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Media Relations Office

John F. Heims
Director Of Media Relations



jheims@monmouthpark.com • Phone: 732.571.5540 • Fax: 732.571.5526 • monmouthpark.com

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COURT DENIES SPORTS WAGERING AT MONMOUTH PARK; BATTLE FOR ‘WILL OF THE PEOPLE’ SHALL CONTINUE

Oceanport, N.J. – Sports betting at Monmouth Park will have to wait for another day, following a majority opinion by the Third Circuit Court of Appeals issued this morning.

“While we are disappointed, our fight is not yet over,” said Dennis Drazin, advisor to the Oceanport racetrack. “I respect the opinion issued by the majority; however, I must respectfully disagree with its conclusions.

“The dissenting opinion of Judge Fuentes mirrored the argument we have made from the onset. It’s important to note that Judge Fuentes was in the majority back in 2013 when the Court issued its first opinion denying sports wagering, but carved out a path for permitting same. We followed that path, and in dissenting Judge Fuentes recognized this. Because of the dissent in 2013 and today’s dissent, our next logical step is to ask for an *en banc* hearing of the Third Circuit where we believe a full opinion is necessary to secure and maintain uniformity of the court’s decisions.”

As referenced in the majority opinion today, “New Jersey State Senator Ray Lesniak, a sponsor of the law, has likewise stated, “[s]ports betting will be a lifeline to the casinos, putting people to work and generating economic activity in a growth industry.”

“I’ve made that statement prior and I continue to make it today,” Lesniak said. “This is an issue that strikes to the will of the people. After more than 60% of the citizenry approved sports betting and the Court provided contours for us to make it permissible, we did just that. It is imperative for our horse racing and casino industries, which have struggled as of late, to have alternative revenue sources, and sports betting provided just that. Racing in New Jersey is an economic engine that accounts for tens of thousands of jobs and billions to the state economy, not to mention the open spaces and green acres that are accompanied with it. I won’t rest until this industry is on firmer footing.

“I too must join Mr. Drazin in respectfully disagreeing with the Court’s majority opinion and echo that this fight must go on,” said Lesniak.

In 2012, Monmouth Park, in anticipation of offering sports wagering, partnered with William Hill, a world leader in gaming, to create a state-of-the-art sportsbook at the racetrack.

“The William Hill Room has been ready for operation for more than a year now,” said Joe Asher, president of William Hill US. “It’s pretty clear to me that this matter is far from over. I remain convinced that legal sports betting will come to New Jersey. It’s a matter of when, not if.

“There’s a massive illegal sports betting market that exists, not only in New Jersey, but all across the country. That serves to benefit only the criminals that operate it. The sooner that market comes out of the shadows and into the sunlight, the better off we will be.”

In 2012, New Jersey passed the Sports Wagering Act, which permitted the licensing and regulation of sports betting. The State was subsequently sued based on a 1992 statute – the Professional and Amateur Sports Protection Act (PASPA). In 2013, the U.S. District Court ruled that New Jersey could not proceed with sports wagering and the State appealed.

The Third Circuit Court of Appeals upheld the District Court’s ruling; however, that Court stated that there was nothing that could stop New Jersey from removing prohibitions against sports wagering, thus establishing the roadmap for the Garden State to begin wagering on sports without violating the federal law.

The State of New Jersey subsequently passed legislation that repealed all laws that would make it illegal to take sports wagers at the state’s horse tracks and casinos. Monmouth Park was set to proceed with the first such wager on Oct. 26, 2014; however, the sports leagues were granted a temporary restraining order on Oct. 24. Following the issuance of an injunction by the U.S. District Court issued in November of 2014, the State appealed to the Third Circuit. After oral argument in March of 2015, today’s opinion followed.

In his dissenting opinion issued today, Judge Fuentes details the exact intent of the 2014 law passed by the New Jersey legislature and signed into law by Governor Chris Christie: “The 2014 Law, renders the previous prohibitions on sports gambling non-existent. After the repeal it is as if New Jersey never prohibited sports gambling in casinos, gambling houses, and horse racetracks. Therefore, with respect to those areas, there are no laws governing sports wagering and the right to engage in such conduct does not come from the state. Rather, the right to do that which is not prohibited stems from the inherent rights of the people.”

“It is based on this dissent and the actions taken by all parties to bring sports betting to New Jersey, that our fight continues,” said Drazin. “Regardless of the Court’s majority opinion today, I wholeheartedly believe sports betting will come to Monmouth Park, and it’s with steadfast determination that we continue toward this goal.”