

This transcript was produced as the meeting progressed. It has not been edited or reviewed for corrections.

00:00:00:00

00:00:15:08 >> Hello.

00:00:16:01 Can you hear us in New York?

00:00:17:24 >> Yes, we can.

00:00:18:29 >> We certainly can.

00:00:19:25 >> Excellent.

00:00:21:17 New York State Racing, Pari-Mutuel Wagering and

00:00:24:00 Breeding Law section 102 provides that the New York State

00:00:27:19 Gaming Commission shall consist of seven members appointed by

00:00:30:27 the Governor by and with the advice and consent of

00:00:33:12 the Senate.

00:00:34:13 Five members having been confirmed by

00:00:36:04 the New York State Senate, affords the Commission

00:00:38:17 an ability to establish a quorum and undertake action.

00:00:42:26 This present meeting of the Commission

00:00:44:15 is now called to order.

00:00:46:03 Ms. Secretary, will you please call the roll?

00:00:48:11 >> John Crotty?

00:00:50:22 >> Here.

00:00:51:10 >> Mark Gearan?

00:00:52:00 >> Here.

00:00:54:00 >> Jack Poklemba?

00:00:55:06 >> Here.

00:00:55:27 >> Barry Sample?

00:00:56:19 >> Here.

00:00:57:08 >> Todd Snyder?

00:00:58:01 >> Here.

00:00:59:16 >> Ms. Secretary, will you please have the record reflect

00:01:02:16 that a quorum of qualified members are present,

00:01:05:06 thus enabling the transaction of business.

00:01:07:27 Since the conduct of our last meeting,

00:01:10:15 Governor Andrew M. Cuomo has designated Mark Gearan

00:01:13:17 as chair of the Gaming Commission.

00:01:15:24 Chairman Gearan?

00:01:17:06 >> Well, thank you, Mr. Williams and my fellow commissioners and

00:01:21:02 staff colleagues.

00:01:23:05 I welcome you to this meeting and appreciate the opportunity

00:01:27:07 to coordinate this from a remote distance for this first meeting.

00:01:32:19 But I'm grateful for the opportunity to serve and to

00:01:35:24 serve with these commissioners in particular, to the staff.

00:01:39:15 We've had opportunities, Mr. Williams and Mr. Park and I

00:01:41:28 to have meetings in preparation of this meeting and my service

00:01:46:08 so I very much look forward to working with all of you.

00:01:51:02 While I am new to the Commission and to some of the issues that

00:01:55:24 we will be dealing with, what is not new to me is public service

00:02:02:01 and the importance of it and the trust that we all have been

00:02:06:02 placed and granted in our assignment.

00:02:10:01 So as I said to Governor Cuomo and to members of the Senate,

00:02:14:17 I'm deeply honored by this nomination and confirmation and

00:02:18:19 I pledge to serve the citizens of New York with purpose and to

00:02:23:14 work with my fellow commissioners on our work so

00:02:27:11 that our services were marked with integrity and transparency.

00:02:33:11 So it's clear we have a lot of work to do this year and in this

00:02:38:26 meeting ahead so I want to get right to it.

00:02:43:04 So we begin officially with the approval of the minutes from

00:02:46:18 your meeting on November 4, 2013.
00:02:50:29 The minutes of the Commission meetings conducted on
00:02:55:05 November 4, 2013,
00:02:58:10 have been provided to members in advance and at this
00:03:00:21 time I'd like to ask members if there are any edits or
00:03:03:04 corrections or amendments.
00:03:07:11 You don't think so?
00:03:09:11 >> No.
00:03:10:14 >> Okay, well, Madam Secretary, please let the record record
00:03:13:19 that--reflect that our minutes were adopted.
00:03:18:26 Next on our agenda is the report of the acting executive
00:03:21:28 director, Mr. Williams.
00:03:24:01 Rob?
00:03:25:04 >> Thank you.
00:03:26:03 Today I'd like to discuss three issues of potential interest.
00:03:29:10 First is to apprise you of the Commission's preparation for a
00:03:33:19 commercial casino development.
00:03:35:08 Second is to briefly discuss a few issues at NYRA.
00:03:39:06 And the third is to discuss the status of the Camelot lottery
00:03:42:17 report that we had previously approved, the RFP, at an earlier
00:03:48:10 meeting.
00:03:49:26 The Commission has recently taken a number of significant
00:03:52:27 steps regarding the preparation for a commercial casino
00:03:55:21 development.
00:03:57:06 First, the Office of Counsel has expanded its staff.
00:04:01:00 This past Monday, two new attorneys have joined us.
00:04:04:20 One, late of the national law firm of Jenner & Block, and
00:04:08:11 the other from the staff of the Brooklyn Law School.
00:04:11:18 A third will be joining the staff next week from
00:04:13:20 the international law firm of Paul Weiss.
00:04:17:09 Ed, are the new attorneys with you today?
00:04:20:03 >> We have two of them with today.
00:04:22:05 I'd like to introduce them all to the commissioners.
00:04:24:16 We have Heather McCarn is with us and Jaclyn Vargo.
00:04:28:26 And their focus initially will be on our efforts to develop our
00:04:34:00 regulation of the commercial casinos in the state.
00:04:36:18 >> Fantastic.
00:04:37:28 >> As Ed mentioned, they're assigned to assist with the
00:04:39:19 refinement of the RFA as well, the request for application
00:04:43:08 initially, and then to develop the regulatory structure and
00:04:46:17 licensing processes for the commercial casino and those who
00:04:49:23 are engaged in the industry.
00:04:52:10 As for the request for application, Commission staff
00:04:55:17 has already created a skeletal document.
00:04:58:22 As you all may be aware, the casino enabling legislation
00:05:02:04 contains a significant number of mandatory elements.
00:05:06:01 Additionally, there is a structural procedural language
00:05:09:05 that is necessary for all such procurement documents and
00:05:13:10 we've included both of these materials in our present draft.
00:05:17:18 Commission staff will then forward the draft materials to
00:05:20:18 the Gaming Facility Location Board members so that they may
00:05:24:14 undertake, with the assistance of their Gaming Advisory
00:05:27:26 Services consultant, the RFA's discretionary work.
00:05:32:03 This discretionary work includes the establishment of the
00:05:35:25 licensing fee, the determination of minimum capital investment,
00:05:41:01 the establishing for video lottery gaming facilities, any
00:05:46:28 credit that might be applied from previous development

00:05:50:08 and also a determination as how local support will be
00:05:54:13 illustrated.
00:05:56:07 Moving on to NYRA, as you're all aware, the New York Racing
00:06:00:24 Association has received a spate of bad publicity recently with
00:06:06:04 the news of a number of high-profile crimes.
00:06:10:11 The crimes include a horrific alleged rape after racing hours
00:06:14:28 and the theft of memorabilia and office equipment
00:06:18:15 from Aqueduct Racetrack.
00:06:21:14 I'm reluctant to discuss the specifics of the former, given
00:06:25:08 the criminal case that is pending and the potential for
00:06:29:09 civil litigation.
00:06:31:10 We are, however, working with NYRA management to ensure that
00:06:35:11 there is an appropriate mechanism for notification of
00:06:38:01 incidents and a compilation of events.
00:06:41:00 The latter is important to understand trend development and
00:06:45:01 ensure appropriate attention is given when circumstances
00:06:48:15 warrant.
00:06:50:02 As to the widespread publicity attendant to the utilization of
00:06:53:10 video lottery gaming revenues at Aqueduct Racetrack, I'm pleased
00:06:57:19 to report at the last meeting of the NYRA Reorganization Board,
00:07:01:20 NYRA detailed various expenditures that are planned
00:07:04:09 for each of the three racetracks.
00:07:06:22 I think, however, that NYRA can and should do better and thus
00:07:10:24 I'm consulting with both the New York State Franchise Oversight
00:07:14:07 Board and NYRA management regarding increasing
00:07:17:02 the transparency of video lottery gaming expenditures.
00:07:21:01 To this end, we will be discussing with NYRA, making
00:07:24:19 plainly available on the Internet a posting that reflects
00:07:28:06 the various capital investment from video lottery gaming
00:07:31:13 revenues at each racetrack.
00:07:33:15 Ideally, there would be a place where interested parties would
00:07:36:23 be able to go to find the status of the completed projects,
00:07:40:07 ongoing projects, and planned projects.
00:07:44:13 As to Camelot, following a competitive process in December
00:07:49:06 of 2013, the Commission awarded Camelot Global Services North
00:07:55:02 America a contract to conduct market research in relation to
00:07:59:05 alternative approaches for the future of the New York Lottery
00:08:02:03 and the creation of a 5-year business plan.
00:08:05:18 This is an extremely broad-based review of lottery operation and
00:08:09:14 is not intended to be a plan for lottery expansion.
00:08:13:28 While the initial findings were timely delivered to Commission
00:08:16:24 staff, Camelot continues to revise its final report, much of
00:08:21:13 which will be ultimately posted to the Commission's website for
00:08:25:05 public accessibility.
00:08:27:26 The initial delivery included some findings and a variety of
00:08:32:29 suggested approaches as to sales, marketing, and game
00:08:37:01 development.
00:08:38:18 The division has already sought to immediately implement several
00:08:41:17 of these recommendations, such as a restructuring of the
00:08:44:06 contract for advertising into separate contracts for media
00:08:48:09 and creative services.
00:08:50:15 This effort is already underway with the development of a draft
00:08:53:16 new proposal for advertising services.
00:08:57:10 The division is also reviewing recommendations
00:09:00:07 for restructuring the methods of supporting some lottery
00:09:03:02 retailers through a larger use of telephone-based processes.
00:09:07:28 Such an implementation would afford our marketing

00:09:10:13 representative staff to focus on greater individual sales
00:09:13:23 execution with our agents that benefit from more personalized
00:09:17:28 service.
00:09:19:29 Additionally, one recommendation from Camelot was to continue the
00:09:23:12 development of an instant ticket management pilot program, which
00:09:28:00 has been found successful in western and central New York.
00:09:32:09 To that end, lottery has identified some 650 New York
00:09:36:14 City-based retailers for the pilot program.
00:09:39:25 An initial update on the effectiveness of this program on
00:09:42:15 retail sales in New York City should be completed in another
00:09:45:11 week.
00:09:46:13 Finally, the Commission has moved to fill many of the
00:09:49:00 vacancies within the lottery division, especially within the
00:09:52:07 marketing branch.
00:09:54:02 These new hires will reduce pressure on existing staff and
00:09:57:24 will assist in the important function of meaningful
00:10:00:19 succession planning.
00:10:02:17 Mr. Gearan?
00:10:04:25 >> Thank you very much, Rob, for that helpful report.
00:10:08:02 Next on our agenda is the appointment of the Gaming
00:10:11:07 Facility Location Board members and I turn to Mr. Williams
00:10:16:19 to outline the procedure.
00:10:18:27 >> By New York Racing Pari-Mutuel Wagering and
00:10:21:10 Breeding Law section 109-a, the Commission is required to
00:10:25:00 appoint five individuals to serve as members of the Gaming
00:10:26:17 Facility Location Board.
00:10:30:02 As you are all aware, in February, the Commission
00:10:33:08 announced the names of our first three appointments.
00:10:36:00 Today, the Commission may take action to formally seat these
00:10:39:09 nominees.
00:10:40:24 You're aware of the statutory requirements and the
00:10:43:12 prohibitions for the Board membership and the manner
00:10:46:11 of identification, vetting, and conflicts steps
00:10:48:27 that we undertook.
00:10:50:19 >> Great.
00:10:52:04 Well, thank you.
00:10:53:03 So with that, may I have a motion to accept the appointment
00:10:56:21 of Paul Francis, Stuart Rabinowitz,
00:11:00:06 and William C. Thompson Jr.,
00:11:02:01 to the Gaming Facility Location Board?
00:11:04:29 A motion?
00:11:09:10 >> Mr. Chairman, Todd Snyder.
00:11:10:28 I'll make the motion.
00:11:12:09 >> Great.
00:11:13:03 Thank you, Mr. Snyder.
00:11:14:05 Do I have a second?
00:11:16:11 >> Second.
00:11:17:15 >> Great.
00:11:18:04 Thank you.
00:11:18:19 Any discussion on the motion?
00:11:21:27 Okay.
00:11:25:21 All in favor?
00:11:27:12 >> Aye.
00:11:28:10 >> Aye.
00:11:28:28 >> Aye.
00:11:30:26 >> Any opposed?
00:11:34:01 Great.

