

NEW JERSEY RACING COMMISSION  
WEDNESDAY, SEPTEMBER 18, 2013  
“LIBRARY ROOM”  
MONMOUTH PARK  
OCEANPORT, NEW JERSEY

A meeting of the New Jersey Racing Commission was held on Wednesday, September 18, 2013, in the Library Room of Monmouth Park located in Oceanport, New Jersey.

The following were present:

Anthony T. Abbatiello, Commissioner  
Manny E. Aponte, Commissioner (by phone)  
Michael J. Arnone, Commissioner  
Anthony R. Caputo, Commissioner (by phone)  
Pamela J. Clyne, Commissioner  
Anthony G. DePaola, Commissioner  
Francis X. Keegan, Jr., Commissioner  
Peter T. Roselle, Commissioner (Present for part of meeting)  
Frank Zanzuccki, Executive Director  
DAG Judith Nason

The following were absent:

Peter J. Cofrancesco, III, 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 distribution of the Casino Simulcasting Special Fund
  - a) Consider whether to accept for consideration the NJSEA's request for Casino Simulcasting Special Fund monies submitted to the Commission after the filing deadline; and
  - b) Consider distribution of the Casino Simulcasting Special Fund monies accumulated in 2012 pursuant to N.J.S.A. 5:12-205d in the amount of \$981,346.12
2. Legal advice concerning the matter of Jan Henriksen, Joshua Green and Boyd Hudson, Jr. v. New Jersey Racing Commission;
3. Consider petitions filed by permit holders subject to the Participation Agreement entered into prior to the effective date of P.L. 2011, c. 26, to, on an annual basis (as of June 28, 2013), continue to make progress in accordance with the benchmarks as set forth in N.J.A.C. 13:74-2.4(b); and
4. 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 and/or matters involving pending or anticipated litigation.”

It was noted that Commissioner Aponte and Commissioner Caputo were participating by telephone.

Commissioner Keegan motioned to adopt the resolution to adjourn. Commissioner DePaola seconded the motion. The Commission then adjourned to Executive Session.

The Commission ended the execution session and Commissioner Keegan moved to reconvene the public session. Commissioner Clyne seconded the motion and the Commission concurring, the public session resumed. It was noted that Commissioner Roselle had been called away on an emergency and was no longer present to participate at the meeting.

CONSIDER APPROVAL OF THE MINUTES OF THE PUBLIC AND EXECUTIVE SESSIONS OF THE AUGUST 14, 2103 COMMISSION MEETING

Commissioner DePaola made a motion to approve the public and executive minutes of the August 14, 2013 public meeting. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE BILLS

Racing Commission staff recommended to table the item due to the late submission of the document and the need to research a legal matter in connection with the bills. Commissioner DePaola motioned to table the bills. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER THE APPROVAL OF OFFICIALS AND RACE FORMAT FOR THE 2013 MEADOWLANDS RACETRACK THOROUGHBRED RACE MEET

Commissioner DePaola motioned to approve the officials and race format as submitted by Darby Development. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE APPROVAL GRANTED CONCERNING THE FOLLOWING HANDICAPPING CONTESTS:

- a) Winners Bayonne, Winners Simulcasting Series Challenge held on Thursday, August 29, 2013;
- b) Borgata Hotel, Casino and Spa, Borgata Racebook Handicapping Tournament, 2<sup>nd</sup> in a series of three contests on Saturday, September 7, 2013;

- c) Monmouth Park, Monmouth Park and Woodbine Racetrack Handicapping Challenge on Sunday, September 15, 2013; and
- d) Winners Bayonne, Winners Simulcast Series Challenge on Saturday, September 28, 2013.

Commissioner DePaola motioned to ratify approval granted concerning the noted handicapping contests. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER THE REQUEST OF FREEHOLD RACEWAY TO CONDUCT A “RACING UNDER SADDLE” NON-WAGERING EXHIBITION RACE ON SATURDAY, SEPTEMBER 21, 2013

Commissioner DePaola motioned to approve the Racing Under Saddle exhibition at Freehold Raceway. Howard Bruno, General Manager for Freehold Raceway advised the Commission that the event is being sponsored and no purse money will be used to fund the event. Michael Musto, Executive Director of the New Jersey THA inquired as to whether the event will be covered under thoroughbred or standardbred workers' compensation insurance. Executive Director Zanzuccki indicated staff will seek legal advice concerning this issue.

