

**NEW JERSEY RACING COMMISSION
WEDNESDAY, JANUARY 10, 2018
NEW MEADOWLANDS RACETRACK
“THE GALLERY” GRANDSTAND BUILDING, 2ND LEVEL
1 RACETRACK DRIVE, EAST RUTHERFORD, NEW JERSEY**

A meeting of the New Jersey Racing Commission was held on Wednesday, January 10, 2018 in the Gallery located at the New Meadowlands Racetrack in East Rutherford, New Jersey.

The following were present:

Pamela J. Clyne, Chairman
Michael J. Arnone, Commissioner
John A. Hoffman, Commissioner (by phone)
Francis X. Keegan, Jr., Commissioner
Frank Zanzuccki, Executive Director
SDAG George Cohen

Executive Director Frank Zanzuccki read the following statement:

“This meeting today conforms with Chapter 231, P.L. 1975, called 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 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 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 application of Darby Development, LLC on behalf of the THA for approval to utilize thoroughbred purse monies to fund the 2018 Workers’ Compensation Program;
2. Legal advice concerning the petition for rulemaking filed by New Meadowlands Racetrack to adopt a new rule declaring a horse that tests positive for certain substances ineligible to race for 90 or more days;

3. Legal advice concerning the issuance of a special permit to the New Jersey thoroughbred Horsemen's Association to conduct a special steeplechase race meet on October 20, 2018 in Far Hills and Bedminster Township, New Jersey; and
4. Other matters requiring the advice of counsel.

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 Keegan motioned to adopt the resolution to adjourn. Chairman Clyne seconded the motion. All of the Commissioners present voted to affirm. The Commission then adjourned to Executive Session.

Commissioner Keegan made a motion to adjourn from Executive Session into the Public Session. Chairman Clyne seconded the motion and the Commissioners voted to affirm. The Executive Session ended.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE NOVEMBER 15, 2017 COMMISSION MEETING

Chairman Clyne made a motion to approve the public and executive minutes of the November 15, 2017 public meeting. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER THE APPLICATION OF DARBY DEVELOPMENT, LLC ON BEHALF OF THE THA FOR APPROVAL TO UTILIZE THOROUGHBRED PURSE MONIES TO FUND THE 2018 WORKERS' COMPENSATION PROGRAM

Executive Director Zanzuccki stated that the permit holder has submitted documentation, a resolution and an order from the THA approving the use of purse money for the purpose to fund the 2018 workers' compensation program. The Commission is in receipt of a certification from the President of Darby Development also supportive of this request to utilize more than \$1.25 million from purses to cover the cost of workers' compensation insurance, and in that certification the President states that the use of the money for this purpose will directly advance, preserve and enhance the overall economic well-being of the thoroughbred horse racing industry. Commission staff believes that the use of the purse money to pay the workers' compensation premium does meet the statutory requirements and as such recommends approval of the request as submitted.

Chairman Clyne motioned to approve Darby Development, LLC to utilize thoroughbred purse monies to fund the 2018 workers' compensation program. Commissioner Keegan seconded the motion and all Commissioners voted yes. Michael Vukceovich, on behalf of Darby Development, LLC, thanked the Commission for their support and consideration of this matter.

CONSIDER THE PETITION FOR RULEMAKING FILED BY NEW MEADOWLANDS RACETRACK TO ADOPT A NEW RULE DECLARING A HORSE THAT TESTS POSITIVE FOR CERTAIN SUBSTANCES INELIGIBLE TO RACE FOR 90 OR MORE DAYS

Executive Director Zanzuccki stated that at the November 2017 Commission meeting, the petition was deferred to staff in order to obtain legal advice. The Commission has received legal advice today during executive session and it is the recommendation of staff to deny the request for rulemaking as a result of legal advice. The Commission applauded the New Meadowlands Racetrack the purpose under which the petition was submitted, however, due to a court decision, specifically on point to this request and because the particular matter is ongoing in the courts, the Commission cannot approve the petition at this time.