00:11:34:26 The motion carries.
00:11:37:06 We next turn to the--on our agenda to rule-making,
00:11:41:03 where there are several matters before us.
00:11:44:22 New York State's Racing Pari-Mutuel Wagering and
00:11:47:11 Breeding Law 104.19 authorizes the Commission to promulgate
00:11:52:10 rules and regulations that it deems necessary to carry out its
00:11:56:06 responsibilities.
00:11:58:02 To that regard, the Commission will, from time to time,
00:12:01:25 promulgate rules and rule amendments pursuant to the State
00:12:06:08 Administrative Procedure Act.
00:12:07:26 And today, we have six rule-making items for
00:12:10:19 consideration.
00:12:12:05 So I've asked Rob to outline the proposals.
00:12:15:28 >> The first item for consideration today is the
00:12:18:03 adoption of a proposed rule regarding claimed thoroughbred
00:12:20:29 horses.
00:12:22:04 The rule would require the previous trainer of the claimed
00:12:24:26 horse to provide the new owner within 48 hours after the
00:12:28:13 claiming race is made official, with an accurate record of all
00:12:32:01 cortico joint injections administered to the horse within
00:12:35:18 the 30 days prior to the claiming race.
00:12:39:04 This notice requirement would allow the new owner and trainer
00:12:41:26 to make more fully informed decisions about veterinary care.
00:12:46:04 The rule was recommended by the New York Task Force on Race
00:12:49:29 Horse Health and Safety and was in effect as an emergency rule
00:12:53:24 from December 12, 2012, until March 10, 2013, when the
00:12:58:27 Commission permitted the rule to lapse while trainers adapted to
00:13:01:29 a different emergency rule which required them to submit a record
00:13:05:16 of every cortico joint injection to the Commission within 48
00:13:10:03 hours of the injection.
00:13:12:05 Trainers and their veterinarians now make such reports through
00:13:14:23 the Commission's online reporting system.
00:13:17:21 That online system now has the capability to allow the previous
00:13:21:20 trainer, when requested by a claiming trainer, to grant
00:13:25:17 access to the last 30 days of reported corticosteroid joint
00:13:30:27 injections for the horse.
00:13:34:08 >> Well, Dr. Palmer is with us here and I guess my question
00:13:40:24 is--my understanding as a former practicing veterinarian that you
00:13:44:20 are, could you lend some insight to us in terms of the
00:13:49:19 administrative utilization of the system and that is how easy
00:13:54:16 is the system to work in?
00:13:56:14 Is it useful from your perspective?
00:13:59:07 >> Be happy to comment on that.
00:14:01:12 Thank you.
00:14:02:25 The program is called ESAL, it's an equine steroid reporting
00:14:06:21 system that's online.
00:14:08:21 The trainers have been using it.
00:14:10:07 I think we've got approximately 5,000 reported injections
00:14:13:04 since the program started.
00:14:14:14 And this program gives us a database that enables us to
00:14:18:23 survey the use of medication in these horses and to track those
00:14:22:21 medication treatments.
00:14:24:14 It also provides the opportunity to provide this information to
00:14:28:22 new owners of horses when they claim them because a major
00:14:32:07 problem we identified in the past horse report was that
00:14:34:24 horses were being treated for a condition, there had been a
00:14:38:17 claiming race claim by a new trainer who would identify the

00:14:41:00 same condition and do the same treatment over again 'cause he
00:14:43:15 had no idea of how they'd been treated before and this happened
00:14:46:08 over and over again to the detriment of the horse.
00:14:48:00 So this process is still early in its development but it's
00:14:51:23 working very well so far and it's being continually updated
00:14:54:16 as time goes on.
00:14:57:00 >> Thank you, Dr. Palmer and, Mr. Burns, were there any
00:15:01:04 public comments received?
00:15:03:14 >> Yes, the rule was proposed after the last meeting and
00:15:07:04 during the public comment period we received one comment from
00:15:10:09 NYRA.
00:15:11:16 The way we phrased the proposed rule was that the burden is on
00:15:15:16 the previous trainer of the claimed horse to provide
00:15:19:26 the information.
00:15:21:22 NYRA suggested that they provide the information to the
00:15:25:23 Commission and the Commission in turn provide the information to
00:15:28:29 the new trainer and owner.
00:15:31:03 We believe that a change in the language of the rule was not
00:15:34:26 necessary but, as Dr. Palmer just explained, the way it's
00:15:38:11 actually being implemented electronically serves the same
00:15:41:11 concern that NYRA was--of ease of use that NYRA had raised with
00:15:45:26 us, which is since all of these objections are being reported
00:15:49:17 within 48 hours on an ongoing basis, they're already in our
00:15:53:21 system, and the only thing that technically needs to be done is
00:15:56:20 the authorization from the previous trainer that the new
00:15:59:22 trainer can actually look at and access those records.
00:16:03:09 So the way it's being implemented in practice is the
00:16:06:13 way that NYRA suggested it would be for ease of all the horsemen
00:16:10:12 and we didn't think any change in the phrasing of the rule was
00:16:14:08 necessary but we believe that adoption of it will address that
00:16:19:19 concern.
00:16:20:26 >> Great.
00:16:22:12 Thank you, Ed and Dr. Palmer.
00:16:24:04 To my fellow commissioners, any questions on either the
00:16:28:03 regulation or the process?
00:16:31:05 >> Ed, was there any other comment that we're not
00:16:34:27 addressing or is this--
00:16:36:05 >> No other comment was received, other than that.
00:16:38:03 >> Thank you.
00:16:41:07 >> Great.
00:16:42:07 Well, may I then have a motion to adopt the revised regulation
00:16:45:23 on notice of cortico steroid injections in claimed
00:16:49:29 thoroughbred horses?
00:16:53:01 A motion?
00:16:55:00 >> So moved.
00:16:55:28 >> Great.
00:16:57:04 Thank you, Mr. Crotty.
00:16:57:26 A second?
00:16:59:06 >> Second.
00:16:59:28 >> Second.
00:17:00:29 >> Great.
00:17:01:26 Any discussion on the motion?
00:17:06:16 Hearing none.
00:17:07:05 All in favor?
00:17:08:12 >> Aye.
00:17:09:15 >> Aye.
00:17:10:25 >> Opposed?

00:17:13:24 The motion carries.
00:17:15:15 Great.
00:17:16:17 Next is rule-making regarding shockwave regulation.
00:17:21:07 Rob?
00:17:22:07 >> The next item for Commission consideration is the adoption of
00:17:24:26 a proposed rule to restrict the use of extracorporeal shockwave
00:17:28:17 therapy, radial pulse wave therapy, and similar
00:17:31:29 physiological treatments on thoroughbred racehorses.
00:17:35:04 Shockwave therapy and similar treatments involve the
00:17:38:29 application of external pressure waves to an area of the horse to
00:17:42:01 promote healing, but the therapy also makes the area numb for
00:17:46:05 several days.
00:17:47:24 This numbness poses a potential danger to thoroughbred
00:17:51:08 racehorses running at high speed and to their exercise riders and
00:17:54:29 jockeys.
00:17:56:19 Shockwave and other similar therapies are not known to
00:18:00:09 create a similar danger to slower moving horses such as
00:18:03:21 those engaged in standardbred racing.
00:18:06:27 This rule would closely regulate the use of shockwave treatments
00:18:10:28 and other similar therapies so that thoroughbred horses could
00:18:14:16 not be breezed or raced until the resulting numbness
00:18:17:17 wears off.
00:18:19:25 >> Great.
00:18:20:25 Thank you, Rob.
00:18:22:00 Again, Dr. Palmer, would you care to add anything to Rob's
00:18:26:08 overview?
00:18:29:03 >> Thank you, Mr. Chairman.
00:18:30:08 I think the overview was very accurate.
00:18:32:21 This regulation has been in place as a house rule at NYRA
00:18:37:26 for some time.
00:18:39:06 And I think that it has established a regulatory pattern
00:18:42:12 that's helped to control the administration of this therapy
00:18:45:17 and this rule by the state will provide the ability for the
00:18:49:26 Gaming Commission to regulate it in effective fashion.
00:18:54:09 >> Great.
00:18:55:11 Thank you, Doctor.
00:18:56:12 And again, Mr. Burns, any comments received, public
00:18:58:06 comments?
00:18:59:13 >> No public comments since the rule was published as a proposed
00:19:02:10 rule-making.
00:19:03:15 Prior to our proposal, we had solicited comments from the
00:19:07:17 thoroughbred tracks in the state and Finger Lakes fully supported
00:19:11:00 it, as did NYRA, and NYRA had noted that they had a house rule
00:19:16:10 that had some aspects of our proposal in it and their
00:19:19:18 interest was that the rule that we eventually would propose and
00:19:23:27 adopt be consistent and in harmony with their practices and
00:19:28:12 it is.
00:19:29:20 >> Great.
00:19:30:28 Commissioners, any questions on the regulation or the process?
00:19:36:26 >> None.
00:19:39:00 >> Okay.
00:19:40:15 Well, may I have a motion then to adopt the regulation on
00:19:43:11 shockwave and similar therapies?
00:19:46:11 >> I move that the regulation be adopted.
00:19:49:14 >> Great.
00:19:50:25 Thank you.
00:19:51:13 A second?

