



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting Held
May 23, 2007**

The Delaware Thoroughbred Racing Commission held a meeting on May 23, 2007, at 10:00 AM in the second floor conference room of the Horsemen's Office at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

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

The following commission members were excused:

Edward Stegemeier, Commissioner

The following individuals also were present:

Kimberly A. Wilson, Esq., Deputy Attorney General, Commission Counsel
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Barbara J. Gadbois, Deputy Attorney General, Stewards' Counsel
John F. Wayne, DTRC, Executive Director
John T. Peters, D.V.M., DTRC, Supervising Commission Veterinarian
Francis Swift, DTRC, Inspector
Jack Houghton, Jr., DTRC, Chief State Steward
Fritz Burkhardt, DTRC, Associate State Steward
Dennis, Lima, DTRC, Associate State Steward
Joe Rudisill, Delaware Park, Sr. VP of Compliance
Greg Petkiewicz, Delaware Park, Sr. VP of Race Track Operations
Ismael Trejo, Delaware Park, Racing Secretary
Margie Stallings, Delaware Park, Claims Clerk
Joseph A. Strug, Dalare Associates, Laboratory Director
Bessie Gruwell, DTHA, Executive Director
Scott Peck, DTHA, President
Ramon L. Rodriguez, TRPB Agent
Larry Saumell, The Jockeys' Guild, East Coast Representative
Robert Colton, Delaware Jockeys' Association, President
Peter Wasiluk, Wasiluk Racing, Trainer
Anthony Pecoraro, Trainer
Ryan Beattie, Owner/Trainer
Ray Bryner, Assistant Trainer
Jack Ireland, The News Journal, Reporter

1. **WELCOME & CALL TO ORDER**

Mr. Daney called the meeting to order at 10:00 AM and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Patterson) minutes from April 17, 2007 were approved with one correction (Item 5b - immigrant worker program).

3. **NEW BUSINESS**

A. **The Cornell™ Collar**

The Delaware Thoroughbred Horsemen's Association asked the DTRC to poll jurisdictions subject to The Cornell™ Collar use.

Previously done 2006 Survey

To introduce the subject and give an historical account, Executive Director, John F. Wayne, read into the record his April 20, 2006 memo.

There have been some inquiries into the possible use of this equipment, which compensates for horses that have soft-palate displacement. I believe that horsemen will be approaching the commission about being permitted to use this new equipment because it can help horses with soft-palate displacement. When installed properly, the device has a lifting mechanism sitting behind the basihyoid bone between the jaws.

During the first week of April an inquiry was circulated generated by the Maryland Racing Commission asking about which jurisdictions permit the use of the collar and any other comments that they may have. Some of the reviews were mixed, however jurisdictions such as Kentucky, Washington state, New Jersey, Indiana, Delaware Harness and New York Harness permit the use of the equipment. Florida indicated that they are leaving this up to the discretion of the individual tracks as a "house rule." Louisiana, Nebraska, California, and some other jurisdictions are withholding a determination until further information is gathered.

The Delaware Thoroughbred stewards have indicated that they will not permit the use of this equipment at this time and are in agreement with the New York thoroughbred stewards on issues of proper installation of the device. Our Chief Veterinarian, Dr. John Peters, believes that use of the device would be a helpful aid to horses.

If the DTRC does consider the use of this equipment and I would recommend that we seriously look into doing this, I would further recommend that we do so under the following conditions:

Use of the Cornell™ Collar in races shall be subject to the following conditions:

1. The trainer must submit to the Stewards a letter from a licensed Delaware veterinarian stating that the use of the Cornell™ Collar is justified and appropriate for use on the horse in questions.
2. The trainer, in consultation with that licensed Delaware veterinarian, will be responsible for the proper placement of the Cornell™ Collar.
3. Prior to entering in a race a first time, the horse must have a work-out with the Cornell™ Collar installed, approved by the Board of Stewards and Commission veterinarian. Based on that workout permission may be granted for use in a race.
4. An equipment change must be declared at the time of entry for the horse to race with the Cornell™ Collar.

