



**Delaware Thoroughbred Racing Commission
Minutes of Meeting Held On
March 8, 2018**

The Delaware Thoroughbred Racing Commission held a meeting on
Thursday, March 8, 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
Richard A. Levine Esq., Commissioner
Henry J. Decker, Commissioner

The following individuals also were present:

Michael T. Scuse, Secretary, Department of Agriculture
Andrew G. Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC Executive Director
Frederick L. Burkhardt, DTRC, Steward
Teena Appleby, DTRC, Chief Inspector
Sarah Crane, DTRC, Inspector
William Fasy, Delaware Park, President
John E. Mooney, Executive Director of Racing, Delaware Park
Kevin DeLucia, Sr. Vice President & CFO, Racing-Administration, Delaware Park
Nancy Myshko, Delaware Park, HR, Senior Vice President
Randal Cordell, Mutuel Manager, Delaware Park
Chris Sobocinski, Racing Information Coordinator, Delaware Park
Jeff Ganc, Security, Delaware Park
Bessie Gruwell, Executive Director, DTHA
Robert E. Colton, Delaware Jockeys Association
Tim Ritchey, Trainer
Art Stauffer, Trainer
Gary Katz, Esquire, Trainer
Janet Ritchey, Owner
Kelly Deiter, Owner/Trainer
Pete Lizarzaburu, Exercise Rider/DCTP Farm Owner
Karen Lizarzaburu, DCTP Farm Owner
Lindsey Drennen, Vendor
Molly Church, DTRC, Administrative Asst. (recording minutes)

1. WELCOME & CALL TO ORDER

At approximately 10:03 A.M., Chairman Duncan Patterson called the meeting to order.

2. APPROVAL OF MINUTES (JANUARY 17, 2018 MEETING)

Upon a motion duly made (Levine) and seconded (Decker), the minutes from the January 17, 2018 meeting were approved.

3. DECISION AND ORDER (SIGNING)

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 presented the Commission with the Decision and Order for Mr. Michael Pino’s Appeal of Stewards Ruling 143-2017, which held a penalty of a 15 day suspension, a \$500.00 fine, 2 ARCI Multiple Medication Violation Points, and the Disqualification of “BRIDGET’S BIG LUVY”. Chairman Patterson and Commissioner Richard Levine signed this document. Commissioner-Secretary Edward Stegemeier and Commissioner Debra Killeen were not present at this time but Mr. John Wayne will circulate it to them to sign and return. Commissioner Henry Decker did not sign the Decision and Order because he was not present for Mr. Pino’s Appeal at the January 17th DTRC Meeting.

4. OLD BUSINESS

A. ARCI Model Rule Amendments Discussion

Chairman Patterson expressed that the ARCI Model Rule Amendments discussed at the January DTRC meeting were fairly extensive, and therefore were not acted upon by the Commission. He encouraged the Commissioners to read through them and decide whether they will move on any of the topics at the next DTRC meeting in April.

1. ARCI-011-022: Adverse Findings in Out-of-Competition Tests

Chairman Patterson said that if a horse is at a training center or farm, the Commission does not perform much testing on them. Most out-of-competition testing is done on-track with the exception of testing for Graded Stakes.

2. ARCI-008-020: Trainer Recordkeeping Regarding Medications and Treatments (Including All Corticosteroid or Other Intra-Articular Injections)

Chairman Patterson believes that the trainers’ recordkeeping regarding medications and treatments is just best practices for the trainer. Many trainers do this anyway, but this amendment encourages this practice for all trainers everywhere, particularly for all corticosteroid or other intra-articular injections.

3. ARCI-011-010: Veterinarian Recordkeeping Regarding Veterinarian’s Medication Reports

Chairman Patterson that this amendment is basically being done anyway by veterinarians already, but again, the amendment encourages all veterinarians to do this for best practices.

4. ARCI-009-010: Conditions for Which a Claim Shall be Voided

Chairman Patterson explained that sometimes, horses that are claimed will come back to the barn lame after being claimed. This amendment will allow the trainer to void a claim in this event, if they desire. If a horse is euthanized on the track, this would also allow a trainer to void a claim on said horse.

