

Unidentified Male: New York State Racing Para mutual Wagering and ___[00:00:05] law Section 102 provides the New York State Gaming shall consist of seven numbers appointed by the governor complying with the advice and consent of the Senate.

Four members confirmed by the New York State Senate are necessary to afford the Commission the ability to establish a quorum and undertake action. This present meeting of the commission is now called to order.

Ms. Secretary, will you please call the role?

Secretary: John Crawdy.

John Crawdy: Here.

Secretary: Peter Machete. John Beclamba.

John Beclamba: here.

Secretary: Bennie Sample.

Bennie Sample: Here.

Secretary: Gerald Scrunic.

Gerald Scrunic: Here.

Secretary: Todd Snyder.

Unidentified Male: Ms. Secretary, please have the record reflect that a quorum of qualified members are present thus enabling the transaction of business.

Minutes--I'm sorry.

Unidentified Male: Minutes of the commission meeting conducted on July 22nd, 2019 have been provided to the members in advance. At this time, I'd like to ask members if there are any edits, corrections or amendments? I have a motion to approve? Hearing none.

Unidentified Male: So moved.

Unidentified Male: Second. Second.

Unidentified Male: All in favor?

Unidentified Male: Aye.

Unidentified Male: Okay. Rulemaking. New York State Racing Pari-mutuel Wagering and Breeding Law 104.19 authorizes the commission to promulgate rules and regulations by means necessary to carry out its responsibilities. In that regard, the commission will from time to time promulgate rules and rule amendment pursuant to the State Administrative procedure act. Today, we have several items for consideration. Rob, will you please outline the first item?

Rob: For commission considerations or proposal that may colloquially be referred to as lighter--lighter licensing, health and safety package. The proposal is designed to strengthen the health and safety protections and upgrade the licensing requirements for jockeys, apprentice jockeys, exercise riders and outriders who ride a thoroughbred or steeplechase horse.

Several aspects of licensure that are currently only applied to riders will be made explicit including demonstrative familiarity with horse care and general horsemanship and not permitting an injured or sick person to return to work without appropriate clearance.

The proposal also creates a rider fitness component that details the kind of medical issues that must be disclosed and subjected to a medical examination and clearance before a rider may license. A key aspect of the rulemaking is to require that every rider to document their baseline concussive status. That is to undergo a sports concussive assessment tool or SCAT examination after any fall from a horse or possible head injury and to make permanent a record of all SCAT examinations.

The proposal also creates a mandatory fitness to return--to ride program to require an appropriate medical examination and clearance before rider may return to riding after a concussion or other significant medical issue. Riders will also be required to carry medical information cards that will help medical providers locate the riders prior medical history and provide appropriate medical care. Finally, the proposal also requires a commission license not just one from a national steeplechase association for steeplechase jockeys applies the improved health and fitness standards for them and excludes inexperienced steeplechase jockeys from participating in the most competitive and dangerous races with Pari-mutuel wagering.

Staff recommends the commission authorize the proposal of this rulemaking.

Unidentified Male: Commissioners any questioning on the proposed rider licensing health and safety rules package? Any questions?

Unidentified Male: No.

Unidentified Male: May I have a motion on this proposed rule?

Unidentified Male: So moved.

Unidentified Male: Second.

Unidentified Male: Second. Any discussion? All in favor?

Multiple Speakers: Aye.

Unidentified Male: Motion carries.

Unidentified Male: Please let the record reflect that had Commissioners Machete and Snyder been here they would have voted in the affirmative.

For commission consideration are proposed amendments to rules governing the qualification of horses for harness racing. Presently, standard bread horses must have a current--a qualifying current performance time within a certain number of days of a race which is now set at 30. This proposal would extend that time period from which a qualifying current proposed performance can be demonstrated from 30 days to 45 days. Thus expanding the pool of potential race entries.

