

1 THE COMMONWEALTH OF MASSACHUSETTS
2 MASSACHUSETTS GAMING COMMISSION
3 PUBLIC HEARING
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7 REGULATION: 205 CMR 3.00 205 CMR 4.00,
8 205 CMR 133, 205 CMR 143, 205 CMR 152,
9 205 CMR 149,

10 *****

11 BEFORE: COMMISSISONER GAYLE CAMERON AND
12 COMMISSIONER LLOYD MACDONALD
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15
16 April 7, 2016, 10:00 a.m. - 10:47 a.m.

17 MASSACHUSETTS GAMING COMMISSION
18 th
19 101 Federal Street, 12 Floor
20 Boston, Massachusetts
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1 P R O C E E D I N G S

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3 COMMISSIONER CAMERON: Good morning.

4 Today is Thursday, April 7, 2016. This is a
5 public hearing before the Massachusetts Gaming
6 Commission. I am Gayle Cameron a Commissioner
7 with the Gaming Commission.

8 This hearing is being convened
9 pursuant to Massachusetts General Law Chapter
10 30A § 2 and Massachusetts General Law Chapter
11 23K § 5.

12 Before we begin, the Commission
13 would like to thank all of you for being today.
14 This is a public hearing. And it is critically
15 important that you, the public, be a part of
16 our rulemaking process to ensure that the
17 Commission achieves the best results possible.

18 The purpose of this public hearing
19 is to offer any interested person or groups an
20 opportunity to comment on the Commission's
21 regulations. This is not a question-and-answer
22 period or a debate. Once we begin, anyone who
23 wishes to comment on the proposed regulations
24 may raise their hand and be recognized by the

1 Commission. They may then proceed to offer
2 their comment.

3 The following regulations are on the
4 agenda today: 205 CMR 3.00 Harness Horse
5 Racing, 205 CMR 4.00 Rules of Horse Racing.
6 The amendments to these regulations update the
7 helmet requirements, eliminate Stanazolol and
8 change the thresholds for Nandrolone and
9 Ketoprofen to comply with the Racing
10 Commissioners International regulations.

11 205 CMR 133: Voluntary Self-
12 Exclusion. The amendments govern the
13 responsibilities of the gaming licensees
14 relative to the administration of the voluntary
15 self-exclusion list, including the nonpayment
16 and confiscation of winnings or wagering
17 instruments from self-excluded individuals.

18 CMR 143: Gaming Devices and
19 Electronic Gaming Equipment. This amendment
20 provides that slot machines and other
21 electronic devices may operate any industry-
22 standard open communication protocol provided
23 that the system is fully compatible with the
24 Commission's central monitoring system and

1 capable of providing all of the data required
2 by the Commission. The amendment also removes
3 the existing slot machine communication
4 protocol restriction.

5 205 CMR 149: Race Horse Development
6 Fund. The amendments to this regulation define
7 the term Horseman's Organization provides for
8 the following: funds shall be divided between
9 the racing associations at the discretion of
10 the Commission if there are more than one
11 racing association; funds shall be paid upon
12 receipt of an executed purse agreement by the
13 racing association and the horseman's
14 association; the Commission shall divide the
15 health and pension benefits evenly between the
16 horseman's organizations if there are more than
17 one horseman's organization; and the Commission
18 may distribute less than the entire amount of
19 the funds, and any remaining funds shall be
20 available for payments in future years.

21 205 CMR 152: Individuals Excluded
22 from a Gaming Establishment. The amendment
23 governs the procedures for individuals excluded
24 from a gaming establishment including

1 notification to individuals of intent to place
2 their name on the exclusion list, opportunity
3 for a hearing, a submission by the gaming
4 licensee of a written protocol for compliance
5 with the exclusion list program.

6 These are proposals that we will now
7 hear comments on. The Commission requests that
8 all speakers identify themselves prior to
9 commenting. Also, please keep your voice up as
10 this hearing is being recorded. I'm also going
11 to ask that you identify the regulation in
12 which you would like to make comment so we are
13 clear what exactly we are hearing those
14 comments about.

