

**NEW JERSEY RACING COMMISSION
FRIDAY, MAY 20, 2011
LIBRARY ROOM
MONMOUTH PARK
OCEANPORT, NEW JERSEY**

A meeting of the New Jersey Racing Commission was held on Friday, May 20, 2011, in the Library Room of Monmouth Park, located in Oceanport, New Jersey.

The following were present:

Dennis A. Drazin, Chairman
Anthony T. Abbatiello, 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
Noel Love Gross, 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:

Legal advice concerning the approval of the proposed settlement agreement in the matter of William Carter v. NJRC, OAL Docket No. RAC 03156-2011S;

Legal advice concerning the approval of the settlement agreement in the matter of NJRC v. Eric Abbatiello;

Legal advice concerning the adoption of rules pursuant to the amendments to the Off-Track and Account Wagering Act, P.L. 2011, Chapter 26 approved February 23, 2011; and

Other legal advice and/or status of pending 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."

Commissioner Keegan 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 Abbatiello moved to reconvene the public session. Commissioner Keegan seconded the motion and the Commission concurring, the public session resumed.

CONSIDER APPROVAL OF THE MINUTES OF THE PUBLIC AND EXECUTIVE SESSIONS OF THE MARCH 18, 2011 COMMISSION MEETING

Commissioner Cofrancesco motioned to approve the public and executive session minutes of the March 18, 2011 public meeting. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE BILLS

Commissioner Cofrancesco made a motion to approve the bills as certified to by staff. Commissioner Abbatiello seconded the motion and all Commissioners voted to approve the bills as certified to by staff.

CONSIDER A REQUEST BY FREEHOLD RACEWAY TO WAIVE A SECTION OF N.J.A.C. 13:71-16.5 (ENTRIES) CONSISTENT WITH N.J.A.C. 13:71-1.34 (WAIVER OF THE COMMISSION'S RULES) FOR THE FOLLOWING RACES:

Cane Pace Elimination/\$100,000/September 3, 2011
Babic/\$100,000/September 10, 2011
Cane Pace Final/\$300,000/September 10, 2011
Shady Daisy/\$130,000/September 10, 2011

Chairman Drazin motioned to approve the request of Freehold Raceway to waive the section of N.J.A.C. 13:71-16.5 to uncouple the above-listed races. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE APPROVAL GRANTED TO THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY CONCERNING THE FOLLOWING HANDICAPPING CONTESTS:

Horse Player Work Series Qualifier on April 16, 2011 at the Meadowlands
Simulcast Series Challenge Invitational on April 9, 2011 at Monmouth Park
Monmouth Park/Preakness Stakes Contest on May 21, 2011 at Monmouth Park

Commissioner Abbatiello motioned to ratify approval granted to the NJSEA for the noted handicapping contests. Commissioner Cofrancesco seconded the motion and all Commissioners voted yes.

CONSIDER A REQUEST BY FREEHOLD RACEWAY TO ELIMINATE 53 DATES FROM THE 2011 STANDARD BRED RACE MEET

Commissioner Cofrancesco made a motion to approve the request of Freehold Raceway to eliminate the following 53 dates from the 2011 race schedule:

August 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30, 31
September 7, 8, 13, 14, 20, 21, 27, 28
October 4, 5, 10, 12, 18, 19, 25, 26
November 1, 2, 3, 9, 10, 16, 17, 23, 30
December 1, 7, 8, 14, 15, 21, 22, 23, 28, 29, 30, 31

Commissioner Abbatiello seconded the motion and all Commissioners voted yes.
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CONSIDER A REQUEST BY MONMOUTH PARK RACETRACK TO AMEND THE 2011 RACE DATES

Chairman Drazin made a motion to approve the request of Monmouth Park to amend the 2011 race schedule as follows:

Summer/Fall meet beginning May 14 through November 6; and
Meadowlands at Monmouth Park beginning September 21 through December 31

Commissioner Keegan seconded the motion and all of the Commissioners voted yes. It was noted that the changes include 71 dates to be conducted under the Monmouth Park permit and 70 dates will be conducted under the Meadowlands Racetrack permit. Management for the racetrack indicated that if the statute is not amended to reduce the required 141 thoroughbred race dates, the racetrack intends to comply with the law and will conduct 141 days of racing.

CONSIDER THE APPROVAL OF THE PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF WILLIAM CARTER V. NJRC, OAL DOCKET NO. RAC 03156-2011S

Chairman Drazin motioned to approve the proposed settlement agreement in the matter of William Carter. Mr. Carter was found to be in violation of the Commission's rules by engaging in conduct detrimental to racing and will surrender his 2011 Commission license. He will not apply for licensure before 2013, subject to conditions contained in the settlement agreement. It was noted for the record that the agreement has been executed by William Carter and his counsel. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE PROPOSED SETTLEMENT AGREEMENT CONCERNING ERIC ABBATIELLO V. NJRC

It was noted for the record that Chairman Drazin and Commissioner Abbatiello recused themselves from this agenda item, therefore, there was no quorum of Commissioners to consider the matter.

CONSIDER ADOPTION OF RULES PURSUANT TO THE AMENDMENTS TO THE OFF-TRACK AND ACCOUNT WAGERING ACT, P.L. 2011, CHAPTER 26, APPROVED ON FEBRUARY 23, 2011

Executive Director Zanzuccki stated that recent amendments to the Off-Track and Account Wagering Act (which were effective February 23, 2011), require that the Commission adopt and file regulations within three months of the effective date. The Act also states that the regulations shall become effective upon the date they are filed with the Office of Administrative Law as a special adoption. The rules are then effective for a period of 180 days.

Pursuant to the rulemaking procedures, the Racing Commission intends to file proposed regulations before the current rule adoption expires for the purpose of obtaining public comment. The Commission will consider the proposed regulations at the June 15, 2011 public meeting. Prior to the public meeting, a meeting will be scheduled with industry members to solicit their advice and views in advance of the filing of the separate notice of proposal.

It was noted that the regulations will be available to interested parties on the Commission's web site following the meeting.

Chairman Drazin made a motion to approve the special adoption of the rules. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

AGENDA ITEMS FOR DISCUSSION AND INFORMATION

Executive Director Zanzuccki announced the Commission's receipt of the following audited financial statements:

New Jersey Thoroughbred Horsemen's Association
New Jersey Thoroughbred Breeders' Association
New Jersey Standardbred Breeders' and Owners' Association

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

ATTEST:

Executive Director Frank Zanzuccki