



**Delaware Thoroughbred Racing Commission
Minutes of Meeting Held On
June 20, 2018**

The Delaware Thoroughbred Racing Commission held a meeting on
Wednesday, June 20, 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
Henry J. Decker, Commissioner
Debra M. Killeen, Commissioner

The following individuals also were present:

Frank Broujos, Deputy Attorney General (Telephonically)
James A. Lages, DTRC, Chief State Steward
Cynthia L. Smith, DTRC, Steward
Robert E. Colton, DTRC, Safety Steward
Teena Appleby, DTRC, Chief Inspector
Dr. Susan Botts, DTRC, Chief Commission Veterinarian
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
Chris Sobocinski, Racing Information Coordinator, Delaware Park
Jeff Ganc, Security, Delaware Park
David Scott Peck, President, DTHA
Bessie Gruwell, Executive Director, DTHA
G. Jack Houghton, Retired DTRC Chief State Steward
Heriberto River, Jr., Jockey's Guild
Trevor McCarthy, Jockey
Keiber Coa, Jockey
Jose Betancourt, Jockey
Molly Church, 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 (MAY 16, 2018 MEETING)

Upon a motion duly made (Killeen) and seconded (Decker), the minutes from the May 16, 2018 meeting were approved.

Before moving on to Old Business, Chairman Patterson called upon Mr. Heriberto Rivera to discuss an issue that the jockeys would like to bring to the Commission's attention. Mr. Rivera introduced jockey Trevor McCarthy. Mr. McCarthy introduced Jose Betancourt and Keiber Coa as well, whom he was representing. Mr. McCarthy began by saying that Delaware Park is one of the only racing jurisdictions in which jockeys are not allowed to use their cell phones in the Jockeys' room. He expressed that this is a great disadvantage. He believes that jockeys should be able to reach out to their families in case of an emergency, contact trainers to give feedback after a race, get in touch with their agents, watch replays to get to know their mounts, and also use phones for self-entertainment purposes between races. Mr. McCarthy spoke of an event recently, when his agent tried to contact him from Monmouth to pick up a mount, to which Mr. McCarthy could not respond due to the rule.

Commissioner Edward Stegemeier asked Mr. Rivera if there were any other tracks in the region who do not allow the use of cell phones in the Jockeys' room. Mr. Rivera replied that there were not; that Delaware was the only jurisdiction with this rule. Mr. Rivera said that in other jurisdictions, it is only asked that the jockeys do not use phones on the balcony or in public places surrounding the Jockeys' room. Mr. Rivera said that the ability to text or call in the Jockeys' room is a great advantage and makes it easier for the Jockeys to keep in touch with their agents and other contacts, as well as keep their schedules organized.

Commissioner Stegemeier asked Mr. John Mooney how Delaware Park felt about the current rule. Mr. Mooney answered that there has been WiFi in place in the Jockeys' room for 3 years, and he sees no problem with the Jockeys using their phones in the room.

Chairman Patterson asked Ms. Teena Appleby on Pennsylvania's stance on the rule. Ms. Appleby stated that in Pennsylvania, a rule was passed that states that jockeys may not speak on their cell phones, but they may text or play games.

Chairman Patterson asked retired Chief State Steward Mr. Jack Houghton to make a comment, since this rule was passed by the previous administration. Mr. Houghton said that the main reason the Commission did not allow cell phones in the Jockeys' room was because there is a Commission Rule which states there shall be no communication coming from the Jockeys' room. This rule would have to be changed before they could pass a rule stating otherwise. The Stewards did not want the jockeys to have cell phones in the Jockeys' room because cell phones can be a distraction or can slow them down and some jockeys are already late as it is. Mr. McCarthy said there are some people who are not as focused as others, but for the most part, he believes jockeys would be responsible enough to put down their phone and go to work. Mr. Houghton also stated that in case of an emergency, there are 2 phones located in the Jockeys' room. They are monitored. A cell phone would not be monitored.

Chairman Patterson asked current administration, Chief State Steward James Lages and Steward Cynthia Smith how they felt about the rule. Mr. Lages stated that there may have to be a rule change to Rule 8.10.2. It is very important that while jockeys are on their phones, to stay out of the sight of the public.

Steward, Cynthia Smith introduced herself to the Commission and the meeting attendees. She then said that some monitoring may have to take place if cell phones were allowed. Riders must practice responsibility and integrity must always be upheld.

Chairman Patterson stated that he supports a rule change. He spoke with Edgar Prado a few years prior and Mr. Prado also expressed the same concern that the Jockeys in Delaware are about not being able to use their phones.

