



*State of New Jersey*

PHILIP D. MURPHY  
*Governor*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF NEW JERSEY RACING COMMISSION  
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OAL DOCKET NO. RAC 07166-2021

MICHAEL J. ARNONE, D.D.S.  
LAWRENCE DEMARZO  
FRANCIS X. KEEGAN, JR.  
CHARLES E. TOMARO  
GLEN VETRANO  
*Commissioners*

DON TIGER,

Petitioner,

JUDITH A. NASON  
*Executive Director*

v.

**ORDER**

NEW JERSEY RACING COMMISSION,

Respondent.

**WHEREAS**, the New Jersey Racing Commission (“Commission” or “NJRC”) has transmitted the above-referenced contested case to the Office of Administrative Law on August 23, 2021;

**WHEREAS**, on September 15, 2021, counsel for Petitioner submitted an application for emergency relief with counsel for the New Jersey Racing Commission by email with a copy sent to the New Jersey Racing Commission and the Office of Administrative Law;

**WHEREAS**, Petitioner indicated that he sought an Emergency Order staying the disqualification of the horse “Charlie May” in the Meadowlands Pace on July 17, 2021, that both “Charlie May” and “Lawless Shadow” be declared the winner of the Meadowlands Pace for eligibility purposes for entry into the Little Brown Jug on September 23, 2021, and that a telephone hearing be scheduled to hear the application on September 16, 2021;

**WHEREAS**, Administrative Law Judge Andrew M. Baron decided to hear the application, scheduled a conference on September 15, 2021, accepted legal



submissions from the parties on September 16, 2021, conducted an emergent hearing and issued an Order Denying Emergent Relief on September 17, 2021;

**WHEREAS**, the Administrative Law Judge concluded that the Petitioner has not satisfied any of the prongs of the test for emergency relief, “emergent relief cannot be granted at this time” and jurisdiction over the application “is properly vested with the Racing Commission;”

**WHEREAS**, on September 20, 2021, the Commission issued an amended agenda for the September 22, 2021 meeting to consider the application for emergency relief and OAL Order Denying Emergent Relief;

**WHEREAS**, the entry box for the Little Brown Jug closed on September 20, 2021 and the horse “Charlie May” is not entered in the race;

**AND THE COMMISSION FINDING THAT** the Administrative Law Judge did not have jurisdiction to consider the application for emergency relief pursuant to N.J.A.C. 1:1-12.6;

**AND THE COMMISSION FINDING THAT** Petitioner has not demonstrated: a likelihood of success on the merits in the underlying claim on the appeal, irreparable harm will be suffered if relief is not granted, or in balancing the parties’ equities and interests, Petitioner will suffer the greater harm;

**AND THE COMMISSION FINDING THAT** the application for emergency relief is moot because the entry box for the Little Brown Jug is closed and “Charlie May” is not entered in the race;

**IT IS THEREFORE ORDERED THAT** Petitioner’s application for emergency relief is denied.

This Order memorializes the actions taken by the Commission at its public meeting on September 22, 2021.

**NEW JERSEY RACING COMMISSION**

By:

  
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Judith A. Nason, Executive Director

Dated: October 13, 2021