



**MEETING AGENDA
DECEMBER 19, 2019**

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM
2. CONSIDERATION OF MINUTES FOR MEETING OF OCTOBER 28, 2019
3. RULEMAKING
 - A. ADOPTION: SGC-40-19-00012-P ADD RACETRACK OPERATOR TO TERMS DEFINED IN THOROUGHBRED RULES
 - B. ADOPTION: SGC-40-19-00011-P REMOVE OBSOLETE REFERENCE TO SAFETY VEST WEIGHT
 - C. ADOPTION: SGC-42-19-00004-P ADD RACETRACK OPERATOR TO TERMS DEFINED IN HARNESS RACING RULES
 - D. PROPOSED CONSENSUS AMENDMENT: THOROUGHBRED DIGITAL TATTOO
4. ADJUDICATIONS
 - A. IN THE MATTER OF CARL CANGIALOSI, JR.
 - B. IN THE MATTERS OF EDUARDO JONES
5. UPDATES TO EXISTING COMMISSION OPERATIONAL RESOLUTIONS
6. OLD BUSINESS/NEW BUSINESS
7. ADJOURNMENT

###

New York State Gaming Commission

Minutes

Meeting of October 28, 2019

A meeting of the Commission was conducted in New York, New York.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:59 p.m. Establishment of a quorum was noted by Executive Director Robert Williams. In attendance were Chairman Barry Sample and Commissioners John Crotty, Peter Moschetti, John Poklemba, Jerry Skurnik and Todd Snyder.

2. Consideration of Minutes for Meeting of September 17, 2019

The Commission considered previously circulated draft minutes of the meeting conducted on September 17, 2019. The minutes were accepted as circulated.

3. Rulemaking

- a. **PROPOSED: Regulation of joint injections.** The Commission considered the proposal of rules relative to the regulation of certain joint injections.

ON A MOTION BY: Commissioner Snyder

APPROVED: 6-0

- b. **PROPOSAL: Amendment to Rule regarding Standards for Backstretch Housing and Related Facilities.** The Commission considered proposed amendments to extend existing regulations governing housing on the grounds of The New York Racing Association, Inc. to all racetrack housing at Thoroughbred and Standardbred racetracks.

ON A MOTION BY: Commissioner Poklemba

APPROVED: 6-0

4. Adjudication

- a. **In the Matter of James J. DeGeorgia, Jr.**

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed on a 6-0 vote to accept the conclusion of the hearing officer that the applicant's the registration denial be sustained.

b. In the Matter of Luis Saez

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed on a 6-0 vote to accept the conclusion of the hearing officer that the finding of violations and the penalty be upheld.

5. Old Business/New Business

a. Old Business

No new business was discussed.

b. New Business

No new business was presented

6. Adjournment

Prior to adjournment, Chairman Sample recognized the recent passing of Donald "Red" Foley, who served the Commission as Recording Judge at Vernon Downs. Sample noted that before coming to the Commission, Red worked for over 40 years in the printing industry, first at The Clinton Courier and later with the Utica Observer Dispatch. Sample also noted that Foley was quite active in the community serving in various capacities with the Clinton Youth Hockey, the Salvation Army Clinton Volunteer Service Unit, the Kiwanis, the Clinton and Clark Mills Historical Societies, and the Helmuth-Ingalls American Legion Post. The Commission's most sincere condolences were extended to Red's wife, Annette and their children Anna, Donna, William and Mark.

No next meeting was set before adjourning at 2:09 p.m.

###



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

To: Commissioners

From: Edmund C. Burns

Date: December 6, 2019

Re: Adoption of proposed consensus rulemaking to add racetrack operator to Thoroughbred rules definitions (9 NYCRR § 4000.3)

For Commission consideration is the adoption of a proposed consensus rulemaking to add a definition of racetrack to the Thoroughbred rules.

The notice of proposed rulemaking was published in the October 2, 2019 State Register, a copy of which is attached. The public comment period expired December 2, 2019. No comments were received.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Ronald Ochrym, Director, Division of Horse Racing and Pari-Mutuel Wagering

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Remove Obsolete Reference to Safety Vest Weight

I.D. No. SGC-40-19-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 4033.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

Subject: Remove obsolete reference to safety vest weight.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: Section 4033.3 of 9 NYCRR shall be amended, as follows:

§ 4033.3. Equipment not weighed.

No whip or substitute for a whip, blinkers or number cloth shall be allowed on the scales nor shall any bridle, safety vest or safety helmet approved by the stewards be weighed. A safety vest shall *meet the requirements of* [weigh no more than two pounds and shall be designed to provide shock-absorbing protection to the upper body, as required in] section 4006.8 of this Article [Subchapter].

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed revision to the New York State Gaming Commission Thoroughbred regulations removes from an older rule a redundant mention which is outdated of the weight of a safety vest. The proposal puts in its place a cross-reference to the rule that regulates the weight of safety vests. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will delete from one rule an obsolete and redundant state-

ment about the maximum weight of safety vests at Thoroughbred racetracks.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Add Racetrack Operator to Terms Defined in Thoroughbred Rules

I.D. No. SGC-40-19-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 4000.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

Subject: Add racetrack operator to terms defined in Thoroughbred rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: A new subdivision (d) is added to section 4000.3 of 9 NYCRR and the subsequent subdivisions are renumbered, as follows:

§ 4000.3. Definitions.

