



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

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

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General
James A. Lages, DTRC, Chief State Steward
Frederick L. Burkhardt, Steward
Cynthia L. Smith, DTRC, 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
Chris Sobocinski, Racing Information Coordinator, Delaware Park
Jeff Ganc, Assistant Director of Security, Delaware Park
Bessie Gruwell, Executive Director, DTHA
Scott Peck, President, DTHA
Mike Hopkins, Maryland Racing Commission, Executive Director
Molly Church, DTRC, Administrative Asst. (recording minutes)

**1. WELCOME & CALL TO ORDER**

At approximately 10:10 A.M., Chairman Duncan Patterson called the meeting to order. Chairman Patterson introduced special guest, Mike Hopkins, the Executive Director of the Maryland Racing Commission. Mr. Hopkins thanked the Commission.

**2. APPROVAL OF MINUTES (SEPTEMBER 12, 2018 MEETING)**

Upon a motion duly made (Killeen) and seconded (Stegemeier), the minutes from the September 12, 2018 meeting were unanimously approved.

**3. OLD BUSINESS**

**A. Electronic Communication Devices in Jockeys' Room Rule - Final**

At this time, Deputy Attorney General Andrew Kerber announced that the proposed notice for the electronic communication devices in jockeys' room rule was published to the October 1, 2018 edition of the Delaware Register of Regulations. The rule proposal is currently in the comment period. The Commissioners cannot yet vote to finally approve the rule at this meeting, but it should be put on the agenda for the November 2018 meeting.

Chairman Patterson explained to Mr. Hopkins that Delaware does not currently allow cell phones or other mobile communication devices in the jockeys' room. He asked Mr. Hopkins if Maryland had a similar rule. Mr. Hopkins answered that Maryland does allow mobile communication devices in the jockeys' room.

## **B. National Survey – Entered Horses Leaving Grounds Before Race – John Wayne**

At this time, Executive Director John Wayne announced that he held a national survey through the Association of Racing Commissioners International (ARCI). Mr. Wayne asked jurisdictions,

1. "Does your jurisdiction have any restrictions on horses that are entered to race being allowed to leave the grounds prior to their race?"
2. "If there is a rule, whether it is a house rule or Commission rule, please indicate."
3. "Who monitors horses leaving the grounds to verify their identity?"

Mr. Wayne then discussed the answers he received. The answers are as follows:

**Minnesota** - Entered horses must stay on the grounds unless the stewards allow them to leave.

**Wyoming** – No restrictions on horses that are entered to race.

**Washington State** - No restriction on leaving the grounds. The association requires horses to be identified that are entering or leaving the stable area.

**New Mexico** - No Commission restrictions on leaving the grounds once the horse is in the entries. One exception, however, is with the Quarter Horse Triple Crown, but that is a condition to run in the Triple Crown races and is strictly a house rule.

**Maryland** - Mr. Hopkins answered that there are no restrictions in Maryland.

**Colorado** – Once a horse has been entered into a race, it cannot leave the grounds until the race, or race series, in which the horse has been entered has concluded or the horse has been eliminated from further competition. A horse that has qualified for the finals of a stake race, that is not scheduled to run in the succeeding 15 days, may leave the grounds of the track, but only with the permission of the racing secretary and the stewards. Gate security keeps a log of all horses entering and departing grounds.

**Texas** - No Commission restrictions, but the Association security at the gate keep a log of all horses entering and leaving the grounds.

Commissioner-Secretary Edward Stegemeier noticed that a majority of the answers to this survey were answered by jurisdictions that are far away from the East Coast. He noted that it may be helpful to get answers from New York, New Jersey, Pennsylvania, and West Virginia. Mr. Wayne explained that the jurisdictions listed were the only ones to give feedback, even after he gave follow-up calls to the neighboring jurisdiction.

