



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF JANUARY 15, 2013**

A meeting of the New York State Racing and Wagering Board was held on Thursday, January 15, 2013 at 10:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 10:01 a.m.

In Attendance Were:

Daniel D. Hogan, Member
Charles J. Diamond, Member
Ronald G. Ochrym, Executive Director
Robert Feuerstein, General Counsel
Thomas Casaregola, Audits & Investigations
Kristen Buckley, Acting Secretary to the Board

Also in Attendance Were:

Kenneth Council, Deputy Executive Director
Lee Park, NYSR&WB
Michelle Martin, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
Paul Campito, Flink Smith, LLC

OPEN COMMENT PERIOD: Began: 10:01 a.m. Ended: 10:01 a.m.

No comments were made.

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. NOTICE OF EMERGENCY RULEMAKING – VOIDABLE CLAIM FOR HORSES VANNED OFF THE TRACK

The New York State Racing and Wagering Board approved the adoption by emergency rule making of amendments to Section 4038.5(a) (i) and (iii) of the Board's thoroughbred racing rules. This will extend by 90 days the emergency rulemaking that was approved by the Board on October 11, 2012 and published in the *State Register* on October 31, 2012. That 90-day emergency rule expired on January 13, 2013. This rulemaking will go into effect today and expire in 90 days. The Board intends to consider and approve a companion Notice of Proposed Rulemaking on January 31, 2013.

This amendment creates new item (iii) under subdivision (a) of Section 4038.5 to provide an option for the successful claimant to void a claim in instances where a horse is vanned off the track.

The amendment to 4038(a)(i) corrects a typographical error in the existing rule that incorrectly references Section 4038.18, *Pregnant Mares* instead of Section 4038.19, *Certain Voidable Claims*.

The meeting adjourned at 10:04 a.m.