



Delaware Thoroughbred Racing Commission
Minutes of Meeting & Public Hearing
March 11, 2008

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on March 11, 2008, at 10:00 AM, in 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, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Edward Stegemeier, Commissioner

The following commission members were excused:

Debbie Killeen, Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Aimee Hall, Trainer
Angel Galinanes, Assistant Trainer
Barbara Gadbois, Deputy Attorney General, Stewards' Counsel
Bessie Gruwell, DTHA, Executive Director
Bill Fasy, Delaware Park, Chief Operating Officer
Bobbie McAlister, Trainer
Brenda Jones, Assistant Trainer
Cyd Boulmetis, Assistant Trainer
Denise Rolfe, Owner
Dr. Jane Teichner, DTRC, Associate Veterinarian
Dr. John Peters, DTRC, Supervising Commission Veterinarian
Dr. Kathy Picciano, DTRC, Associate Veterinarian
Dr. Larry Soma, University of Pennsylvania
Ed Long, Trainer
Fritz Burkhardt, DTRC, Associate Steward
Gale Patti, Trainer
George Margetson, Trainer
Greg Petkiewicz, Delaware Park, Sr. VP Race Track Operations
Harland Sanders, Trainer
Ismael "Izzy" Trejo, Delaware Park, Racing Secretary
Jack Ireland, News Journal, sports reporter
James P. Connor, DTHA, Trainer

The following individuals also were present - continued

Jeff Ganc, Delaware Park, Security – Asst. Director
Joe Rudisill, Delaware Park – Sr. VP Compliance
Joseph Strug, Laboratory Director, Dalare Labs
Judge Jackson, Trainer
Larry Saumell, Jockey Guild Representative, Jockeys Guild
Laura Dennis, Trainer
Madeline Locke, DTHA, Owner
Michael Gorham, Trainer
Rick Abbott, Chairman, PA Horse Racing Commission
Ryan Beatty, Trainer
Stacy Parker, Trainer
Steven Bertrando, DTHA
Tom Iannotti, Assistant Trainer
Tracy Nunley, Trainer
Victoria Battaglini, Owner/Trainer
Vincent Moscarelli, DTHA, Trainer
William Hicks Sr., Hot Walker

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 (Patterson) and seconded (Decker) minutes from January 15, 2008 were approved as submitted.

3. **PUBLIC HEARING**

A. **Androgenic-Anabolic Steroids**

The Delaware Thoroughbred Racing Commission (DTRC) in accordance with 3 Del.C. §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 15 of the rules and regulations to address use of Androgenic-Anabolic Steroids by thoroughbred horses by amending existing Rule 15.1.3.1.3 and adding new Rule 15.1.17.

At 10:06 AM, Commission Counsel, Andrew Kerber, opened the record of the public hearing on the proposed amendments to the regulations of the Thoroughbred Racing Commission, with respect to androgenic-anabolic steroids, which would amend rule 15.1.3.1.3, and add a new rule, 15.1.17. Verbatim testimony was recorded by Wilcox & Fetzer. During the public hearing, the Commission accepted verbal and written comment. The Commission unanimously adopted the rules for implementation.

After hearing the testimony and reviewing the written comments, upon a motion duly made (Decker) and seconded (Patterson) the proposed amendments to the regulations were approved as submitted and detailed below.

15.1.3.1.3 A foreign substance of accepted therapeutic value may be administered as prescribed by a Veterinarian when test levels and guidelines for its use have been established by the Veterinary-Chemist Advisory Committee of the National Association of State Racing Commissioners and approved by the Commission. Aminocaproic acid may be present in a horse's body while it is participating in a race, subject to all the provisions of these Rules. Androgenic-Anabolic Steroids are subject to the provisions of Rule 15.17.

15.17 Androgenic-Anabolic Steroids

15.17.1 No Androgenic-Anabolic Steroids shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances, boldenone and testosterone, at concentrations less than the indicated thresholds:

15.17.1.1 Concentrations of these Androgenic - Anabolic Steroids shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):

15.17.1.1.1 16-Hydroxystanozolol (metabolite of stanozolol (Winstrol®)) – 1ng/ml in urine for all horses regardless of sex.

15.17.1.1.2 Boldenone (Equipose® is the undecylenate ester of boldenone) in male horses other than geldings - 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.

