

1 THE COMMONWEALTH OF MASSACHUSETTS
2 MASSACHUSETTS GAMING COMMISSION
3 RACING DIVISION
4 PUBLIC MEETING
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8 RE: RUNNING HORSE RACING LICENSE APPLICATION

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12 BEFORE: COMMISSIONER GAYLE CAMERON and
13 COMMISSIONER BRUCE STEBBINS
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18 November 4, 2015 1:30 p.m.

19 MASSASOIT COMMUNITY COLLEGE CONFERENCE CENTER

20 770 Crescent Street

21 Brockton, Massachusetts
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1 APPEARANCES:

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3 MASSACHUSETTS GAMING COMMISSION:

4 Todd Grossman, Deputy General Counsel

5 Dr. Alex Lightbaum, Interim Director of Racing

6 Doug O'Donnell, Sr. Financial Analyst

7 Cecelia Porche, Paralegal

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10 GUEST SPEAKERS:

11 On behalf of Brockton Agricultural Association

12 and Middleborough Agricultural Association:

13 Christopher Carney

14 George Carney

15

16 Maryann Fruzzetti

17 Bob Gorham

18 William Lagorio

19 Patti Reardon

20 Adel Salim

21 Chip Tuttle

22 Jill Wylie

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P R O C E E D I N G S :

COMMISSIONER CAMERON: Good afternoon. Today is Wednesday, November 4, 2015. This is a public hearing before the Massachusetts Gaming Commission. I am Commissioner Gayle Cameron representing the Commission today. Also present is Commissioner Bruce Stebbins.

This hearing is being convened pursuant to Massachusetts General Law Chapter 128A section 3.

We are here today to accept public comment on the racing license applications submitted by the Middleborough Agricultural Society and the Brockton Agricultural Society for horseracing to be held at the Brockton Fairgrounds.

Before we begin, the Commission would like to thank you all for being here today. This is a public hearing. It is critically important that you, the public, be part of the process to ensure that the Commission achieves the best results possible.

1 The purpose of this public hearing
2 is to offer any interested person or group an
3 opportunity to comment on the racing license
4 application. This is not a question-and-answer
5 period or a debate. Once we begin, anyone who
6 wishes to comment may raise their hand and be
7 recognized by the Commission. They may then
8 proceed to offer their comments.

9 The Commission requests that all
10 speakers identify themselves prior to
11 commenting. And please, make sure to keep your
12 voices up as this hearing is being recorded.
13 With that we will now open up the floor for
14 comments. I believe Mr. Carney, would you like
15 to start, Sir?

16 MR. CARNEY: Yes, I would. For the
17 record, my name is George L. Carney. I live at
18 221 Fairview Avenue in Brockton as I have the
19 past 75 plus years.

20 I was going to add a little bit onto
21 that but I'll leave it at 75.

22 The reason I wanted to come here
23 today is that I've been involved in the past
24 with the Brockton Fair for the past 50 plus

1 years and the same with the Middleborough Fair.
2 But it's time for me to kind of step aside. And
3 I've got my son Christopher Carney that's been a
4 horseman for many, many years since he's been a
5 young fellow.

6 And I thought it would be time for
7 me to step down and he seems to be interested in
8 following my career as far as that's concerned.
9 So anyway, that's what I want for Christopher
10 Carney to speak for himself. Hopefully, that is
11 something between the families we can come up
12 with a solution that will make everybody happy
13 and everybody to make money. And that's my
14 objective at this particular time. Whether it
15 will happen or not, I don't know, but I'm going
16 to try.

17 COMMISSIONER CAMERON: Thank you,
18 Mr. Carney.

19 MR. CHRISTOPHER CARNEY: For the
20 record, Chris Carney, 61 Stone Meadow Lane,
21 Hanover, Mass. I am here to put a presentation,
22 a proposal together for the Mass. Gaming
23 Commission on thoroughbred racing at the
24 Brockton Fair.

1 We started in the year 2000 after
2 probably a 20-year hiatus. And we still have
3 the grandstand. We still have the racetrack.
4 And we still have the paddocks and the barns
5 there.

6 We have in anticipation of trying to
7 rebuild and regroup now that we realized that
8 Suffolk Downs has been dark other than three
9 days per year.

10 Last year we were here with you
11 Commissioner, and I think we had two people from
12 the horseman's association here. They weren't
13 even from the original horseman's association.
14 This year, we have much more. And if we come
15 back next year, we'll have many, many more.

