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Commissioners

FRANCESCO ZANZUCCKI
Executive Director

ORDER

IN THE MATTER OF THE PETITION OF ACRA TURF CLUB, LLC AND FREEHOLD RACEWAY OFF-TRACK, LLC SEEKING TO CONTINUE THE STAY OF THE OFF-TRACK WAGERING BENCHMARKS IN N.J.A.C. 13:74-2.4(B)

WHEREAS, in an Order dated June 3, 2014, the Commission waived and temporarily stayed the off-track wagering benchmarks in N.J.A.C. 13:74-2.4 until the legal challenges in ACRA Turf Club, LLC v. Zanzuccki, Civil Action No. 3:12-CV-02775-MAS-DEA are resolved in the District Court;

WHEREAS, on May 2, 2017, the District Court issued a final judgment in ACRA Turf Club, LLC v. Zanzuccki dismissing the litigation;

WHEREAS, on July 5, 2017, ACRA Turf Club, LLC and Freehold Raceway Off-Track, LLC filed a petition asking the Commission to continue to stay the benchmarks set forth in N.J.A.C. 13:74-2.4(b);

WHEREAS, the New Jersey Thoroughbred Horsemen's Association filed comments with the Commission stating it has no objection to the continuation of the stay;

WHEREAS, New Meadowlands Racetrack filed comments in support of the petition stating that a continuation of the stay would benefit all the industry parties involved;

WHEREAS, the Commission received no comments opposing the continuation of the stay;




AND THE COMMISSION FINDING THAT the benchmarks in N.J.A.C. 13:74-2.4(b), which require specific actions by specific dates that have long passed, are obsolete and likely unenforceable:

IT IS THEREFORE ORDERED THAT the Commission shall continue to waive and stay the enforcement of the benchmarks in N.J.A.C. 13:74-2.4(b).

IT IS FURTHER ORDERED THAT staff shall proceed with preparing proposed amendments to N.J.A.C. 13:74-2.4 so that new benchmarks, which can be enforced, are adopted as soon as possible.

This Order memorializes the action taken by the Commission at its September 20, 2017 public meeting.

NEW JERSEY RACING COMMISSION

By: 
Frank Zanzuccki, Executive Director

Date: October 17, 2017