3. NEW BUSINESS

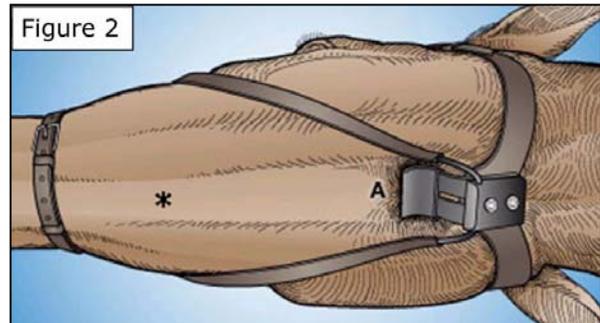
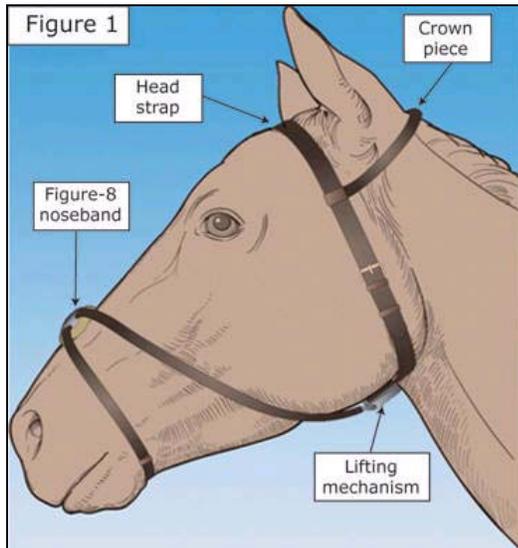
A. CORNELL™ COLLAR (continued)

2006 Survey

5. Once a horse races with the Cornell™ Collar, it must continue to race with this equipment unless the attending Delaware licensed veterinarian submits a letter to the Stewards stating that use of the Cornell™ Collar is no longer appropriate for that horse.
6. Only authentic “Cornell™ Collars” will be approved for such use. No knock-offs, sub-standard, or homemade equipment will be allowed for use.
7. Once a horse has the equipment approved, if it is removed, then the equipment cannot be re-certified for use. Unless horse ownership/trainer changes are made.

2007 Survey

The 2007 survey and a photo of the Cornell™ Collar were provided. Executive Director, John F. Wayne, read into the record the 2007 SURVEY.



Cornell™ Collar Survey (May 2007)

A survey of jurisdictions that allow Cornell™ Collars (soft palette displacement):
What official insures that equipment is properly installed?

<p>Arizona Geoffrey Gonsher</p>	<p>Paddock Judge or Track Veterinarian The Paddock Judge or the Track Veterinarian shall inspect the Cornell™ Collar in the paddock immediately prior to running for the proper fit and adjustment. If the device is not applied properly, the trainer shall be required to adjust the device to the official's satisfaction.</p>
<p>Florida Jill Blackman</p>	<p>Trainer and Licensed Veterinarian Cornell™ Collars (for soft palette displacement) are allowed for use in Florida; however, their use is not currently regulated in this jurisdiction, and is within the purview of the licensed trainer and his/her licensed veterinarian practitioner.</p>
<p>Iowa Keith Soring, D.V.M., State Vet</p>	<p>Paddock Judge and State Veterinarian The Paddock Judge and the State Veterinarian both have the responsibility of examining the device to insure proper placement and that it is in fact applied when shown in the program.</p>
<p>Kansas Stephen Martino</p>	<p>State Veterinarian Kansas allows the use of the Collar with the restrictions that the trainer must declare its use each and every time to the state vet. State vets then examine the Collar for appropriate application in the paddock prior to the race.</p>
<p>Louisiana Charlie Gardiner</p>	<p>Not Approved For Use Louisiana has not yet approved the use of the Cornell™ Collar.</p>
<p>Maryland J. Michael Hopkins (410) 466-4782</p>	<p>Permitted (2006 survey) (official not known) At the commission meeting on April 11, 2006, I recommended to the commissioners that the application and use of the Cornell™ Collar should be monitored in a manner that would ensure a consistent use. They agreed. I would suggest that the following procedures be put in place in the event a trainer requests the use of this collar.</p> <ul style="list-style-type: none"> • A trainer shall submit to the Stewards a recommendation signed by a licensed veterinarian stating that the collar: 1) has been properly fitted to the specific horse; 2.) the use of the collar would be beneficial to the horse; and 3.) could be safely worn by the horse participating in a race. • A trainer shall declare the use of the Collar at entry time. • A trainer may not remove the collar unless a licensed veterinarian recommends that it should be removed.
<p>Massachusetts Joseph Van Deventer</p>	<p>Not Approved For Use At the current time, Massachusetts does not allow the Cornell™ Collar. However, it is a topic for discussion at our next meeting (5/30). I have asked Kentucky for a copy of their rules and have some anecdotal evidence of problems with incorrect application of the Collars and of a potential problem with knock-off versions.</p>

