



June 21, 2023

Robert Williams  
Executive Director  
The New York State Gaming Commission

Via e-mail

Dear Mr. Williams and Commissioners:

I'm writing to urge you to investigate and, if appropriate, take action to revoke or suspend the license of trainer Mark Hennig for "any fraud or misrepresentation in connection with racing," a violation of New York State Gaming Commission Rule of Racing §4002.9 (a),<sup>1</sup> and for "action detrimental to the best interest of racing generally," a violation of §4022.12.<sup>2</sup> Two horses trained by Hennig sustained catastrophic injuries and were euthanized on Belmont Stakes weekend. We further ask that you investigate the owner of one of the horses, Excursionniste,<sup>3</sup> for possible violations of both rules. Excursionniste shattered a bone in his left leg on Saturday, June 10, in race 13, and Mashnee Girl<sup>4</sup> sustained a break in her left leg in race 1 on Sunday, June 11.

Information has been provided to PETA revealing that Excursionniste allegedly was injured approximately a week before the race. An e-mail<sup>5</sup> appearing to be from owner Joe Tartaglia of Little Blue Bird Stables LLC to his partners approximately a week before the race says the following:

Just got off the phone with Mark [Hennig]. Our man Ex [Excursionniste] has tweaked his right front ankle at some point over the last couple of days. Mark said he's moving around fine on it, but takes some pressure off every once in a while. We had him x-rayed this morning just to rule out a chip or damage of any kind, and it came back clear, so we're pretty sure he just wrenched it at some point in his shenanigans. So, we skipped his breeze this morning. Mark is going to work on it with some medication and topical creams over the next couple of days. We have NOT ruled out running next weekend. Entries for Saturday are taken on Tuesday so we have a few days to get him right. ... Obviously, if he's not 100% we won't enter, but I've asked Mark to keep us updated over the weekend.

Excursionniste was allegedly sore enough in the days leading up to the race that he was avoiding putting weight on his right leg. Taking "some pressure off" the sore right leg inevitably meant he would have placed increased pressure on the other front leg, which sustained the fracture.

<sup>1</sup>9 NYCRR §§4002.9 (a)

<sup>2</sup>9 NYCRR §4022.12

<sup>3</sup>Equibase. (n.d.). *Horse Profile*.

<https://www.equibase.com/profiles/Results.cfm?type=Horse&refno=10601902&registry=T>

<sup>4</sup>Equibase. (n.d.). *Horse Profile*.

<https://www.equibase.com/profiles/Results.cfm?type=Horse&refno=10437348&registry=T>

<sup>5</sup> (Personal communication). <https://www.peta.org/wp-content/uploads/2023/06/email-1.jpg>

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A [media report](#)<sup>5</sup> and a [tweet](#)<sup>6</sup> reveal that Mashnee Girl sustained a fracture to her right sesamoid in 2020. It was repaired by equine veterinarian Patty Hogan, who inserted a screw to hold the bones together. Mashnee Girl had an 11-month layoff and was raced 15 times before the race on June 11. Soreness or weakness in her repaired right leg would mean compensating pressure on her left leg, which broke during the race. After the deaths, Hennig made false or misleading statements about the preexisting conditions and concerns about the horses to the media, including the following:

- “[T]hey’re clean-legged horses.”<sup>6</sup>
- “These horses were in good, sound racing condition.”<sup>7</sup>
- “I have a clear conscience that we’ve brought very sound individuals to run this weekend.”<sup>8</sup>
- “These two horses never had issues with these ankles, the same ankles that fractured.”<sup>9</sup>

Hennig pointedly refrained from saying that Excursionniste had an injury to the other ankle a week before and that Mashnee Girl’s sesamoid was held together with a screw.

He stated that both horses had been healthy going into the races: “These horses were in good, sound racing condition.”<sup>10</sup> This seemingly was not an accurate description of Excursionniste and may not have been true of Mashnee Girl, who is permanently at risk from the preexisting injury.

Hennig also stated to media that the deaths were “horrible, horrible luck”<sup>11</sup> and were the consequence of taking “bad step[s],”<sup>12</sup> thus deflecting all responsibility, as though these breakdowns were the result of mere chance. These horses’ histories likely made them vulnerable to serious injury and death. The trainer’s false narrative seems to be a cover-up for his failure to exert proper caution to protect Excursionniste and Mashnee Girl.

