



**Delaware Thoroughbred Racing Commission
Minutes of Meeting Held On
April 6, 2016**

The Delaware Thoroughbred Racing Commission held a meeting on Wednesday, April 6, 2016, at 10:30 a.m., in the Horsemen's Office, at Delaware Park, 777 Delaware Park Blvd, Wilmington, DE 19804

The following Commission members were present:

W. Duncan Patterson, Jr., Chairman
Edward J. Stegemeier, Secretary/Commissioner
Henry J. Decker, Commissioner
Debra M. Killeen, Commissioner
Richard A. Levine, Esq., Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Kevin DeLucia, Sr. Vice President & CFO, Racing-Administration, Delaware Park
John E. Mooney, Delaware Park, Executive Director of Racing
Chris Sobocinski, Delaware Park, Racing Information Coordinator
Jeff Ganc, Delaware Park, Assistant Director-Security
Bessie Gruwell, DTHA Executive Director
Tracy Nunley, DTHA Board Member
Robert E. Colton, Delaware Jockey's Association, Director
Francis J. Swift, Jr., DTRC, Inspector
G. Jack Houghton, DTRC, Chief Steward
Fritz Burkhardt, DTRC, Steward
James Lages, DTRC, Steward
Pam Rash, DTRC, Administrative Asst. (Recording Minutes)

1. WELCOME & CALL TO ORDER

At approximately 10:40 a.m., Chairman Duncan Patterson called the meeting to order. Chairman Patterson welcomed the new State Steward, James (Jim) Lages. Mr. Lages was selected from the 8 final candidates selected from the 22 applicants. Mr. Lages joins the Commission with a wealth of experience, most recently he was a steward in Minnesota. He is also an ex-jockey.

2. APPROVAL OF MINUTES

Upon a motion duly made (Killeen) and seconded (Decker) minutes of March 9, 2016 were unanimously approved.

3. OLD BUSINESS

A. Rule Changes and Additions

DAG Andrew Kerber distributed a copy of the amendments that were proposed to the Registrar of Regulations and published in the March 1 edition. John Wayne confirmed that no comments were

received. They were previously approved by the Commission as proposed with the misspelling of pari-mutuel being corrected.

Suspensions

3.4.1.15 To impose fines upon any corporation, association or person participating in any Thoroughbred horse race meet at which ~~pari-mutuel~~ pari-mutuel wagering is conducted, other than as a patron, and whether licensed or not by the Commission, for a violation of any provision of 3 **Del.C.** Ch. 101 or these Rules and Regulations. In the event that a suspension is imposed together with a fine and the fine is not paid within 48 hours, the term of the suspension shall not begin to run until the fine has been paid.

After discussion, it was agreed the wording was not correct and DAG Kerber will research and rewrite to clarify that an individual who is subject to both a fine and suspension and does not pay the fine within 48 hours will be subjected to additional suspension for each day that the fine is not paid. He will rewrite and send proposed wording to the Commissioners for approval. DAG Kerber felt this change would be non-substantive and it should not need to be published for comments. The deadline for publication is April 15.

Fritz Burkhardt, State Steward, questioned whether penalty and/or interest can be charged. John Wayne confirmed that interest (.5%) and penalty (1%) at the rate of 1.5% per month. That is the amount that the Division of Finance assesses on unpaid taxes.

iii. Safety Equipment Rule

8.11.4 Whip, blinkers, number cloth, bridle and rider's safety helmet and rider's safety vest (~~with a minimum British rating of #5~~) shall not be included in a rider's weight.

8.13 Attire: Upon leaving the Jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional Jockey costume with all jacket buttons and catches fastened. Except with the approval of the Stewards, each Jockey shall wear the cap and jacket racing colors registered in the name of the Owner of the horse he or she is to ride, white or light breeches, top boots, safety helmet ~~approved by the Commission~~, safety vest ~~approved by the Commission~~ and a number on his or her right shoulder corresponding to his or her mount's number as shown on the saddle cloth and daily race program. The Clerk of Scales and attending Valet shall be held jointly responsible with a rider for his or her neat and clean appearance and proper attire.