Commissioner Debra Killeen said that her biggest concern was the public perception. She understands the need for technology, but the public may misconstrue what the jockeys are doing on their phones. Use should be very well monitored and kept inside the Jockeys' room only, away from the public eye. Commissioner Killeen stressed that the public does not need another reason to worry about racing.

Commissioner Richard Levine expressed that the rewriting of the rule should include the definition of the Jockeys' room. A boundary must be set for where the Jockeys' room begins and ends, and whether

the balcony is considered part of the room. It must also be decided where on the grounds that jockeys may use their phones and where they may not; it would all be dependent on public perception. Commissioner Levine said that this should be discussed further.

Mr. Houghton asked, if the rule is passed, how would the cell phones be accurately and thoroughly monitored? Who would monitor whether or not the Jockeys were following the rules? Chairman Patterson answered that much of this responsibility would lie on the safety steward.

Commissioner Levine is in favor of a re-evaluation of the rule, but help and input is needed to delineate where the Jockeys' room ends and the public space begins.

At this time, jockey Jose Betancourt said that though there are 2 landlines in the Jockey's room, in the case of an emergency, his young daughter may not know how to get ahold of him there and would most likely try to dial his cell phone number.

Commissioner Levine made a motion for the Commission to, along with the help of the Stewards, jockeys, and horsemen, explore Rule 8.10.2 prior to the next meeting with the intent of developing a more modern approach to the use of electronic communication devices by jockeys. Commissioner Killeen seconded the motion.

Commissioner Henry Decker said to the Commission that they may want to be very careful with going forward with this. The first part of Rule 8.10.2 was originally designed to keep the Jockeys in the Jockeys' room until their riding assignments are over. Perhaps the latter part of the rule about communication in the Jockeys room should be revised, but the first part should be left alone. Jockeys should remain in the Jockeys' room until their assignment is over. Chairman Patterson said that one exception may be for the European Amateur riders, who insist on seeing the track and walking the course. However, the Stewards can declare an exception for that. Commissioner Decker said that he agrees that the Commission should review it. Commissioner Stegemeier agreed also.

Mr. McCarthy finished by saying that in this day and age, cell phones are crucial tools for people in many different lines of work, including jockeys. Commissioner Killeen asked Mr. McCarthy if he had ever witnessed misuse by other jockeys in Delaware using cell phones. Mr. McCarthy answered that he had never witnessed misuse, like wagering or anything of the sort.

Commissioner Stegemeier said that the Commission will start to work on a rule change. Most likely, it will take a minimum of 90 days. Therefore, a new rule would not be in effect until the next racing meet and the current rule is still in place.

Commissioner Decker asked Mr. McCarthy if the jockeys would be opposed to allowing their phones to be searched and investigated, rather than the Commission having to obtain a warrant in the event of suspicious activity. Mr. McCarthy said that he sees no problem with that, if jockeys want to sign a contract stating such. Mr. Rivera also said that he would not be opposed to that, either. The Clerk of Scales has a list of the jockeys' phone numbers and they are kept on record.

Ms. Bessie Gruwell stated that perhaps the Commission should find out what the other jurisdictions' rules are in regards to the use of cell phones by the jockeys.

Mr. Houghton speculated how many people from the public even know that jockeys have cell phones in the Jockeys' room in general? Safety Steward Robert Colton said that NYRA even encourages jockeys to tweet from the Jockeys' room during big races, so a lot of people do know.

Mr. McCarthy, Mr. Betancourt, and Mr. Coa thanked the Commission for their time.

3. OLD BUSINESS

A. ARCI Modification Discussion

At this time, Chairman Patterson relayed the following message from Andrew Kerber:

“The proposed amendment to the regulations adopting the ARCI provisions was published in the June 1, 2018 Register of Regulations. After the 30 day comment period has run out, the Commission can consider adopting the proposed amendment as final at the July monthly meeting with the revisions taking effect 10 days after publication as final in the Register of Regulations.”

B. Interstate Anti-Doping and Drug Testing Standards Compact Discussion

Chairman Patterson had spoken with Secretary of Agriculture Michael Scuse the previous day, and Secretary Scuse reported that the Compact was moving along well and that he was anticipating it being approved before the end of June. Deputy Attorney General Frank Broujos, who was substituting for Mr. Kerber, reported that House Bill 439 is on the ready list, and is ready for a vote once the House decides to move on it, and then it will be ready for Senate.

Mr. Colton asked if the passing of the Compact will silence the Bill that is front of Congress right now with 15 sponsors (Horsereading Integrity Act of 2017). Chairman Patterson spoke to Jim Gagliano (The Jockey Club) about this, and he answered that it would not. However, speaking out against the Act will be Ed Martin, who will be discussing the Compact as an alternative.

4. NEW BUSINESS

There was no New Business at this time.

