

**NEW JERSEY RACING COMMISSION
WEDNESDAY, JULY 19, 2023
MONMOUTH PARK
“LIBRARY ROOM”
OCEANPORT, NEW JERSEY**

A public meeting of the New Jersey Racing Commission (“NJRC” or “Commission”) was held on Wednesday, July 19, 2023 in the “Library Room,” located at Monmouth Park racetrack in Oceanport, New Jersey.

The following were present:

Michael J. Arnone, D.D.S., Commissioner (by phone)
Lawrence DeMarzo, Commissioner
Francis X. Keegan, Jr., Commissioner
Charles E. Tomaro, Commissioner (by phone)
Judith A. Nason, Executive Director
Laura Wilton, Esq., Assoc. Counsel, Governor’s Authorities Unit (by phone)
Sara Ben-David, Counsel to the Attorney General (by phone)
Miae Park, Senior Counsel to the Attorney General (by phone)
SDAG George Cohen

Executive Director Nason read the following resolution:

This meeting today conforms with 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 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 ratification of a letter agreement among the Horseracing Integrity and Welfare Unit, the Horseracing Integrity and Safety Authority and the New Jersey Racing Commission.

2. Legal advice concerning the settlement agreement in Mark Kesmodel v. New Jersey Racing Commission, OAL Docket No. RAC 03292-2021S.
3. Other legal advice.

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 Keegan motioned to adjourn into Executive Session. Commissioner DeMarzo seconded the motion. All of the Commissioners voted to adjourn.

Commissioner Keegan made a motion to adjourn from Executive Session into the Public Session. Commissioner Arnone seconded the motion and all of the Commissioners voted yes.

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE MAY 24, 2023 MEETING

Commissioner Arnone made a motion to approve the public and executive minutes of the May 24, 2023 Commission meeting. Commissioner DeMarzo seconded the motion and all the Commissioners voted yes.

CONSIDER APPROVAL OF THE OFFICIALS, POOLS, POST-TIME, PRICES AND WAGERING FORMAT FOR FREEHOLD RACEWAY'S 2023 SUMMER/FALL MEET

Executive Director Nason explained that on June 28, 2023, General Manager Howard Bruno filed a request to approve the racing and wagering format for Freehold Raceway's summer/fall meet. The meet will begin on August 25, 2023 and continue through December 30, 2023 with racing on Fridays and Saturdays and racing on the following Thursdays: September 14, 21, 28, October 5 and 12. Post-time will be 12:30 pm. The department heads and wagering format remain the same as those the Commission approved for the winter/spring meet earlier this year except the Starter will be Richard Ringler.

Commissioner Keegan motioned to approve Freehold Raceway's racing and wagering format. Commissioner DeMarzo seconded the motion and all of the Commissioners voted yes.

CONSIDER APPROVAL OF THE OFFICIALS, POOLS, POST-TIMES AND PRICES FOR THE 2023 THOROUGHBRED MEET AT THE MEADOWLANDS RACETRACK

Executive Director Nason explained that on July 7, 2023, Director of Racing, John F. Heims, filed a request seeking Commission approval of the racing and wagering format for the thoroughbred meet at the Meadowlands. The meet will consist of ten days of all-turf racing on September 15, 16, 22, 23, 29, 30, October 6, 7, 13, and 14 with a 7:00 pm post-time. The officials are the same as last year's Meadowlands' meet except this year's Starter will be Michael Redwood.

Commissioner Keegan made a motion to approve the Meadowlands Racetrack's racing and wagering format. Commissioner DeMarzo seconded the motion and all of the Commissioners voted yes.

CONSIDER RATIFICATION OF A LETTER AGREEMENT AMONG THE HORSERACING INTEGRITY AND WELFARE UNIT, THE HORSERACING INTEGRITY AND SAFETY AUTHORITY AND THE NEW JERSEY RACING COMMISSION

Executive Director Nason stated that on May 22, 2023, the Horseracing Integrity and Welfare Unit ("HIWU") assumed control of HISA's Anti-Doping and Medication Control Program for thoroughbred racing. On May 18, 2023, Commission staff entered into a limited Letter Agreement, with HIWU and HISA. The Letter Agreement is before the Commission for ratification or rejection.