In addition, the proposal would allow the commission to permit a standard bread horse to race for 45 days longer an increase from the current extra 30 days without an extra recent qualifying race would implement weather or other unexpected events interfere with racing.

Given the proposed time allowance change the proposal also amends the 14 day restricted time period for clenbuterol administration rule when a horse has not raced for 30 days to reflect the new time period.

Staff notes that the proposed amendment would perform New York's qualifying rules to a standard proposed by the United States Riding Association. Staff recommends the commission authorize the proposal of this rulemaking.

Unidentified Male: Commissioners, any questions on the proposed amendment to the rule regarding unqualified horses? Hearing none may I have a motion?

Unidentified Male: So moved.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: Discussion of the motion? All in favor?

MSecretary: Aye.

Unidentified Male: Any opposed? And as in the previous rule that was passed Commissioner Snyder and Commissioner Machete would have voted in the affirmative. Next item?

Unidentified Male: For Commission consideration or proposed amendments to rules governing the triple water rule in harness racing. The triple wager requires a selection of the first three finishers in a single race ___[00:06:12] order of finish. The proposed amendment would reduce the minimum number of entries in a race for which a triple is permitted from six to five. Other stylistic and clarifying amendments are proposed for consistency with other rules. The rule would also be renumbered to accommodate an accompanying proposed jackpot super high five wager. Staff recommends the commission authorize the proposal of this rule.

Unidentified Male: Commissioners any questions on the proposed amendment to the rules?

Unidentified Male: I have a motion to this proposal?

Unidentified Male: So moved.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: All in favor?

Unidentified Male: Aye.

Unidentified Male: Any opposed? Motion carries and commissioner Machete and Commissioner Snyder if had been present would have voted in the affirmative. Next item?

Unidentified Male: For Commission consideration is the proposal of a new wager for harness racing. The wager, to be called the Super high--the jackpot super high five requires selection of the first five finishers in a single race in the correct order of finish. The entire pool would be paid to a better with a unique winning ticket--if there is only one winning ticket. If there is not only one--not one winning ticket then that pool would be split into a major pool and a minor pool. The major pool would be carried over into the next jackpot super high five pool and the minor pool would be divided among winning wagers. If there are no winning wagers then both the major pool and the minor pool would be carried over to the next jackpot super high five pool.

The rule would also provide for contingencies in the event ____ [00:07:50] heats and races with fewer than five winning interests. The triple wager rule would be renumbered to enhance the organization of the part. Staff recommends the commission authorize the proposal of this rule making.

Unidentified Male: Commissioners, any question on the proposal of a harness racing jackpot super high five rule? May I have a motion for this rule, please?

Unidentified Male: Motion.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: All in favor?

Unidentified Male: Aye.

Unidentified Male: Non opposed, motion carries. And Commissioners Machete and Commissioner Snyder would have voted in the affirmative if they were present.

Unidentified Male: For Commissioner considerations a pick six jackpot wager for harness racing. The wager also known as a jackpot or rainbow wager appeals to better by giving them a larger prize when there is only one winning wager from a pool. If there are more than one winning ticket then the major portion of the day's pool is paid out to those who collected six and six winners and the minor pool is added to the carryover. The carryover gets paid out when there is a unique winning ticket or when there is an intermediate or final distribution as approved by the Commission which would typically occur at the end of a race meeting. Staff recommends that the commission authorize the proposal of this rule making.

Unidentified Male: Commissioners, any questions on the proposal of our harness racing pick six jackpot rule? Hearing none, we have a motion?

Unidentified Male: So moved.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: Any discussion? All in favor?

Unidentified Male: Aye.

Unidentified Male: Any opposed? Motion carries and if Commissioner Machete and Snyder had been present they would have voted in the affirmative.

Unidentified Male: Staff would also like to publicly thank Saratoga Harness Director of Racing Operations Jen- John Matarazzo and Buffalo Raceway Chief Operating Officer, Jim Mango, for their assistance with these rule developments.

Unidentified Male: Next item?

