



**Delaware Thoroughbred Racing Commission
Minutes of Meeting Held On
July 18, 2018**

The Delaware Thoroughbred Racing Commission held a meeting on
Wednesday, July 18, 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:

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| 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:

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| Michael T. Scuse, DDA, Secretary of Agriculture |
| John F. Wayne, DTRC, Executive Director |
| Andrew Kerber, Deputy Attorney General |
| James A. Lages, DTRC, Chief State Steward |
| Frederick Burkhardt, DTRC, Steward |
| Cynthia L. Smith, DTRC, Steward |
| Robert E. Colton, DTRC, Safety Steward |
| Teena Appleby, DTRC, Chief Inspector |
| Sarah Crane, DTRC, 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 |
| Chris Sobocinski, Racing Information Coordinator, Delaware Park |
| Jeff Ganc, Security, Delaware Park |
| Bessie Gruwell, Executive Director, DTHA |
| Molly Church, DTRC, Administrative Asst. (recording minutes) |

1. WELCOME & CALL TO ORDER

At approximately 10:23 A.M., Chairman Duncan Patterson called the meeting to order.

2. APPROVAL OF MINUTES (JUNE 20, 2018 MEETING)

Upon a motion duly made (Killeen) and seconded (Stegemeier), the minutes from the June 20, 2018 meeting were approved.

3. OLD BUSINESS

A. Interstate Anti-Doping and Drug Testing Standards Compact Discussion (Chairman Patterson)

Chairman Patterson announced that thanks to Secretary Michael Scuse, the Interstate Anti-Doping and Drug Testing Standards Compact was passed by Delaware legislature. The Compact is now in effect. At the ARCI Board meeting in Omaha, it was discussed farther; New York and New Jersey are moving forward in joining the Compact, however, sports betting has become top on the list of priorities in many jurisdictions. The Compact was waylaid in Pennsylvania because the Harness Commission was not in agreement with it due to language that included harness racing. Chairman Patterson asked Secretary Scuse to reach out to the Pennsylvania Secretary of Agriculture, Russell Redding, and he agreed to do so. Washington, Illinois, and Kentucky all also plan to follow through with the Compact.

Secretary-Commissioner Stegemeier announced that he spoke with Alan Foreman, who wanted to thank Delaware in moving forward with the Compact and getting it passed.

4. NEW BUSINESS

A. ARCI Meetings in Omaha, Nebraska (Chairman Patterson)

Chairman Patterson just returned from the ARCI Meetings in Omaha, Nebraska. He said that it was a very nice event led by Tom Sage, Executive Director of the Nebraska Racing Commission and investigator. Mr. John Wayne noted that Mr. Sage is also on the AQHA enforcement team.

At the meeting, the Jockeys Guild discussed concussion protocol. The ARCI rules were slightly changed to say that the newest and most up to date concussion assessment system must be used. At this time, the SCAT 5 is the newest and most advanced test to assess a concussion. However, if that were to change in the future, the modification to the rule would still suffice.

TRPB and TRA discussed microchipping. Starting in 2020, foal papers will no longer be used to identify horses at racetracks. Microchips will be utilized instead with scanners purchased by the Associations. Backup scanners may also be needed. The foal papers will not have to be in the possession of the racing secretary. For some time, some horses may not have microchips. Those horses will be identified using their tattoos and inCompass. Mr. John Mooney said that the current microchip scanner technology will have to be renewed because current scanners cannot connect to computers or tablets.

Sports betting was also a large topic of discussion at the ARCI Meetings. An amendment to the bylaws of ARCI was approved for utilizing sports betting regulations, similar to what the state of Nevada is using. Chairman Patterson abstained from any vote on this because Delaware is already operating sports betting. Sports betting will be incorporated into the ARCI Model Rules. Chairman Patterson said that since sports betting is regulated by the Lottery Board, he nor Mr. Kerber see any need to incorporate sports betting into the Commission rules. It was also approved to make sports betting members associate members of ARCI.

Chairman Patterson also explained that the United States Trotting Association is experiencing problems with program trainers. This is not unique to the Trotting Association, but is becoming increasingly prevalent.

There was also a little discussion regarding interference rules. They would like to pass a national interference rule stating that, if there is a foul and it does not necessarily impede the fouled horse's ability to increase its placing, there may be penalties against the rider but the order of finish has not necessarily changed. Delaware already has this rule in place.

Commissioner Richard Levine asked Chairman Patterson if ICE and enforcement of immigration rules and their effect on racing was discussed, due to the incidents with Saratoga and ICE enforcement in the previous year. Chairman Patterson answered that this was not discussed.

