



**Delaware Thoroughbred Racing Commission
Minutes of Meeting Held On
January 17, 2018**

The Delaware Thoroughbred Racing Commission held a meeting on
Wednesday, January 17, 2018 at 10:05 a.m., in the Horsemen's Office,
At 777 Delaware Park Blvd, Wilmington, DE 19804.

The following Commission members were present:

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

The following individuals also were present:

Andrew G. Kerber, Esq., Deputy Attorney General, Commission Counsel
Oliver Cleary, Esq., Deputy Attorney General, Stewards Counsel
John F. Wayne, DTRC Executive Director
Dr. Susan Botts, DTRC, Chief Commission Veterinarian
Frederick L. Burkhardt, DTRC, Steward
Reese Howard, DTRC, Safety Steward
Teena Appleby, DTRC, Chief Inspector
John E. Mooney, Executive Director of Racing, Delaware Park
Kevin DeLucia, Sr. Vice President & CFO, Racing-Administration, Delaware Park
Chris Sobocinski, Racing Information Coordinator, Delaware Park
Jeff Ganc, Security, Delaware Park
Bessie Gruwell, Executive Director, DTHA
Robert Colton, Delaware Jockeys Association
Michael Pino, Appellant
Tom LaMarra, Managing Editor, THARacing.com
Kim Hurley, Court Reporter, Wilcox & Fetzer
Molly Church, DTRC, Administrative Asst. (recording minutes)

1. WELCOME & CALL TO ORDER

At approximately 10:02 A.M., Chairman Duncan Patterson called the meeting to order.

2. APPROVAL OF MINUTES (NOVEMBER 15, 2017 MEETING)

Upon a motion duly made (Killeen) and seconded (Levine), the minutes from the November 15, 2017 meeting were approved.

3. PUBLIC HEARING ON APPEAL

A. Mr. Michael Pino – Appeal of Stewards Ruling 142-2017 15 Day Suspension, \$500.00, 2 ARCI Multiple Medication Violation Points, and Disqualification of “BRIDGET’S BIG LUVY” DTRC Rules 3.3, 3.4, 19.2, 19.2.1, and 19.2.2

At this time, Deputy Attorney General called upon appellant Mr. Michael Pino. Mr. Pino was appealing the Stewards Ruling 142-2017, with a penalty of a 15 day suspension, \$500.00, 2 ARCI Multiple Medication Violation Points, and the Disqualification of “BRIDGET’S BIG LUVY”. Mr. Pino informed the Commission that he is representing himself. Verbatim testimony was taken by the Court Reporter.

At the conclusion of testimony and following the Commission’s public deliberations, Commissioner-Secretary Edward Stegemeier made a motion to uphold the decision of the Stewards’ Ruling 142-2017, with the penalty of a 15 day suspension, \$500.00, 2 ARCI Multiple Medication Violation Points, and the Disqualification of “BRIDGET’S BIG LUVY”. Commissioner Debra Killeen seconded. The vote was unanimous.

4. OLD BUSINESS

A. UPDATE ON NEW PENNSYLVANIA STATE RACING COMMISSION RULE – “JUDGES/STEWARDS LIST INELIGIBILITY TO RACE FOR CLASS 1, 2, OR 3 POSITIVES”

There were no updates on the new Pennsylvania State Racing Commission rule.

5. NEW BUSINESS

A. LIVE RACING SCHEDULE AND APPROVAL OF 2018 LIVE RACING LICENSE

Chairman Patterson presented a letter from Mr. Kevin DeLucia regarding the approval for live racing to commence at Delaware Park on Wednesday, May 30, 2018 and conclude on Saturday, October 20, 2018. The 81 day meet will consist of four race days per week on Mondays, Wednesdays, Thursdays, and Saturdays. The only exception to the weekly schedule is in the final week of the meet, with only two days of live racing on Wednesday, October 17th, and Saturday, October 20th. The Commission was presented with the racing license to approve and sign. All of the commissioners, with the exception of Commissioner Henry Decker, who was not present, signed the license.

B. DECEMBER ARCI MEETING REPORTS – CHAIRMAN DUNCAN PATTERSON

At this time, Chairman Patterson discussed the December 2017 ARCI meeting. Several modifications to the model rules were made at this meeting. He provided the Commissioners with an overview of these rules for their review and they will come to a consensus regarding these modifications at the next DTRC meeting.

