Executive Director Williams 1
00:00:03.718 --> 00:00:13.679
New York state racing, pari-mutuel, wagering and breeding law section. 102 provides that the New York State gaming commission shall consist of 7 members appointed by the governor.

2
00:00:13.679 --> 00:00:27.179
By and with the advice and consent to the Senate 4 members confirmed by the New York State, Senate are necessary to afford the commission and ability to establish a quorum and undertake action. This present meeting of the commission is now called to order.

3
00:00:28.135 --> 00:00:31.885
This meeting is being conducted in conformity with chapter 1 of the laws of 2022. Such chapter authorizes state and local government entities to meet and take such action authorized by law without permitting in person public in person access to meetings and authorizes such meetings to be held remotely by conference call or other similar service,

6
00:00:47.454 --> 00:00:55.554
provided that the public can view or listen to such proceeding and that such meetings are recorded and later transcribed. Accordingly this commission meeting is being conducted in conformance with such allowance.

8
00:01:03.359 --> 00:01:07.109
And we were allowing both the public to listen to our proceeding.

9
00:01:07.109 --> 00:01:13.379
And we are recording today’s meeting for transcription as required the secretary. Will you please call the roll?

10
00:01:13.379 --> 00:01:17.489
John Crotty? Yeah.

11
00:01:17.489 --> 00:01:21.510
Peter Moschetti here John Poklemba. Here.

12
00:01:21.510 --> 00:01:25.439
Sure, Christopher Riano. Here

13
00:01:25.439 --> 00:01:28.769
Barry Sample. Here
Jerry Skurnick. Here

Miss secretary, could you please have the record reflect that a quorum of qualified members or present, not enabling the transaction of business.

Chairman Sample.

I recommend that Peter Moschetti be the chair for this session. I am operating remotely.

And if no, one has any objections, I think, for continuity, it's best that Peter chairs session since he is with Rob and agency staff.

I'm in.

Moschetti:
1st matter consideration of the minutes for the meeting of November 8th, 2021.

Um, I have been provided the minutes have been provided to members in advance at this time. I'd like to ask the members if there are any edits corrections or amendments.

Hearing none, Miss Secretary please let the record reflect that the minutes were accepted.

Now, 2nd matter is Rulemaking. New York state racing to wagering and pari-mutuel and breeding Law section. 104.19 authorizes the commission.

To promulgate rules and regulations that it deems necessary to carry out its responsibility as a result the commission will from time to time propagate rules.
And rule amendments, pursuant to the state administrative procedure act. Today. We have 1 rule for adoption.

And 6 proposals for consideration.

Williams:
For commission consideration is adoption of regulations to establish discretion to require a thoroughbred jockey to serve a suspension for a riding violation at the same track, which the violation occurred.

A notice of proposed rulemaking was published in the September 15th 2021 state register.

Meaning that the public comment period expired on November 15th 2021, public comment was received.

This from the jockey guild, the guild poses codifying this penalty as a regular policy as a regulation. Instead they suggest that hearing requests.

Brought in bad faith should subject to jockey to sanctions. If the appeal is found to be brought frivolously.

The jockey's guild also suggests that the regulation be amended to allow jockeys who are suspended for minor riding violations for 10 days or less to be permitted to ride in designated races during the suspension serving a day of the suspension at a later time to make up for the designated race day.

The guild suggests that such a policy may decrease the number of jockey challenges.
And the alternatives, the jockeys guild states, that if the proposed rule is adopted, it should retain the provision allowing for Stewart discretion whether a penalty should be served at the same race track.

Staff notes that commission rule 4550.11 contains a provision to assess an additional penalty for a frivolous appeal, which is defined as 1 commenced in bad faith, or for purposes of delay or as 1. that is unreasonable.

And without substance or merit.

That current role puts the burden on the commission to prove frivolous at an additional hearing.

The staff believes that this has created an insufficient deterrent for Jockey appeals taken for the purpose of delaying serving the suspension.

Due process is observed in any requested riding infraction here.

This rule would not change the commission's burden to establish a rule violation.

Once a violation is found the proposed rule would create the discretion to direct.

When the penalty is served, furthering the integrity of each race meet.

Staff believes that allowing the jockeys to race in more lucrative designated race days during the suspension would diminish the return to careless riding and other crack infractions.

