getting a lot more soft tissue treatment which we didn't anticipate. And the 10 days is a Delaware Park house rule – correction immediately made by Executive Director Wayne, citing Delaware Thoroughbred Racing Commission Rules & Regulations, as detailed below, the rule is a DTRC rule.

15.14.1.2 Any horse treated with shock wave therapy shall not be permitted to race, work, or breeze for a minimum of ten (10) days following treatment (the day of treatment shall be considered the first day in counting the number of days). This restriction applies to horses treated with shock wave therapy on or off the grounds of any licensee of the Commission. Any horse treated with shock wave therapy shall be placed on the Commission Veterinarian's list.

### **D. Furosemide (Salix) Treatment**

Dr. Peters continued with his report: Veterinarian practitioners recommend Salix for the horses and we, as Commission veterinarians, have to sign on the sheet that it was done and we're up to 475 that we've approved for Salix this year.

7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

**A. Election Results**

Election results are official for the DTHA election of new officers, as detailed below.

Madeline Locke	President
Tracy Nunley	1 <sup>st</sup> Vice President
Secretary	Ron Moquett

Board members elected, detailed below.

Gary Katz, Esq.	Trainer
Anthony Pecoraro	Trainer
Steven Bertrando	Owner
Michael Angelil	Owner
Paul Trapani	Owner
Nick Sanna	Owner

**B. Delaware Certified Thoroughbred Program Report**

DTHA Executive Director, Ms. Bessie Gruwell reported that the past weekend was very successful, although the DTHA would have liked to see more entries in the Delaware Certified Stakes. Ron Turcotte, the regular rider of 1973 Triple Crown winner, "SECRETARIAT," was at Delaware Park over the weekend to sign autographs and speak with the fans. "SECRETARIAT" is currently a new movie project of Disney. According to Ms. Gruwell, there were many fans in attendance for that promotion.

Ms. Gruwell reported that the following DCTP statistics are through September 30, 2010, and do not reflect any October activities, specifically the DCTP Stakes of October 16, 2010.

# of Starters	=	314
# of Starts	=	919
1 <sup>st</sup> Place	=	109
2 <sup>nd</sup> Place	=	143
3 <sup>rd</sup> Place	=	115
25% DCTP Earnings	=	\$575,335
25% Certifier Awards	=	\$575,335
Total Annual Awards	=	\$1,150,670

**C. Remarks from Madeline Locke, newly elected DTHA President**

Chairman Daney recognized Ms. Madeline Locke, newly elected President of the Delaware Thoroughbred Horsemen's Association (DTHA), and replaces outgoing President, Mr. Scott Peck, who did not seek re-election.

2011 DTHA President, Ms. Madeline Locke, addressed the commission, introducing herself as the incoming DTHA President, and made the following remarks.

- The DTHA will be electing its officers at its meeting this evening (10-19-10).
- The DTHA will be working on their business plan for 2011 and a 3-yr business plan which they intend on sharing with the Delaware Racing Association (DRA), the Delaware Horseman's Assistance Fund (DHAF), Mr. Robert Colton, director of the Delaware Jockey's Association (DJA), The Jockey's Guild, and the DTHA will provide this commission with a copy of the plan and the DTHA welcomes different perspectives and welcomes input.
- The new DTHA board will focus on communications and shared information; making sure that information communicated is accurate.
- The new board recognizes that the DRA can't do everything and Ms. Locke, and the board, will be working on attracting owners and trainers to Delaware Park and generally promoting our sport.

Chairman Daney thanked Ms. Locke and the commission wished her success in her new role.

**8. APPEAL BEFORE THE COMMISSION – PUBLIC HEARING**

**A. Appeal # ASR-476-2010, Mr. Ricardo Chiappe, Jockey – APPEAL WITHDRAWN**

In a letter to the commission, dated October 16, 2010, Mr. Ricardo Chiappe, jockey, withdrew his appeal of Stewards' Ruling 476-2010.

**9. PUBLIC SESSION**

Chairman Daney solicited the following attendees for their remarks.

**A. Delaware Park, Executive Director of Racing, Mr. John E. Mooney**

- Delaware Certified Stakes races held this past weekend was very successful and the promotion of Disney's movie Secretariat was very popular including having Secretariat's jockey, Mr. Ron Turcotte here and having the author of the book signing copies.
- Seen decrease in field size due to, in Mr. Mooney's opinion, the length of our season and Pennsylvania breeders announcing minimum purse of \$25,000 at Philadelphia Park (PARX) and \$15,000 at Penn National and that is creating more competition than we've had in the past. We saw the effect that Monmouth had and were fortunate that we had enough horses here that it didn't hurt us.
- Chairman Stegemeier commented on our average of horses per race and recalled we were up to 8.8 and lower now.
- Secretary/Commissioner Patterson inquired about last Monday when two \$50,000 turf races were taken off the turf. Mr. Mooney answered it was because the turf wasn't safe – safety is first – and the reason for stopping the turf racing now is to revitalize the turf course before the weather turns. And this year, we've had more turf races at Delaware Park than in past years.

**B. Dalare Associates, Inc., Laboratory Director, Mr. Joe Strug**

Mr. Strug addressed the commission and discussed anxiety over the continued delinquency of payments to Dalare from the State of Delaware, Department of Agriculture for the Delaware Thoroughbred Racing Commission and asked the commission to intercede on his behalf.

- Mr. Strug stated that as of October 14, 2010, Dalare is owed approximately \$75,000, all of which is over 60-days.
- Dalare received a payment on approx. October 7, 2010, for invoices billed in July 2010.
- Dalare received a payment on approx. October 11, 2010, for invoices billed in August 2010.
- Mr. Strug remarked that Dalare's only course of action may be to withhold the testing results until the account is brought up-to-date.
- Mr. Strug reported that the Thoroughbred Racing Commission was not the only agency delinquent; also delinquent were the Harness Racing Commission and the Delaware State Fair account.

Chairman Daney concluded the discussion with the commission's agreement to discuss the matter further and stated that he, along with Executive Director Wayne, would reply to Mr. Strug directly.

**C. The Delaware Jockey's Association, Director, Mr. Robert Colton**

Mr. Colton shared information with the commission on the conference he recently attended in Dubai. Topics during the conference included jockey nutrition, helmets, safety rail, and inflatable vests

**10. EXECUTIVE SESSION**

At 11:22 a.m., upon a motion duly made (Killeen) and seconded (Stegemeier) the commission was moved into executive session to discuss personnel matters and matters relating to the new accounting system in use by the State of Delaware, known as First State Financials (FSF).

At 12:00 noon, the commission was returned to public session.

**11. ADJOURN**

At 12:04 p.m., upon a motion duly made (Stegemeier) and seconded (Patterson) the meeting was adjourned.

The commission will meet again on Wednesday, November 3, 2010, at 10:00 a.m.