

## **THE STATE HORSE RACING COMMISSION MEETING MINUTES**

**April 25, 2023**

*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, April 25, 2023, at 1:00 P.M.*

*Commissioners in attendance: Chairman Redding, Darryl Breniser, Salvatore DeBunda, Dr. John Egloff, Thomas Ellis, Russell Jones, C. Edward Rogers, Michele Ruddy, and Robert Lark. Commissioner Dr. Corinne Sweeney was not in attendance. Also present was Commission Counsel Jorge Augusto, Standardbred Bureau Director Anthony Salerno, and Thoroughbred Bureau Director Thomas Chuckas.*

Chairman Redding was delayed, so Commissioner Ellis as the acting Chairperson opened the meeting at approximately 1:10 p.m. Chairman Redding arrived at approximately 1:25 p.m. and assumed the responsibilities of the Chairperson from Commissioner Ellis.

### **ANNOUNCEMENTS**

A quorum of the Commission being present, Acting Chairperson Ellis called the meeting to order. Chairperson Ellis 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.

Chairman Ellis welcomed everyone to the meeting.

### **PUBLIC MEETING**

#### **1.) APPROVAL OF THE MARCH 28, 2023, MEETING MINUTES:**

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

#### **2.) APPROVAL OF THE MARCH 21, 2023, SPECIAL HISA MEETING MINUTES:**

**Motion By:** Commissioner Debunda  
**Second By:** Commissioner Egloff  
**Decision:** Passed by unanimous vote.

### **PRESENTATIONS**

**3.) Racing Fund March Financial Report** – Presented by Tracee Gotwalt. Ms. Gotwalt provided a detailed financial analysis of the State Racing Fund. Revenue was \$1,637,000, total expenditures were \$1,514,00 leaving a cash balance of \$5,990,000. The Commission's revenues for the month were \$662,000. Personnel expenditures were \$525,000, and Operating expenditures were \$87,000 bringing the total expenditures to \$612,000. The

months Revenue for Testing was \$975,000. Operating costs were \$435,000 and Personnel costs were \$ 439,000, bringing total expenditures to \$ 874,000.

The Promotions account showed no Revenue for the month and expenditures of \$26,000.

In reviewing the Comparative Year to Year statement, there is a 19% increase in expenditures due mainly to the changes in the UPENN Contract and the timing. Also, there is also an increase in medical expenditures due to the hiring of contracted Vets, but that is adequately budgeted for in Personnel.

**4.) HISA/HIWU Statues Report** – Presented by Thoroughbred Bureau Director Tom Chuckas – Operationally HIWU, and the anti-doping program as well as the lab services agreement launched on March 27<sup>th</sup>. On March 31st, a Federal Judge issued an injunction to stop HISA/ HIWU’s Anti-doping program and Laboratory Services program noting that the FTC violated its own Administrative Procedures by not allowing a 30-day review and comment period of any new Regulations.

HISA and HIWU then announced that the start date would be pushed back an additional 3 weeks to May 22, 2023. The Commission staff, i.e., Vets, Livestock Workers and Investigators are all in place and will continue to do whatever is necessary to maintain PA Racing.

Contractually, the Racetrack Safety Program is in place based on the same letter of intent that was in place since July of 2022. The IGA and Anti-doping agreements have been signed by Secretary Redding and PDA Chief Counsel. The agreements have been submitted to the Office of General Counsel and the Attorney General for final approval.

The Lab Services agreement still has some open issues. The staff has meetings scheduled and will continue to work to reach an agreeable resolution. Currently for the IGA and Lab Services agreement, there’s an LOI in place and PA will continue to operate under those agreements.

The last point is Litigation. There are currently 6 cases pending with two of the cases having been combined. Amarillo District Court Judge Kacsmayk took moved the Global Gaming case to Judge Hendrix in Lubbock. The Director provided a brief status report on each of the cases.

## **ADMINISTRATIVE ACTIONS**

**5.) Motion to approve Simulcast Calendars for May 2023, for Harrah’s Philadelphia, Mohegan Sun at Pocono Downs, and the Meadows.**

**Motion By:** Commissioner Breniser

**Second By:** Commissioner Rogers

**Decision:** Passed by unanimous vote

**6.) Motion to approve the Simulcast Calendars for May 2023 for PARX, Penn National and Presque Isle Downs.**

**Motion By:** Commissioner Ellis

**Second By:** Commissioner Ruddy

**Decision:** Passed by unanimous vote

**7.) Motion to approve the Meadows requests to move post-time to 12:45 p.m. on Friday August 25, 2023; Cancel the live racing program on Saturday August 26, 2023; and add alive racing program on Saturday September 9, 2023, with a Post-Time of 12:45 p.m.**

**Motion By:** Commissioner Ellis

**Second By:** Commissioner Breniser

**Decision:** Passed by unanimous vote.

## **ADJUDICATION**

**8.) Carolyn Vogel (Appeal of Ruling No. 22002PI Docket No. RACINGPI-2022-NM-2)**

Attorney Augusto read the following order and stated that this could be done in the form of a motion:

And now this 25<sup>th</sup> day of April 2023 based upon the transcript and exhibits of record in the above matter, Ruling 22002PI of the Board of Stewards, dated January 27, 2022, placing "Single Lady" on the Board of Stewards List for 90 days, is hereby affirmed.