* * *

(d) *Racetrack operator means the corporation, association or other business entity that is licensed, franchised or otherwise permitted to manage and operate a race track at which pari-mutuel thoroughbred horse racing is conducted in New York State.*

(e) [(d)] Owner or stable ...

(f) [(e)] Race track or track ...

(g) [(f)] Rules and regulations ...

(h) [(g)] Stewards ...

(i) [(h)] Unless another meaning is clearly indicated ...

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

To: Commissioners

From: Edmund C. Burns

Date: December 6, 2019

Re: Adoption of proposed consensus rulemaking to remove obsolete reference to safety vest weight (9 NYCRR § 4033.3)

For Commission consideration is the adoption of a proposed consensus rulemaking to remove an obsolete reference to safety vest weight in the Thoroughbred rules.

The notice of proposed rulemaking was published in the October 2, 2019 State Register, a copy of which is attached. The public comment period expired December 2, 2019. No comments were received.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Ronald Ochrym, Director, Division of Horse Racing and Pari-Mutuel Wagering

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Remove Obsolete Reference to Safety Vest Weight

I.D. No. SGC-40-19-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 4033.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

Subject: Remove obsolete reference to safety vest weight.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: Section 4033.3 of 9 NYCRR shall be amended, as follows:

§ 4033.3. Equipment not weighed.

No whip or substitute for a whip, blinkers or number cloth shall be allowed on the scales nor shall any bridle, safety vest or safety helmet approved by the stewards be weighed. A safety vest shall *meet the requirements of* [weigh no more than two pounds and shall be designed to provide shock-absorbing protection to the upper body, as required in] section 4006.8 of this Article [Subchapter].

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed revision to the New York State Gaming Commission Thoroughbred regulations removes from an older rule a redundant mention which is outdated of the weight of a safety vest. The proposal puts in its place a cross-reference to the rule that regulates the weight of safety vests. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will delete from one rule an obsolete and redundant state-

ment about the maximum weight of safety vests at Thoroughbred racetracks.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Add Racetrack Operator to Terms Defined in Thoroughbred Rules

I.D. No. SGC-40-19-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 4000.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

Subject: Add racetrack operator to terms defined in Thoroughbred rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: A new subdivision (d) is added to section 4000.3 of 9 NYCRR and the subsequent subdivisions are renumbered, as follows:

§ 4000.3. Definitions.

* * *

(d) *Racetrack operator means the corporation, association or other business entity that is licensed, franchised or otherwise permitted to manage and operate a race track at which pari-mutuel thoroughbred horse racing is conducted in New York State.*

(e) [(d)] Owner or stable ...

(f) [(e)] Race track or track ...

(g) [(f)] Rules and regulations ...

(h) [(g)] Stewards ...

(i) [(h)] Unless another meaning is clearly indicated ...

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Rick Goodell, New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-0188, email: rick.goodell@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission ("NYSGC") Thoroughbred regulations provides a definition of the term "racetrack operator" to simplify the wording of NYSGC regulations. The term "racetrack operator" is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for Thoroughbred rules. No substantive change is proposed to the agency's rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

To: Commissioners

From: Edmund C. Burns

Date: December 6, 2019

Re: Adoption of proposed consensus rulemaking to add racetrack operator to harness racing rules definitions (9 NYCRR § 4100.1)

For Commission consideration is the adoption of a proposed consensus rulemaking to add a definition of racetrack to the harness racing rules.

The notice of proposed rulemaking was published in the October 16, 2019 State Register, a copy of which is attached. The public comment period will expire on December 16, 2019. No comments have been received.

[REDACTED]

attachment

cc: Robert Williams, Executive Director
Ronald Ochrym, Director, Division of Horse Racing and Pari-Mutuel Wagering

Further, as Article 14-A establishes the supervision of an entire industry it is necessary that additional detail be provided to industry participants to explain responsibilities and prohibited practices and to provide borrowers with a set of clear rules that servicers that are servicing their student loans must follow.

The Department considered not permitting the use of electronic application processes or to make use of NMLS optional for this license. Both options were rejected. Article 14-A specifically authorizes the Superintendent to require the application and other submissions by entities supervised under the Article to be made by electronic means. The Superintendent has determined that efficient and effective administration of the application process and the continued supervision of the industry demands uniform electronic filing.

9. Federal standards. The rule will overlap in some respects with the authority of the Consumer Financial Protection Bureau and the federal Department of Education to oversee student loan servicers. However, there are no consistent market-wide standards for servicing student loans. Although federal regulations provide some requirements for federal loans, the regulations are not comprehensive. No federal law or regulation governs servicing of private student loans. This rule is needed to ensure student loan servicers treat consumers fairly.

10. Compliance schedule. The regulation will be effective upon publication of the notice of adoption in the State Register.

