

NEW JERSEY RACING COMMISSION
WEDNESDAY, SEPTEMBER 14, 2016
“LIBRARY ROOM”
MONMOUTH PARK
OCEANPORT, NEW JERSEY

A meeting of the New Jersey Racing Commission was held on Wednesday, September 14, 2016 in the Library Room, located at Monmouth Park, Oceanport, New Jersey.

The following were present:

Pamela J. Clyne, Chairman
Anthony T. Abbatiello, Commissioner
Michael J. Arnone, Commissioner
Peter J. Cofrancesco, III, Commissioner
Francis X. Keegan, Jr., Commissioner
Peter T. Roselle, Commissioner (by phone)
Frank Zanzuccki, Executive Director
SDAG George Cohen

Executive Director Frank Zanzuccki read the following statement:

“This meeting today conforms with Chapter 231, P.L. 1975, called the “Open Public Meetings Act,” and as per the requirements of the statute, notification of this meeting has been filed with the Secretary of State and with the following newspapers: Daily Racing Form, Bergen Record, Asbury Park Press, Courier-Post and the Newark Star Ledger.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein

the public interest might be disserved, the Open Public Meetings Act permits bodies to exclude the public from that portion of a meeting at which certain matters are discussed.

NOW, THEREFORE, BE IT RESOLVED that consistent with N.J.S.A. 10:4-12(b), the Commission will now adjourn to executive session to obtain legal advice protected from disclosure by the attorney-client privilege on the following matters:

1. Legal advice concerning the distribution of the Casino Simulcasting Special Fund monies (Accumulated in 2015) pursuant to N.J.S.A. 5:12-205d;
2. Legal advice concerning approval of the request of the Thoroughbred Horsemen's Association to extend the term of the off-track wagering license for Favorites at Hillsborough to December 31, 2016 pursuant to N.J.A.C. 13:74-2.3(b);
3. Legal advice concerning a Settlement Agreement in the matter of Jeffrey Dauplaise v. New Jersey Racing Commission; and
4. Other matters requiring the advice of counsel.

Discussion of the above matters falls within the exceptions under the law; specifically, matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the Commission's attorney to exercise his ethical duties as a lawyer, and/or matters involving pending or anticipated litigation."

Commissioner Cofrancesco motioned to adopt the resolution to adjourn. Commissioner Keegan seconded the motion. All of the Commissioners present voted to affirm. The Commission then adjourned to Executive Session.

Commissioner Keegan made a motion to adjourn from Executive Session into the Public Session. Commissioner Cofrancesco seconded the motion and the Commissioners voted to affirm. The Executive Session ended.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE JULY 13, 2016 COMMISSION MEETING

Commissioner Cofrancesco made a motion to approve the public and executive minutes of

the July 13, 2016 public meeting. Commissioner Keegan seconded the motion and all Commissioners voted yes with the exception of Commissioner Roselle who had not yet joined the meeting.

CONSIDER DISTRIBUTION OF THE CASINO SIMULCASTING SPECIAL FUND MONIES (ACCUMULATED IN 2015) PURSUANT TO N.J.S.A. 5:12-205D

Commissioner Roselle joined the meeting by phone during the discussion of this item but did not vote because he was recused.

Executive Director Zanzuccki indicated that the Commission solicited requests from the interested parties and that information received was circulated. At this time, there is an opportunity for the interested parties to make any additional oral comments concerning the 2015 Casino Simulcasting Special Fund monies.

The Racing Commission allowed oral comment from the industry. None of the racetracks or horsemen's associations had additional comment.

Chairman Clyne questioned the SBOA as to how the horsemen's association will evaluate the various qualifications of each of the standardbred retirement organizations that have requested to funds from the SBOA. The Chairman asked which retirement organizations the SBOA will consider. Al Ochsner, Executive Administrator of the SBOA, indicated that in addition to the Standardbred Retirement Foundation, the SBOA will consider donating funds to two standardbred retirement organizations that are new to the SBOA: Horse Lovers United and Horse Rescue United. Chairman Clyne asked the process the SBOA will use to evaluate the organizations to make sure that any funds allocated by the Commission will be used for a carefully managed program that benefits retired racehorses in New Jersey. Chairman Clyne expressed the importance of stringent criteria for the planned aftercare of retired racehorses such as that provided by the Standardbred Retirement Foundation. Chairman Clyne also indicated that the SBOA must provide the Commission with information regarding the SBOA's evaluation of the retirement organizations before the Commission can consider the allocation of CSSF monies for this proposed program. Mr. Ochsner stated that the SBOA will interview each organization, evaluate the organizations on their merit, determine how many horses have been placed and assess the organizations' financial well-being. Mr. Ochsner asked whether the Commission would consider the other portion of the SBOA's request for CSSF funds in the meantime. Executive Director Zanzuccki acknowledged that the SBOA had asked for a larger portion of CSSF monies to fund the SBOA's health and welfare program with \$8,000 requested for retirement organizations. The Executive Director stated that the Commission prefers to distribute all of the CSSF monies at one time and he recommended that the

Commission give the SBOA until September 23, 2016 to provide the information requested by Chairman Clyne.

