

**NEW JERSEY RACING COMMISSION
WEDNESDAY, JANUARY 15, 2014
NEW MEADOWLANDS RACETRACK
“THE GALLERY” GRANDSTAND BUILDING
EAST RUTHERFORD, NEW JERSEY**

A meeting of the New Jersey Racing Commission was held on Wednesday, January 15, 2014, in the Gallery, located in the Grandstand Building at the New Meadowlands Racetrack.

The following were present:

Anthony T. Abbatiello, Commissioner
Manny E. Aponte, Commissioner (by phone)
Pamela J. Clyne, Commissioner
Peter J. Cofrancesco, III, Commissioner
Anthony G. DePaola, Commissioner
Francis X. Keegan, Jr., Commissioner
Frank Zanzuccki, Executive Director
DAG Judith A. Nason

The following were absent:

Michael J. Arnone, Commissioner
Anthony R. Caputo, Commissioner
Peter T. Roselle, 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 re-establishment of the Veterinary Advisory Committee composed of Commissioners, licensed practicing veterinarians, regulatory veterinarians and other representatives as deemed necessary.
2. Legal advice concerning a proposed Settlement Agreement in the matter of Timothy Kelly v. New Jersey Racing Commission, OAL Docket No. RAC 13531-13S.
3. Legal advice concerning a proposed Settlement Agreement's in the matter of Kimberly Graci v. New Jersey Racing Commission, OAL Docket No. RAC11505-2013S and the matter of Kevin Patterson v. New Jersey Racing Commission, OAL Docket No. RAC11504-2013S.
4. Legal advice concerning the matter of Renee Allard v. New Jersey Racing Commission, OAL Docket No. RAC 8577-11.
5. 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 is participating by telephone.

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

The Commission ended the execution session and Commissioner Cofrancesco 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 NOVEMBER 20, 2013 COMMISSION MEETING

Commissioner Abbatiello made a motion to approve the public and executive minutes of the November 20, 2013 public meeting. Commissioner Clyne seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF DARBY DEVELOPMENT, INC.'S REQUEST, ON BEHALF OF THE NEW JERSEY THOROUGHBRED HORSEMEN'S ASSOCIATION TO CONDUCT A HANDICAPPING CONTEST ON SATURDAY, JANUARY 4, 2014 AT MONMOUTH PARK RACETRACK

Commissioner Cofrancesco motioned to approve the handicapping contest as requested by Monmouth Park. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE MEADOWLANDS RACING & ENTERTAINMENT'S REQUEST TO CONDUCT A HARNESS HANDICAPPING CONTEST ON SATURDAY, JANUARY 11, 2014 AT THE NEW MEADOWLANDS RACETRACK

Commissioner Clyne motioned to approved the handicapping contest as requested by the New Meadowlands Racetrack. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE BORGATA RACEBOOK'S REQUEST TO CONDUCT A HANDICAPPING CONTEST ON SATURDAY, JANUARY 11, 2014

Commissioner DePaola motioned to approved the handicapping contest as requested by the New Meadowlands Racetrack. Commissioner Clyne seconded the motion and all Commissioners voted yes.

CONSIDER DARBY DEVELOPMENT, INC.'S REQUEST, ON BEHALF OF THE NEW JERSEY THOROUGHBRED HORSEMEN'S ASSOCIATION, TO CANCEL RACES ON FRIDAY, NOVEMBER 1, 2013 DUE TO INCLEMENT WEATHER

Executive Director Zanzuccki indicated that this matter was tabled at the November 20, 2013 Commission meeting in order for Monmouth Park to supply adequate information in support of their request to cancel racing on November 1 due to inclement weather. The Executive Director stated that the Commission is in receipt of additional information which supports their request.

Commissioner Abbatiello inquired if Monmouth Park will request to race the cancelled date. Mr. William Knauf, representing the racetrack, indicated that Darby Development will not seek to reschedule the date.

Commissioner Abbatiello motioned to approve the request of Monmouth Park to cancel racing on November 1, 2013 due to inclement weather and consider that date as being conducted for the purposes of the eligibility to conduct casino simulcasting. Commissioner Clyne seconded the motion and all Commissioners voted yes.

CONSIDER THE MEADOWLANDS RACING & ENTERTAINMENT'S REQUEST TO CANCEL RACES ON SATURDAY, DECEMBER 14, 2013 DUE TO INCLEMENT WEATHER

Executive Director Zanzuccki stated that the permit holder has supplied the required documentation which indicates the race date of December 14 was cancelled due to inclement weather. Commissioner DePaola motioned to approve the request of the New Meadowlands. Commissioner Keegan seconded the motion. Commissioner Abbatiello inquired if the racetrack will seek to reschedule the date. The Executive Director replied that the permit holder was approved for the minimum number of race dates for 2014 and have not requested an additional date for this year to make up for the lost date in 2013.

Comment was heard from Leo McNamara, representing the New Jersey S.B.O.A., who indicated that there is no opportunity to make up the day lost in 2013, however, as concerns the date that has already been cancelled in 2014, contractually, the New Meadowlands will be minus one live race date and the horsemen will seek to discuss this issue with the racetrack. Mr. Darin Zocalli, Director of Racing for the New Meadowlands Racetrack stated that they are certainly open to discussion with the horsemen and does not foresee a problems in rescheduling the date. Following a roll call of the Commission, all Commissioners voted yes to approve the request to cancel the race date.