00:19:52:27 >> Second.
00:19:53:23 >> Terrific.
00:19:55:06 Any discussion on the motion?
00:19:59:01 Well, with that, all in favor, aye?
00:20:02:21 >> Aye.
00:20:03:11 >> Aye.
00:20:04:15 >> Opposed?
00:20:06:12 The motion carries.
00:20:08:16 The next item for proposed rule-making for standardbred,
00:20:13:11 out-of-competition testing.
00:20:15:23 Mr. Williams?
00:20:16:27 >> Thank you.
00:20:18:06 The next item for consideration are proposed amendments to our
00:20:20:29 standardbred, out-of-competition testing rule designed to clarify
00:20:24:28 the existing rule, define internal protocols of the
00:20:28:11 Commission, and to add improvements such as those
00:20:31:17 contained in the once-identical thoroughbred out-of-competition
00:20:35:06 rule.
00:20:36:19 In general, the out-of-competition rule protects
00:20:39:01 race integrity by making it possible to detect the
00:20:41:24 administration of potent doping agents that increase red blood
00:20:46:28 cells, mask pain, or increase a horse's ability to race beyond
00:20:51:21 its natural limits.
00:20:54:02 The rule, which includes a description and prohibition of
00:20:57:24 such doping agents, also makes it possible to detect drug
00:21:01:26 cocktails.
00:21:04:01 A drug cocktail is the administration of various drugs
00:21:07:06 in sub-clinical doses that are effective because of the drug
00:21:12:25 interactions.
00:21:14:21 Such doping agents and drug cocktails may be readily
00:21:17:22 administered in such a manner as to be undetectable in race day
00:21:22:08 samples.
00:21:23:12 Staff suggests the standardbred, out-of-competition rule would be
00:21:27:08 improved by incorporating many elements of the thoroughbred
00:21:30:18 out-of-competition rule.
00:21:33:18 The improvements would affirm the limited nature of the
00:21:35:17 collection program by expressly stating that a trainer or owner
00:21:40:09 does not consent to a search of the premises simply by allowing
00:21:44:09 an off-track horse to be sampled, clarify that a trainer
00:21:48:23 or owner must apprise the Commission when he or she is not
00:21:52:16 training the horse to race in New York in order to excuse a
00:21:56:16 horse from sampling, and amend the category of prohibited
00:22:00:24 substances that was criticized by the appellate court.
00:22:04:24 >> Great.
00:22:05:13 Thank you, Rob.
00:22:06:16 Let me again turn to Dr. Palmer for any other
00:22:08:29 additional comments to Rob's overview.
00:22:13:17 >> Thank you, Mr. Chairman.
00:22:15:03 I think that out-of-competition testing is a mission-critical
00:22:17:22 aspect of the Commission's ability to move forward and
00:22:21:27 detect the administration of drugs that cannot be identified
00:22:25:14 in the normal race day testing program.
00:22:27:22 So this is an extremely important rule in both the
00:22:30:22 thoroughbred and the harness and I think this is an appropriate
00:22:34:10 rule to accomplish that.
00:22:38:19 >> Great.
00:22:40:02 Ed, any comments you would add?

00:22:43:06 >> The only comment I would add is that the previous or
00:22:49:00 currently existing standardbred rule was already upheld by the
00:22:53:10 appellate division in almost its entirety, as Mr. Williams noted.
00:22:56:23 The one issue that the appellate court had taken issue with,
00:23:02:08 we would address in this rule to make sure that that provision is
00:23:08:16 legal according to the courts.
00:23:11:10 And--
00:23:13:02 >> That being the issue of consent?
00:23:14:24 >> No.
00:23:15:24 The only issue was the way we had defined protein and
00:23:18:29 peptide-based drug agents because there were two parts of
00:23:22:19 the rule that appeared that it was permitted in some
00:23:25:04 circumstances and completely banned in others.
00:23:28:03 And the court said those two were irreconcilable.
00:23:30:03 So the way we're gonna clarify that or propose to clarify that
00:23:33:04 is to say the only--such substances are only banned to
00:23:37:22 the extent that they're producing certain effects in
00:23:41:00 the horse and that way it will remove the conflict that
00:23:45:05 the court perceived in two portions of our rule.
00:23:48:06 And it gives us the opportunity to add some safeguards to
00:23:55:09 the search issue, if you will, that even though the courts have
00:24:02:09 upheld broader authority on behalf of the Commission,
00:24:05:13 we think are reasonable accommodations to the horse
00:24:09:05 owners and trainers that, for instance, would not make them
00:24:14:03 bring a horse to New York unless we couldn't obtain reasonably
00:24:18:18 a sample in the neighboring jurisdiction where they
00:24:21:12 might be.
00:24:22:14 So we thought those would be improvements to the existing
00:24:24:27 rule even though the broader authority has already been
00:24:27:24 upheld to be legal.
00:24:29:13 >> Any other questions from the commissioners on the regulation
00:24:32:13 or the process?
00:24:36:23 No?
00:24:37:20 Well, hearing none, may I have a motion then to propose
00:24:40:20 rule-making for standardbred, out-of-competition testing?
00:24:49:01 >> I so move.
00:24:50:18 >> Great.
00:24:51:28 Thank you.
00:24:52:24 A second?
00:24:53:28 >> Second.
00:24:54:29 >> Any discussion on the motion?
00:24:58:18 All in favor, aye?
00:25:00:21 >> Aye.
00:25:03:11 >> Opposed?
00:25:05:19 The motion carries.
00:25:07:22 Our next proposed rule-making for new lottery game
00:25:11:09 "Cash for Life."
00:25:13:25 >> The next item for consideration is a draft
00:25:16:25 regulation to govern a new planned multi-state lottery game
00:25:21:17 that select state lotteries from the Mega Millions and Powerball
00:25:25:18 consortia will conduct.
00:25:28:06 The name of the game will likely be "Cash for Life."
00:25:31:06 This new game would have drawings on Monday and Thursday.
00:25:35:06 For each \$2 wager, a player must select 5 numbers out of a field
00:25:39:18 of 60 and 1 number out of a field of 4.
00:25:43:09 Players could also wager by the way of "Quick Picks," which
00:25:47:04 allow the computer system to generate random numbers as

00:25:50:23 selections.

00:25:52:17 Generally, the jackpot prize would be \$1,000 a day for life,

00:25:57:07 with the second prize being \$1,000 a week for life.

00:26:01:22 As the game name suggests, the two top prizes would be paid

00:26:05:14 for life.

00:26:07:16 Lower level prizes would be one-time prize payments, ranging

00:26:11:00 between \$2 and \$2,500.

00:26:15:29 This "Cash for Life" game would replace the current New York

00:26:19:23 lottery game "Sweet Million," which is presently also drawn on

00:26:23:21 Monday and Thursday evenings.

00:26:26:19 "Sweet Million" has had a limited success and has

00:26:29:13 experienced slowing sales and declining consumer interest.

00:26:33:16 Based on other "for life" life-based prizes, we anticipate

00:26:38:11 the net effect for aid to education to reach between

00:26:41:12 \$8 million and \$9 million annually.

00:26:44:20 >> Thank you, Rob.

00:26:46:20 Let me ask Gardner Gurney, who's the acting director for

00:26:50:10 the Division of the Lottery, when would we expect to be

00:26:54:08 offering this game?

00:26:56:05 >> Mr. Chairman, our plan is to launch this game on May 16,

00:27:00:11 which is a Friday morning and the first drawing would be

00:27:06:11 May 19, which is a Monday.

00:27:08:21 >> Great.

00:27:09:23 To the commissioners, any questions on this regulation or

00:27:13:03 the process?

00:27:16:04 Great.

00:27:17:22 Well, may I have a motion then to propose rule-making for

00:27:19:04 the new "Cash for Life" lottery game?

00:27:22:20 >> So moved.

00:27:23:25 >> I'm sorry.

00:27:24:15 >> I'm sorry, Mr. Snyder.

00:27:25:14 Mr. Chairman, if I may, there were two--from the proposal that

00:27:29:25 was sent to the commissioners beforehand, there are just

00:27:31:23 two minor tweaks based on some discussions with some of

00:27:35:25 the other participating states.

00:27:38:22 They're not substantive in nature but I just wanted to

00:27:41:18 alert the commissioners to that, that we'll clean those up as we

00:27:45:02 prepare it for submission to the Department of State for

00:27:47:05 publication and state register.

00:27:49:23 One is the name of the extra ball that's drawn.

00:27:53:04 The states will prefer to call it a "Cash ball" instead of

00:27:56:00 "Lucky Ball" as you see in your draft.

00:27:59:00 And then there's a certain tweak to the nature of a lump sum

00:28:03:26 payment for second prizes if there are a certain excessive

00:28:07:29 number of them.

00:28:09:09 So we'll clean that up at a staff level and then put that in

00:28:12:29 the submission that's published as a proposed rule-making.

00:28:15:26 >> Great.

00:28:17:02 Yes, Robert shared with me that these were late adjustments.

00:28:20:10 But thank you, Ed.

00:28:22:09 So any other questions on regulation or the process

00:28:28:07 from the commissioners?

00:28:30:16 Great.

00:28:31:25 Do we have a motion?

00:28:35:14 >> Yes, Mr. Chairman.

00:28:36:23 I'll move the adoption.

00:28:38:02 >> Second.

00:28:39:16 >> Great.
00:28:40:26 Any discussion?
00:28:42:11 All in favor, aye?
00:28:45:08 >> Aye.
00:28:46:00 >> Aye.
00:28:46:28 >> Opposed?
00:28:48:10 The motion carries.
00:28:50:11 And our next revised proposal rule-making for controlled
00:28:54:25 therapeutic harness and thoroughbred medications.
00:28:57:27 Rob?
00:28:59:05 >> Yes, before the Commission are proposed revisions to the
00:29:02:08 controlled therapeutic medications rules proposed on
00:29:04:12 November 4, 2013.
00:29:07:17 Staff has reported that the rule-making comment solicitation
00:29:11:03 period result in several advisable recommendations.
00:29:14:27 While most of the revisions are technical in nature, any
00:29:17:20 revisions necessitates publication as revised
00:29:22:07 rule-making, which requires an additional 30-day public comment
00:29:25:04 period.
00:29:26:19 If we adopt these proposed revisions, the Commission would
00:29:29:18 then be in a position to take final action on the collective
00:29:32:08 set of proposed rules at the conclusion of the additional
00:29:35:13 public comment period.
00:29:38:07 It's my understanding that the suggested revisions may be
00:29:42:01 divided between substantive and technical corrections.
00:29:46:10 >> I guess in that regard, Dr. Palmer, would you please
00:29:49:27 address the substantive changes and then, Ed, perhaps you could
00:29:54:12 please address the technical changes that Mr. Williams
00:29:58:02 just mentioned.
00:30:00:03 Dr. Palmer?
00:30:01:26 >> Mr. Chairman, the principal substantive change is
00:30:04:25 really--it's kind of technical but the significant change is
00:30:10:24 that the original recommendation by the Racing Medication Testing
00:30:14:10 Consortium and the Association of Racing Commissioners
00:30:17:17 International was to recommend the use of 24 medications,
00:30:22:04 regulated by threshold, and to assign all of the unapproved,
00:30:27:05 they call them, once called the Non-24 medications, into
00:30:30:01 a category that we regulated with a zero tolerance testing
00:30:33:25 program, meaning that no level of the medication whatsoever
00:30:37:07 would be allowed in the system of the animal.
00:30:39:19 This is--since this was first recommended by those two groups,
00:30:45:28 they have changed course in their recommendations and now
00:30:49:22 they recommend that instead of having a zero tolerance
00:30:52:28 regulation for all of the other 60-some medications in new York,
00:30:56:02 that New York continue and other jurisdictions continue to
00:30:59:02 regulate those substances by their existing rules that are
00:31:02:29 already in place.
00:31:04:06 So there will be no changes recommended for those
00:31:05:27 medications.
00:31:07:00 So while that might seem like a technical thing, it really is a
00:31:10:27 hugely important modification because there are a number of
00:31:13:17 medications in that list of 64 that are perfectly appropriate
00:31:17:00 for use in the horse and, by banning them, it would have
00:31:18:29 created quite an inappropriate response.
00:31:21:15 So that's a very positive change.
00:31:24:10 It does, of course, require though that we resubmit the
00:31:26:15 whole protocol--the rule for another period of