16 But one of these years', we're going
17 to have to get it off the ground. We feel that
18 this year would be good year. We know we have a
19 pending gaming license application for the
20 Brockton Fair for a casino. And our solution is
21 this. If we get the license in Brockton for the
22 casino, we'd like to move the thoroughbred
23 racing to the dog track in Raynham.

24 So, we have no anticipation of going

1 out of business. We have anticipation of going
2 into business.

3 Racing has been in the blood for not
4 only my father, but for myself for our whole
5 lives. We have the ability to run a simulcast
6 parlor in Raynham and have done so since the
7 dark days of Raynham past. That's great, but we
8 like live racing. That's why we are here today.
9 Not many people can say that. We look to make a
10 partnership with the horsemen and see if we can
11 get something going.

12 In 2000, I was there in Brockton.
13 And I know one of the people, Bobby Gorham, he
14 stands there. He was there, and he remembers
15 what it could be and what it was like.

16 Our idea of Brockton would be more
17 for the local people. Suffolk Downs, as you saw
18 for the three days they raced, they gave away
19 \$1.2 million, \$1.3 million and most of it went
20 out of the state.

21 What we would like to do and our
22 plan as we did when we worked in Brockton, all
23 of the money did stay in the state and all of
24 the money stayed in the area.

1 So, that would be our plans. And
2 hopefully that can be fulfilled whether it's
3 Brockton or Raynham. But we have no
4 anticipation of closing up and folding our tent
5 and going home. Thank you.

6 COMMISSIONER CAMERON: Thank you,
7 Mr. Carney. Do we have another individual who
8 would like to make comments on this racing
9 license application? Mr. Lagorio.

10 MR. LAGORIO: Yes. William Lagorio,
11 36 Witherbee Ave. in Revere. I'm the president
12 of the Massachusetts Thoroughbreds Horsemen's
13 Association.

14 We, the 350 members that we have
15 now, fully endorse racing at the Brockton
16 Fairgrounds, certainly, as a way to utilize the
17 Race Horse Development Fund for its intended
18 purpose.

19 As Chris Carney stated, a lot of
20 money went to out-of-towners. And a lot of
21 local people and farms are looking for some
22 answers and some help. Certainly, by providing
23 a local venue where we can participate with
24 decent purses will give everybody an opportunity

1 to participate locally and once again start
2 feeding the farms and the breeding program right
3 now that's suffering a great deal.

4 So, we feel as though Brockton is
5 very viable for us. We have the support of all
6 of our members along the way. And we endorse it
7 100 percent to get something going locally and
8 to once again bring money to the local people
9 and use that purse money for its intended
10 purpose.

11 COMMISSIONER CAMERON: Thank you,
12 Mr. Lagorio. Would anyone else like to provide
13 comment on this license?

14 MS. WYLIE: My name is Jill Wylie.
15 I'm a minister in Brockton. This is the fifth
16 Gaming Commission meeting I have attended in
17 person and the eighth that I will have watched
18 and attended.

19 I live at 127 Tilton Avenue in
20 Brockton. I've served a number of churches.
21 And as associate director of the Massachusetts
22 Council of Churches, a decade ago I worked
23 tirelessly to prevent expanded gambling in the
24 state. That not happening, I'm just commenting

1 on the openness to the process for the average
2 person to come because this is the first time
3 I've actually been able to stand and say
4 something out loud. So, to the extent we can do
5 that --- We did it at the polls on May 12, but
6 as we know there is going to be an application
7 that will be described tomorrow and we will
8 listen with great interest.

9 I also represent a group, Stand Up
10 for Brockton, who is interested in if in fact
11 the casino is not awarded a license that we
12 might approach Mr. Carney and his family about
13 turning that 45.45 acres into a nonprofit Shoe
14 City Heritage Park which would be much like
15 Plymouth Plantation or other places that would
16 be a family-friendly tourist attraction.

17 So, we are here today to see what
18 the progress might be on the use of that
19 property because we had a great interest in it.
20 We hope perhaps to raise \$20 million to buy it
21 since it's registered as being worth \$16
22 million.

23 We don't have facts on how much the
24 money is being sold for for the casino, but we

1 would certainly like to be in the running. We
2 have foundations who are interested in this.