Stock recommends that the commission adopt this rule making.
Do the commissioners have any questions on the adoption of a rule permitting discretion to require a thoroughbred jockey to serve as suspension for a riding violations at a track where the violation occurs?

Hearing none now, I have a motion to adopt this rule.

So moved the 2nd.

4th, is there any discussion on the motion.

Hearing none all in favor.

All right any opposed.

The motion carries for consideration amendments to the regulation, governing licensing requirements for a jockey's agent.

This proposal would remove the requirement that a person applying for a license as a jockey's agent had been licensed and has acted as an exercise person, apprentice jockey or jockey.

Assistant trainer or trainer in this,

or in another jurisdiction for at least 1 year the proposed changes would instead allow the Stewards or another commission designee to determine whether an applicant is qualified by reason of experience, background and knowledge.

The proposed amendments to the rule would be consistent with the requirements for an applicant for Jockey agents,
license contained in the Model rules of racing issued by the association of racing commissioners, international,

the Model rules of racing do not require a container a requirement to have been licensed.

In another capacity for at least a year staff recommends that the commission authorize this proposed rule maker. Are there any questions on the proposal of an amendment to the jockey agent qualification rule?

Well, hearing none may have a motion to propose this rule.

So move some of 2nd.

Yeah, good.

Any discussion on the motion hearing none all in favor.

Aye, aye any opposed.

The motion carries for commission consideration or amendments to the current thoroughbred pick 5 rule.

This proposed rulemaking would amend commission rule 4011.25 to allow each thoroughbred race track the option of carrying over 100% of the net pool, or carrying over 75% of the net pool and paying at a consolation of 25%.

Prior written approval of the commission would be required before racetrack could change the method of apportioning a pick 5 pool.
This proposal is similar to rules in effect in other jurisdictions such as California, Florida, Kentucky, and New Jersey.

Which mirror the Model rules of racing issued by the association of race and commissioners,

international staff believes that the proposed changes to the pick, 5 rule would give tracks more flexibility and discretion to remain competitive on a regional basis and recommends that the commission authorize the proposal.

Of this rulemaking, do any of you have questions on the proposal of an amendment to the thoroughbred pick 5 rule?

Hearing none yeah. Now I have a motion to propose this rule.

Moved 2nd.

2nd, is there any discussion on the motion hearing none all in favor.

Hi all right. All right.

Opposed: the motion carries.

For commission consideration, or amendments to the current thoroughbred and standard bred, pick 4 rules regarding consolation pools and carryovers.

This proposed rulemaking would amend commission rules for 011.24 and 422.46 to allow a thoroughbred and standard red racetrack.
The option of offering a consolation payout for pick 4 wagers.

The proposed rule making would allow tracks to either carry over 100% of the net pool, or carry over 75% of the net pool and payout a consolation of 25%.

Prior written approval of the commission would be required before a track, could change the method of a portioning the pick plot for pool.

These changes would mirror the proposed changes.

To the thoroughbred pick 5 rule, which were just considered.

And mirror the current thoroughbred pick 6 rule.

This proposal is similar to rules already in effect in other jurisdictions, such as Florida.

Kentucky and New Jersey, but staff believes that the proposed changes to the pick 4 rule would give race tracks more flexibility and discretions remain competitive on a regional basis.

Staff recommends that the commission authorized this proposed rulemaking.

Are there any questions on the proposal amendment?

To the thoroughbred and standard bread pick 4 rules.

Hearing none may I have a motion to propose this rule.
So.

4th.

Any discussion on this motion hearing none.

All in favor aye.

Aye, aye any opposed.

The motion carries. For commission consideration are amendments to the jockey equipment, weighing rules in thoroughbred racing.

This proposal would rename commission rule. 403.32 items weighed with Jockey

From weighing out and would eliminate jockeys being weighed with muzzles.

Martingales and breast plates. This proposal originates with our state stewards. Who have noted that race tracks in California, Florida, Kentucky.

New Jersey, Pennsylvania, and Texas do not have jockeys weighing out with these items.

Staff recommends that the commission authorize the proposal of this rulemaking. Does anyone have questions on this proposal?

Hearing none may have a motion to propose this rule.
So.

Any discussion on the motion.

Hearing none all in favor.

Aye, aye any opposed.

The motion carries.

