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Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY RACING COMMISSION
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Commissioners

FRANCESCO ZANZUCCKI
Executive Director

ORDER

IN THE MATTER OF THE APPLICATION OF FREEHOLD RACEWAY OFF-TRACK, LLC, TO RENEW ITS OFF-TRACK WAGERING LICENSE, TO OPERATE AN OFF-TRACK WAGERING FACILITY IN TOMS RIVER TOWNSHIP, NEW JERSEY, FOR THE PERIOD JANUARY 1, 2014, THROUGH DECEMBER 31, 2014

WHEREAS, Freehold Raceway Off-Track, LLC (hereinafter "applicant") holds an initial off-track wagering license, authorizing it to operate an off-track wagering facility in Toms River, New Jersey, which license is scheduled to expire December 31, 2013;

WHEREAS, the applicant has filed an application with the New Jersey Racing Commission ("Racing Commission"), pursuant to N.J.A.C. 13:74-2.2, seeking the renewal of the said off-track wagering license issued to it, for the period encompassing calendar year 2014;

WHEREAS, the Racing Commission considered this matter at its public meeting on November 20, 2013;

WHEREAS, the Racing Commission did find at such time that the applicant continues to meet all legal requirements set forth in the "Off-Track and Account Wagering Act," that the applicant continues to meet all legal requirements set forth in the rules of the Racing Commission inclusive of N.J.A.C. 13:74-2.2, and that the applicant is in substantial compliance with the conditions and terms imposed upon it, for it to hold an off-track wagering license to operate an off-track wagering facility in Toms River Township, New Jersey;




IT IS THEREFORE ORDERED THAT the license of the applicant, authorizing it to operate the said off-track wagering facility, shall be renewed for the period January 1, 2014, through December 31, 2014, subject to the conditions set forth in Schedule A as attached to this Order and incorporated herein;

IT IS FURTHER ORDERED THAT the determinations, as set forth in this Order, are subject to the review and approval of Acting Attorney General John J. Hoffman, pursuant to N.J.A.C. 13:74-2.2(h); and

IT IS FURTHER ORDERED THAT, subject to the review and approval of the Attorney General, the Racing Commission Executive Director shall cause a renewal license to issue to the applicant for its operation of an off-track wagering facility, consistent with the terms and conditions of this Order.

This Order memorializes the action taken by the Racing Commission at its public meeting of November 20, 2013.

New Jersey Racing Commission

By:  Date: 12/12/2013
Frank Zanzuccki, Executive Director

SCHEDULE A – CONDITIONS APPLICABLE TO THE VINELAND CITY, TOMS RIVER TOWNSHIP, WOODBRIDGE TOWNSHIP AND BAYONNE CITY OPERATIONAL OFF-TRACK WAGERING FACILITIES - 2014 CALENDER YEAR LICENSE RENEWAL

- 1) All individuals employed at the off-track wagering facility, and any persons, regardless of location, who are responsible for the supervision or oversight of any aspect of the off-track wagering facility, shall pursuant to N.J.A.C. 13:74-5.1 be required to take out the appropriate license from the Racing Commission.
- 2) All vendors of the off-track wagering facility shall be licensed by the Racing Commission, unless an exemption is granted pursuant to N.J.A.C. 13:74-5.1(f) through (i);
- 3) The off-track wagering licensee, in connection with its operation of the off-track wagering facility, shall comply with the “Standards For Off-Track Wagering Facilities” set forth in Subchapter 6 to Chapter 74 of the New Jersey Administrative Code;
- 4) The off-track wagering licensee shall comply with the conduct of off-track wagering provisions of Subchapter 8 to Chapter 74 of the New Jersey Administrative Code;
- 5) The off-track wagering licensee shall cause to be implemented testing of all new equipment and new software associated with the off-track wagering system, as well as all new equipment on the premises of the facility which can impact the public’s safety or well-being. Prior to utilization of any such new equipment and new software, the off-track wagering licensee shall provide the Racing Commission with a writing evidencing that such testing has been successfully accomplished.
- 6) The off-track wagering licensee shall receive all live races that are offered and transmitted by in-State sending tracks approved by the Racing Commission. Where the off-track wagering licensee offers a wagering opportunity on a race from an approved in-State sending or host track, or from an approved out-of-state sending or host track, each patron of the off-track wagering facility shall be offered the same wagering opportunity on that race;

