



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting Held On
November 7, 2012**

The Delaware Thoroughbred Racing Commission held a Regular Meeting on Wednesday, November 7, 2012, at 10:15 a.m., in the New Castle Room at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following Commission members were present:

W. Duncan Patterson, Jr., Chairman
Edward J. Stegemeier, Secretary/Commissioner
Bernard J. Daney, Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner

The following individuals also were present:

Ed Kee, Delaware 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 Jockey's Association, Director
Arlene Daney, Guest
Jeff Ganc, Delaware Park, Assistant Director of Security
Bessie Gruwell, DTHA, Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, DTHA, President
John E. Mooney, Delaware Park, Executive Director of Racing
Vince Moscarelli, Trainer, DTHA Board Member
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Commission Veterinarian
Andrew Singleton, Delaware Park Security, Shift Manager
Joe Strug, Dalare Associates Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Jane C. Teichner, V.M.D., DTRC, Associate Commission Veterinarian
Paul Trapani, Owner/Trainer, DTHA Board Member
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel
Dr. Carissa Wickens, University of Delaware, Assistant Professor

1. **WELCOME AND CALL TO ORDER**

At 10:22 a.m., Chairman Patterson called the meeting to order and welcomed those in attendance.

An audio recorder is in use by the Commission and a digital recording of the meeting is underway.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Decker) and seconded (Stegemeier) minutes of October 10, 2012 were tabled until the January 9, 2013 meeting.

3. **OLD BUSINESS**

A. **2012 Safety and Welfare of the Racehorse Summit – Executive Director Wayne**

October 16th and October 17, 2012, the DTRC Executive Director was invited to speak on a panel of industry experts regarding safety initiatives employed in Delaware. The two-day conference was hosted by the Jockey Club and Keeneland Association in Lexington, Kentucky. Delaware was complimented frequently as a model jurisdiction.

Presentations included information from a regulator's perspective on medication issues. Mr. Hugh Gallagher (Delaware Harness Racing Commission) gave a presentation on harness issues. On-Track warning systems were discussed and reference made to an incident in Indiana in which a new tractor failed to move the starting gate off the race track during the running of a race.

4. **NEW BUSINESS**

A. **Delaware Racing Association Capital Budget: September 2012 Update**

1. Turf Rail Setting: Allow four rail changes for better racing and increased Mutuel Handle. Mr. Mooney explained that "the further out setting allows us to move the racing surface out a little further and we think it did allow us to use the turf course more." Mr. Mooney remarked that they scheduled turf racing more this year than any previous year. Mr. Patterson reported that he had been questioned by a variety of people as to why we took races off the turf course. Mr. Fasy had sent Mr. Patterson a letter detailing the specifics, which was comprehensive and informative.

2. Replace Roof on Barns 18, 19 and 24. Commissioner Decker inquired how many barn roofs were left to do. Mr. Vild will find out what the plan is. Mr. Mooney remarked that DRA replaces 3 roofs per year.

3. Capital Expenditures: Commissioner Decker asked, "Is this indicative of future years?" Mr. Vild replied saying that, "We do have requirements under the Internet Gaming Bill, which has a provision that allows the 3 casinos to reduce the fees (owed to the State of Delaware) if they (Casinos) make expenditures in capital and in order to get the credit on the license fee we have to spend the money on improving the facilities and on marketing."

4. Commissioner Killen asked what the "SDS" and "CMP" categories were. Mr. Vild replied that they are for casino marketplace and player tracking.

5. **REPORT FROM DTRC EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne submitted his written report to the Commission and read into the record the statistics for the period October 1 through October 31, 2012. Report details included the following:

	<u>October 2012</u>	<u>Year-to-Date</u>
Number of Persons Fingerprinted	4	86
Fingerprint Fees Collected	\$316	\$6,794
DTRC Licenses Issued	295	4,554
Fines & Appeal Fees Collected	\$4,725	\$22,851
License Fees Collected	\$15,020	\$168,900
Drug Tests	21	
Positive Drug Tests	1	
Media Contacts	2	
FOIA	0	
ARCI National Surveys	5	
Public Inquiries	25	
Jurisdiction Inquiries	22	
VLEU	5	
Police Inquiries	5	
Jockey Club Inquiries	4	
ARCI National Surveys	5	
Applications to National Review Board	4	
Applications Non-Processed	4	
National Compact Licenses	21	

Secretary/Commissioner Stegemeier inquired if the DTRC revenue was enough to sustain our operations and Mr. Wayne replied that it is a concern.

