

AMENDED

NEW JERSEY RACING COMMISSION  
WEDNESDAY, NOVEMBER 20, 2024  
NEW JERSEY RACING COMMISSION  
TRENTON OFFICE - 140 EAST FRONT STREET  
TRENTON, NEW JERSEY

A public meeting of the New Jersey Racing Commission ("NJRC" or "Commission") was held on Wednesday, November 20, 2024 at the New Jersey Racing Commission Trenton Office located at 140 East Front St., Trenton, New Jersey.

The following were present:

Jennifer Beck, Senator Emerita, Commissioner  
Glen Vetrano, Commissioner  
Lawrence DeMarzo, Commissioner (by phone)  
Arlene Quinones Perez, Esq., Commissioner (by phone)  
Charles E. Tomaro, Commissioner (by phone)  
Sara Ben-David, Acting Executive Director  
DAG Levi Klinger-Christiansen  
Samuel Kovach-Orr (by phone)

Acting Executive Director Ben-David 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 grant of 2025 standardbred permits to conduct racing at New Meadowlands Racetrack; the grant of 2025 thoroughbred permits to conduct racing at Monmouth Park and the Meadowlands (including the special steeplechase permit for racing at Moorland Farm); and the allocation of race dates to the permit holders.
2. Legal advice concerning the distribution of the Casino Simulcasting Special Fund monies (accumulated in 2023) totaling \$281,941.19.

3. Legal advice concerning the initial decision in *Frank W. Tsipouras v. NJRC*, OAL Docket No. RAC13278-23.
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 Vetrano motioned to adjourn into Executive Session. Commissioner Tomaro seconded the motion. All of the Commissioners voted to adjourn.

#### CONSIDER APPROVAL OF THE PUBLIC AND EXECUTIVE SESSION MINUTES OF THE OCTOBER 2, 2024 COMMISSION MEETING

Commissioner Vetrano made a motion to approve the public and executive minutes of the October 2, 2024 Commission meeting. Commissioner Beck abstained. Although she had attended the public session of that meeting, she had not yet been sworn in as a Commissioner. Commissioner Tomaro seconded the motion, and all other Commissioners voted yes.

#### CONSIDER THE GRANT OF 2025 STANDARD BRED PERMITS TO CONDUCT RACING AT NEW MEADOWLANDS RACETRACK; THE GRANT OF 2025 THOROUGHBRED PERMITS TO CONDUCT RACING AT MONMOUTH PARK AND THE MEADOWLANDS (INCLUDING THE SPECIAL STEEPLECHASE PERMIT FOR RACING AT MOORLAND FARM); AND THE ALLOCATION OF RACE DATES TO THE PERMIT HOLDERS

Acting Executive Director Ben-David explained that the renewal of permits is subject to *N.J.S.A. 5:5-44*. Under that statute, permits are to be renewed where it is in the public interest to do so. *N.J.S.A. 5:5-43* requires applications for race dates to be filed with the Commission prior to October 15 of each year and to be acted upon at a meeting held not later than December 1 of the same year.

Acting Executive Director Ben-David noted that, for the steeplechase meet at Moorland Farm, *N.J.S.A. 5:5-38.2* requires the Commission to notify the governing bodies of the municipality where the special steeplechase race meeting is to be held, and the statute grants them 30 days to object.

Acting Executive Director Ben-David stated that New Meadowlands Racetrack, LLC has applied to renew its harness permit and has requested 90 standardbred race dates. Meadowlands proposes to race:

- 82 days starting on January 3, 2025 and ending on September 13, 2025 and
- 8 days starting on December 11, 2025 and ending on December 27, 2025.

She indicated that this is the same number of race dates as requested for 2024. The Standardbred Breeders and Owners Association has submitted its written consent to these race dates.

Acting Executive Director Ben-David stated that Darby Development, LLC has applied to renew its three permits and has requested a total of 72 thoroughbred race dates. Darby proposes to race:

- 50 days at Monmouth Park starting on May 10, 2025 and ending on September 14, 2025;
- 21 days at Meadowlands starting on September 19, 2025 and ending November 29, 2025; and
- 1 day at Moorland Farm on October 18, 2025 pursuant to the special steeplechase permit.

She advised that this is an increase of 10 days compared to the race dates requested for 2024. The Thoroughbred Horsemen's Association submitted its written consent to the thoroughbred date request.

Acting Executive Director advised that both Monmouth Park and Meadowlands Racetrack have indicated they intend to further discuss the proposed 21-day thoroughbred meet at the Meadowlands.

Acting Executive Director stated that in considering the allocation of race dates, the Commission must consider the four public interest factors set forth in N.J.S.A. 5:5-44 which are: (1) protect the State's revenue; (2) provide for the continuity of year-round racing to promote the racing industry and the employment which it provides; (3) provide recreational opportunities for residents; and (4) maintain and improve the State's competitive position with regard to neighboring racing states.

Acting Executive Director Ben-David advised that a comment was received from a member of the public named Jean Public by email. The comment read as follows: "Oppose granting permits for racing at Meadowlands, Monmouth Park, Mooreland Park [sic]. No race dates should be permitted. Horses are dying on these tracks."