15.17.1.1.3 Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester)

15.17.1.1.3.1 In geldings – 1 ng/ml in urine.

15.17.1.1.3.2 In fillies and mares – 1 ng/ml in urine.

15.17.1.1.4 Testosterone

15.17.1.1.4.1 In geldings – 20 ng/ml in urine.

15.17.1.1.4.2 In fillies and mares – 55 ng/ml in urine.

15.17.2 All other Androgenic - Anabolic Steroids are prohibited in racing horses.

15.17.3 Post-race samples collected from intact males shall be identified to the laboratory.

15.17.4 Any horse to which one of these Androgenic - Anabolic Steroids has been administered in order to assist in the recovery from an illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered Androgenic - Anabolic Steroids, the horse is eligible to be removed from the list.

At 11:02 AM, Commission Counsel closed the record.

4. **OLD BUSINESS**
No old business reported.

5. **NEW BUSINESS**

A. **Approval of Racing Officials 2008**

Upon a motion duly made (Decker) and seconded (Stegemeier) the 2008 Racing Department Employee Roster (listed below) was approved as submitted with the caveat that Racing Secretary, Ismael “Izzy” Trejo, will present to the Commission again in April 2008.

Vacant positions – Until the Commission’s April 2008 meeting, the Stewards have conditional authority to temporarily approve employees hired into vacant positions.

<u>Stewards</u>	<u>Position</u>
Janet Kulko	Admin. Asst.

<u>Racing Office</u>	<u>Position</u>
Anton Luke	Racing Official
Carlos Barrera	Racing Official
Dean Kisielewski	Paddock Blacksmith
Douglas Ruccio	Asst. Clocker
Earl Macmillan	Racing Official
George Horner	Clocker
Glenn Reeder	Racing Official
Margie Stallings	Stall Woman
Pat Kisielewski	Stall Office Admin.Asst.
Peggy Naughton	Racing Bibs
Roxanne Estrin	Asst. Horse ID
Scott Jones	Stakes Coordinator
Sean Worsley	Paddock Judge
Sharon Gunther	Horse ID
Stephen Worsley	Racing Official

Vacant Asst. Racing Secretary
 Vacant Clerk Of Scales
 Vacant Racing Official

<u>Jocks Room</u>	<u>Position</u>
Adrian Balmer	Valet
Daniel Dela Torre	Laundry Attendent
Danny Santos	Valet
Darci Rice	Valet
Glenn Deibler	Valet
James Houghton	Jocks Room Custodian
Jerry Glass	Valet
John Spivey	Valet
Juan Serey	Valet
Kevin Szymanski	Valet
Lewis Reynolds	Porter
Robert Fitzgerald	Valet
Russell Reynolds	Valet
Sean Jones	Valet
Terry Warner	Valet
William Stinglin	Masseuse
Vacant	Colorman

<u>Starting Gate</u>	<u>Position</u>
Dominick Garabaldi	Asst. Starter
Glen Menarde	Starter
Jesse Kisielewski	Asst. Starter
Jorge Mendoza	Asst. Starter
Kenneth Damon	Asst. Starter
Luis Negreiros	Asst. Starter
Martyn Cooper	Asst. Starter
Phil Wasiluk	Asst. Starter
Robert Greco	Asst. Starter
Robert Sydnor	Headman
Tom Kelly	Asst. Starter

<u>Outriders</u>	<u>Position</u>
Gina Suiter	Outrider
Jose Nunez	Outrider
Lance Parrot	Outrider
Sandra Kaster	Outrider
Steve Kisielewski	Outrider

<u>Barn Personnel</u>	<u>Position</u>
Joe'Lynn Rigione	Lasix Supervisor
Kathy Tobin-Grier	Asst.Lasix Supervisor
Vacant	Barn Personnel
Vacant	Barn Personnel
Vacant	Barn Personnel
Vacant	Barn Personnel
Vacant	Barn Personnel

5. **NEW BUSINESS - continued**

B. **Proposed changes for Claiming Rules**

Racing Secretary, Ismael "Izzy" Trejo, read from a prepared statement on proposed amendments to the rules and regulations. Upon a motion duly made (Decker) and seconded (Stegemeier) the request to begin amending the rules, as detailed below, is approved as submitted. The proposed amendments will be published in the April 2008 Register of Regulations.