The first modification was further strengthening the rules against the misuse of the riding crop and defining an appropriate “opportunity to respond” for the horse after use of the crop before using it again. Certain jurisdictions such as California and New York have rules limiting how many times a rider may use their riding crop during a race. In those jurisdictions, Stewards are to keep count of this. In most other jurisdictions, including Delaware, this rule is enforced as Stewards’ discretion, since they should be able to determine abuse if it

occurs. There were various different approaches discussed at the ARCI meeting to define an appropriate “opportunity to respond.”

The second modification was to determine responsibility for an adverse finding in an Out-Of-Competition test.

The third modification requires trainers to keep up-to-date records on all medications and treatments for any horses in their care. Though trainers should be doing this anyway, Chairman Patterson mentioned that unfortunately, many do not. This modification is a means to promote and enforce best practices. Chairman Patterson noted that the HBPA is against this. Ms. Bessie Gruwell said that the only question she would have about this modification is who would be responsible for keeping up to date with trainers’ records. Chairman Patterson said that many of the highly regarded trainers already follow this modification to start with. He asked Dr. Botts to give her opinion on this modification at the next Commission meeting when it will be discussed further in detail.

The fourth modification was to require trainers to maintain up-to-date records documenting all corticosteroids or other intra-articular injections for horses under their care. The 30 day records must be provided to a trainer for each horse that is claimed. Often, trainers treat horses with corticosteroids or other intra-articular injections just after claiming them, even though they have received the treatment just prior to the claim (this process is often referred to as an “oil change”). Chairman Patterson said that in his opinion, this is one of the biggest contributors to catastrophic breakdowns.

The last modification was to provide conditions for which a claim shall be voided, most prominently, in the event of a death of a horse on the track. These conditions include the ability for a new owner to have a claim voided within an hour after a race.

Commissioner Richard Levine stated that he would have no problem discussing the medical and veterinary modifications at the next Commission meeting, but he thinks that perhaps it would be best to hold off the discussion about the modifications involving the Stewards until later in the year when the Stewards could all be present at the meeting and advise the Commission on recommendations for these rule modifications. Chairman Patterson agreed that this will be fine.

Ms. Gruwell stated that the modifications involving testing and medications should strive to reach uniformity so that all jurisdictions practice the same protocols and procedures. Chairman Patterson agreed.

Summary of Activities Report for November/December 2017

Mr. Wayne presented the following statistical information for the months of November and December via e-mail.

	<u>Nov/Oct 2017</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	18	259
Fingerprint Fees Collected	\$1,422.00	\$20,461.00
DTRC Licenses Issued	207	5,049
Fines & Appeal Fees Collected	\$3,500.00	\$36,801.23
License Fees Collected	\$10,050.00	\$194,425.00

Other Statistics during September

ARCI National Surveys answered	4
Contacts from Police Agencies	6
Contacts from Video Lottery Enforcement	13
Freedom of Information Act Request for Info	0
National Racing Compact Reviews	1

National Racing Compact Applications Rec'd	167
Contacts from Racing Industry Groups	16
Contacts from other Racing Commissions	42
Contacts from other Race Associations	19
Contacts from the General Public	0
Contacts from Horsemen	18
Media Contacts	2
Contacts from Racing Officials Accreditation Program (ROAP)	9

Mr. Wayne referred to a press release about Delaware Park's new track superintendent, Carl Kloentrup, who officially assumed his position and responsibilities on January 2nd. Mr. Chris Sobocinski said that Mr. Kleontrup has been in the industry for a very long time and started working for his uncle in 1956.

6. REPORT FROM DTRC CHIEF COMMISSION VETERINARIAN-HEALTH REPORT AND INFORMATION

Dr. Botts reported that a horse at Belmont tested positive for Equine herpesvirus 1, though it is currently showing no neurological signs. She described this as a "fluke" incident. The horse was showing respiratory signs so it was tested and the panels came back positive for the virus. A lot of horses in the country would test positive for the EHV-1 due to being exposed, but that does not necessarily mean they would develop the neurological form.

The aforementioned barn in Belmont is being treated as a quarantine situation. They are allowing horses in to race but not allowing them out.

7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program's Report

Ms. Gruwell presented the Delaware Certified Thoroughbred Program report at this time. She announced that there were a lot of applications that came in in December and there were 237 horses in the program at the end of the year. The Program surpassed the previous year by 12 horses. \$782,630.00 was paid out in certifier and owner bonuses in 2017. The special account is currently at a balance of \$1,479,627.87. Bonuses will be paid back to 5th place this year and all Stakes will have a \$100,000 purse on them. \$50,000 will be added to the two Open Stakes on

Owners Day along with the Open Stakes bonuses of up to \$10,000. She said hopefully these incentives will generate more horses coming in to the Program.