Secretary-Commissioner Stegemeier also announced that the Delaware Jockeys Health and Welfare Benefits Board held a short-notice meeting earlier in the day. The Board is looking to bring in a physical therapist to work with jockeys in terms of concussion protocols, injury treatments, and conditioning. The Board has spoken with two companies, both of which are very active in working with high school sports programs. The Board narrowed the search down to one company, who is called Premier Physical Therapy and Sports Performance. Dr. Windley, one of the owners of Premier, spoke with the Board, who plans for there to be an athletic trainer at the track an hour before racing and about half an hour after racing for the entire 81 day meet. Premier will send in a contract to the Board, and another meeting will be held. Commissioner Henry Decker asked if Premier would be imposing a concussion protocol. Secretary-Commissioner Stegemeier answered yes to this. Commissioner Decker asked if the Board should be looking at a wider application for concussion protocol, or perhaps also train racetrack personnel or Commission personnel to assess concussions. Secretary-Commissioner Stegemeier and Mr. Robert Colton toured Delaware Park's medical center and no one there was qualified to assess or treat them. Secretary-Commissioner Stegemeier also said that the price would be too high for Delaware's budget to cover. Commissioner Debra Killeen said that would also be a lot of liability. Chairman Patterson suggested that perhaps the Commission should require jockeys who are injured and fail the concussion assessment test to stay off of their mounts for some time. Commissioner Killeen and Chief State Steward James Lages agreed that this would be a good idea.

Secretary-Commissioner Stegemeier also referenced the last Commission meeting, where the topic of cell phones in the jockeys' room was discussed. A general consensus was reached that jockeys should be able to use their cell phones in the confines of the jockeys' room. Secretary-Commissioner Stegemeier suggested the Commission move forward with this rule and made a motion to draft a proposal, with the condition that cell phones are not to be used on the balcony. Commissioner Killeen said the movement should also be based on the condition that the Commission would be authorized to get a warrant if needed. Commissioner Decker seconded. Chairman Patterson asked Mr. Kerber if a house rule would be easier to pass than a Commission rule. Mr. Kerber said that the Commission should be the ones to pass the rule because the original rule has always been enforced by the Commission and is written in the rules. A house rule may not contradict a Commission Rule. Commissioner Decker said that jockeys should sign a form agreeing that in order to have a phone in the jockeys' room, they submit to a search by the Commission if need be. Stewards Frederick Burkhardt also suggested a part of the rule that would state that jockeys may not wear headphones while listening to their phones because they might not be able to hear when others are calling them to race.

Secretary-Commissioner Stegemeier announced that an individual brought to his attention some concerns for the medications and practices that are being used on horses, specifically practicing "gene doping". He asked for an opinion from Chief DTRC Veterinarian Dr. Susan Botts. Dr. Botts said that it is difficult to test for gene doping, which is dangerous. Secretary-Commissioner said that the Commission should take some time to educate themselves on gene doping. Chairman Patterson agreed. Commissioner Decker explained that the method for altering genes is called CRISPR. CRISPR is a simple injection that goes right to the targeted gene. However, there is no way to prove that a gene was altered. He believes technology is a long way from detecting whether or not gene doping is prevalent in one's chemistry. Chairman Patterson said there is no way to tell if it is performance enhancing or not. Secretary-Commissioner Stegemeier also suggested to Mr. Wayne that he get in contact with Truesdail Laboratories to discuss gene doping and determine what Truesdail knows about it.

5. REPORT FROM DTRC EXECUTIVE DIRECTOR

At this time, Mr. Wayne presented his Summary of Activities report for the months of May and June, 2018.

A. Summary of Activities Report for May/June 2018

| | <u>May/June 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 | 1,577 | 2,561 |
| Fines & Appeal Fees Collected | \$6,466.77 | \$6,466.77 |
| License Fees Collected | \$47,494.00 | \$86,904.00 |

Secretary-Commissioner Stegemeier suggested that Mr. Wayne include in his report yearly totals for the past few years to compare the Commission's standing on fees collected, fingerprints taken, and licenses issued and look for any trends. Mr. Wayne said that he provides this every year in the Annual Report.

Mr. Wayne said that since he returned only on July 6, he does not have many contacts to report for the month of May or June. However, in the month of July since he returned, Mr. Wayne did receive the following:

- 4 National Surveys from ARCI
- 8 Police Organization Contacts
- 1 National Racing Compact Application for Review
- 13 Inquiries from Commission
- 6 from Industry Groups
- 6 Other Associations
- 1 ROAP Contacts
- 11 Media Contacts
- 6 Public Comments
- 0 FOIA Requests

Commissioner Decker noticed that Mr. Wayne had 3 human drug tests listed on his Summary of Activities one was a refusal. He asked if that individual was removed from the track. Chief Investigator Teena Appleby said that he was removed and he was also living on the backside while suspended in Pennsylvania. Mr. Lages said that the individual was immediately suspended and once an applicant is suspended, their ruling is uploaded into the ARCI database. Chairman Patterson asked if the individual was a ship-in or if he was on the grounds. Ms. Appleby answered that he was on the grounds.