3 COMMISSIONER CAMERON: So, you don't
4 have a comment on the racing application, Ms.
5 Wylie?

6 MS. WYLIE: Going back to my initial
7 point, it's very difficult to find out when this
8 is happening. The email from the MGC comes for
9 the hearing that will be tomorrow. But for
10 people like myself who might want to come,
11 particularly when you make your way to Brockton
12 which we appreciate, that perhaps there could be
13 greater notification to people in the paper,
14 which does not often report the things that we
15 need to know about the situation. So, I would
16 make that commentary as you proceed with
17 applications.

18 COMMISSIONER CAMERON: Okay. Ms.
19 Wylie, I understand that your greater interest
20 is casino gaming. And there will be meetings
21 here in the host city as well as surrounding
22 cities.

23 MS. WYLIE: I will then add onto it.
24 I didn't want to take too much time, but we are

1 opposed to racetrack and gaming that would be
2 associated with racing or turning that space
3 into -- It wouldn't be a racino now, but the
4 idea that a racetrack in the same property that
5 we're objecting to because of all the other
6 reasons both from an ethical standpoint but also
7 economic and traffic.

8 COMMISSIONER CAMERON: Okay. Thank
9 you for your comments. Sir, please stand and
10 state your name.

11 MR. SALIM: I'm Adel Salim. I'm a
12 Mass. breeder in Massachusetts of thoroughbred
13 horses.

14 Three days of racing was conducted
15 at Suffolk Downs certainly is not the answer to
16 bring racing back to Massachusetts. We need
17 longer-term racing commitment in the state. If
18 that does not happen soon, more and more
19 businesses are going to be lost while boarding
20 and breeding farms will go out of business.
21 Jobs such as vets, blacksmith, etc. will go to
22 other states to try to make a living.

23 Also, the breeding farms, who's
24 going to breed when we have to drive seven and a

1 half hours or eight hours to go to Finger Lakes
2 or to go to Maryland or Baltimore or go to New
3 York or New Jersey. We breed our horses because
4 what love them. We want to see them racing in
5 the state. We want to be able to go and pat
6 them and spend the afternoon at the local
7 racetrack.

8 We should not be blinded by the HBPA
9 and Suffolk Downs boasting about the success of
10 the three-day racing. Can hardly be described
11 as success. It is once again deceiving as
12 usual.

13 The facts of the matter are it was a
14 waste of money on how did the state of
15 Massachusetts benefit from that? The facts are
16 as follow. \$486,000 in purse money was spent on
17 the 31st of October. That includes the
18 Massachusetts races. Handle was \$231,000.
19 That's less than half of the money that they
20 gave away. That's not success.

21 Horses with their trainers and other
22 personnel came to Suffolk Downs on Friday, slept
23 in the dorm, raced on Saturday and left before
24 8:00 on Sunday. The money went with them back

1 to New York, Pennsylvania, Maryland, New Jersey
2 to be spent there on feed, hay, blacksmith,
3 vets, apartment rentals and not in
4 Massachusetts. It was taken out of the state.
5 It was not spent in the state. No one benefited
6 from that.

7 The HBPA claimed that local people
8 benefited greatly. How? The local people have
9 the horses outside the state. And the money
10 they won is being spent on the horses outside
11 the state. Therefore, we could see that the
12 \$1.2 million of the Massachusetts Race Horse
13 Development Fund was spent to develop
14 thoroughbred racing everywhere else except
15 Massachusetts. What a waste of money.

16 We need long-term racing in the
17 state so we can create jobs, benefit the local
18 businesses, feed stores, hay, blacksmith, vets,
19 etc. Suffolk is interested in simulcast money,
20 about \$14 million a year. And the HBPA is
21 interested in getting their kickback and
22 dividing the pot.

23 We need long-term racing. Mr.
24 Carney here and his son should be applauded for

1 coming forward to create the opportunities for
2 us to race in Massachusetts. Thank you.

3 COMMISSIONER CAMERON: Thank you,
4 Sir. Next person?

5 MR. GORHAM: Yes, Bob Gorham, 5 Fox
6 Hollow Drive, Canton. I'm just here to speak in
7 favor of the Carneys' application. I raced
8 horses there 15 years ago in the last meet they
9 had. I had a positive experience there.

10 Anything we asked for, they gave us.
11 I am from the area. So, it's close to my home.
12 With the close of Suffolk Downs, I sold all of
13 my horses and got out of the business currently.
14 I think it's an avenue for someone like me to
15 get back in the game. So, I'd just like to
16 speak in favor of their application.