15 With that I will now open the floor
16 for comments. I have a list here. So, we're
17 going to go in order of the list. Then I will
18 ask if there's anyone else that may not have
19 signed up if they would like to speak. First
20 name on the list is Frank Frissoli, New England
21 Horseman's Association, Mr. Frissoli.

22 MR. FRISSOLI: Good morning,
23 Commissioner Cameron. Thank you for allowing
24 me to briefly address the Commission. I wanted

1 to express my disappointment that the other
2 Commissioners were not able to attend.

3 I also want to reference about a
4 number of written responses. So, I won't get
5 into the detail of the things I have addressed
6 in writing. But I'd specifically reference the
7 detailed response I provided on February 15 to
8 the Commission.

9 Just briefly, the two primary issues
10 that I see here that I wanted to emphasize is
11 that the regulations demonstrate a complete
12 lack of understanding of how the horse industry
13 works. There is going to be -- If there is
14 another organization that represents horsemen
15 at a venue such as Brockton Fair, if it runs,
16 there's going to be cross memberships where
17 members that race there have raced at Suffolk
18 Downs. They're members of the HBPA. They may
19 be members of two entities.

20 So, the idea of splitting benefit
21 money is increasing the administration cost and
22 creating a myriad of problems. I wanted to
23 point out that the HBPA has been in existence
24 since 1940. We have been the representative of

1 the horseman group.

2 We continue to be that
3 representative until someone establishes we
4 don't represent the majority of horse owners.
5 And the idea of having another organization
6 that may control 10 horses get half of the
7 benefit money where our organization represents
8 the vast majority of horsemen seems a bit
9 ludicrous to us. And I just wanted to
10 emphasize that point.

11 The other thing that I wanted to
12 very briefly address is the requirement that
13 there be a purse contract in place before purse
14 funds are advanced. The horsemen have
15 protection under the federal statute, the
16 Interstate Horse Racing Act, which give them
17 certain rights. And I would respectfully
18 suggest this Commission can't abrogate those
19 rights.

20 And one of the rights is that when
21 we bargain a purse contract, we can withhold a
22 signal, choose to race without a contract,
23 choose to race with a contract. And the
24 concept that the funding for purses is going to

1 be withheld until we enter into a purse
2 agreement creates a huge disadvantage to the
3 horsemen.

4 It prevents us from negotiating.
5 When we did contracts with Suffolk Downs,
6 sometimes the negotiations would be delayed
7 through no fault of the HBPA to the last
8 minute. Then we are faced with if you don't
9 have a signed contract, the Race Horse
10 Development funding for the purses isn't coming
11 in. And that just squarely encourages the
12 licensee to delay negotiations, take a hard
13 position and force the horsemen to do something
14 that is unreasonable.

15 So, I would respectfully suggest
16 that as I requested in the prior letter that
17 these regulations be tabled until the
18 Commission gives them further study. We are
19 happy to work with any subcommittee or
20 representative of the Gaming Commission to
21 further articulate the issues that need to be
22 addressed and get something resolved in an
23 orderly manner.

24 There is no emergency here. The

1 only meet that is on the horizon at the present
2 time is the six days that Suffolk Downs will
3 race in 2016. And the HBPA is negotiating a
4 purse contract with Suffolk Downs. I believe
5 we just received a draft of one. I expect that
6 will get done before the six days.

7 And if there is a fair meet, we've
8 already reached out to Mr. Carney. I spoke to
9 him yesterday. We intend to be the
10 organization that will represent the horsemen
11 at that meet as well. Thank you.

12 COMMISSIONER CAMERON: Thank you,
13 Attorney Frissoli. President Leroy Grossman,
14 Chairman of the National Horseman's Benevolent
15 and Protective Association, Mr. Grossman.

16 MR. GESSMAN: Good morning,
17 Commissioners. I'm Leroy Gessman.

18 COMMISSIONER CAMERON: Sorry about
19 that.

20 MR. GESSMAN: No problem, President
21 of the National HBPA talking on 205 CMR 149.
22 Frank has asked me to tell you a little bit
23 about the HBPA and what we are about.

