

THE STATE HORSE RACING COMMISSION MEETING MINUTES

FEBRUARY 22, 2022

A public business meeting of The State Horse Racing Commission was held at the following date, place and time: In-Person PDA Room 309 and Via Telephonic Conference Call on Tuesday, February 22, 2022 at 1:00 P.M.

Commissioners in attendance: Chairperson Cook, Darryl Breniser, Salvatore DeBunda, Dr. John Egloff, Thomas Ellis, Russell Jones, Robert Lark, C. Edward Rogers and Dr. Corinne Sweeney. Also present were Commission Counsel Jorge Augusto and Marija Kuren. Michelle Ruddy was not in attendance.

ANNOUNCEMENTS

A quorum of the Commission being present, Chairperson Cook called the meeting to order. Chairperson Cook noted that the meeting was properly advertised in accordance with the Sunshine Law. By way of notice, the Commission conducted an executive session to engage in quasi-judicial deliberation to be adjudicated at the public meeting and engaged in attorney client privilege communication.

Chairperson Cook welcomed everyone to the meeting.

PUBLIC MEETING

1.) MINUTES OF THE January 25, 2022 Meeting as emailed to the Commissioners for their review in advance of the meeting.

Motion By: Commissioner Ellis
Second By: Commissioner Sweeney
Decision: Passed by unanimous vote.

PRESENTATIONS

2.) RACING FUND JANUARY FINANCIAL REPORT – presented by Tracee Gotwalt. Ms. Gotwalt provided a detailed financial analysis of the State Racing Fund, Commission and Testing Revenues and Expenses, Promotional Expenditures, a Comparative to FY 20/21 and an overview of the Breed-specific funds for the month of January.

3.) UPENN Research Report – presented by Dr. Mary Robinson. Dr. Robinson informed the Commission that six manuscripts were published in 2021 and one additional research report was accepted for publication. The six manuscripts addressed the following subject matter:

- Manuscript 1: describes novel way of determining withdrawal estimates for a particular product that contains capsaicin.

- Manuscript 2: the use of cardiac monitors to assess the horses heart while exercising, training and competing.
- Manuscript 3: this is an analytical methods paper which expands on the analytical methodology that the lab uses to perform drug screening in our race horse samples.
- Manuscript 4: this is a new approach to conduct untargeted screening using mathematical algorithms.
- Manuscript 5: this study is looking for biomarkers of shockwaves.
- Manuscript 6: the ability to determine a method that would identify the vector that is being used to deliver the gene therapy independent of what the therapy contains.

There were three additional manuscripts submitted in 2021. I will be providing follow-up reports regarding these studies.

4.) Advanced Imaging Modalities as a Screening Tool – presented by Dr. Kyla Ortved and Kathryn Wulster. The presentation reviewed the logistical aspects of performing advanced imaging on race horses, including CT, MRI and PET scans, and the information that can be gained from these modalities. The goal is to decrease or prevent catastrophic injuries. Dr. Ortved proceeded to review the benefits of each scan and presented pictures of the scan and the results of each scan on certain horses. Dr. Wulster spoke on UPENN's participation in a multi-center study. The study was done in collaboration with UC Davis, University of California Davis, specifically with a group that worked to develop the PET scanner for horses originally under anesthesia and now the Pet scanner is used standing. The goal was to scan successfully standing Thoroughbreds. Dr. Wulster identified that 25 horses participated in the initial study. She reviewed the results of selected participants. She stated the importance of advanced imaging in the detection of pre-existing conditions which could result in catastrophic injury if left undetected. Dr. Ortved and Wulster took questions.

5.) PA Commission Equine Safety & Welfare Action Plan – presented by Thomas Chuckas. The Director stated that the document was a work in process and the actions would be implemented by either regulation, Commission policy or track rule. The process would determine the timeline for implementation. In addition, he advised that he has met with the industry participants to review the plan. Mr. Chuckas stated that the following action items would be implemented in whole or part effective March 1, 2022: #1-track surface analysis; #2-increased monitoring of morning works; #4-racing panel & pre-entry form; #5-requirement to place within 12 lengths in last 5 consecutive starts; #6-practicing veterinarian to conduct an examination within 48 hours of a horse placed on veterinarian's list due to lameness; #8-enhanced criteria for removal from the veterinarian's list; and implementation of the Integrity Hot-line. Item #3-practicing veterinarians attesting to horse's fitness is being worked on. Items # 7, 9 and 10 will be addressed in the future by regulation.