17 COMMISSIONER CAMERON: Great. Thank
18 you, Mr. Gorham. Does anyone else want to speak
19 regarding this application? Mr. Tuttle?

20 MR. TUTTLE: I have some notes if
21 that's okay.

22 COMMISSIONER CAMERON: Yes, it is.

23 MR. TUTTLE: Chip Tuttle from
24 Suffolk Downs, Salem, actually. I don't really

1 have a position on the Carneys' fair application
2 other than I wish them the best.

3 I do want to bring to the
4 Commission's attention that the two fairs whose
5 application you are considering are the same
6 licensee as the Raynham Taunton Greyhound Park
7 which conduct simulcasting under the racing
8 statutes. As you evaluate this application,
9 there is a matter of past-due premiums that are
10 due on simulcast.

11 Simulcasting premiums from 2014 and
12 2015. The amount is over \$300,000. The Raynham
13 Taunton licensee has failed to meet the
14 statutory obligation to pay these premiums for
15 October 5, 2015 through June -- pardon me,
16 October 5, 2014 through June 24, 2015 as
17 outlined in the extension of the racing
18 statutes, again, while Suffolk Downs has made
19 repeated requests for this.

20 If it was a contractual matter, I
21 wouldn't even be bringing it to your attention
22 but it is a statutory payment that is well
23 overdue and that the licensee Raynham Taunton
24 has made claims that it has no statutory

1 obligation to pay. We just ask that you
2 evaluate that as part of it.

3 COMMISSIONER CAMERON: That will be
4 evaluated Mr. Tuttle. Thank you.

5 Before you speak, Mr. Carney. Is
6 there anyone else that hasn't spoken yet that
7 would like to speak with regard to this
8 application?

9 MS. REARDON: Hi, I'm Patti Reardon.
10 I'm from the Mass. THA and the Mass. breeders.
11 I would like to speak in favor of the Carneys
12 and their application. It seems like a perfect
13 resolution to the problem not having racing in
14 Massachusetts.

15 As you know, the Mass. breeders are
16 sending their horses to Finger Lakes to get
17 bonuses where they'll be claimed, go to Ohio and
18 other places. They will run their legs off to
19 get the bonus money. They will never come back
20 to Massachusetts to run Mass. bred races again.
21 They won't travel here.

22 And it is going to dissolve the
23 breeders program little by little. As you know,
24 the horses weren't bred this year, very few of

1 them. And it looks like the outlook without the
2 Carneys stepping forward, there will be none
3 bred this year in the sheds.

4 This is essential to having racing
5 move forward in Massachusetts, especially at the
6 time when we start to have purse money, when all
7 of these people have waited for years and
8 suffered for years and put up with waiting for
9 Suffolk Downs to get their casino. And we lost
10 many people who had to go and get out of the
11 business. This is the year to save all of these
12 people so they can prosper for they well, well
13 deserve it. And that's all I have to say.

14 COMMISSIONER CAMERON: Thank you,
15 Ms. Reardon.

16 COMMISSIONER CAMERON: Is someone
17 else interested in speaking before we let Mr.
18 Carney speak?

19 MS. FRUZZETTI: Maryann Fruzzetti
20 from 941 Central Street in East Bridgewater. My
21 husband and I have been in the business with
22 race horses since 1969. We went to Brockton
23 Fair and all the fairs. Since Suffolk closed,
24 we've been to Florida, we've been to New Jersey.

1 And our farm, which is 12 minutes from here sits
2 vacant. And we really love it here and we'd
3 like to come home.

4 COMMISSIONER CAMERON: Thank you
5 very much for your comments. Someone else would
6 like to speak? Mr. Carney.

7 MR. CARNEY: I'm so happy to be here
8 today to defend myself. First of all, I think
9 probably what brought Mr. Tuttle here today was
10 that I had issued him a check for payment of
11 purses from October 4 I believe was the day of
12 the meet to December 31 for a \$80,000 or
13 \$100,000, anywhere in that area. I couldn't
14 tell you exactly. And I stopped payment on it
15 yesterday or today.

16 First of all is this, I sent them a
17 check from whatever I owed him up to the last
18 day of racing whatever the amount was. I'm not
19 an accountant. But whatever it is, we paid
20 everything that any of my operations owed
21 Suffolk Downs through October 4 if that was the
22 closing date.

23 And then I sent a separate check
24 from October 5 through the end of December,

1 which I felt was really a shake-down -- I don't
2 like to use that terminology. -- because there
3 was no racing at Suffolk Downs from the 4
4 October through December 31.