DTHA Executive Director Bessie Gruwell said that she would be happy to ask other Executive Directors of surrounding Horsemen Associations. Chairman Patterson said that this would be helpful.

Chairman Patterson noted that a lot of difficulty with this issue comes from the fact that the employees at the security gate cannot assess a horse's identity by checking lip tattoos. This may be less of a problem in the future when microchips are more commonplace. Kevin DeLucia of Delaware Park stated that the racing office does issue a slip for an entered horse who is leaving the grounds and security receives that slip.

Secretary-Commissioner asked Mr. Wayne if he would attempt to reach out to neighboring jurisdictions again to get an answer to these survey questions. Chairman Patterson suggested he get in touch with Dr. Jennifer Durenberger in New York.

### C. National Survey – Use of Electrolytes on Race Day – John Wayne

At this time, Mr. Wayne announced that he held another survey via ARCI asking neighboring jurisdictions,

1. "Does your jurisdiction allow electrolytes to be administered to horses that are entered on race day or are they restricted due to the 24 hour rule?"
2. "If there is specific language in your rules, please copy and paste to the survey for review."

The answers were as follows:

**Minnesota** - Electrolytes are allowed on race day, quoting, 7890.0110, subpart 13, which states, "...vitamins and electrolytes [are permitted] provided the vitamins and electrolytes are administered orally and do not contain any medication."

**Washington State** - The following language is not in a Commission rule, but it is published as policy in the trainers' manual distributed each year: "Electrolyte pastes (provided that in pre or post-race testing the substances do not exceed approved quantitative levels, if any, and the substances do not interfere with pre or post-race testing) are permitted to be administered within 24 hours of post time of the race in which the horse is entered."

**New Mexico** – Electrolytes may be administered orally on race day, stated in rule 15.2.6.9 C3: "Except as otherwise provided by this part, a person may not administer or cause to be administered by any means to a horse a prohibited substance, including any restricted medication pursuant to this part during the 24 hour period before post time for the race in which the horse is entered. The restrictions set forth above do not apply to the following substances: Vitamins and electrolytes, provided the vitamins and electrolytes are administered orally and do not contain medications."

**Maryland** - Mr. Hopkins of Maryland answered that, yes, oral administration of paste or feed supplement is allowed.

**Colorado** - No rule there prohibiting electrolytes on race day.

**Michigan** - Statute states that they are ambiguous and in the process of clarifying this by rule. No one has been sanctioned for administering electrolytes after time of entry. Sec. 30. (1) states that, "A drug or foreign substance must not be administered to a horse that is intended to be entered, or is entered, 'drug' meaning the following: a substance, other than food, intended to affect the structure or condition or any function of the body."

**Texas** - No electrolytes to be administered to horses that are entered on race day due to the 24-hour rule.

### D. National Survey – Racing Mares in Foal – John Wayne

Mr. Wayne announced that the topic of racing mares in foal came about after the agenda for this meeting was published, but he wanted to hold a survey on it also. He asked different jurisdictions,

"Does your jurisdiction have a rule that specifically states when a mare is in foal, is there a time when it can race? If so, please identify the rule in place that states so."

The answers were as follows:

**Washington State** - No time limit for racing in its regulations. It would be an official veterinarian decision if approved to race. Mares in foal must be declared to the racing secretary and posted for public review.

**Virginia** - "Any filly or mare that has been covered by a stallion shall be reported to the racing secretary prior to being entered in a race. The racing secretary shall prominently display in the racing office a listing of the fillies and the mares that have been bred and names of the stallions to which they have been bred. No filly or mare that has been covered by a stallion may be entered in a claiming race unless a written release from the stallion owner is attached to the certificate of foal registration, eligibility or other registration document indicating the stallion service has been paid or satisfied."

**Wyoming** - Does require that the racing secretary be notified, however, there is no time limit. With all matters concerning horse health, the State Veterinarian has authorization to make determinations.

