

**THE STATE HORSE RACING COMMISSION
MEETING MINUTES**

July 26, 2017

A public business meeting of The State Horse Racing Commission was held at the following date, place and time: FARMSHOW Complex in the Susquehanna room in Harrisburg, PA, Wednesday, July 26, 2017 at 1:00 P.M.

Commissioners in attendance were: Thomas Jay Ellis, C. Edward Rogers, Michele C. Ruddy, Darryl Breniser, Russell Jones, Salvatore DeBunda, Dr. John Egloff, Robert Lark, Dr. Corinne Sweeny by phone and Chairman Russell Redding. Also present were Commission legal counsel Brook Duer and Jorge Augusto.

The Chair called the meeting to order. Legal counsel noted that the meeting has been advertised in accordance with the Sunshine Law. Legal counsel noted that executive session was conducted at 12:00 p.m. for discussion of the following topics: Personnel matters; attorney-client privileged communication; litigation; commission adjudications.

Chairman Redding welcomed everyone to Harrisburg.

I. PUBLIC HEARINGS & ORAL ARGUMENTS

Public Hearings:

Eduardo Rojas: Notice of Ejection from Penn National on July 6, 2017, Docket No.: RACINGPN-2017-NM-8.

Garry Thompson: Notice of Ejection from Parx on July 6, 2017, Docket No.: RACINGPX-2017-NM-9.

Oral Argument:

Michael Lerman: Non-Disqualification on Big Saver—8th Race, January 31, 2017 at Parx. Docket No.: RACINGPX-2017-NM-3.

II. OLD BUSINESS

Marketing:

Ms. Eisenbeil reported on advisory committee updates and notified the Commission that the next meeting will be August 9, 2017. Ms. Eisenbeil also informed the commission about the many social media outlets and stories that are being posted including Racing 101 posts to help the public learn more about the horse racing and breeding industry.

IT Streaming Update:

Director Chuckas informed the Commission about steps that are being taken to see if the commission meetings can be streamed.

PETRL Update:

Dr. Mary Robinson spoke to the commission about a few research projects and grants that are happening at New Bolton including the many advancements in shockwave therapy research.

III. NEW BUSINESS: ADMINISTRATIVE ACTIONS

Minutes of the June 28, 2017, meeting were emailed to the Commissioners for their review in advance of the meeting.

Motion by: Commissioner Lark
Second by: Commissioner Ellis
Passed: Unanimously to accept the June 28, 2017 meeting minutes.

Financials:

Director Chuckas presented the June financial statements.

Motion by: Commissioner Rogers
Second by: Commission Ellis
Passed: Unanimously to accept the June financial statements.

Director Chuckas requested an increase to the 2017/2018 Budget with the Commission deferring approval until the August meeting after requesting additional information to review.

Motions:

3 (1) A: August 2017 Simulcast calendars for the 3 Standardbred tracks.

3 (1) B: August 2017 Simulcast calendars for the 3 Thoroughbred tracks.

3 (1) C: Presque Isle Downs request for Andrea Graham to serve as Porter Colors for the remainder of the 2017 meet.

3 (1) D: Presque Isle Downs request for marketing agreement with Derbywars.com in Louisville, KY.

3 (1) E: Parx request to simulcast races from South Korea beginning in August 2017.

Motion by: Commissioner DeBunda
Second by: Commissioner Breniser
Passed: Unanimously to accept items A-E for the various tracks requests for June. See attached agenda.

4 (1): Marketing Advisory Committee request to approve the Marketing Fund Allocation recommendation for the State-wide Industry branding campaign for \$1.2M.

Motion by: Commissioner DeBunda
Second by: Commissioner Breniser
Passed: Unanimously to accept the recommendation from the Marketing Advisory Committee for the State-wide branding campaign for \$1.2M.

4 (2): Marketing Advisory Committee request to approve the 2016-2017 remaining Marketing Fund Distribution.

Motion by: Commissioner DeBunda
Second by: Commissioner Breniser
Passed: Unanimously to accept the Marketing Advisory Committee recommendation for the 2016-2017 remaining Marketing Fund Distribution.

4 (3): Marketing Advisory Committee request to approve the 2017-2018 Marketing Fund Distribution.

Motion by: Commissioner DeBunda
Second by: Commissioner Rogers
Passed: Unanimously to accept the Marketing Advisory Committee recommendation for the 2017-2018 Marketing Fund Distribution.

5 (1): Redraw Regulation for Standardbred Racing

Motion by: Commissioner Breniser
Second by: Commissioner Ruddy
Passed: To accept Redraw Regulation for Standardbred Racing with Commissioner DeBunda and Commissioner Jones abstaining.

5 (2): Horse Positive Judges/Stewards List.

Motion by: Commissioner Ellis
Second by: Commissioner Egloff
Passed: Unanimously to accept the Horse Positive Judges/Stewards List for both Thoroughbred and Standardbred Racing.

