



**Delaware Thoroughbred Racing Commission  
Minutes of Meeting Held On  
May 18, 2016**

The Delaware Thoroughbred Racing Commission held a meeting on Wednesday, May 18, 2016, at 10:05 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
Robert Willard, 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
Nancy Myshko, Delaware Park, Sr. Vice President, HR/EVS/F&B/Mutuel/Sec.
Bessie Gruwell, DTHA Executive Director
Tracy Nunley, DTHA Board Member
Beverly Fowler, Delaware Park, Test Barn Supervisor
Susan Botts, V.M.D., DTRC, Acting Chief Commission Veterinarian
G. Jack Houghton, DTRC, Chief Steward
Fritz Burkhardt, DTRC, Steward
James Lages, DTRC, Steward
James P. Gowen, DTRC, Inspector
Pam Rash, DTRC, Administrative Asst. (Recording Minutes)

**1. WELCOME & CALL TO ORDER**

At approximately 10:05 a.m., Chairman Duncan Patterson called the meeting to order.

**2. APPROVAL OF MINUTES**

Upon a motion duly made (Levine) and seconded (Stegemeier) minutes of April 6, 2016 were unanimously approved.

**3. OLD BUSINESS**

A. Rule Changes and Additions

The rule changes and additions have been taken care of and no motions were needed. The Suspension Rule change 3.4.1.15 is non-substantive and does not need any additional action by the Commission. Commissioner Decker asked for clarification of timing of ruling notifications. Mr. Jack Houghton explained that the ruling is issued immediately after the hearing. Sometimes additional discussion by the Stewards is needed and the ruling could be issued a day or two later. The defendant then has 48 hours to pay their fine from the date of the ruling notice.

B. Technology Update

Executive Director John Wayne shared that most of the DTRC employees have been issued new computers which have been reimaged and are now compatible with the State line firewall. There are some issues with the firewall. Mr. Wayne has been locked out of some websites and needs DTI's permission to access them (i.e. ARCI database). Mr. Wayne has directed DTI to take care of the licensing office, stewards and investigators first. DTI has assured him it will be handled soon.

4. **NEW BUSINESS**

A. Approval of 2016 Racing Officials

A motion was made (Decker, Stegemeier) and the Commission unanimously approved the Delaware Park proposal of the 2016 Racing Officials.

Mr. John Mooney confirmed that Mr. Kenneth Brown, Track Superintendent, will be retiring in May but has agreed to be available for consultation as needed. Mr. Kenneth Wilson will be the new Track Superintendent.

B. Delaware Park Certificate of Liability Insurance

Mr. John Wayne confirmed the Certificate of Liability Insurance was received March 31, 2016 and is on file in the Commission office.

C. Delaware Park Engineer's Report

Mr. Kevin DeLucia confirmed all issues that were noted have been addressed, corrected and cleared in the report.

D. Steward Hearings for Licensee Suspensions for Delinquent Tax Obligation

Tom Cook, Division of Finance, through Commissioner Decker, asked for assistance from the Commission to help with the collection of delinquent tax obligations. There was a list of 11 people and 7 were determined to be participants. The other 4 are believed to be gaming patrons. Most of the individuals have been cooperative and the 2 individuals who have not been in contact with the Division of Finance have been sent Hearing notices by the Stewards. Neither of the 2 individuals is currently licensed in Delaware and will be declared ineligible to participate if they do not comply.

5. **REPORT FROM DTRC EXECUTIVE DIRECTOR**

Executive Director Wayne previously 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 April 1 to 30, 2016:

**Summary of Activities Report for April, 2016**

	<u>April 2016</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	7	9
Fingerprint Fees Collected	\$553	\$711
DTRC Licenses Issued	300	1,201
Fines & Appeal Fees Collected	\$0	\$0
License Fees Collected	\$6,740	\$22,385

**Other Statistics During February**

ARCI National Surveys answered	4
Contacts from Police Agencies	4
Contacts from Video Lottery Enforcement	2
Freedom of Information Act Request for Info	0
National Racing Compact Reviews	2

National Racing Compact Applications Rec'd	10
Contacts from Racing Industry Groups	3
Contacts from other Racing Commissions	3
Contacts from other Race Associations	8
Contacts from the General Public	3
Contacts from Horsemen	6
Media Contacts	3
Contacts from Racing Officials Accreditation Program (ROAP)	6

The Safety Committee Meeting, chaired by Mr. John Mooney, met May 10 to discuss safety protocols. The items that were promised from last year have been implemented. Installation of padding in the stalls has been completed and it looks like they should do a good job of protecting people and horses.

DTRC and Delaware Park hosted Dr. Biddle from the University of Delaware along with 30 of her students on May 12. Mr. Mooney provided a shuttle to give them a tour of the stable area, Dr. Botts talked about equine health and safety protocols employed at Delaware Park, Chris Sobocinski gave an overview of Delaware Park and the historic significance, Mr. Wayne discussed the integrity of racing and other issues. The students were given a commemorative coin donated by Delaware Park.

