



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting Held
March 17, 2009**

The Delaware Thoroughbred Racing Commission held a regular meeting on March 17, 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. Stegermeier, Commissioner
Henry J. Decker, Commissioner

The following individuals also were present:

Ed Kee, Secretary of Agriculture
John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Bessie Gruwell, DTHA, Executive Director
Francis J. Swift, Jr., DTRC, Inspector
Gary Katz, Esq., Owner/Trainer
Harland Sanders, DTHA
Jeff Johnston, Jockeys Guild, Representative
Joseph Strug, Dalare Associates, Inc., Laboratory Director
John E. Mooney, Delaware Park, Exec. Director of Racing
John T. Peters, D.V.M., DTRC, Chief Veterinarian
John Youngdale, Owner
Joseph Rudisill, Delaware Park, Sr. V. P. Operations
Karin Wagner, Trainer
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Larry Saumell, Jockeys Guild, Representative
Margie Stallings, Delaware Park, Stall Superintendent
Michael E. Gorham, Owner/Trainer
Michael Petro, Owner/Trainer
Michael Vild, Delaware Park, Vice President & General Counsel
Paul Trapani, Owner-Trainer
Robert Colton, Delaware Jockeys Association, President
Shelley Perkins, DTRC, Paralegal I, recording minutes
Tom Iannotti, Assistant Trainer
Tracy Nunley, Owner/Trainer

1. CALL TO ORDER AND WELCOME

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

Chairman Daney introduced newly appointed Secretary for the State of Delaware, Department of Agriculture, Ed Kee.

Chairman Daney introduced Delaware Park's new racing secretary, Mr. Patrick Pope.

Chairman Daney's Opening Remarks:

"I would like to welcome everyone to today's meeting. We the Commission are looking forward to a successful meeting of live racing for 2009. There is a lot of pent up enthusiasm this winter and with the opening of the meeting just 40 days away, we want to ensure that we are all ready for the task before us. We have a live racing schedule poised to offer good racing and hopefully full fields that will in the end benefit all of us here. Delaware Park has a new racing secretary with vast experience and that will enhance the racing product offered as well."

The Commission would like to remind all of us that we should put a positive spin on everything that we do this year and beyond. Lets put aside the negativity that can only deter from our product and spread like a brush fire. The motto, "United we stand, Divided we fall," cannot emphasize truer words for all of us to remember. I would like to see some positive energy, positive outlooks, and an effort for everyone to do everything possible to ensure a successful racing season. Lets try to find the positive aspects, be thankful for what we have, and what we can accomplish together. Thank you."

2. APPROVAL OF MINUTES

Upon a motion duly made (Patterson) and seconded (Daney) minutes from January 6, 2009 were approved with the following change:

7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

B. Barn 51 Quarantine

Upon a motion duly made (Patterson) and seconded (Killeen) the decision was upheld that the trainers would pay the costs for Barn 51 Quarantine, and that future instances would be taken on a case by case basis.

3. OLD BUSINESS

A. Stewards/Judges/Officials Round Table, February 9, 2009.

The Commission thanked Mr. Wayne and Mr. Gallagher for a job well done.

B. Future Stewards/Judges/Officials Round Table during 2009.

Mr. Wayne announced the next round table meeting is November 8, 2009.

C. Recommendation of the RFP Equine Forensic Drug Testing Committee

RFP Chairman Stegemeier announced Dalare Associates, Inc. the winner of the bid process.

4. NEW BUSINESS

A. Toe Grab Discussion

Mr. John Mooney, Delaware Park's Executive Director of Racing stated the Jockey Club recommendations of 2-millimeter limit would be enforced by Delaware Park under a house rule.