Nancy Grbelja from the New Jersey Sire Stakes Board commented that the New Jersey Sire Stakes and the Standardbred Development Fund have races that are run from September through October at Freehold Racetrack which are attached to the \$1.6 million allocated by the State and are not an opportunity at Freehold Racetrack at this particular point. Ms. Grbelja is concerned about where those races are going to occur and about whether or not there's going to be space or time to have those races at the Meadowlands with the calendar presented here. She said that is a major concern for the New Jersey Sire Stakes, the Board of Trustees at this particular point, and she is raising it at this time. She wanted to make note of it at this time, especially since the Commission is talking about giving the thoroughbred dates from September 19 through November 29. She noted those dates will conflict with the Standardbred Development Fund races which were always held at Freehold Racetrack and

will impact on the New Jersey Sire Stakes and Standardbred Development Fund program which is run through the Department of Agriculture.

Commissioner Vetrano commented that she presents a legitimate concern as people have been paying into that fund to have the races and have already paid. There has to be a venue to host those races.

Ms. Grblja stated that at the Board of Trustees meeting, they were talking about the number of horses that would be involved, the number of yearlings that would potentially be nominated, the two and three years olds. She did not have figures available at this time but is able to provide them if needed.

Commissioner Vetrano stated that calendars can be amended if at some point it needed to be, to be able to host those races. Acting Executive Director Ben-David stated that N.J.S.A. 5:5-43 that contains a provision that allows for racing applications to be submitted on an on-going basis throughout the year. The Commission then has 60 days to act on those applications.

Al Ochsner of the Standardbred Breeders and Owners Association (SBOA) stated that there are on-going communications and discussions about how the Meadowlands will be addressing the \$1.6 and the number of days. He believes it can't go any further until legislation passes. Right now, it's just hanging out there. The Commission has the money, and the SBOA is trying to figure out a way to deal with it. He continued that the SBOA's lobbyist has been talking to Gopal, Sarlo, and Coughlin, the Senate President. Mr. Oschsner had been told that they can't act on anything until sometime in the beginning of December, so the SBOA is going to be dealing with it at that time. Mr. Ochsner said Meadowlands was supposed to submit a proposal as to what they'd like to do, but he does not think they are going to do that until the law is passed, sometime in December from what I can tell. It will not be 85 days.

Jason Settlemaier from the Meadowlands commented that the SBOA is going to have to have a conversation with Mr. Drazin as well. Meadowlands is prepared once they get everything worked out to resubmit if needed.

Acting Executive Director Ben-David recommended that the Commission table the Steeplechase meet. The Commission sent the required written notice to the governing bodies of Bedminster Township and the Borough of Far Hills on October 24, 2024. The Township Committee of the Township of Bedminster adopted a resolution on November 4, 2024 in support of Darby's application for a special permit. To date, no response has been received from the Borough of Far Hills. As a result, the Commission cannot act on the special steeplechase permit application at today's meeting. Far Hills has until November 23, 2024 to respond.

Commissioner Vetrano made the motion to table action regarding the special Steeplechase permit for the Far Hills Steeplechase meet. Commissioner Beck seconded the motion, and all Commissioners voted yes.

Acting Executive Director Ben-David stated that for the remaining permits and race dates applications, it is recommended that they can be approved however, the thoroughbred meet should be tabled with respect to the meet that is going to take place at the

Meadowlands. Mr. Settlemoir advised and it is staff's understanding that the length and circumstances of the thoroughbred meet at Meadowlands may change based on the ongoing discussions that are taking place between Monmouth Park and Meadowlands Racetrack.

Commissioner Vetrano made a motion to approve the permits and race date applications with the exception of the thoroughbred meet at Meadowlands which will be tabled for a decision at a later public meeting. Commissioner DeMarzo seconded the motion, and all Commissioners voted yes.

#### CONSIDER APPROVAL OF NEW MEADOWLANDS RACETRACK'S OFFICIALS, POOLS, POST-TIME, PRICES AND WAGERING FORMAT FOR THE 2025 STANDARDBRED MEET

Acting Executive Director Ben-David stated that the Commission is being asked to approve the racing and wagering format for the standardbred dates allocated to New Meadowlands Racetrack. She noted that under the current calendar, there will be approximately 11 to 13 races on Fridays and Saturdays, and 9 to 11 races on Thursdays and Sundays.

Acting Executive Director Ben-David explained that the 2025 standardbred meet will begin on January 3, 2025 and continue through September 13, 2025. The meet will then resume on December 11, 2025 and would run through December 27, 2025. First-race post-time on Thursdays, Fridays, and Saturdays will be 6:20 p.m. except for Hambletonian Day on August 2, 2025, which would be 12:00 noon. Also, there will be 8 days of racing on Sundays. First-race post time for those eight Sundays will be 5:00 p.m.

