



**Delaware Thoroughbred Racing Commission
Minutes of Meeting & Public Hearing
October 23, 2007**

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on Tuesday, October 23, 2007, at 10:00 AM, in the second floor conference room of the Horsemen's Office, 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
Henry J. Decker, Commissioner
Edward Stegemeier, Commissioner
Debbie Killeen, Commissioner

The following individuals also were present:

John F. Wayne, DTRC Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Barbara Gadbois, Esq. Deputy Attorney General, Stewards' Counsel
John T. Peters, D.V.M., DTRC, Supervising Commission Veterinarian
Francis J. Swift, DTRC Inspector
Jack Houghton, Jr., DTRC Chief Steward
Andrew Gentile, Delaware Park, Chief of Staff & GM
Art Gray, Sure Lines, Inc.
Bessie Gruwell, DTHA, Executive Director
Gale Patti, Owner/Trainer
Greg Petkiewicz, Delaware Park, Sr. VP Race Track Operations
Jeff Ganc, Delaware Park, Assistant Director of Security
Joseph A. Strug, Dalare Associates, Laboratory Director
Ken Brown, Delaware Park, Track Superintendent
Larry Saumell, Jockeys' Guild, Regional Manager
Margie Stallings, Delaware Park, Assistant Racing Secretary
Martin Ciresa, Trainer
Michael Angelil, Owner
Pedro "Pete" Lizarzaburu, Owner
Ramon L. Rodriguez, TRPB Agent
Robert Colton, Delaware Jockeys' Association
Scott Peck, DTHA, President
Shanon Epley, Horseman
Steve Epley, Jr., Owner/Trainer

1. WELCOME & CALL TO ORDER

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

2. APPROVAL OF MINUTES

Upon a motion duly made (Patterson) and seconded (Decker) minutes of September 25, 2007 were approved as submitted.

3. PUBLIC HEARING

Mr. Andrew Kerber, commission counsel, led the proceedings. Wilcox & Fetzer recorded minutes of the proceedings.

The Delaware Thoroughbred Racing Commission, pursuant to 3 Del.C. §10005 proposes to add rules 13.8.2, 13.13.2, 13.13.3, and 13.13.4 to reflect current policies, practices, and procedures.

The proposed new rules are as follows:

13.8.2 Officials and employees of the association shall not provide any information as to filing of claims until after the race has been run except as is necessary for processing of the claim.

13.13.2 A person shall not claim a horse in which the person has a financial or beneficial interest as on owner or trainer.

13.13.3 A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

13.13.4 A person shall not claim a horse or enter into any agreement to have a horse claimed on behalf of an ineligible person.

Upon a motion duly made (Decker) and seconded (Patterson) the rules were approved in their entirety. The rules will be publicized again in the Register of Regulations, and they take effect after publication.

4. OLD BUSINESS

A. Safety Reins/Lines

Mr. Art Gray of Sure Lines, Inc. designed and patented reins with a snap hook attached to a second reserve rein that enables the jockey to maintain control of the horse. The key feature of the Sure Lines reins is a snap hook attached to a second reserve rein. The reserve rein is anchored inside the original rein and emerges from the original rein at the buckle where the snap hook attaches to the bit. The snap hook and reserve rein extend beyond the end of the loop from the original rein at the bit. The components have been researched and tested with a focus on the strength and compatibility necessary to ensure safety and performance.

Discussion Points:

- Originally thought we could have an "upgrade" kit but insurance companies wouldn't approve without safety standards.
- ASTM standards are under discussion.
- Airline cable too strong. Changed to nylon, original break load of 600 lbs, now down to 440 lbs.
- Average break load 425 lbs for leather.
- Mr. Gray is going to USTA for testing. They have to be able to withstand 425 lbs; with this component they will withstand 465 lbs.

4. **OLD BUSINESS - Continued**
A. **Safety Reins/Lines**

Question & Answer Session:

Q: What standard did California set?

A: They didn't set a weight standard. Mexico & Ohio made mandatory.

Q: Who makes these reins?

A: In 1999 seven companies made them for me. Walsh, Yonis, Champion Turf in California, Westmoreland Tack Shop, Larry Fowler in Kentucky is a distributor.

Q: What's the price point?

A: \$5. Estimate \$20.00. I won't be making money on this – money is going to charity. I'm not profit-driven on this.