Similarly, while Little Blue Bird Stables owner Joe Tartaglia had apparently informed his partners of Excursionniste’s injury the week before, in what appears to be his follow-up e-

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<sup>6</sup>Wenig, S. (2023, June 11). Horses die in consecutive races at Belmont Park after history-making event. NBC News. <https://www.nbcnews.com/news/us-news/horses-die-consecutive-races-belmont-park-history-making-event-rcna88766>

<sup>7</sup>Wenig, S. (2023, June 11). Horses die in consecutive races at Belmont Park after history-making event. NBC News. <https://www.nbcnews.com/news/us-news/horses-die-consecutive-races-belmont-park-history-making-event-rcna88766>

<sup>8</sup>Church, B (2023, June 13). “Heartbroken” trainer says he wants answers after two of his horses die at Belmont Park. CNN. <https://edition.cnn.com/2023/06/13/sport/belmont-park-horse-deaths-spt-intl>

<sup>9</sup>Wenig, S. (2023, June 11). Horses die in consecutive races at Belmont Park after history-making event. NBC News. <https://www.nbcnews.com/news/us-news/horses-die-consecutive-races-belmont-park-history-making-event-rcna88766>

<sup>10</sup>Wenig, S. (2023, June 11). Horses die in consecutive races at Belmont Park after history-making event. NBC News. <https://www.nbcnews.com/news/us-news/horses-die-consecutive-races-belmont-park-history-making-event-rcna88766>

<sup>11</sup>Wenig, S. (2023, June 11). Horses die in consecutive races at Belmont Park after history-making event. NBC News. <https://www.nbcnews.com/news/us-news/horses-die-consecutive-races-belmont-park-history-making-event-rcna88766>

<sup>12</sup>Church, B (2023, June 13). “Heartbroken” trainer says he wants answers after two of his horses die at Belmont Park. CNN. <https://edition.cnn.com/2023/06/13/sport/belmont-park-horse-deaths-spt-intl>

mail<sup>13</sup>, which was provided to PETA, he seemingly made unsupported statements about the cause of the catastrophic injury:

It is with extreme sadness and heartbreak that we share the news that, after taking a bad step on the turf course mid-way through the race, Excursionniste sustained an injury that was unsalvageable and had to be euthanized. ... [H]e took one freak bad step, and sustained an injury to his left ankle. One thing I was to make clear, before going any further, Ex was sound and fit to run. While he tweaked his right ankle last week, it was not related to this injury. ... It was just a tragic, freak accident.

Tartaglia had no idea whether or not the fracture was related to the injury, and his apparent insistence that it was not and that the horse was sound is entirely without basis.

Hennig may have endangered both horses by racing them at all. It isn't clear that he had disclosed their critical veterinary histories to stewards or to examining veterinarians who, had they known, may have performed enhanced examinations. It appears that he gambled with these animals' lives made a bad bet and the horses lost.

He may also have endangered the jockeys' lives, for which there can be no excuse, and he implied that Belmont Park may have been at fault. This is likely a violation of §4002.9,<sup>14</sup> which states that "the suspension or revocation of a license is necessary to protect the public health, safety or welfare."

Furthermore, Hennig's suggestion that the track surface may have caused the breakdowns and that he trusted that the New York Racing Association's investigation was examining the course "to ensure maximum safety going forward," along with his apparent failure to disclose the horses' medical history, appears to be an attempt to misdirect media and officials. In so doing, he is apparently engaging in obstructive actions in the investigation to identify the true factors that contributed to these deaths, which is detrimental to racing—especially at such a critical time when it's under tremendous public scrutiny. The industry must be transparent to gain the public trust and determine the real causes of these deaths and eliminate them. Certainly these fatalities damaged the racing industry as a whole, which was already in the spotlight for 12 deaths at Churchill Downs and one at Pimlico during the Triple Crown season.

We urge you to investigate this matter and to take all appropriate action to protect horses, tracks, and the industry.

We further urge the Gaming Commission to request and review complete veterinary and medical records, which it has the right to do, or to appoint appropriate representatives who will examine these records and prohibit vulnerable horses from racing. In the spirit of full transparency, these comprehensive records should be made public. New York state should require necropsies for all fatalities, not just those the commission designates. And again, I must encourage the commission to investigate the implementation of low-radiation, standing

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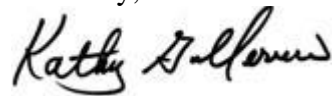
<sup>13</sup> (Personal communication). <https://www.peta.org/wp-content/uploads/2023/06/email-2.jpg>

<sup>14</sup>9 NYCRR §§4002.9 (a)

CT scan equipment as a screening device. Had the commission acted on our recommendation to require scans of all entrants over Belmont Stakes weekend, it's likely that Mashnee Girl and Excursionniste would still be alive.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Guillermo".

Kathy Guillermo  
Senior Vice President  
Equine Matters Department