24 The HBPA was founded in 1940 by

1 horsemen at Rockingham Park. They founded an
2 organization that got some funding from the
3 racetrack and used that funding to help
4 horsemen in need. And that's what the HBPA is
5 all about.

6 The New England HBPA was a founding
7 member of the HBPA and has been a member in
8 good standing for over 75 years. Our
9 organization is made up of 30 affiliates across
10 the United States and Canada. We have over
11 30,000 members. And our membership is made up
12 70 percent owners, 20 percent owners and
13 trainers, and 10 percent trainers.

14 The HBPA provides a number of
15 services to our members, encourages the highest
16 standards of horsemanship to continually
17 improve the care and health and well-being of
18 the equine athlete.

19 We help establish guidelines to
20 ensure safety for jockeys, the trainers, the
21 grooms, the exercise riders and veterinarians,
22 farriers, hot walkers, anybody that comes in
23 contact with the equine athlete.

24 We develop and support the

1 implementation of the nationwide uniform rules
2 as the ARCI is trying to do. We help make that
3 happen to promote safety and integrity in
4 racing.

5 The HBPA supports and promotes
6 benevolence. That's the one I'm most proud of
7 that the HBPA does. We help the people in need
8 on the backsides. Our affiliates now are
9 paying over \$6 million a year to benevolence to
10 the backside workers.

11 The HBPA has several group insurance
12 programs. We have owner/trainer liability
13 insurance for all of our members, fire and
14 disaster insurance for the racetracks and the
15 training centers, D&O insurance for our board
16 members. We also have a national disaster
17 fund. The fund that is there for anybody, any
18 member in our association because of the event
19 of a disaster.

20 We have a groom elite program. It's
21 a class where go around and we teach the
22 backside workers how to take care the animals
23 to make them better qualified grooms and hot
24 walkers, to make it safer on the backside.

1 The HBPA provides information on
2 critical issues to all of our affiliates. We
3 have a Horseman Journal magazine that goes out
4 quarterly. We send out -- We have a Facebook
5 page. We have a Website. We have a mass email
6 list. We send out information daily through
7 the social media to provide our members with
8 information that's pertinent to horse racing
9 across the United States and Canada.

10 We have a lobbyist in Washington, DC
11 that is under contract and working on a current
12 bill in the House that if passed will be very
13 harmful to the horseman and the Interstate
14 Horse Racing Act.

15 And I just want to say that the HBPA
16 I think has lived up to what the founding
17 fathers in Rockingham Park wanted and was
18 created as horsemen helping horsemen living up
19 to our moto. Thank you.

20 COMMISSIONER CAMERON: Thank you,
21 President Gessman. Peter Ecabert, General
22 Counsel with the National Horseman's Benevolent
23 and Protective Association.

24 MR. ECABERT: Thank you,

1 Commissioner Cameron. I just wanted to sort of
2 -- This isn't on point here about the
3 regulation. I wanted to just give a personal
4 little note.

5 COMMISSIONER CAMERON: Which
6 regulation, Mr. Ecabert?

7 MR. ECABERT: I'm sorry, 205 CMR
8 149. And we are opposed to the regulation for
9 a number of reasons that I'll get into. But as
10 a personal aside, I just wanted to let you know
11 that 40 years ago next Wednesday I can tell you
12 exactly where I was. I used to work here for a
13 national accounting firm and a graduate of BU
14 Law School. Forty years ago, which for anybody
15 involved in the field taxes should know that
16 that's the 13th and the 15th is a critical day.

17 I know exactly where I was. I was
18 in the delivery room the Framingham hospital
19 when my oldest daughter was born. So, it
20 brings back good memories coming back here.

21 But anyway, I have a packet, a
22 written statement that I'd like to give you. I
23 won't read from the written statement. I have
24 five copies.

1 COMMISSIONER CAMERON: That's great.
2 All of the Commissioners will get them and read
3 them. So, thank you, Sir.

4 MR. ECABERT: As Mr. Gessman
5 mentioned, the National HBPA has over 30,000 --
6 over 29,000 members. And we are the largest
7 horseman's organization in the country. We
8 also have two affiliates in Canada.