Chairman Patterson also expressed that regarding the whip rule, the Commission feels that it is best to leave the use of the whip to the Stewards' discretion (they will know abuse if they see it).

5. NEW BUSINESS

A. INTERSTATE ANTI-DOPING AND DRUG TESTING STANDARDS COMPACT DISCUSSION

Chairman Patterson announced that the Maryland Racing Commission is moving forward with the Interstate Anti-Doping and Drug Testing Standards Compact. Deputy Attorney General Andrew Kerber is working with the Commission and the Secretary of Agriculture, Mr. Michael Scuse, to draft a bill for Delaware to also adopt the Compact language. Mr. John Wayne added that there will be a Mid-Atlantic Regulatory Meeting at Delaware Park on March 20th where the Compact will be discussed further with its committee. Commissioner Decker said that the Commission should look at the proposed legislation when it is ready and approve it before the bill is sent to legislature. Secretary Scuse suggested that the Commission do this before April due to the lengthy process.

B. COMMISSION APPOINTMENTS TO ASSOCIATE STEWARD AND SAFETY STEWARD FOR 2018

At this time, Chairman Patterson announced that in February, the Commission held interviews to fill the Safety Steward and Associate Stewards Positions. Mr. Robert Colton was selected to be Safety Steward and Ms. Cynthia Smith was selected to be Associate Steward. Ms. Smith has worked in various positions at Lone Star Park, has been a Safety Steward for the New Mexico Racing Commission, has been a horse identifier and placing judge at Fairgrounds, and has had steward internships at Del Mar, Hialeah Park and Gulfstream Park. She interviewed exceptionally well. The Commission looks forward to having her on board and working with Chief State Steward James Lages and with Steward Frederick Burkhardt. Commissioner Decker congratulated Mr. Colton, who was present at the meeting. The Commission also directed Mr. Wayne to work on a press release announcing these appointments. (the press item was submitted to DDA Information Officer, Ms. Stacey Hoffman on 3-9-18, reviewed and published on the DDA web site, the Bloodhorse and The Racing Biz publications).

Ms. Bessie Gruwell asked when a Steward will be back in the office, since exercise riders and such are coming in to get licenses and the Stewards must sign off on them. Chairman Patterson and Mr. Wayne discussed this and a Steward will return to duty on March 19th. Details of those start dates for the other Stewards will be discussed during Executive Session regarding personnel issues.

Summary of Activities Report for January/Feb 2018

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

	<u>Jan 2018</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	34	34
Fingerprint Fees Collected	\$2,686.00	\$2,686.00
DTRC Licenses Issued	129	129
Fines & Appeal Fees Collected	\$0.00	\$0.00
License Fees Collected	\$10,990.00	\$10,990.00

Summary of Activities Report for January/Feb 2018 (continued)

	Feb 2018	Year-To-Date
Number of Persons Fingerprinted	36	70
Fingerprint Fees Collected	\$2,844.00	\$5,530.00
DTRC Licenses Issued	631	760
Fines & Appeal Fees Collected	\$0.00	\$0.00
License Fees Collected	\$8,005.00	\$18,995.00

Other Statistics during Jan/Feb

ARCI National Surveys answered	4
Contacts from Police Agencies	12
Contacts from Video Lottery Enforcement	0
Freedom of Information Act Request for Info	1
National Racing Compact Reviews	2
National Racing Compact Applications Rec'd	56
Contacts from Racing Industry Groups	16
Contacts from other Racing Commissions	47
Contacts from other Race Associations	14
Contacts from the General Public	13
Contacts from Horsemen	37
Media Contacts	10
Contacts from Racing Officials Accreditation Program (ROAP)	36

Mr. Wayne also noted that the Commission held an Executive Session Meeting in February to conduct interviews of Steward applicants as previously noted.