**Ontario** - Much the same as Virginia regarding the racing of mares in foal if entered in a claiming race. They have no time limit regarding racing mares in foal in allowance or added money events.

**Minnesota** - They regulate this by two rules. The first one states, 7897.01000 "Prohibited Acts, subpart 21 – No filly or mare over 150 gestation may be entered to race."

7883.0140 "Claiming Races, subpart 12 – Disclosure of a bred mare. If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race unless a full written disclosure of that fact is on a form prescribed by on the Commission and is on file with the racing secretary and posted in conspicuous and accessible places outside the office of the Commission veterinarian.

**Colorado** - No rules specifically addressing the issue.

**Maryland and Illinois** - No rules there specifically addressing the issue.

Chairman Patterson asked Dr. Botts what she thought about this. Dr. Botts suggested that the limit should be 120-150 days gestation. In normal circumstances, when a horse loses a fetus, it will be within the first 90 days.

Mr. DeLucia said that he would speak with Mr. John Mooney about making this a house rule.

Mr. Wayne said a few people, in and out of the industry, recently complained about Delaware allowing mares in foal to race, which brought about Mr. Wayne's survey.

#### 4. NEW BUSINESS

At this time, there was no new business to discuss.

#### 6. REPORT FROM DTRC EXECUTIVE DIRECTOR

At this time, Mr. Wayne presented his Summary of Activities report for the month of September, 2018.

##### A. Summary of Activities Report for September 2018

	<u>September 2018</u>	<u>Year-To-Date</u>
Number of Persons Fingerprinted	38	460
Fingerprint Fees Collected	\$3,002.00	\$33,733.00
DTRC Licenses Issued	599	4,028
Fines & Appeal Fees Collected	\$5,350.00	\$3,316.24
License Fees Collected	\$28,735.00	\$153,520.00

4 National Surveys from ARCI  
21 Horsemen Contacts  
2 VLEU Contacts  
21 Contacts from other Commissions  
11 Police & Law Enforcement Contacts  
7 ROAP Contacts  
16 Racing Commission Contacts  
2 Review of National Racing Compact Application  
45 Total National Racing Compact Applications Received  
11 Industry Contacts

8 Racing Association Contacts  
2 Media Contacts  
0 FOIA Requests  
13 Public Contacts

Commissioner Richard Levine asked Mr. Wayne if he answered all of the national surveys from ARCI that come from legitimate jurisdictions. Mr. Wayne said that he did. Commissioner Levine stated that he cannot understand why other jurisdictions do not answer him whenever Delaware holds a survey. Mr. Hopkins, who is now the president of ARCI, said that he would stress this at the next ARCI meeting and encourage this communication between jurisdictions.

## **7. REPORT FROM DTRC CHIEF STATE STEWARD**

Chief Steward Mr. James Lages reported that there have been fewer riding infractions.

## **8. REPORT FROM DTRC CHIEF COMMISSION VETERINARIAN – HEALTH REPORT AND INFORMATION**

At this time, Dr. Botts reported that 3 horses had to be euthanized. One horse had septic arthritis after an injection site became infected. Another had a sesamoid fracture in training and the last had a sesamoid fracture in racing.

Chairman Patterson expressed his wishes to get the number of breakdowns down to under 2 per 1,000. Dr. Botts said there were 907 starters in September with 1 breakdown in racing. Chairman Patterson said that the number is nationally declining. Mr. Wayne referenced an article stating there were 4 breakdowns in 4 days at Churchill Downs, raising concerns for the Breeders' Cup. The track was reviewed, however, and the surface is consistent.

Chairman Patterson said that there is more of a challenge to keep cheaper horses sound. Many horses also have pre-existing conditions, contributing to these breakdowns. Dr. Botts said many horses in the barn area at Delaware do have pre-existing conditions and she has seen many 2-year-olds with osselets and tendon issues. She thinks there is a lot of pressure on the horses at the sales.

