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Commissioners

FRANCESCO ZANZUCCKI
Executive Director

ORDER

**IN THE MATTER OF THE DELEGATION
TO THE EXECUTIVE DIRECTOR, OR
HIS DESIGNEE, OF THE COMMISSION'S
AUTHORITY TO REVIEW, APPROVE AND
OVERSEE HANDICAPPING CONTESTS IN
ACCORDANCE WITH N.J.S.A. 5:5-63.2,
N.J.A.C. 13:70-29.63 AND N.J.A.C.
13:71-27.61**

WHEREAS, the New Jersey Racing Commission has the authority pursuant to N.J.S.A. 5:5-63.2 to allow permit holders or the casino simulcasting licensee to conduct interstate or intrastate thoroughbred or standardbred handicapping contests if the Commission determines that "the holding of such contests is in the best interest of horse racing and the State;"

WHEREAS, the Commission promulgated N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61, which require a permit holder or casino simulcasting licensee to apply to and receive the Commission's written approval for each and every handicapping contest it seeks to conduct in New Jersey, including the Commission's written approval of the handicapping contest's rules and payment of prizes, prior to the permit holder's or casino simulcasting licensee's acceptance of any entry fees for the handicapping contest;

WHEREAS, N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61 set forth the regulatory requirements applicable to the Commission's review, approval and oversight of handicapping contests in New Jersey;

WHEREAS, the frequency of handicapping contests often requires that Commission approval be granted by the Executive Director, or his designee, between regularly scheduled public meetings of the Commission, necessitating



that he then obtain ratification of the approval at the Commission's next public meeting;

WHEREAS, N.J.S.A. 5:5-63.2, N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61 set forth clear standards for the Commission's review, approval and oversight of handicapping contests;

WHEREAS, by Order, dated March 1, 2016, the Commission delegated its authority to review, approve and oversee the conduct of handicapping contests in accordance with N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61 to the Executive Director, or his designee, for calendar year 2016 without obtaining ratification from the Commission;

AND THE COMMISSION FINDING THAT the Executive Director has routinely and properly approved handicapping contests in accordance with the requirements of N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61;

AND THE COMMISSION FINDING THAT granting the Executive Director, or his designee, the authority to review, approve and oversee the conduct of handicapping contests without the need to seek ratification by the Commission will continue to benefit the horse racing industry in this State;

AND THE COMMISSION HAVING AUTHORIZED the Executive Director to execute this Order on the Commission's behalf:

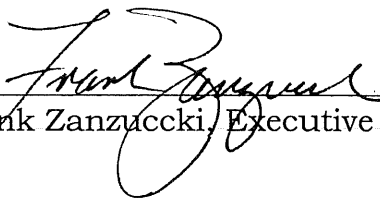
IT IS THEREFORE ORDERED THAT the Commission's authority to review, approve and oversee the conduct of handicapping contests in accordance with N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61 is hereby delegated to the Executive Director, or his designee, indefinitely or until further Order of the Commission.

IT IS FURTHER ORDERED THAT the Executive Director, or his designee, shall not be required to obtain ratification of his approval from the Commission.

IT IS FURTHER ORDERED THAT the Executive Director, or his designee, shall require that permit holders or the casino simulcasting licensee continue to comply with the requirements of N.J.A.C. 13:70-29.63 and N.J.A.C. 13:71-27.61.

This Order memorializes the action taken by the Commission at its public meeting on November 16, 2016.

NEW JERSEY RACING COMMISSION

By:  _____
Frank Zanzuccki, Executive Director

Dated: December 7, 2016