IV. LICENSING AND ADJUDICATIONS

Licensing Matter:

Mr. Jorge Augusto, Legal Counsel, advised the commission about the Harness Racetrack License Application open submission period.

Adjudications:

Michael Lerman: Non-Disqualification of "Big Savor" (8th Race—Jan 31, 2017 at Parx Racetrack).

The Board of Stewards decision dated January 31, 2017 is AFFIRMED by the commission.

Motion by: Commissioner Ellis
Second by: Commissioner Rogers
Passed: Approved by the Commissioners with an opposition by Commissioner Jones and two abstentions from Commissioner Lark and Commissioner Sweeney along with Commissioner DeBunda who recused himself, that the decision by the Board of Stewards not to disqualify the horse "Big Savor" from the 8th race at Philadelphia Parx on January 31, 2017, is AFFIRMED.

Wayne Rice: Non-Disqualification of "High Pitch" (3rd Race—September 15, 2016 at Presque Isle Downs).

The Board of Stewards decision dated September 15, 2016 is AFFIRMED by the commission.

Motion by: Commissioner DeBunda
Second by: Commissioner Jones
Passed: Approved by the Commissioners with two abstentions from Commissioner Lark and Commissioner Sweeney that the decision by the Board of Stewards not to disqualify the horse, "High Pitch," from the 3rd race on September 15, 2016 at Presque Isle Downs racetrack is AFFIRMED.

Timothy Twaddle: Appeal of Ruling No. 16138M

The Board of Judge's decision dated August 9, 2016, is AFFIRMED in part and REVERSED in part.

Motion by: Commissioner Breniser
Second by: Commissioner Egloff
Passed: Approved by the Commissioners with one abstention from Commissioner Lark that Timothy Twaddle is fined \$500 and suspended for five (5) days.

Martin E. Ciresa: Disqualification of "Cosmic Destiny." Appeal of Ruling No. 16270PP.

The Board of Stewards decision for Ruling No 16270PP to Disqualify the horse is AFFIRMED by the commission.

Motion by: Commissioner DeBunda
Second by: Commissioner Ellis
Passed: Approved by the Commissioners with an abstention from Commission Lark for the decision on Ruling No 16270PP to disqualify the horse "Cosmic Destiny" is AFFIRMED.

Eduardo Rojas: Notice of Ejection from Penn National on July 6, 2017, Docket No.: RACINGPN-2017-NM-8.

The Ejection by Penn National dated July 6, 2017, is AFFIRMED but MODIFIED by the Commission, from a permanent ejection to a three (3) year ejection.

Motion by: Commissioner Ellis
Second by: Commissioner Rogers
Passed: Passed with one abstention from Commissioner Lark, is AFFIRMED but MODIFIED by the Commission, from a permanent ejection to a three-year ejection.

Garry Thompson: Notice of Ejection from Parx on July 6, 2017, Docket No.: RACINGPX-2017-NM-9.

The Ejection by Parx dated July 26, 2017, is AFFIRMED by the Commission for a period of a three (3) year ejection retroactive to September 20, 2016.

Motion by: Commissioner Ellis

Second by: Commissioner Rogers

Passed: Passed with one abstention from Commissioner Lark, is AFFIRMED for a period of a three-year ejection retroactive to September 20, 2016.

Pending Appeal Numbers and Status:

Legal Counsel Jorge Augusto provided the Commissioners with an updated report.

V. INDUSTRY REPORTS

Eric Johnston, Director of Racing, for Penn National answered a question from Commissioner DeBunda concerning Mr. Rojas and his tenure at Penn National.

Kevin Decker, Director of Racing, for The Meadows spoke briefly to the Commission about the upcoming Adios taking place on Saturday, July 29, 2017.

Sam Beegle, President, PHHA, spoke for the Standardbred Industry stakeholders requesting that they would like all commission meetings to be held in Harrisburg, PA, also the fairs have been going very well for the 2017 season.

Todd Mostoller, Executive Director, PA HBPA, also agreed with the Standardbred stakeholders that the commission meetings should be held in Harrisburg, PA, and had some serious concerns about the Judges/Stewards list that was passed by the commission earlier today.

Joe Thomson, Winbak Farms, addressed the commissioners with how to get more out of state buyers to come into Pennsylvania to help with the breeding industry.

Brian Sanfratello, Executive Director of the PHBA, reported on the following PHBA activities.

1. Monthly newsletter
2. Looking forward to Saturday, September 2nd for PA Day at the Races.
3. Some changes that were done on the breeding form.

VI. PUBLIC COMMENT

Mr. Brian Langlois thanked the commission for letting the fans speak to the commission.

VII. ANNOUNCEMENTS

Chairman Redding announced the next meeting will be held on Thursday, August 31, 2017, at the FARMSHOW Complex at 2300 North Cameron Street, Harrisburg, PA 17110.

- Executive Session 10:30 A.M.
- Regular Session 1:00 P.M.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

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

Brett Revington
Bureau Director
Bureau of Standardbred Horse Racing