

**Pennsylvania State Horse Racing Commission**

December 15, 2014

Minutes

A meeting of the Pennsylvania State Horse Racing Commission was held on Thursday, November 13, 2014 at New Bolton Center in Kennett Square, PA, at 11:30 A.M.

In attendance representing the Commission were Alan Novak, Chairman; Dr. Corinne Sweeney, Commissioner; Walt Remmert, Acting Executive Secretary of Horse Racing; Jorge Augusto, Legal Counsel. Representing the PA Department of Agriculture as an Ex-Officio Member of the Commission was Mathew Meals, Deputy Secretary.

Chairman Novak called the meeting to order and announced the meeting was duly advertised in accordance with the Sunshine Law.

Oral arguments were given for the adjudication of the Ejection of Dr. Papp from Penn National, from both Penn National and Mr. Alan Pincus. After both sides had spoken there was a brief Executive Session to deliberate, and the final verdict is as read.

“**AND NOW**, this 15<sup>th</sup> day of December, 2014, the Notice of Ejection or Denial of Admission dated July 4, 2014 directed to Appellant Kathryn Papp, DVM, notifying her that she is ejected from or denied admission to any part of the grounds, facilities, enclosures and/or any properties under the management of Mountainview Thoroughbred Racing Association, Inc. and/or Penn National Turf Club Inc. (Penn National) under the jurisdiction of the Pennsylvania State Horse Racing Commission is hereby **MODIFIED**. The five year ejection period is hereby reduced to **ninety (90) days**.”

Chairman Novak stated that the Commission held an executive session in which the Commission discussed personal matters. No other agency business was transacted.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Sweeney, seconded by Chairman Novak, and unanimously passed, to approve the minutes of the November 13, 2014, commission meeting.

**OLD BUSINESS (STATISTICAL REPORTS)**

Chairman Novak requested the statistical highlights for the past month.

**Parx Racing**

Joe Wilson, Chief Operating Officer, reported the previous months and year to date statistics. The last two of the six barns that were being built this year will be finished by the end of the year. Parx will keep on trying to get their derby upgraded to a grade 1; it was considered but unfortunately it did not happen this time.

### **Pennsylvania Thoroughbred Horsemen's Association**

Michael Ballezzi, Executive Director of PTHA, asked for the Commission to approve two modifications to existing rules. The first would be to a horse that has been laid up for 120 days; if the last race it ran was a claiming race and it was then out for 120 days, that the next race it runs it not be held to that claiming rule if they run in the same race or a race higher. The second modification is if the horse is claimed and then euthanized on the track, the claim is voidable; likewise if the horse is banned off the track by the vet the claim is voidable also.

This would help create a more level playing field and encourage horsemen to make sure their horses are sound when raced after time off, and are not trying to shove them through just to get a sale when something is wrong with the horse.

### **Penn National Race Course**

Eric Johnston, Director of Racing, reported on the previous months and year to date statistic totals. The construction on the dorm is about 3 weeks behind; completion is hoped for in the beginning of January. The Penn Mile has been given the graded stakes of III. The Fabulous Strike was won by Ben's Cat again this year.

### **Presque Isle Downs & Racetrack**

Debbie Howells, Director of Racing for Presque Isle Downs, reported on the previous month and year to date statistical totals.

### **PA Horsemen's Benevolent and Protective Association**

Todd Mostoller, Executive Director of the PA HBPA, concurred with what Mr. Ballezzi had to say.

### **Pennsylvania Horse Breeders Association**

Brian Sanfratello, Executive Director for the PHBA: some stakes races in Pennsylvania that ran were the 2YO Pennsylvania Nursery Stakes which was won by NASA at Parx; he is a son of Smarty Jones. Favorite Tale, a Pennsylvania bred, won the Gallant Bob Stakes at Parx. By the end of December there should be about 550 PA restricted races run.