Acting Executive Director Ben-David stated that the operating officials and wagering format will remain the same as those the Commission approved for the meet that is currently taking place at Meadowlands Racetrack, with two exceptions. This year, the Security Manager will be Jim Davis, and the Assistant Starter will be John DeSimone, Jr. She further stated that wagering format is provided in the meeting packet<sup>1</sup>.

Commissioner Beck made a motion to approve New Meadowlands' wagering format. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

#### CONSIDER THE RENEWAL OF LICENSES FOR 2025 FOR THE OFF-TRACK WAGERING FACILITIES ("OTWS") LOCATED IN WOODBRIDGE, BAYONNE, AND HILLSBOROUGH

Acting Executive Director Ben-David stated that the Commission has received a timely application from New Meadowlands Racetrack, LLC to renew its license for the off-track wagering facility located in Bayonne. Timely applications also were received from Darby Development, LLC to renew its licenses to conduct off-track wagering at facilities located in Woodbridge and Hillsborough.

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<sup>1</sup> Correction: There will be a new Security Manager and Assistant Starter at the Meadowlands. The Security Manager will be Robert Levine and the Assistant Starter will be Victor Kirby.

Acting Executive Director Ben-David advised that *N.J.S.A. 5:5-130* allows the Commission to issue a license to the New Jersey Sports and Exposition Authority to conduct off-track wagering; however, the law allows for the license to be assigned to a permit holder, provided the Authority retains responsibility for license renewals. She further explained that the regulation also requires that the permit holders at Monmouth Park and Meadowlands Racetrack have scheduled the minimum number of live race dates required by *N.J.S.A. 5:5-156*. The Authority has submitted a letter consenting to the renewal of the off-track wagering licenses. Staff reviewed the applications and determined them to be complete and in compliance with the requirements in *N.J.A.C. 13:74-2.3*. Each of the licensees remain in good standing with the Commission. The Commission has just granted the renewal of permits and allocated race dates. As a result, each permit holder is in compliance with the required minimum number of race dates.

Acting Executive Director Ben-David stated that draft orders with proposed conditions have been provided to the Commissioners and are substantially similar to those imposed last year with a few exceptions which are detailed in the Commissioners' meeting packet. She further explained that any decision to renew the off-track wagering licenses is subject to the review and approval of the Attorney General.

Acting Executive Director Ben-David explained that there were revisions to some of the conditions of the Order. Condition number 8 would require that executed simulcasting agreements be filed with the Commission at least five business days prior to the commencement of the related simulcasting. Previously, no time limitation was stated. The new requirement provides adequate time for Commission employees to review and process those agreements. Condition numbers 9 and 15 have been revised to allow for the possibility of another licensed tote operating in New Jersey.

Commissioner Vetrano made a motion that the Commission approve the renewal of the off-track wagering licenses for 2025 and authorize the Acting Executive Director to issue the Orders on the Commission's behalf. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

#### CONSIDER THE RENEWAL OF THE ACCOUNT WAGERING LICENSE FOR 2025

Acting Executive Director Ben-David stated that the New Jersey Sports and Exposition Authority filed a timely application to renew the account wagering license for calendar year 2025. She stated that staff reviewed the application and determined it to be complete and in compliance with the requirements of *N.J.A.C. 13:74-3.2*. The Authority remains in good standing with the Commission. Darby Development, LLC will continue to manage the account wagering system as the Authority's agent. TVG Network will continue to provide platform services. Global Tote, LLC will continue to provide totalisator services. As stated earlier, each permit holder is in compliance with the required minimum number of race dates.

Acting Executive Director Ben-David advised that *N.J.A.C. 13:74-3.2* sets forth the requirements for the renewal of an account wagering license. That regulation requires the account wagering licensee to demonstrate by clear and convincing evidence that: account

wagers will continue to be accurately processed with sufficient safeguards to maintain integrity, the renewal will not be inimical to the public interest and the horse racing industry, and the account wagering licensee is in compliance with the Act, rules, and conditions imposed by the Commission. The regulation also requires that the permit holders at Monmouth Park and Meadowlands Racetrack have scheduled the minimum number of live race dates required by N.J.S.A. 5:5-156.

Acting Executive Director Ben-David indicated that a draft order with proposed conditions was provided to the Commissioners. She further explained that any decision to renew the account wagering license shall be subject to the review and approval of the Attorney General. The conditions remain the same from calendar year 2024 except for condition numbers 5, 16, and 17. Those conditions were revised to allow for the possibility of additional operators providing platform services to the account wagering system.

Commissioner Beck made a motion that the Commission approve the renewal of the account wagering license for 2025 and authorize the Executive Director to issue the Final Determination and Order on the Commission's behalf. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

**CONSIDER APPROVAL OF THE NEW JERSEY PERMIT HOLDERS' REQUESTS TO CONDUCT SENDING AND RECEIVING, INTRA AND INTERSTATE SIMULCASTING WITH RACETRACKS, OTWS, AND THE ACCOUNT WAGERING SYSTEM IN 2025 AND TO CONDUCT COMMON POOL AND SEPARATE POOL PARI-MUTUEL WAGERING THEREUPON**

Acting Executive Director Ben-David advised that the permit holders are seeking to participate in intrastate and interstate simulcasting (both sending and receiving) and to conduct pari-mutuel wagering (common pool and separate pool) on those signals in calendar year 2025.

