

**NEW JERSEY RACING COMMISSION
WEDNESDAY, MARCH 20, 2024
MEADOWLANDS RACETRACK
“SKYBOX SUITES”
EAST RUTHERFORD, NEW JERSEY**

A public meeting of the New Jersey Racing Commission (“NJRC” or “Commission”) was held on Wednesday, March 20, 2024 in the “Skybox Suites” at the Meadowlands Racetrack, East Rutherford, New Jersey.

The following were present:

Lawrence DeMarzo, Commissioner
Arlene Quinones Perez, Esq., Commissioner
Glen Vetrano, Commissioner
Michael J. Arnone, Commissioner (by phone)
Charles E. Tomaro, Commissioner (by phone)
Judith A. Nason, Executive Director
Samuel Kovach-Orr, Assoc. Counsel, Governor’s Auth. Unit
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 the settlement agreement in Jose Carlos Montalvo v. New Jersey Racing Commission, OAL Docket No. RAC 07031-2021.

2. Legal advice concerning the initial decision in Walter E. Haynes, Jr. v. New Jersey Racing Commission, OAL Docket No. RAC 01950-22.
3. Legal advice concerning the initial decision in Frank Russo v. New Jersey Racing Commission, OAL Docket No. RAC 07152-21.
4. 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 Tomaro motioned to adjourn into Executive Session. Commissioner Vetrano seconded the motion. All of the Commissioners voted to adjourn.

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

CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE JANUARY 24, 2024 MEETING

Commissioner Perez made a motion to approve the public and executive minutes of the January 24, 2024 Commission meeting. Commissioner Vetrano seconded the motion and all Commissioners voted yes.

CONSIDER RATIFICATION OF THE CANCELLATION OF RACING AT FREEHOLD RACEWAY ON JANUARY 19 AND 20, 2024

Executive Director Nason stated that on January 18, 2024, Howard Bruno, General Manager of Freehold Raceway, requested approval to cancel racing on January 19, 2024 due to an anticipated storm, which included the forecast for six inches of snow. Executive Director Nason advised that she approved the cancellation of racing subject to the ratification of the Commission at its next public meeting.

Executive Director Nason stated that on January 19, 2024, Mr. Bruno requested approval to cancel racing on January 20, 2024 because the winter storm, which dropped about 3 inches of snow in Freehold, caused "unsafe track conditions." Executive Director Nason advised that once again, she approved

the cancellation of racing subject to the ratification of the Commission at its next public meeting.

Commissioner Tomaro made a motion to ratify the cancellation of racing at Freehold Raceway. Commissioner Perez seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE RACING AND WAGERING FORMAT FOR THE MONMOUTH PARK MEET

Executive Director Nason stated that on March 6, 2024, Vice President of Business Operations Bill Knauf filed a request seeking approval of Monmouth Park's racing and wagering format in 2024. She explained that the Monmouth Park meet is scheduled to begin on May 11, 2024. First-race post-times are as follows: 12:50 pm on Saturdays, Sundays and Mondays; 2:00 pm on Fridays; 12:00 pm on Haskell Day, which is July 20th; and time to be determined on Thursday, July 4th. Monmouth Park requests permission to offer up to 14 races per day. Races will offer win, place, show, exacta, trifecta, superfecta, Double, Pick 3, Pick 4 and Pick 5 wagering per management's discretion. The track will continue the Jersey Shore 6 (jackpot wager) as well.

Executive Director Nason noted that the department heads and racing officials are the same as those approved in 2023 with the exception of Matt Dinerman who replaces Chris Griffin as track announcer.

Commissioner Perez made a motion to approve the racing and wagering format for the Monmouth Park meet. Commissioner Vetrano seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE 2024-2025 BUDGET OF THE NEW JERSEY JOCKEY'S HEALTH AND WELFARE TRUST

Executive Director Nason stated that the Jockey's Health and Welfare Trust's estimated budget is for May 1, 2024 through April 30, 2025. The estimated budget is \$229,142.76, which represents an increase of \$36,627 compared to last year's approved budget of \$192,515.76. This is a 19% increase.

Executive Director Nason explained that pursuant to statute, \$150,000 of breakage from off-track wagering and account wagering and uncashed ticket monies on out-of-state races are distributed to the jockey's health and welfare trust. In addition to the annual statutory contribution of \$150,000, the trust has estimated that it will receive contributions of \$99,151.84 from active and retired riders resulting in a projected surplus of \$20,009.08.

Commissioner DeMarzo made a motion to approve the 2024-2025 budget of the New Jersey Jockey's Health and Welfare Trust. Commissioner Tomaro seconded the motion and all Commissioners voted yes.

CONSIDER APPROVAL OF THE NEW JERSEY RACING COMMISSION'S FY2024 PROGRAM BUDGET

Executive Director Nason advised that the projected FY2024 budget, before revenue and credits, is \$8,273,735. This is a 3.1% increase of \$247,630 over the FY2023 budget of \$8,026,104.