**Motion By:** Commissioner Debunda

**Second By:** Commissioner Rogers

**Decision:** Passed by unanimous vote.

## **INDUSTRY REPORTS**

### **9.) General Reports**

Director Chuckas gave an update on Out of Competition Testing. Since the last meeting, the PSHRC conducted 30 tests at the Meadows and 12 at Parx, for a total of 42 last month.

On the Hotline, it's been about a year since the launch of the Hotline. There has been a total of 124 calls of which 117 have been investigated and closed. There are 7 that remain open and under further investigations. There were 91 calls relating to Thoroughbreds and 33 to Standardbreds.

Director Salerno recognized the following Industry participants:

- Scott Lishia, Director of Racing at the Meadows, reported that the month of April has been a very solid month. The Meadows switched to a 4 day per week schedule and so far, the entry box has been good. The Meadows has a lot of things planned for Derby Day. Our track crew just completed some improvements to the racetrack which have been received very well by the horsemen.
- Mike Zullinger, Director of Racing Mohegan Sun Pocono Downs, reported that Pocono switched to a 4 day-a-week schedule and handle and horse entries

continue to be strong. Pocono has multiple activities planned for Derby Day. Ashley (PHRA) helped us host Delaware Valley University Day at the races which went very well.

- Barry Brown, Director of Racing Harrah's Philadelphia, reported that racing kicked off on April 2<sup>nd</sup>, we are about 10 days into our season and our handle as been up. Harrah's is looking forward to getting into our busy season over the next couple of months.
- David Osojnak, Director of Racing for Parx, reported that last week the HISA Accreditation team was at Parx. The team consisted of Greg Stiles, Mike Kilpak, and Jennifer Durenberger. The initial report was positive. Parx will conduct live racing on Derby Day, and in addition to live racing will have several bands perform. There will be food trucks and other family activities.
- Eric Johnston, Director of Racing Penn National reported that PN is returning from a brief hiatus. Similar to Parx, PN had a visit from the HISA Accreditation Team. HISA identified a few issues that need to be addressed. PN will be working on the issues as we go through the course of the year. PN has a lot planned for Derby Day. I would like to extend an invitation for everyone to come out and join us for the Penn Mile on June 2<sup>nd</sup>.
- Mike Harant, Executive Director PHHA, reported that operations are in full swing at both Pocono and Harrah's. Sires Stakes is starting in May. I just want to thank Ryan Kell for all his work in the Sires Stakes Program as well as the Fairs and all his time and effort putting together the Fair Guide.
- Jeff Matty, Executive Director PTHA Reported that the Turning for Home gold outing on May 4<sup>th</sup> has been sold out. The PTHA is approaching \$50,000 which is raised for Turning for Home, our aftercare program. Parx is conducting its first two-year-old races in early May. I want to thank David and Joe for backing the two-year-old program, it brings out a lot of owners and a lot of excitement to the Track. The PTHA is moving our Owners Appreciation Day to Father's Day which has been held on Labor Day in years past.
- Kim Hankins, Executive Director of MSOA, had no report.
- Matt Ennis, Director of Racing, Presque Isle, reported that the backside opened April 17 and horses are presently training and schooling. PID's first day of live racing is May 15<sup>th</sup>. Prior to the horses arriving, PID added 115 tons of Tapeta material to the chute area which was an issue in the past. I'm also happy to report that for the first time in my 16 years here, there is a waiting list for stalls.
- Averie Levanti, Executive Coordinator for PHBA, reported that transfers into the Breeders fund for March were down \$6,766 versus last year. She also talked about "Angel of Empire" the Pennsylvania bred that is racing in the Derby. She announced that the PHBA Lifetime Achievement Award will be given to our retired Executive Secretary Mark McDermott.
- Mike Simpson, Standardbred Breeders, had no report.

**PUBLIC COMMENT**

Ryan Kell reminded everyone that there are 20 Fairs this year and encouraged everyone to try and visit a few of the Fairs.

**ANNOUNCEMENTS**

Chairperson Redding announced that the next meeting will be held on Tuesday May, 30, 2023, at 1:00 pm. The Meeting location will be Room 309 and on Teams.

- Executive Session 11:00 a.m.
- Regular Session 1:00 P.M.

**ADJOURNMENT**

**MOTION BY:** Commissioner Ellis  
**SECOND BY:** Commissioner Rogers  
**DECISION:** Passed by Unanimous vote

The meeting was adjourned at 1:31 P.M.

Respectfully submitted,

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

Anthony Salerno  
Bureau Director  
Bureau of Standardbred Racing