Acting Executive Director Ben-David stated that interstate simulcasting between a New Jersey racetrack and an out-of-state entity falls under both state and federal law. The New Jersey Simulcasting Racing Act allows a New Jersey racetrack to apply to the Commission for approval to export its signal to a legal wagering entity in another jurisdiction for pari-mutuel wagering in that other jurisdiction. The federal Interstate Horseracing Act allows wagers to be taken on interstate horse races, provided approvals are obtained from: the host racetrack, the host horsemen's group, and both state racing commissions. As a result, consent from the New Jersey Racing Commission is needed.

Acting Executive Director Ben-David stated that each permit holder is in compliance with the required minimum number of race dates. She stated that the requests are subject to the conditions in Schedules E, F, and G. The conditions are substantially similar to those imposed last year, with a few exceptions which are detailed in the Commissioners' meeting packet.

Acting Executive Director explained that in all three schedules, the deadline for filing executed simulcasting agreements is now five business days. In Schedule F, there's a new

condition which provides guidance to the industry about how to submit any additional wagering requests during the calendar year. In addition, certain language in Schedules E and G has been adjusted to allow for the possibility of another tote operating in New Jersey.

Commissioner Tomaro made a motion to approve the requests to conduct intra and interstate simulcasting and allow pari-mutuel wagering subject to the conditions in Schedules E, F and G and to consent to the interstate pari-mutuel wagers. Commissioner DeMarzo seconded the motion, and all Commissioners voted yes.

CONSIDER APPROVAL OF THE REQUEST OF THE BORGATA HOTEL, CASINO AND SPA ("BORGATA") TO ACCEPT INTRA AND INTERSTATE SIMULCASTING FROM APPROVED RACETRACKS AND TO CONDUCT INTRA AND INTERSTATE COMMON POOL AND SEPARATE POOL PARI-MUTUEL WAGERING IN 2025

Acting Executive Director Ben-David stated that the Borgata is seeking Commission approval to receive intrastate simulcasts from the New Jersey racetracks, to receive interstate simulcasts from the listed racetracks in the meeting packet, and to conduct pari-mutuel wagering upon those simulcast signals in calendar year 2025. She stated that once again, the Commission would need to consent to the interstate wagers pursuant to the Interstate Horseracing Act.

Acting Executive Director Ben-David advised that interstate simulcasting between the casino simulcasting facility at the Borgata and out-of-state racetracks is governed by both state and federal law. The New Jersey Casino Simulcasting Act requires the Borgata to seek approval of the particular out-of-state racetracks. Those tracks also are required to be licensed by the New Jersey Division of Gaming Enforcement. The Commission's approval must be granted only if approval is in the best interest of the public and the racing industry in New Jersey.

Acting Executive Director Ben-David further explained that intrastate simulcasting between the casino simulcasting facility at the Borgata and in-state racetracks falls under the New Jersey Casino Simulcasting Act. That law requires the permit holders to seek approval to simulcast to the Borgata. It requires the permit holders to conduct the minimum number of live race dates required by N.J.S.A. 5:5-156.

Acting Executive Director Ben-David stated that staff recommend that the Commission approve the intrastate and interstate simulcasting and pari-mutuel wagering subject to compliance with the conditions in Schedules B and C. The conditions are substantially similar to those imposed last year with a few exceptions which are detailed in the Commissioners' meeting packet. In both schedules, the deadline for filing simulcasting agreements has been changed from four days to five business days. In Schedule C, there's a new condition which provides guidance to the industry about how to submit any additional wagering requests during the calendar year. In addition, certain language in Schedule C has been adjusted to allow for the possibility of another tote operating in New Jersey.



Acting Executive Director Ben-David Nason explained that each permit holder is in compliance with the required, minimum number of race dates, which is a condition for participation in casino simulcasting. She stated that staff recommend that the Commission approve the intrastate and interstate simulcasting and pari-mutuel wagering subject to compliance with the conditions in Schedules B and C. The conditions are substantially similar to those imposed last year with a few exceptions which are detailed in the Commissioners' meeting packet. In both schedules, the deadline for filing simulcasting agreements has been changed from four days to five business days. In Schedule C, there's a new condition which provides guidance to the industry about how to submit any additional wagering requests during the calendar year. In addition, certain language in Schedule C has been adjusted to allow for the possibility of another tote operating in New Jersey.

Commissioner Tomaro made a motion to approve the Borgata's and permit holders' requests subject to the conditions in Schedules B and C, approve the sending tracks, and consent to the interstate wagers. Commissioner Vetrano seconded the motion, and all Commissioners voted yes.