Q: Do you have a patent on this?

A: Yes.

Q: Safety clip is longer than clip for the bit... does it flop around at all?

A: No. 50% of the time the buckle isn't buckled properly – the rein doesn't break.

Q: If the rein breaks do you still have 450 lbs?

A: Yes.

Q: What guarantee do you offer? What is the life expectancy of your rein?

A: Harness is lasting longer; I don't have a definitive study on life expectancy.

Q: What about surrounding jurisdictions – where are they on this issue?

A: New Jersey wanted to make mandatory – ASTM standard put a hold on New Jersey. New York is working on the rulebook now, and when the time comes they will ask for a letter from the New York State Racing and Wagering Board and a letter from the Guild making mandatory.

Q: Has it ever actually worked for somebody?

A: Yes, in harness.

Q: Thoroughbred?

A: No.

Q: How have you tested the strength on the buckle?

A: We test it using police standards.

Q: Can't you make the buckle bigger?

A: Don't want it bigger.

Commissioner Decker noted that Mr. Gray has offered to leave a set of his safety reins and suggests we accept his offer and leave it with the DTHA to announce the availability of the safety reins ask that people avail themselves of the opportunity. In addition, the Commission agreed to purchase a total of 5 sets of safety reins for horsemen to use as an experiment. The DTHA will be asked to keep track of the loaned-out reins so that they can be returned to the commission for future use during 2008.

4. OLD BUSINESS - Continued

B. Claims 2006 vs 2007

At the request of Chairman Daney, Mr. Jack Houghton, chief steward, provided the following comparison:

4/27/06 through 10/17/06 – 450 total claims – \$6,211,750
4/28/07 through 10/17/07 – 265 total claims – \$3,767,500

When asked by Chairman Daney what he would attribute the decline to Mr. Houghton replied a lower quality horse. Bessie Gruwell, Delaware Thoroughbred Horsemen's Association executive director agreed and added there were less starters and, according to Dr. Peters' charts, we'll be lucky to start 9,000 horses in 2007. Trainer Martin Ciresa agreed stating a lot of middle-ground starter races – using starter allowances doesn't appeal to him personally; you want to train toward your book. Mr. Ciresa stated purse structure is excellent – it's the product that has diminished. Ms. Gruwell stated that a lot is offered – lots of gimmicks are tried – slicing the pie too thin.

When asked by Commissioner Patterson what the solution to the problem would be, Mr. Ciresa suggested that a round-table discussion be held between Delaware Park and the Horseman with the Commission acting as facilitator. Matter was taken under advisement but the horsemen were urged to communicate with the Racing Association and participate in meetings between them.

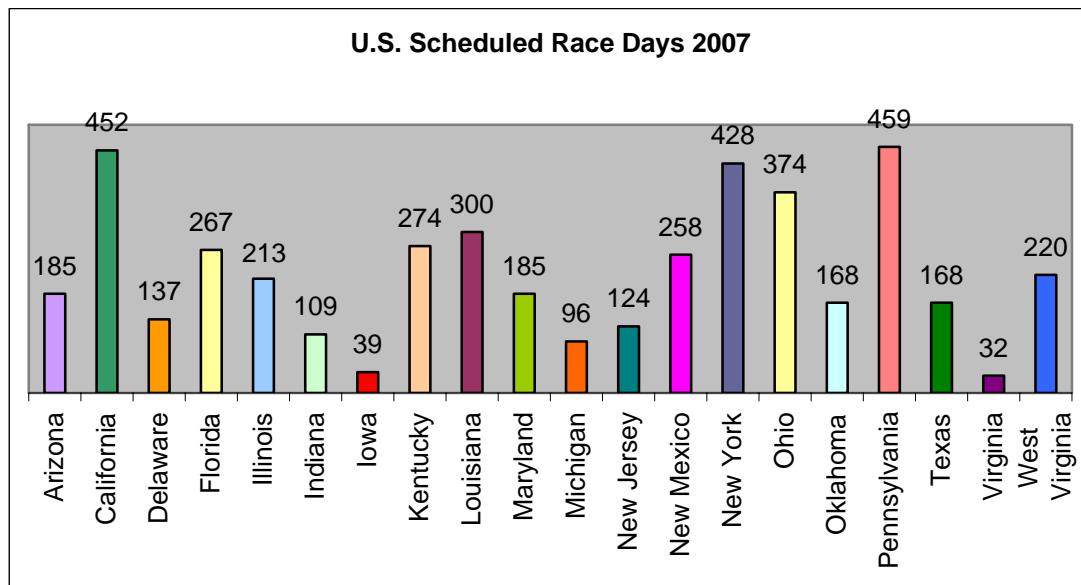
C. 2007 Capital Budget – September 30, 2007

