



Delaware Thoroughbred Racing Commission
Minutes of April 14, 2009

The Delaware Thoroughbred Racing Commission held a regular meeting on April 14, 2009, at 10:00 AM, in the second floor conference room 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, Jr., Secretary/Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner
Henry J. Decker Commissioner

The following individuals also were present:

Ed Kee, Secretary of Agriculture
John F. Wayne, DTRC, Executive Director
Stuart Drowos, Esq., Deputy Attorney General, Commission Counsel
Andrew Gentile, Delaware Park, General Manager
Anthony Pecoraro, DTHA, Board Member, Trainer
Barbara Gadbois, Esq., Deputy Attorney General, Stewards' Counsel
Bessie Gruwell, DTHA, Executive Director
Dr. Kathy Picciano, DTRC, Associate Veterinarian
Francis Swift, Jr., DTRC, Inspector
Fritz Burkhardt, DTRC, Associate Steward
G. Jack Houghton, Jr., DTRC, Chief Steward
Joe'lyn Rigione, Delaware Park, Salix Office Supervisor
John Mooney, Delaware Park, Executive Director of Racing
John T. Peters, D.V.M., DTRC, Chief Commission Veterinarian
Joe Rudisill, Delaware Park, Sr. VP, Security
Joe Strug, Dalare Associates, Inc., Lab Director
Larry Saumell, The Jockey Guild, Regional Manager
Madeline Locke, DTHA, Owner
Robert Colton, Delaware Jockeys Association, President
Scott Peck, DTHA, President
Shelley Perkins, DTRC, Paralegal, Recording Minutes

1. **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 (Stegemeier) minutes of March 17, 2009 were approved with the following addition.

4. **NEW BUSINESS**

B. **Shock Wave Therapy Treatments**

- Rule compliance if permitted on the grounds.

3. **OLD BUSINESS**

A. **Results of Workshop Meeting of April 8, 2009 on Shock Wave Therapy**

DTRC Executive Director, Mr. John F. Wayne read into the record the proposed rule. Open discussion resulted in modification to include the word "breeze" to rule 15.14.1.2.

Upon a motion duly made (Patterson) and seconded (Stegemeier) the following proposed rule was moved forward.

15.0 Medication; Testing Procedures

15.14 Shock Wave Therapy/Instruments

15.14.1 The use of shock wave therapy shall not be permitted unless the following conditions are met:

15.14.1.1 Only licensed Veterinarians are permitted to possess or to use on the grounds of any licensee of the Commission an instrument used for shock wave therapy. Any shock wave therapy machines/instruments must be registered with and approved by the Commission or its designee before use. The use of shock wave therapy machines/instruments shall be limited to practicing veterinarians licensed by the Commission.

15.14.1.2 Any horse treated with shock wave therapy shall not be permitted to race, work, or breeze for a minimum of ten (10) days following treatment (the day of treatment shall be considered the first day in counting the number of days). This restriction applies to horses treated with shock wave therapy on or off the grounds of any licensee of the Commission. Any horse treated with shock wave therapy shall be placed on the Commission Veterinarian's list.

15.14.1.3 All shock wave therapy treatments must be reported to the official Commission veterinarian on the prescribed form not later than the time prescribed by the official Commission veterinarian. This applies to any and all horses treated on or off the grounds of any licensee of the Commission.

15.14.2 A Trainer, Veterinarian, or other person, who has been found to have violated any of the above provisions of this Rule shall be subject to appropriate disciplinary action by the Stewards and/or Commission including but not limited to a maximum suspension of one year (365 days).

15.14.3 Definitions: The following terms and words used in this Rule are defined as:

15.14.3.1 Shock Wave Therapy shall mean all Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments and any other treatments determined to pose similar risks by the Commission Veterinarian.

B. Jockey Mount Fee discussion from April 8, 2009

Upon a motion duly made (Decker) and seconded (Killeen) the following update will be made to the rules and regulations to reflect new contract.

8.8 Jockey Fee:

8.8.1 The fee to a Jockey in all races shall be, in the absence of special agreement, as follows:

Purse Level	Winning Mount Fee	2 nd Place Mount Fee	3 rd Place Mount Fee	Other Mounts
Up to \$10,000	10%	\$100	\$85	\$75
\$10,001-\$14,999	10%	5%	\$85	\$75
\$15,000-\$19,999	10%	5%	\$90	\$75
\$20,000-\$49,999	10%	5%	5%	\$75
\$50,000-\$99,999	10%	5%	5%	\$85
\$100,000 and up	10%	5%	5%	\$105

4. NEW BUSINESS

A. Approval of Racing Officials

Upon a motion duly made (Patterson) and seconded (Killeen) the following roster submitted by the Racing Office is approved for the 2009 season.

2009 Racing Officials and Key Staff

Patrick Pope	Racing Secretary
Jerome Doro	Assistant Racing Secretary
James Hamer	Stakes Coordinator
Alice Marcacci	Paddock Judge
Sharon Gunther	Horse Identifier
Glenn Menarde	Starter
Ken Brown	Track Superintendent
Margie Stallings	Stall Superintendent
Sean Worsley	Clerk of Scales
James Houghton	Custodian
Carlos Barrera	Racing Official
Scott Jones	Racing Official
Glenn Reeder	Racing Official
Alex Kraszewski	Racing Official
Stephen Worsley	Racing Official
Roxanne Estrin	Racing Official/Asst. Horse I.D.
James Hammond	Racing Official
To be announced	Racing Official
George Horner	Clocker
Cindy Houghton	Horsemen's Bookkeeper
Mary Lyons	Hoofprints Inc., Track Photographer
John Curran	Track Announcer
Rich Glazier	TV Host
Jim Lamborn	Simulcast Coordinator
Jayne Lornie	Website
Chris Sobocinski	Racing Information Coordinator
Ramon L. Rodriguez	T.R.P.B. Agent