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

A. **Veterinary Statistical Health Report**

From October 1, 2012 through November 7, 2012, Dr. Peters reported 5 deaths while racing and 1 while training. Dr. Peters reported that through September our statistics were in line with the national average of 1.7. It was during October and November that our average rose to 2.11. Incidents reported included one death during racing due to bleeding which was confirmed by New Bolton Center. One horse suffered a heart attack while training. The second race day in November one horse died at the ½ mile pole due to a double fracture.

B. **Shock Wave Therapy Treatments**

During the 2012 racing season, there were 61 different horses treated for shock wave therapy.

C. **Salix**

During the 2012 racing season, there were 318 certificates issued for Salix. For the 2012 racing season, 96% of the horses that raced at Delaware Park were on Salix.

D. **Veterinarian Scratches**

During the 2012 racing season, there were 394 veterinarian scratches, 87 of the 394 were scratched by DTRC veterinarians.

E. 2012 Mortality

Dr. Teichner submitted the attached detailed report for the 2012 racing season.

F. International Conference of Racing Analysts and Veterinarians (ICRAV)

Dr. Teichner read into the record her report from ICRAV. Details included:

- Unwanted horse issue
- BSEA cases
- Horse meat
- Federal regulation of horse slaughter
- Decision makers aren't familiar
- Livestock vs. companion
- Federal funding for livestock category
- Threat of national regulation
- Have facts ready
- Public ensured a seat at the table
- Sports drugging emphasis on human
- Breeders and trainers should be vested in the after-career of the horses
- Negative public perception of jockeys using the whip
- Public view of slots
- Salix issue
- Dehydrated horses race
- Too many rule breakers
- Dr. Simmons – welfare issues – catastrophic events are spun on the internet
- Western thinking: ensure you win the argument
- Eastern thinking: assemble all the facts

Chairman Patterson attended the ICRAV conference and highlights of his remarks included the following information.

- 50% of break downs caused by sesamoids and almost 100% of those suffered an injury to suspensory that hadn't been treated or weren't given time off.
- Vertical force is considered a main factor in breakdowns. A study in England of 8,000 horses found only 5.5 per thousand were considered at-risk as factored by age, weight, and jump racing had more breakdowns and distance had nothing to do with breakdowns.
- Problems that we face locally are also encountered internationally.

7. 2013 CONTRACT NEGOTIATIONS BETWEEN DRA & DTHA – UPDATE

Secretary Kee reported on the status of the negotiations between the Delaware Racing Association (DRA) and the Delaware Thoroughbred Horsemen's Association (DTRC). They have met four or five times and their next meeting is scheduled for November 15, 2012. Secretary Kee is optimistic that an agreement can be reached and reported that both sides are trying, but there remain four or five issues out of 15 that remain unresolved. There is a belief that this will be a 3-year contract.

Secretary Kee concluded his report and stated that the Governor's Office and the legislators are growing frustrated and the credibility of the industry in Delaware is at risk if this is not brought to conclusion in the next few weeks.

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

A. **Owner's Day**

Executive Director, Ms. Bessie Gruwell reported that Owner's Day entries fell short, and, of the 4 stakes races on the card, only 2 races filled and were run.

B. **Delaware Certified Thoroughbred Program Report**

Ms. Gruwell submitted the attached two-page report.

C. **Request to DTRC from DTHA for interpretation of DTRC Rule # 5.2.5**

Ms. Gruwell inquired as to the status of DTHA's request for an interpretation of DTRC Rule # 5.2.5. Chairman Patterson replied that the DTRC submitted that question to the Attorney General's Office.

9. **PUBLIC COMMENT**

A. **Mr. Michael Vild:** Nothing to add.

B. **Mr. John E. Mooney comments:** Pleased about Delaware Park's connection to ROYAL DELTA who won the Breeder's Cup. And pleased about Delaware Park's connection to HAVRE DE GRACE who sold for a record \$10 million dollars. Mr. Mooney remarked that lower purses will not help the DCTP program.

C. **Chairman Patterson comments:** Reported that he was assured the Delaware Handicap will be given Grade 1 status. Chairman Patterson also remarked that it's been a fairly good season, and, on behalf of the Commission, thanked the Stewards for a job well done.

D. **Secretary/Commissioner Stegemeier comments:** Inquired as to the rationale behind our rule that states a Jockey Agent may represent only two jockeys (one journeyman and one jockey). Mr. Mooney and Mr. Houghton replied that it is because of manipulation by the agents of the trainers and owners.

E. **Mr. Robert Colton comments:** Very productive DJH&WBB meeting held today. Mr. Colton advised that he was thankful for a healthy year for the riders with no major injuries.