00:31:29:13 public comment.
00:31:31:00 Another specific, a significant change in particular with regard
00:31:35:29 to New York was this section of rules includes a regulation to
00:31:40:17 prohibit the administration of clenbuterol which is a
00:31:43:02 bronchodilator to be given to thoroughbred racehorses within
00:31:46:06 14 days of a race and that rule was part of a national
00:31:49:21 recommendation and has been very well supported by
00:31:53:16 the thoroughbred horsemen in New York.
00:31:55:27 The harness horsemen expressed during the public hearings a
00:31:59:08 significant concern about using the same time-restricted rule of
00:32:04:11 14 days in harness because they race more frequently and for
00:32:08:03 some portion of the year they actually race every week.
00:32:10:29 So that if we made a 14-day rule for clenbuterol for harness,
00:32:13:25 it would, in fact, ban the drug from use in standardbreds.
00:32:17:04 Now what the Commission has done is we've met and talked about
00:32:20:23 this quite a bit.
00:32:22:07 We have language in this proposed new rule that, although
00:32:26:09 the language is slightly different from thoroughbred to
00:32:29:00 harness, it is--this rule will have exactly the same effect in
00:32:32:07 both breeds.
00:32:33:12 It just simply takes into account the racing protocols for
00:32:36:00 the breeds being different.
00:32:37:17 For example, in the harness end of things, a horse that--a
00:32:40:16 standardbred who has not qualified to race, meaning that
00:32:43:02 they have not raced within 30 days, will have to abide by the
00:32:46:06 14-day rule and the harness horsemen have agreed to that.
00:32:49:11 However, if a horse is already qualified and is in active
00:32:53:09 racing, then the horse would then be regulated 96 hours,
00:32:57:22 giving them the opportunity to administer clenbuterol for 2
00:33:00:04 days after the race and still race their horse the following
00:33:03:20 week.
00:33:04:21 And there is a lot of scientific research being done on this drug
00:33:08:23 right now and, until such a time as further evidence becomes
00:33:12:18 available when which we can make a more definitive rule, we felt
00:33:15:14 like this was an appropriate way to regulate these two breeds by
00:33:19:18 accomplishing the same thing but using slightly different
00:33:21:15 language.
00:33:22:13 So there's no substantive difference between the rules in
00:33:24:18 thoroughbred and harness, even though the language is very
00:33:26:26 different.
00:33:28:00 So those are the two major substantive changes in the rule.
00:33:31:11 >> Ed, do you want to speak to this?
00:33:33:19 Please, go ahead.
00:33:35:26 >> No, I will.
00:33:36:21 Commissioner Crotty had a question first, I believe.
00:33:38:10 >> Yes, go ahead, John.
00:33:39:16 >> I spoke to those guys, Girago and company, and they'd
00:33:43:16 made a big push about needing, you know, clenbuterol to run
00:33:47:24 on a regular basis and I, you know, I accepted what they were
00:33:52:15 telling me at face value but it still intuitively doesn't make
00:33:55:17 sense to me.
00:33:56:24 You're a veterinarian, do they need it?
00:33:58:24 'Cause it seemed like an enhancement.
00:34:01:01 They had standardbred racing before they had drugs.
00:34:03:06 Now they have drugs.
00:34:05:03 Now they say they need drugs to have standardbred racing.
00:34:07:03 The bridge doesn't work but they were pretty emphatic

00:34:09:29 that it does.
00:34:11:13 >> I think, Mr. Crotty, the more appropriate question is not
00:34:16:16 "Do they need it?"
00:34:17:23 The question is "Does it work?"
00:34:19:13 And given the protocol that they recommend, where they say they
00:34:22:13 need it, are they actually using a medication as effective in
00:34:25:15 that protocol that they describe?
00:34:27:25 And that's the more appropriate question and that question needs
00:34:30:01 to be answered with some research that's pending
00:34:32:00 right now.
00:34:33:02 But we'll be able to answer that question a little more
00:34:35:00 appropriately as soon as that research is completed.
00:34:36:28 >> So it's been around for some period of time.
00:34:39:22 You're a veterinarian longer than 20 years plus, right?
00:34:42:23 They've been running on this stuff.
00:34:44:29 They're researching it now, we're gonna get a different
00:34:46:28 answer now, 20-plus years later or--?
00:34:49:10 >> The question--a research project is focused on
00:34:51:17 a particular question.
00:34:53:04 The particular question is not does clenbuterol have an effect.
00:34:56:01 I mean, it's a very useful bronchodilator, there's no
00:34:57:28 question about that.
00:34:59:03 >> Sure.
00:35:00:03 >> We also though, over time, come to appreciate that it has
00:35:02:02 an anabolic repartitioning effect that is the point of
00:35:04:19 these regulations, that the rule that we're writing is actually
00:35:07:07 designed to prevent the use of this drug to accomplish a
00:35:09:22 repartitioning effect and this rule will do that.
00:35:13:19 Absolutely will do that.
00:35:15:09 The question of whether or not it's appropriate to give the
00:35:17:19 drug for treatment of airway disease in the manner in which
00:35:21:01 they have described they want to do it is a totally separate
00:35:23:02 question which, again, is one that hasn't been investigated
00:35:25:17 and one is being looked at right now.
00:35:27:23 >> I'm sorry, I'm actually a little confused.
00:35:30:13 So we don't want to authorize the use of clenbuterol
00:35:38:05 for its anabolic effect.
00:35:41:08 Am I getting that right?
00:35:42:16 But we're not sure that it's efficacious?
00:35:45:29 >> No, we're not sure if it--see, for--
00:35:47:23 >> But, I'm sorry, just for 1 second, I want to understand the
00:35:50:00 question as you've laid it out.
00:35:51:29 But we're not sure yet because we haven't had the research yet
00:35:54:10 to determine whether it's efficacious for its use after
00:35:59:24 racing to be a bronchodilator?
00:36:02:28 >> This drug is labeled for use in the horse as a bronchodilator
00:36:06:14 and it was created to treat horses with heaves or
00:36:10:23 a pulmonary emphysema-type condition and, in so doing, the
00:36:15:00 manufacturer recommends giving the drug for 14 days in a row
00:36:17:20 and then stopping because the receptors and the cells
00:36:21:09 get saturated.
00:36:22:10 Effectively, that the medical treatment for a respiratory
00:36:24:11 disease is that you give it 14 days and stop.
00:36:26:11 That is not the protocol that the harness industry is
00:36:29:24 recommend--is suggesting and which they're using it.
00:36:32:06 They're using it with slightly different application and the
00:36:34:17 question is "Is it useful in that application?"

00:36:37:24 We just don't know the answer to that right now.
00:36:39:16 >> So we're creating this rule so that it can be used
00:36:43:03 out of protocol?
00:36:44:06 Is that what we're saying?
00:36:45:13 >> We're creating a rule that allows, for the time being,
00:36:47:28 the harness industry to use this medication.
00:36:50:12 It does have muco-ciliary clearance effects known to help
00:36:52:14 clear out mucus to some degree.
00:36:54:14 The question is "By giving it 2 days, is that enough to really
00:36:57:15 accomplish that?"
00:36:58:14 We just don't know the answer to that right now.
00:37:00:02 So we are--for the time that we are making this rule-making
00:37:04:14 going forward, we are--the goal is not to determine whether or
00:37:07:26 not it's significant to clear mucus, what we're trying to do
00:37:11:06 is prevent the misuse as an anabolic agent and this drug
00:37:13:25 will do that.
00:37:14:28 Now, whether the rule needs to be modified further down,
00:37:17:15 the question is if it, you know, the very small dose given for
00:37:21:05 a couple of days is creating anabolic effect.
00:37:23:09 We don't have the answer to that yet.
00:37:24:28 So it's inappropriate perhaps to regulate it exactly the same way
00:37:28:09 in both breeds, using the same language, given the different
00:37:31:07 ways that these medications are used.
00:37:33:13 >> John had another question, what did they do before the drug
00:37:36:02 existed?
00:37:37:15 Did the horse not run or--?
00:37:38:28 >> Well, there are alternatives to treatment.
00:37:40:27 And there are veterinarians who believe that the clenbuterol's
00:37:45:12 very useful for this and there are other veterinarians think
00:37:47:04 there are other drugs that are more useful for it.
00:37:49:08 So there are alternatives to treat this medical condition
00:37:51:00 besides clenbuterol.
00:37:52:28 >> Dr. Palmer, could I ask a question?
00:37:55:22 >> Sure.
00:37:57:16 >> The first simply is this drug has been in use in harness
00:38:02:29 racing for how long?
00:38:04:18 >> Since the '90s.
00:38:05:29 It's been around for quite a while.
00:38:07:25 >> Since the 1990s and it's currently--under its present
00:38:10:09 use, it's allowed to be used today?
00:38:13:14 >> Yes.
00:38:15:10 >> So the concept here on the rule or the proposed rule is
00:38:18:15 simply to ensure that it can't be used for anabolic purposes
00:38:21:25 but still continue its present ability to be used for what it's
00:38:25:17 been used for since the 1990s, right?
00:38:28:07 >> That's correct.
00:38:29:18 >> Okay.
00:38:30:23 Just clarifying, that's all.
00:38:32:06 Thank you.
00:38:35:27 >> So when--who's conducting the study and when do we anticipate
00:38:39:04 it being completed by?
00:38:41:13 >> The University of Pennsylvania is conducting
00:38:43:15 the study and I don't know the exact timetable.
00:38:46:13 I would say within a year.
00:38:47:24 >> Okay.
00:38:49:28 So should we think about the return of that study in the
00:38:56:03 context of the new rule?

