

**NEW JERSEY RACING COMMISSION
WEDNESDAY, MAY 26, 2010
LIBRARY ROOM
MONMOUTH PARK
OCEANPORT, NEW JERSEY**

A meeting of the New Jersey Racing Commission was held on Wednesday, May 26, 2010, in the Library Room of Monmouth Park, located in Oceanport, New Jersey.

The following were present:

Dennis A. Drazin, Chairman
James G. Aaron, Commissioner
Anthony T. Abbatiello, Commissioner
Anthony R. Caputo, Commissioner
Peter J. Cofrancesco, III, Commissioner
Noel Love Gross, Commissioner
Francis X. Keegan, Jr., Commissioner
Edward R. McGlynn, Commissioner
Frank Zanzuccki, Executive Director
DAG Judith A. Nason

The following were absent:

It is noted for the record that Commissioners Caputo, Cofrancesco and Gross participated by telephone.

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:

Consider the request of the New Jersey Sports and Exposition Authority to amend their 2010 thoroughbred and standardbred race schedule for 2010.

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

The Commission ended the execution session and Commissioner McGlynn moved to reconvene the public session. Commissioner Abbatiello seconded the motion and the Commission concurring, the public session resumed.

CONSIDER THE REQUEST OF THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY TO AMEND THEIR 2010 THOROUGHBRED AND STANDARD BRED RACE SCHEDULE FOR 2010

It was noted for the record that Chairman Drazin has recused himself from this agenda item.

The Commission considered the application of the New Jersey Sports and Exposition Authority (NJSEA) to reduce the number of thoroughbred racing dates to 71, all of which will be run at Monmouth Park. Fifty thoroughbred dates will be run under the Monmouth Park permit, and 21 will be run under the Meadowlands' thoroughbred permit. The NJSEA's application also requested an amendment to amend the standardbred race dates at the Meadowlands by moving dates into the fall for a fall meet.

Lennon Register, Senior Vice President for Racing at the New Jersey Sports and Exposition Authority, addressed the Commission concerning the amended thoroughbred and standardbred race schedule and indicated that the NJSEA is looking to create some more exciting race dates in the fall during the holiday season.

Commissioner Aaron congratulated Mr. Register on the successful opening of Monmouth Park. He voiced concern of the uncertainty of the future of racing at the Meadowlands as a complex and inquired if there are any plans to address the profitability of standardbred racing through revenue produced to the NJSEA from the Monmouth Park meet. Mr. Lennon responded that the NJSEA is always looking at ways to make both facilities profitable and they are in the process of analyzing the race schedules.

Michael Musto, Executive Director of the New Jersey Thoroughbred Horsemen's Association (THA), asked whether the Commission will be approving the agreements reached among the horsemen's groups. The Commission responded that the Legislature has authorized the terms of the agreement and the loan from the New Jersey Horse Racing Injury Compensation Board to the TBA will be addressed by the Board at its meeting scheduled on June 4, 2010. Executive Director Frank Zanzuccki added that the Commission is in support of the agreement and the concept of the Monmouth Park schedule, however, the Commission is not authorized to approve private agreements.

Commissioner Keegan made the following motion:

WHEREAS, Governor Christie recently signed legislation reducing the number of thoroughbred race dates that the New Jersey Sports and Exposition Authority ("Authority") must conduct in order to participate in off-track and account wagering and casino simulcasting to 71 days, all to be run at Monmouth Park;

WHEREAS, the statutory amendments in this legislation authorize the terms of the March 15, 2010 Agreement reached by the Authority and horsemen's groups, including the authorization of the financial transactions set forth in the Agreement among the Authority and horsemen's groups, the distribution of purse underpays or overpays by the Authority, if any, and changes in the distribution of awards and purses to breeders and owners of New Jersey bred horses;

WHEREAS, in light of these statutory authorizations, the only approval necessary by this Commission today is to grant the Authority's application to amend its 2010 racing permits;

WHEREAS, the Authority, NJTHA, TBA and SBOA all support the requested modifications to the Authority's 2010 thoroughbred and standardbred racing schedules;

WHEREAS, the grant of the Authority's application to amend its three 2010 racing permits is consistent with the "public interest" as defined in N.J.S.A. 5:5-44;

I **MOVE** that the Commission **GRANT** the Authority's application to amend its 2010 racing permits as follows:

1) The number of thoroughbred race dates to be run on the Monmouth Park permit shall be reduced from 93 to 50 days. This reduction results in the cancellation of 43 race dates at Monmouth Park which were scheduled on Wednesdays and Thursdays beginning on June 3rd through September 9th, September 10th and all scheduled race days from September 12th through September 26th.

2) The number of thoroughbred race dates to be run on the NJSEA's permit for the Meadowlands Racetrack shall be reduced from 48 days to 21 days, which shall all be raced at Monmouth Park between September 11th and November 21st. This reduction results in the cancellation of all thoroughbred races scheduled at the Meadowlands Racetrack.

3) Thirteen standardbred race dates currently scheduled for December 2010 shall be rescheduled to create a fall harness meet at the Meadowlands Racetrack on October 23rd, 29th, October 30th, November 5th, 6th, 12th, 13th, 19th, 20th, 26th and 27th and December 3rd and 4th.

Commissioner Abbatiello seconded the motion and all Commissioners voted yes, with the exception of Chairman Drazin who recused himself.

CONSIDER THE REQUEST OF THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY TO WAIVE A SECTION OF N.J.A.C. 13:71-16.5 (ENTRIES) PURSUANT TO 13:71-1.34 (WAIVER OF THE COMMISSION'S RULES)

The Commission considered the NJSEA's request to allow commonly-owned horses to race as individual betting interests in the final of the \$200,000 New Jersey Sire Stakes race for three-year-old pacers to be held at the Meadowlands on May 29, 2010. This request seeks a waiver of the \$500,000 threshold in N.J.A.C. 13:71-16.5 which requires that all commonly-owned horses race as coupled entries unless the purse for the race exceeds \$500,000. The Commission's waiver rule set forth at N.J.A.C. 13:71-1.34, states that the Commission may, within its discretion, grant a waiver from specific provisions of a rule if it is determined that it will benefit the horse racing industry in the State; is consistent with the intent of, if not, the letter of the rules; and where strict application of the rule would create an unnecessary hardship and is contrary to the Legislative intent of the underlying statutes, the public interest or the integrity of the sport. The NJSEA indicated the concern that if they are required to treat all of these horses as one wagering interest, there could be as many five horses racing under as one entry and the wagering for the race will be diminished greatly.

It was noted for the record that the Commission had approved for proposal an amendment to N.J.A.C. 13:71-16.5 which lowers the \$500,000 threshold on such races to \$100,000. The proposed amendment will be transmitted to the Office of Administrative Law when completed. Therefore, this request would fit within the proposed rule and staff recommends approval.

A discussion occurred as to whether approval should be granted to uncouple commonly-owned horses for the duration of the Meadowlands' meeting. It was determined that pursuant to the waiver rule, requests of this type are fact-specific and must be considered at a public meeting. Therefore, the NJSEA must appear before the Commission for any future requests to uncouple common owner entries.

Commissioner McGlynn motioned to approve the request of the NJSEA. Commissioner Keegan seconded the motion and all Commissioners voted yes.

The Executive Director indicated that the consideration of the Commission's budget was removed from the agenda because it was not yet complete.

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

ATTEST:

Executive Director Frank Zanzuccki