Executive Director Nason stated that although total salary projections decreased by \$67,309 in FY2024 due to staff vacancies, the total salary and benefits for FY2024 increased by \$157,458, from \$5,709,604 in FY2023 to \$5,867,063 in FY2024. This increase was caused by increases in salaries and fringe benefits for State employees. In FY2024 there is an 8.7% increase in the cost of fringe benefits.

Executive Director Nason noted that the budget also includes a 28.1% decrease in testing in FY2024, which was the result of HISA taking control over thoroughbred testing on May 22, 2023.

Commissioner Perez made a motion to approve the New Jersey Racing Commission's FY2024 program budget. Commissioner Arnone seconded the motion and all Commissioners voted yes.

CONSIDER THE SETTLEMENT AGREEMENT IN JOSE CARLOS MONTALVO V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 07031-2021

Executive Director Nason stated that on July 16, 2021, the New Jersey Racing Commission's Board of Stewards at Monmouth Park conducted a hearing and determined that Jose Carlos Montalvo ("Petitioner") violated the Commission's riding crop, N.J.A.C. 13:70-11.12(a), while riding the horse "MI Six" in the first race on July 11, 2021. The Board of Stewards found that Petitioner used his riding crop in a prohibited manner and imposed a 5-day license suspension and a \$500 fine.

Executive Director Nason explained that the NJRC's riding crop rule prohibited the use of the riding crop unless necessary for the safety of the horse or rider. The video recording of the race shows Petitioner striking the horse with the riding crop at least 5 times during the race.

Executive Director Nason advised that Petitioner appealed and the matter was transmitted to the Office of Administrative Law ("OAL") as a contested case. At the OAL, attorneys for the parties negotiated a proposed settlement agreement.

Executive Director Nason stated that pursuant to the proposed agreement, Petitioner would agree to serve a 3-day suspension, pay a \$1,000 fine, and have a record of violating N.J.A.C. 13:70-11.12(a). He would withdraw his appeal and waive his right to a hearing.

Commissioner Perez made a motion to approve the settlement agreement. Commissioner Vetrano seconded the motion and all Commissioners voted yes with the exception of Commissioner DeMarzo who voted no.

CONSIDER THE INITIAL DECISION IN WALTER E. HAYNES, JR. V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 01950-22

Executive Director Nason stated that on May 15, 2021, “Majestic Player A,” which was trained by Walter E. Haynes, Jr. (“Petitioner”), finished second in the 9th race at the Meadowlands Racetrack. The horse’s post-race blood sample tested positive for Aminocaproic Acid, which is commonly known as Amicar, a Class 4 drug that is used to help blood clot.

Executive Director Nason explained that split sample testing confirmed the positive. The Board of Judges conducted a hearing and determined that Petitioner violated N.J.A.C. 13:71-23.1, 23.6, 23.7 and 23.8. The judges fined Petitioner \$1,000, disqualified the horse, ordered loss of purse and imposed ½ Multiple Medication Violation (“MMV”) point.

Executive Director Nason stated that Petitioner appealed and the matter was transmitted to the OAL on March 10, 2022 as a contested case. On January 10, 2024, the OAL issued an initial decision which affirmed the findings of violation and the penalties imposed by the Commission’s Board of Judges.

Commissioner Tomaro made a motion to adopt the initial decision. Commissioner Perez seconded the motion and all Commissioners voted yes.

CONSIDER THE INITIAL DECISION IN FRANK RUSSO V. NEW JERSEY RACING COMMISSION, OAL DOCKET NO. RAC 07152-21

Executive Director Nason stated that on June 6, 2021, the horse “Unprecedented,” trained by Frank Russo (“Petitioner”), finished second in the 7th race at Monmouth Park. The horse’s post-race sample tested positive for Phenylbutazone in excess of the permitted threshold amount. Petitioner declined split sample testing.

Executive Director Nason explained that on July 8, 2021, the NJRC’s Board of Stewards conducted a hearing and issued Ruling No. 21MON26 finding that Petitioner violated N.J.A.C. 13:70-1.15, N.J.A.C. 13:70-14A.1(b)(14),

N.J.A.C. 13:70-14A.9(f)(1) and (g)(1) and N.J.A.C. 13:70-20.7. The stewards imposed a 15-day suspension, \$500 fine, disqualification of the horse, loss of purse and ½ MMV point for the violations.

Executive Director Nason stated that Petitioner appealed and the matter was transmitted to the OAL as a contested case. On January 29, 2024, the OAL issued an initial decision which affirmed the stewards' findings of violation and the penalties imposed.

Commissioner Perez made a motion to adopt the initial decision. Commissioner Vetrano seconded the motion and all Commissioners voted yes.

ITEMS FOR DISCUSSION AND INFORMATION

Executive Director Nason summarized the year-end report on the equine and human drug testing program for 2023.

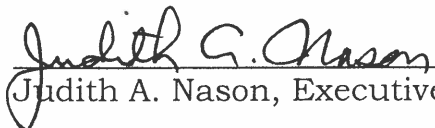
The Executive Director acknowledged receipt of the audited financial statements of the Standardbred Breeders and Owner's Association for the year ending December 31, 2023.

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

There were no additional comments or questions.

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

ATTEST:



Judith A. Nason, Executive Director