

**NEW YORK STATE  
GAMING COMMISSION MEETING**

**MINUTES**

**MEETING of NOVEMBER 24, 2014**

**NEW YORK, NEW YORK**

A meeting of the N.Y.S. Gaming Commission was conducted in New York, New York.

**1. Call to Order**

The meeting was called to order at 1:05 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Mark Gearan, and Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder.

**2. Consideration of the Minutes from September 30, 2014**

The Commission considered previously circulated draft minutes of the meeting conducted on September 30, 2014. The minutes were accepted as circulated.

**3. Report of Executive Director**

Executive Director Robert Williams provided an update on the commercial casino development process and the recent proceedings of the Harry M. Zweig Memorial Fund for Equine Research.

**4. Rulemaking**

**a. SGC-28-14-00006-EP, Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application (Re-Adoption)**

Chairman Gearan asked Mr. Williams to introduce for consideration the re-proposal of an emergency rule prescribing the forms for the Request for Application to Develop and Operate a Gaming Facility and related license application forms. Mr. Williams explained that the emergency rule was first adopted on March 31, 2014, to date no public comments had been received and the text of the rules had not changed

since the initial emergency adoption. He noted that the present emergency rule would expire on December 21, 2014.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 6-0

Chairman Gearan asked Mr. Williams to explain items 4-b through 4-g, which all related to thoroughbred racing. Mr. Williams explained that these rules were proposed originally in November 2013 and that certain ones were re-proposed, with a few revisions, in March 2014. In addition, Mr. Williams stated the Commission held a public hearing to seek additional input in January 2014. He noted that as a result of the hearing, the Commission was in a position to make findings of fact in regard to certain rulemaking proposals.

- b. **SGC-49-13-0020-RP, Per Se Thoroughbred Regulatory Thresholds for Equine Drugs (Adoption)**
- c. **SGC-49-12-00019-P, Use of the Corticosteroid Methylprednisolone Acetate (e.g., Depo Medrol) in Thoroughbred Racing (Adoption)**
- d. **SGC-49-13-00021-P, Restricted Time Period for Systemic Administrations of Corticosteroids to Thoroughbred Horses (Adoption)**
- e. **SGC-49-13-00022-P, Restricted Time Period After IV Administrations of Flunixin to Thoroughbred Horses (Adoption)**
- g. **SGC-37-14-00006-P Limits Betamethasone, Methlprednisolone and Triamcinolone to Only Joint Injections in Thoroughbred Racehorses (Adoption)**

Chairman Gearan asked for a Motion to Adopt the five rules:

ON A MOTION BY: Commissioner Crotty  
APPROVED: 6-0

**Following adoption of the** five rules and in consideration of practitioner notice concerns raised by State Equine Medical Director

Scott Palmer, Chairman Gearan asked for a motion to make the rulemaking effective on January 1, 2015.

ON A MOTION BY: Commissioner Crotty  
APPROVED: 6-0

Chairman Gearan then asked for a Motion to adopt nine findings as agency fact finding relative to four specific rule proposals.

ON A MOTION BY: Commissioner Poklemba  
APPROVED: 6-0

f. **SGC-49-13-00023-P, Restricted Time Period for Administrations of Unspecified Corticosteroids to Thoroughbred Horses (Withdraw)**

Chairman Gearan asked for a Motion to withdraw a previously proposed rule regarding a Restricted Time Period for Administrations of Unspecified Corticosteroids to Thoroughbred Horses, having been mooted by present meeting rule adoptions.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 6-0

h. **Proposed Rulemaking: Grounds for Suspension and Revocation of Lottery License, 9 NYCRR § 5001.19**

Mr. Williams introduced for consideration a proposed draft regulation refining the current rule that sets forth grounds for the suspension and revocation of a lottery license.

In response to a question from Commissioner Poklemba, Commission General Counsel Edmund Burns confirmed that a decision to revoke an agent's license would be within the scope of the Commission's delegation to staff and that in the event of a challenge to such revocation, the Commissioners would have an opportunity to adjudicate the action.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 6-0

**5. Adjudications**

**a. In the Matter of Aaron Byron**

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 unanimously sustained the Hearing Officer's Report and Recommendations, making one correction to a finding of fact.

**b. In the Matter of William Creech**

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 unanimously sustained the Hearing Officer's Report and Recommendations.

**c. In the Matter of Barry Held**

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 unanimously sustained the Hearing Officer's Report and Recommendations.

**d. In the Matter of Jack Rice**

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 unanimously sustained the Hearing Officer's Report and Recommendations, making one technical correction.

**6. New Business/Old Business**

**a. New Business**

No action on new business was taken.

**b. Old Business**

No action on old business was taken.

**7. Scheduling of Next Meeting**

It was determined the next meeting would be on December 22, 2014.

**8. Adjournment**

The meeting was adjourned at 1:37 p.m.

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