CONSIDER THE MEADOWLANDS RACING & ENTERTAINMENT'S REQUEST TO CANCEL RACES ON THURSDAY, JANUARY 2, 2014 DUE TO INCLEMENT WEATHER

The Executive Director noted that the New Meadowlands has supplied documentation that supports this request, and in addition it is noted that the Governor had declared a state of emergency on January 2. Commissioner Clyne motioned to approve the New Meadowlands' request to cancel racing on January 2, 2014. Commissioner Abbatiello seconded the motion and all Commissioners votes yes.

RACING COMMISSION ANNOUNCEMENT

Prior to considering the next agenda item, the Executive Director stated that based on advice of counsel, the Commission has changed a policy concerning matters involving appeals from the Office of Administrative Law. He indicated that the record before the Commission closes after the deadline for parties to file exceptions with the Commission. Therefore, the Commission will no longer consider requests to allow individuals to make oral comments to the Commissioners because the record is closed.

CONSIDER A PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF TIMOTHY KELLY V. NEW JERSEY RACING COMMISSION OAL DOCKET NO. RAC 13531-2013S

Commissioner Abbatiello made a motion to approve the settlement agreement involving a \$500 fine issued to thoroughbred trainer Timothy Kelly for violation of the trainer responsibility rule in connection with a Phenylbutazone overage in the horse "Sublime Twist" following the sixth race conducted on January 8, 2013. Commissioner DePaola seconded the motion and all Commissioners voted yes.

CONSIDER A PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF KIMBERLY GRACI V. NEW JERSEY RACING COMMISSION OAL DOCKET NO. RAC 11505-2013S AND IN THE MATTER OF KEVIN PATTERSON V. NEW JERSEY RACING COMMISSION OAI DOCKET NO. RAC 11504-2013S

Commissioner DePaola made a motion to accept the settlement agreement involving a \$1,250 fine issued to each trainer Kimberly Graci and Kevin Patterson concerning a violation of conduct detrimental to racing in connection with the entering of horses at Monmouth Park racetrack with no intention of racing the horses. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER THE MATTER OF RENE ALLARD V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 8577-2011S

Commissioner DePaola motioned to adopt the Initial Decision issued by ALJ Ronald Reba which upholds the Racing Commission's Board of Judges decision to impose a 45-day suspension and \$1,000 fine on the license of trainer Rene Allard in connection with a post-race positive test revealing the presence of Testosterone in the horse "Strand Hanover" following the fifth race conducted on March 19, 2011. Commissioner Keegan seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF 2014 CHARITY DAYS

Commissioner Abbatiello motioned to approve the 2014 charity days. Commissioner DePaola seconded the motion and all Commissioners voted yes.

CONSIDER THE APPOINTMENT OF COMMISSIONER PAMELA CLYNE AND COMMISSIONER FRANCIS KEEGAN TO THE EQUINE WELFARE AND MEDICATION AND TESTING COMMITTEE

Commissioner DePaola motioned to approve the appointment of Commissioners Clyne and Keegan to the Equine Welfare and Medication and Testing Committee. Commissioner Aponte seconded the motion and all Commissioners voted yes.

ITEMS FOR DISCUSSION AND INFORMATION

NOTICE FROM CAESARS ENTERTAINMENT'S ATLANTIC CITY PROPERTIES TO CEASE ALL SIMULCAST OPERATIONS AT MIDNIGHT ON DECEMBER 31, 2013

Executive Director Zanzuccki stated that the Racing Commission received written notification from Caesars Entertainment that it is no longer simulcasting horse racing at all of its properties, specifically, Bally's, Caesars, Harrah's Resort and Showboat) effective December 31, 2013. The Director indicated the Borgata is the only casino conducting casino simulcasting. The Director stated this closing will have an impact on the industry and the money available under the Casino Simulcasting Special Fund.

STATISTICS REGARDING THE 2012 EQUINE AND HUMAN DRUG TESTING PROGRAMS

The Executive Director announced the following statistics:

Human Drug Testing Program:

In 2013, 328 samples tested with 4 positives.

Specifically, in 2013, 64 samples were tested on thoroughbred participants and 264 samples tested were on standardbred participants.

(In 2012, 286 samples were tested resulting in no positives)

Equine Testing Program:

In 2013, 28,581 samples were tested producing 31 positives.

Specifically, in 2013, 21,259 samples were tested during standardbred racing with 25 positive results, and 7,322 samples were collected during thoroughbred racing resulting in 6 positive results.

It was noted that the positive results include lasix overages.

In addition, the samples collected include out-of-competition and TCO2 testing, both of which revealed no positive results.

(In 2012, 21,241 samples were tested producing 14 positives)

NEW BUSINESS

The Commission heard from Dennis Dowd, Esq., on behalf of the New Jersey S.B.O.A. concerning an accident which occurred at Freehold Raceway on January 10, 2014. Mr. Dowd asked the Commission that an investigation be conducted into the accident and that the horsemen be included as part of the investigation. Executive Director Zanzuccki stated that it is Commission policy to not comment on the existence or lack of an investigation and assured Mr. Dowd that Racing Commission staff is very capable of conducting any investigation.

Commissioner DePaola commented on the closing of the Caesars' casino simulcasting properties and asked whether the casino provided a reason for withdrawing from simulcasting horse races. The Executive Director indicated that while no explanation was offered by Caesars, he believes it was based on economics. Commissioner Aponte opined that if it is more profitable for the casinos to go elsewhere, they will likely go in that direction. He also indicated that the casinos should have provided a more solid explanation for ceasing to simulcast horse races.

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 Abbatiello seconded the motion and it was approved unanimously.

ATTEST:



Executive Director Frank Zanzuccki