00:39:00:04 >> Well, I would recommend that under the circumstances the best
00:39:02:10 thing for the industry would be to adopt the rule as proposed
00:39:05:24 and that we can certainly revisit it as new--as in
00:39:08:26 any rule, revisit it as new scientific information
00:39:12:01 becomes available.
00:39:14:06 >> Everyone has a lot of things going on and reports
00:39:15:20 come and go.
00:39:17:04 You can include some sort of timeframe within the rule to
00:39:23:02 have it revisited by determination now, right?
00:39:27:23 I mean, if we're waiting for this report, which hopefully
00:39:30:11 will be conclusive one way or the other, it might be
00:39:32:26 interesting to look at this rule when that report comes out in,
00:39:35:09 say, a year's time to sort of figure out whether or not this
00:39:39:07 is the right protocol or use, wouldn't you say?
00:39:43:27 If the report's gonna determine its effectiveness, why wouldn't
00:39:47:25 you want to be forced to look at it in a year?
00:39:50:15 >> So I'm not sure exactly what you're recommending.
00:39:53:27 >> When we approve a rule it's a rule for forever until you
00:39:58:10 go back in and actively do something.
00:40:01:19 There's a way to approve rules so that they force you to relook
00:40:04:09 at them when certain elements come back up, for instance,
00:40:07:19 a conclusive report from Pennsylvania that talks about
00:40:11:13 the effectiveness of it.
00:40:13:10 >> Well, I think, Mr. Crotty, I think, part there's sort of two
00:40:17:11 aspects of it and you're, you know, maybe addressing one of
00:40:20:15 them.
00:40:21:16 The proposal here is meant to address the misuse of the drug
00:40:28:09 for anabolic effects, which would be true independent of,
00:40:34:07 as I understand it, the research being done at
00:40:38:02 the University of Pennsylvania.
00:40:39:26 What timing did they say?
00:40:41:08 >> The timing wouldn't be the same.
00:40:42:19 >> Well, that--
00:40:43:16 >> Because the protocol was to get rid of it for 14 days
00:40:45:19 in advance.
00:40:46:28 It was determined that that was not effective, anabolic or not,
00:40:50:24 right?
00:40:52:02 >> If you stop 14 days away, you've basically eliminated
00:40:56:06 the ability to achieve an anabolic effect of the drug.
00:40:59:21 >> Okay, so I think this whole proposal, that aspect of it,
00:41:03:25 is meant to address the misuse of the drug for the anabolic
00:41:07:14 effect, but I think you're raising another interesting
00:41:10:18 question which is "Should it be regulated for other effects?"
00:41:14:25 And that, as I understand, is what Dr. Palmer is saying
00:41:18:05 research is being done at that you might want to look at
00:41:20:09 and revisit down the line.
00:41:22:03 But that research won't bring anything to bear as I understand
00:41:26:09 it on the regulation of the improper anabolic effect that
00:41:29:11 we're trying to look at.
00:41:32:13 >> Is that the case?
00:41:34:03 >> That's true.
00:41:35:06 >> Did I not state that accurately?
00:41:37:13 >> I think the focus here is on the misuse of the drug
00:41:40:13 for anabolic use and this rule will prevent that.
00:41:43:07 And so I believe that your point is valid and I can assure you
00:41:48:07 that we will be looking at this drug in an ongoing fashion.
00:41:50:22 This is not something that's gonna go away.

00:41:52:16 It's something that we'll be looking at quite closely.
00:41:54:19 But the important thing is that this rule will accomplish the
00:41:59:16 goal, the rational, you know, reason for making this rule is
00:42:03:17 to prevent the use of it as an anabolic agent and it will do
00:42:05:24 that.
00:42:06:21 So I believe that even though the language is slightly
00:42:08:09 different, given the different training and racing schedules
00:42:10:17 that it brings, it will accomplish the same thing in
00:42:12:14 both breeds, which is, I think, the most important or the core
00:42:16:00 concept here that we need to focus on.
00:42:19:17 >> Okay.
00:42:20:20 >> So hearing that, and given Commissioner Crotty's interest,
00:42:23:21 Rob, would it make sense for us to keep this current when
00:42:27:20 this research is complete and we could look to Rob to make sure
00:42:31:07 that Commissioner Crotty's interest is taken into account.
00:42:36:11 >> There's no doubt that we can track the study.
00:42:39:13 The study will actually be very widely disseminated when
00:42:43:06 it's finally released from the University of Pennsylvania
00:42:46:28 and that's something that Dr. Palmer's unit can also
00:42:49:13 monitor as well.
00:42:51:19 >> Does that make sense, John?
00:42:54:24 >> I think so, right?
00:42:55:29 I mean, if you're going by the best scientific evidence, if
00:42:58:15 something proves different that you'd want to have the ability
00:43:00:29 to go back in.
00:43:02:02 I mean, I guess you have that ability no matter what--
00:43:04:03 >> Correct.
00:43:05:01 >> Whenever you want but it would be not bad if we're
00:43:08:09 sort of pending some sort of formation of thought on this,
00:43:11:13 based on what the research says, to sort of force us to take
00:43:15:06 another look at it.
00:43:17:07 >> Commissioner, I think you're exactly right.
00:43:18:28 >> I can assure you it will do that.
00:43:21:04 >> Yeah, so it would be interesting to note.
00:43:23:16 Just as a point of trivia, how did they propose a series of
00:43:26:28 substances that actually turned out that they needed to--right,
00:43:31:13 you'd said originally that the group had proposed a series of
00:43:33:16 substances that actually turned out to be useful.
00:43:35:24 How does that mismatch occur?
00:43:37:17 Do you know or--?
00:43:39:04 >> Well, the 24 medications were chosen because it's a very
00:43:43:11 expensive process to regulate medication in a horse.
00:43:46:10 You have to have studies done to document the withdrawal times,
00:43:50:03 you know, the safe withdrawal times for any medication that
00:43:52:20 you have.
00:43:53:25 And if you have hundreds of medications that are out there
00:43:56:05 and there are thousands, then it's simply impossible for any
00:43:58:29 racing jurisdiction to fund all the studies necessary to
00:44:02:03 document every single drug.
00:44:04:26 So it's very important to--and the ARCI and the RMTC gathered a
00:44:09:13 group of veterinarians from around the country and said,
00:44:12:03 "What are your most essential medications that you need to
00:44:15:09 practice appropriate veterinary medicine on the racetrack close
00:44:18:26 to race day, you know, what do you need?
00:44:20:16 What do you exactly need?"
00:44:21:24 And this was the list.
00:44:23:03 That list is actually--had a couple of other drugs

00:44:25:13 recommended by the American Association of Equine
00:44:27:06 Practitioners.
00:44:28:13 The RMTC made it very clear that this is a living document that,
00:44:31:14 as new drugs are come along, that they could be added to this
00:44:34:16 list if they were documented to be effective and safe and
00:44:37:06 helpful so that process was--took about a year
00:44:41:19 to get that together.
00:44:42:28 Very controversial and these were the drugs that were settled
00:44:46:10 on as the must-have medications and it's not that all the other
00:44:49:27 medications can't be used.
00:44:51:13 You just--they shouldn't use them in close proximity to
00:44:53:16 the race.
00:44:57:13 >> Any other questions or concerns from the Commission?
00:45:06:16 Okay, well, do we have a motion on the proposal?
00:45:13:18 >> Mr. Chairman, if I may clarify too, what's before the
00:45:16:04 Commission for consideration is revised proposals that will then
00:45:21:19 be published in the state register and then after all
00:45:24:16 comment is collected, it'll be before the Commission again for
00:45:28:25 everything to be tied up in one proposed--rule-making.
00:45:32:22 >> Say, let me--thank you, Ed.
00:45:35:15 So this is a motion to propose a revised rule-making for
00:45:40:15 controlled therapeutic harness and thoroughbred medications,
00:45:43:22 to be clear.
00:45:45:16 >> Correct.
00:45:47:07 >> So I would entertain a motion for that proposal of the revised
00:45:51:17 rule-making.
00:45:53:19 >> Yeah, I'd like to.
00:45:54:29 Can I ask one question, though?
00:45:56:05 Can we solicit specifically and ask for a couple of trainers
00:46:00:07 or people out there to sort of comment on it in the affirmative
00:46:04:28 that the publishing of the rules wherever they get published
00:46:08:09 and the lack of comments is always problematic.
00:46:12:06 They bring it up each time.
00:46:14:10 It's never clear to me who we solicited comment from.
00:46:17:07 I don't care who the list is, you know?
00:46:19:28 Pick a couple of guys upstate, couple of guys downstate, women,
00:46:23:15 men, whatever, just asking professionals for their opinion
00:46:27:08 and, if you mail it or ask them specifically, if they have none,
00:46:31:04 it would be under--and we don't have to make the list public,
00:46:33:05 but to say, "These are the people we asked for comment and
00:46:35:09 they said nothing."
00:46:36:24 It would be interesting to solicit that feedback in a very
00:46:39:14 direct way, right?
00:46:41:13 >> No, Mr. Crotty, we'll definitely do that and there's
00:46:43:06 no doubt with this bundle of proposed rules, we've already
00:46:48:02 received a number of comments and had a public hearing
00:46:50:28 where people had very strongly expressed views on the topic
00:46:55:04 so we will make sure that every--not only everyone on our
00:46:59:06 contact list will get the revised proposal but
00:47:03:05 specifically everyone who has submitted a comment on the
00:47:06:11 previous proposal, make sure we alert them to the current
00:47:10:10 proposal and gather all of that.
00:47:12:19 >> And that's good.
00:47:13:19 I think there's a universe of people, though, that probably
00:47:15:13 are involved with this industry on a day-to-day basis that don't
00:47:17:06 want to write back or don't solicit or don't feel they have
00:47:21:17 a voice, not totally dissimilar to the number of people who