Michigan Christine White	Veterinarian In Michigan, the veterinarians check for correct application.
Minnesota Lynn Hovda, Chief Commission Vet.	Detention Barn Veterinarian In Minnesota, the Cornell™ Collar is originally fitted by the backside practicing DVM who submits a form to the Commission DVM that the trainer has been instructed on how to fit the Collar. It is checked for presence or absence and the appropriate fit by our detention barn DVM on their way to the saddling paddock.
New Jersey Frank Zanzuccki (609) 292-0613	
New York John Cansdale	Not Approved For Use New York does not have a rule. Board policy is to let each track decide. No track allows it for live racing – the NYRA tracks (Aqueduct, Belmont & Saratoga) were permitting it to be used during training only.
Ohio Steve Zaper	Trainer The Cornell™ Collar must be prescribed by a licensed veterinarian and approved by the Stewards. The veterinarian is responsible for instructing the trainer on how to put the Cornell™ Collar on the horse. The trainer is responsible for insuring that the Collar has been properly put on the horse. No racing official is involved in the inspection of the Collar in regards to correctness.
Trinidad Tobago David Loregnard	Not Approved For Use In Trinidad and Tobago the use of the Cornell™ Collar is not allowed. You may wish to review the KHRA policy on this.
Virginia Stan Bowker	Paddock Judge or State Veterinarian Virginia permits the use of the Cornell™ Collar. The Paddock Judge is responsible for insuring that the Collar has been properly put on the horse. If needed, the State Veterinarian may assist.
Washington Robert Leichner	Official Veterinarian Washington allows the Cornell™ Collar. Prior to first use the Official WHRC veterinarian must inspect it installed on the horse to assure proper installation. The horse is then approved to run with the Collar and the official veterinarians monitor its use in the paddock and post parade.

3. NEW BUSINESS

A. CORNELL™ COLLAR (continued)

Dr. Peters Descriptive

Commissioner Decker asked Dr. Peters to explain the Cornell™ Collar's purpose: Dr. Peters elaborated that horses can displace their palate and/or flip their palate, which reduces their air intake to the lung. Cornell developed a pad that keeps the epiglottis forward and prevents the epiglottis from flipping. If placed correctly it prevents the horse from trapping its epiglottis. If placed incorrectly, it would not achieve the desired effect.

Discussion points during public discussion

- Mr. Peter Wasiluk, Trainer of Wasiluk Racing, introduced himself and stated that he runs horses in Florida and endorsed using the Collar. Trainer Wasiluk added that he has 25 horses; 3 of which use the collar.
- Only the original Vet-Aired Cornell™ Collar (TM) is approved for such use. Trainer Wasiluk advised that the collar costs between \$400.00 to \$500.00.
- May not remove the collar unless a licensed veterinarian recommends that it be removed.
- What official ensures that equipment is properly affixed?