Commissioner Decker asked Mr. Wayne if he had anything to report on the Joint Finance Committee meeting that Mr. Wayne recently attended. Mr. Wayne answered that nothing came up at the meeting in reference to thoroughbred racing. Secretary Scuse said it was a quick meeting. The Department of Agriculture has a good budget compared to previous years.

Mr. Wayne asked the Commission when Dr. Susan Botts should come back to work. Chairman Patterson said that a majority of horses will not be back until mid-April. Mr. Kevin DeLucia said there are currently 40 horses stabled on the grounds. Dr. Botts' return date is usually based on the date that the main track opens. Mr. John Mooney said they do not currently have a date for that. Last year it was opened in April and he is hoping that if weather allows, they will be able to do the same this year.

Mr. Wayne then reported the November 2017 RMTTC External Quality Assurance Program results that the Commission received from Truesdail Laboratories. Truesdail scored 100% on this round of proficiency evaluations. Commissioner Richard Levine asked about the length of the contract the Commission has with Truesdail. Mr. Wayne answered that the contract still has another year on it.

Commissioner Decker asked Mr. Wayne to discuss a survey Mr. Wayne recently held among other jurisdictions in regards to licensing procedures. Mr. Wayne inquired if those jurisdictions were following the same guidelines set forth by the Federal Government or if they were perhaps looking the other way and doing something that could come back to impact their respective jurisdictions. The Commission has recently been experiencing a lot of pushback from stable workers and trainers that may have received a license to work in different jurisdictions yet were not able to show proper documentation for the DTRC to issue them an occupational license.

At this time, there has only been one employee turned down for a license due to not having the proper documentation, and the licensing office has not received any inquiries from horsemen about what documents are required to secure a Delaware racing license. This creates a problem for the Commission if Delaware is alone in doing the right thing.

Joe Moore, Executive Director of the West Virginia Racing Commission, answered, "Must have Permanent Resident Card. We enter these into the system and make copies and keep on file as well. If not Permanent Resident, must have current passport and B1 Visa allowing them to work in the US. We make copies of Resident Card and Visa and put them into our system as well as file in our office. If coming in from Puerto Rico or Virgin Islands, and don't have proof of citizenship, we send to DMV, where they can purchase a walking license, which we accept for licensing purposes. DMV does rigorous background check before licensing." West Virginia also provided a copy of the track's policy regarding work authorizations that is followed as well.

Frank Zanzuccki, Executive Director of the New Jersey Racing Commission, answered, "Our licensing procedures require applicants to provide proper identification at time of licensing. If the applicant is a non-citizen, they are required to provide appropriate documentation (i.e., green card, work visa, etc.) before receiving a license. Contrary by what [DTRC] may have been told by individuals applying for a license, NJ is not 'looking the other way'".

Mike Hopkins, Executive Director of the Maryland Racing Commission, answered, "Applicant's identification is verified. If the proper immigration information is presented a stable employee license is issued."

Charles Gardiner, Executive Director of the Louisiana Racing Commission, answered, "Louisiana required proper identification, documentation of the right to work in this country (i.e., green card, etc.) and a Social Security card. The ICE requirements deal with the employer/employee relationship and are the responsibility of the employer."

Tom Sage, Executive Director of the Nebraska Racing Commission, answered, "We use the SAVE program. It is a Federal program that verified workers have the authorization to work in the United States. This is a state statute to use this program and anyone receiving a state benefit must be run through the program. Our statute indicates that an occupational license is a state benefit."

Greg Stiles, of the Arizona Racing Commission, thanked Mr. Wayne and said that Delaware's S.O.P. was "good advice for all jurisdictions."

Ron Ochrym, of the New York Racing Commission, said that he would provide information about New York's protocols.

Mr. Wayne provided the Commissioners with policies and procedures from Texas and Pennsylvania in regards to licensing procedures as well which are in line with Delaware.

In the DTRC Rule Book, one of the grounds for refusal of a license is if an applicant does not meet the requirements for age or citizenship under Federal Law. Secretary Scuse has made it clear in the past that the Commission is not to license anyone who may not meet these requirements.