8.15 Safety Helmets and Safety Vests. Every individual shall, when mounted on a horse while on the premises of a racetrack or handling a horse at the starting gate, wear a properly secured safety helmet and safety vest. The helmet and vest shall meet or exceed with one or more Commission approved safety standards or later revisions. All safety helmets and safety vests shall be permanently labeled with the identification of the manufacturer, including name and address of the manufacturer, or if a private labeler is on the label, the name and address of the private labeler (an Internet or website address shall not be considered an acceptable address), month and year of manufacture, model designation, and safety standard(s) meeting or exceeding. A safety helmet or a safety vest shall not be altered in any manner nor shall the Product Marking be removed or defaced. A safety vest shall not be attached to the horse or to any equipment carried by the horse. A safety helmet or safety vest shall not have any camera or other device affixed to the safety equipment unless the device is designed for the helmet and vest, and meets or exceeds a safety standard. The Stewards may at any time take possession of a safety helmet or safety vest for inspection and may at their discretion confiscate any safety helmet or safety vest that does not comply with these rules.

ii. Foal Papers – Registration Certificate [10.1.1]

10.1.1 No horse may be entered or raced in the State unless duly registered and named in the registry office of the Jockey Club in New York and unless the registration certificate or racing permit issued by the Jockey Club for such horse is on file with the Racing Secretary except that, (a) for good cause, the Stewards, in their discretion, may waive this requirement if the horse is otherwise correctly identified to their satisfaction; and (b) the Stewards may, in their discretion, allow a horse to race provided that the registration certificate must be delivered to the racing office within 48 hours.

i. Claiming Rule [13.12.3]

13.12.3 In the event a horse dies during a claiming race or is euthanized on the racetrack during a claiming race, any claim on that horse will be declared void.

Approval of Proposed Changes

DAG Kerber confirmed these were all approved as proposed. Chairman Patterson stated they needed final approval to become regulations and they should be voted on individually.

A motion was made (Decker) and seconded (Stegemeier) to approve proposal 3.4.1.15 regarding fines as discussed. Discussion followed. Commissioner Levine felt it was the concept that was being approved and based on DAG Kerber's research and rewrite may be placed under 3.4.1.16. Commissioner Levine proposed rewording of the motion which was agreed to by Commissioners Decker and Stegemeier. Based on this discussion, the motion was amended. Upon a motion duly made (Decker) and seconded (Stegemeier) the proposal was unanimously approved with the placing of the amendment where it best fits the rules.

A motion was made (Killeen) and seconded (Decker) to approve the changes to the equipment rules as discussed. Robert Colton wanted to know if the standards will be posted for the jockeys and stewards reference. Chairman Patterson confirmed they would be posted in the jockey's room. Mr. Colton will provide each Commissioner a copy of the standards to be used. The motion was unanimously approved.

A motion was made (Levine) and seconded (Killeen) to approve the changes to the Foal Papers. The motion passed with 3 in favor (Levine, Killeen, Stegemeier) and 1 opposed (Decker).

A motion was made (Decker) and seconded (Levine) to approve the changes to Claiming Rule. Discussion followed. John Wayne asked if a horse is evacuated and euthanized at the test barn would the claim be voided. The Commissioners confirmed that it would not be; it is only voided if the horse is euthanized on the race track. Jack Houghton brought up the idea that a horse can be vanned off the track and then euthanized with the accusation that the state vet misdiagnosed and it should have been euthanized on the track. Chairman Patterson felt that there can be differing opinions, but in most cases a compound fracture will determine if a horse be euthanized. The motion was unanimously passed.

B. Technology Update

Executive Director John Wayne shared the State lines should be on-line Friday (April 8). Migration has been taking place with Delaware Park. Chairman Patterson asked Kevin DeLucia about a 3 year contract with Comcast per Ed Kee. Mr. DeLucia was not aware.