00:47:24:17 don't vote in elections, though they're fully able to.
00:47:28:03 It would be good to actively solicit some of their--you know,
00:47:31:12 not a ton, not overly burdensome on the staff, but, you know, a
00:47:35:01 couple of Finger Lakes people, a couple of trotter guys, pick
00:47:39:18 a couple of tracks, and a couple of flat guys in the NYRA world.
00:47:43:05 Not necessarily the head of the agency but, you know, numbers 7,
00:47:47:08 8, and 9 on the training board for backwood or winter meet
00:47:50:18 or--you pick the formula, to get their comments and say, "Hey, we
00:47:54:09 asked them specifically and they came back with x."
00:47:57:14 May be nothing but it would be good to know we were a little
00:47:59:25 bit proactive on it and, if this is a big rule like that, it
00:48:03:07 would be interesting to hear what their feedback was.
00:48:05:26 In all theories or all walks of government, my experience has
00:48:09:11 been there are professional people on both sides of
00:48:12:08 the issue.
00:48:13:21 Pick the issue.
00:48:14:26 And they're always willing to lend their voice to whatever
00:48:16:14 it is.
00:48:17:13 It's not that their point's not valid.
00:48:19:14 I'm just not sure if they're tapping into a real vein or if
00:48:22:01 it's a 20-year career for the pro and con on either side,
00:48:25:08 right?
00:48:26:28 I saw some of the feedback for some of the earlier Lasix stuff
00:48:30:05 from before and those names are all very similar to the ones
00:48:33:15 I think we'd see again in something like this,
00:48:35:17 with probably the exact same comments.
00:48:38:19 New dates.
00:48:40:20 >> This has come up before and I don't want to take up too much
00:48:42:25 time on it but normally what do we do in terms of pulsing?
00:48:47:02 >> De-acting?
00:48:48:24 Well, a couple of things.
00:48:50:12 So formally it gets published in a state register so anyone
00:48:55:03 monitoring that, you know, has the opportunity to look at that.
00:48:58:24 >> The three guys from wherever.
00:49:00:18 >> But we also--the acting secretary of the Commission
00:49:06:04 maintains a list of interested parties who reached out to the
00:49:11:09 Commission and said they want to be apprised of developments in,
00:49:15:08 whether it's harness, thoroughbred, both, and other
00:49:19:17 areas as well, and whether, even in the pre-proposal stage, we
00:49:25:26 often solicit comments from that group as well but certainly when
00:49:29:07 we reached the proposal or revised proposal stage,
00:49:32:01 everything is again sent out to that entire mailing list by
00:49:35:14 electronic mail and affords them the opportunity to at least
00:49:40:20 have it.
00:49:41:17 >> And out of that list, we'd be making more intimate
00:49:43:16 reach-out to--
00:49:44:20 >> Well, I think what Commissioner Crotty's suggesting
00:49:46:23 is that maybe there are people out in the regulated community
00:49:49:27 who haven't even taken the time to get on that mailing list and
00:49:54:18 that the commissioner suggests that perhaps we ought to make an
00:49:57:18 effort to reach out to some--
00:49:58:23 >> Pay attention to the state register.
00:50:00:04 >> Yes.
00:50:01:19 >> One other thing I would make note of is that the proposed
00:50:06:15 rules are also put onto the Gaming Commission's website.
00:50:12:05 >> Okay, so with that as--
00:50:16:02 We'll certainly endeavor to make that--

00:50:19:29 >> You know, you're not looking to create multiple hours'
00:50:22:00 worth of work.
00:50:23:05 If you had a straight list of questions, tacking it on their
00:50:25:20 door, saying, "If you got any feedback on this,"
00:50:28:03 would be useful.
00:50:29:06 Again, not looking to create more work than necessary
00:50:32:15 but it would be good to get some other feedback.
00:50:34:25 You had some big names on the list before, obviously that
00:50:37:07 represent the industry but--
00:50:40:13 >> We'll do something.
00:50:41:15 >> Okay, well, thank you, all.
00:50:43:02 So with that as good dialog, let me then ask for a motion to
00:50:48:05 propose a revised rule-making.
00:50:51:07 >> Sample already did.
00:50:52:29 >> Mr. Sample?
00:50:54:02 Great.
00:50:55:00 Is there a second?
00:50:55:29 >> Sure.
00:50:57:07 >> Second.
00:50:58:17 Great.
00:50:59:11 Any discussion?
00:51:00:12 I think we've had some good--any more discussion?
00:51:03:00 All in favor, aye?
00:51:05:06 >> Aye.
00:51:06:09 >> Opposed?
00:51:08:15 The motion carries.
00:51:09:19 Let's now turn to the proposed rule-making regarding altering
00:51:12:11 harness and thoroughbred horses.
00:51:16:05 >> The last rule-making for consideration today is a
00:51:19:07 proposal wherein the gelding of a horse would be required to be
00:51:22:20 reported to both the racing secretary and the official horse
00:51:26:16 identifier if the horse is entered into race
00:51:31:19 at any race meeting.
00:51:33:21 Staff has heard concerns raised by the wagering public about the
00:51:37:03 absence of any rule or procedure which required the timely
00:51:41:06 reporting of first-time geldings in races.
00:51:44:21 As it is generally accepted wisdom that the first-time
00:51:47:23 geldings are likely to run better than they ran before they
00:51:50:18 were gelded, timely information on first-time geldings would be
00:51:55:01 helpful to handicappers.
00:51:58:04 We note that California, Oklahoma, and Texas all have
00:52:01:14 similar rules.
00:52:06:04 >> Mr. Burns, anything to add to the overview?
00:52:10:23 >> No, sir.
00:52:14:04 >> I didn't--
00:52:15:20 >> Any discussion?
00:52:19:07 >> Yeah, that's a good question.
00:52:21:28 >> May I have a motion then to propose rule-making regarding
00:52:25:22 reporting the gelding of harness and thoroughbred horses?
00:52:30:17 >> Snyder.
00:52:31:14 >> So moved, Mr. Snyder.
00:52:33:09 Mr. Snyder is second.
00:52:35:10 Great.
00:52:36:02 Any discussion?
00:52:37:21 All in favor, aye?
00:52:39:08 >> Aye.
00:52:40:29 >> None for the record.

00:52:41:26 >> Opposed?
00:52:43:11 The motion carries.
00:52:45:08 We now--let's turn to our next agenda item
00:52:49:05 regarding adjudications.
00:52:51:29 The Commission has three hearing officer reports for
00:52:54:25 consideration today.
00:52:56:16 I have asked Mr. Williams to outline the cases.
00:53:00:26 First is in the matter of Graham Lewis.
00:53:02:26 Rob?
00:53:03:25 >> The first case regards Graham Lewis whose application for
00:53:04:28 occupational harness owner, harness trainer, and harness
00:53:10:12 driver license was denied upon a finding that Mr. Lewis's
00:53:13:13 experience, character, and general fitness are such that
00:53:17:13 his participation in racing or related activities in the State
00:53:20:24 of New York is inconsistent with the public interest,
00:53:24:01 convenience, or necessity, or with the best interest of racing
00:53:27:23 generally.
00:53:29:13 Mr. Lewis appealed the denial and a hearing was conducted on
00:53:32:07 July 30, 2013.
00:53:35:01 The hearing officer recommended that the license denial be
00:53:38:03 upheld.
00:53:39:11 All members have received a copy of the hearing officer's report
00:53:43:00 and have an opportunity to--have had an opportunity to review
00:53:46:19 a record of the hearing.
00:53:48:16 >> Would anyone like to discuss either the report or the
00:53:52:03 recommendation?
00:53:55:22 Hearing none, may I have a motion to adopt the hearing
00:53:58:05 officer's report and confirm its findings and the recommendations
00:54:02:21 as submitted?
00:54:05:02 >> So moved.
00:54:06:16 >> Great.
00:54:07:18 Thank you.
00:54:08:10 A second?
00:54:09:13 >> Second.
00:54:10:03 >> Great.
00:54:11:01 Any discussion on the motion?
00:54:13:16 All in favor, aye?
00:54:16:10 >> Aye.
00:54:17:01 >> Aye.
00:54:18:03 >> Opposed?
00:54:20:01 The motion carries.
00:54:21:15 The next adjudication is in the matter of Greg Luther.
00:54:25:01 >> The second case regards an appeal by harness driver,
00:54:27:11 Gregory Luther.
00:54:29:10 The presiding judge at Batavia Downs found Mr. Luther used
00:54:32:22 unauthorized equipment and subsequently threatened
00:54:35:28 the judge.
00:54:37:06 After being fined \$1,000 for these violations, Mr. Luther
00:54:41:20 appealed and a hearing was conducted on October 29, 2013.
00:54:46:13 The hearing officer found Mr. Luther guilty of various
00:54:50:22 rules infractions but recommended a fine reduction
00:54:55:24 to \$500.
00:54:57:28 Again, all members have received a copy of the hearing officer's
00:55:00:08 report and have had an opportunity to review the record
00:55:03:18 of the hearing.
00:55:04:25 >> Would anyone like to discuss the report or the
00:55:07:06 recommendations?

00:55:09:15 >> I have a question.
00:55:10:27 How are fine amounts determined?
00:55:15:29 >> There is precedent that is available for research both at
00:55:24:05 the track level and by the hearing officer.
00:55:29:05 There are certain enumerated things in statute that are in
00:55:32:24 our regulations that have specific penalties imposed but
00:55:36:03 a lot of it is discretionary and it's something that--
00:55:40:01 >> How wide is this discretion?
00:55:42:08 >> It depends on the type of infraction but can be wide.
00:55:45:20 And it a lot of times depends on the disciplinary history of
00:55:50:21 the person in question and the nature of the conduct.
00:55:55:03 >> In this case, what is the maximum fine that could have
00:55:57:18 been imposed?
00:55:58:28 >> I don't believe there's a regulatory maximum.
00:56:01:15 Our statutory maximum is \$25,000.
00:56:05:15 >> That's awfully broad.
00:56:07:29 Could we consider adopting some regulations with a schedule with
00:56:12:29 narrower limits so we don't give discretion--I think that the
00:56:18:05 testimony in this case was that the initial officer who
00:56:27:11 was investigating this matter based the fine on the financial
00:56:31:26 ability of the person to pay and that's a very difficult
00:56:35:25 determination for them to make without having documentation.
00:56:41:27 I think it would be helpful if there was a schedule of fines
00:56:46:13 like you have in other situations and other laws that
00:56:50:20 would give them direction with narrower limits on how much--it
00:56:56:02 seems to me that \$0 to \$25,000 is way too much discretion.
00:57:02:03 >> I agree.
00:57:08:05 >> We will undertake to study that issue and give you a--
00:57:12:25 report back to you with a sense of the historical range of
00:57:17:19 things in certain categories of violations that come up often
00:57:21:17 to give you a better sense of how that discretion has been
00:57:24:14 exercised historically as well.
00:57:26:27 >> But short of that, Ed, I mean, this is a--it's a fair
00:57:29:27 reading of the record, don't you think that the presiding judge
00:57:33:04 simply replaced his discretionary judgment
00:57:39:25 for the officer's discretionary judgment?
00:57:44:03 It's all that's happening here, right?
00:57:46:01 There's no other basis for the determination of the \$500?
00:57:50:16 >> Correct.
00:57:51:22 And you have the discretion to substitute your discretion for
00:57:54:17 the hearing officer's recommendation too.
00:57:57:14 >> Thank you but no thank you.
00:58:00:10 >> Yeah, okay, got it.
00:58:01:22 Got it.
00:58:04:12 >> Good discussion.
00:58:06:02 Well, with that, may I have a motion to adopt the hearing
00:58:09:20 officer's report and confirm its findings in recommendations as
00:58:13:19 submitted?
00:58:15:14 >> Yeah, Mr. Chairman, I'll move accepting the recommendations.
00:58:21:02 >> Second.
00:58:21:27 >> A second?
00:58:22:22 Great.
00:58:23:12 And any discussion on the motion?
00:58:25:12 All in favor, say "Aye."
00:58:27:26 >> Aye.
00:58:31:03 >> Opposed?
00:58:33:07 The motion carries.