CASINO SIMULCASTING SPECIAL FUND

- a) Consider whether to accept the NJSEA's request for Casino Simulcasting Special Fund monies submitted to the Commission after the filing deadline.
- b) Consider distribution of the Casino Simulcasting Special Fund monies accumulated in 2012 pursuant to N.J.S.A. 5:12-205d in the amount of \$981,346.12.

Commissioner Abbatiello motioned to accept the NJSEA's written request for Casino Simulcasting Special Fund monies which was submitted after the filing deadline. Commissioner Clyne seconded the motion and all Commissioners voted yes.

The Commission afforded the interested parties the opportunity to supplement the record verbally. None of the parties present provided additional information.

In light of the NJSEA's late filing, the Executive Director recommended that the record remain open for 15 days, to the close of business on October 3, 2013, to allow the parties to submit additional comments in regard to the filing by the NJSEA. He asked that any further submissions be circulated to all interested parties as consistent with the rules of practice and procedure and then make recommendations to the Commission. He indicated that once the record is closed, a committee consisting of Racing Commissioners Aponte, Cofrancesco and Keegan will meet to discuss the distribution of the funds.

Commissioner Keegan motioned to close the record on October 3, 2013 and proceed to committee to address the distribution of funds. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER THE MATTER OF JAN HENRIKSEN, JOSHUA GREEN AND BOYD HUDSON, JR . V. NEW JERSEY RACING COMMISSION, OAL DKT. NOS. RAC7539-12, RAC7540-12 AND RAC7541-12

Howard Taylor, Esq., on behalf of the petitioners, was permitted to address the Commission. Mr. Taylor quoted the ALJ's findings that this was not a purposeful attempt to perform an illegal act or to reduce the public's confidence in the integrity of the sport. It was, instead, an unfortunate event.

Mr. Taylor proceeded to explain the events which occurred on the day that the horse was given the shot and subsequently died. Referencing the Initial Decision, Mr. Taylor stated that there was no evidence that the result on that day would have been any different had Dr. Henriksen himself administered the shot, argued that the only reason this case was brought before the Commission is because New Jersey's rules do not permit someone other than a licensed veterinarian to administer medication and emphasized that Joshua Green had no involvement in the death of the horse as he was in Delaware, did not authorize the shot, and therefore, should not be penalized. Mr. Taylor pointed out the ALJ's error regarding the suspension issued to Joshua Green.

Mr. Taylor asked to submit a letter written by Dr. Henriksen. The Executive Director indicated that the Commission could not accept the letter because the record for written submissions was closed. Mr. Taylor summarized Dr. Henriksen's letter by stating

that he regrets the incident and has suffered more than anyone could and no longer works with race horses because of the incident.

Commissioner Keegan asked Executive Director Zanzuccki to read the proposed following motion on his behalf:

The Commission has been provided with the Initial Decision of the Administrative Law Judge (ALJ), the record and a draft Final Decision. The matter involves three individuals: Jan Henriksen, a licensed veterinarian; Boyd Hudson, Jr., a licensed trainer; and Joshua Green, also a licensed trainer. In the Initial Decision, the ALJ concluded that Jan Henriksen violated N.J.A.C. 13:71-20.24, N.J.A.C. 13:71-23.6(d) and N.J.A.C. 13:71-1.19, when he permitted an unauthorized individual to administer a drug or substance to a horse, an act which is detrimental to racing, and then failed to file an equine fatality report following the death of the horse. The ALJ also concluded that licensed trainer, Boyd Hudson, Jr., violated N.J.A.C. 13:71-23.6() [sic], N.J.A.C. 13:71-23.9(a) and N.J.A.C. 13:71-1.19 when he was in possession of a drug or substance and administered that drug or substance to a horse, an act detrimental to racing as he is not a licensed veterinarian. Finally, the ALJ concluded that licensed trainer Joshua Green violated N.J.A.C. 13:71-23.6(a) and (c), N.J.A.C. 13:71-20.24 and N.J.A.C. 13:71-1.19, since the trainer is an absolute insurer and responsible for the condition of a horse within his care and custody and that, by allowing his assistant trainer to inject a drug or substance into a horse committed an act detrimental to racing. Green also failed to file an equine fatality report following the death of that horse.