Dr. Pastir was interviewed on May 16 and will be a fill-in veterinarian. as soon as she obtains her Delaware license. Dr. Lyndsy Castano from New Jersey will be added to the roster as soon as she obtains her Delaware Veterinarian Board License. Dr. Craig Goldblatt from Pennsylvania will also be a fill-in veterinarian.

Mr. Wayne introduced James (Jim) Gowen, DTRC Inspector. Mr. Gowen is a former Vice President and Field Agent from the Thoroughbred Racing Protective Bureau.

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

### **Health Report**

Susan Botts, D.V.M., Acting Chief Commission Veterinarian made the following report for April 1 to 3:

Through this morning, there were 4 fatalities – 2 training accidents (1 fractured shoulder, 1 fractured cannon bone), 1 illness (Colic), 1 accident (horse got loose and fell on the concrete and had wounds into the joints). This morning had laminitis and cellulitis on right hind leg. There is a total of five horses euthanized to date.

Commissioner Decker asked Dr. Botts to explain how a shoulder/hip injury that severe comes about. Dr. Botts explained that young horses not raced are exercised and a small hairline crack can develop from stress (galloping). If the problem is not identified and the horse is not given rest, over time it worsens. Sometimes it happens in a race. Studies done at UC Davis indicate it starts as a stress injury and is not identified. These injuries are hard to identify and often get misdiagnosed.

## **7. DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

### **Delaware Certified Thoroughbred Program Report**

DTHA Executive Director, Bessie Gruwell filed their report for April, 2016. There were 4 applications (1 Weanling, 3 Yearlings) for a total of 25 applications received to date. There was an April interest payment of \$267.88 giving a balance of \$1,056,212.89.

Ms. Gruwell stated that the THA website is not up and running to her knowledge.

Ms. Gruwell asked the status of a request submitted to the Attorney General regarding the protocol for searching bunk houses at Delaware Park. Chairman Patterson indicated it has not come before the Commission. Mr. Mooney indicated it relates to the incident last fall where a bunk house was searched. Mr. Wayne shared specifics on that search. There was a perceived threat involving a 44 caliber hand gun and Delaware Park Security opened the room and the DTRC Investigators inspected the room. They found a cooking utensil and brought it to the Security Office. The occupant of the room was not reachable and the

inspection was filmed. It was not a general inspection, there was perceived threat being investigated. DTRC Investigators are only involved if there is an equine related concern – syringes, needs, injectables, etc. - things that affect the integrity of racing. Delaware Park Track Security has access to bunk houses and handles reports of cooking, etc. Mr. Mooney indicated a complaint was filed with the state. Chairman Patterson stated the Commission is not aware of the complaint. Mr. Mooney confirmed the topic of inspections of the bunk houses is addressed in the stall application. He stated that 99% of the time it is because an alarm has gone off due to cooking or tampering with the smoke detectors in the bunk houses.

## **8. PUBLIC COMMENT**

Mr. Mooney shared May 17 was the first day of entries for the 10 races on Saturday. Considering the first day and not having a turf course it went well. Turf racing generally starts Memorial Day providing the weather cooperates. The barn area is filling up. Currently there are approximately 1,100 horses which is an improvement from past years. No horses were accepted for Saturday's race from Parx due to the quarantine, but they will accept them for Monday races as the Parx quarantine was dropped May 17. The horseman with split stables will begin shipping in on Monday.

Mr. Jack Houghton indicated the same issues but things were going well with the Stewards.

Exchange Wagering – There was discussion about Exchange Wagering with Betfair in New Jersey. Kevin DeLucia indicated he understood the intent was to get approval for New Jersey to use Delaware Park's signal. Mr. Mooney felt it is a major concern that they cannot verify the pool. There was some confusion as the Commissioners did not understand that Delaware Park was asking for permission as the letter appears to be an explanation of how Betfair works. Mr. DeLucia indicated there was communication between Delaware Park and DAG Andrew Kerber about the legality and DAG Kerber asked for more information. The letter provided to the Commissioners is that explanation. The Commissioners were not aware of the communications. Commissioner Decker wanted to know DAG Kerber's response regarding the legality as New Jersey had to pass a legislative act to allow it. He asked DAG Robert Willard if he had any information on this. DAG Willard indicated that DAG Kerber asked him as DAG Willard handles lottery and casinos. DAG Willard indicated he had never heard of Betfair. He understood DAG Kerber to indicate Delaware Law states that all bets on Delaware horse racing must be made on the premises of the race track, so his initial thought was that it will not work. Chairman Patterson questioned the difference with simulcasting. Bessie Gruwell indicated simulcasting does not have account wagering. Delaware does not legally allow account wagering. Mr. Mooney shared that California was the first state to determine that Betfair is not pari-mutuel, it was bookmaking. It would have to be determined if it is pari-mutuel. Mr. DeLucia clarified that is not occurring in Delaware, if authority was granted, Betfair would only be using Delaware Park's races online at Betfair in New Jersey. Mr. Wayne indicated it is an additional revenue stream for the track. Mr. DeLucia confirmed it is not affecting Delaware Park's pools or pricing. It is strictly Betfair customers betting on our races in the state of New Jersey. Mr. DeLucia stated they were exploring the legal issues before stating a position and will communicate back that if a formal request for approval will need to be put in writing. They are still waiting on a formal opinion from DAG Kerber. If they get approval they will request the Commission to approve.