**CONSIDER MONMOUTH PARK'S REQUEST FOR NEW JERSEY RACING COMMISSION CONSENT TO THE ACCEPTANCE OF FIXED ODDS WAGERS ON OUT-OF-STATE RACES IN 2025 AS REQUIRED BY THE INTERSTATE HORSERACING ACT**

Acting Executive Director Ben-David advised that the request by Darby Development, LLC was submitted on October 8, 2024 in conjunction with Betmakers. General Manager and In-house Counsel John Heims stated that all contracts authorizing fixed odds wagering will be filed with the New Jersey Division of Gaming Enforcement and the New Jersey Racing Commission. Mr. Heims also indicated that all simulcasting is subject to applicable state statutes and the Interstate Horseracing Act.

Acting Executive Director Ben-David advised that fixed odds is governed by the New Jersey Fixed Odds Wagering Act. The licensing and regulation of fixed odds is handled by the New Jersey Division of Gaming Enforcement. The law allows the Division of Gaming Enforcement to issue a fixed odds wagering license to the New Jersey Sports and Exposition Authority; however, operation and control of the fixed odds wagering system can be transferred to a racetrack permit holder. Such transfer did occur earlier this year when operation and control was transferred to Darby Development, LLC.

Acting Executive Director Ben-David stated that in addition, interstate wagers on horse races, including fixed odds wagers, are governed by the federal Interstate Horseracing Act. As explained previously, that law allows interstate wagering on horse races only if consent is obtained from certain entities, including the consent of the horse racing commission in the state where the race is conducted and the off-track racing commission in the state where the wager is accepted. The New Jersey Racing Commission, as the off-track wagering commission, would have to consent.

Commissioner Beck made a motion to consent to interstate fixed odds wagers for the racetracks listed in the meeting packet, subject to Monmouth Park's compliance with state and federal laws, including the Interstate Horseracing Act. Commissioner Vetrano seconded the motion, and all Commissioners voted yes.

CONSIDER APPROVAL OF GLOBAL TOTE US, LLC TO CONTINUE TO PROVIDE TOTALISATOR SERVICES AND ACT AS THE HUB FACILITY AT THE MOUNT LAUREL DATA CENTER IN 2025 FOR RACETRACKS, THE OTWS, THE BORGATA, AND THE NEW JERSEY ACCOUNT WAGERING SYSTEM

Acting Executive Director Ben-David stated that Global Tote US, LLC is seeking approval to continue to provide totalisator services and act as the hub facility at the Mount Laurel Data Center in calendar year 2025.

Acting Executive Director Ben-David explained that the Racing Act of 1940 allows permit holders to conduct pari-mutuel wagering at a place in the race meeting grounds or enclosure, provided such place is equipped with a machine capable of the accurate and speedy calculation of money in each pool and on each horse and of the amount of money payable to winning patrons, and such information must be displayed to patrons. A similar requirement applies to off-track wagering facilities. Commission regulations further require off-track wagering facilities, the account wagering system, and the casino simulcasting facility at the Borgata to use a "hub facility" for processing wagers.

Acting Executive Director Ben-David stated that staff recommends approval subject to compliance with the conditions in Schedule D. She explained that the conditions are substantially similar to those imposed last year, with a few exceptions which are detailed in the Commissioners' meeting packet. The deadline for filing simulcast agreements has been changed from four days to five business days. In addition, condition 3 has been revised to clarify that an operator working in Mount Laurel must be trained to work in New Jersey. The same condition has been revised to clarify that a manager must be present any time wagering is open. Condition 6 was revised to clarify what information should be submitted to the Commission regarding non-transmitted wagers. Condition 7 was added to require Global Tote to perform wager testing and certification at the request of the Commission. Finally, condition 11 was revised to allow for the possibility of another licensed platform services provider operating in New Jersey.

Commissioner Vetrano made a motion to approve Global Tote US, LLC to continue to provide totalisator services and act as the hub facility in 2024 subject to the conditions in Schedule D. Commissioner Perez seconded the motion, and all Commissioners voted yes.

Commissioner Beck excused herself from the meeting and stated that she would rejoin remotely.

CONSIDER THE REQUEST OF THE RACETRACK PERMIT HOLDERS, THE OTWS, THE BORGATA, AND THE NEW JERSEY ACCOUNT WAGERING SYSTEM TO CONDUCT ADVANCE WAGERING (FULL OR PARTIAL CARD) ON CERTAIN DESIGNATED RACES OF NATIONAL INTEREST IN 2025

Acting Executive Director Ben-David stated that the racetracks, OTWs, account wagering system, and the Borgata are all seeking approval to conduct advance wagering, full or partial card, on certain designated races of national interest in 2025. She further stated that the list of these races has been provided to the Commissioners in the meeting packet.

Acting Executive Director Ben-David advised that pursuant to *N.J.S.A. 5:5-22.2*, the Commission has the authority to allow “future wagers” or “advance wagers” to be offered by racetracks, the casino simulcasting facility, and OTWs, and through the account wagering system. Advance wagers consist of “wagering on prospective entrants for specific races, with wagering conducted in advance, one or more pari-mutuel pools formed and closed on dates prior to the date of the race, and all wagers considered final and no refunds paid even if, for any reason, an entrant fails to participate in the race.” Under *N.J.S.A. 5:5-119*, the Commission may permit wagering on simulcast races of national interest.

