

**New York State Gaming Commission Minutes
Meeting of September 21, 2020**

A meeting of the Commission was conducted by teleconference.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:04 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Chairman Barry Sample and Commissioners John Crotty, Peter Moschetti, John Poklemba, and Jerry Skurnik. The meeting was conducted in conformity with Governor Andrew M. Cuomo's Executive Order 202.1, remotely by recorded conference call.

2. Consideration of Minutes for Meeting of July 27, 2020

The Commission considered previously circulated draft minutes of the meeting conducted on July 27, 2020. The minutes were accepted as circulated.

3. Rulemaking

A. SGC-22-20-00008-P, Permit Harness Horses to Race Without Qualifying in Extraordinary Circumstances

The Commission considered adoption of a consensus rulemaking to extend the days after which a harness horse must qualify from 30 days to a date as determined appropriate by the Commission in exceptional circumstances.

**ON A MOTION BY: Commissioner Moschetti
APPROVED: 5-0**

B. SGC-22-20-00009-P, Erratum

The Commission consideration adoption of a consensus rulemaking to correct cross-references in the gaming regulations.

**ON A MOTION BY: Commissioner Poklemba
APPROVED: 5-0**

4. Adjudications

A. In the Matter of Michael Temming

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 determined upon a 5-0 vote to accept the report and recommendation of the hearing officer. The Commission further ordered that the horses *Sports Bettor* and *Showmeyourguns* be disqualified and unplaced from the fourth race at Yonkers Raceway on December 7 and the seventh race at Yonkers Raceway on December 17, 2019, respectively; such horses are disqualified from any share of the purse in such races; and such shares shall be redistributed among the remaining horses in such races that are entitled to the same.

5. Old Business/New Business

A. Old Business

1. Furosemide. Commissioner Crotty noted that the Saratoga Meet of The New York Racing Association, Inc. had closed with 60 two-year old races being contested without pre-race administration of furosemide and that a single case of epistaxis was evidenced. He also noted that staff is examining data, comparing the 2020 Saratoga Meet to 2019 Saratoga Meet and examining variables such as distance, time, and weather and looking at how quickly horses returned to racing after running without furosemide. Commissioner Crotty indicated an analytical review should be made available by the next meeting.
2. Use of the Crop. Commissioner Moschetti noted recent actions by various thoroughbred racing jurisdictions regarding the use of the crop and strongly suggested Commission staff arrange a virtual appearance of interested parties to discuss whether change should be undertaken by the Commission. Both Chairman Sample and Commissioner Moschetti indicated a preference that this meeting occur in October.

No other old business was discussed.

B. New Business

No new business was discussed.

6. Adjournment

Chairman Sample noted that voluminous rulemaking proposals are scheduled to complete public comment in early November, thus a meeting date subsequent to such occurrence should be considered. He also indicated that staff should use October to present an information session regarding the use of the crop.

The meeting was adjourned at 1:17 p.m.

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