ADMINISTRATIVE ACTIONS

6.) Motion to approve the Simulcast Calendars for March 2022 for Harrah's Philadelphia, Mohegan Sun at Pocono Downs and The Meadows.

Motion By: Commissioner Lark
Second By: Commissioner Breniser
Decision: Passed by unanimous vote.

7.) Motion to approve the Simulcast Calendars for March 2022 for Parx, Penn National and Presque Isle Downs.

Motion By: Commissioner Sweeney
Second By: Commissioner Jones
Decision: Passed by unanimous vote.

8.) Motion to approve Presque Isle Downs 2022 Live Racing Calendar.

Motion By: Commissioner Lark
Second By: Commissioner Rogers
Decision: Passed by unanimous vote.

The Chair advised that there was one more Administrative Action and recognized Commissioner Ellis. Commissioner Ellis introduced a motion to adopt a resolution strongly opposing Governor Wolf's recent budget proposal to transfer approximately \$88.087 million dollars from the Race Horse Development Trust Fund to help fund the Nellie Bly Scholarship program. Commissioner Ellis stated that the Commission understands the need to lessen student debt and applauds the Governor's recognition of the problem but taking the money from the Race Horse Development Trust Fund does not solve the problem. The plan to pit horse racing versus education is a bad idea and will not solve the problem. The Commissioner requested if the resolution would pass, that it be sent to both the Senate and House Appropriation Chairs as well as the leadership of both chambers. (Full statement attached).

Motion By: Commissioner Ellis
Second By: Commissioner DeBunda
Decision: Passed by unanimous vote.

INDUSTRY REPORTS

9.) General Reports

Director Salerno indicated Director Chuckas had two item to address.

Director Chuckas reported the bureau conducted 36 Out of Competition Tests at Parx in January.

In addition, the Director confirmed that the Parx Stewards held the Juan Vazquez hearings and issued two 15-day suspensions, \$1,000 fine and 8 MMV points. Mr. Vazquez requested a stay and appeal which were granted. The process will now go to a Hearing Officer and then ultimately to the Commission for a final decision. Also, Marcus Vitali had a Stewards hearing for a methamphetamine positive. The Stewards issued a \$10,000 fine, a one-year suspension and the horse was placed on the Vet's list for 90 days. Mr. Vitali requested a stay and appeal which was granted. The process will continue as outlined in the Vazquez case.

Director Salerno recognized the following Industry participants for their reports:

- Scott Lishia, Meadows, updated the Commission on the weather impact of racing in February. He informed the Commission that the Meadows trial on an elongated drag time will be suspended due to realizing no benefit. The track will return to the shortened drag time. Scott also thanked Dr. Stepusin for his years of service at the Meadows.
- Eric Johnston, Penn National, commented on the impact on the weather and winter racing. Penn National stakes schedule will be released shortly with the highlight being the Grade 2 Penn Mile, scheduled for Friday, June 3rd.
- Mike Zullinger, Mohegan Sun Pocono Downs, advised the Commission that Pocono's opening went very smoothly. The track has sufficient horses to card 15 races on Saturday and Sunday.
- David Osojanak, Parx, reported that Parx will be conducting seven \$100,000 stakes races to be raced on March 7-9th. He informed the Commission that Parx will be hosting the Match series final leg on October 3rd.
- Barry Brown, Harrah's Philadelphia, advised the Commission opening day is April 3rd.
- Jeff Matty, PTHA, spoke about the weather and the impact on the racing surface. He complimented the track crew for a fine job.
- Mike Harant, PHHA, advised the Commission that the Pocono opening went well with a strong entry box. He stated that the claiming series has been a major boost to the horse supply.
- Matt Ennis, PID, reported that planning is in process for the 2022 live race season with a start date of May 16th. PID is planning to open the backside mid to late April.
- Brian Sanfratello, PHBA, advised the Commission that the PHBA will be supportive of the advanced imaging study of Dr. Ortved and Dr. Wulster. Brian reviewed the Breeders handout highlighting key points. The final point was a brief discussion of the Penn Vet Research grant presentation scheduled to take place next Tuesday at 1:00 P.M.

ANNOUNCEMENTS

Chairperson Cook announced that the next meeting will be held on Tuesday, March 29, 2022. The Meeting location is to be determined.

- Executive Session 11:00 A.M.
- Regular Session 1:00 P.M.

ADJOURNMENT

The meeting was adjourned at 2:28 P.M.

Respectfully submitted,

Thomas F. Chuckas Jr.
Bureau Director
Bureau of Thoroughbred Horse Racing

Anthony Salerno
Bureau Director
Bureau of Standardbred Racing