



Massachusetts Horse Racing Committee Meeting Minutes

Date/Time: April 16, 2020 at 11:00 a.m.

Place: VIA CONFERENCE CALL NUMBER: 646-741-5292
PARTICIPANT CODE: 111 673 3148

Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles 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. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology.

Present: Brian Fitzgerald, Chair
Joe Savage, New England HBPA, Thoroughbred Representative
Peter Goldberg, Standardbred Representative
Commissioner Gayle Cameron, MGC Representative
Emily Kowtoniuk, Treasurer's Representative
Dr. Alex Lightbown, MGC Director of Racing
Todd Grossman, MGC Deputy General Counsel

Call to Order

11:03 a.m. *The Chair called the Horse Racing Committee ("Committee") meeting to order. He then had the Committee members introduce themselves and state their designation.*

Approval of Minutes

The Chair moved to approve the minutes from the Committee meeting of February 19, 2020. Commissioner Cameron seconded the motion. The motion passed unanimously.

Discussion

The Chair reminded the Committee that at the previous meeting Mr. Goldberg had proposed the idea of the Racehorse Development Fund ("RDF") being given to only the Standardbreds this year, and had brought up the possibility of

discussing the RDF split privately and outside of a Committee meeting. The Chair called upon Massachusetts Gaming Commission (MGC)'s Acting General Counsel Todd Grossman to give his professional opinion on the legality of those scenarios. Mr. Grossman expertly opined that two Committee members would be legally allowed to discuss the RDF distribution and reach an agreement outside of a Committee meeting, given that the agreement does not require any member to vote a certain way on a Committee item, and that they present their agreement to the rest of the Committee during a meeting. The majority would then approve the item in order to be adopted as a formal Committee decision. Mr. Grossman further explained that the RDF section of the Massachusetts racing law states that it is not legally permissible for members to attempt to change the RDF distribution percentages and processes, nor for one party to distribute their share of RDF funds to the other privately.

The Chair ensured that the Committee understood Mr. Grossman's answer and moved on to the question of whether the RDF could be first split into the three categories (purse, tracks/breeding programs, and health/pension benefits for horsemen), and then afterwards within each category split amongst the two horse breed groups. Mr. Grossman informed the Committee that if they elect to change the way they distribute the RDF, the Committee would have to present their proposal to MGC, who would have to approve in order to pass it into regulations.

Mr. Goldberg inquired as to the possible timeline of such an approval process. Mr. Grossman opined that it may take around 60-90 days, but that MGC is allowed to take emergency action on decisions, depending on urgency. Mr. Savage asked whether the Committee should decide how they want to proceed with the fund distribution before proposing a change to the regulation, or after the possible approval by MGC. Mr. Grossman opined that it may be best for the Committee to decide if they want to change RDF distribution regulations before going to MGC. Commissioner Cameron added that the RDF distribution had always been calculated in the current fashion because the question of changing it had never been raised, not because the Commission and Committee had been beholden to it. Commissioner Cameron suggested that the Committee consider public comments when deciding how to revise the RDF distribution, as there are differing opinions even within the two breed groups. Mr. Savage agreed. Mr. Goldberg suggested trying to decide on proposals for a new RDF distribution as soon as possible.

Next, Ms. Kowtoniuk asked Mr. Grossman to walk the Committee through the most expedited process for changing RDF distribution regulations. Mr. Grossman

suggested opening up the issue to public comment and holding meetings as soon as the Committee can. Mr. Savage introduced the possibility of the Standardbred racing season not starting until June 1st, at earliest, and suggested the Committee has some time to work on this issue. Commissioner Cameron suggested inviting public comments on a possible RDF redistribution on the MGC website, and brought up the possibility of holding a virtual meeting during which the public could comment. Dr. Lightbown remarked that there have been many horsemen and other stakeholders inquiring as to how to talk to the Committee.

The Committee discussed how best to welcome public comment. Commissioner Cameron suggested figuring out how many people from the public want to participate ahead of the next meeting, imposing the restriction of one representative from each organization to speak, and giving speakers no more than three minutes each. Dr. Lightbown suggested also allowing written comments submitted ahead of time. The consensus of the Committee was that the public should be given around an hour to present, and public notice of this opportunity to comment should be given via the MGC website and group representatives about one month in advance.

Questions

1. Should the Committee propose to MGC a new method of distributing RDF funds?
2. What criteria should the possible new distribution of funds follow?

Discussion of Next Steps

The Chair confirmed that May 8th is an appropriate deadline for public comment participants to notify the Committee of their desire to speak at the meeting. Commissioner Cameron suggested holding a hearing one hour before the Committee meeting on May 14 to hear those public comments. There was unanimous agreement among Committee members. The Chair ensured there was no other business to discuss and adjourned the meeting.

12:10 p.m. *With no further topics for discussion, the Chair adjourned the meeting.*

/s/ Tania Perez
Secretary