

THE STATE HORSE RACING COMMISSION MEETING MINUTES

MAY 25, 2021

A public business meeting of The State Horse Racing Commission was held at the following date, place and time: Via Telephonic Conference Call on Tuesday, May 25, 2021 at 1:00 P.M.

Commissioners in attendance: Chairman Redding, Darryl Breniser, Salvatore DeBunda, Thomas Ellis, Russell Jones, Robert Lark, C. Edward Rogers, Michele Ruddy, Dr. Sweeney and Dr. John Egloff were present via telephonic conference call. Also present was Commission Counsel Marija Kuren.

ANNOUNCEMENTS

A quorum of the Commission being present, Chairman Redding called the meeting to order. Chairman Redding 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 Redding welcomed everyone.

PUBLIC MEETING

1.) MINUTES OF THE APRIL 27, 2021 Meeting as emailed to the Commissioners for their review in advance of the meeting.

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

PRESENTATIONS

2.) RACING FUND APRIL FINANCIAL REPORT – presented by Thomas Chuckas. Director Chuckas provided a detailed financial analysis of the State Racing Fund, Commission and Testing Revenues and Expenses, Promotional Expenditures, a Comparative to FY 19/20 and an overview of the Breed-specific funds for the month of April 2021.

3.) Discussion-USTA Litigation (HISA 2020) – presented by Russell Williams. Mr. Williams requested the Pa. State Horse Racing Commission join USTA's federal lawsuit, challenging the constitutionality of the Horseracing Integrity and Safety Act. Mr. Williams provided background information on HISA and its current status. He highlighted significant issues and concerns with the legislation. In addition, he briefly outlined the legal issues. Mr. Williams advised the Commission that the North American Association of Racetrack Veterinarians have generated an alternative bill that focuses on the health and welfare of the horse. This draft has been shared with State regulators, the Thoroughbred Horsemen and the USTA and is ready to introduce in Congress. Mr. Williams stated the major differences were:

- State Racing Commissions retain their governmental authority.

- Development of an Interstate Medication Compact with Federal oversight on Compact law.
- Controlled use of Lasix will be permitted.
- Three separate sets of medication/rules by breed.
- Funding would align within existing Commission budgets.

Mr. Williams continued to outline the fall-out if the court case is unsuccessful. He questioned many areas of HISA from funding, burden of costs, USADA issues, legal expenses, effect on State Racing Commissions and racetracks.

Mr. Williams reiterated his request for the Commission to join the lawsuit opposing HISA.

The Commission thanked Mr. Williams for his presentation and would take it under advisement.

4.) Discussion-Amendment to ARCI's Restricted Therapeutic Use List for Clenbuterol-threshold level modified to "level of detection" – presented by Thomas Chuckas. Director Chuckas provide a brief overview of the proposed Amended ARCI Clenbuterol (Thoroughbred Only) regulation prohibiting its use in racing and training unless certain conditions are met with existing Commission regulations. The specific threshold level will be published and distributed to the horsemen, veterinarians and the tracks. The threshold would no longer be 2 picograms but level of detection in urine or blood. Upon conclusion of the briefing, the floor was open for comment. Todd Mostoller (PA HBPA) and Mr. Ballezzi (PTHA) supported the amended regulation. They appreciated that the regulation contained provision for limited use in the best interest of the horse. Mr. Beegle (PHHA) and Mr. Hankins (MSOA) had no comment. Mr. Sanfratello supported the measure. Mr. Eric Johnston (Penn National) supported the action. Mr. Ennis (Presque Isle Downs) had no comment on the matter and would abide by all PA regulations. Mr. Brown (Harrah's), Mr. Zullinger (Pocono) and Mr. Lishia (Meadows) had no comment on the matter.

ADMINISTRATIVE ACTIONS

5.) Motion to approve the Simulcast Calendars for June 2021 for Harrah's Philadelphia, Mohegan Sun at Pocono Downs and The Meadows.

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

6.) Motion to approve the Simulcast Calendars for June 2021 for Parx, Penn National and Presque Isle Downs.

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

7.) Motion to approve ARCI's recommended change to the threshold level for Clenbuterol to "level of detection" and the conditions for the restricted use of Clenbuterol (Thoroughbred Only) effective July 19, 2021.

Motion By: Commissioner Jones
Second By: Commissioner DeBunda
Decision: Motion passed.

Abstained: Commissioner Breniser and Commissioner Egloff.

8.) Motion to ratify the approval to permit Parx to add one live race day, September 25, 2021.

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

9.) Motion to ratify the approval to permit Penn National to add Tuesdays as an additional live race day, effective June 8, 2021.

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

LICENSING

10.) BetMakers Technology Group, LTD: Petition for Change of Ownership of Sportech Racing, LLC & eBet Technology, Inc, (Docket No. 2021-10).

Motion By: Commissioner DeBunda
Second By: Commissioner Rogers
Abstained: Commissioner Ellis
Decision: Motion passed.

INDUSTRY REPORTS

11.) General Reports. Director Chuckas advised that the Commission staff conducted enforcement action at Parx on May 21st and 22nd. The Commission conducted 64 vehicle searches; 7 Veterinarian vehicle searches; 3 Vet office searches, 6 barn searches, 6 tack room searches and 5 grooms quarter searches. In addition, 66 Out of Competition tests were performed. Preliminary reports indicate significant contraband was discovered dealing with medications, either unlabeled, compounded or expired. In addition, needles and syringes were confiscated. All these matters are currently under investigation.

Moving forward other racetracks will encounter similar enforcement action.

Director Salerno recognized the following Industry participants for their reports:

- Eric Johnston, Penn National, thanked the Commission for approving the additional live race days on Tuesdays. In addition, he informed the Commission Friday May 28th was Penn Mile night, with the race scheduled as the 4th race. There will be a mandatory pay- out on Penn's High Five wager. There will activities on the apron to entertain our patrons.
- Matt Ennis, Presque Isle Downs, stated that PID was focusing on their opening in July. The track invested over \$200,000 in improvements for the 2021 season.
- David Osojnak, Parx thanked the Commission for their Enforcement action at Parx. He reported their new Pick 5 wager is doing well, averaging \$70,000 to \$80,000 a day in the pool.
- Barry Brown, Harrah's Philadelphia, advised the Commission that this Sunday is Harrah's featured day of the season. They are hosting three invitational races, along with Stallion and Sire Stake races. In addition, there will be family day activities. Harrah's is expecting a big day.
- Scott Lishia, Meadows, announced that there is a new Presiding Judge, Doug Thomas. The track and Commission conducted on-track safety drills. Mock scenarios were utilized with track crew, ambulance company and commission staff. The results were positive.
- Todd Mostoller, HBPA, stated the purse funding has improved dramatically over the last six weeks and is optimistic about adding additional live days at Presque Isle.
- Jim Simpson, SBA, requested Commission assistance in bringing the Standardbred Sale back to the Farm Show complex. Chairman Redding and Bureau Director Salerno supported the request and advised Mr. Simpson that the Commission was working diligently to make that happen.
- Kim Hankins, MSOA supported Mr. Williams position.
- Brian Sanfratello, PHBA, informed the Commission that the Breeders conducted their awards banquet virtually. It was well received and well done. He invited everyone to PA Day at the Races on August 23rd at Parx.

ANNOUNCEMENTS

Chairman Redding announced that the next meeting will be held on Tuesday, June 29, 2021. 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 2:05 P.M.

Respectfully submitted,

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

Anthony Salerno
Bureau Director
Bureau of Standardbred Racing