

New York State Gaming Commission

Minutes

Meeting of December 19, 2019

A meeting of the Commission was conducted in New York, New York.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:28 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Chairman Barry Sample and Commissioners John Crotty, Peter Moschetti, and Jerry Skurnik.

2. Consideration of Minutes for Meeting of October 28, 2019

The Commission considered previously circulated draft minutes of the meeting conducted on October 28, 2019. The minutes were accepted as circulated.

3. Rulemaking

A. **ADOPTION: SGC-40-19-00012-P, Add Racetrack Operator to Terms Defined in Thoroughbred Rules**

The Commission considered adoption of a rule to add the term “racetrack operator” to the definitions in Commission Rule 4000.3 for Thoroughbred Racing.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 4-0

B. **ADOPTION: SGC-40-19-00011-P, Remove Obsolete Reference to Safety Vest Weight**

The Commission considered adoption of a rule that deleted an obsolete, erroneous and redundant statement about the maximum weight of safety vests at Thoroughbred racetracks from Commission Rule 4033.3.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 4-0

C. ADOPTION: SGC-42-19-00004-P, Add Racetrack Operator to Terms Defined in Harness Racing Rules

The Commission considered adoption of a rule to add the term “racetrack operator” to the definitions in Commission Rule 4100.1 for Standardbred Racing.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 4-0

D. PROPOSED CONSENSUS AMENDMENT: Thoroughbred Digital Tattoo

The Commission considered proposed amendments to Rule 4024.1(b)(1) to broaden the requirement of a lip tattoo for a Thoroughbred horse to race in New York to include digital tattoos.

ON A MOTION BY: Commissioner Crotty
APPROVED: 4-0

4. Adjudications

A. In the Matter of Carl Cangialosi, Jr.

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed on a 4-0 vote to accept the recommendation of the hearing officer that the applicant’s registration denial be sustained.

B. In the Matters of Eduardo E. Jones

The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed on a 4-0 vote to accept the recommendation of the hearing officer that the suspensions and fines be overturned, that the placement and purse earnings of subject horse in the three Belmont Park races be restored and the disqualification from the Aqueduct race be upheld.

5. Updates to Existing Commission Operational Resolutions

A. Plan of Organization Amendment

The Commission considered an amendment to its Plan of Organization to recognize both that the New York State Constitution was amended to permit casino gambling and that the Racing, Pari-Mutuel Wagering and Breeding Law charged the Commission with the regulation and oversight of commercial casino gambling; and that the Commission is charged with the regulation and oversight of interactive fantasy sports.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 4-0

B. Plan of Administration Amendment

The Commission considered an amendment to its Plan of Administration to recognize that administration of the agency may be undertaken by the Executive Director, or in their absence, by an acting Executive Director.

ON A MOTION BY: Commissioner Crotty
APPROVED: 4-0

C. Delegation of Authority Amendment

The Commission considered an amendment to its Delegation of Authority to recognize both that the New York State Constitution was amended to permit casino gambling and that the Racing, Pari-Mutuel Wagering and Breeding Law charged the Commission with the regulation and oversight of commercial casino gambling; and that the Commission was also subsequently charged with the regulation and oversight of interactive fantasy sports.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 4-0

6. Old Business/New Business

A. Old Business

No old business was discussed.

B. New Business

- (1) Riding crop. At the request of Chairman Sample, staff were directed to discuss the proposed California crop use proposal with the NYRA jockey colony and with other leading regulatory jurisdictions and report back at a future Commission meeting.
- (2) Lasix use. At the request of Commissioner Crotty, staff were directed to undertake a review of Lasix use changes nationwide and the progress of NYRA's reported Lasix use changes and report findings at the January Commission meeting.

7. Adjournment

No next meeting was set before adjourning at 1:49 p.m.

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