

**NEW JERSEY RACING COMMISSION
WEDNESDAY, MARCH 21, 2012
RENAISSANCE DINING ROOM
FREEHOLD RACEWAY
FREEHOLD, NEW JERSEY**

A meeting of the New Jersey Racing Commission was held on Wednesday, March 21, 2012, in the Renaissance Dining Room, at Freehold Raceway, located in Freehold, New Jersey.

The following were present:

Anthony T. Abbatiello, Commissioner
Manny E. Aponte, Commissioner
Peter J. Cofrancesco, III, Commissioner
Francis X. Keegan, Jr., Commissioner
Frank Zanzuccki, Executive Director
DAG Judith A. Nason

The following were absent:

Anthony R. Caputo, Commissioner

Executive Director Frank Zanzuccki read the following statement:

“This meeting today conforms with Chapter 231, P.L. 1975, called the “Open Public Meeting Law,” 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 Newark 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 the provision of N.J.S.A. 10:4-12(b), the New Jersey Racing 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 matter of Ernest Adam v. New Jersey Racing Commission, OAL Dkt. No. 6166-08 and Stephen Slender v. New Jersey Racing Commission, OAL Dkt. No. RAC 6167-08.
2. Legal advice concerning a settlement in the matter of Mark Ford v. New Jersey Racing Commission, OAL Dkt. No. RAC 04435-2011N.
3. Legal advice concerning a settlement in the matter of Jerry Evilsizor v. New Jersey Racing Commission, OAL Dkt. No. RAC 05209-2011S.
4. Legal advice concerning a settlement in the matter of Ross Croghan v. New Jersey Racing Commission, OAL Dkt. No. RAC12673-2011S.
5. Legal advice concerning a settlement in the matter of Jeffrey Webster, v. New Jersey Racing Commission, OAL Dkt. No. RAC 12669-2011S.
6. Other legal advice or updates regarding any pending matter or litigation.

Discussion of the above matters fall 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 her ethical duties as a lawyer."

It was noted that Commissioner Aponte is participating by telephone.

Commissioner Cofrancesco then motioned to adopt the resolution to adjourn. Commissioner Abbatiello seconded the motion and the Commission adjourned to Executive Session.

The Commission ended the executive session and Commissioner Aponte motioned to return to public session. Commissioner Cofrancesco seconded the motion and the public session resumed.

CONSIDER APPROVAL OF THE MINUTES OF THE PUBLIC AND EXECUTIVE SESSION OF THE JANUARY 25, 2012 COMMISSION MEETING

Commissioner Abbatiello made a motion to approve the public and executive session minutes of the January 25, 2012 public meeting. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE BILLS

Commissioner Cofrancesco made a motion to table the agenda item concerning the bills because there were no bills prepared for the meeting. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE APPROVAL GRANTED TO THE NEW MEADOWLANDS RACETRACK CONCERNING THE FOLLOWING HANDICAPPING CONTESTS:

- a) Harness Handicapping Contest on January 28, 2012
- b) Harness Handicapping Contest on February 28, 2012
- c) Harness Handicapping Contest on March 24, 2012

Commissioner Cofrancesco made a motion to approve the ratification of the approval granted to the New Meadowlands Racetrack to conduct the noted handicapping contests. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE APPROVAL GRANTED TO THE BORGATA HOTEL, CASINO & SPA CONCERNING THE FOLLOWING HANDICAPPING CONTEST:

Borgata Racebook Tournament on Saturday, March 17, 2012

It was noted for the record that Commissioner Aponte recused himself from this matter.

Commissioner Abbatiello made a motion to approve the ratification of the approval granted to the Borgata Hotel, Casino and Spa to conduct the noted handicapping contest. Commissioner Cofrancesco seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF ATLANTIC CITY RACE COURSE'S 2012 WAGERING FORMAT, OFFICIALS, DEPARTMENT HEADS, ETC.

Commissioner Cofrancesco motioned to approve the 2012 wagering format as submitted by Atlantic City Race Course. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER THE REQUEST OF THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY TO AMEND 2012 RACING DATES PREVIOUSLY APPROVED UNDER THE MONMOUTH PARK AND THE MEADOWLANDS' THOROUGHBRED PERMIT

Commissioner Abbatiello made a motion to approve the amended 2012 racing dates requested of the NJSEA, which include 51 dates to be conducted under the Monmouth Park permit and 24 dates to be conducted under the Meadowlands' thoroughbred permit with 10 of the 24 dates to be run at the Meadowlands facility. Commissioner Aponte seconded the motion and all Commissioners voted yes.