Upon considering all of the evidence, the ALJ determined that, although Henriksen, Hudson and Green had violated the provisions with which each was charged, the ALJ found the penalties to be unduly harsh. Specifically, the ALJ determined that a six-month suspension and \$5,000 fine was a more appropriate penalty for Henriksen rather than the one-year suspension and \$5,000 fine imposed by the Board of Judges. Additionally, the ALJ determined that a four-month suspension and \$1,000 fine were the appropriate penalties for Hudson, rather than the one-year suspension and \$1,000 fine imposed by the Board of Judges. Finally, the ALJ erred in the belief that the Board of Judges imposed a one-year suspension and \$5,000 on Green, and attempted to reduce it to a four-month suspension and a \$5,000 fine. However, the Board of Judges had originally imposed a 90-day suspension and a \$5,000 fine on Green. The record establishes that a horse known as "Giddy Up Lucky" was trained by Green and Hudson and was being treated for anemia by Henriksen. Giddy Up Lucky was a seven-year old Standardbred race horse that had earned more the \$1 million in purse money. On the

day in question, Henriksen, after having arrived late at the farm, gave Hudson a syringe loaded with “Hip Iron” to be administered to Giddy Up Lucky after the horse had cooled down. Henriksen then left to attend to another horse. The record revealed that the injection was typically administered by being injected into a jug of fluids that the horse received intravenously and not directly injected into the horse as occurred on the day in question. Hudson injected the horse and the horse had an allergic reaction. By the time Henriksen arrived and tried to reverse the reaction, it was too late. The horse had died. Neither Henriksen nor Green (the head trainer) filed an equine fatality report in conjunction with Giddy Up Lucky’s death. It was not until a confidential informant notified authorities of the horse’s death that investigation was conducted.

Permitting an individual who is not a licensed veterinarian to administer any drug or substance is a clear violation of N.J.A.C. 13:71-23.6(d). Additionally, failing to file an equine fatality report after the death of a race horse is a clear violation of N.J.A.C. 13:71-20.24. Both of these violations are serious and clearly detrimental to the sport of horse racing. The Commission’s rules are not mere guidelines; they constitute the law of this State. The rules prohibit any individual other than a licensed veterinarian to administer a drug or substance to a race horse because the safety and health of the horse is of paramount concern. At the hearing, there was testimony from the State Veterinarian that injecting Hip Iron directly into a horse’s bloodstream is notorious for causing anaphylactic shock and that one of the most important factors in treating such a condition is the immediacy of the response. Moreover, contrary to the ALJ’s decision, the death of a race horse is more than simply “unfortunate.” It is a worst case scenario situation. Further, Henriksen’s and Green’s failure to file an equine fatality report can be considered indicative of the seriousness of the violations and their awareness of that fact. To have the horses’ carcass removed without performing an autopsy and failing to file an equine fatality report is the equivalent to pretending the situation never happened.

In the sport of horse racing and in the State of New Jersey, veterinarians and trainers must be held to the highest professional standards and are responsible for awareness of and compliance with the rules and regulations of the sport. The health and safety of the race horses is dependent on the professional responsibility of these individuals and, as a result, veterinarians and trainers are subject to stringent licensing requirements. For Henriksen and Green to pretend as if this situation never happened is the most egregious of violations and the penalty must reflect the seriousness of the violations.