B. Shock Wave Therapy Treatments

A discussion was led by Executive Director Wayne, which included responses from an ARCI survey. During the discussion, several items were noted:

- There is a current rule, 15.14 that prohibits the device on the grounds of the association.
- There is a current house rule prohibiting the device on the grounds of Delaware Park.
- Shock Wave therapy has beneficial uses in the therapy of equine injuries.
- Shock Wave therapy use causes concern to horses receiving therapy as it reportedly masks pain and has anesthetic properties.
- Horses that cannot feel pain in their lower extremities cannot protect themselves against injuries, some of which may be catastrophic.
- Jockeys are concerned with the aspect that a horse may not be able to detect pain and protect itself from injury.
- Shock Wave Therapy devices are expensive and require exclusive use by licensed veterinarians only.
- If Shock Wave Therapy were allowed to be done on the grounds, strict monitoring of its treatments would be required.
- Thoughts that horses that receive Shock Wave Therapy should be rested and are not ready to be in training or racing.
- Horses that are treated with Shock Wave Therapy and have to wait a minimum of 10 days before running, occupy stall space that could be assigned to horses that are ready to compete in races.
- Information on the use of Shock Wave Therapy shows that it is beneficial and an asset to the healing process of a horse.
- Information on the use of Shock Wave Therapy shows that horses that receive treatment, have to be on the vet's list no less than 10 days before they can return to racing.
- Allowing Shock Wave Therapy on the grounds would allow the Commission to monitor the treatments closely.
- Allowing Shock Wave Therapy on the grounds of the Association, will not prevent would-be cheating from occurring.
- Rule compliance if permitted on the grounds.

Upon a motion duly made (Decker) and seconded (Patterson) a workshop meeting will be scheduled for either April 7 or 8th, 2009. The purpose of the workshop will be to examine and review proposed language for the use of Extracorporeal Shock Wave or Radial Pulse Wave Therapy instruments.

C. Race Day Massages/Chiropractic Treatments

In-depth discussion led by Executive Director Wayne, included ARCI survey results.

Mr. Mooney suggested, and all agreed, to review the recently passed rule in Arkansas. Mr. Wayne will ask Arkansas for a copy of their recently promulgated rule and study the information for a future recommendation to the Commission.

D. Jockey Guild – Mount Fee Discussion

Discussion opened with a presentation by the Jockey's Guild representatives, Larry Saumell, and Jeff Johnston. Their presentation included Power-Point spread sheets displaying a trend of increased rider fees in several jurisdictions. The Delaware Horsemen's Association at an earlier board meeting, declined to increase rider fees, according to Mr. Saumell. A trainer in the gallery recommended to the group that fees remain the same and that no increase be given.

Upon a motion duly made (Decker) and seconded (Stegemeier) the Commission imposed a 60-day deadline for the DTHA and the Jockeys Guild to reach an agreement. The matter shall be added to the Commission's May 12, 2009 meeting agenda.

E. Claiming Races – Voiding Policy

At the request of Commissioner Patterson, Mr. Wayne conducted a survey of jurisdictions about the voiding of a claim of a horse if that horse breaks down or is humanely destroyed in a race. None of the jurisdictions responding allow for the voiding of a claim as a result of an injury or death. A copy of the ARCI survey was provided for the meeting.

DTHA Executive Director, Ms. Bessie Gruwell, advised about the practice of purchasing "claiming insurance" to protect a prospective claimant. Ms. Gruwell indicated that she would discuss this unprecedented idea with the DTHA Board at their next meeting.

F. Padded Riding Crops

During the fall of 2008, the Commission purchased a quantity of crops manufactured by Pro-Cush. The crops have been used at Delaware Park during the fall and only one crop has broken. The crops were received from the vendor Old Mill Whips In Ireland. The Commission plans on continuing the exclusive use of padded riding crops consistent with the ARCI model rule. Mr. Saumell provided two sample Pro-Cush crops for examination. It was noted by Mr. Wayne that the samples that Mr. Saumell passed around were the same type that the Commission purchased and allowed the Delaware Jockeys to use last fall.