CONSIDER ADOPTION OF SPECIALLY ADOPTED AMENDMENTS TO N.J.A.C. 13:74-1.1, 1.2, 2.1 AND 2.2, AND THE SPECIALLY ADOPTED NEW RULES N.J.A.C. 13:74-2.2 AND 2.4 AND AMENDMENTS TO N.J.A.C. 13:74-2.2 AND 2.3 (OFF-TRACK WAGERING AND ACCOUNT WAGERING)

Commissioner Cofrancesco made a motion to table this agenda item because the matter is under legal review. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER THE MATTER OF ERNEST ADAM V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. 6166-08 AND STEPHEN SLENDER V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. RAC 6167-08

Executive Director Zanzuccki provided a summary of the matters which involved out-of-competition testing conducted by the Commission in April 2008 on the horses in the care and custody of standardbred trainer Ernest Adam which were stabled at Winner's International Farm. The initial and confirmatory laboratory testing revealed the presence of Darb-EPO, a synthetic form of Epogen of six horses trained by Adam and owned by Stephen Slender, a licensed veterinarian in California. It was noted by the Executive Director that while at the off-track farm conducting the testing, investigators discovered two locked tack rooms which were later found to contain veterinary prescription drugs, hypodermic needles and syringes as well as a shockwave therapy device. Following a Board

of Judges' hearing, Adam and Slender were found in violation of various Racing Commission rules and regulations, including the practice of veterinary medicine by an unlicensed individual, possession of hypodermic needles and syringes, and failure to safeguard and protect horses under the care, custody and control of a trainer and veterinarian. The Executive Director continued that Adam and Slender appealed the Judges' decision and the matter was transmitted to the OAL for a hearing. On February 9, 2012, ALJ Stein issued an Initial Decision which affirmed the decision of the Commission's Board of Judges and ordered that Ernest Adam and Stephen Slender each be suspended for 13 years, each fined \$56,000 and their licenses be revoked. The ALJ also ordered that Ernest Adam was ordered to pay an additional \$12,000 for the cost of confirmatory testing of the six horses that were under his care. The Executive Director indicated that the matter is now before the Commission to reject, accept or modify.

Commissioner Aponte motioned to accept the Initial Decision of ALJ Stein. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER A SETTLEMENT IN THE MATTER OF MARK FORD V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. RAC 04435-2011N

Commissioner Cofrancesco made a motion to accept the proposed settlement agreement concerning the matter of Mark Ford which includes that the \$500 fine imposed on trainer Mark Ford be waived and the overage of lasix violations be imposed on his record. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER A SETTLEMENT IN THE MATTER OF JERRY EVILSIZOR V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. RAC 05209-2011S

Commissioner Aponte made a motion to accept the proposed settlement agreement concerning the matter of Jerry Evilsizor which includes that the \$750 fine imposed on trainer Jerry Evilsizor be waived and the overage of lasix violations be imposed on his record. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER A SETTLEMENT IN THE MATTER OF ROSS CROGHAN V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. RAC12673-2011S

Commissioner Abbatiello motioned to accept the proposed settlement agreement concerning the matter of Ross Croghan which involves a 20-day suspension, \$1,000 fine and loss of purse earnings imposed on trainer Ross Croghan for violation of the trainer responsibility rule in connection with two flunixin overage tests. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER A SETTLEMENT IN THE MATTER OF JEFFREY WEBSTER, V. NEW JERSEY RACING COMMISSION, OAL DKT. NO. RAC 12669-2011S

Commissioner Cofrancesco motioned to accept the proposed settlement agreement concerning the matter of Jeffrey Webster which involves a 20-day suspension, \$1,000 fine and loss of purse earnings imposed on trainer Jeffrey Webster for violation of the trainer responsibility rule in connection with two flunixin overage tests. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

There being no further discussion or comments from the public, Commissioner Abbatiello moved that the meeting be adjourned. Commissioner Cofrancesco seconded the motion and it was approved unanimously.

ATTEST:

Executive Director Frank Zanzuccki