13.1.1 In claiming races, any horse 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.

13.1.2 An Owner may claim out of the race in which he first starts a horse. ~~Owners shipping in from other stable areas who have a horse claimed shall be allowed one claim to replace the horse lost via claiming.~~

13.6.1 No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day it was claimed, except in another claiming race. A horse claimed by an Owner that has started a horse at the current meet and by a Trainer that is currently stabled on the grounds of the Association, shall not be permitted to run in another racing jurisdiction for the period of sixty (60) days, beginning the day after the claim was made, or until the end of the current meet, whichever comes first. A horse that is claimed by an Owner that has started a horse at the current meet by a Trainer that is not currently stabled on the grounds of the Association shall not be permitted to race elsewhere until the close of the meeting which it was claimed. No claimed horse shall race elsewhere until sixty (60) calendar days after the date on which it was claimed or until after the close of the meeting at which it was claimed, whichever comes first. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter elsewhere whenever necessary so the horse may start on the 61st calendar day following the claim. The Stewards shall have the authority to waive this rule upon application, so as to allow a claimed horse to race in a stakes race. The Stewards may also permit a horse claimed in a steeplechase or hurdle race to race elsewhere in a steeplechase or hurdle race after the close of the steeplechase program, if such a program ends before the close of the meeting at which it is claimed.

6. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director, Mr. John F. Wayne, submitted the Summary of Activities report for the period January 1, 2008 through February 29, 2008.

B. **Public Comment**

At 11:17 AM, Mr. Albert Wheeler's name was announced for Mr. Wheeler to come forward to present comment, however, Mr. Wheeler was not present.

7. **REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

Dr. John Peters reminded trainers that all paperwork must be correct and to be careful of "false positives" on Coggins.

Racing Secretary, Mr. Ismael "Izzy" Trejo stated the test will be entered on the computer – trainers can check that way. Health certificate from state came from racing office; can get a copy from security of that health certificate.

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

A. **Delaware Certified Program**

305 Total horses certified
245 2-year olds
70 Farms enrolled

B. **Proposed Ban on Androgenic-Anabolic Steroids**

Executive Director, Bessie Gruwell, stated for the record that the DTHA is not opposed to the ban on steroids; they are, however, concerned with the manner in which the ban is implemented.

9. **PUBLIC COMMENT**

A. **Greg Petkiewicz, Delaware Park, Sr. VP Race Track Operations**

Chairman Daney asked Mr. Petkiewicz for any comments, the following were made:

- Structural report to the Commission for review at their April 2008 meeting.
- Scales in the Jockey's Room and Winner's Circle will be calibrated well in advance of meet.

10. **EXECUTIVE SESSION**

At 11:30 AM, upon a motion duly made (Decker) and seconded (Stegemeier) the Commission was moved into executive session.

11. **PUBLIC SESSION**

At 12:10 PM, the Commission was returned to public session.

A. **Penalty Discussion – Ban on Androgenic-Anabolic Steroids**

An active discussion was held between the Commission and Mr. Jimmy Connors and Ms. Bessie Gruwell.

Consensus was reached on the grace/transition period, which will be from April 19 through July 16, 2008. During that time, if a horse tests positive for prohibited steroids, the horse will be sidelined until it tests clear before it is allowed to race again. Furthermore, the trainer of the positive horse will be assessed a fine of \$500.00 and will be responsible for the cost of the subsequent drug test. Any second offenses committed during the grace period involving the same horse will meet with a 90-day suspension, \$2,500.00 fine, loss of purse, and further ban of the horse from future competition until testing clear."

According to the Commission, after the grace/transition period has expired, horses testing positive for Anabolic and Androgenic Steroids from July 19 through the end of the racing season, on November 11, 2008, will face an initial penalty of a \$1,000.00 fine, a 45-day suspension of the trainer, loss of purse, and the horse will be placed on the Stewards' list. A second offense will mean an increase in the fine to \$2,500.00, a suspension of 90-days, loss of purse, and further racing sanctions prohibiting the horse from future racing events until it tests clear. Those that find themselves violating the rule for a third time will face license revocation and loss of purse.

The Commission concluded that they may modify the parameters of the grace/transition period to be more consistent with other Mid Atlantic jurisdictions and may do so following meetings of the Pennsylvania and Virginia Commissions later this week.

12. **ADJOURN**

At 12:35 PM, upon a motion duly made and seconded the meeting was adjourned.