Mr. Burkhardt asked the Commission why people can't get a Delaware license when they've been issued them before in years past, and also why applicants can get licenses in other jurisdictions with their documentation, but not in Delaware. He asked if the jurisdictions Mr. Wayne surveyed were lying to Mr. Wayne about their protocols. Chairman Patterson said he could not answer that. He believes some jurisdictions are still looking the other way regardless of

what the survey says. Chairman Patterson asked Mr. Tim Ritchey what licensing protocol was in place in other states. Mr. Ritchey said that in many other jurisdictions, all an applicant needs is some kind of photo ID to get licensed.

Commissioner Decker said that it has been made absolutely clear to all parties that track ownership and management as well as the Department of Agriculture want applicants to be compliant with ICE regulations. Secretary Scuse said that ICE has gone into racetracks in the last year finding people who were given a license with no proper documentation, and he will not have that happen in Delaware on his watch.

Commissioner Levine said that the Commission has no jurisdiction in any other state but Delaware. Mr. Burkhardt said he understood that, but the jurisdictions are lying when they say that they are putting applicants through proper screening for identification. Secretary Scuse expressed that even if that is so, they will have to be the ones to suffer the consequences for that. Mr. Burkhardt said it is not fair that Delaware is being penalized by doing the right thing because trainers such as Larry Jones said they would not return to Delaware in 2018 and horsemen are complaining about the licensing protocols, which hurts Delaware's racing industry.

Chairman Patterson said it has been a problem because Delaware has not been enforcing its own policy for years. Mr. William Fasy said this is absolutely correct and that Mr. Burkhardt was a Steward while that was happening, and asked if perhaps Mr. Burkhardt was also "looking the other way." Mr. Burkhardt answered that those applicants do not come to the Stewards, they go to Mr. Wayne. Mr. Wayne answered that all of those applications do go to the Stewards. Mr. Burkhardt said that the Stewards have never handled immigration or documentation issues (immigration authorization is handled at the time of licensing at the inspector's counter). Commissioner Decker stated that regardless, what is in the past is "water under the bridge" and that the set of rules has ultimately been placed before everyone and they are expected to abide by them.

Mr. Fasy says that he is also feeling anxiety based on Delaware's recruitment efforts. Other jurisdictions are offering many new incentives, such as bonuses and free Workmen's Compensation. That also drives horsemen to other tracks. Mr. Fasy also said that Delaware Park is ready to open up the racetrack and enjoy a good meet. He cannot change anything from the past, but he is open to new ideas about how to recruit people.

Mr. John Mooney said that he pays no mind to the survey altogether.

6. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program's Report

Ms. Gruwell announced that the Horsemen's Association will be bringing back the MATCH Series this year. The MATCH Series is the Mid-Atlantic tracks working together and building a Stakes schedule for five categories of horses: 3-Year-Old & Up Long – Dirt Division, 3-Year-Old & Up Fillies and Mares Sprint – Dirt Division, 3-Year-Old & Up Sprint – Turf Division, 3-Year-Old & Up Fillies and Mares Sprint – Turf Division, and 3-Year-Old & Up Sprint- Dirt Division. Five races will take place for each category. The MATCH Series was last done in about 2002, but it was highly successful. Commissioner Decker asked where the bonus money came from. Ms. Gruwell stated that the different Horsemen's Associations are contributing to the bonuses and the racetracks are paying for the advertising. Chairman Patterson asked Ms. Gruwell why Delaware Park only had 2 races in the series. Ms. Gruwell answered that our Stakes Schedule was limited. Chairman Patterson also asked what the circumstances were for getting the Series back together. Ms. Gruwell said that the Horsemen's Association has

been trying for a few years to get it back together, and everything was finally able to work out.

At this time, Ms. Gruwell presented the Delaware Certified Thoroughbred Program Report. 6 horses have come into the program in 2018 so far. At the end of 2017, the program had an ending balance of \$529,627.87. In January, the Program started with \$1,000,000 in the Special Account, and the 5% for operating (\$50,000) was taken out. January's interest was \$811.27 and February's interest was \$848.82. The balance of the Special Account is now at \$1,481,287.96. Commissioner Decker asked what percentage would be paid out to owners and certifiers. Ms. Gruwell answered that there would be 50% bonuses; 25% to owners, and 25% to certifiers. The program will be paying out to 5th place this year.