6. REPORT FROM DTRC CHIEF STATE STEWARD

At this time, Mr. Lages presented his report. He thanked the horsemen and the racing department for putting together good racing. He reported that the Stewards have had to issue 24 rulings since the last Commission meeting. Only one was from a race-day positive of a Class 4 medication. Many of the rulings have been 7 days' suspension for careless riding. Many of the young jockeys have been riding aggressively. Mr. Lages asked the older jockeys to mentor the younger jockeys and the Stewards will continue to have film reviews with them.

Commissioner Decker asked about Handicap Day on the 4th or 5th race. He said a horse was taken down on the order of the finish. Steward Cynthia Smith explained there was a riding infraction. Mr. Lages said Mario Pino was on a horse that was in the front, and his horse came in a little and went in the path of the horse that was directly behind him. That horse had to alter course and when he did, he made the 5 horse bounce off the rail. The jockey stood up to pull the horse back.

Chairman Patterson asked if Mr. Pino was held blameless. Mr. Lages said he was. They will be reviewing the films on Monday.

Mr. Lages asked the Commission if the Stewards may be excused because of an emergency hearing. Before he left, Secretary of Agriculture Michael Scuse said that he first wanted to thank everyone for their help in the absence of the Executive Director. He thanked the Stewards, Investigators, and the team in the Licensing office. Chairman Patterson then excused the Stewards.

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

At this time, Dr. Botts presented her report. Sentinel chickens have come back positive for West Nile Virus. Dr. Botts suggested that horsemen get their horse vaccinated for West Nile Virus along with EEE (Eastern equine encephalomyelitis). Secretary Scuse said that the most recent positives for EEE were in New Castle County. Dr. Botts said that she has received some questions about strangles as well because a trainer contacted Ms. Smith and said they did not want to bring in one of his horses to Delaware Park from Finger Lakes because of strangles. Mr. Wayne then contacted State Veterinarian Dr. Hirst and Deputy State Veterinarian Dr. Lopez.

At Delaware Park, there were 2 racing fatalities and one other fatality in the month of June. One was a training accident. A horse came off of the track lame, but not too badly. The trainer did not want to send the horse anywhere, so Dr. Botts suggested an ultrasound. The ultrasound showed a fracture around the hipbone.

One of the racing fatalities was due to an open wound with a sesamoid fracture and total rupture of the superficial flexor and de-flexor tendons, which is rare. There was also associated soft tissue damage.

The other racing fatality was due to a condylar fracture in the bottom of the cannon bone that was in multiple pieces. The horse was taken to a surgeon and had a poor prognosis.

Chairman Patterson said that on Delaware Handicap today, there was a horse that pulled up lame. The jockey did not get off the horse right away, and it was being walked back to the barn when the horse ambulance picked it up. Dr. Botts said that while this was occurring she was in the test barn and did not know what injuries the horse sustained. She did say it had a lame right front. They determined it had a lot of swelling and filling, so it might be suspensory or a bow tendon. However, the filling made it hard to tell more about the injury.

Chairman Patterson also noted that Dr. Botts has not been doing any shockwave therapy. Chairman Patterson asked what the reason for this was. Dr. Botts said she is not sure. 1/3 of the horses are shipped in, so she has no way of knowing what goes on elsewhere. In her travels around the grounds, she has not seen anyone distributing shockwave therapy.

Secretary-Commissioner Stegemeier asked Dr. Botts how July is looking so far. Dr. Botts answered that there was a horse that flipped while grazing, broke its neck, and was euthanized. One fractured its sesamoids most likely on July 4th and was euthanized July 10th. The horse was okay after racing, but it later started to have swelling, so the trainer used a gel cast. Ultimately, their veterinarian did an X-ray which showed a sesamoid fracture. The surgeon said it was a basal fracture and had a poor prognosis.

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, 28 horses came into the Program. There is a total of 44 for the year. 98 different Delaware Certified Horses started 136 times with 25 wins, 17 seconds, and 24 thirds. \$108,980.00 was paid out in the month of June to the certifier and the owner bringing the yearly total to \$217,960.00. On Delaware Oaks Day, a Delaware Certified horse named Tricky Escape won the \$200,000 Robert Dick Memorial Stakes, a Grade 3 stakes race. Another Delaware Certified Horse, "Whereshetoldmetogo," also won the Concern Stakes at Laurel Park. Two of the Match series races ran on Delaware Oaks Day and on Delaware Handicap Day.

The balance of the Special Account is currently at \$1,266,120.38. \$197,670.00 was paid out in the month of June.

Chairman Patterson asked Ms. Gruwell how beneficial she thinks paying back to 5th place has been. Ms. Gruwell stated that people are thankful for it and it helps the Program as well.