Unidentified Male: The State Administrator's Procedures Act provide that a rulemaking filed as a consensus rule if no person is likely to object to its adoption and rule either repeals regulatory provisions which are not longer applicable to any person implements non-discretionary statutory standards or conforms a rule to these standards or makes technical changes or is otherwise known controversial. In

some way the law permits outdated rules, rules which are required by law, technical rules and unobjectionable rules to be filed as consensus rules. Accordingly, the Division of Horseracing and Pari-mutuel wagering recommends the proposal of technical, consensus rulemaking amendments including one that will delete an obsolete erroneous and redundant statement about the maximum weight of safety vests at a thoroughbred racetrack from Commission rule 4033.3. Another would add the term racetrack operator to the definitions of commission rule 4000.3 for thoroughbred racing and 4100.1 for standard bred racing. So, the term may be used for convenience throughout other thoroughbred and standard bred rules.

Staff recommends that the Commission authorize the proposal of this consensus rulemaking.

Unidentified Male: Commissioners are there any questions on the proposed consensus rulemaking? May I have a motion?

Unidentified Male: So moved.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: Any discussion? All in favor?

Unidentified Male: Aye.

Unidentified Male: Any opposed? Motion carries. Commissioners Machete and Commissions Snyder would have voted in the affirmative had they been present. Next item?

Unidentified Male: The next item is scheduled business regard to adjudications. We have one item for adjudication today. On May 3rd, 2019, the Bureau of Licensing denied the application of Dominique Long for a Gaming Employee Registration to work as a Table Games Dealer at Rivers Casino and Resort in Schenectady. The denial cited racing Pari-mutuel and breeding law section 1318 1A and C which provided that the evidence must provide proved qualification by clear and convincing evidence and for disqualification on the grounds of C, the conviction of the applicant of an offense in any jurisdiction which is or would be a felony in any crime or public integrity--embezzlement, theft, fraud or perjury.

Ms. Long requested a hearing which was conducted on June 19th, 2019. The Hearing Officer submitted a report to the Commission Secretary dated July 24th recommending that the registration denial be reversed and that the registration be granted. This matter is now ready for final agency determination. The commission considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of New York Public Officers Law Section 108.1.

Unidentified Male: The Commission by a vote of six to zero accepted the conclusion of the Hearing Officer and the Gaming Registration--that the Gaming Registration should be granted. And modified the Hearing Officer report with respect to statutory interpretation underlying the decision.

Unidentified Male: The next item is regards to a deployment restriction waiver. Rob, will you please outline the item?

Unidentified Male: Certainly, when the conclusion of the Belmont Spring meeting ___[00:07:50] retirement of the state steward of ___[00:13:21] racetracks--the commission commenced a search for a replacement. Advertisements were placed on the state jobs website and with the racing officials accreditation program. Additionally, there is extensive word of mouth discussion throughout the racing

industry. In all, the Commission received 14 letters of interest. These were reviewed against the objective qualification criteria resulting in five candidates being interviewed by a panel. In short, the panel sought a flat racing level one racing officials accreditation program accredited individual with a deep understanding of New York laws and regulations, prove ability to supervise and manage subordinates, possessing knowledge of racing and back stretch operations with demonstrated respect and back stretch personnel with bilingual capability. The preferred candidate presently holds a license issued by the gaming commission. Previously, no person may be employed the Commission if during a period commencing three years prior to employment they were employed by an association or corporation engaged in gaming activity within the state. During this last legislative session the general prohibition was changed. Now the commission may by resolution adopted by unanimous vote at a properly noticed public meeting waive for good cause the pre-employment restrictions for a prospective employee whose duties and responsibilities are primarily on racetrack grounds.

The resolution must detail the reasons for waiving the pre-employment conditions for the prospective employee including finding that there was no other qualified candidates with the desired experience for the specific condition.

Unidentified Male: Mr. Rob, will you please read the proposed resolution?