C. Steward and Veterinarian Positions

Chairman Patterson shared the Steward position was already addressed and the Veterinarian position is in limbo at the moment. Dr. Peters is in the hospital and Dr. Brown has chosen not to come on board more than the live racing days. Mr. Wayne indicated he has been fortunate to scramble and get some veterinarians to cover. Commissioner Decker asked what the importance was of having a regulatory veterinarian on site. Mr. Wayne shared there was a catastrophic accident on Saturday and there was no Commission Veterinarian on duty. He was not able to get coverage on Saturday. He was able to get coverage for today and there was a catastrophic injury. Chairman Patterson stated if there was no Commission Veterinarian they would have to go to a private veterinarian. John Mooney shared that private veterinarians want another veterinarian to agree/approve their decision whether to put the horse down or not and are not always willing to put down horses for people who are not their clients.

Chairman Patterson stated this will be discussed in more detail in Executive Session.

4. NEW BUSINESS

A. ARCI Drug Testing Standards and Practices Meeting

Chairman Patterson stated there were 24 original therapeutics drugs approved by ARCI as part of the Uniform Medication Program and two medications were added. Four more drugs were added to the list at the recent Drug Testing Standards and Practices Committee meeting (which he chairs) – Cimetidine and Ranitidine (less expensive, benign gastro medications), Cetirizine (antihistamine) and Guaifenesin (expectorant). They are Class 4 and 5 drugs with C penalties. They were originally proposed by the American Association of Equine Practitioners and approved by the Racing Medication Testing Consortium at the February meeting, approved by the ARCI Drug Testing Standards and Practices Committee and officially approved by at the March ARCI Board of Directors meeting. The approval date is May 1. Chairman Patterson confirmed with DAG Kerber that this is approval by reference so no action is needed by the Commission.

The thresholds for Xylazine, Omeprazole and Detomidine were modified. The medication list is a work in progress and as more tests and studies are done there are going to be modifications. Detomidine is strictly a urine threshold as it did not have approval for blood threshold. Chairman Patterson confirmed with DAG Kerber that it is informational only until it is incorporated into the Model Rules May 1. DAG Kerber recollected that this is the first time the standards that have been incorporated by reference have been updated. The Commission will need to approve them and then it immediately goes to final with no comment period. Commissioner Stegemeier questioned if the updated Rules are voted on at the May meeting when they would go into effect. DAG Kerber indicated they would be submitted to the Registrar by the 15th and published in the June 1 Register as final. Commissioner Killeen questioned how this would be communicated to the horsemen so they are aware. Bessie Gruwell indicated it would be publicized in the Overnight document and on the Horsemen's website. She stated the veterinarians should also be made aware so they can communicate to the trainers. Chairman Patterson indicated these levels will also appear on the DTHA website. Commissioner Decker indicated the next Commission meeting is May 18, and questioned if it would not go into effect until July? DAG Kerber stated he would communicate to the Registrar to see if May 18 would make the deadline for June 1 publication; if not, it would be effective with the July 1st publication. Chairman Patterson shared that these are all Level 4 and 5 medications and are benign so there is no great concern.

5. REPORT FROM DTRC EXECUTIVE DIRECTOR

Executive Director Wayne submitted his written report to the Commission for the period February 1 to March, 2016. Mr. Wayne read into the record the following points of interest for the period March 1 to 31, 2016:

Summary of Activities Report for March, 2016

	<u>Year-To-Date</u>
Number of Persons Fingerprinted	2
Fingerprint Fees Collected	\$158.00
DTRC Licenses Issued	901
Fines & Appeal Fees Collected	\$0.00
License Fees Collected	\$15,645.00

Other Statistics During February

ARCI National Surveys answered	1
Contacts from Police Agencies	6
Contacts from Video Lottery Enforcement	2
Freedom of Information Act Request for Info	0
National Racing Compact Reviews	2
Contacts from Racing Industry Groups	16
Contacts from other Racing Commissions	27
Contacts from other Race Associations	21
Contacts from the General Public	12
Contacts from Horsemen	22
Media Contacts	6
Contacts from Racing Officials Accreditation Program (ROAP)	29