9. PUBLIC COMMENT

Secretary Scuse said he did not have any further comments, except to thank everyone again for all of their help while Mr. Wayne was away. He said that operations were handled well in his absence. The Commission thanked him for his support as well.

Mr. John Mooney said that Delaware Handicap day went very well. He also stated there are currently 820 horses on the backside, including Arabians and ponies. Delaware Park is 320 horses down from last year. Chairman Patterson told Mr. Mooney that his office has done an incredible job at filling races. Mr. Kevin DeLucia said that the simulcast handle is up 20%. He also commended the racing office for their good job getting races filled. This is also the first year that NYRA is broadcasting Delaware Park signal, which has helped.

Commissioner Decker asked Mr. DeLucia how sports betting is doing. Mr. DeLucia answered that it is doing probably better than he expected, especially with baseball and the World Cup. He said July has been great for sports betting so far. Chairman Patterson asked if he anticipated when Maryland would bring sports betting. Mr. DeLucia answered that to his understanding, it may happen in 2020 because it will have to be a Constitutional amendment.

Chairman Patterson told Mr. Chris Sobicinski that he enjoyed reading the articles that he put out leading up to Delaware Handicap Day and Delaware Oaks Day and thanked him.

The Commission said that they echoed Secretary Scuse's comments in thanking everyone for their work while Mr. Wayne was on leave. Commissioner Decker said that he would like to commemorate Commission staff with a formal motion. Secretary-Commissioner seconded. The vote was unanimous.

10. EXECUTIVE SESSION

Upon a motion duly made (Kileen) and seconded (Stegemeier), public session was moved to executive session at the upper floor of the Horsemen's Office at approximately 11:30 am to discuss legal matters.

11. ADJOURNMENT

Upon a motion duly made (Levine) and seconded (Decker), public session was moved back to order and adjourned at approximately 12:05 pm.

**DELAWARE PARK
2018 BREAKDOWN/INJURY STATISTICS**

| 2007 | 2006 | 2005 | 2004 | 2003 | 2002 |
|------|------|-------|------|--------|--------|
| 8536 | 9318 | 10100 | 9967 | 10,184 | 10,962 |
| 171 | 185 | 210 | | | |
| 53 | 76 | 90 | | | |
| 37 | 27 | 31 | | | |
| 63 | 71 | 69 | | | |
| 18 | 11 | 20 | | | |
| 44 | 55 | 52 | | | |
| 38 | 45 | 46 | | | |
| 6 | 10 | 6 | | | |
| 11 | 12 | 15 | 10 | 17 | 18 |
| 10 | 9 | 15 | | | |
| 0 | 2 | 0 | | | |
| 1 | 1 | 0 | | | |
| 1.17 | 0.97 | 1.49 | 1 | 1.67 | 1.56 |
| 5 | 8 | 7 | | | |
| 5 | 7 | 6 | | | |
| 0 | 0 | 1 | | | |
| 0 | 1 | 0 | | | |
| 5 | 8 | 9 | | | |
| 0 | 2 | 2 | | | |
| 1 | 3 | 1 | | | |
| 2 | 0 | 0 | | | |
| 0 | 0 | 0 | | | |
| 0 | 0 | 0 | | | |
| 2 | 3 | 6 | | | |

Bessie's DCTP Report July 1 2018

Yearly Stats and Amounts

| 2018 | DCTP Applications | Weanlings | Yearlings | Total |
|------|--------------------|-----------|-----------|--------|
| | Jan - Mar | 1 | 15 | 16 |
| | Apr - Jun | 3 | 25 | 28 |
| | July - Sept | | | |
| | Oct - Dec | | | |
| | Total Applications | | | 44 |
| 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 |
| 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 |

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

| <u>2018</u> | Certifier Bonus | Owner Bonus | Total for Month |
|------------------|----------------------|----------------------|----------------------|
| May | \$ 10,145.00 | \$ 10,145.00 | \$ 20,290.00 |
| June | \$ 98,835.00 | \$ 98,835.00 | \$ 197,670.00 |
| July | | | |
| Aug | | | |
| Sep | | | |
| Oct | | | |
| | | | |
| <u>2017</u> | 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> |

| 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 |
| June Bonus | \$ (198,670.00) | \$ 1,265,120.38 |
| June Interest | \$ 942.11 | \$ 1,266,062.49 |

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

| Year | # of Starters | # of Starts | 1st | 2nd | 3rd | 25% Cert | 25% Owner | Totals |
|-------------|---------------|-------------|-----|-----|-----|---------------|---------------|------------------|
| June | | | | | | | | |
| 2018 | 98 | 136 | 25 | 17 | 24 | \$ 108,980.00 | \$ 108,980.00 | \$ 217,960.00 |
| 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 |
| | | | | | | | | \$ 11,633,941.18 |