Commissioner Keegan made a motion to deny the petition for rulemaking as a result of legal advice. Chairman Clyne seconded the motion and all Commissioners voted yes.

CONSIDER ADVERTISEMENT OF PROPOSED AMENDMENTS TO N.J.A.C. 13:70-2.1, N.J.A.C. 13:70-12.1A, N.J.A.C. 13:70-12.20A, N.J.A.C. 13:71-4.1, N.J.A.C. 13:71-14.2A, N.J.A.C. 13:71-14.17B, N.J.A.C. 13:71-14.18 (EXEMPTION FROM CLAIM; VOIDABLE CLAIMS)

Executive Director Zanzuccki stated that the proposed amendments will clarify language in the existing rule regarding exemptions from claims and voidable claims. The Executive Director then summarized the proposed amendments.

Chairman Clyne made a motion to approve the advertisement of proposed amendments to the claims rule. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER ADVERTISEMENT OF AMENDMENTS TO N.J.A.C. 13:70-14A.4, N.J.A.C. 13:70-14A.13, N.J.A.C. 13:70-14A.14, N.J.A.C. 13:71-23.4, AND N.J.A.C. 13:71-23.15 (SPLIT SAMPLE)

Executive Director Zanzuccki stated that the proposed amendments to the split sample rule are required due primarily to advancements in technology with respect to identifying and testing of samples. The current rule provides for split samples of urine only and not blood and currently laboratories test blood for most substances. The Executive Director summarized the proposed amendments. Commissioner Hoffman suggested notifying the owner and trainer of a positive by email rather than verbally due to the 48-hour period in which an owner or trainer must notify the Commission of their request for a split sample. The Executive Director explained that the State Stewards and Judges are in constant contact with trainers who are competing and are able to reach either the trainer or the owner at any time. It was recommended that confirmation of notification of a positive be made by email and the consent of the owner and trainer for a split sample be made in writing. SDAG George Cohen advised that during the course of the public comment period, the Commission could amend the proposal, if warranted, to add notification by email. SDAG Cohen clarified while the Executive Director's comments referenced a two-day period, the proposed amendment indicates a 48-hour time period.

Commissioner Keegan made a motion to approve the advertisement of proposed amendments to the split sample rule. Chairman Clyne seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE CHARITY RACING DAYS FOR 2018

Chairman Clyne motioned to approve the charity racing days for 2018. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER THE ISSUANCE OF A SPECIAL PERMIT TO THE NEW JERSEY THOROUGHBRED HORSEMEN'S ASSOCIATION TO CONDUCT A SPECIAL STEEPLECHASE RACE MEET ON OCTOBER 20, 2018 IN FAR HILLS AND BEDMINSTER TOWNSHIP, NEW JERSEY

Chairman Clyne motioned for the Executive Director to issue a special permit to the NJTHA to conduct a special steeplechase race meet on October 20, 2018 in Far Hill and Bedminster Township, New Jersey. Commissioner Keegan seconded the motion and all Commissioners voted yes.

AGENDA ITEMS FOR DISCUSSION AND INFORMATION

DRUG TESTING STATISTICS FOR 2017

The Executive Director read the following 2017 statistics:

- Human: 357 fluid samples were tested in 2017 resulting in 8 positives. Specifically, 254 standardbred samples were tested along with 103 thoroughbred samples tested. In 2016, 401 samples were tested resulting in 2 positives.
- Equine: 25,958 blood and urine samples were tested in 2017 resulting in 16 positives. Specifically, 20,639 standardbred blood and urine samples were tested resulting in 5 positives, with 5,319 thoroughbred urine and blood samples tested resulting in 11 positives. In 2016, 29,610 blood and urine samples were tested resulting in 68 positives.

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

ATTEST:



Frank Zanzuccki, Executive Director