The Executive Director recommended that the Commission make a motion that the record remain open until September 23, 2016 for the purpose of receiving the additional information from the SBOA, that a committee be appointed to consider the information submitted and that the committee report back at a subsequent meeting of the Commission to recommend distribution of the fund. The Director noted for the record that Chairman Clyne and Commissioners Cofrancesco and Keegan have volunteered to be members of the committee.

Commissioner Keegan motioned to accept the recommendation of the Executive Director. Chairman Clyne seconded the motion and all Commissioners voted yes with the exception of Commissioner Roselle who had recused himself from this agenda item.

CONSIDER APPROVAL OF THE WAGERING FORMAT, ADMISSION PRICES, DEPARTMENT HEADS, RACING OFFICIALS, ETC. FOR THE FREEHOLD RACEWAY 2016 SUMMER/FALL MEET COMMENCING ON AUGUST 26, 2016

Commissioner Abbatiello made a motion to approve the 2016 summer/fall race format of Freehold Raceway. Commissioner Cofrancesco seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE WAGERING FORMAT, ADMISSION PRICES, DEPARTMENT HEADS, RACING OFFICIALS, ETC. FOR THE 2016 MONMOUTH PARK AT THE MEADOWLANDS THOROUGHBRED FALL RACE MEET COMMENCING ON SEPTEMBER 28, 2016

John Heims, Esq., on behalf of Monmouth Park, advised the Commission that the take-out rate on all wagers will be reduced to 15 percent. He stated that by reducing the take-out rate, Monmouth Park is anticipating it will interest more people in watching live racing as well as simulcasting races.

Commissioner Cofrancesco made a motion to approve the 2016 Monmouth Park at the

Meadowlands thoroughbred fall race format. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE WAGERING FORMAT, ADMISSION PRICES, DEPARTMENT HEADS, RACING OFFICIALS, ETC. FOR THE 2016 NEW MEADOWLANDS FALL RACE MEET COMMENCING ON SEPTEMBER 9, 2016

Commissioner Keegan made a motion to approve the 2016 New Meadowlands Racetrack fall race format. Chairman Clyne seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE REQUEST OF THE THOROUGHBRED HORSEMEN'S ASSOCIATION TO EXTEND THE TERM OF THE OFF-TRACK WAGERING LICENSE FOR FAVORITES AT HILLSBOROUGH TO DECEMBER 31, 2016 PURSUANT TO N.J.A.C. 13:74-2.3(B)

Commissioner Arnone motioned to approve the request of the NJTHA to extend the license for Favorites at Hillsborough which will cause the license renewal for the off-track wagering facility to again occur on a calendar year basis starting in 2017 subject to the conditions set forth in the Commission's Final Determination and Order, dated September 21, 2015. Commissioner Abbatiello seconded the motion and all Commissioners voted yes.

CONSIDER A SETTLEMENT AGREEMENT IN THE MATTER OF JEFFREY DAUPLAISE V. NEW JERSEY RACING COMMISSION OAL DOCKET NO. RAC-04547-16

Chairman Arnone motioned to approved the settlement agreement which involved a three-year license suspension and \$35,000 fine issued to Jeffrey Dauplaise. Commissioner Keegan seconded the motion and all Commissioners voted yes with the exception of Chairman Clyne who voted no. The motion carried and was approved.

ITEMS FOR DISCUSSION AND INFORMATION

Presentation by Anthony Fontana, Ph.D., Technical Director, Truesdail Laboratories, Inc.

Dr. Anthony Fontana, Director of Truesdail Laboratories, made a presentation to the Commissioners regarding the testing services currently provided by Truesdail Laboratory

and the Commissioners asked questions of Dr. Fonatana.

There being no further discussion or comments from the public, Commissioner Arnone moved that the meeting be adjourned. Chairman Clyne seconded the motion and it was approved unanimously.

ATTEST:

Executive Director Frank Zanzuccki