

THE STATE HORSE RACING COMMISSION MEETING MINUTES

December 20, 2022

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, December 20, 2022, at 1:00 P.M.

Commissioners in attendance: Chairman Redding, Darryl Breniser, Salvatore DeBunda, Dr. John Egloff, Thomas Ellis, Russell Jones, Robert Lark, C. Edward Rogers, Michelle Ruddy and Dr. Corinne Sweeney. Also present was Commission Counsel Jorge Augusto, Standardbred Bureau Director Anthony Salerno, and Thoroughbred Bureau Director Thomas Chuckas.

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 to the meeting.

PUBLIC MEETING

1.) MINUTES OF THE November 29, 2022, Meeting:

Motion By: Commissioner Ellis to table the motion.
Second By: Commissioner Lark
Decision: Passed by unanimous vote.

PRESENTATIONS

2.) RACING FUND NOVEMBER FINANCIAL REPORT – presented by Tracee Gotwalt. Ms. Gotwalt provided a detailed financial analysis of the State Racing Fund, Commission and Testing Revenues and Expenses, Promotional Expenditures, a Comparative to FY 21/22 and an overview of the Breed-specific funds for the month of November.

3.) SFY 23/24 Budget Revisions- presented by Tracee Gotwalt. Ms. Gotwalt advised the Commission that based upon a review of the SFY 23/24 budget, spending authority will need to be decreased by approximately \$3.3m. She explained that spending authority is not what the Bureau actually spends but it is the allowable limit. As previous years reflect, the spending is significantly less than the approved spending authority and there has been year-end surpluses. The recommendation is to reduce Commission spending authority by \$1.163 m (\$850k in personnel & \$313k in operating) and to reduce Testing spending authority by \$2.161m (\$1.628k in personnel & \$523k in operating). The staff believes this will create an issue but, if necessary, we will request an increase in spending authority.

4.) HISA Assessment Process Review- presented by Thomas Chuckas. Mr. Chuckas advised the Commission that HISA in October released its 2023 budget for \$72m. The budget covers all phases of the HISA/HIWU operations, Racetrack Safety, Anti-Doping & Medication, Lab Services and Administrative. Pennsylvania was assessed approximately \$6.6 m with the costs allocated to Parx \$3.8m, Penn National \$1.6m and PID \$1.1m. HISA was seeking an opt-in response from the Commission by November 16th or a Racetrack plan submission by December 10th. The Commission advised HISA that the HISA dates would not be met. Based on the litigation and non-action by the FTC, HISA postponed the ADMP and Lab services assessment but would proceed with the Racetrack Safety assessment. Unfortunately, no actual assessment amounts were provided for the Racetrack Safety component. Mr. Chuckas referred the Commission back to April of 2022 and the action the Commission undertook. The Bureau Director reminded the Commission that the neither the Pennsylvania statute nor the regulations provide any statutory authority or mechanism enabling this Commission to collect fees from its licensees and remit those fees to the Authority, HISA. The Commission intends to take action on this matter later in the meeting.

5.) UPENN Research Report- Dr. Mary Robinson. Dr. Robinson informed the Commission that six manuscripts were published in 2022 and one additional research report was accepted for publication.

The six manuscripts published in 2022 and the one that was accepted for publication are listed below:

1. Jiang Z, Chen J, Haughan J, Stefanovski D, Soma LR, Robinson MA. Gene transcripts expressed in equine white blood cells are potential biomarkers of extracorporeal shock wave therapy. 2022; 14(5): 973– 982. <https://doi.org/10.1002/dta.3099>
2. Jiang Z, Haughan J, Moss KL, Stefanovski D, Ortved KF, Robinson MA. A quantitative PCR screening method for adeno-associated viral vector 2 – mediated gene doping. Drug Test Anal. 2022; 14(5): 963- 972. <https://doi.org/10.1002/dta.3152>
3. Luethy D, Robinson MA, Stefanovski D, Haughan J, Torcivia C, Kowalski A, Ford M, You Y, Missanelli J, Slack J. Pharmacokinetics and pharmacodynamics of oral and intravenous metoprolol tartrate in clinically healthy horses. J Vet Pharmacol Ther. 2022 45, 177– 187 [https://doi: 10.1111/jvp.13037](https://doi.org/10.1111/jvp.13037).
4. Dorph K, Haughan J, Robinson MA, Redding LE. Critically important antimicrobials are frequently used on equine racetracks. J Am Vet Med Assoc. 2022; 260(7), 774-779. <https://doi.org/10.2460/javma.22.01.0022>
5. Haughan JE, Missanelli JR, You Y, Stefanovski D, Soma LR, Robinson MA. Pharmacokinetics of glaucine after intravenous and oral administrations and detection of systemic aporphine alkaloids after ingestion of tulip poplar shavings in horses. J Vet Pharmacol Ther. 2022; 45, 273– 282. [https://doi: 10.1111/jvp.13057](https://doi.org/10.1111/jvp.13057).
6. Soma LR*, Stefanovski D*, Robinson MA, Tsang DS, Haughan J, Boston RC. Pre-race venous blood gases and acid-base values in Standardbred horses: Effects of geography, season, pre-race furosemide, gender, age, and trainer using big data analytics. Am J Vet Res. 2022 Sep 19;83(11):1-9. doi: 10.2460/ajvr.22.01.0013. *these authors contributed equally to this work.
7. Haughan J, Ortved K, Robinson MA. Administration and Detection of Gene Therapy in

Horses: a systematic review. Drug Test Anal. 2022 Oct 21. doi: 10.1002/dta.3394. Epub ahead of print. PMID: 36269665.

