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*Commissioners*

JUDITH A. NASON  
*Acting Executive Director*

## ORDER

### ALLOCATION OF RACE DATES TO STANDARDBRED PERMIT HOLDERS FOR 2019

**WHEREAS**, the New Jersey Racing Commission ("Commission") received timely race date applications for standardbred race dates at the Meadowlands Racetrack and Freehold Raceway;

**WHEREAS**, the Commission considered all information submitted in connection with the permit applications, applications for race dates and the public comment offered at its November 21, 2018 public meeting;

**WHEREAS**, New Meadowlands Racetrack, LLC requested 90 race dates for New Meadowlands Racetrack in calendar year 2019;

**WHEREAS**, FR Park Racing, L.P. requested 76 race dates for Freehold Raceway for calendar year 2019;

**WHEREAS**, the race dates applied for satisfy the conditions of the Off Track and Account Wagering Act, N.J.S.A. 5:5-127 et seq.;

**AND THE COMMISSION FINDING THAT** approval of the race date applications would be in the public interest as set forth in N.J.S.A. 5:5-22 et seq., specifically as provided for in N.J.S.A. 5:5-43 and -44;

**AND THE COMMISSION FINDING THAT** approval of the requested race dates is consistent with the Commission's obligation to endeavor to allot to each applicant the dates requested in the respective applications after giving due consideration to all factors involved, including the interests of the applicants, the industry participants and the public;



**AND THE COMMISSION FINDING THAT** the proposed schedule of standardbred racing dates allows for an orderly transition of standardbred horses from one facility to another, provides for continuity of standardbred racing, and reflects a schedule approaching year round harness racing;

**AND THE COMMISSION FINDING THAT** the proposed schedule of standardbred racing dates will serve to promote the standardbred racing industry, maintain and enhance the employment which it provides, provide revenue to the State and horsemen, help the State maintain and improve its competitive position in relation to neighboring states and provide for recreational opportunities for New Jersey residents who desire to attend standardbred races:

**IT IS THEREFORE ORDERED THAT** the 2019 standardbred race date applications of NMRLLC and FR Park Racing, L.P. are approved subject to acceptance of the conditions set forth in Schedule A which is attached to this Order and incorporated herein.

This Order memorializes the action taken by the Commission at its November 21, 2018 meeting.

**NEW JERSEY RACING COMMISSION**

By: Judith A. Nason  
Judith A. Nason, Acting Executive Director

Dated: December 12, 2018

## Schedule A - Conditions

- 1) Each permit holder shall comply with any and all obligations imposed upon it pursuant to the Racing Act of 1940, N.J.S.A. 5:5-22 et seq., the Off-Track and Account Wagering Act, N.J.S.A. 5:5-127 et seq. and all other applicable state and federal laws.
  
- 2) The permit holder shall be responsible for the prompt and timely payment of any invoice in accordance with N.J.S.A. 13:74-10.1 and 10.2 for "racing costs" as defined by N.J.S.A. 5:5-129. Each permit holder will be called upon to make payments as directed by the Commission for "racing costs" which may include, but shall not be limited to:
  - a) The funding of the Commission's license program;
  - b) The funding of the Commission's drug testing program as well as all costs incurred by the Commission in funding an uniform drug testing and quality assurance program;
  - c) All reasonable fees related to the Commission's appointment of engineers who shall conduct fire, safety and other inspections at each racing association;
  - d) The funding of the Commission's investigative unit; and
  - e) The funding of Commission's Supervisor of Mutuels positions associated with live racing operations and non-casino parimutuel wagering activities.
  
- 3) Each permit holder shall ensure that all statutorily allocated revenues, including those derived from live racing, simulcasting and off-track or account wagering, are distributed as required by law. The Commission's approvals for participation in live racing, simulcasting and off-track or account wagering are conditional upon satisfaction of the live racing permit.
  
- 4) Each permit holder shall make prompt and timely payments pursuant to all "seven-day reports" issued by the Commission, which reports may require the payment of racing costs, purse monies and other racing-related revenue consistent with law.

- 5) By April 1, 2019, each permit holder shall submit to the Commission anticipated capital improvements to be made in 2019 as well as anticipated expenditures to be made in connection with the maintenance and renovation of existing facilities.
- 6) Each permit holder shall, if so directed by the Commission, open its track facilities prior to its scheduled opening date and/or keep its track facilities open later than the scheduled closure date following its respective race meeting(s).
- 7) At least 30 days prior to the opening of a race meeting, the permit holder's Director of Security shall provide the Commission with a list of all persons who will be employed in its security department.
- 8) At least 14 days prior to the opening of a race meet, the permit holder's Director of Security shall review the racetrack's security program with the Commission and the New Jersey State Police.
- 9) Consistent with N.J.S.A. 5:12-195, all permit holders which cancel any live race day or part thereof due to weather or another act of God shall promptly apply for Commission approval if it seeks to count such a canceled race day (or part thereof) toward its statutorily required minimum number of race dates.
- 10) A permit holder seeking to cancel any portion of a race meet due to the voluntary scheduling of a non-racing-related event must obtain the Commission's approval, which approval may be conditioned upon mandatory compensation as determined by the Commission for loss to the State and other racing interests. The voluntary cancellation of a race date shall not count toward the statutorily required minimum number of race dates.
- 11) The issuance and acceptance of this permit shall be deemed an express waiver of any rights the permit holder may have to a renewal of the permit at any time hereafter.
- 12) Permits shall be revocable by the Commission for any violation of applicable statutes, rules or conditions imposed by Commission.
- 13) Permit holders shall file fully completed 2020 permit applications and applications for 2020 race dates with the Commission on or before October 15, 2019.

- 14) If the number of 2020 race dates sought by the permit holder requires the written consent of the Standardbred Breeders' and Owners' Association of New Jersey ("SBOA") pursuant to N.J.S.A. 5:5-156, the permit holder shall obtain the written consent of the SBOA and file it with the Commission on or before November 1, 2019.