The Racing Officials Accreditation Program is being held on Monday and Tuesday, April 11 and 12. This is the big meeting for the year. The Organization of Racing Investigators meeting was held at Delaware Park on March 14 and 15. It was a very successful meeting. Mr. Wayne presented the Commissioners with a copy of the program. The Honorable Matthew Denn, Attorney General, was the Conference Keynote Speaker; John Mooney welcomed the group; Chairman Patterson was a speaker; and The Honorable Tom Gordon, New Castle County Executive, was the Dinner Keynote Speaker. There was representation from Ontario, California, New Mexico, Florida, Iowa, Nebraska, Minnesota, West Virginia, New York, New Jersey, Maryland, and Pennsylvania. Dr. Kathleen Anderson (President AAEP) volunteered her truck for Dr. Benson, RMTC Executive Director, to set up a hunt for prohibited medications. Dr. Benson hid prohibited medications in the truck, and she had three new investigators search the truck. Dr. Anderson showed them all how to get the drawers out of the cabinets and pointed out specific hiding places where items could be secreted. The Lifetime Membership Award was given to Louis Scalera, Director of Security at Santa Anita Race Track.

Commissioner Decker asked if the low number of licenses (901) was indicative of the 3-year license. Mr. Wayne indicated it could be but felt this year should meet the average of 4,700.

Chairman Patterson shared that Mr. Wayne did an excellent job putting together the ORI conference; and several attendees told him that it was one of the best conferences they had attended based on the content and organization. The food provided by White Clay was very well received. It was a very successful program.

6. REPORT FROM DTRC CHIEF COMMISSION VETERINARIAN

Health Report

There was no report from the Commission Vet's office for March, 2016.

7. DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

Delaware Certified Thoroughbred Program Report

DTHA Executive Director, Bessie Gruwell filed their report for March, 2016. She reported that there were 21 applications received so far. There was an interest payment of \$267.88 giving a balance of \$1,055,945 to start the program.

8. PUBLIC COMMENT

Mr. Mooney shared that horses have been coming in and they have been in training since March 1. Both the training track and the main track (April 1) are now open so he expects to see more horses arriving in the next couple of weeks. He estimates approximately 300 horses are on site. He is expecting 5 trainers from Oaklawn, which closes on April 16. Larry Jones has started shipping in and there are 3 trainers held up at Parx because of the quarantine in place there. Larry Jones recorded his 1,000th win with a stakes victory at Turfway Park, Florence, Kentucky. There are a lot of applications and he hopes they will come in.

Jack Houghton, Chief Steward, thanked the Commission for having all three stewards there and stated it was good to be back.

Bessie Gruwell shared that Pete Palmer, Trainer, passed away the evening of April 5 after a battle with cancer. She indicated there will be a trainer breakfast and an open house for the trainers that the stewards have been invited to. They came last year and it was helpful and successful. It is a way to communicate the changes in medications and rules.

Chairman Patterson indicated the Mid-Atlantic meeting was very positive and everyone is pulling together. There was discussion on Exchange wagering and there is lots of concern.

Chris Sobocinski shared the Opening Day Press Conference will be held in the New Castle Room on May 18 at 1:00 p.m. and all are invited to attend. Chairman Patterson stated that is the same day as the Commission meeting and they would make it work for them to attend.

9. EXECUTIVE SESSION

Upon a motion duly made (Decker) and seconded (Killeen), the meeting was adjourned and moved to Executive Session at approximately 11:30 a.m.

10. ADJOURNMENT

The meeting returned to public session and upon a motion duly made (Decker) and seconded (Killeen) the meeting was adjourned at approximately 12:55 a.m.