For commission consideration is a proposed rulemaking to establish a standard time period for requesting a hearing on horse racing license determinations.

Set forth acceptable service methods for the commission.

And set forth, the duty of licenses to keep addresses updated for the commission.

New York race and pari-mutuel wagering and breeding law section 321.

Provides that an applicant for a harness racing license must request the hearing to challenge or denial within 10 days.

After notice of the licensing decision, but there are no similar requirements for other types of racing licenses other than quarter horse racing.
Which is not currently operating. This proposal would administratively set consistent time periods for when a license hearing may be requested.

For all racing licensees that is 10 days.

From receipt or 15 days from mailing if the notice has been sent by 1st class mail.

Once requested a hearing date would be set for a later date.

And the agency adjudication process would take place.

Acceptable methods of service for all commission matters would also be prescribed.

Does anyone have any questions on the proposals or standardized racing license, hearing request and service methods?

Hearing none may have a motion to propose this rule.

So moved 2nd.

4th does anyone which discussion on the motion.

All in favor.

Aye, aye any opposed.
The motion carries.

The final rule for consideration today is an amendment to the regulations, governing mandatory coupling of entries and thoroughbred racing.

Commission rules generally require coupling of entries in certain circumstances that bettors may perceive to present a conflict of interest among competitors in the event. Including these types of requirements is when a jockey has a familial or other types of relationships with each other.

Or, with trainers, in the race, the history of the rule is unclear, but it appears that the role might have been intended to address concerns when, with spouses testifying against 1, another, and an attempt to mitigate bettors’ concerns.

That a party may not extend maximum effort.

When competing against a related party last year, the Senate and the Assembly passed legislation that would have prohibited the commission from requiring a couple of entries and thoroughbreds.

Horse races when a horse is trained or written by a spouse.

Parent issue, or a member of the household of another Jockey.

In the race. Governor. Kathy Hochul vetoed the bell, but directed the commission to review the continued need for the mandatory coupling.

And circumstances under which a requirement may be relaxed and to seek input from industry stakeholders and the wagering public regarding the
topic, following the governor's direction commission staff, conducted a public hearing.

On January 11th, 2022, the hearing received input from the Assembly sponsor.

A racing law, scholar and industry stakeholders.

On both the jockey coupling issue and with the general topic.

Of potential conflicts in sports events upon which wagering occurs.

1 comment that resonated with staff was made by William Gotimer.

Who noted that the New York rules sought to protect the public from a particularized harm.

Yet the state allowed New York patrons to wager on simulcast of races that allowed the exact behavior prohibited in state.

Accordingly after consideration of views expressed at the hearing and noting that the racing industry is trending towards the national uniformity of rules.

Staff recommends removing the requirement to couple entries with jockeys with a relationship among them, or other participants in the race.

The commission steward would retain the discretion to require coupling in any circumstances in which the steward concludes Coupling is necessary in the public interest.
Which should continue to protect the interest of the wagering, public and unusual or unforeseen in circumstances in a particular race.

151 00:16:36.119 --> 00:16:41.129
In addition to making this recommendation staff notes that review and consideration.

152 00:16:41.129 --> 00:16:47.009
Of how to address misuse of confidential, non-public inside information in all contexts.

153 00:16:47.009 --> 00:16:51.538
Of wagering activity continues, and we will report on that at a future date.

154 00:16:51.538 --> 00:16:57.778
Are there any questions on the proposal to remove jockey coupling standards in thoroughbred race?

155 00:16:57.778 --> 00:17:02.849
During non may have a motion to propose this rule.

156 00:17:04.739 --> 00:17:07.919
2nd.

157 00:17:09.328 --> 00:17:13.378
Does anyone which discussion on the motion?

158 00:17:13.378 --> 00:17:16.858
All in favor.

159 00:17:16.858 --> 00:17:21.209
Aye, aye any opposed.

160 00:17:21.209 --> 00:17:24.628
The motion carries.

Moschetti
161 00:17:24.628 --> 00:17:30.929
So, in the context of the various rules, we just proposed, I feel compelled to note that the federal.
Horse racing industry and safety act was created in part.

To establish a nationwide standard for medication and safety matters.

Due to the interstate nature of horse racing Activities and their participants, I think the rules and the conduct of racing are similar.