9 But our goal and our mission like he
10 mentioned was horsemen helping horsemen. And
11 we are concerned, very concerned about this
12 regulation because we feel there are a number
13 of things that are deficient and needs further
14 study.

15 One of the issues has to do with the
16 definition of horseman's group. In the
17 Interstate Horse Racing Act, a horseman's group
18 is defined as being the majority of the
19 trainers and owners of thoroughbred horses
20 within that jurisdiction for that track that
21 actually races at that track, the licensed
22 owners and trainers.

23 We also feel that this regulation,
24 similar to a regulation that the state of Ohio

1 attempted to implement -- And I've cited the
2 case in there. The case in particular is the
3 Ohio Horseman Benevolent and Protective
4 Association versus Mike Devine. And in that
5 case, the Sixth Circuit ruled that the federal
6 law preempts the state laws with respect just
7 to the Interstate Horse Racing Act.

8 That's the general principle of law
9 that we all understand. But with respect to
10 the Interstate Horse Racing Act, it
11 specifically addresses that where the Ohio
12 statute attempted to impose some type of a
13 standard, a reasonable standard on whether or
14 not the horsemen could withdraw or refuse to
15 consent to the simulcasting signal.

16 The Sixth Circuit Court of Appeals
17 found that statute was unconstitutional because
18 it tried to -- I should say it was preempted by
19 the federal statute and was not effective
20 because the federal statute gives the horsemen
21 the right to refuse the consent to transmit
22 their signal for any reason. It can be
23 reasonable or unreasonable.

24 But the Court said there were enough

1 safeguards because the horsemen, obviously our
2 overriding concerns is to get more live racing
3 days, to get more people involved in horse
4 racing that we have that goal in mind.

5 Whereas the tracks may have -- We
6 may be at locked beds (PHONETIC) on various
7 issues. One of them may be they want more
8 simulcasting and less live racing where we for
9 the benefit of the horsemen want live racing
10 and for the benefit of the state.

11 With live racing, you get a lot more
12 employees. You get a much bigger benefit to
13 the economy, you've got tourism and all that
14 when you're able to run races with large purses
15 and that sort of thing.

16 But if you look at the regulation,
17 we feel that it goes contrary to the federal
18 law, to the Interstate Horse Racing Act. And
19 as such would be preempted by the Interstate
20 Horse Racing Act.

21 The other case that I've cited, I've
22 cited a couple of cases, but the other one has
23 to do with the Kentucky HBPA versus Turfway
24 Park. Again, the citation is in my written

1 comments.

2 But in that case the issue came out
3 of who is the representative horseman's group.
4 The Court of the Sixth Circuit again, said that
5 if the organization that had contracted with
6 the track in the past that would be the
7 representative horseman's organization, the
8 representative horseman's group unless that
9 could be demonstrated by clear and convincing
10 evidence that another organization was a
11 majority organization, had majority of the
12 horsemen and trainers.

13 The presumption is that if you've
14 contracted in the past like the New England
15 HBPA has done for 40 years, they are the
16 representative horseman's group unless that
17 competing organization can come in and show
18 that they have standing and they have more
19 members running at that track. And we don't
20 believe that's the case at all.

21 We are very much in support of the
22 New England HBPA. They are a member in good
23 standing.

24 Under our by-laws, the primary

1 provision we look at -- And we don't
2 micromanage any affiliate from the national
3 level. All we do is try to monitor to be sure
4 (1) that the affiliate is acting in accordance
5 with the Internal Revenue Code section
6 501(c)(6) as a tax exempt business league or
7 business organization.

8 (2) That the elections are held at
9 least every three years. And we also look at
10 the benevolence function because that's really
11 how we got started and what we feel like we're
12 all about.

13 We want horse racing to prosper and
14 to do whatever we can to make that happen, but
15 we also want to make sure that the people on
16 the backstretch and the people that may not
17 have a lot of means that they are taken care
18 of. And we have numerous programs as the New
19 England HBPA does as well. We look at that and
20 try to suggest ways to improve that and all the
21 rest of it.