DCTP Report - April 2016

2016 DCTP Applications	Weanlings	Yearlings	Total
Jan - Mar	1	20	21
Apr - Jun	0	0	0
July - Sept			0
Oct - Dec			0
Total Applications	1	20	21

2015 DCTP Applications	Weanlings	Yearlings	Totals
Jan - Mar	0	15	15
Apr - Jun	0	28	28
Jul - Sept	14	40	54
Oct - Dec	33	65	98
Total Applications	47	148	195

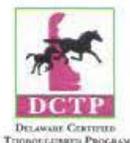
2014 DCTP Applications	Weanlings	Yearlings	Totals
Jan - Mar	0	27	27
Apr - Jun	4	39	43
Jul - Sept	19	49	68
Oct - Dec	30	58	88
Total Applications	53	173	226

2013 DCTP Applications	Weanlings	Yearlings	Totals
Jan - Mar	2	15	17
Apr - Jun	1	35	36
July - Sept	8	32	40
Oct - Dec	50	84	134
Total Applications	61	166	227

04/01/16

DCTP Total applications to date 3773

DCTP 2 Yr Olds for 2016 - 201

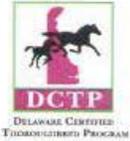


DCTP Report - April 2016

	2015	Certifier Amount	Owner Amount	Total for Month
May	\$	40,420.00	\$ 40,420.00	\$ 80,840.00
June	\$	106,880.00	\$ 106,880.00	\$ 213,760.00
July	\$	76,345.00	\$ 76,345.00	\$ 152,690.00
August	\$	92,220.00	\$ 92,220.00	\$ 184,440.00
Sept	\$	131,407.50	\$ 78,157.50	\$ 209,565.00
Oct	\$	49,727.50	\$ 49,727.50	\$ 99,455.00
Dec - (DQ ruling)	\$	2,500.00	\$ 2,500.00	\$ 5,000.00
	\$	499,500.00	\$ 446,250.00	\$ 945,750.00

Year	# of Starters	# of Starts	1st	2nd	3rd	25% DCTP Earnings	25% Certifier Awards	Totals
2016	0	0	0	0	0	\$ -	\$ -	
2015	240	709	97	106	115	\$ 446,250.00	\$ 499,500.00	\$ 945,750.00
2014	271	779	105	105	112	\$ 478,120.75	\$ 531,371.57	\$ 1,009,492.32
2013	270	713	97	99	102	\$ 416,504.00	\$ 470,722.00	\$ 887,226.00
2012	318	943	138	140	146	\$ 437,340.00	\$ 409,503.00	\$ 846,843.00
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	\$ 1,096,192.50
2008	210	690	94	82	109	\$ 367,963.60	\$ 433,265.20	\$ 804,421.80
2007	271	608	90	87	102	\$ 331,809.00	\$ 355,609.00	\$ 687,418.00
2006	139	476	68	61	72	\$ 201,286.80	\$ 214,936.80	\$ 416,223.60
2005	99	366	52	49	53	\$ 179,690.00	\$ 193,340.00	\$ 373,030.00
2004*	56	134	20	19	19	\$ 44,947.00	\$ 44,947.00	\$ 89,894.00
2003*	9	17	7	3	2	\$ 13,505.00	\$ 13,505.00	\$ 27,010.00
Total DCTP							\$ 10,155,687.94	

04/01/16
DCTP Total applications to date 3773
DCTP 2 Yr Olds for 2016 - 201



Delaware Certified Special Acct -Monthly Balance - 2016

	Transactions	Balance
December 2015 - Balance		\$ 105,474.67
January interest	\$ 22.31	\$ 105,496.98
February - DCTP Awa	\$ 1,000,000.00	\$ 1,105,496.98
February - DCTP Adm	\$ (50,000.00)	\$ 1,055,496.98
February interest	\$ 180.09	\$ 1,055,677.07
March Interest	\$ 267.88	\$ 1,055,944.95

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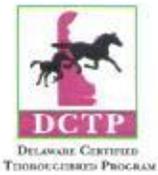
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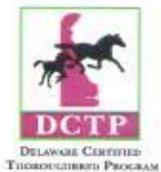
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