Bessie Gruwell shared that Saturday, May 14, the Horsemen's Association hosted the second Trainer's Luncheon to go over the rules, safety issues, the therapeutic medication list in the condition book, etc. The Stewards were present and covered some rules. Canter was there to discuss retraining and rehoming. There were several new trainers present and there was valuable information for them to know. Ms. Gruwell shared that it is important to do this as there is no rule uniformity among the tracks (i.e. Claiming Rule, Slaughter Rule). It was a very successful day. The Commissioners commended them on doing this.

Chairman Patterson commended Kevin DeLucia and Delaware Park for the great job they did on the padding in the paddocks.

## **9. EXECUTIVE SESSION**

Upon a motion duly made (Decker) and seconded (Killeen), the meeting was adjourned and moved to Executive Session at approximately 11:15 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 12:30 p.m.

**DELAWARE PARK  
2015 BREAKDOWN/INJURY STATISTICS**

	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	2016 YTD	2015 YTD	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
# STARTED THIS MONTH																		
# STARTED TO DATE								5071	4634	5043	5692	7377	8177	8188	8460	8536	9318	10100
Horses added to vet's list								<b>135</b>	<b>92</b>	102	141	176	133	167	189	171	185	210
*Flip/injured in gate								13	5	5								
Prerace scratches								59	47	40	62	69	51	44	80	53	76	90
Gate scratches								7	3	6	25	20	27	35	27	37	27	31
Pulled up/return lame								41	29	41	32	60	41	59	55	63	71	69
*Fell/DNF								15	8	10	21	31	14	29	27	18	11	20
Removed via ambulance								<b>30</b>	<b>19</b>	<b>39</b>	33	51	37	48	44	44	55	52
racing								18	17	25	24	42	21	38	35	38	45	46
training								12	2	14	9	9	16	10	8	6	10	6
Total racing fatalities								<b>13</b>	<b>11</b>	<b>6</b>	<b>14</b>	<b>20</b>	<b>14</b>	<b>14</b>	<b>16</b>	<b>11</b>	<b>12</b>	<b>15</b>
M-S fatalities								11	10	5	12	19	12	13	15	10	9	15
Sudden death/heart att								0	0	1	2	1	2	0	0	0	2	0
Other								2	1	0	0	0	0	0	1	1	1	0
*fatal M-S rac. inj/1000 sts (*cumulative)								<b>2.17</b>	<b>2.15</b>	<b>0.99</b>	<b>2.11</b>	<b>2.58</b>	<b>1.47</b>	<b>1.59</b>	<b>1.77</b>	<b>1.17</b>	<b>0.97</b>	<b>1.49</b>
M-S fatalities by month																		
Total training fatalities								<b>8</b>	<b>16</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>12</b>	<b>8</b>	<b>7</b>	<b>5</b>	<b>8</b>	<b>7</b>
M-S fatalities	2							7	14	8	7	7	10	8	6	5	7	6
Sudden death/heart att								1	2	1	0	0	2	0	1	0	0	1
Other								0	0	0	0	0	0	0	0	0	1	0
Other deaths on site								<b>7</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>9</b>	<b>12</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>9</b>
musculoskeletal injury	1							2	5	3	0	0	0	1	1 (pony)	0	2	2
colic/colitis	1							2	3	1	0	2	4	2	0	1	3	1
neurologic disease								1	0	1	1	2	1	0	0	2	0	0
laminitis								1	2	1	2	3	3	3	0	0	0	0
pleuropneumonia(resp)								1	0	0	0	0	1	0	0	0	0	0
other								0	0	0	0	2	3	1	2	2	3	6







DCTP Report - May 2016

2016 DCTP Applications	Weanlings	Yearlings	Total
Jan - Mar	1	20	21
Apr - Jun	1	3	4
July - Sept			0
Oct - Dec			0
Total Applications	2	23	25

  

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

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DCTP Total applications to date 3777

DCTP 2 Yr Olds for 2016 - 201





DCTP Report - May 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
							<b>Total DCTP</b>	\$10,155,687.94

5/16/2016

DCTP Total applications to date 3777

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 Awards	\$ 1,000,000.00	\$ 1,105,496.98
February - DCTP Administ	\$ (50,000.00)	\$ 1,055,496.98
February interest	\$ 180.09	\$ 1,055,677.07
March Interest	\$ 267.88	\$ 1,055,944.95
April Interest	\$ 267.94	\$ 1,056,212.89

5/16/2016

DCTP Total applications to date 3777

DCTP 2 Yr Olds for 2016 - 201