## **9. REPORT FROM THOROUGHBRED HORSEMEN'S ASSOCIATION**

### **A. Delaware Certified Thoroughbred Program Report**

At this time, Ms. Gruwell presented the Delaware Certified Thoroughbred Program Report for the month of September. 39 yearlings came into the program, mostly from the yearling sale in Timonium. In September, 232 starters started 595 times with 89 firsts, 87 seconds, and 103 thirds. Certifiers' bonuses were paid \$529,222.50 and owners' bonuses were paid \$429,222.50, bringing a total of \$958,445.00 paid out in bonuses. The Program surpassed the amount of bonuses they have paid out in the past 3 years. Ms. Gruwell also announced that the balance in the special account is \$528,781.67.

Ms. Gruwell reported that she was very happy with the Delaware Certified Stakes on Owners Day. One of the 2-year-old Delaware Certified Stakes had 12 horses and 11 were ship-ins. This

shows that the Program is working well and is bringing in horses from other jurisdictions to get certified. Ms. Gruwell explained that the Program will start the new year with about \$1.5 million. Ms. Gruwell also noted that a lot of applications for the Program usually come in late December.

Ms. Gruwell announced that Family Fun Day will take place on October 20<sup>th</sup>, Closing Day. On Sunday, the End of Meet Showcase will take place in the Receiving Barn. There are about 35 horses signed up so far. The Mid-Atlantic Rescue and Canter Delaware put on this showcase every year for horse buyers. Mid-Atlantic and Canter have been putting videos on Facebook of horses for sale, so that potential buyers can see which horses are available beforehand. They also put together a catalog. All sales are private between buyer and seller. A notary is there and paperwork is filled out for retirement from the Jockeys' Club. Doing this paperwork prevents horses from being sold into slaughter.

The 6-ABC News channel reached out to Delaware Park's Mr. Chris Sobocinski and they would like to do news coverage of the Showcase.

## **10. PUBLIC COMMENT**

Chairman Patterson asked Mr. DeLucia about the state of sports betting. Mr. DeLucia reported that Delaware Park has been very lucky with sports betting, but he does not expect that trend to continue. Six weeks into the football season, sports betting has been successful, but Delaware Park is still looking for ways to retain patrons after they place their bets.

Chairman Patterson expressed that unfortunately, based on the handle, he doesn't see the same trend for racing. Mr. DeLucia said that much of this has been due to the weather and smaller field sizes. Simulcast handle is up, but on-track has been down.

Ms. Gruwell announced that the lottery office has been surprised about the parlay bets still staying consistent. Over \$388,000 has come into the purses from sports betting.

Mr. Wayne also presented the Commission a letter that he sent to Colonel McQueen with Delaware State Police, as well as EQAP test results from Truesdail Laboratories.

## **11. EXECUTIVE SESSION**

Upon a motion duly made (Levine) and seconded (Killeen), public session was adjourned at 10:51 am and was moved to executive session at the upper floor of the Horsemen's Office at approximately 11:01 am to discuss personnel matters.

## **12. ADJOURNMENT**

Upon a motion duly made (Levine) and seconded (Killeen), public session was moved back to order at 12:09 pm and adjourned at approximately 12:10 pm.