Revised Regulatory Flexibility Analysis

The Department of Financial Services (“Department”) finds that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in New York State. The rule provides for the supervision of the student loan servicing industry. The Department is not aware of any small business or local government to whom the regulation would apply. Thus, the rule should have no impact on any small business or local government. The clarifying changes made to the proposed regulation do not necessitate revision to this determination.

Revised Rural Area Flexibility Analysis

The Department of Financial Services (“Department”) finds that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in New York State. The rule provides for the supervision of the student loan servicing industry. The Department is not aware of any public or private entities in rural areas that are engaged in the servicing of student loans. Thus, the rule should have no impact on any public or private entities in rural areas. The clarifying changes made to the proposed regulation do not necessitate revision to this determination.

Revised Job Impact Statement

The changes made to the proposed regulation were merely clarifying in nature and thus do not effect a change in the analysis or conclusions previously undertaken and made by the Department of Financial Services.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department of Financial Services (“Department”) received a number of comments to Part 409 of 3 NYCRR implementing Article 14-A of the Banking Law, which empowers the Department to regulate the student loan servicing industry. The commenters included industry members, trade groups, consumer groups, banking institutions, and the Office of the Attorney General. Having considered each of these comments, the Department has made a number of small clarifications to the final regulation in response to the comments received, none of which, individually or collectively, materially alter the purpose, meaning, or effect of the regulation.

The comments received included comments applauding the Department’s leadership in this space, specific requests for changes to the language, general comments on the practicalities of certain requirements, requests for clarification of the Department’s position, and proposals for class-wide exemptions from the regulation.

The full assessment of public comments for this regulation is available for review on the Department’s website at <http://www.dfs.ny.gov>.

New York State Gaming Commission

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Add Racetrack Operator to Terms Defined in Harness Racing Rules

I.D. No. SGC-42-19-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend section 4100.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103, 104(1) and (19)

Subject: Add racetrack operator to terms defined in harness racing rules.

Purpose: To promote the integrity of racing and derive a reasonable return for government.

Text of proposed rule: Paragraphs (39) through (48) of subdivision (a) of Section 4100.1 of 9 NYCRR would be re-numbered as paragraphs (40) through (49).

A new paragraph (39) would be added to subdivision (a) of Section 4100.1 of 9 NYCRR, as follows:

§ 4100.1. Definitions.

(a) As used in this Subchapter, the following definitions are applicable:

* * *

(39) *Racetrack operator means the corporation, association or other business entity that is licensed or otherwise permitted to manage and operate a race track at which pari-mutuel harness horse racing is conducted in New York State.*

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3332, email: gamingrules@gaming.ny.gov

Data, views or arguments may be submitted to: Edmund C. Burns, Gaming Commission, One Broadway Center, Suite 500, Schenectady, NY, (518) 388-3408, email: ed.burns@gaming.ny.gov

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The adoption of this proposed addition to the New York State Gaming Commission (“NYSGC”) harness racing regulations provides a definition of the term “racetrack operator” to simplify the wording of NYSGC regulations. The term “racetrack operator” is widely used in horseracing to identify the responsible operator of a racetrack, regardless of the organization or approval background. Due to the non-controversial nature of this amendment, no person is likely to object to the revision proposed by this amendment.

Job Impact Statement

A job impact statement is not required for this consensus rulemaking proposal because it will not adversely affect jobs or employment opportunities.

The proposal will add a term to the definitions for harness racing rules. No substantive change is proposed to the agency’s rules.

The proposed amendment will not have an impact on jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.



Gaming Commission

One Broadway Center, Schenectady, NY 12305
www.gaming.ny.gov

To: Commissioners
From: Edmund C. Burns
Date: December 11, 2019
Re: Proposed consensus rulemaking for Thoroughbred horse tattoos (9 NYCRR § 4024.1)

For Commission consideration is a proposal to amend Commission Rule 4024.1(b)(1) to broaden the requirement of a lip tattoo for a Thoroughbred horse to race in New York to include digital tattoos. The amendment would conform Commission rules with the nationwide digital tattoo system introduced by The Jockey Club to first apply to horses that will be two years old in 2020. The Commission's harness racing rule is broad enough to permit any tattoo, whether lip or digital. This proposed amendment would make the Commission's Thoroughbred rule as broad as the harness racing rule.

The proposed amendment will permit horses with digital tattoos to race in New York in 2020. Two-year-old races will begin at Aqueduct Racetrack in the last week of April and at Finger Lakes Race Track in May 2020.

The Jockey Club has required a digital tattoo to register all Thoroughbred foals since January 2018. Staff therefore believes this proposal can advance as consensus rulemaking, as it makes a technical change and is not controversial.

The text of the proposed rule amendment is as follows:

§ 4024.1. Registration required to enter or start.

* * *

(b) (1) Tattoo requirement. No horse shall be allowed to enter or start in any race unless it has been [lip-tattooed] tattooed in a manner satisfactory to the commission; except that the stewards may, in their discretion, allow a horse registered with the registry of a foreign country to start in a stake or invitational race upon such terms as they deem appropriate.



Commissioners
December 11, 2019
Page 2

cc: Robert Williams, Executive Director
Ronald Ochrym, Director, Division of Horse Racing and Pari-Mutuel Wagering