

NEW JERSEY RACING COMMISSION
WEDNESDAY, MAY 22, 2024
MONMOUTH PARK
“LIBRARY ROOM”
OCEANPORT, NEW JERSEY

A public meeting of the New Jersey Racing Commission (“NJRC” or “Commission”) was held on Wednesday, May 22, 2024 in the “Library Room,” located at Monmouth Park racetrack in Oceanport, New Jersey.

The following were present:

Lawrence DeMarzo, Commissioner
Arlene Quinones Perez, Esq., Commissioner
Charles E. Tomaro, Commissioner
Glen Vetrano, Commissioner
Michael J. Arnone, Commissioner (by phone)
Judith A. Nason, Executive Director
Samuel Kovach-Orr, Assoc. Counsel, Governor’s Auth. Unit
Sara Ben-David, Counsel to the Attorney General
SDAG George Cohen

Executive Director Nason read the following resolution:

This meeting today conforms with the “Open Public Meetings Act” and as per the requirements of the statute, notification of this meeting has been filed with the Secretary of State and with the following newspapers: Daily Racing Form, Bergen Record, Asbury Park Press, Courier-Post and the Star Ledger.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits bodies to exclude the public from that portion of a meeting at which certain matters are discussed.

NOW, THEREFORE, BE IT RESOLVED that consistent with N.J.S.A. 10:4-12(b), the Commission will now adjourn to executive session to obtain legal advice protected from disclosure by the attorney-client privilege on the following matters:

1. Legal advice concerning the initial decision in Jacob Stillwell v. New Jersey Racing Commission, OAL Docket No. RAC 01953-23.
2. Other legal advice.

Discussion of the above matters falls within the exceptions under the law; specifically, matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the Commission's attorney to exercise his ethical duties as a lawyer, and/or matters involving pending or anticipated litigation.

Commissioner Perez motioned to adjourn into Executive Session. Commissioner Vetrano seconded the motion. All of the Commissioners voted to adjourn.

Commissioner Perez made a motion to adjourn from Executive Session into the Public Session. Commissioner Vetrano seconded the motion and all of the Commissioners voted yes.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE MARCH 20, 2024 MEETING.

Commissioner Arnone made a motion to approve the public and executive minutes of the March 20, 2024 Commission meeting. Commissioner Vetrano seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE APRIL 24, 2024 SPECIAL MEETING.

Commissioner Perez made a motion to approve the public and executive minutes of the April 24, 2024 special Commission meeting. Commissioner Vetrano seconded the motion and all Commissioners voted yes.

CONSIDER THE INITIAL DECISION IN JACOB STILLWELL V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 01953-23.

Executive Director Nason stated that amateur driver, Jacob Stillwell ("Petitioner"), drove the horse "JS Peyton" in the 5th race at Freehold Raceway on January 7, 2023. After the race, a NJRC veterinarian noted "ten or so" welt marks on the right hip of "JS Peyton" and she notified the judges.

Executive Director Nason noted that the judges did not witness any violations of the whipping rule while observing the live race and upon review of the video recording of the race, the judges did not identify any apparent violations of the whipping rule such as raising the whip or failing to pause to give the horse

a chance to respond. However, the welt marks on the horse did indicate that the driver violated the section of the whipping rule that prohibits causing harm to the horse.

Executive Director Nason stated that the Board of Judges conducted a hearing with Petitioner on February 2, 2023 and determined that he violated N.J.A.C. 13:71-20.15(a) and (b)(1). N.J.A.C. 13:71-20.15(a) prohibits “[t]he brutal use of a whip” and 20.15(b)(1) prohibits the driver from causing “an injury, visible or not, to the horse with the whip.”

Executive Director Nason advised that because this is Petitioner’s second violation of the NJRC’s whipping rule within a year, the judges imposed a 10-day suspension and \$1,000 fine.

Executive Director stated that Petitioner appealed and the matter was transmitted to the Office of Administrative Law. On April 24, 2024, the Administrative Law Judge (“ALJ”) issued an initial decision which affirmed the findings of violation and the 10-day suspension and \$1,000 fine imposed by the Board of Judges. The ALJ did not accept Petitioner’s testimony that the horse was not harmed.

Commissioner Arnone made a motion to adopt the initial decision. Commissioner DeMarzo seconded the motion and all Commissioners voted yes.

ITEMS FOR DISCUSSION AND INFORMATION

The Executive Director advised that there was a handout available concerning the breakdown of New Jersey wagering on the 2024 Kentucky Derby day on Saturday, May 4, 2024.

The Executive Director asked if anyone would like to comment or bring new business to the Commission’s attention.

Jason M. Settlemaier of New Meadowlands Racetrack thanked Executive Director Nason for her service on the Commission and all of her help.

Dennis A. Drazin of Darby Development, LLC also thanked Executive Director Nason for her service and wished her well.

Executive Director Nason stated that it was a privilege to serve and she felt incredibly fortunate that she was named Executive Director. She stated that New Jersey has strong leadership with Governor Murphy and Attorney General Platkin. She thanked the Commissioners and Racing Commission staff and noted it has been an honor to work with them.

There were no additional comments or questions.

Commissioner Perez moved that the meeting be adjourned. Commissioner Tomaro seconded the motion and all of the Commissioners voted yes.

ATTEST:

Judith A. Nason, Executive Director