Acting Executive Director Ben-David stated that staff recommends approval subject to certain conditions. Last year, the Commission’s approval was subject to two conditions: (1) no advance wagering could commence until program information had been received from the host track and was approved by the Supervisor of Mutuels and (2) all wagering had to be in compliance with the common pool procedures and regulations of this Commission.

This year, staff believes that any approval for the permit holders, OTWs, and account wagering system should be subject to Schedules E and F. Those schedules pertain to intrastate and interstate simulcasting. For the Borgata, approval should be subject to Schedules B and C as they relate to casino simulcasting. In addition, the Commission should once again require that program wagering information must be received from the host track and approved by the Supervisor of Mutuels.

Commissioner Vetrano made a motion to approve the requests to conduct advance wagering on the designated races of national interest in 2025 subject to the conditions recommended by staff. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

**CONSIDER THE REQUEST OF THE RACETRACK PERMIT HOLDERS, THE OTWS, THE BORGATA, AND THE NEW JERSEY ACCOUNT WAGERING SYSTEM TO OFFER CERTAIN DESIGNATED SPECIAL WAGERS OF NATIONAL INTEREST AND TO CONDUCT ADVANCE WAGERING IN 2025**

Acting Executive Director Ben-David explained that the racetracks, OTWs, account wagering system, and the Borgata have sought the Commission’s approval to offer and conduct advanced wagering on special wagers of national interest in 2025. She stated that the special wagers have been provided to the Commissioners in the meeting packet.

Acting Executive Director Ben-David stated that as explained previously, the Commission has the authority to allow “future wagers” or “advance wagers” to be offered by

racetracks, the casino simulcasting facility, and OTWs and through the account wagering system.

Acting Executive Director Ben-David stated that staff recommends approval subject to conditions. Last year, the Commission considered and approved similar requests to offer special wagers of national interest. The Commission's approval was subject to Schedules F and H. In addition, the Commission authorized the Executive Director to consider and approve any additional requests that may be filed during the calendar year subject to the same conditions.

This year, staff recommends any approval for the permit holders, OTWs, and account wagering system can be once again subject to Schedule F which is the schedule for interstate simulcasting. Staff also recommend that the Commission further condition its approval on compliance with Schedule E. Schedule E contains conditions for intrastate simulcasting. For the Borgata, approval should be subject to Schedules B and C because those schedules pertain to casino simulcasting. Schedule H can once again be applied to all entities as it contains conditions for special wagers of national interest.

Acting Executive Director Ben-David stated that in addition, staff recommends that the Commission also require program wagering information to be received from the host track and approved by the Supervisor of Mutuels. The Commission required such information as a condition of your approval for advance wagering on races of national interest, and staff recommends that they be imposed for consistency as a condition for offering special wagers of national interest.

Commissioner Vetrano made a motion to approve the requests regarding the special wagers of national interest subject to the conditions recommended by staff. Commissioner Perez seconded the motion, and all Commissioners voted yes.

Acting Executive Director Ben-David advised that throughout the calendar year, the Commission receives additional requests to offer special wagers of national interest and to conduct advance wagering upon them. In past years, the Commission has authorized the Executive Director to consider and approve additional requests filed during the calendar year subject to the conditions in the applicable schedules.

Commissioner Tomaro made a motion to authorize the Acting Executive Director to approve requests in 2025 subject to the conditions in applicable schedules. Commissioner Perez seconded the motion, and all Commissioners voted yes.

CONSIDER THE DISTRIBUTION OF THE CASINO SIMULCASTING SPECIAL FUND MONIES (ACCUMULATED IN 2023) TOTALING \$281,941.19

Acting Executive Director Ben-David stated that there was an error in the amount projected for disbursement. The amount is listed on the agenda as \$281,941.19; however, our financial management staff have advised me that it should be \$281,574.48.

Acting Executive Director Ben-David advised that the Casino Simulcasting Act requires a certain percentage of money from wagering activity to be deposited into the Casino Simulcasting Special Fund. The law requires the Commission to disburse any money deposited into the CSSF on an annual basis so that it can be used for four specific purposes which are identified in order of priority in subsections a, b, c, and d of *N.J.S.A. 5:12-205*. For any amounts remaining after payments under those subsections, the statute requires the Commission to compensate in the following order of priority: (1) any racetrack whose financial well-being has been negatively affected by casino simulcasting, (2) any racetrack that is financially distressed, (3) any horsemen's organization which will use the money to fund a project beneficial to the racing industry, and (4) all racetracks on an equal basis.

Acting Executive Director Ben-David stated that this year, each of the three racetracks submitted requests where they stated that their financial well-being has been negatively affected by casino simulcasting and that they are financially distressed. Monmouth Park requested "the most significant share of available CSSF monies." Freehold Raceway requested "a reasonable portion of available funds." Meadowlands Racetrack requested "an appropriate portion" of the money.

