

MAINE HARNESS RACING COMMISSION
MINUTES OF MEETING
December 16, 2010
Room 208, Burton M. Cross Building
Capitol Street
Augusta, Maine

Commission Members Present: Chairman George McHale, James Tracy, Stanley Kuklinski and Barbara Dresser. Absent S. Todd Bradley.

Staff Members Present: John H. Richards, AAG, Henry Jackson, Peter Barengo, and Carol Gauthier.

Commission Chair, George McHale, called the meeting to order at 10:40 a.m.

ADJUDICATORY HEARINGS:

1. Mr. Jackson stated that he has not been able to contact Terrance Farrington to request his signature on the Consent Agreement. Mr. Jackson did speak with Mr. Farrington since the agenda had gone out, and Mr. Farrington did say that he would sign the consent agreement and send it into the office. The purse has not been returned, but Mr. Jackson will contact Ms. MacDonald to return the purse for this case. Commissioner Tracy made a motion to approve the consent agreement conditioned upon signing the document and returning the purse. Commissioner Kuklinski seconded. Vote 4-0.
2. Mr. Jackson stated that Megan Quinn has signed the consent agreement but the purse has not been returned by Robert and Patricia Lupo. If the purse has not been returned within 30 days, a hearing will be setup on this issue. Commissioner Tracy made a motion to approve the consent agreement with Megan Quinn as signed. Commissioner Kuklinski seconded. Vote 4-0.
3. Mr. Richards addressed the Commission regarding Mr. Gray and Mr. Fournier's case. He stated that both parties have agreed to continue this issue to the January meeting.
4. Michael Cushing was present for his hearing. He is appealing the decision of Presiding Judge Steven Mancine regarding Race 2 on September 9, 2010 at Scarborough Downs. Mr. Mancine objected to Mr. Childs because he did not file intervenor status in a timely manner. Mr. Childs was granted intervenor status. There were no objections from the Commission. Judge Mancine presented his case. The following Exhibits were entered into the record. Exhibit 1, Notice of Hearing; Exhibit 2, Appeal Form; Exhibit 3, Judges Daily Report at Scarborough Downs; Exhibit 4, Tape of the Race; and Exhibit 5, Sheet on Race Me Comet. Mr. Cushing explained how he thought the race went. Mr. Mancine gave his view of the race and so did Mr. Childs. Judge Malia also provided testimony. After review of the tape and the testimony provided, Commissioner Tracy made a motion to deny the appeal of Mr. Cushing. Commissioner McHale seconded. Vote 4-0.

UNFINISHED BUSINESS:

1. Written Decision and Order for the Off Track Betting Facilities. Commissioner Tracy made a motion to approve the written Decision and Order for Off-Track Betting Facilities for 2011. Commissioner Kuklinski seconded. Vote 4-0.

2. Written Decision and Order for Pari-Mutuel Harness Racing and Authorization to Simulcast. Mr. Jackson made the following corrections to the Decision and Order. Page 1 should read Windsor Fair, and Oxford Fair. Page 2 strike Association from Windsor Fair. Page 3 strike Association from Windsor Fair and Page 4 strike Association from Windsor Fair. Page 11 under conclusion. The Commission did vote to allow for two additional dashes on those dates that the Sire Stakes Program is raced. Also on that page, 2011 are assigned not 2010. Commissioner Tracy made a motion to approve the Decision and Order for Pari-Mutuel Harness Racing and Authorization to Simulcast for 2011 as amended. Commissioner Kuklinski seconded. Vote 4-0.

REPORTS:

1. None

NEW BUSINESS:

1. None.

OTHER BUSINESS:

1. None.

The meeting adjourned at 12:30 p.m.

The Commission did not go into Executive Session.

Respectfully submitted by:

Henry W. Jackson
Executive Director