Pursuant to law, the Commission has the legal authority to adopt, modify or reject the ALJ’s Initial Decision. Initially, the Commission adopts the Findings of Facts as set forth in the Initial Decision. However, although the Commission agrees with the

ALJ regarding the fines imposed on Henriksen, Hudson and Green, it does not agree with the ALJ's conclusions in regard to the suspensions imposed on each individual. Therefore, based upon the seriousness of the offenses committed by Henriksen, Hudson and Green and the ample evidence supporting the findings that each violated numerous provisions of the New Jersey Administrative Code and that such violations resulted in the death of a race horse, I move that the Commission reject the ALJ's conclusions regarding the appropriate suspensions to be imposed upon Henriksen, Hudson and Green as set forth in the Initial Decision. Additionally, it is clear that minor technical modifications must be made by the Commission in regard to the reference of provisions violated by Hudson and Green.

The Commission has reviewed the entire record, including the testimony, documents offered into evidence and post-hearing submissions, and additional comment heard today, which is adequate to allow this Commission to issue a Final Decision regarding the Petitioners' individual responsibilities in regard to the administration of a drug or substance by an unauthorized person which resulted in an equine fatality that they failed to report in accordance with the rules and regulations.

I believe that the draft Final Decision accurately interprets and applies the Commission's rules to the facts presented here. As a result, I move that the Commission

reject the suspensions recommended by the ALJ in the Initial Decision and direct staff to issue the draft Final Decision as the decision of this Commission in accordance with N.J.S.A. 52:14B-10.

Specifically, I move that in regards to Henriksen, the Commission reject the ALJ's imposition of a 6-month suspension and order instead that Henriksen's racing license shall be suspended for 1 year. This suspension shall be imposed in addition to the \$5,000 fine ordered by the ALJ.

In regards to Hudson, I move that the Commission reject the ALJ's imposition



of a 4-month suspension and order instead that Hudson's license shall be suspended for 1 year. This suspension shall be imposed in addition to the \$1,000 fine ordered by the ALJ.

Finally, in regards to Green, I move that the Commission reject the ALJ's imposition of a 4-month suspension and order instead that Green's license shall be suspended for 90 days. This suspension shall be imposed in addition to the \$5,000 fine ordered by the ALJ.

Commissioner DePaola seconded the motion and all Commissioners voted yes with the exception of Commissioner Aponte and Commissioner Clyne who abstained. The motion was approved.

Howard Taylor, Esq. stated that there were inaccuracies in the motion and asked to address the Commission.  
Executive Director Zanzuccki indicated that the record was closed and the Commission should not entertain any additional comments with respect to this matter

CONSIDER PETITIONS FILED BY PERMIT HOLDERS SUBJECT TO THE PARTICIPATION AGREEMENT ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF P.L. 2011, C. 26, TO CONTINUE TO MAKE PROGRESS ON AN ANNUAL BASIS (AS OF JUNE 28, 2013), IN ACCORDANCE WITH THE BENCHMARKS AS SET FORTH IN N.J.A.C. 13:74-2.4(B)

Executive Director stated that the Racing Commission received legal advice during executive session and it is now appropriate to consider this matter consistent with the advice.

Commissioner Abbatiello asked the Executive Director to read the following proposed motion on his behalf:

In 2002, the Legislature enacted the Off-Track and Account Wagering Act, N.J.S.A. 5:5-127 et seq. (“Act”), which legalized off-track and account wagering in New Jersey. In February 2011, the Legislature amended the Act in P.L. 2011, c. 26 to compel the permit holders to expedite the establishment and licensure of all of the OTW facilities within their shares and required that the Commission promulgate rules mandating benchmarks that the permit holders must meet to avoid forfeiture of their rights to the unlicensed OTW facilities. In amending the Act, the Legislature directed the Commission to consult with the New Jersey Economic Development Authority (“NJEDA”) to develop progress benchmarks and promulgate rules within three months of February 23, 2011, which was the effective date of the legislation, utilizing an expedited, special adoption procedure. These rules had to set forth benchmarks “for each off-track wagering licensee to follow for the timely and expeditious establishment of each off-track wagering facility.” The Commission promulgated numerous administrative rules in full compliance with this mandate. Rules adopted on May 20, 2011 pursuant to the special adoption procedure were published in the New Jersey Register at 43 N.J.R. 1445(a). The proposed readoption of these rules with amendments were published in the New Jersey Register on January 3, 2012 at 44 N.J.R. 42(a).