Mr. Andrew Gentile distributed copies of the 2007 Departmental Update (as of September 30, 2007) for Delaware Park and the Delaware Racing Association (DRA). Mold: Mr. Petkiewicz's team is putting together a modification to try and better control the situation. Commissioner Decker asked (reminded) Mr. Gentile to please include subtotals and pro-rated racing totals. The commission thanked Mr. Gentile for the 2007 Departmental Update. The 2008 Capital Budget will be brought before the commission in January/February 2008.

5. NEW BUSINESS

A. Scheduled Race Days – 2007

Executive Director, John F. Wayne, presented the following chart illustrating U.S. 2007 Scheduled Race Days.



5. NEW BUSINESS - Continued

B. Letter of Request – 2008 Racing Season

In a letter to the commission dated October 5, 2007 sent on behalf of the Delaware Racing Association concerning the 2008 racing season, Delaware Park requests 136 days of live racing and 363 days of simulcasting January 1, 2008 to December 31, 2008.

Upon a motion duly made (Decker) and seconded (Stegemeier) the requested days are approved.

6. REPORT FROM EXECUTIVE DIRECTOR

A. Summary Of Activities Report (September 2007) A review of the activities of the DTRC including licensing, administration, investigations, media contacts, legislative contacts, featured stakes, and public relations matters are outlined for the month.

B. Mid Atlantic Scratch Penalty Survey

Due to recent discussions over the late scratches that have plagued Delaware Park, a survey was conducted in order to see where Delaware rated with the level of penalties with other jurisdictions in the Mid Atlantic region. The survey of Mid Atlantic racing jurisdictions revealed that Delaware Park's penalty level is consistent or as high as other racing venues. There have been no 2nd violations for late scratches indicating that the \$500.00 level may be effective. Specific details of the survey are available upon request.

After 11:00 is considered a late scratch – late scratches are being wagered on. Bessie Gruwell reported that she gets some phone calls from trainers saying they're not coming back because of the \$500 late-scratch penalty.

C. 2008 Meeting Schedule

01/16/2008	10:00 AM	Thoroughbred Racing Commission
02/13/2008	10:00 AM	Thoroughbred Racing Commission
03/12/2008	10:00 AM	Thoroughbred Racing Commission
04/22/2008	10:00 AM	Thoroughbred Racing Commission
05/20/2008	10:00 AM	Thoroughbred Racing Commission
06/24/2008	10:00 AM	Thoroughbred Racing Commission
07/22/2008	10:00 AM	Thoroughbred Racing Commission
08/19/2008	10:00 AM	Thoroughbred Racing Commission
09/23/2008	10:00 AM	Thoroughbred Racing Commission
10/21/2008	10:00 AM	Thoroughbred Racing Commission
10/28/2008	9:00 AM	DTRC Stewards' Evaluation
11/05/2008	10:00 AM	Thoroughbred Racing Commission

7. REPORT FROM SUPERVISING COMMISSION VETERINARIAN

A. Breakdown/Injury/Illness Status Report

Dr. Peters distributed the report and is pleased to announce only 3 total deaths – none in racing in September. So, far in October, only one death during racing.

Dr. Peters requests the racing office to please remind the horsemen about vaccinations.

Mosquito population is down. Commissioner Decker requests that our usual letter of thanks be sent to Mr. Tom Moran, at New Castle County offices.

8. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program Status Report (Verbal Report)

62 Farms – 519 starters – 78 winners – \$59,479 in bonuses this year over last year – adding 2-year-old turf race next year. MOON CATCHER and HARD SPUN are both Delaware certified.

8. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION - Continued

B. Toe Grabs

Bessie received a report from the Jockey Club and had a blacksmith come in and talk to her about the report and asks if the commission wants to table the matter at this time. Mr. Wayne advised that the commission discussed toe grabs at the October 4th meeting but didn't get a lot of interest.

