



Delaware Thoroughbred Racing Commission  
Minutes of Meeting & Public Hearing  
June 24, 2008

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on June 24, 2008, at 10:00 AM in the first floor conference area of the Horsemen's Office located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary/Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following individuals also were present:

Michael T. Scuse, Delaware Secretary of Agriculture
John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Delaware Deputy Attorney General, Commission Counsel
Barbara Gadbois, Delaware Deputy Attorney General, Stewards' Counsel
Bessie Gruwell, Delaware Thoroughbred Horsemen's Association, Executive Director
Dennis Lima, DTRC, Associate Steward
Dr. John Peters, DTRC, Supervising Veterinarian
Dr. Kathleen Picciano, DTRC, Associate Veterinarian
Eleanor Schwandt, Wilcox & Fetzer, Registered Court Reporter (recording hearing)
Francis Swift, Jr., DTRC, Inspector
Fritz Burkhardt, DTRC, Associate Steward
Greg Petkiewicz, Delaware Park, Sr. V.P. Race Track Operations
Jack Ireland, News Journal, Reporter
Joe Rudisill, Delaware Park, Sr. V.P. of Security
John E. Mooney, Delaware Park, Executive Director of Racing
Joseph Strug, Laboratory Director, Dalare Associates
Larry Saumell, The Jockey Guild, Regional Manager
Michael Vild, Delaware Park, General Counsel
Robert Colton, Delaware Jockey Association, President
Scott Peck, Delaware Thoroughbred Horsemen's Association, President
Shelley Perkins, DTRC, Paralegal (recording minutes)
William Hollick, Jockey, DJH&WBB Board Member

**1. WELCOME & CALL TO ORDER**

Chairman Daney called the meeting to order at 10:00 AM and welcomed those in attendance

**2. APPROVAL OF MINUTES**

Upon a motion duly made, and seconded, the minutes from May 20, 2008 were approved as submitted.

**3. PUBLIC HEARING**

**Proposed Rule Change – Rule 13 Claiming Rules**

The Delaware Thoroughbred Racing Commission in accordance with 3 Del.C. §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 13 of the rules and regulations to address Claiming Races by amending existing Rule 13.1.1, and adding Rule 13.20.

13.0 Claiming Races

13.1 Owners Entitled:

13.1.1 In claiming races, any horse, unless declared ineligible under Rule 13.20, is subject to claim for its entered price by any Owner in good standing, who has horses stabled on the Licensee's grounds, and who has started a horse at the race meeting at which the claim is made.

13.20 Option to Declare Horse Ineligible to be Claimed:

13.20.1 At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided that the horse has been laid-off and has not started for a minimum of 180 days since its last race and is entered for a claiming price equal to or greater than the claiming price of the horse's last start.

Upon a motion duly made (Patterson) and seconded (Decker) the proposed rule change was accepted without changes. The effective date will be ten days from publication in the Register of Regulations on August 1, 2008.

**4. OLD BUSINESS**

**Status Report: Padded Whips/Riding Crops**

Discussion facilitated by Mr. Colton and suggested rules were distributed followed by a detailed discussion. Mr. Dennis Lima, DTRC Associate Steward, and Mr. Fritz Burkhardt, DTRC Associate Steward joined at 10:35 AM to answer questions about the proposed rules submitted by Mr. Colton on the Padded Whip.

Upon a motion duly made (Decker) and seconded (Killeen) the motion for DTRC to purchase 18 more whips and to reimburse DJA for the 12 already purchased was passed. Mr. Colton is directed to submit invoices for payment as soon as possible.

It is at the Stewards' discretion to monitor and direct days/races used.

Mr. Mooney asked, and Mr. Colton confirmed, the manufacturers' ability to ship 18 more whips right away.

Mr. Wayne suggested money for funding come from the travel budget line since DDA has limited out of state travel, specifically the Racing Symposium in Tucson, Arizona,

except for the attendance of Commissioner Patterson only (Board member ARCI) (08/09).

**5. NEW BUSINESS**

**A. Discussion of Rule 11.4.2 Multiple Entry in Trifecta Races**

Mr. Wayne facilitated discussion and cited Mr. Mooney's request that the matter be brought before the commission. Secretary/Commissioner Patterson endorsed future discussion. Neighboring jurisdictions all allow entries in Trifecta races as a result of a recent survey conducted by Mr. Wayne.

**B. Discussion of Rule 13.1.3**

Rule intended to 1.) Promote newcomers to the business, and 2.) Prevent long-time horsemen from coming to track and "raiding" horses.

**C. Jockey Pay Scale**

Jockeys Guild proposed schedule: Item brought by Mr. Saumell. In May 2008 the proposed schedule was rejected by the Delaware Thoroughbred Horseman's Association (DTHA).

Delaware Jockeys Association (DJA) proposed schedule: Item brought by Mr. Colton. Negotiations are currently underway with the DTHA.

**Objection to Proceedings**

Ms. Gruwell advised the Commission that 1.) The matter does not fall under the jurisdiction of the commission. The matter of pay scale is under the sole jurisdiction of the DTHA, and the DTHA's approval is necessary to an existing contract, and 2.) DTHA objects to today's proceedings as this proposal by Mr. Saumell was brought to the DTHA and rejected (May 2008). Negotiations are currently underway between only the DTHA and the DJA.

**6. REPORT FROM EXECUTIVE DIRECTOR**

Summary of Activities Report submitted for May 2008.

Patron Compliment – DTRC Associate Veterinarian Dr. Tanis MacDonald and Outrider Mr. Lance Parrott are complimented for actions taken in the paddock.

**7. REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

Breakdown/Injury Statistics submitted.

Track Superintendent Mr. Ken Brown and Dr. Peters surveyed the track and jockey Mr. Ramon Dominguez happened by, Mr. Dominguez suggested that they keep everything the way it is – the track's in good shape.

**8. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

Delaware Certified Program report distributed.

Upcoming events include the Horseman's Classic Golf tournament on September 5, and Owner's day on September 6, 2008.

**9. PUBLIC COMMENT**

**Mr. Joe Strug, Dalare Associates:** Only 3 letters of reprimand have been sent indicating levels of anabolic steroids, but not exceeding the transition period level of 999 pg per ml.

**Mr. John Mooney, Delaware Park, Executive Director of Racing:** Still experiencing some challenges with filling races, fillies and mares going short. New York and Philadelphia are having similar problems. Mr. Mooney has seen an increase in entries in turf races and an increase in entries in "better" races.

**10. ADJOURN**

Upon a motion duly made (Killeen) and seconded (Decker) the meeting was adjourned at 12:340 PM.