Unidentified Male: Thank you, sir. Whereas New York State Legislature passed a law prohibiting any person from being appointed to or employed by the Commission if during the period commencing three years prior to appointment or employment such person held any direct or indirect interest in or employment by any corporation association or person engaged in gaming activity within the state and whereas said law was amended by part BD of Chapter 59 of the laws of 2019 in relation to pre-employment restrictions for certain prospective commission employees and whereas under the new law the commission may by resolution adopted by unanimous vote at a properly noticed public hearing waive for good cause the pre-employment conditions for a prospective employee whose duties and responsibilities are primarily on racetrack grounds so long as the resolution details the reasons for waiving the preemployment conditions for the prospective employee and includes a finding that there were no other qualified candidates with the desired experience for the specific position.

And whereas the position of state steward at the franchise thoroughbred racetracks recently opened resulting in the commission staff search for appropriately qualified candidate with desired experience and whereas such required experience was accreditation as a level one flat racing official accredited by the racing officials accreditation program, a deep understanding of New York laws and regulations, a proven ability to supervise and manage subordinates. Possessions of substantial knowledge of racing and backstretch operations, demonstrated respect to front and back stretch personnel and bilingual capability and whereas an employment--an applicant has been identified who during the period commencing three years prior to the employment has been employed by an association engaged in gaming activity within the state of New York. And whereas the commissioners find the position of stage steward to be integral to the execution of ___[00:17:14] duties and responsibilities of the commission. And whereas the prospective employee's duties and responsibilities are primarily on racetrack grounds.

And whereas only one qualified candidate was identified that possessed the desired experience for the specified position. And now, therefore, be it resolved that the Commission hereby finds that there were no other qualified candidates with the desired experience for the specified position and at this properly noticed public meeting waives for good cause the pre-employment restrictions for ___[00:17:48] Junior to be employed as a state steward. We further resolve that the chair of the commission be authorized to sign

this resolution indicating the unanimous consent of the commission to the contents herein. You call the role? Krista?

Secretary: Barry Sample?

Barry Sample: Yay.

Secretary: John Grotti?

John Grotti: Yes.

Secretary: Peter Machete? John Baclemba?

John Baclemba: Aye.

Secretary: Jerry Strunick?

Jerry Strunick: Aye.

Secretary: Chad Snyder.

Unidentified Male: Ms. Secretary, will you please have the minutes reflect that the resolution was adopted by unanimous vote at a properly noticed public meeting and that the standards required by New York racing Pari-mutuel wagering and breeding law 100.1 have been satisfied.

The next order of business is old business. Do we have any old business at all? I thought we had a few minutes to discuss old business?

Unidentified Male: No, we don't have any today.

Unidentified Male: Okay. We have in the items under new business--no matters under new business? ___[00:19:15] the conclusion of our meeting and the Commission is traditionally the fourth Monday of sixth month which would be October 28th for our next meeting. For planning purposes could you please make contact with Krista in terms of availability and location?

I would like to conclude today and I think this is the--I think a few times this year that we've had a death in the family. And--the latest unfortunately, is Robert Liebers who served as a commission hearing officer from February 2015 until he fell ill on July 2018. And he passed away yesterday after this prolonged illness. Rob was an accomplished personal injury and general litigation attorney who practiced in Jamestown, New York. At the Commission Rob ably handled some of our most challenging hearings including President setting split sample case--our first hearing involving underage patrons at a casino, a jockey agent case involving unlawful access to racing-- a jockey agent case involving unlawful access to racing office computers. And our first equine hearing, drug hearing concerning a horse offered by the harness front.

We offer our most sincere and heartfelt condolences to Rob's daughters, Elena and Christine and sons Andrew and David. He served with great dedication and distinction. And, this is happening far too often to members of our gaming commission family. Are there any other items for consideration? Hearing none I suggest we adjourn the meeting. All in favor?

Unidentified Male: Aye.