00:58:35:23 Our final is in the matter of Janet Smith.
00:58:38:25 Rob?
00:58:39:27 >> The third case regards an appeal by tote employee,
00:58:42:26 Janet Smith.
00:58:44:23 Miss Smith was denied license upon a finding that her
00:58:47:10 experience, character, and general fitness are such that
00:58:52:08 her participation in racing or related activities in the State
00:58:55:14 of New York is inconsistent with the public interest,
00:58:59:01 convenience, or necessity or with the best interests of
00:59:02:11 racing generally.
00:59:04:01 Following Mrs. Smith's appeal, a hearing was conducted on
00:59:07:15 January 22, 2014.
00:59:10:29 The hearing officer recommended that the license denial be
00:59:13:29 reversed and that the Commission grant Miss Smith a license
00:59:17:24 as a tote employee.
00:59:20:17 All members have received a copy of the hearing officer's report
00:59:23:23 and have had an opportunity to review the record of
00:59:26:21 the hearing.
00:59:28:01 >> Thank you, Rob.
00:59:29:20 Would anyone like to discuss either the report or
00:59:32:16 recommendation?
00:59:34:21 >> Just one minor point.
00:59:37:08 On the final page of the report, there's listed five findings of
00:59:41:20 fact and I--just speaking for myself, I wouldn't want my vote
00:59:48:15 in favor of accepting this report to accept all five
00:59:52:27 findings of fact, especially number 5, which I think is way
00:59:56:28 too broad.
01:00:00:22 >> I tend to agree with Commissioner Poklemba, that
01:00:05:16 finding number 5 isn't necessary to the finding overall in the
01:00:11:26 report and I think the report would get to the same conclusion
01:00:13:15 without it.
01:00:14:12 >> Exactly.
01:00:24:01 >> Any other discussion?
01:00:26:12 So Rob, being my first meeting here, do we--would this be
01:00:29:10 a motion as amended?
01:00:32:05 >> No, I think you could have a motion and then simply have
01:00:34:11 the record reflect that Commissioners Poklemba and
01:00:37:08 Snyder do not agree with the finding 5 but otherwise concur
01:00:41:04 with the decision.
01:00:43:18 >> I don't think it's limited to the two of them.
01:00:45:14 Those two are verbalizing their concerns but I don't think
01:00:49:01 the concern's limited to the two of them.
01:00:51:21 >> I have a similar concern.
01:00:53:00 >> Yeah, may I suggest the Chairman then present for
01:00:55:12 consideration then or entertain a motion to adopt the hearing
01:00:59:25 officer report with the exception of item 5 and ask
01:01:06:09 that--entertain a motion to adopt it as amended, which is
01:01:11:17 within the discretion of the Commission to consider?
01:01:15:02 >> All right.
01:01:16:13 Well, may I have a motion to adopt the hearing officer--
01:01:20:05 Todd, did you want to say--
01:01:21:15 >> Yes, I'm sorry.
01:01:22:18 Yes, Mr. Chairman, I'm sorry.
01:01:24:01 I just want to make sure, does the finding have to conclude
01:01:28:26 that the applicant, Miss Smith, does not lack the character
01:01:36:15 and fitness?
01:01:37:23 Because if we take out number 5, I don't know if we actually need

01:01:39:26 a finding by the presiding judge that Miss Smith has
01:01:43:19 the appropriate character and fitness and I don't know if we
01:01:46:07 have that.
01:01:47:07 So I just want to be careful not to take this apart and end up
01:01:50:24 not getting where we want to go.
01:01:52:20 >> Well, I think the other findings, as stated in the
01:01:59:00 report, suggest that the basis on which the licensing unit had
01:02:05:03 initially denied the licensing application is not--was found to
01:02:10:00 be not supported by the record of the proceeding.
01:02:12:18 >> Got it.
01:02:13:26 Yup.
01:02:14:26 >> So I think the recommendation of the hearing officer report
01:02:17:05 could stand with recommendations 1 through 4 and then you, as the
01:02:23:19 Commission, as the final arbiter of this decision-making,
01:02:28:07 can modify the hearing officer report to exclude item number 5.
01:02:33:07 >> Okay, very good.
01:02:34:16 Thank you.
01:02:36:16 >> So the motion that I would entertain is to adopt
01:02:40:04 the hearing officer's report, excepting finding number 5,
01:02:47:20 and confirm its findings and recommendations as submitted.
01:02:52:26 >> I would so move.
01:02:54:20 >> Second.
01:02:55:24 >> Thank you.
01:02:57:25 Any discussion on the motion that's been made and seconded?
01:03:01:10 All in favor, say "Aye."
01:03:03:28 >> Aye.
01:03:05:11 >> Opposed?
01:03:07:09 The motion carries.
01:03:09:21 We now turn to--nearing our last items on our agenda,
01:03:15:19 new business.
01:03:17:18 I'd entertain any new business brought before the Commission.
01:03:24:14 >> There was one item I had that I thought would be relevant.
01:03:28:22 Recently down in Gulfstream, they have a bet,
01:03:33:05 a Rainbow Pick 6, Rainbow 6, and if there's a single winner
01:03:37:27 the pool's very big.
01:03:39:07 One guy had a ticket.
01:03:40:29 The ticket had the winner.
01:03:43:20 They disqualified the horse.
01:03:45:15 His ticket was ruled invalid and they had to roll up.
01:03:48:16 The steward's decision was met with--
01:03:52:00 >> Dismay?
01:03:53:29 >> Well, by one person for sure, you know?
01:03:56:12 And more importantly, by the racing press who rightly
01:03:59:28 questioned how these stewards were making the decision.
01:04:03:00 Was it in a vacuum?
01:04:04:15 What was the concept?
01:04:06:26 How did they come to their conclusion?
01:04:08:19 There wasn't a lot of visibility into the decision-making, right?
01:04:12:26 And so in that regard, in New York State, I think it would be
01:04:16:27 interesting if we start taking a look at sort of how our stewards
01:04:20:00 operate in the things that they operate, when they make certain
01:04:24:05 decisions, some sunshine onto the process on
01:04:27:05 how they make those decisions.
01:04:29:06 Specifically, who voted for what, when they vote, was it
01:04:34:17 2:1, 3:1, 5--you know, whatever the vote numbers were,
01:04:38:23 who was communicating with the stewards at that point?
01:04:42:19 There's been some allegations of outside influence on

01:04:46:06 the stewards down in Gulfstream and, again, not by me.
01:04:50:03 I don't know if any of it's true, it's just what's been
01:04:52:11 written, out there, where they said, "Well, it was better for
01:04:55:25 the track to have a bigger carryover so as to not award
01:04:59:04 the winner."
01:05:00:05 It was a disqualification that was, you know, apparently
01:05:04:09 somewhat close and a lot of these matters are somewhat
01:05:07:01 close, either one horse hits another, sometimes it's crystal
01:05:09:22 clear, a lot of times it's a judgment call.
01:05:12:06 How you come to that judgment, I think, is relevant and,
01:05:15:15 you know, understanding at the Commission level how those
01:05:19:12 decisions were made and making those decisions and perhaps the
01:05:23:07 video--I don't know if that's too laborious--or some form of
01:05:26:02 record of those decisions available to the public on
01:05:28:17 a timely basis so that they understand what decisions were
01:05:32:13 made by whom and why they were made.
01:05:35:14 I throw it out there because it didn't seem like the suggestions
01:05:40:00 were unreasonable.
01:05:41:23 I don't know if you guys have thought about this; Rob, if
01:05:45:04 you've thought about it or Ed.
01:05:46:29 >> No, I think the--Commissioner Crotty, those are very good
01:05:49:28 suggestions and it may make sense, Rob, for you to look into
01:05:53:05 these suggestions or if you have reflections now, but to come
01:05:55:25 back to the Commission and provide us with an update.
01:05:59:22 >> Yeah, no problem at all, Mark.
01:06:01:28 As Commissioner Crotty said, this has gotten quite a bit of
01:06:04:00 publicity in a lot of the racing press recently so it is
01:06:06:24 certainly an opportune time to examine steward practice and see
01:06:10:19 what we can reform in the concepts of trying to bring
01:06:13:12 a little transparency to the decision-making.
01:06:17:10 >> Yeah, you know, part of the push on this was some, you know,
01:06:22:13 the riders obviously are usually big players in the track.
01:06:25:14 They also had mentioned in one of the stories that there's
01:06:28:27 a fan association which sounds like some sort of collective of
01:06:32:24 bigger gamblers who I think now are protesting Gulfstream.
01:06:35:28 So I think it has an economic impact or could have an economic
01:06:38:24 impact as well.
01:06:40:08 It's worth considering.
01:06:43:05 >> We actually have a racing fan advisory council that advises
01:06:46:19 the Commission on various things that are of importance to
01:06:50:27 racing patrons.
01:06:52:15 And that's an issue that we might be able to bring up with
01:06:54:14 them as well for some research and for some examination.
01:06:58:18 >> Great.
01:07:00:05 Thank you, Commissioner Crotty.
01:07:02:08 Any other new business before the Commission?
01:07:06:23 Well, let me then, if I could, just take a moment as this is my
01:07:12:07 first meeting serving as Chair, I wanted to take before the
01:07:18:22 Commission an issue that I have a particular interest in
01:07:22:05 and concern about.
01:07:23:26 I think it's quite relevant to the work of our Commission.
01:07:27:14 This starts with my preparation for my confirmation in reviewing
01:07:34:03 the statute for casino gaming and noted with interest
01:07:40:04 the significant role and the importance for the Commission
01:07:43:23 that we all have regarding applicants, the plans they would
01:07:49:22 have for problem gambling.
01:07:52:04 I think this is a issue that will be relevant for us when we

