# NEW YORK STATE
# GAMING COMMISSION MEETING

## MINUTES

## MEETING of SEPTEMBER 24, 2015

## BROOKLYN, NEW YORK

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

### 1. Call to Order

The meeting was called to order at 12:35 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder. Commissioner Crotty was unanimously elected as presiding officer for the meeting.

### 2. Consideration of the Minutes from September 10, 2015

The Commission considered previously circulated draft minutes of the meeting conducted on September 10, 2015. The minutes were then accepted as circulated.

### 3. Report of Executive Director

Executive Director Robert Williams discussed the casino licensing timeline and process and recent meetings of the Gaming Facility Location Board and the Responsible Play Partnership.

### 4. Rulemaking

#### a. Adoption: SGC-33-15-00013-P, New Numbers and Win-4 Lottery Games Wagers (9 NYCRR §§ 5009.2 and 5010.2)

The Commission considered adoption of an amendment to a rule allowing for the introduction of a new wager type for the Lottery Division's Numbers and Win-4 draw games, conditioned on no substantive comment being received by close of business on October 5, 2015.

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

**b. Proposed Rulemaking: Bonding of Video Lottery Agents (9 NYCRR § 5103.5)**

The Commission considered proposing a rule in regards to the Bonding of Video Lottery Agents.

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

**c. Proposed Rulemaking for Unqualified Standardbred Horses (9 NYCRR § 4113.5)**

The Commission considered proposing a rule in regards to the Unqualified Standardbred Horses.

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

**d. Proposed Rulemaking: Standardbred Definition of "Wire" (9 NYCRR § 4100.1)**

The Commission considered proposing a revision to the standardbred racing rules definition of the term "wire."

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

**e. Proposed Rulemaking: Post-Race Testing of Claimed Horses (9 NYCRR §§ 4038.5, 4038.17, 4109.3 and 4109.5)**

The Commission considered proposing revisions to the horseracing rules in relation to the cost and frequency of post-race testing of claimed horses.

The Commission unanimously determined to defer consideration of this proposal pending receipt of supplemental information regarding its potential effect.

**f. Proposed Rulemaking: Veterinary Technicians (9 NYCRR §§ 4002.1, 4002.7, 4002.8, 4002.11 4002.14, 4002.20, 4005.1, 4005.5, 4012.1, 4012.4, 4043.11, 4101.24, 4101.37, 4120.6, 4120.9 and 4120.19)**

The Commission considered proposing rule amendments to explicitly authorize the supervised use of veterinarian technicians at New York racetracks.

ON A MOTION BY: Commissioner Sample
APPROVED: 5-0

**g. Proposed Rulemaking for Contract Apprentice Jockeys (9 NYCRR § 4032.1)**

The Commission considered proposing an amendment deleting an extra weight allowance for an apprentice jockey who continues to ride for the jockey's "original contract employer."

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

**h. Proposed Rulemaking: 48-Hour Restrictions (9 NYCRR §§ 4043.2(e) and 4120.2(e))**

The Commission considered proposing revisions to the horseracing rules in relation to the 48-hour restricted time period for the pre-race medication of horses, eliminating the use of more than one non-steroidal anti-inflammatory drug within one week of racing.

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

**i. Proposed Rulemaking: Use of Stanozolol (9 NYCRR §§ 4043.15 and 4120.12)**

The Commission considered proposing a revision to the horseracing rules that strictly regulate the use of anabolic steroids in racehorses, discontinuing the permissive presence at threshold amounts of Stanozolol.

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

**j. Proposed Rulemaking: Uncoupling of Certain Standardbred Entries (9 NYCRR § 4111.15)**

The Commission considered proposing a revision to the coupled entries rule for certain standardbred races.

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

**k. Proposed Rulemaking: Use or Removal of Hopples (9 NYCRR §§ 4113.5 and 4117.3)**

The Commission considered proposing revisions to the horse racing rules in relation to the use or removal of hopples for standardbred horses.

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

***l.* Proposed Rulemaking: Continuing Trainer's Education (9 NYCRR § 4002.8)**

The Commission considered proposing revisions to the horse racing rules requiring that all thoroughbred trainers, including assistant and private trainers, have continuing education of at least four hours each year.

ON A MOTION BY: Commissioner Sample
APPROVED: 5-0

**m. Proposed Rulemaking: Pick-Four, Pick-Five and Pick-Six Pools (9 NYCRR §§ 4011.23, 4011.24, 4011.25 and 4011.26)**

The Commission considered proposing revisions to the Commission's pari-mutuel authorized wagering rules in relation to the pick-four, pick-five, and pick-six pools on thoroughbred horse races.

ON A MOTION BY: Commissioner Snyder
APPROVED: 5-0

**n. Proposed Rulemaking: Per Se Thresholds and Time Restrictions (9 NYCRR §§ 4043.2(i), 4043.3, and 4120.3)**

The Commission considered proposing revisions to the Commission's horse racing rules that regulate the use of certain substances with per se thresholds and restricted time periods.

ON A MOTION BY: Commissioner Sample
APPROVED: 5-0

## 5. Adjudication

**a.** **In the Matter of Michael Brown**. 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 5-0 vote, to accept the Hearing Officer's recommendation that the applicant's license denial be upheld.

Commissioner Moschetti stated he had concern whether the applicant's due process rights were impaired, suggesting that Commission hearing officers be advised to instruct a *pro se* applicant that they could provide a narrative prior to being subjected to cross-examination. Commissioners Moschetti and Snyder also raised concern with the wording on the racing license application. Staff advised both concerns would be addressed.

**b.** **In the Matter of the Disqualification and Placement of the Horse '*Kiwi Ideal N*'.** 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 5-0 vote, to accept the Hearing Officer's recommendation that the applicant's license denial be upheld.

## 6. New Business/Old Business

Commissioner Crotty requested a response to previously requested questions regarding the size of the furosemide industry in New York. Staff advised research is still pending. Commissioner Poklemba advised that he would place discussion of the effects of furosemide use on the breeding industry on the meeting agenda of the N.Y.S. Thoroughbred Breeding and Development Fund Corporation.

## 7. Scheduling of Next Meeting

The next regular meeting was announced as being scheduled for Noon on October 26, 2015. The primary meeting location will be in Manhattan.

## 8. Adjournment

The meeting was adjourned at 1:43 p.m.

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