Executive Director Nason explained that pursuant to the terms of the Letter Agreement, the Commission agrees that on race day, the Commission's stewards will select horses for post-race testing and a NJRC employee will place the testing tags on the halters of the selected horses immediately after the race. HISA agrees to pay the Commission the actual costs of the services performed by the NJRC's employees.

Executive Director Nason indicated that the Letter Agreement, which is effective from May 22, 2023 through December 31, 2023, is subject to ratification or rejection by the Commissioners at the meeting.

Commissioner DeMarzo made the motion to approve the Letter Agreement, Commissioner Arnone seconded the motion and all of the Commissioners voted yes.

CONSIDER APPROVAL OF THE STANDARD BRED BREEDERS AND OWNERS ASSOCIATION OF NEW JERSEY'S STATUTORY BUDGET FOR 2023

Executive Director Nason stated that the SBOA has submitted a 2023 budget. The budgeted income for 2023 is \$2,520,000, which is a \$12,000 increase over its 2022 budget. The SBOA anticipates that \$1,836,750 will be dedicated to benevolence programs. She explained that this works out to be 72.89% of its funding, which exceeds the 70% minimum required in N.J.A.C. 13:71-1.25(g) by \$72,750.

Commissioner Keegan made the motion to approve the SBOA's 2023 budget. Commissioner Arnone seconded the motion and all of the Commissioners voted yes.

CONSIDER THE SETTLEMENT AGREEMENT IN MARK KESMODEL V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 03292-2021S

Executive Director Nason explained that on October 24, 2020, the horse "Bobbies Power Play," trained by Petitioner Mark Kesmodel, finished first in the first race at Freehold Raceway. Post-race testing revealed the presence of both phenylbutazone and flunixin in the horse's blood sample, which is a stacking violation. The Board of Judges conducted a hearing and determined that Petitioner violated N.J.A.C. 13:71-23.1, 23.6, and 23.8. The judges imposed a 15-day suspension and \$500 fine, disqualified the horse and ordered loss of purse. The trainer appealed and the matter was transmitted to the Office of Administrative Law as a contested case.

She stated that Petitioner and counsel for the Commission negotiated a proposed settlement agreement. Pursuant to the terms of the agreement, Petitioner would serve a 22-day suspension and agree to disqualification of the horse, loss of purse, withdraw his appeal and waive his right to a hearing.

Executive Director Nason stated that the decision whether to approve the proposed settlement agreement lies within the Commissioners' discretion, noting that staff recommend approval.

Commissioner DeMarzo made the motion to approve the settlement agreement. Commissioner Arnone seconded the motion and all of the Commissioners voted yes.

ITEMS FOR DISCUSSION AND INFORMATION

The Executive Director advised that copies were available of the breakdown of New Jersey wagering on Preakness Day, May 20, 2023, and on Belmont Stakes Day, June 10, 2023.

Executive Director Nason advised that the next scheduled Commission meeting is September 20, 2023, which will also be at Monmouth Park.

Finally, the Executive Director asked if anyone would like to comment or bring new business to the Commission's attention.

Alice Allen, a member of the public in attendance, discussed the importance of integrity in horse and harness racing. Ms. Allen indicated that she has spoken before regulatory bodies and state legislatures regarding the need to improve integrity. Ms. Allen stated that she possesses evidence of wrongdoing within the racing industry.


In response to the statement that she has evidence of wrongdoing, Executive Director Nason asked Ms. Allen for her contact information and indicated that the NJRC's Supervisor of Investigations would contact her to interview her and accept the evidence.

Jason Settlemoir, COO and General Manager of New Meadowlands Racetrack, spoke next and stated that he would also like Ms. Allen's contact information and expressed an interest in obtaining a copy of any evidence of wrongdoing she possesses.

There were no additional comments.

Commissioner Keegan moved that the meeting be adjourned. Commissioner Arnone seconded the motion and all of the Commissioners voted yes.

ATTEST:



Judith A. Nason, Executive Director