

**THE STATE HORSE RACING COMMISSION  
MEETING MINUTES**

**February 28, 2017**

*A public business meeting of The State Horse Racing Commission was held at the following date, place and time: The Pennsylvania Department of Agriculture room 309 in Harrisburg, PA, Tuesday, February 28, 2017 at 1:00 P.M.*

*Commissioners in attendance were: Thomas Jay Ellis, C. Edward Rogers, Michele C. Ruddy, Dr. John Egloff, Darryl Breniser, Russell Jones, Robert Lark, Dr. Corinne Sweeney and Chairman Russell Redding, the Pennsylvania Secretary of Agriculture. 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 11:00 a.m. for discussion of the following topics: Personnel matters; attorney-client privileged communication; litigation; and commission adjudications.*

**SUMMARY**

Chairman Redding welcomed everyone to the commission meeting and began with the housekeeping matters.

Brook Duer, spoke briefly about one ex parte communication and thanked the industry for refraining from contacting the commissioners directly and working through the Commission office.

Director Chuckas spoke about the request that came in from PETA and let the commission know it is an ongoing investigation.

Director Revington briefly informed the commission that he received all three of the harness tracks information about track surface and maintenance in a timely fashion and is satisfied about all the steps being taken for the health and welfare of the horse and driver. All three tracks are being very diligent and doing a great job. PHHA and Harrah's Philadelphia have come to an agreement on the maintenance of the track surface for 2017.

The January meeting minutes 01/26/17 were approved by motion. There was no general correspondence for the February meeting. Tracee Gotwalt, Bureau of Administrative Services, presented information on the Commission's FY 16-17 financial statements.

Dr. Robinson, Director Revington and Director Chuckas spoke with the commission about the Out of Competition Testing Program that will be implemented in Pennsylvania this coming year.

Commissioner Egloff, stated this maybe the time for me to request the Commission bring a resolution or request to the attorney general's office to take action against the unlicensed electronic wagering companies in the state which has been an ongoing problem. I make a motion that we bring that resolution to the attorney general's office. Commissioner Sweeney seconds that motion.

Pending appeals numbers and status was updated to the Commission by counsel Jorge Augusto.

*The following licensed racing entity representatives addressed upcoming events and happenings at the tracks:* Eric Johnson, Director of Racing at Penn National; had no report for February. Joe Wilson, Racing Director, Parx; had no report for February. Debbie Howells, Director of Racing, Presque Isle Downs; had no report for February. Tom Leasure, Acting Director of Racing, The Meadows; had no report for February. Barry Brown, Director of Racing, Harrah's Philadelphia; had no report for February. Dale Rapson, Director of Racing at, Mohegan Sun at Pocono Downs, had no report for February.

*The following horsemen's and breeder group representatives addressed the Commission:* Michael Ballezzi, Executive Director, PTHA, had no report for February. Todd Mostoller, Executive Director, PA HBPA, spoke briefly about having working groups established to help work through some problems facing the racing industry today. Kim Hankins, Executive Director, MSOA, had no report for February. Sam Beegle, President PHHA, had no report for February. Jim Simpson, Standardbred Breeders Association, spoke about how well the USTA meeting went for 2017. There are 700 more Standardbred foals in Pennsylvania than last year. Mr. Simpson wanted to the commission to know that the Breeders are in full support of the out of competition testing.

Brian Sanfratello, Executive Director, PHBA, spoke to the commission about the monthly newsletter. Mr. Sanfratello thanked the commission for the money that went toward the ads and webpages to help get the Pennsylvania Thoroughbred Breeders name out in the world and to let everyone know about all the great things happening in Pennsylvania. Five new stallions came into Pennsylvania due to the new 40% increase for PA Sired/PA Bred.

Brook Duer, informed the commission that the Joint State Committee has finished the study they were doing on the State Horse Racing Commission.

There was a motion made by Commissioner Egloff and, seconded by Commissioner Sweeney and unanimously passed to approve a letter to be sent to the Attorney General's office from the State Horse Racing Commission to stop all electronic wagering that is done illegally in Pennsylvania.

## **ADJUDICATIONS**

In re: Appeal of J. Michael Rogers: A motion was made by Commissioner Jones and, seconded by Commissioner Lark, and unanimously passed to enter an order, **AND NOW**, this 28<sup>th</sup> day of February, 2017, having duly reviewed and considered the entire record, and based upon the forgoing Findings of Fact, Conclusions of Law and Discussion, **IT IS HEREBY ORDERED** that Ruling Number 16133PI of the Board of Stewards for Presque Isle Downs, dated August 29, 2016, is **AFFIRMED** in its entirety.