Chairman Patterson said that the Commission would like to have one of the four Stakes Races be in honor of Mr. Bernard Daney, former DTRC Chairman and former ARCI Chairman. Ms. Gruwell said that could be done.

7. PUBLIC COMMENT

There was no public comment at this time.

8. EXECUTIVE SESSION

Upon a motion duly made (Levine) and seconded (Decker), public session was moved to executive session at the upper floor of the Horsemen's Office at approximately 10:44 pm. Executive session adjourned at 11:45 pm.

9. ADJOURNMENT

Upon a motion duly made (Levine) and seconded (Decker), public session was moved back to order and adjourned at 11:50 pm.

Identification must be verified prior to issuing any badge whether new, renewal or duplicate. Effective 10/13/16

PRIMARY IDENTIFICATION ONE OF THESE	O R	SECONDARY IDENTIFICATION 2 OF THESE OR 1 OF THESE AND⇒	AND	SUPPORT IDENTIFICATION 2 OF THESE
*Current photo driver license or photo ID issued by any state in the United States, US territory, the District of Columbia, or Canadian Province (Not Mexico)		Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency.		<i>School records</i>
Current United States Passport		Original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad)		<i>Insurance Policy (at least two years old)</i>
*Expired Driver's License w/clear photo and a Temporary Receipt for Renewal.		For applicants born before 1961, the following items would be acceptable in the category A). Original or certified copy of Form DD-214 B). Original or certified copy of other state of federal governmental record that states name and date of birth. (Such as United States records or Social Security records)		<i>Vehicle title</i>
H2B Visa from another country. USA B1/B2 VISA/BCC				<i>Military records</i>
United States citizenship (naturalization) certificate with photo		TxRC I.D. Badge (Expired badge must be within the past 2 years and the picture must be clear.)		Current military dependent identification card
Current United States Immigration and Naturalization Service document with verified date and identifiable photograph				Original or certified copy of marriage license or divorce decree
Current United States military ID card for active duty, reserve or retired personnel with identifiable photograph			Voter registration card	Social Security card
			Pilot's license	Concealed handgun license
			Texas driver license temporary receipt	*Expired driver license or identification certificate issued by another state, territory, District of Columbia, or Canadian province that is within two years of the expiration date
			A foreign passport (with or without a United States Visa)	A consular document issued by a state or national government. (Matricula Consular card is acceptable)

DO NOT ACCEPT TWO OF THE SAME TYPE DOCUMENTS (Example: two car titles, two insurance policies, two school records etc.) **IF IDENTIFICATION IS QUESTIONABLE HAVE LICENSEE COME BACK WHEN THE INVESTIGATOR IS IN THE OFFICE, DO NOT ISSUE THE BADGE UNTIL CLEARED BY INVESTIGATOR.**

ID REQUIRED BY THE DPS AND FBI FOR FINGERPRINTING

Unexpired photo ID card issued by the federal government or by a State or outlying possession of the U.S. This must include a federal agency, State or State agency seal or logo. State University IDs and permits are not considered valid documents.

HOLLYWOOD Casino® AT CHARLES TOWN RACES

Acceptable Forms of Identification for Age Verification & Cash Transactions

All ID's must be the original document, not expired and be written in English.

NOTE: Unfortunately, there are potentially hundreds of ID's that seem to mirror our acceptable ID's but the list is limited in an effort to assist Team Members with decisions that must be regularly made.

Any team members with questions regarding an ID that is presented to them should immediately contact their manager.

