



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting  
August 18, 2009**

The Delaware Thoroughbred Racing Commission held a regular meeting on August 18, 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
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

**The following individuals also were present:**

Ed Kee, Secretary of Agriculture
Anne Marie Johnson, Esq., Deputy Attorney General, substituting for Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Andrew Gentile, Delaware Park, Chief Operating Officer
Barbara Gadbois, Esq., Deputy Attorney General, Stewards' Counsel
Bessie Gruwell, DTHA, Executive Director
Francis J. Swift, Jr., DTRC, Inspector
G. Jack Houghton, Jr., DTRC, Chief Steward
Jeff Ganc, Delaware Park, Assistant Director of Security
Joe Strug, Dalare Associates, Inc., Lab Director
John Mooney, Delaware Park, Executive Director of Racing
John T. Peters, D.V.M., DTRC, Chief Commission Veterinarian
Larry Saumell, Jockey Guild, Regional Manager
Madeline Locke, Owner
Michael Vild, Esq., Delaware Park, Sr. VP Racing, General Counsel
Paul Trapani, Owner/Trainer
Ramon Rodriguez, TRPB Agent
Scott Peck, DTHA, President, Horse Owner/Trainer
Shelley Perkins, DTRC, Paralegal, Recording Minutes

1. **WELCOME & CALL TO ORDER**

At 10:02 AM, Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Decker) and seconded (Killeen) minutes of July 21, 2009 were approved with the following correction (indicated by underlined text) made to more accurately record the proceedings.

3. **OLD BUSINESS**

A. **4mm Toe-Grab Emergency Rule 1.0 and Stumbling at the Gate Discussion**

Executive Director Wayne asked Chief Steward Houghton to comment.

Mr. Houghton commented that only 2 horses had stumbled since the 4mm Toe-Grab Emergency Rule 1.0 was implemented, adding, in his opinion, allowing the extended toe-grabs had helped alleviate the problem of stumbling. DTRC Chief Veterinarian, Dr. Peters concurred.

Commissioner Stegemeier inquired of Executive Director of Racing, Mr. Mooney, if his office had encountered any fall-out from the 4mm Emergency Rule. Mr. Mooney stated that he had not been made aware of any, although he understood some Owners and Trainers were upset about saving claiming-horses lives and not those lives of Graded Stakes horses (Graded Stakes entries must abide by the national 2mm toe-grab rule.)

Secretary/Commissioner Patterson related a discussion held with Mr. Alex Waldrop, President & CEO of the National Thoroughbred Racing Association (NTRA), stating that Mr. Waldrop had suggested the national 2mm toe-grab rule may be revoked.

Delaware Thoroughbred Horseman's Association (DTHA) President, Mr. Scott Peck related a discussion held with Mr. Mike Ziegler, Executive Director of the NTRA Safety and Integrity Alliance, who had complimented the DTRC for instituting the 4mm Emergency Toe-Grab Rule and was glad that the DTRC took such decisive action.

Commissioner Decker inquired of Mr. Mooney if Delaware Park would adopt the 4mm toe-grab rule as a house rule. Mr. Mooney stated he believed Delaware Park would adopt the rule as a house rule. Adding further that house rule changes are enacted immediately.

The Commission, however, decided that it should pass an emergency rule due to aspects of accreditation affecting the track, and, because the Commission felt that this was a "true" and "immediate" emergency and therefore should carry the weight of Commission action.

3. **OLD BUSINESS**

A. **2009 Capital Budget – Mr. Gentile**

Commissioner Decker thanked Mr. Gentile for a job well done and the following discussion points are noted.

- Commissioner Decker: Differential noted in comparing Amount Spent or Contracted to Total Spent (rate of expenditure).

B. **Tracking Declarations – Mr. Mooney (DTRC 11.13.1)**

Mr. Mooney reported no new activity since the Commissions' July 21, 2009 meeting.