22 From the standpoint of the HBPA, the
23 National HBPA, we feel that this regulation
24 would adversely impact on racing in

1 Massachusetts. Further, it would go a long way
2 to really dismantling the New England HBPA
3 which would be, in our opinion, the worst thing
4 that can happen to horse racing in
5 Massachusetts.

6 So, for the reasons that I've set
7 forth in that written statement, we are opposed
8 to the regulation and would ask the
9 Commissioners to table it and further study it.
10 And we would be happy to work with anyone on
11 the Commission.

12 One other point I would just make is
13 the memorandum that was prepared by General
14 Counsel Blue discussing the Virginia situation
15 isn't quite -- I was very intimately involved
16 with that. And it's easy to misinterpret some
17 of the things.

18 Basically, what was happening there
19 is Colonial Downs was closing. They were
20 trying to set up a new horseman's organization
21 appointed by the track. The Virginia HBPA went
22 to war with them. And the Virginia racing
23 commission agreed with the HBPA and provided
24 that -- they asked that the by-laws be amended

1 but merely reflect the fact that racing had
2 stopped and that they were going to look at the
3 licensed owners at the time the racing had
4 stopped, not necessarily like on an ongoing
5 basis because there wasn't live horse racing
6 being offered at that time.

7 In any event, we are against the
8 regulation and would hope that it would be
9 tabled for further discussion. Thank you.

10 COMMISSIONER CAMERON: Thank you,
11 Sir. Mr. Robert Scarano, Massachusetts
12 Thoroughbred Horseman Association.

13 MR. SCARANO: Thank you. Robert
14 Scarano for the Massachusetts Thoroughbred
15 Horseman Association.

16 First of all, I would like to echo
17 the sentiment of the HBPA, representing their
18 horsemen advocating for benefits. The THA also
19 does the same thing. And the Massachusetts
20 Thoroughbred Horseman Association intends to
21 join the national THA. That group also has the
22 exact same principles, guidelines etc. looking
23 out for the benefits, advocacy and services for
24 their horsemen, so, rather than taking up your

1 time.

2 First, I rise not in opposition of
3 the actual regulation but just raising a point
4 as it relates to the use of the word majority
5 of. The use of the word majority of has been
6 raised here as a result emanating from the
7 Interstate Horse Racing Act. And we agree on
8 those principle terms.

9 We understand what the Commission
10 also is doing in recognizing that there are
11 other horseman groups out there that they tend
12 to run with other racing associations. I would
13 take exception to the fact that anyone else has
14 a purse agreement at this point or has a
15 negotiation to a purse agreement. I think all
16 the parties are adequately moving towards the
17 regulatory requirement of having a purse
18 agreement, since the Commission does not
19 recognize any group other than having a purse
20 agreement.

21 Our beef with the actual change in
22 the regulation is the use of the word majority
23 of. We believe the word majority of should be
24 inserted in the language majority of the

1 representatives at that track during that meet.
2 We believe that language complies with the
3 Interstate Horse Racing Act, would provide no
4 conflict whatsoever with the Interstate Horse
5 Racing Act in the cases raised by counsel and
6 my brother, would not preempt the Commission
7 from clarifying that the majority of horsemen
8 representing at that track may enter into a
9 purse agreement and may operate with that race
10 association.

11 So again, I think that the important
12 point is that the majority of language while it
13 protects certain groups, it also eliminates
14 other groups from ever having the ability to
15 solicit, to approach a racing association with
16 a purse agreement. So, I find it constrictive
17 in that manner.

18 But I also do agree with Counsel
19 Catherine Blue's opinion. We are in favor of
20 the language. We are in favor of clarifying
21 the majority of as it reflects racing at a
22 particular venue with a horse racing
23 association. Thank you.

24 COMMISSIONER CAMERON: Thank you,

1 Sir. Mr. Lou Raffetto who is the NEHBPA
2 consultant, Mr. Raffetto.

3 MR. RAFFETTO: Good morning,
4 Commissioner Cameron. I am Lou Raffetto. And
5 I come before you today as a consultant for New
6 England HBPA and mostly an individual who is
7 responsible for operating the racing festival
8 last season at Suffolk Downs.