Recommendation from Dr. Peters

Commissioner Decker asked Dr. Peters for his recommendation to the commission:

- 1.) What official ensures that equipment is properly installed? RESPONSE: Identifier checks during tattoo check (Mr. Joe Rudisill was not in favor of this due to possible track liability)
- 2.) When (where) is the equipment checked? RESPONSE: At starting gate (not feasible)
- 3.) Mr. Wayne offered an opinion that the initial check of the equipment could be made by the identifier when the horse(s) arrive in the paddock. If the apparatus appears to be not properly fitted, then the identifier would notify the paddock Commission veterinarian, who would notify the trainer or responsible person in charge of the horse to make the adjustment. The Stewards will also be notified by the Commission Veterinarian after the adjustment has been made.

Decision from DTRC tabled

Chairman Daney concluded the DTRC will take the matter under advisement.

5. REPORT FROM EXECUTIVE DIRECTOR

Summary of Activities Report

Immigrant Worker Program:

- Mr. Wayne recognized Ms. Bessie Gruwell, DTHA Executive Director, and commended her for DTHA's pro-active stance in leading the Mid Atlantic area in the Immigrant worker program.
- Commissioner Patterson recognized Representative Michael Castle was attentive to immigrant issues.
- Ms. Gruwell recognized Senator Joseph Biden as also being very helpful.

6. REPORT FROM SUPERVISING VETERINARIAN

Dr. John T. Peters advised that the meet was going satisfactory.

FATALITIES

2 fatalities so far

Mr. Scott Peck, president of DTHA, asked if Dr. Peters had enough veterinarians – reply was “No, but interviewing with Mr. Wayne three veterinarians today for full-time permanent positions (5pm, 5:15pm, and 5:30pm).”

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

Delaware Certified report

8. **PUBLIC COMMENT**

Chairman Daney solicited public comment:

- A. Ismael Trejo, Racing Secretary: all is well.
- B. Joe Strug, Dalare Associates, Labratory Director: all is well
- C. Jack Houghton, Jr., Chief State Steward: This week we had our first instance of trainer certifying transfer of horses during suspension.
- D. Greg Petkiewicz, Delaware Park, Sr. VP of Race Track Operations: Training track back up and running after second flood.
- E. Larry Saumell, The Jockeys' Guild, East Coast Representative: Preakness attendance broke record.
- F. Robert Colton, Delaware Jockeys' Association, President Yesterday attended industry and best practices conference held in Washington D.C. on OSHA. Lead-content issues raised – they (OSHA) will start testing jockeys and valets for lead. Also attending was AIG Anthony Bono working with ASTM American Standard for Testing Materials first committee developed for equine equipment. Also discussed was requirement for jockeys to obtain and submit doctor's note (from off grounds – not associated with track) upon return from illness. But when they are injured from fall the jockeys are only required to obtain note from registered nurse located on track grounds. Commissioner Decker moved that Mr. Wayne report to commission on doctors note issue (there was no second to the motion).

G. **JACK IRELAND**

Mr. Daney recognized reporter, Mr. Jack Ireland of the News Journal who asked several questions of the Commission.

1. **Todd Pletcher – Mr. Ireland had heard a rumor that the Racing Office denied stalls to Mr. Pletcher.**

The commission advised Mr. Ireland stall appropriations was under the jurisdiction of Delaware Park and the commission had no comment. Mr. Ireland was referred to Delaware Park for any questions regarding stable assignments.

2. **Disappearance of Jockey, Alex Beitia – Mr. Ireland heard a rumor that Alex Beitia had disappeared and furthermore asked about the jockey investigation.**

The commission advised Mr. Ireland that they had no comment.

9. **EXECUTIVE SESSION**

At 11:22 AM, upon a motion duly made (Decker) and seconded (Patterson) the meeting was adjourned to Executive Session for the discussion of personnel issues.

10. **ADJOURNED**

At 12:07 PM, upon a motion duly made (Decker) and seconded (Patterson) the meeting was adjourned.