F. **Mr. Jack Houghton comments:** All in all a pretty good season. Could have been better with bigger fields and fewer scratches.

G. **Mr. Dennis Lima comments:** Safe season for riders and horses.

H. **Mr. Joe Strug comments:** Also attended the ICRAV convention and remarked on the excellent scientific presentations. There were over forty power-point presentations demonstrating testing methods that Dalare can utilize with their newly purchased LC-MS equipment.

10. EXECUTIVE SESSION

At 11:47 a.m., upon a motion duly made and seconded the Commission was moved into Executive Session to discuss personnel issues.

The Commission asked Mr. Strug to stay for a brief discussion.

At 12:34 p.m. the Commission was returned to Public Session.

11. ADJOURNMENT

At 12:35 p.m., upon a motion duly made and seconded the meeting was adjourned.

The Commission will meet next at 11:15 a.m. on January 9, 2013, at the main building of the Delaware Department of Agriculture, 2320 S. DuPont Highway, Dover, Delaware 19901.

DELAWARE PARK
2012 BREAKDOWN/INJURY STATISTICS

# STARTED THIS MONTH	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct/Nov/12	2011 total	2010 total	2009 total	2008 total	2007 total	2006 total	2005 total	2004 total	2003 total	2002 total
# STARTED TO DATE	656	978	1039	1093	900	1026	7377	8177	8188	8460	8536	9318	10100	9967	10,184	10,962
Horses added to Vet's list	23	31	16	24	24	23	176	133	167	189	171	185	210			
Pre-race scratches	8	6	5	14	15	14	69	51	44	80	53	76	90			
Gate scratches	5	7	4	4	1	4	20	27	35	27	37	27	31			
Pulled up/return lame	9	8	4	3	5	3	60	41	59	55	63	71	69			
Other	1	10	3	3	3	1	31	14	29	27	18	11	20			
Removed via ambulance																
racing	7	3	2	4	6	2	42	21	38	35	38	45	46			
training	1	3	3	0	1	1	9	16	10	8	6	10	6			
Total racing fatalities	2	2	0	3	2	5	20	14	14	16	11	12	15	10	17	18
M-S fatalities	2	1	0	3	2	4	19	12	13	15	10	9	15			
Sudden death/heart att	0	1	0	0	0	1	1	2	0	0	0	0	0			
Other							0	0	0	1	1	1	0			
*fatal M-S rac. inj/1000 sts (*cumulative)	3.05	1.84	1.12	1.59	1.71	2.11	2.58	1.47	1.59	1.77	1.17	0.97	1.49	1	1.67	1.56
Total training fatalities	1	2	3	0	1	1	7	12	8	7	5	8	7			
M-S fatalities	1	2	3	0	0	1	7	10	8	6	5	7	6			
Sudden death/heart att	0	0	0	0	1	0	0	2	0	1	0	0	1			
Other							0	0	0	0	0	0	0			
Other deaths on site	1 (April)	0	1	1	0	0	9	12	7	3	5	8	9			
musculoskeletal injury								0	1.1 (pony)	0	0	2	2			
colic/colitis							2	4	2	0	1	3	1			
neurologic disease			1				2	1	0	0	2	0	0			
laminitis	1			1			3	3	3							
pleuropneumonia							1	1								
other							2	3	1	2	2	3	6			

@3000 Taking down horses
 racing this year
 @3000
 M.I.C.
 M.I.C.

