

**New York State Gaming Commission Minutes
Meeting of May 19, 2020**

A meeting of the Commission was conducted by teleconference.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 2:04 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, John Poklemba, and Jerry Skurnik. The meeting was conducted in conformity with Governor Andrew M. Cuomo's Executive Order 202.1, remotely by recorded conference call. Chairman Sample requested and received permission to designate Commissioner Moschetti to act as presiding officer.

2. Consideration of Minutes for Meeting of February 10, 2020

The Commission considered previously circulated draft minutes of the meeting conducted on February 10, 2020. The minutes were accepted as circulated.

3. Rulemaking

A. ADOPTION: SGC-07-20-00002-P, Allow Claimant to Void Claim of Lame Horse

The Commission considered adoption of a rule to void a claim of a Thoroughbred horse that is discovered to have become lame or experienced epistaxis due to exercise induced pulmonary hemorrhage in a claiming race.

**ON A MOTION BY: Commissioner Crotty
APPROVED: 5-0**

B. ADOPTION: SGC-07-20-00003-P, Spanish 21, a Blackjack Variant to be Offered in Commercial Casinos

The Commission considered adoption of a rule to provide an optional Match the Dealer wager in the commercial casino game of Spanish 21.

**ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0**

C. ADOPTION: SGC-07-20-00004-P, Relating to the Provision of Social Security Numbers

The Commission considered adoption of a rule related to the provision of social security numbers

**ON A MOTION BY: Chairman Sample
APPROVED: 5-0**

D. ADOPTION: SGC-01-20-00006-P, Permit Thoroughbred Horses with Digital Tattoos to Race in New York

The Commission considered adoption of a rule 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: Chairman Sample
APPROVED: 5-0**

E. ADOPTION: SGC-11-20-00012-P, Joint Injections in Thoroughbred Racing

The Commission considered adoption of a rule to amend the restricted time period for the use of corticosteroid joint injections to 14 days from the current restriction of seven days before a Thoroughbred horse's next race, amend the restricted time period for the intra-articular injection of any substance to a Thoroughbred horse to match the proposal of a 14-day time period for a corticosteroid joint injection, and require the reporting of every intra-articular joint injection

**ON A MOTION BY: Chairman Sample
APPROVED: 5-0**

F. ADOPTION: SGC-07-20-00014-P, Thoroughbred Pick-Five and Pick-Six Wagers

The Commission considered adoption of a rule to permit a thoroughbred racetrack to disclose publicly combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five or pick-six pool.

**ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0**

G. Proposed Rulemaking: Non-Steroidal Anti-Inflammatory Drug Administration in Thoroughbred Racing

The Commission considered proposal of a rule to restrict the administration to Thoroughbred horses of nonsteroidal anti-inflammatory drugs or NSAIDs such that only one clinical dose may be administered during the week before the horse races and adopt stricter thresholds for the two most commonly used NSAIDs, flunixin and phenylbutazone

**ON A MOTION BY: Chairman Sample
APPROVED: 5-0**

H. Proposed Consensus Rulemaking: Technical Changes to Correct Cross-References

The Commission considered proposal of a consensus rule to correct cross-references in our gaming regulations that were left unchanged when we recently moved the casino gaming self-exclusion provisions from Part 5326 to a new Part 5402.

**ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0**

I. Adoption of an Emergency and Proposal of a Consensus Rulemaking: Qualifying Harness Horses

The Commission considered emergency adoption of a rule to extend the days upon which a harness horse must qualify from 30 days to a date as determined appropriate by the Commission.

**ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0**

The Commission considered proposal of a consensus rule to extend the days upon which a harness horse must qualify from 30 days to a date as determined appropriate by the Commission.

**ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0**

J. Proposed Rulemaking: Furosemide Use and Practice

The Commission considered proposal of a rule to remove certain penal aspects of horses coming off and returning to Lasix administration.

**ON A MOTION BY: Commissioner Crotty
APPROVED: 5-0**

4. Adjudications

A. In the Matter of Dennis Washington

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 determined upon a 5-0 vote to adopt the factual findings of the Hearing Officer's Report and Recommendations but modify the penalty to impose to a 10-year suspension and a fine of \$5,000.

B. In the Matter of Theresa Love

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 determined upon a 5-0 vote to accept the recommendation of the hearing officer that the applicant's registration denial be sustained.

C. In the Matter of the Disqualification of *Rock N Roll Rosie*

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 determined upon a 5-0 vote to accept the recommendation of the hearing officer that that the decision of the judges to disqualify and unplace the horse *Rock N Roll Rosie*, declare the purse winnings of \$3,650 be forfeited and direct the purse amount to be returned or repaid to Batavia Downs and redistributed to eligible entries, be upheld.

D. In the Matter of Stephen Shoemaker

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 determined upon a 5-0 vote to accept the recommendation of the hearing officer that the applicant's registration be granted. Prior to acceptance, the Commission corrected a typographical error in the last sentence of the Hearing Officer's Report and Recommendations.

5. Old Business/New Business

A. Old Business

The Presiding Officer noted that that crop use discussion continued among racing industry stakeholders and suggested to defer further discussion until the next meeting.

No other old business was discussed.

B. New Business

No new business was discussed.

6. Adjournment

Before adjourning, the Presiding Officer noted that the Commission traditionally has met on the fourth Monday of each month, which for June would be the 22nd. He requested members advise Secretary Buckley as to availability on such date.

The meeting was adjourned at 2:34 p.m.

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