9. PUBLIC COMMENT

A. Track Surface

Chairman Daney recognized Ms. Gale Patti: Ms. Patti is a local owner/trainer – came down here from Fair Hill in 2004 and realized a significant rise in injuries. Broken splint bones, chronic shins, jarring injuries Her statement was that the last time this track was re-surfaced was 1999. Patti claimed that at Belmont Park, they resurface every year. Ms. Gruwell stated there was a major add on here 4 or 5 years ago.

Owner/Trainer Mr. Steve Epley, Jr. stated that the track is much better now – but the statistics aren't showing all the soft tissue injuries.

Mr. Ciresa added that the horsemen think Ken Brown (track superintendent) is doing a terrific job.

Commissioner Stegemeier thanked the horsemen for the information and when asked if this wasn't a Delaware Racing Association (DRA) issue, Mr. Ciresa asked again about his idea of holding a round table discussion between the DRA and the DTHA to be facilitated by the DTRC.

Commission Stegemeier reminded the group that an ongoing dialogue with the track is necessary. DTHA and DRA would be remiss if they weren't talking on a regular basis.

Mr. Daney recognized Mr. Greg Petkiewicz: "Speaking as someone representing Delaware Park, we've had a very successful history of trainers and a long list of successful horses – there are very good horses training here and very good trainers. Because we don't re-surface every year doesn't mean we don't test the track – on a daily basis – our track and our superintendent have the best equipment – they order material to repair the base and cushion to the main track and training track – I think our track has been the best that it's been in the last 10 years – and verified by Dr. Peters comments that the track is very good. Coons' reports the base density testing is good – if there are any spots that are suspect we address them. Mr. Petkiewicz welcomes an open dialogue but doesn't want anyone to leave today's meeting thinking we just open up the track at the beginning of the meet and then forget about it."

Secretary/Commissioner Patterson concluded the discussion with comments received from a champion trainer – the turf course is in the best shape ever.

10. EXECUTIVE SESSION

Upon a motion duly made (Killeen) and seconded (Patterson) the commission was adjourned to executive session at 11:53AM to discuss matters relating to personnel.

Upon a motion duly made and seconded the commission was returned to public session at 12:40PM.

11. ADJOURN

At 12:42PM the meeting was adjourned.

Delaware Thoroughbred Racing Commission
Executive Session Minutes
October 23, 2007

The following commission members were present:

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

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel

EXECUTIVE SESSION

Upon a motion duly made (Killeen) and seconded (Patterson) the commission was adjourned to executive session at 11:53 AM to discuss matters relating to personnel and investigations.

Track Surface

Chairman Daney discussed Mr. Ciresa's suggestion of having the commission facilitate a meeting between the DRA and the DTHA and asks the commission to consider what our responsibility is as far as the track situation.

Consensus is reached in favor of Mr. Ciresa's suggestion, and the commission members request Chairman Daney bring the matter before Mr. Fasy and Mr. Rickman for a preliminary meeting.

Investigations

A. Commission was briefed on pending investigation involving the illegal claim of a horse from a race at Delaware Park by ineligible personnel. Investigation developed incriminating statements from several parties in the scheme to violate the DTRC rules and regulations. A Stewards hearing will be scheduled at the end of October and hopefully reach a resolution so that the matter can be concluded by the end of the live racing season.

B. October 16th race: Major investigation involving a horse that was sponged – the horse was the favorite (.90 to \$1.00) and finished 3rd. The horse was transported to Rood and Riddle Equine Center in Lexington, Kentucky where a sponge was discovered and removed. At the DTRC's request, the sponge was ordered retained as evidence. Delaware State Police will arrange for sponge to be picked up by Kentucky State Police and transferred to them to maintain chain of custody. Video surveillance at Bally's Park Place revealed two subjects had wagered \$2,650.00 and cashed winning combination tickets of approximately \$10,220.00. Investigation continuing.

C. A test barn employee was the subject of character assassination from several horsewomen alleging that the test barn employee was soliciting favors in the test barn in exchange for money. When directly interviewing the authors of the allegations, the subjects denied making such comments and claimed that information that they had reported was misunderstood. Test barn procedures are set up that no one person can break the chain of custody of samples, nor tamper with the samples due to overlapping duties by various employees which are overseen by Commission veterinarians. The result was that the allegations were deemed false.

Upon a motion duly made and seconded the commission was returned to public session at 12:40PM.