8. PUBLIC COMMENT

There was no public comment at this time.

9. EXECUTIVE SESSION

Upon a motion duly made (Levine) and seconded (Stegemeier), public session was moved to executive session at the upper floor of the Horsemen's Office at approximately 11:10 pm. Executive session adjourned at 12:00 pm.

10. ADJOURNMENT

Upon a motion duly made (Levine) and seconded (Stegemeier), public session was moved back to order and adjourned at 12:02 pm.

Bessie's DCTP Report January 17, 2018
Yearly Stats and Amounts

2017	DCTP Applications	Weanlings	Yearlings	Total
	Jan - Mar	0	22	22
	Apr - Jun	1	30	31
	July - Sept	4	47	51
	Oct - Dec	40	93	133
	Total Applications	45	192	237

2016	DCTP Applications	Weanlings	Yearlings	Total
	Jan - Mar	1	20	21
	Apr - Jun	2	24	26
	July - Sept	14	33	47
	Oct - Dec	38	93	131
	Total Applications	55	170	225

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

2017	Certifier Bonus	Owner Bonus	Total for Month
June	\$ 57,465.00	\$ 57,465.00	\$ 114,930.00
July	\$ 79,765.00	\$ 79,765.00	\$ 159,530.00
August	\$ 82,122.50	\$ 82,122.50	\$ 164,245.00
Sept	\$ 157,630.00	\$ 78,005.00	\$ 235,635.00
Oct	\$ 52,745.00	\$ 52,745.00	\$ 105,490.00
Dec (Correction)	\$ 1,400.00	\$ 1,400.00	\$ 2,800.00
	<u>\$ 431,127.50</u>	<u>\$ 351,502.50</u>	
		Total	<u>\$ 782,630.00</u>

Bessie's DCTP Report January 17, 2018
Yearly Stats and Amounts

2016	Certifier Bonus	Owner Bonus	Total for Month
May	\$ 30,335.00	\$ 30,335.00	\$ 60,670.00
June	\$ 63,418.75	\$ 63,418.75	\$ 126,837.50
July	\$ 63,065.00	\$ 63,065.00	\$ 126,130.00
August	\$ 76,995.00	\$ 76,995.00	\$ 153,990.00
Sept	\$ 100,686.87	\$ 47,436.87	\$ 148,123.74
Oct	\$ 40,597.50	\$ 40,597.50	\$ 81,195.00
Dec (Correction)	\$ 935.00	\$ 935.00	\$ 1,870.00
	\$ 376,033.12	\$ 322,783.12	\$ 698,816.24
		Total	

Special Acct - Monthly	Balance - 2018
January	\$ 1,000,000.00 \$ 1,529,627.87
January - 5%	\$ (50,000.00) \$ 1,479,627.87

Special Acct - Monthly Balance - 2017

January	\$ 1,000,000.00	\$ 1,358,904.73
January -5%	\$ (50,000.00)	\$ 1,308,904.73
January Interest	\$ 195.55	\$ 1,309,100.28
February Interest	\$ 300.86	\$ 1,309,401.14
March Interest	\$ 354.67	\$ 1,309,755.81
April Interest	\$ 301.00	\$ 1,310,056.81
May interest	\$ 333.34	\$ 1,310,390.15
June interest	\$ 334.18	\$ 1,310,734.33
June Bonus	\$ (114,930.00)	\$ 1,195,804.33
July Bonus	\$ (159,530.00)	\$ 1,036,274.33
July Interest	\$ 301.61	\$ 1,036,575.94
August Bonus	\$ (164,245.00)	\$ 872,330.94
August Interest	\$ 299.11	\$ 872,630.05
Sept Bonus	\$ (235,635.00)	\$ 636,995.05
Sept Interest	\$ 240.91	\$ 637,235.96
Oct Bonus	\$ (105,490.00)	\$ 531,745.96
Oct Interest	\$ 203.33	\$ 531,949.29
Nov Interest	\$ 141.38	\$ 532,090.67
Dec Bonus	\$ (2,800.00)	\$ 529,290.67
Dec Interest	\$ 337.20	\$ 529,627.87

Year	# of Starters	# of Starts	1st	2nd	3rd	25% Cert	25% Owner	Totals
2017	229	625	87	71	89	\$ 431,127.50	\$ 351,502.50	\$ 782,630.00
2016	204	631	73	86	93	\$ 376,033.12	\$ 322,783.12	\$ 698,816.24
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	\$ 801,228.80
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

\$ 11,633,941.18