01:07:56:14 renew and issue licenses so, given this responsibility, it
01:08:01:16 seems to me that it would make sense for the Commission to be
01:08:05:01 proactive in this arena.
01:08:08:27 Perhaps conducting a learning forum where we could have
01:08:12:13 colleagues from state governments, New York Office of
01:08:15:23 Alcohol and Substance Abuse Services and other experts from
01:08:19:08 within New York and beyond, who are aware of the gambling
01:08:23:05 industry efforts, to discuss best practices that exist
01:08:31:05 in approaches to prevention and treatment.
01:08:35:29 During the course of this preparation I was also made
01:08:39:23 aware that March is National Problem Gambling Awareness
01:08:44:11 month.
01:08:46:00 So appropriate for this focus, appropriate for my first meeting
01:08:50:07 here and my interest here to serve as the Chair.
01:08:53:24 So I think it's timely for us to discuss this important issue.
01:08:58:12 I've also been made aware through my study, the good news
01:09:02:15 is that this Gaming Commission and Lee Park, in particular, has
01:09:08:06 been very instrumental and the Commission has done very notable
01:09:11:06 work in the development of a Responsible Play Partnership.
01:09:15:11 So I've asked Lee to present an overview of the partnership, how
01:09:19:19 it was developed, what it has done and what we intend to do in
01:09:24:15 the near and distant future for this issue area that's a
01:09:28:05 personal interest of mine during my tenure as Chair and I think
01:09:32:19 one that all the Commission certainly shares.
01:09:35:03 Lee?
01:09:35:25 >> Certainly.
01:09:36:25 Well, first off, I'd like to recognize the excellent work
01:09:39:19 done by Carolyn Heitman of the Gaming Commission staff who's
01:09:42:08 really dived into this issue and done the lion's share of the
01:09:47:21 work, so our collective thanks to her for all of her great work
01:09:51:19 on this.
01:09:52:23 One of the first significant acts taken by the agency was to
01:09:55:23 form a standing collaboration between the New York Council on
01:09:59:11 Problem Gambling, the Office of Alcohol and Substance Abuse
01:10:02:29 Services, also known as OASAS, and the Commission.
01:10:05:22 We formed what is known as the Responsible Play Partnership.
01:10:09:26 And what that is, is a longstanding group that examines
01:10:16:15 all the issues surrounding problem gambling including
01:10:18:11 ensuring that gaming venues comply with all the applicable
01:10:22:16 rules and regulations, that they undertake the proper outreach
01:10:26:02 measures.
01:10:27:06 Additionally, we're re-evaluating self-exclusion
01:10:30:05 policies across the state to ensure consistency and
01:10:34:23 considering the best ways to advance New York's long-term
01:10:37:07 commitment to prevent and treat compulsive gambling.
01:10:40:04 The partnership is working to provide real-world tools and
01:10:43:17 resources needed to adequately address the issue and promoting
01:10:48:22 problem gambling prevention and ensure treatment services are
01:10:51:21 available to those New Yorkers who struggle with compulsive
01:10:55:01 gambling.
01:10:56:16 We have established a working group of members from
01:10:59:16 the Commission, OASAS, and the Council on Problem Gambling
01:11:03:04 that meets quarterly to review existing gaming policies
01:11:07:07 and programs and recommend changes as needed.
01:11:09:07 Some of the actions I have taken so far has been an increased
01:11:12:20 focus on underage gambling.
01:11:15:05 We have developed a strategic administrative approach to

01:11:18:23 ensuring compliance within existing age restriction laws
01:11:22:16 for gambling products, including purchase of lottery tickets,
01:11:26:00 presence in OTV facilities, pari-mutuel wagering
01:11:30:03 and gaming VLT facilities.
01:11:33:14 Last year, we launched a component known as the
01:11:38:18 "Under 18?
01:11:39:21 We check ID.
01:11:40:25 It's the law," educational initiative which includes
01:11:42:13 two components.
01:11:44:06 That's comprehensive training for the employees at lottery
01:11:46:14 retailers, tracks, VLT facilities and charitable gaming
01:11:50:03 locales on how to identify underage individuals
01:11:53:20 and the consequences for preventing underage play.
01:11:56:17 Additionally, the second component is a campaign to
01:11:59:11 educate the gambling public of the age restriction laws
01:12:02:29 in New York State.
01:12:04:03 We're pleased to report that the "We check ID" program has
01:12:07:10 garnered a 97% compliance rate across its 18,000 lottery
01:12:11:23 retailers statewide.
01:12:13:27 And similarly, we've had strong compliance rates being reported
01:12:17:12 across the other gaming components as well.
01:12:20:05 As our commissioners in New York City know, back in November, at
01:12:25:19 our last meeting, the Commission proposed a series of penalties
01:12:28:23 to accommodate an enforcement of underage sale and gaming.
01:12:33:22 The penalty structure is currently pending public comment
01:12:38:16 and expects to be--you know, once the public comment period
01:12:44:01 is over, will be formally put forth to the Commission for
01:12:46:16 formal adoption.
01:12:48:06 Additionally, the Commission and the Responsible Play Partnership
01:12:51:20 has looked into the issue of self-exclusion, which allows
01:12:57:02 people who self-identify as problem gamblers to request that
01:13:00:26 they be prohibited from entering facilities or prohibited
01:13:03:26 from participating in gaming activities which are
01:13:08:08 throughout the state.
01:13:11:19 The existing policy has been found to be relatively
01:13:15:03 inconsistent amongst various venues.
01:13:18:10 Last summer, we brought all the track operators and VLT
01:13:25:02 operators together and got a conceptual agreement to explore
01:13:30:23 creating a statewide self-exclusion program.
01:13:33:22 There is some technical and administrative issues on
01:13:36:24 the back end that need to be resolved in advance of
01:13:40:02 the launch of such a program but everybody's on board with doing
01:13:43:03 it, which is good news.
01:13:46:29 So that's a big component of what we're working on this year.
01:13:51:06 There's a number of issues we're doing this month.
01:13:55:13 As you noted, Chairman, that it is National Problem
01:13:57:23 Gaming Awareness month.
01:13:59:23 We've placed the Commission's "It's just a game; play
01:14:03:00 responsibly" message featuring the OASAS help line on all of
01:14:10:01 our public promotion screens at 18,000 licensed lottery
01:14:13:20 retailers statewide.
01:14:15:16 We've added the "It's just a game; play responsibly" and the
01:14:18:06 help line--addictions hot line number on all of our draw game
01:14:21:12 tickets.
01:14:22:24 And we've linked to the Problem Gambling PSA produced by
01:14:25:29 the National Council on Problem Gambling from the Gaming
01:14:28:13 Commission lottery and other RPP member websites.

01:14:34:18 And that's basically where we are right now.
01:14:38:25 >> And how about the idea of a convocation, some kind of forum
01:14:41:15 or session?
01:14:43:24 >> We can certainly do that.
01:14:45:14 It's something that we can involve OASAS and the New York
01:14:50:19 Council on Problem Gambling.
01:14:52:00 I'm sure they'd be thrilled to assist with that and we'd be
01:14:55:19 happy to take it on.
01:14:57:08 >> Great.
01:14:58:12 Great.
01:14:59:13 Is this something that my fellow commissioners feel would be
01:15:02:20 a good direction for the Commission?
01:15:05:14 >> Certainly.
01:15:07:00 >> Yeah.
01:15:07:23 >> Certainly.
01:15:08:11 >> Absolutely.
01:15:09:00 >> Yeah, I think we've talked around it in the past but
01:15:10:27 haven't really paid the attention to it that we need to
01:15:13:13 and love to and should.
01:15:15:26 Who is our main contact at OASAS?
01:15:21:08 >> Lee?
01:15:22:11 >> At OASAS?
01:15:23:21 Would probably be the Commissioner
01:15:27:23 Arlene González-Sánchez, as well as--
01:15:31:16 >> Her deputy.
01:15:33:09 >> Her deputy who is Sean Byrne.
01:15:40:19 >> Great.
01:15:41:28 Well, I appreciate that and thank Lee for the efforts to
01:15:46:03 date.
01:15:47:07 I think this could be a very good focus and I look forward to
01:15:51:00 working with you, Lee, and the other commissioners on this.
01:15:53:17 >> Thank you.
01:15:55:01 >> Next is old business--on the agenda.
01:15:58:04 Is there any old business that needs to be revisited?
01:16:04:04 Okay, our virtually final task here is scheduling of
01:16:10:07 the next meeting.
01:16:13:21 It's my understanding that the Commission has contemplated
01:16:16:16 the establishment of a uniform day for our meetings.
01:16:19:28 That is, the third Wednesday of each month.
01:16:23:10 Do we have progress towards a firm date establishment?
01:16:28:20 >> It's as good as any other.
01:16:31:19 >> Yeah.
01:16:38:04 >> It's as good as it gets?
01:16:40:25 Is that what you're saying down in New York?
01:16:43:00 >> Someone asked a question.
01:16:44:23 When would be the date of the next--I guess, we're in April
01:16:48:15 then, right?
01:16:50:13 Does anybody know what that date is, 'cause we might know--people
01:16:54:23 may know now if they've got an issue or not.
01:16:56:20 >> And so we're looking at the third week of April?
01:16:58:24 >> Yeah.
01:16:59:18 >> If you're looking at, for instance, the third Wednesday--
01:17:01:12 >> 16th.
01:17:02:20 >> The third--yeah, it would be--
01:17:03:22 >> April 16.
01:17:05:00 >> Christians stand to be affected.
01:17:07:09 >> That would appear to be the case.

01:17:11:08 >> Isn't Good Friday that Friday?
01:17:13:14 >> Good Friday is the 18th, yes.
01:17:16:01 >> I mean, I'm around but--
01:17:17:25 >> Yeah, I can--
01:17:19:04 >> Yeah, as long as we're here--
01:17:21:03 as long as we're--
01:17:23:03 >> And certainly I'll try to make my--
01:17:24:23 >> Hold on a second.
01:17:25:25 Is it Passover?
01:17:27:11 >> I don't know what that--I can't tell.
01:17:29:12 >> You should check that.
01:17:30:29 That's a big issue.
01:17:33:02 >> What were you saying, Crystal--
01:17:34:29 >> Well, why don't we review our calendars and we will promptly
01:17:39:14 get back to the commissioners but that's--
01:17:44:21 We are searching for a consistent day and to get ahead
01:17:49:09 of the calendar for the balance of this year.
01:17:52:18 So we'll get back to you folks.
01:17:55:09 That concludes today's published agenda.
01:17:59:02 Do any commissioners have any additional items they'd like to
01:18:01:22 present for consideration?
01:18:04:17 >> Mr. Chairman, one point.
01:18:06:17 If you're going to do that, that would be immensely helpful to
01:18:09:17 lay on the calendar for the next period of time that date,
01:18:13:03 whatever it may be.
01:18:15:23 It doesn't really matter when it is for the next one but just
01:18:19:09 knowing what the June, July and next September dates would be
01:18:23:20 very useful.
01:18:25:12 There's been some variable--maybe there needs to
01:18:27:15 be more going forward but pegging a date now for the rest
01:18:30:17 of the year would be great.
01:18:32:16 >> I think for many of us, the more locked in that can be,
01:18:37:22 so that's what we will endeavor to do for this calendar year.
01:18:41:05 >> Lovely.
01:18:42:24 Thank you.
01:18:44:08 >> Great.
01:18:45:04 Well, hearing no other business or items, this meeting and my
01:18:49:27 very first meeting of the New York State Gaming Commission
01:18:53:19 is adjourned.
01:18:54:22 I thank my fellow commissioners and our able staff here.
01:18:58:01 They've traveled out to wintry conditions here in Geneva, New
01:19:02:10 York, for this opportunity but I thank you for all of your public
01:19:06:29 service on this Commission and our staff colleagues that are
01:19:10:07 here in this meeting.
01:19:11:25 Our meeting's adjourned.
01:19:13:12 Thank you all.
01:19:14:07 >> Thank you, Mr. Chairman.
01:19:14:29 >> Great.
01:19:15:15 >> Thank you.
01:19:16:14 >> Well done.
01:19:18:04
01:19:23:21