In re: Appeal of Joseph R. Martin: A motion was made by Commissioner Jones and, seconded by Commissioner Lark, and unanimously passed to enter an order, **AND NOW**, this 28<sup>th</sup> day of February, 2017, upon consideration of the testimony and exhibits of record, it is hereby **ORDERED**

that the Appeal of Joseph R, Martin is **DENIED. IT IS FURTHER ORDERED** that Ruling No. 16208PI of the Presque Isle Downs Board of Stewards, dated October 2, 2016, is **AFFIRMED**.

In re: Appeal of Martin P. Shaw: A motion was made by Commissioner Jones and, seconded by Commissioner Ellis, and unanimously passed to enter an order, AND NOW, this 28<sup>th</sup> day of February, 2017, upon consideration of the testimony and exhibits of record, it is hereby ORDERED that the Appeal of Martin P. Shaw is GRANTED. IT IS FURTHER ORDERED that the horse "Cousin Stephen" is disqualified from purse money based on violations of 58 Pa. Code § 163.108, and the purse money from the fifth (5<sup>th</sup>) race at Philadelphia Parx, on September 25, 2016, shall be redistributed according to the resultant revised order of finish.

In re: Appeal of Stuart M. Grant: A motion was made by Commissioner Ellis and, seconded by Commissioner Rogers, and unanimously passed to enter an order, **AND NOW**, this 28<sup>th</sup> day of February, 2017, upon consideration of the testimony and Exhibits of record, together with the foregoing Findings of Fact and Conclusions of Law, it is hereby **ORDERED** that the Decision of the Board of Stewards to disqualify the horse "Balk" from the 2<sup>nd</sup> race at Presque Isle Downs Racetrack on September 14, 2016, and to place "Bulk" from first place to third place is **AFFIRMED**.

In re: Appeal of Laureano Santos Aguirre: A motion was made by Commissioner Breniser and, seconded by Commissioner Ruddy, and unanimously passed to enter an order, **AND NOW**, this 28<sup>th</sup> day of February, 2017, upon consideration of the testimony and exhibits of record and in accordance with the foregoing Findings of Fact, Conclusions of Law and Discussion, it is hereby **ORDERED** that the Notice of Ejection or Denial of Admission, dated November 18, 2016, directed to Laureano Santos Aguirre, also known as Laureano Aguirre-Rios, from Penn National notifying Aguirre that he is ejected for a period of 365 days (1 year) from all grounds of Hollywood Casino at Penn National Race Course including but not limited to the gaming facility, stable area, grandstand, track apron, paddock and all other areas of the premises, is **AFFIRMED**.

### **BUSINESS - MOTIONS**

A motion was made by Commissioner Ellis and, seconded by Commissioner Sweeney, and unanimously passed to approve item 3(b) 1-01/26/2017 State Horse Racing Commission meeting minutes.

A motion was made by Commissioner Rogers and, seconded by Commissioner Breniser, and unanimously passed to approve item 3 (b) 2- financial statements for February meeting.

A motion was made by Commissioner Egloff and, seconded by Commissioner Breniser, and unanimously passed to approve item 3 (b) 3- an order read by Legal Counsel Jorge Augusto for The Out of Competition Testing Program.

A consolidated motion was made by Commissioner Ellis and, seconded by Commissioner Egloff, and unanimously passed to approve items 3 (b) 4- A - H; allowing all simulcast for February 2017 from the six racetracks; The Meadows, Harrah's Philadelphia, Mohegan Sun at Pocono Downs, Parx, Penn National and Presque Isle Downs and a request from The Meadows for Super

High 5 wagering, Harrah's Philadelphia for Live Racing post times, Presque Isle Downs adding Integrated Betting Network, Presque Isle Downs adding Cage Team members, Penn National to change post times for Triple Crown, and Parx to add Harrah's Council Bluff Casino in Iowa.

A consolidated motion was made by Commissioner Breniser and, seconded by Commissioner Ellis and an abstention by Commissioner Jones, and passed to approve item 3 (b) 4- I; allowing the updating of the Lasix Policy (Harness side only).

## **ANNOUNCEMENTS**

Brian Langlois addressed the commission briefly on a few topics. Susan Paddock of No Casino Gettysburg also had a short statement for the commissioners.

Alan Pincus addressed some concerns he had with the commission.

Chairman Redding announced the next meeting will be held on Wednesday, March 29, 2017, at the FARMSHOW Complex, in the Susquehanna room, in Harrisburg, PA.

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

## **ADJOURNMENT**

Chairman Redding adjourned the meeting.

Respectfully submitted,

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

Brett Revington  
Bureau Director  
Bureau of Standardbred Horse Racing