Acceptable Form of Identification are as Follows:

- US Issued Driver's License
- State issued ID's - must be State issued, not city or county issued
- Active Duty US Military ID – **DO NOT SCAN! Against Federal Law!**
- Passport
- Passport Card
- Resident Alien Cards/Green Cards

Additional clarifications as follows:

- US Territories' drivers licenses are to be recognized as State issued ID's
- We do NOT accept Federal Issued ID's (consulate, diplomate, DOD, etc.)
- We do NOT accept Foreign Issued ID's
- We do NOT accept Employment Authorization Cards
- We do NOT accept work or school ID's
- We do NOT accept Veteran/Military Retired ID's (except for property Veteran discounts)

A damaged ID is to be considered acceptable and inspected as usual, if it conforms to all the following conditions:

- (1) it's on our acceptable ID list,
- (2) it's in one piece as issued (i.e. not taped together) and
- (3) all information is clearly legible

State issued temporary drivers' licenses, including those made of paper, may be accepted IF:

- The temporary driver's license presented has a photo matching the guest
- The temporary driver's license is presented along with the expired state driver's license
- **NOTE:** If document is perforated, the perforation between the two portions of the license **must be intact**. All other information is to be inspected and verified as usual.

PENNSYLVANIA HORSE RACING COMMISSION

Acceptable Identification and Employment Authorization

For purposes of applying for Pennsylvania Horse Racing occupational licenses, the following **original** forms of identification and employment authorizations will be required. The Commission has adopted, in pertinent part, the requirements as set forth by the Department of Homeland Security. If an applicant does not have any of the authorized forms of documentation listed below, they shall not be licensed. Mail in applications for owners and renewal trainers may submit photocopies and are the **only** exceptions. All documents need to be valid and current.

It is the responsibility of the applicant to follow U.S. federal employment law and obtain the necessary documents to be able to legally work in the United States of America.

An applicant may provide one document from List A, or one document from each List B and List C. It is necessary to provide a document to establish identity as well as employment authorization.

List A Establish Both Identity and Employment Authorization

- U.S. Passport or U.S. Passport Card
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
- Employment Authorization Document (Card) that contains photograph (Form I-766)
- Foreign Passport with valid I-551 stamp or a Form I-94. The passport must be in English or translated into English.
- U.S. Temporary Employment Visas (H-1B, H-1B1, H-2A, H-2B, H-3, L, O, P-1, P-2, P-3, Q-1)
- U.S. Visitor Business Visas (B-1)

List B Establish Identify (Will also need to present a List C Document)

- Driver License or ID card issued by a state, jurisdiction, or outlying possession of the US or issued by a province or territory of Canada.
- ID Card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address.
- US Military ID card.
- Military dependent's ID card.
- Voter's registration card.
- School ID Card with a photograph.
- U.S. Coast Guard Merchant Mariners Document (MMD) Card.
- U.S. Native American tribal document.

Acceptable for persons under age 18

- School record or report card
- Clinic, doctor or hospital record

List C Establish Employment Authorization (Will also need to present a List B Document)

- Social Security Card that is unrestricted.
- Original or certified copy of birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal.
- Certification of Birth Abroad (Form FS-545).
- Certification of Report of Birth (Form DS-1350).
- U.S. Native American tribal document.
- US Citizen ID Card (Form I-197).
- Identification Card for Use of Resident Citizen in the United States (Form I-179)
- Employment authorization document issued by DHS, such as: Form I-94, Certificate of U.S. Citizenship (Form N-560 or N-561), Certificate of Naturalization (Form N-550 or N-570), or form I-797 in combination with their expired Form I-551.

*Minors under the age of 18 will also require a work permit in accordance with Pennsylvania Department of Labor and Industry.

*If the name on any of the provided identification is different than the name on the application, a court ordered name change, marriage certificate or divorce decree is required.

To obtain Employment Authorization Documents contact:

U.S. Citizenship and Immigration Services
1-800-375-5283
<http://www.uscis.gov/>

To obtain an U.S. Employment Visa contact:

U.S. Department of State – U.S. Visas
National Visa Center
1-603-334-0700
<http://travel.state.gov/content/visas/english.html>

To obtain an U.S. Business Visa contact:

U.S. Department of State – U.S. Visas
1-202-485-7675
<http://travel.state.gov/content/visas/english.html>

March 3, 2015