- B. **Certificate of Insurance**
Upon a motion duly made (Stegemeier) and seconded (Patterson) the Certificate of Insurance was accepted.
- C. **Engineers Report**
Upon a motion duly made (Stegemeier) and seconded (Patterson) the Engineer's Report was accepted.
- D. **Capital Improvement Report and Quarterly Update**
Requested by Commissioner Decker and provided by Mr. Gentile. Mr. Gentile recommended that rather than having them presented the month after the quarter ends, they should be on the agenda for the following month's commission meeting agenda so they may be reviewed in advance by the Commissioners. Mr. Gentile noted that reports are available 45 days after the end of each quarter.
- E. **Race Track Pharmacy**
Commissioner Stegemeier relayed informal discussions from other jurisdictions considering development of on-track pharmacies dispensing drugs and/or treatments to horses – thereby emptying the cars and trunks of veterinarians.

5. **REPORT FROM EXECUTIVE DIRECTOR**

- A. **Summary of Activities Report**
Report submitted for March 1-31, 2009.
- B. **Licensing Report**
Report submitted and explained by Inspector, Francis J. Swift. Mr. Swift explained to the Commission their specific questions regarding licensing categories, day passes, and the handling of vendors. Mr. Swift also elaborated on the payment of license fees for track employees by the Association in a lump sum which does show up on the revenue report until it is posted and deposited.

6. **REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

No written report was due. Dr. Peters advised the Commission of two equine deaths. One of those deaths was a result of a training mishap where the horse had fractured its sesamoid on the left front and was euthanized. That horse was sent to New Bolton Center for posting. The other death involved a pony working horse whose coffin bone was protruding through the sole of the foot and had to be humanely destroyed.

Dr. Peters thanked Delaware Park for improvements of new steps, platforms, and rails made to the Veterinarian's offices.

Dr. Peters contacted Dr. Zipf (Maryland Racing Commission) at Laurel this morning due to a potential Equine Herpes Virus suspicion. Dr. Peters reported that Dr. Zipf reported their track had been temporarily quarantined. On Sunday, April 12, 2009, around 1:00 p.m., Dr. Zipf learned that the test was negative for EHV and they discovered that the horse had EPM and was put to sleep. The temporary quarantine at Laurel was lifted by the Maryland Racing Commission. Delaware State Veterinarian, Dr. Heather Hirst, has been updating the Commission regularly on the matter, Mr. Wayne added.

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

Executive Director Gruwell stated that the Delaware Certified report has not changed much since submitting it last month. Ms. Gruwell reminded everyone that the Delaware Certified Program would be hosting their annual Awards Banquet on Friday evening (April 24, 2009). Ms. Gruwell added that if anyone did not receive their invitation, please let her know and that everyone is invited.

Lastly, Ms. Gruwell commented that the horsemen have been very pleased with the track this winter and that Ken Brown and his crew did an awesome job on the track, missing very few days and were very pleased with the racetrack surface.

8. **UPDATE FROM DELAWARE JOCKEY'S ASSOCIATION AND JOCKEY'S GUILD**

President, Robert Colton, presented report to the Commission. Also comments were offered by Larry Saumell, Regional Manager for the Guild.

A. **Jockey Fees**

Resolved

B. **Health & Welfare Fund Update**

Continue to urge jockeys to enroll in health insurance.

Recommendations: a.) Mandatory excess on-track coverage, b.) Decrease annual 25-49 mounts out of town from 80% to 50%.

C. **Riding Crop**

Mandated by Stewards –Jockey's Room Custodian has been dispensing and collecting the crops that were provided by the Delaware Thoroughbred Racing Commission for use at Delaware Park. Mr. Wayne added that the Commission/Stewards are working on the specifications that were approved by the ARCI Model Rules Committee. Mr. Wayne elaborated on the specifications and reminded the Commission and gallery that Delaware implemented the exclusive use of the padded crops as of August 30, 2008. The only exception to this was the day in which the hurricane had traveled through Delaware on September 6, 2008.

D. **Medical cards**

Policy and supplies already in place. It is intended that Jockeys will have their medical cards and information inside their safety vests.

E. **Jockey Physicals**

Made mandatory by Stewards with a one- day exemption. Mr. Saumell added an overview of what is going on in the Mid Atlantic region regarding physical exams and the Jockey data base. Mr. Daney asked about a Doctor on the grounds and Ms. Gruwell replied that they have a Doctor on the grounds one day a week, and a nurse practitioner 4 days a week.

9. **PUBLIC SESSION**

Chairman Daney recognized Mr. Strug, Dalare Associates, Inc., Laboratory Director. Mr. Strug brought equipment for DTRC Veterinarians and Inspectors.

Chairman Daney recognized Mr. Mooney, Delaware Park Executive Director of Racing. Mr. Mooney announced all stalls are assigned with a waiting list – limit on stalls; 40 per trainer. Mr. Mooney was asked about the number of stalls on the grounds and he reported approximately 1460-plus stalls, which includes the test barn. Mr. Mooney expected to have two more barns by the summer with 40 stalls in each. Some of the 1460 stalls are lost due to them being used as tack or feed rooms.

10. **EXECUTIVE SESSION**

At 11:40 a.m., upon a motion duly made (Decker) and seconded (Killeen) the Commission was moved into Executive Session to discuss personnel issues.

At 12:30 p.m., the Commission was returned to Public Session

11. **ADJOURN**

At 12:30 p.m., upon a motion duly made (Decker) and seconded (Killeen) the Commission was adjourned.