For instance, the pick 4 pick 5 and pick 6 rules are mostly consistent between states.

But there are permutations state to state with treatment of scratches.

Of course, surface changes and carry over. This can cause confusion among the many race.

But there are permutations state to state with treatment of scratches.

Of course, surface changes and carry over. This can cause confusion among the many race.

I appreciate the work of HISA, but recommend that they seek the authority to standardize the conduct.

Of racing activity, so next we have adjudication.

Today we have 4 matters for adjudication and Mr Williams will.

Start off with the 1st, in the matter of Eternal Deli Inc.
On March, 1st, 2021, the bureau licensing issue to notice of license suspension for alleged crimes.

To eternal deli ink, which is located at 115, Main Street in Hampstead.

The notice informed internal deli of a temporary suspension for engaging in conduct that constituted fraud deceit, misrepresentation, or conduct prejudicial to the public confidence in the state lottery.

Specifically, the proprietor of Enternal deli was reportedly arrested on February 23rd.

2021 and charged with misdemeanors of possessing and a legal gambling device and promoting illegal gambling.

Eternal deli requested a hearing, which was conducted on October 26 2021.

The hearing officer submitted a report dated October 28 2021, recommending that.

Eternal deli's license be revoked the commission considered this matter at a meeting conducted pursuant to the judicial or quasi judicial meetings exception of New York, public officer's Law section. 108.1.

The Commission duly deliberated and considered these matters and determined upon.

A vote of 6 to nothing to sustain the hearing officers report and recommendations.

The next matter in the matter of Richard Banca.
And March 2020 harness racing owner and trainer. Richard banker applied to renew his state racing license.

On December, 10th, 2020, the commission issued a refusal.

To renew his license on the grounds that his.

Experience character and general fitness are such that participation and racing and related activities.

Would be inconsistent with the public interest convenience, or necessity, or with the best interests of racing generally.

The licensee requested a hearing and read determination on his license renewal application, which was conducted on September 15th 2021.

The hearing officer submitted a report dated November 25th 2021, recommending that Mr Banca's license renewal will be refused.

The commission considered this matter at a meeting, conducted pursuant to the judicial or quasi judicial proceedings exemptions.

Of New York, public officers loss section 108.1.

The commission duly deliberated and considered this matter and determined upon a 6 to nothing vote.

To sustain the hearing officer's report and recommendations.

Text matters in the manner of a mirror.
Kelly on September 17th, 2021, the state steward of Belmont park.

Find thoroughbred trainer Amira Chichakly.

2000 dollars for transferring a recently claimed horse to another trainer within 30 days.

Of the claim in violation of commissioner rule 4038.4.

Mr. Chichakly requested a hearing, which was conducted on November 10th 2021. the hearing officer submitted a report to the commission secretary dated January 11th, 2022.

Recommending the imposition of a 2000 dollars fine.

The commission considered this matter at a meeting, conducted pursuant to the judicial or quasi judicial proceedings exemption of New York, public officer's law.

Section 108.1, the commission dually deliberated and considered this matter.

And determine upon 6, nothing vote.

To sustain the hearing officers report and recommendations in the matter of Timothy masters.

On October 62021 the presiding judge at Yonkers Raceway, fined racetrack, employee, Timothy, Masters, 1000 dollars.

For using profane language, siting commission rules for.
Mr \masters requested a hearing, which was conducted on December.

For the hearing the commission staff amended the charges to alleged violations of.

4119.1 related to conduct and 4119.9 related to prohibited acts.

The hearing officer submitted a report to the commissions secretary dated January 6, 2022.

Recommending that they find a violation of rule 4119.1.

But not of commission rule 4119.9.

And recommending the imposition of a 250 dollar fine.

The commission duly deliberated and considered this matter and determined upon a vote of 5 commissioners.

Saying the hearing officers report and recommendations.

Commissioner Crotty abstained from voting. Next matter please. That's all the adjudication. Sir. All right. So, beyond the new and old business.
Hearing none. Oh.

That would conclude today is a published agenda so we traditionally have met on the 4th, Monday of each month.

Which for March would be the 28.

For planning purposes, Secretary Buckley will be in contact, consider availability.

So, if there are no other items for consideration this meeting in the New York state, gaming commission is.

Thank you. Mr. chairman. Mr chairman. Welcome.

Okay.