



---

## Massachusetts Horse Racing Committee Meeting Minutes

---

**Date/Time:** February 17, 2021 at 2:00 p.m.  
**Place:** VIA CONFERENCE CALL NUMBER: 1 646 741 5292  
**PARTICIPANT CODE:** 112 872 7597

**Present:**

Brian Fitzgerald, Chair  
Commissioner Gayle Cameron, Massachusetts Gaming Commission  
Peter Goldberg, Harness Horsemen's Association, Standardbred Representative  
Emily Kowtoniuk, Treasurer's Representative  
Paul Umbrello, Executive Director, New England Horsemen's Benevolent and Protective Association, Thoroughbred Representative

**Call to Order**

Chair Fitzgerald called the Horse Racing Committee ("Committee") meeting to order and took attendance.

Chair Fitzgerald then stated that given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings, and that in keeping with the guidance provided, the Horse Racing Committee will conduct this public meeting utilizing remote collaboration technology. He added that any votes they have will be taken by roll call and that this meeting is being recorded.

**Approval of Minutes**

*Commissioner Cameron moved to approve the minutes from the Committee meeting of October 20, 2020, subject to correction for typographical errors and other nonmaterial matters. Mr. Goldberg seconded the motion.*

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Ms. Kowtoniuk: Aye.*

*Mr. Umbrello: Aye.*

*Mr. Goldberg: Aye.*

*Chair Fitzgerald: Aye.*

*The motion passed unanimously.*

### **Review of Race Horse Development Fund updated revenue**

Chair Fitzgerald presented figures for the Race Horse Development Fund (“RDF”) updated as of January 2021. He noted that the figures were calculated by him based on publicly available information and have not been officially issued by the Massachusetts Gaming Commission (“MGC”) yet. In 2019, a little over \$18M in gaming revenue was allocated to the RDF. After the pandemic in 2020 during which gaming was halted or limited, revenue dropped to a little over \$10M.

### **Review and Discussion of present Race Horse Development Fund distribution percentages (purses, breeding, health and welfare) and consideration of adjusting the recommendations based on discussion between the Thoroughbred and the Standardbred industries**

Mr. Goldberg stated that he and Mr. Umbrello had discussed distribution percentages prior to the meeting, considering the changes to racing over the years since the RDF was established. He noted that Standardbred racing had been flourishing, while the Thoroughbred industry had not raced since 2019. Mr. Goldberg relayed that he and Mr. Umbrello decided on a 50/50 split of the health and welfare category of the RDF, a 75/25 Standardbred/Thoroughbred split of the breeding category, and a 92/8 Standardbred/Thoroughbred split of the purse category. Mr. Umbrello reiterated that he and Mr. Goldberg discussed these splits extensively and thoughtfully. He also mentioned that 8 or more Thoroughbred foals may be born in the Commonwealth in the near future.

Commissioner Cameron inquired about documentation as to exactly how Mr. Goldberg and Mr. Umbrello arrived at their decisions. Ms. Kowtoniuk concurred. Mr. Umbrello explained that they referred to the previous meeting where there was wide agreement that the health and welfare category should be split 50/50. He also noted that the Thoroughbred breeding program had not been producing many foals. He suggested trying to get the Thoroughbred purse allocation escrowed, so as to maintain the interest of companies trying to build a Thoroughbred race track in the Commonwealth. Commissioner Cameron again expressed discomfort at the Committee not having documentation as to how category split ratios were calculated. Mr. Goldberg offered that most of the split adjustments had not changed that much, with the exception of the purse category. He explained that with the drastically reduced number of racing days in 2020 due to the pandemic, he and Mr. Umbrello decided that in order to preserve the success and profitability of Standardbred racing in the Commonwealth, 92% of the purse category money had to be allocated to the Standardbreds for 2021. Commissioner Cameron explained that in order for her to feel comfortable justifying the proposed allocations, she required more specific and written data. Chair Fitzgerald reminded the two industry representatives that the Committee had agreed that the first step in this decision-making process would be that the two industry representatives would present executive summaries detailing their

reasoning behind their split recommendations, then the Committee would discuss their proposals, after which the Committee would possibly vote on how to split the RDF categories. Mr. Goldberg expressed that he would like to complete this work before the racing season starts.

Chair Fitzgerald asked MGC General Counsel Grossman if a joint brief from the two industry representatives would be statutorily allowable and appropriate. Mr. Grossman clarified that a quorum of Committee members may not work together on Committee matters outside a Committee meeting; however, third parties may work together outside meetings. Another option is that if the industry representatives want to work on the document themselves outside a meeting and share the opinions with the full Committee, they would have to publicly post their work without sharing it with the Committee first. Mr. Grossman also informed the Committee that data and facts, absent of opinions, may be circulated to the Committee outside meetings. Ms. Kowtoniuk expressed that she would feel comfortable with this latter option. Dr. Lightbown commented that the 2020 racing figures were available and accurate. The Committee agreed on March 3 for data and figures to be circulated, with March 10 as a meeting for the industry representatives to present their proposals.

### **Discussion of Next Steps**

Mr. Goldberg moved to set March 3, 2021 as the date for raw data submission and March 10, 2021 as the meeting date to discuss the data and propose RDF splits. Commissioner Cameron seconded.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Ms. Kowtoniuk: Aye.*

*Mr. Umbrello: Aye.*

*Mr. Goldberg: Aye.*

*Chair Fitzgerald: Aye.*

*The motion passed unanimously.*

*With no further business, Ms. Kowtoniuk moved to adjourn. Commissioner Cameron seconded the motion.*

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Ms. Kowtoniuk: Aye.*

*Mr. Umbrello: Aye.*

*Mr. Goldberg: Aye.*

*Chair Fitzgerald: Aye.*

*The motion passed unanimously.*

2:58 p.m.

*With no further topics for discussion, the Chair adjourned the meeting.*

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission Horse Racing Committee minutes from the October 20, 2020 meeting

/s/ Tania J. Perez  
Secretary