G. Licensing Fees

Executive Director Wayne is scheduled to meet with Secretary Kee on Thursday, March 19, 2009 to review license fees. It was noted that licensing fees have not increased in over ten years. A worksheet was provided to the Commissioners with recommended modifications.

Secretary Kee spoke in defense of raising license fees, stating the Department is just looking at the fees and it's to make sure the Commission has the revenue it needs to continue to operate – and about the integrity of the sport – people that need to attend education seminars are able to go – nothing to do with inflating the general fund. Commissioner Decker added that these fees should be spent for the benefit of racing and has been concerned that we haven't spent the money – as in the situation with our licensing file server. Philosophically Secretary Kee agreed and recently signed a purchase order for a new file server requested.

5. REPORT FROM EXECUTIVE DIRECTOR

A. Summary of Activities

A report was submitted for the period of January 1-February 28, 2009.

B. Licensing Report

A report displaying licensing statistics in detail was submitted.

6. REPORT FROM SUPERVISING COMMISSION VETERINARIAN

No statistical report was submitted for activities during winter stabling. Dr. Peters thanked Delaware Park and the Commission and looks forward to 2009. Secretary/Commissioner Patterson inquired as to winter incidents, to which Dr. Peters' reported one death.

7. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

Report submitted through Tuesday, March 17, 2009 for Delaware Certified Thoroughbred Program.

The DTHA annual awards banquet will be held April 24, 2009.

8. PUBLIC COMMENT

Chairman Daney called on Mr. John Mooney who reported that the refurbishing of barns, foundations, doors, roofs, were in progress. Also he reported that Delaware Park received materials for 2 new barns and were waiting on permits to start erecting them. There is a capital project for drainage and major sewer line through main stable area. Mr. Mooney reported that the work is well ahead of what was scheduled. Mr. Mooney added that the racing office was in the process of approving stall applications and letters are scheduled to go out on Friday, March 20, 2009. Commissioner Decker reminded Mr. Mooney that the update on the capital budget was due quarterly; Mr. Vild at this point stated that he will make a presentation at the April 14, 2009 Commission meeting.

Chairman Daney called on Mr. Strug who thanked the Commission and the RFP Committee for awarding Dalare Associates Incorporated the equine forensic drug testing contract. Mr. Strug advised that the University of Florida was doing a study on anabolic and androgenic steroids to calculate withdrawal times. Mr. Strug reported that some of the information that he has reviewed thus far did not make perfect sense stating that injectables were not in prescribed dosages. He continued that it was his understanding that Maryland is going with a no-penalty phase until June, 2009. Commissioner Patterson cautioned if steroid thresholds are different in blood, then the Commission would have to change their rules.

In a prepared statement prepared specifically for the DTRC meeting, Mr. Wayne read an excerpt from the Equine Injury Database news release that was received from the Grayson-Jockey Club Research Foundation. Executive Director Wayne recognized Dr. Kathleen Picciano and thanked her work in maintaining the records for the project.

"The Jockey Club announced the launch of the equine injury database on July 22, 2008 to provide the racing industry with its first national database of racing injuries. The equine injury database grew out of a proposal from the welfare and safety of the racehorse summit in October 2006. However, Delaware has been tracking and maintaining electronic records on injuries since 1999. The DTRC commission veterinarians participated in the pilot program, which began on June 1, 2007 through July 12, 2008.

The primary objectives of the equine injury database are to:

- Identify the frequency, types, and outcome of racing injuries using a standardized format that will generate valid statistics.
- Identify markers for horses at increased risk of injury.
- Serve as a data source for research directed at improving safety and preventing injuries."

9. EXECUTIVE SESSION

At 11:58 AM, upon a motion duly made (Decker) and seconded (Stegemeier) the Commission was moved into executive session to discuss personnel issues for the upcoming 2009 season.

At 12:23 PM, the Commission was returned to public session.

10. ADJOURN

At 12:25 PM, upon a motion duly made (Killeen) and seconded (Patterson) the meeting was adjourned.