**DELAWARE PARK  
2018 BREAKDOWN/INJURY STATISTICS**

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	2018 YTD	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
# STARTED THIS MONTH	0	138	997	963	1036	970													
# STARTED TO DATE	0	138	1135	2098	3134	4104			2098	5260	5221	5071	4634	5043	5692	7377	8177	8188	8460
Horses added to vet's list	0	3	11	17	20	12			63	81	97	135	92	102	141	176	133	167	189
*Flip/injured in gate		1	0	2	0	0			3	4	4	13	5	5					
Prerace scratches		1	6	6	9	4			22	35	43	59	47	40	62	69	51	44	80
Gate scratches		0	1	1	0	3			2	12	19	7	3	6	25	20	27	35	27
Pulled up/return lame		1	3	5	6	5			15	23	30	41	29	41	32	60	41	59	55
*Fell/DNF		0	1	3	5	0			9	7	5	15	8	10	21	31	14	29	27
Removed via ambulance	0	3	3	5	8	7			26	23	24	30	19	39	33	51	37	48	44
racing		2	3	5	8	4			22	16	17	18	17	25	24	42	21	38	35
training		1	0	0	0	3			4	7	7	12	2	14	9	9	16	10	8
Total racing fatalities	0	0	2	3	4	1			10	15	4	13	11	6	14	20	14	14	16
M-S fatalities		0	2	2	4	1			9	15	2	11	10	5	12	19	12	13	15
Sudden death/heart att		0	0	1	0	0			1	0	1	0	0	1	2	1	2	0	0
Other		0	0	0	0	0			0	0	1	2	1	0	0	0	0	0	1
*fatal M-S rac. inj/1000 sts (*cumulative)			1.76	1.91	2.55	2.19			2.55	2.85	0.38	2.17	2.15	0.99	2.11	2.58	1.47	1.59	1.77
M-S fatalities by month		0	2.01	2.08	3.86	1.03													
Total training fatalities	0	0	1	0	0	1			2	6	4	8	16	9	8	7	12	8	7
M-S fatalities		0	1	0	0	1			2	4	4	7	14	8	7	7	10	8	6
Sudden death/heart att		0	0	0	0	0			0	1	0	1	2	1	0	0	2	0	1
Other		0	0	0	0	0			0	0	0	0	0	0	0	0	0	0	0
Other deaths on site	0	1	0	1	0	1			3	8	14	7	7	6	3	9	12	7	3
musculoskeletal injury		0	0	1	0	0			1	4	5	2	5	3	0	0	0	1	1 (pony)
colic/colitis		0	0	0	0	0			0	2	2	2	6	1	0	2	4	2	0
neurologic disease		0	0	0	0	0			0	0	0	1	0	1	1	2	1	0	0
laminitis		0	0	0	0	0			0	0	1	1	2	1	2	3	3	3	0
pleuropneumonia(resp)		0	0	0	0	0			0	1	1	1	0	0	0	0	1	0	0
other		1	0	0	0	1			2	1	5	0	0	0	0	2	3	1	2
*New category																			

**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 Oct 1, 2018  
 Yearly Stats and Amounts

2018	DCTP Applications	Weanlings	Yearlings	Total
	Jan - Mar	1	15	16
	Apr - Jun	3	25	28
	July - Sept	14	37	51
	Oct - Dec	1	39	40
	Total Applications			135

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 October 1, 2018

Yearly Stats and Amounts

<b><u>2018</u></b>	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	\$ 107,297.50	\$ 107,297.50	\$ 214,595.00
Aug	\$ 98,092.50	\$ 98,092.50	\$ 196,185.00
Sep	\$ 214,852.50	\$ 114,852.50	\$ 329,705.00
Oct			

Current Total \$ 958,445.00

<b><u>2017</u></b>	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 \$ 782,630.00

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
June Bonus	\$ (197,670.00)	\$ 1,266,120.38
June Interest	\$ 942.11	\$ 1,267,062.49
July Bonus	\$ (214,595.00)	\$ 1,052,467.49
July Bonus	\$ 822.93	\$ 1,053,290.42
August Bonus	\$ (196,185.00)	\$ 857,105.42
August Interest	\$ 882.78	\$ 857,988.20
September Bonus	\$ (329,705.00)	\$ 528,283.20
September Interest	\$ 498.47	\$ 528,781.67

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

Year	# of Starte	# of Start	1st	2nd	3rd	25% Cert	25% Owner	Totals
<b>Sept</b>								
2018	232	595	89	87	103	\$ 529,222.50	\$ 429,222.50	\$ 958,445.00
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