- 7) Agreements between the off-track wagering licensee and a sending track shall be in writing and shall be filed with the Racing Commission;
- 8) The off-track wagering licensee, unless the Racing Commission approves otherwise, shall use the same hub facility as the account wagering licensee, as required by N.J.A.C. 13:74-8.1. Sportech Racing, LLC (hereinafter "Sportech Racing, LLC") as the present operator of said hub facility, shall comply with all previous requirements imposed upon it by the Racing Commission. The Racing Commission reserves the right to impose additional conditions upon Sportech Racing, LLC Games where necessary to effectuate the purposes of the Act and Chapter 74;
- 9) The off-track wagering licensee, at a location within the off-track wagering facility approved by the Racing Commission, shall provide a comment box with a locking mechanism to allow patrons the ability to provide written complaints to the Racing Commission by depositing a completed form, as provided by the Racing Commission, within the comment box;
- 10) The off-track wagering licensee shall comply with all laws and regulations applicable to its maintenance of any liquor license;
- 11) The off-track wagering facility shall continue to maintain in good working order security and surveillance equipment in public and non-public areas to enhance safety, integrity of wagering, and the integrity of the proceeds from wagering. The money room at the off-track wagering facility, established pursuant to N.J.A.C. 13:74-6.11, shall continue to include closed circuit television equipment. The Racing Commission shall have access to the system or its signal to the same extent as employees of the off-track wagering facility license holder;
- 12) The Racing Commission, its agents and representatives, in furtherance of its regulatory responsibilities, shall have unrestricted access to the off-track wagering facility;
- 13) The off-track wagering licensee shall, in furtherance of the Racing Commission's regulatory responsibilities, continue to provide the Commission with two suitable designated parking spaces;
- 14) The off-track wagering licensee shall, in a timely fashion, satisfy its obligations for Racing Costs as set forth in N.J.A.C. 13:74-10.1;

- 15) The off-track wagering licensee shall comply with all representations made in its application for a license to the Racing Commission, including those within its internal control procedures. Any amendments to the off-track wagering licensee's internal control procedures, prior to implementation thereof, shall be submitted to the Racing Commission Executive Director for approval;
- 16) The off-track wagering licensee shall (within twenty-four hours of such occurrence), notify the Racing Commission in writing, on a form provided by the Racing Commission, of any technological or non-technological occurrence not delegated to the totalisator operator which has disrupted or negatively impacted the ability of the off-track wagering licensee to continually offer wagering to the public or which has temporarily or permanently negatively impacted the integrity of any aspect of the off-track wagering infrastructure. Where delegated to the totalisator operator (that is, Sportech Racing, LLC, Sportech Racing, LLC shall submit such writing within twenty-four hours of the occurrence to the Racing Commission;
- 17) The off-track wagering license may not be transferred or assigned to a successor in interest absent the prior approval of the Racing Commission and Attorney General;
- 18) The off-track wagering licensee shall comply with the Act, the regulations of the Racing Commission, any directives or orders of the Racing Commission, and any additional laws that may be applicable to it;
- 19) The racetrack permit holder, affiliated with the off-track wagering licensee, shall comply with the Act, the regulations of the Racing Commission, any directives or orders of the Racing Commission, and any additional laws that may be applicable; and
- 20) In the event the off-track wagering licensee should determine to enter into a contract or agreement with a person or entity to operate the off-track wagering facility for it, or to act as its agent in all off-track wagering matters approved by the Racing Commission, the provisions of N.J.A.C. 13:74-4.2 and 5.1(c) shall be complied with;
- 21) The issuance of an off-track wagering license to the off-track wagering licensee, as a result of its application, shall not constitute precedent in terms of any other application that the off-track wagering licensee or any affiliate may file with the Racing Commission for the issuance to it of an off-track wagering license;

- 22) The off-track wagering license shall comply with any additional or special conditions which may have been imposed upon it at the time of its initial license grant, or subsequent thereto, which conditions have not affirmatively been removed (or lapsed by the terms thereof).
- 23) The off-track wagering license renewal application for 2015 must be filed in a complete fashion on or before October 15, 2014.
- 24) The determination of the Racing Commission, to grant the renewal license, is subject to the review and approval of the Attorney General, as required by N.J.S.A. 5:5-133 and N.J.A.C. 13:74-2.1; and
- 25) The license renewal grant is subject to and conditioned upon the issuance of a written off-track wagering license pursuant to the related Order of the Racing Commission, following the approval of the Attorney General as required by the Act and Chapter 74 of the New Jersey Administrative Code.

The Racing Commission reserves the right and ability, consistent with its authority, to impose additional conditions upon the off-track wagering licensee where necessary to effectuate the purposes of the Act and Chapter 74 of the New Jersey Administrative Code.