5 But for peace in the industry, I
6 sent him along a check that said for full and
7 final payment. Carney didn't fall off the
8 turnip wagon last night. So, anyway that check
9 has sat there for weeks. And I figured we're
10 coming in today, I was going to call the bank.
11 I didn't, but somebody in my office did to stop
12 payment on it.

13 The second part of the story is that
14 from January 1 to June 24 there was live racing
15 at Suffolk Downs. Suffolk Downs wasn't even a
16 live entity at that time. I was sitting in the
17 audience with you people when you had Suffolk
18 Downs with the three days and it was long after
19 June 24.

20 I don't feel I own him that money.
21 My attorneys have already notified his attorney.
22 I probably paid Suffolk Downs, off the top of my
23 head, between \$12 and \$15 million from the time
24 simulcasting came in. It never cost him a

1 quarter.

2 I'm not surprised he came in here as
3 far as the thing is concerned. Probably in
4 desperation, may be a chance to slow us down and
5 give us a bad reputation. But the nice part,
6 George Carney can stand here and say nobody has
7 been stiffed by George Carney. And I'm 87 years
8 old. And I feel very strongly in my
9 convictions. I don't feel I owe him money. Let
10 him take me to court and we'll see who prevails.
11 Thank you for your time.

12 COMMISSIONER CAMERON: Thank you Mr.
13 Carney. Anyone else like to speak with regard
14 to this application?

15 Why don't we do this. In case
16 people are late, why don't we suspend the
17 hearing now. It is 1:50. And we'll give people
18 say 15 minutes if they happen to come in. So,
19 2:05 we'll reconvene this hearing. And if there
20 are no further speakers, we'll at that time
21 close the hearing. Thank you.

22

23 (A recess was taken)

24

1 COMMISSIONER CAMERON: It is now
2 2:07 p.m. I am Commissioner Gayle Cameron. We
3 are reconvening this racing hearing. Is there
4 anyone else at this point who would like to make
5 comment on this application? Mr. Carney?

6 MR. CHRISTOPHER CARNEY: I want to
7 get up and just clarify that with the Brockton
8 Fair, we worked with some of the breeders before
9 about reconfiguring the thoroughbred track. We
10 are more than willing to do that. We appreciate
11 the Mass. thoroughbred people here today.

12 We absolutely support them. We
13 never had any luck with the HBPA. So, we're
14 going to jump ship and we're going to go with
15 these guys. It's much more palatable to
16 exploring that idea. Thank you.

17 COMMISSIONER CAMERON: Thank you for
18 those comments. Mr. Lagorio?

19 MR. LAGORIO: I appreciate that. We
20 do have some ringing endorsements from some very
21 good jockeys. I was actually over at Suffolk
22 Downs and participated on Saturday just to be
23 there. Since I live there, my heart was broken
24 as far as what was going on.

1 But we have some very good jockeys
2 Vernon Bush, Dean Pinell, Tamile Pandu who all
3 support the condition of Brockton. Although
4 we've run at other fair tracks and they're small
5 and tight, they said the condition when they ran
6 in 2000 that the turns were bank, the surface
7 was safe and there were no safety issues at all.

8 I just wanted to bring up the fact
9 that we feel it's a very safe facility. Of
10 course, it needs to be put together, but these
11 are the people that can do it. Certainly, all
12 of our group supports that idea. I appreciate
13 your time today very much.

14 COMMISSIONER CAMERON: Thank you,
15 Sir. Anyone else with a comment? Okay. So, at
16 this time we will close the hearing. Thank you
17 all very much for your comments.

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19 (Hearing closed at 2:08 p.m.)
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C E R T I F I C A T E

I, Laurie J. Jordan, an Approved Court Reporter,
do hereby certify that the foregoing is a true
and accurate transcript from the record of the
proceedings.

I, Laurie J. Jordan, further certify that the
foregoing is in compliance with the
Administrative Office of the Trial Court
Directive on Transcript Format.

I, Laurie J. Jordan, further certify I neither
am counsel for, related to, nor employed by any
of the parties to the action in which this
hearing was taken and further that I am not
financially nor otherwise interested in the
outcome of this action.

Proceedings recorded by Verbatim means, and
transcript produced from computer.

WITNESS MY HAND this 4th day of November,
2015.



LAURIE J. JORDAN
Notary Public

My Commission expires:
May 11, 2018