Acting Executive Director Ben-David noted that at the October meeting, the Commission closed the record and appointed Commissioners DeMarzo and Vetrano to serve on the CSSF Committee. The Committee met on October 17, 2024 and October 31, 2024 to consider the requests and develop their recommendations for distribution of these monies.

Acting Executive Director Ben-David explained that in the past, the Commission has allocated 80% of the CSSF monies equally among the three racetracks. This year, the Committee recommends that the Commission find Monmouth Park and Meadowlands Racetrack qualify to receive CSSF money because they were negatively affected by casino simulcasting and they are financially distressed. With the announcement on September 19, 2024 that Freehold Raceway will cease operations on December 28, 2024 and will no longer operate as a racetrack, the Committee recommends that the portion of the CSSF money that would have been allocated to Freehold Raceway should instead be tabled until the input of interested parties is received by the Commission. If this recommendation is followed and applied to the corrected total fund amount, \$75,086.52 would be distributed to Monmouth Park, \$75,086.52 would be distributed to Meadowlands Racetrack, and \$75,086.52 (which would have been allocated to Freehold Raceway) would be tabled.

Acting Executive Director Ben-David stated that the Committee next considered the requests submitted by the horsemen's organizations to use the money to fund projects beneficial to the racing industry. The SBOA requested "a fair distribution" which will be used for the Health and Welfare Trust and to support the Backstretch Community Assistance Program. The SBOA indicates that it would be willing to distribute approximately 12% of the funds to the Standardbred Retirement Foundation and approximately 3% to Horse Rescue

United. The THA requested 5% of the CSSF money which it will use to fund the dental, prescription, and eyeglass benefit program and the weekly health clinic that it provides to the backstretch community. The TBA requested \$28,194.19 which it will use for the distribution of its 2024 New Jersey-bred incentive program.

Acting Executive Director Ben-David advised that the Committee found, and recommends that the Commission also find, that all three horsemen's organizations have identified projects that are beneficial to the horse racing industry. The Committee recommends that the remaining 20% of the CSSF money be divided equally by breed. If that recommendation is followed and applied to the corrected total fund amount, \$28,157.44 would be allocated to the SBOA, \$14,078.72 would be allocated to the THA, and \$14,078.72 would be allocated to the TBA. The Committee recommends that the Commission determine the SBOA must use \$23,933.83 for the health benefit program, \$3,378.89 for the Standardbred Retirement Fund, and \$844.72 for Horse Rescue United in accordance with the percentages set forth in the SBOA's submission. The Committee recommends that the Commission direct the THA to use all the money allocated to it for the health, dental, prescription, and eyeglass benefit programs identified in its submission and that the Commission direct the TBA to use its money for the 2024 New Jersey-bred incentive program.

Acting Executive Director Ben-David advised that for the Freehold portion, the Committee's recommendation was to seek responses from stakeholders to the following two questions: (1) Should Freehold Raceway receive these funds given the fact that it will no longer operate a racetrack? and (2) If not, how should these funds be allocated? The racetracks and horsemen's organizations would be required to submit written responses to these questions by no later than December 15, 2024, and the matter will be reconsidered at the January 22, 2025 meeting.

Commissioner Vetrano made a motion to adopt the findings of the CSSF Committee and to distribute the Casino Simulcasting Special Fund money accumulated in 2023 as recommended by the Committee. Commissioner Tomaro seconded the motion, and all Commissioners voted yes.

#### CONSIDER APPROVAL OF THE 2025 BACKSTRETCH ADVISORY COMMITTEE BUDGET

Acting Executive Director Ben-David stated that the Backstretch Advisory Committee met by telephone on October 30, 2024 and voted to approve a 2025 budget for submission to the Commission. The proposed budget is \$217,700 which is an increase of \$20,475 from last year's approved budget. This increase is attributable to a \$1,000 increase in administrative fees for the bookkeeper, a \$20,000 increase in consulting fees, and a \$525 decrease in special services. Led by Dr. Chris Samaha, the Backstretch Benevolency Program provides extremely worthwhile programs and services to backstretch employees, which includes counseling, health clinics, screenings, vaccinations, and flu shots. The program also provides recreational and social activities and events.

Acting Executive Director Ben-David advised that *N.J.S.A. 5:5-44.8* establishes a fund called the Backstretch Benevolency Programs Fund, which is funded by designated charity race days and monetary penalties imposed by the Commission for statutory and regulatory violations. In addition, the THA and the SBOA provide financial assistance to this important program, which is used to advance the health, safety, and welfare of backstretch employees.

Acting Executive Director Ben-David stated that staff recommend approval of the 2025 budget totaling \$217,700 and that it be payable in equal quarterly payments of \$54,425, as requested, starting on or about January 1, 2025.

Commissioner Tomaro made a motion to approve the budget with equal quarterly payments starting on or about January 1, 2025. Commissioner DeMarzo seconded the motion, and all Commissioners voted yes.