9 My ask is quite simple. Please do
10 not move so quickly to adopt the modifications
11 of the regulations relating to the funding from
12 the Race Horse Development Fund. Furthermore,
13 I would ask this Commission to undertake proper
14 due diligence while evaluating such changes
15 before taking such action.

16 Acceptance of these proposed
17 amendments will result in opening a door to
18 recognize a group that's comprised of very few
19 active licensed owners and trainers that's led
20 by a disgruntled group of individuals who ran
21 in the most recent NEHBPA election but lost.
22 Most importantly, it's a group looking for
23 funding and recognition that does not in
24 reality have a facility at which to race in

1 2016.

2 Correct me if I'm wrong, but to my
3 knowledge, no professional with expertise and
4 understanding in racetracks, racetrack
5 facilities, services and management has been
6 retained by this Commission to offer an opinion
7 as it relates to feasibility of racing in 2016
8 at the Brockton arena as this Commission had
9 done when asked you to determine the equitable
10 splits of the Race Horse Development Fund.

11 This situation calls for expert
12 advice to a much greater degree. This
13 Commission has gone to great lengths in its due
14 diligence of gaming facilities including
15 forensic background checks of individuals
16 involved and thorough analysis of the
17 feasibility of the various applicants.

18 This has not been the case of
19 feasibility of racing at Brockton and Raynham.
20 Based upon my 40 plus years in racing as a
21 trainer, racing official and racetrack manager,
22 I can guarantee such a race meet is an
23 impossibility. Furthermore, it would be an
24 embarrassment to the Commonwealth and this

1 Commission if it ever did.

2 Again, I would respectfully ask that
3 you move very cautiously and table this matter
4 at this time until you've truly studied the
5 issue and have an in-depth understanding of the
6 situation as it currently exists. Thank you
7 for your time.

8 COMMISSIONER CAMERON: Thank you.
9 Mr. Paul Umbrello from the NEHBPA.

10 MR. UMBRELLO: Thank you,
11 Commission. My name is Paul Umbrello, race
12 horse owner and member of the NEHBPA. I'm here
13 to discuss the changes to 205 CMR 149 regarding
14 the Race Horse Development Fund and change in
15 altering current law.

16 My first concern is with the changes
17 in the definition of the language in which the
18 Commission is opening the doors for any group
19 or individual that can establish a business
20 with the Secretary of State, self-appoints a
21 board, holds an election with ballots mailed to
22 only a small percentage of licensed horsemen
23 and all without accountability to the majority
24 of the 826 horsemen who have raced in

1 Massachusetts.

2 How will you handle let's say six
3 groups that establish themselves and try to
4 negotiate multiple purses? Are you simply
5 going to divide the Race Horse Development Fund
6 money and the health and welfare equally by all
7 six? And at what benefit and how much
8 duplication in administration are those
9 benefits?

10 I also want to share that I know of
11 multiple individuals that have requested the
12 Mass. THA membership forms and by-laws with no
13 reply. That concerns me that the Mass. THA is
14 trying to control their own board and election
15 process.

16 Again, why are you looking and need
17 to make changes in the regulations so quickly
18 even if a purse agreement is reached by the
19 Mass. THA? I would expect other questions
20 should be answered before any changes are
21 implemented under some imaginary urgency to so
22 radically alter current law and assume
23 authority not granted by current law. The
24 majority of these proposed regulations need

1 legislative changes rather than using this
2 process to circumvent current law.

3 Also to remind everyone that 80
4 percent of the Race Horse Development Fund is
5 paid to horse owners for the purpose of
6 providing incentives that encourage investors
7 to breed and race in Massachusetts. Trainers
8 work for the investor or the owner who is
9 responsible to pay out costs for services
10 including training, veterinarians, blacksmiths,
11 jockeys, exercise riders, horse dentists, feed
12 and farm costs.