HORSE	TRAINER	INJURY	LOC	DATE	TC	VET
Real Fortuna	Reyes, A.	pneumonia, laminitis	NA	4/10/12	NA	LH
Groom's Spirit	Griffith, G	LF bilateral sesamoid fx/disartfetlock (trng)	7/8thpole	5/4/12	fast	BH
Northpoint Costas	Nicholson, J	Bilateral sesamoid fractures/disartfetlock	3/8thpole	5/12/12	fast	KP
Michanga	Talley, J.	LF compd/comminuted shin fx	wire	5/16/12	fast	JT
Spring Pow Wow	Glazier, L	LH compound/comminuted cannon bone fx	5/16 pole	6/13/12	wetfast	KP
Sicklinghall	Motion, G.	Sudden death	wire	6/14/12	yielding	KP
My Friend Dr. Nick	Vazquez, J.	RH tibial fx (trng)	7/8 pole	6/16/12	fast	BH
Supreme Light	Pinnock, J.	RF lateral condylar fx (6/20)	1/8 pole	6/23/12	fast	TD
At First Light	Gordon, J.D.	Lf condylar fx (7/3/12)	1/16 pole	7/7/12	fast	TD
Diminutive	Dutrow, A.	LF ses fx & XYZ rupture (trng)	1/4 pole	7/12/12	fast	LB
Rock Yard	Dutrow, A.	Rf sesamoid fractures (trng)	wire	7/30/12	fast	TD
Zip City Miss	Lotruglio, E	Neurologic	NA	7/30/12	NA	LC
Mr. McClain	Robertson, M.	Laminitis/RF carpal canal infection	NA	8/2/12	NA	CR
Cheswick	Gibson, J	RF comminuted condylar fracture	after wire	8/2/12	fast	GB
Derwin County	Keefe, T.	RF slab 3rd carpal, comm. Ulnar carpal	1/2 p	8/13/12	fast	LC
Day Dream Girl	Morgan, C	Lf lat condular fx, biax ses fx, p1 fx, susps frayed	after wire	8/15/12	wet fast	KP
Miss Laura Jean	Cronk, S.	LF 3rd carpal slab; 3rd, ulnar, intermediate comm (trng)	1/4 pole	9/3/12	sloppy	KP
Art's Girl	Price, H.	Sudden death-aortic aneurysm	1/8 pole	9/22/12	fast	JP
Leroi's Royal Lass	Pino, M	Rf Carpal bone Fx/Lat Sptfx/LatcondylarFx	13/16 pole	9/29/12	turf firm	KP
My Friend Dr Joe	Cartagena, J	Lf biaxial sesamoid fractures	3/16 pole	10/6/12	fast	GB
Cure the Fever	Merryman, E	Compound transverse calcaneal fx, Lh	start	10/11/12	fast/turf	JT
Peter Boy	Lake, S	EIPH- sudden death	1/16 pole	10/13/12	fast	JP
Smarley	Stillwell, M	Rf biaxial sesamoid fractures	1/8 pole	10/17/12	fast	AW
Purely Love	Ness, J	Rf biaxial sesamoid fractures(trng)	3/16 pole	11/2/12	fast	JP/LB
Trick of Mirage	Price, H.	Rh p1 fracture	3/8 pole	11/3/12	fast	JT/JP

DELAWARE CERTIFIED THOROUGHBRED PROGRAM

Wednesday, November 07, 2012

2010	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	15	15
	Apr - Jun	6	77	83
	Jul - Sept	25	109	134
	Oct - Dec	47	165	212
	Total Applications	78	366	444

2011	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	31	31
	Apr - Jun	4	57	61
	Jul - Sept	10	63	73
	Oct - Dec	43	120	163
	Total Applications	57	271	328

2012	DCTP Applications	Foals	Yearlings	Totals
	Jan - Mar	0	25	25
	Apr - Jun	1	52	53
	Jul - Sept	9	39	48
	Oct - Dec	16	21	37
	Total Applications	26	137	163

Total DCTP Applications to date: 3043

2012 DCTP Horses of Racing Age: 2823

349 (2 yr. olds), 450 (3 yr. olds), 460 (4 yr. olds), 1564 (older horses),

Year	# of Starters	# of Starts	1st	2nd	3rd	15% DCTP Earnings	15% Certifier Awards	Total Annual Awards
October 2012	312	918	133	136	142	\$ 422,754.00	\$394,917.00	\$ 817,671.00
2011	414	1331	166	189	181	\$ 715,099.86	\$773,251.86	\$ 1,488,351.72
2010	364	1150	142	180	146	\$ 705,631.25	\$778,203.75	\$ 1,483,835.00
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	\$7,280,854.62

* 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

* DCTP owners and certifiers received 20% each bonuses beginning April 30, 2011

* DCTP owners and certifiers received 15% each bonuses beginning May 12, 2012

Current Delaware Farms enrolled:

82

Delaware Certified Bonus Monthly Balance

2012	Available Funds	May	June	July	Aug	Sept	Oct/Nov	Balance
	\$ 916,806.63	124,420.50						\$ 792,386.13
	\$ 792,386.13	1,080	142,000					\$ 649,306.13
	\$ 649,306.13			175,594.50				\$ 473,711.63
	\$ 473,711.63				161,016			\$ 312,695.63
	\$ 312,695.63					112,236		\$ 200,459.63
	\$ 200,459.63						Oct - 89,928	\$ 110,331.63
	\$ 110,331.63						Nov - 29,172	\$ 81,159.00
								<u>\$ 81,159.00</u>

\$ 11,400.00
in any case
70-80,000
difference
month-to-month
new period
via