Immediately thereafter, on January 17, 2012, the Legislature enacted further amendments to the Act in P.L. 2011, c. 205. These amendments compelled the Commission to make material, substantive changes to the rules it had just proposed to readopt. After consulting with the NJEDA, the Commission amended the benchmarks that had been proposed for readoption to reflect the January 2012 statutory changes. However, pursuant to the requirements of the APA (and without the aid of the special adoption procedure), the Commission’s adoption of N.J.A.C. 13:74-2.4 – the benchmark rule at issue -- did not become effective until notice of the adoption was published in the New Jersey Register at 45 N.J.R. 470(a) on March 4, 2013.

At its June 20, 2012 meeting, the Commission determined that, pursuant to N.J.S.A. 5:5-130(b)(1), the NJSEA, NJM, NJTHA, Freehold Raceway and ACRC had demonstrated that each was making progress toward obtaining an OTW license and establishing an OTW facility according to specified benchmarks developed by the Commission. Based upon this determination, the Commission allowed each permit holder to retain its share of the OTW facilities to be established without being subject to \$1 million deposits provided that each permit holder continued to make progress on an annual basis in

accordance with the requirements of N.J.S.A. 5:5-130 and N.J.A.C. 13:74-2.4(b) by June 28, 2013.

At its June 19, 2013 meeting, the Commission established an August 1, 2013 deadline for submission of petitions by permit holders which demonstrate their compliance with N.J.A.C. 13:74-2.4(b). The Commission received petitions from Freehold Raceway, dated June 28, 2013 and August 1, 2013; NMR, dated August 1, 2013; Darby Development, LLC on behalf of the NJTHA, dated July 31, 2013; and ACRC, dated August 1, 2013.

Pursuant to the requirements of N.J.A.C. 13:74-2.4(b), each permit holder has the burden of demonstrating, to the satisfaction of this Commission, that it has complied with each of the requirements detailed in this rule by June 28, 2013. If the Commission determines that a permit holder has failed to do so, our rules require that we order each unlicensed OTW facility within the permit holder's share shall "be made available to be established by a horsemen's organization in this State" as provided in N.J.S.A. 5:5-130(b)(2). The benchmarks set forth in N.J.A.C. 13:74-2.4(b) set forth clear and rigorous benchmarks that each permit holder must meet in order to avoid potential forfeiture.

In preparation for today's meeting, the Commission sought and received legal advice regarding the application of N.J.A.C. 13:74-2.4(b) and the enforceability of any determination, pursuant to that rule, ordering the forfeiture of the rights to the unlicensed OTW facilities within the permit holders' shares. It has come to the attention of the Commission that certain circumstances related to the adoption of this rule negatively impact the rule's enforceability at this time.

At issue is the fact that N.J.A.C. 13:74-2.4(b) did not become effective until its adoption was published in the New Jersey Register on March 4, 2013. As a result, although the Commission properly ordered each permit holder on June 20, 2012 to continue to make progress on an annual basis, the rule informing the permit holders what each must do by June 28, 2013 did not become law and have legal effect until more than eight months after the date of the Commission's order -- thus, in effect, only giving each permit holder 116 days to make progress during the statutorily-set, one-year period of time.

The delay in the effective date of this rule presents important issues which this Commission must address here today. In addition to considering the enforceability of any decision to apply the forfeiture provisions of the rule as written, the Commission must weigh the fairness of applying these forfeiture provisions to permit holders who were not given a full year to comply with the benchmarks in the rule. Unfortunate and complicated

circumstances delayed the adoption of N.J.A.C. 13:74-2.4(b). I think that there can be no question that enforcement of the rule as written would unfairly impact the rights of the permit holders to the unlicensed OTW facilities within their shares and be contrary to the legislative intent set forth in N.J.S.A. 5:5-130(b) to give the permit holders a full year in which to make progress on an annual basis. An impermissible shortening of the period of time granted to

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the permit holders to comply with our regulatory benchmarks would also be inimical to the public interest and negatively impact the horse racing industry in this State.