13 In closing, I also want to point out
14 one other piece of factual information I'm
15 submitting that I feel was erroneously reported
16 to the MGC by others who are attempting to
17 discredit the owner, character, integrity of
18 the NEHBPA. As far as the three-day festival
19 last year, the average percentage of local
20 owners, trainers and horses racing in 2014 that
21 also participated in the three-day festival in
22 2015 is over 75 percent with purse earnings to
23 those owners and trainers in excess of \$1
24 million.

1 In prior years of racing at Suffolk
2 Downs that's the equivalent of racing 10 days.
3 And if we double the days this year to six that
4 would equate to a 20-day meet for local owners
5 and trainers. The NEHBPA wants nothing more
6 than to restore all the jobs and create even
7 new ones, and I think we have shown and
8 demonstrated that.

9 So, if you would like to accept, I
10 have the black-and-white facts that show all
11 the local owners and trainers that
12 participated.

13 COMMISSIONER CAMERON: Very good.
14 Thank you, we will distribute it. Thank you,
15 Sir. Those are the names that I have on the
16 list. Is there anyone else that would choose
17 to speak at this time? Sir?

18 MR. LAGORIO: Hi, William Lagorio,
19 President of the Mass. THA, Mass. Thoroughbred
20 Horseman Association. I wasn't planning to
21 speak, however I didn't believe -- The issue at
22 hand is the regulation. I didn't think it was
23 going to be talking about Mass. THA entirely.

24 I appreciate the fact that they want

1 to throw statistics on their three-day meet. I
2 appreciate all of the input put forward.

3 However, we clearly have a strong membership.

4 I dispute the facts that they're
5 under negotiations with the racetrack. I put
6 that clearly in the hands of the Commission in
7 respect to everything they're doing to this
8 point. I would just like to say that the
9 format here was to discuss the regulation. And
10 Mass. THA does exist. And we do live under the
11 principles of supporting horseracing and all
12 its membership. We demonstrated that in the
13 past few months, starting out as a grassroots
14 group with gravitating members away.

15 I do support the regulation, but to
16 reiterate what counsel had said, we do feel as
17 though the insertion of majority of horsemen at
18 that meet is important, because it does open
19 the door for basically an autonomous
20 relationship between the racetrack a non-
21 existing membership or a ghost membership.
22 That way you could just be at the racetrack and
23 say that you formed a group of members and
24 signing into an agreement basically with

1 yourself.

2 So, Mass. THA is here for one reason
3 and that is to express our belief that the
4 language should include the majority of
5 horsemen racing at that meet. That's an
6 important part as it reflects itself in the
7 Interstate Horse Racing Act of 1978.

8 The rest of it, we'll just let it
9 play out in time and respect the Commission's
10 position throughout. And I thank you for your
11 time.

12 COMMISSIONER CAMERON: Thank you,
13 Mr. Lagorio. Is there anyone else who would
14 like to speak? What we will do now is we will
15 suspend the hearing in case there were
16 individuals who may have had trouble getting
17 into Boston on a rainy day. I don't want to
18 end this too soon.

19 So, we will come back at about 10:45
20 and just make sure there's no one else who
21 arrives to speak here. So, we are adjourned
22 temporarily. Thank you all.

23

24 (A recess was taken)

1 COMMISSIONER CAMERON: We are going
2 to reconvene this hearing at 11:46 (SIC). Is
3 there someone else who would like to speak here
4 today that may have come in late? Seeing no
5 one, hearing no one, we will adjourn the
6 hearing.

7 Thank you all very much and we'll be
8 looking and reading everything. Every
9 Commissioner will get all of these documents.
10 So, I do thank you. This is an important part
11 of the process.

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13 (Hearing adjourned at 10:47 a.m.)
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1 ATTACHMENTS:

- 2 1. Massachusetts Gaming Commission Notice of
3 Public Hearing

4

5 GUEST SPEAKERS:

6 Frank Frissoli, Esq., National HBPA

7 Leroy Gessman, NEHBPA

8 Robert Scarano, Esq., Mass. THA

9 Lou Raffetto, Consultant

10 Paul Umbrello, NEHBPA

11 William Lagorio, Mass. THA

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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 8th day of April, 2016.



LAURIE J. JORDAN
Notary Public

My Commission expires:
May 11, 2018