5. REPORT FROM DTRC EXECUTIVE DIRECTOR

A. Summary of Activities Report for May 2018

At this time, Ms. Appleby presented her report for licensing and investigations. There were 25 pre-license interviews in the month of May and 2 license falsifications. 163 barns were patrolled.

Commissioner Levine asked Ms. Appleby how many licensees were denied a license in the month of May. Ms. Appleby answered that none were denied.

Commissioner Decker asked Ms. Appleby how 2 people falsified their applications. Ms. Appleby answered that she did not have specific details at the time, only report numbers, but they either did not list several arrests, or they did not list several ARCI rulings.

Mr. Lages said that the staff is working with licensees so that if a licensee falsifies an application, they are given a chance to amend it by the Investigative staff.

Chairman Patterson reported that he has kept in contact with Mr. John Wayne and the Commission wishes him the best in his recovery. He should be returning in the middle of July.

	<u>May 2018</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	67	169
Fingerprint Fees Collected	\$5,293.00	\$13,351.00
DTRC Licenses Issued	571	984
Fines & Appeal Fees Collected	\$0.00	\$0.00
License Fees Collected	\$20,165.00	\$39,410.00

6. REPORT FROM DTRC CHIEF STATE STEWARD

At this time, Mr. Lages reported that 14 rulings have been issued so far, 3 of which took place in 2017. The Stewards' daily logs can be viewed on the Department of Agriculture website. With Mr. Wayne being out of the State office, the whole staff has stepped up to do some extra work. The Commission is looking forward to his return and he will be present for the next Commission meeting.

7. REPORT FROM DTRC CHIEF COMMISSION VETERINARIAN – HEALTH REPORT AND INFORMATION

Dr. Botts said that in May, there were 138 starters and no catastrophic injuries. There are 3 Commission vets currently working and the scheduling has improved from last year with not needing as many substitutes.

8. REPORT FROM THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program Report

At this time, Ms. Bessie Gruwell presented the Delaware Certified Thoroughbred Program Report. In this quarter, 22 horses have come into the Program; 21 yearlings and 1 weanling. May interest came in at \$941.51, and in May bonuses, \$10,145.00 was paid to the owners and certifiers each, bringing the total to \$20,290.00. In May, 17 different Delaware Certified horses started, with 3 winners, 3 seconds, and 2 thirds. The Program is now playing back to 5th place. Chairman Patterson asked Mr. John Mooney if paying back to 5th place is helping the races fill. Mr. Mooney said it is hard to tell if it is helping, but it is also not hurting. Ms. Gruwell stated that she has received much positive feedback about it. Commissioner Decker said that the trend is down from the last 2 periods, and also asked if Ms. Gruwell anticipated it to go further down. Ms. Gruwell answered that it spikes at times, and there are many factors to that, such as the time of the sales. She did not anticipate when the number of applications surpassed the previous year in 2017, but it did happen, so people just enroll at their own pace. The numbers have been pretty steady over time.

9. PUBLIC COMMENT

At this time, there was no public comment.

10. 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 11:05 am.

11. ADJOURNMENT

Upon a motion duly made (Levine) and seconded (Decker), public session was moved back to order and adjourned at 12:30 pm.

Bessie's DCTP Report June 1, 2018
Yearly Stats and Amounts

2018	DCTP Applications	Weanlings	Yearlings	Total
	Jan - Mar	1	15	16
	Apr - Jun	1	21	22
	July - Sept			
	Oct - Dec			
	Total Applications			38

2017	DCTP Applications	Weanlings	Yearlings	Total
	Jan - Mar	0	22	22
	Apr - Jun	1	30	31
	July - Sept	4	47	51
	Oct - Dec	41	95	136
	Total Applications	46	194	240

* late mail

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

2018	Certifier Bonus	Owner Bonus	Total for Month
May	\$ 10,145.00	\$ 10,145.00	\$ 20,290.00

Special Acct - Monthly	Balance - 2018	
January	\$ 1,000,000.00	\$ 1,529,627.87
January - 5%	\$ (50,000.00)	\$ 1,479,627.87
January Interest	\$811.27	\$ 1,480,439.14
February Interest	\$848.82	\$ 1,481,287.96
March Interest	\$970.68	\$ 1,482,258.64
April Interest	\$880.23	\$ 1,483,138.87
May interest	\$941.51	\$ 1,484,080.38
May Bonus	(\$20,290.00)	\$ 1,463,790.38

Year	# of Starters	# of Starts	1st	2nd	3rd	25% Cert	25% Owner	Totals
2018	17	17	3	3	2	\$ 10,145.00	\$ 10,145.00	\$ 20,290.00
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

\$ 11,654,231.18