This Commission has the authority to waive provisions set forth in our rules. Pursuant to N.J.A.C. 13:70-1.39 (b) and N.J.A.C. 13:71-1.34(b), the Commission may waive the application of our rules on its own motion upon finding that such relief is warranted by any of the following factors:

1. That such a waiver will benefit the horse racing industry in this State;
2. That such a waiver is consistent with the intent of, if not the letter of, its rules; or
3. Where strict application of the rule would create an unnecessary hardship that is contrary to the legislative intent of the underlying statutes, the public interest or the integrity of the sport.

Under the legal circumstances presented here, I believe that the delayed adoption of the progress benchmarks set forth in N.J.A.C. 13:74-2.4(b) constitute an adequate basis to waive compliance with these benchmarks at this time. My fellow Commissioners, I find, and ask that you indicate your agreement with me through an affirmative vote in response to this proposed motion, that all three of these factors are present here. For these reasons, I move that the Commission hereby waive the requirement that the permit holders comply with benchmarks set forth in N.J.A.C. 13:74-2.4(b)(1)(i) through (iv) by June 28, 2013. Fundamental fairness requires that each permit holder be given a full year to comply with the requirements of this rule. As a result, I move that the Commission order each permit holder to comply with the provisions of N.J.A.C. 13:74-2.4(b)(1)(i) through (iv) by March 4, 2014.

The delay in adopting N.J.A.C. 13:74-2.4(b) has further ramifications which the Commission must address. In addition to establishing benchmarks that had to be met by June 28, 2013, this rule sets forth annual and semiannual deadlines that extend through December 31, 2015. Given the delay in adopting this rule, I move that the Commission direct staff to formally amend each of the deadlines in a correspondingly equitable manner. As a result the deadline set forth in N.J.A.C. 13:74-2.4(b)(1)(v) would be changed from December 31, 2013 to September 4, 2014; the deadline in N.J.A.C. 13:74-2.4(b)(2) would be changed from June 28, 2014 to March 4, 2015; the deadline in N.J.A.C. 13:74-2.4(b)(2)(i) would be changed from December 31, 2014 to September 4, 2015; the deadline in N.J.A.C.  
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13:74-2.4(b)(3) would be changed from June 28, 2015 to March 4, 2016; and the deadline in N.J.A.C. 13:74-2.4(b)(3)(i) would be changed from December 31, 2015 to September 4, 2016. In accordance with the requirements of the APA, these amendments will, of course, be proposed for public comment in the New Jersey Register. This concludes my motion.

Commissioner Clyne seconded the motion and all Commissioners voted yes to accept the motion as read by the Executive Director.

#### CONSIDER APPROVAL OF THE RACING COMMISSION'S FY 2014 OPERATING BUDGET

Staff recommended that the item be tabled so that the budget can be further analyzed by the Commission and then placed on a future meeting agenda. Commissioner Clyne motioned to table the item. Commissioner DePaola seconded the motion and all Commissioners voted yes.

#### OTHER DISCUSSION

Robert Kulina, President of Darby Development, addressed the Commission and provided a status report of the proposed off-track wagering facility in Hillsborough, New Jersey. He indicated that the building has recently been purchased and architectural drawings will be received sometime next week along with the hiring of a general contractor. Mr. Kulina indicated that Darby is seeking to open the facility in early to mid-January.

Executive Director Zanzuccki reminded Mr. Kulina that the NJTHA must file an application to obtain an off-track wagering license and recommended they do so as soon as possible.

Executive Director Zanzuccki then announced that the Racing Commission will consider the application for the Gloucester Township Off-Track Wagering Facility at a meeting on October 23, 2013 which will be held at Monmouth Park racetrack.

There being no further discussion or comments from the public, Commissioner Keegan moved that the meeting be adjourned subject to the provisions of the "Open Public Meeting Act." Commissioner DePaola seconded the motion and it was approved unanimously.

ATTEST:

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Executive Director Frank Zanzuccki