4. **NEW BUSINESS**

A. **DTRC 11.4 Mutuel Entries – Mr. Mooney – Proposed Rule Change**

Mr. Mooney submitted the following written request:

*“I would like to request that the Racing Commission consider a change in the Rule under 11.4 Mutuel Entries. Last year in our discussions regarding rule changers to permit Trifecta Wagering to be allowed in races in which there are coupled entries, there was also discussion regarding Rule 11.4.1. Part of that rule states that “No Trainer of any horse shall have any ownership interest in any other horse in the same race unless such horses are coupled as a single wagering interest.” In many instances, an owner is forced to be coupled even though he has no interest in the other horse because two horses are trained by the same individual. We would like this rule eliminated as we feel that it has been misinterpreted whereby a trainer is considered to have financial interest in the horse although he does not have any ownership in the animal. By striking this sentence from Rule 11.4.1. the owners would not have to be coupled and run as an entry and wagering would be separate interests.”*

***The decision to grant approval of the requested rule change is postponed until after Executive Session review.***

Upon review by Executive Session, and a motion duly made (Decker) and seconded (Patterson) the rule change request is approved and the Commission orders a Public Hearing on the proposed rule change be held September 22, 2009.

B. **Superfecta Wagering – Mr. Vild**

Mr. Vild notified the Commission that on August 19, 2009, Delaware Park will announce a change to Superfecta wagering rules.

Effective August 22, 2009, six betting interests is the new minimum field size for the scheduling of Superfecta wagering on a Delaware Park race. Superfecta wagers will be refunded if scratches reduce the field to fewer than five betting interests. Previously, seven betting interests were required for Superfecta wagering on a Delaware Park race.

C. **Delaware Jockey’s Health & Welfare Benefit Board (DJH&WBB) – Mr. Stegemeier**

1. **Wellness Center**

DJH&WBB Chairman, Edward J. Stegemeier, notified the Commission that the Board is making an offer to the Wellness Center to offer funds (\$5,000 - \$10,000) allowing them to stay open one more day a week.

2. **Nutritionist**

DJH&WBB Chairman, Edward J. Stegemeier, notified the Commission that the Board is making an offer to the University of Delaware Cooperative Extension to offer honorarium funds (\$2,000).

5. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne submitted the Summary of Activities Report for the period July 2 – 31, 2009.

**6. REPORT FROM CHIEF COMMISSION VETERINARIAN**

**A. Veterinary Health Statistical Report**

Chief Commission Veterinarian, Dr. John Peters, submitted the report for the period ending July 31, 2009.

- 5 fatalities during the period ending July 31, 2009 – 3 racing – 2 training
- 2 fatalities so far during the month of August – 1 racing – 1 training

**B. Shock Wave Therapy Report**

36 cases to date, all performed off the track.

- Delaware Park house rule is pending with Delaware Park General Counsel, Mr. Vild.
- Dr. Peters recommends shock wave therapy be performed in the horses stall – contact security to check horses tattoo and proceed to stall.

Mr. Vild expects to have the house rule language prepared for Delaware Park senior management approval in time for the Commission's next meeting on September 22, 2009.

**7. REPORT FROM DELAWARE THOROUGHBRED HORSEMAN'S ASSOCIATION (DTHA)**

**A. Delaware Certified Thoroughbred Program Report**

DTHA Executive Director, Bessie Gruwell, reports the following through July 31, 2009.

192	=	Number of Starters
482	=	Number of Starts
60	=	1 <sup>st</sup> Place finishes
66	=	2 <sup>nd</sup> Place finishes
59	=	3 <sup>rd</sup> Place finishes

**8. EXECUTIVE SESSION**

At 10:55 AM, upon a motion duly made (Decker) and seconded (Killeen) the Commission was moved into Executive Session to discuss the rule change request made under New Business.

At 11:25 PM, the Commission returned to public session.

**9. ADJOURN**

At 11:40 AM, upon a motion duly made and seconded, the meeting was adjourned.