6.) PA HBPA Marketing Report- presented by Stu Kirshenbaum. The PA HBPA and Keystone Films goal is to deliver a nuanced branding, marketing, and advertising message that tells the industry's story. The story focuses on job creation and economic impact, as well as racehorse safety and welfare both during and after their careers. In addition, the promotion of major events and race days highlighting Penn national's 50th Anniversary, Penn Mile and PID Masters Day. Mr. Kirshenbaum reviewed multiple videos that reflected these efforts. The videos outlined PA HBPA's Broadcast strategies, partners such as FanDual (TVG), the 50th Anniversary events, Media partners and coverage and the work on the Social Media platform and its campaign and engagement. The goal in 2023 would be to continue with these strategies and expand the footprint.

7.) Standardbred Investigative Fund-presented by Russell Williams. Mr. Williams informed the Commission that the purpose of his presentation is to talk about the 29 Prosecution Project which was a cooperative project between the USTA and the Standardbred Racing Investigative Fund. Mr. Williams proceeded to review key points in his handout. The information covered both Thoroughbred and Standardbred cases and Mr. Williams reviewed select cases, Allard, Fishman, Servis and Surick to name a few. He referenced the potential advantages of the fund and potential uses. Mr. Williams suggested in the future that the Investigative Fund could be an asset the Commission and used to augment its resources.

8.) PHBA 2023 Budget Presentation- presented by Brian Sanfratello. Mr. Sanfratello provided an overview of the projected 2023 budget and then provided a line-by-line analysis of the budget. The Commissioners had sought clarity with specific budgetary issues which Mr. Sanfratello answered to their satisfaction.

ADMINISTRATIVE ACTIONS

9.) Motion to approve the 2023 PHBA Budget.

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

10.) Motion to approve SFY 23/24 Budget Revisions.

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

11.) Motion that the Commission will formally opt-out and not remit any fees relating to the Racetrack Safety Program to HISA.

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

12.) Motion to approve the Simulcast Calendars for January 2023 for Harrah's Philadelphia, Mohegan Sun at Pocono and The Meadows

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

13.) Motion to approve the Simulcast Calendars for January 2023 for PARX, Penn National and Presque Isle Downs.

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

- Please note items #12 & #13 were combined into one motion.

ADJUDICATION

14.) Appeal of Juan C. Vazquez, (Ruling No. 22032-PP), Docket No. RACINGPX-2022-M-11.

Motion to Affirm the Decision of the Parx Stewards:

Motion By: Commissioner Rogers
Second By: Commissioner Ellis
Decision: Motion passed. Commissioners Jones and DeBunda abstained.

15.) Appeal of Juan C. Vazquez, (Ruling No. 22033-PP), Docket No. RACINGPX-2022-M-13.

Motion to Affirm the Decision of the Parx Stewards:

Motion By: Commissioner Rogers
Second By: Commissioner Ellis
Decision: Motion passed. Commissioners Jones and DeBunda abstained.

16.) Appeal of Jose Bobadilla, (Ruling No. 22044-PN), Docket No. RACINGPN-2022-M-10.

Motion to Affirm the Decision of the Penn National Stewards:

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

INDUSTRY REPORTS

17.) General Reports

Director Chuckas gave an update on the Out of Competition Testing. Since the last Commission Meeting, the staff conducted 87 tests (30-PN & 57-MDWS) bringing the year-to-date total to 1,040 (TB-539 & SB-501) samples tested. The Equine Hotline has had 101 calls from March to December 15, 2022. Ninety-five of them have been cleared and 6 are under further investigation.

Director Salerno recognized the following Industry participants:

- Scott Lishia, Meadows, recognized Assistant Racing Secretary, Cricket Colbert, for over 38 years of service. Ms. Colbert is retiring and will be missed.
- Barry Brown, Harrah's Philadelphia, reported that there are 4 days remaining in the 2022 Racing Season. Harrah's will reopen Sunday April 2, 2023.
- Eric Johnston, Penn National, reported the 2022 Racing Season will conclude on December 30th with racing returning the second week of January.
- Matt Ennis, PID, reported that PID is working with the HBPA to establish post time and dates for the 2023 season. In addition, PID is having Tapeta Footings provide an assessment on the racing surface.
- Jeff Matty, PTHA, expressed the organization's appreciation to Pete Peterson & Ashley Eisenbeil for conducting the first Caregivers Day at Parx. It was very well received by the grooms & hotwalkers.
- Pete Peterson, PHRA, provided an overview of the first Caregiver Day in PA. It was a day to recognize the efforts of the grooms, exercise riders and hot walkers. PHRA, in conjunction, with the horsemen's associations provided hoodies and hats plus food, drinks and coffee to the Caregivers. The events were well received by all who participated. A social campaign was conducted with videos providing personal thanks and messages to the Caregivers. The events at the tracks received media coverage. It turned out to be a terrific day.
- Brian Sanfratello, PHBA, reviewed the Breeders handout. Mr. Sanfratello advised the Commission that the 2023 Stallion Series is from January 15th through January 22nd.

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS

Chairman Redding announced that the next meeting will be held on Tuesday, January 31, 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

The meeting was adjourned at 2:37 P.M.

Respectfully submitted,

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

Anthony Salerno
Bureau Director
Bureau of Standardbred Racing