



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF OCTOBER 11, 2012**

A meeting of the New York State Racing and Wagering Board was held on Thursday, October 11, 2012 at 2:00 p.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 2:12 p.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
Charles J. Diamond, Member
Ronald G. Ochrym, Executive Director
Robert Feuerstein, General Counsel
Thomas Casaregola, Audits & Investigations
Kristen Buckley, Acting Secretary to the Board

Also in Attendance Were:

Kenneth Council, Deputy Executive Director
Lee Park, NYSR&WB
Michelle Martin, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
David Lombardo, Daily Gazette
Mike Kane, The Daily News

OPEN COMMENT PERIOD: Began: 2:12 p.m. Ended: 2:12 p.m.

Comments were received from The Jockey Club via e-mail and are attached to the minutes.

No other comments were made.

Chairman Sabini opened the meeting by thanking the Task Force on Racehorse Health & Safety for their hard work and thorough recommendations. Chairman Sabini said that the full recommendations will be taken up by the Board, NYRA and other entities, and he applauded the Task Force members for making recommendations that are in line with actions the Board has attempted in the past. Chairman Sabini said that the Task Force's report and recommendations signified the critical support needed to get these changes "across the finish line."

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. NOTICE OF EMERGENCY RULEMAKING – VOIDABLE CLAIM FOR HORSES VANNED OFF THE TRACK

The New York State Racing and Wagering Board approved the adoption by emergency rule making of amendments to Section 4038.5(a) (i) and (iii) of the Board's thoroughbred racing rules.

This amendment creates new item (iii) under subdivision (a) of Section 4038.5 to provide an option for the successful claimant to void a claim in instances where a horse is vanned off the track.

The amendment to 4038(a)(i) corrects a typographical error in the existing rule that incorrectly references Section 4038.18, *Pregnant Mares* instead of Section 4038.19, *Certain Voidable Claims*.

2. NOTICE OF EMERGENCY RULEMAKING – THOROUGHBRED RULES

The New York State Racing and Wagering Board approved the adoption by emergency rule making of amendments to Sections 4038.5, 4012.5, 4043.2 and 4043.4 of the Board's thoroughbred racing rules as follows:

- Add subdivision (c) to Section 4038.5 to provide notice to claimant within 48 hours of corticosteroid joint injections within the 30 days prior to the race
- Add subdivision (b) to Section 4043.4 to impose trainer reporting requirement to Board within 48 hours of corticosteroid joint injections

- Amend subdivision (i) of Section 4043.2 to prohibit racing a horse for at least 5 days following a systemic administration of a corticosteroid, for at least seven days following a joint injection of a corticosteroid, for at least 15 days following a joint injection of methylprednisolone, and for at least 21 days following an administration of clenbuterol
- Amend subdivision (g) of Section 4043.2 by deleting clenbuterol in (5) and renumbering paragraphs (6) to (16)
- Amend subdivision (a) of Rule 4012.5 to authorize out of competition sampling of thoroughbred racehorses for corticosteroids, methylprednisolone and clenbuterol
- Amend paragraph (9) of subdivision (e) of Section 4043.2 to remove steroids from 48-hour drug schedule

The meeting adjourned at 2:31 p.m.