CONSIDER THE INITIAL DECISION IN *FRANK W. TSIPOURAS V. NJRC*, OAL DOCKET NO. RAC13278-23

Acting Executive Director Ben-David stated that the initial decision concerns a violation of *N.J.A.C. 13:71-20.15*, which is the Commission's whipping rule. On November 8, 2023, the Board of Judges at Freehold Raceway conducted a hearing and determined that Frank W. Tsiouras violated the rule while driving the horse "Needless to Say" in the sixth race on October 28, 2023. The Board of Judges specifically found that the Petitioner used the whip with more than wrist action, raised his whipping arm above his shoulder, and moved his arm in an exaggerated manner. The Board of Judges imposed a ten-day suspension and a \$1,000 fine. This matter was Petitioner's second violation of *N.J.A.C. 13:71-20.15*. Petitioner appealed and requested a stay. The stay was granted, and the matter was transmitted to the OAL as a contested case on November 30, 2023.

Acting Executive Director Ben-David explained that on October 8, 2024, the ALJ issued an initial decision which dismissed Petitioner's appeal for failure to appear for a telephone conference on September 17, 2024 without explanation.

Acting Executive Director Ben-David stated that the initial decision is before the Commission to adopt, reject, or modify. If adopted, staff will issue a ruling imposing a ten-day suspension and a \$1,000 fine and will refer the matter to the Board of Judges for a hearing to determine if the appeal was frivolous in accordance with *N.J.A.C. 13:71-3.6*.

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

ITEMS FOR DISCUSSION AND INFORMATION

Acting Executive Director Ben-David advised that copies were available of the 2025 Commission meeting dates. She also advised that copies were available of a breakdown of New Jersey wagering on the Far Hills Steeplechase Meet on Saturday, October 19, as well as a breakdown of New Jersey wagering on the Breeder's Cup at Del Mar on Friday, November 1, 2024 and Saturday, November 2, 2024.

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

Nancy Grbelja made the following comment:

It was a very sad day when we were notified of the closure of Freehold Raceway. She stated that the closure will have a tremendous impact on the area we live in. Monmouth County, Upper Freehold as well as Millstone has been the hub of harness racing in the North American continent. She stated that she provided an article that was done a number of years ago by Hoof Beat and asked to have it distributed to the Commission at the end of the meeting which outlines the work that has been done in this particular area with harness racing. The impact of the closure of Freehold Racetrack will have a tremendous negative impact on the entire area. Freehold itself will be impacted. It's the number one tax revenue source for that municipality. She continued that this area has a lot of farms. Most of the people that race at Freehold are local people and, in addition to that, we are looking for places where those particular horsemen can race. She stated that she hasn't given up hope that somebody is going to come across and that there will be a buyer for Freehold Racetrack. She continued to say that it is in disarray because, having raced at Freehold, we were treated with total and utter disrespect for many years. But, people love their horses. They love going there, they love racing, they live in the area, they support the area, they reside in the area, they have farms in the area, they grow their hay and crops, and they support the economy of the area. If those horsemen don't have a place to race, wherever it may be, it is going to be devastating to New Jersey totally. As a stop-gap measure, she would be extremely happy if we can make some accommodations at the Meadowlands. She stated that she didn't know if that is something that will be long range. She knows the law states that you have to have 75 days. She doesn't anticipate that we will be able to get 75 days for Freehold horsemen at Meadowlands. She continued that standardbred horsemen are different than thoroughbred horses as they race 180 days a year, and that is what they should be racing. Seventy-five days is not enough for these horses and trainers to be able to support their horses and keep them going. She thinks we have to find a solution and work together to try to keep this industry going for the economy of the state, the economy of Monmouth County, Mercer County, Ocean County, and this entire central Jersey area. She believes we owe it to the people who have been there over the years and have put the blood, sweat, and tears into the community. She said she has seen the Racing Commission really be very supportive. She thinks there are many options and, if we put our heads together, we can find a long term solution and well as a short term solution to be able to satisfy what we need to be able to help the horsemen of Freehold.

Commissioner Tomaro asked if the Legislature had any bills pending for additional racing. Acting Executive Director Ben-David stated that there is nothing pending.



The Acting Executive Director read a comment received by email. The comment was from Jean Public and expresses opposition and advocates for disapproval of every item of the agenda. There is also a comment regarding the Tsipouras matter which stated: "he certainly has a huge whip to whip the horse. poor old horse whipped to run when it knows it can die from a fall. its [sic] a horrible excuse for gambling. how about changing the system to have human runners instead of whipping the poor baby horses that they run. 2 year old horses sometimes. put that crap in their mouth. make their eyes so they can hardly see. and then whip them. its [sic] a dirty dirty dirty deplorable business filled with drugging and hemorrhaging of horses. stop horse racing."

Mike Wisnewski asked for an update to the July announcement regarding NYRABets entering the market. He asked when that is going to happen. Acting Executive Director Ben-David stated that the application is pending review at this time, and the Commission has not acted on it yet. Mr. Wisnewski then asked if there was a timeframe for it. He noted a press release stated possibly by the end of the year. Acting Executive Director Ben-David stated that scheduling is being evaluated by staff.

There were no additional comments or questions.

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