### **RESEARCH**

Dr. Mary Robinson, Acting Director of the Pennsylvania Equine Toxicology and Research Lab, and of the University of Pennsylvania, presented: Cobalt: The administration of cobalt-containing products has been performed to determine the effect of these products on plasma and urine cobalt concentrations, and on hematopoiesis. In high doses, cobalt was reported to cause an increase in red blood cell production and toxic side effects in humans. At the low doses administered as part of these products, no effects on hematopoiesis and no signs of toxicity were observed, however the urine and/or the plasma concentrations were affected. Plasma samples from 250 thoroughbreds and 250 standardbreds were analyzed by Dr. Lisa

Murphy's Toxicology Laboratory at New Bolton Center to assess the range of cobalt concentrations found in the PA racing population. Statistical analysis of these data has been performed and the results are being discussed. A final study will be performed in January to determine the effect of administering a commonly used cobalt-containing vitamin supplement according to the recommendation on the label (twice weekly). The goal of this study is to determine the actual risk of using this product and similar products following the establishment of a threshold for cobalt. Cobalt has a very long half-life (i.e. it takes 1 approximately 1 week for 50% to be eliminated by the horse), therefore, the use of these products may need to be discontinued following the establishment of a threshold.

There are currently 18 manuscripts being prepared, 3 manuscripts are being reviewed, and 5 manuscripts have been accepted for publication and are at various stages of the publication process since the beginning of this year (January 2014).

### **QUALITY ASSURANCE OFFICER**

Deborah Tsang, Quality Assurance Officer, reported all internal blind samples sent to the screening sections of the laboratory this month have been correctly identified.

The PETRL Technical Management Committee met this week as required by the American Association of Laboratory Accreditation, A2LA, and the PETRL Quality Assurance Program. This committee meets in order to continually improve the effectiveness of the laboratory's technical system. The laboratory management system for testing and the quality assurance policies and procedures in place were reviewed. Additionally the adequacy of resources and staff training plans were discussed. The group generated ideas to improve the suitability, stability and effectiveness of laboratory policies and testing procedures.

The authorization of auditors for the laboratory's internal audit and an auditor training session has been conducted. Auditor training is required by the laboratory's Quality Assurance Program. All procedures and data for technical tests will be examined by the internal audit which will start next week.

### **NEW BUSINESS**

A motion was made by Commissioner Sweeney, seconded by Chairman Novak and unanimously passed to approve item 5.a.(1); approval of the thoroughbred full race card simulcast schedules for the month of January 2015 at Penn National, Parx Racing, and Presque Isle Downs.

A motion was made by Commissioner Sweeney and seconded by Chairman Novak and passed to approve item 5.a.(2)<sup>1</sup>; approval of the harness full race card simulcast schedules for the

<sup>1</sup>Concerning Item 5.a. (2); "Consideration for approval of the Harness full race card simulcast schedules for the month of January 2015, at The Meadows, Mohegan Sun at Pocono Downs and Harrah's Philadelphia. Approval is pending submission of the fully executed simulcast agreements to the Commission Office." Chairman Alan Novak abstained from voting on this item due to a business relationship with The Meadows.

month of January 2015, at The Meadows, Mohegan Sun at Pocono Downs, and Harrah's Philadelphia Casino and Racetrack.

A motion was made by Commission Sweeney and seconded by Chairman Novak and passed to approve item 5.b. (1); a motion to approve the PA Horse Breeders Association 2015 Operating Budget.

A motion was made by Commissioner Sweeney and seconded by Chairman Novak and passed to approve item 5.b. (2, 3, 4, 5, 6 and 7); a motion to approve for Penn National Race Course. The approvals dealt with take-out rates, wagering formats, racing officials, and simulcast in and out for 2015.

A motion was made by Commissioner Sweeney and seconded by Chairman Novak and passed to approve item 5.b. (8, 9, 10, 11, 12 and 13); a motion to approve for Parx Racing. The approvals dealt with take-out rates, wagering formats, racing officials, and simulcast in and out for 2015.

A motion was made by Commissioner Sweeney and seconded by Chairman Novak and passed to approve item 5.b. (14, 15, 16, 17, 18, and 19); a motion to approve for Presque Isle Downs. The approvals dealt with take-out rates, wagering formats, racing officials, and simulcast in and out for 2015.

### **ANNOUNCEMENTS**

Chairman Novak announced the next commission meeting will be held January 12, 2015, at The Pennsylvania Department of Agriculture in Harrisburg, PA.

Executive Session: 10:30 A.M. in room 301  
Public Meeting: 11:30 A.M. in room 309

### **ADJOURNMENT**

Chairman Novak adjourned the meeting.

Respectfully submitted,  
Walt Remmert  
Acting Executive Secretary