

**New York State Gaming Commission Minutes  
Meeting of November 30, 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 1:17 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, as extended by Executive Order 202.72. The audio components of the meeting were recorded for transcription, as required. Chairman Sample requested and received permission to designate Commissioner Moschetti to act as presiding officer.

**2. Consideration of Minutes for Meeting of October 19, 2020**

The Commission considered previously circulated draft minutes of the meeting conducted on October 19, 2020. The minutes were accepted as circulated.

**3. Rulemaking**

**a. SGC-33-20-00006-P, Agency Rule for the Protection of Trade Secrets Submitted to the Gaming Commission**

The Commission considered adoption of a rule to conform to the requirement in N.Y. Public Officers Law § 87(4)(a) which directs State agencies to promulgate rules to prescribe the way the agency will safeguard against any unauthorized access to records containing trade secrets submitted.

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

**b. SGC-35-20-00002-P, Addition of Feature to the Quick Draw Lottery Game Called "Money Dots"**

The Commission considered adoption of a rule to add a feature called Money Dots to the existing Quick Draw game.

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

- c. **SGC-35-20-00009-P, Backstretch Housing Standards at Racetracks**

The Commission considered adoption of a rule to set forth standards for housing maintained on the grounds of certain racetracks.

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

- d. **SGC-35-20-00005-P, Furosemide Use and Practice**

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

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

- e. **SGC-35-20-00007-P, Exercise-Induced Pulmonary Hemorrhage Protections for Thoroughbred Horses**

The Commission considered adoption of a rule to strengthen regulations related to thoroughbred horses experiencing exercise-induced pulmonary hemorrhage.

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

- f. **SGC-35-20-00006-P, Jackpot Super High Five Wager for Harness Racing**

The Commission considered adoption of a rule for a new wager for harness racing to be called the Jackpot Super High Five which requires the selection of the first five finishers in a single race in the correct order of finish.

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

**g. SGC-35-20-00011-P, Pick-Six Jackpot Wager for Harness Racing**

The Commission considered adoption of a rule for a new wager for harness racing to be called a “jackpot” or “rainbow” wager to provide a larger prize when there is only one winning wager from a related pool.

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

**h. SGC-35-20-00008-P, Medical Fitness of Thoroughbred Horse Riders and Steeplechase Jockey Licensing**

The Commission considered adoption of a rule designed to strengthen the health and fitness protections and to upgrade the licensing requirements for jockeys, apprentice jockeys, exercise riders and outriders who ride a Thoroughbred or Steeplechase horse.

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

**i. SGC-35-20-00003-P, Triple Wager in Harness Racing**

The Commission considered adoption of a rule to reduce the minimum number of entries in a race for which a harness racing triple wager is permitted from six to five.

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

**j. SGC-35-20-00010-P, Log of Drugs Administered by Thoroughbred Horse Trainers**

The Commission considered adoption of a rule to require Thoroughbred trainers to keep a record of medications administered by the trainer after having been dispensed by veterinarians.

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

**k. SGC-35-20-00004-P, Restricting Non-steroidal Anti-inflammatory Drugs Use in Thoroughbred Racing**

The Commission considered adoption of a rule to restrict the administration to Thoroughbred horses of nonsteroidal anti-

inflammatory drugs such that only one clinical dose may be administered during the week before the horse races.

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

**l. SGC-35-20-00012-P, Restrictions on Wagering by Key Employees of Casino Vendors**

The Commission considered adoption of a rule to apply wagering restrictions to certain employees of casino vendor registrants identical to restrictions that apply to employees of a casino.

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

**m. SGC-35-20-00014-P, Amend the Out-of-Competition Testing Rule for Thoroughbred Racing**

The Commission considered adoption of a rule to conform the Commission's Thoroughbred out-of-competition sample collection rule to the national model rule of the Association of Racing Commissioners International, Inc.

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

**n. Clenbuterol Use Revisions in Thoroughbred Racing**

The Commission considered a proposed rulemaking to control improper use of the bronchodilator clenbuterol.

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

**o. Emergency and Consensus Proposal: Payment Methods in Charitable Gaming**

The Commission considered a proposed rulemaking to explicitly enable qualified authorized organizations lawfully conducting charitable gaming to accept, if they so choose, payment for a chance by personal check, credit card or debit card.

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

**p. Consensus Rulemaking for Participation in Charitable Gaming Games of Chance**

The Commission considered a proposed rulemaking to eliminate the requirement in charitable gaming that a person participating in the management or operation of games of chance be a bona fide member of the authorized organization or auxiliary organization for at least one year prior to the organization's license period.

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

**4. Adjudications**

**a. In the Matter of Phillip Fluet**

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 Hearing Officer's findings of fact, conclusions of law and recommended of three days suspension, with the penalty suspended for a period not to exceed six months provided Mr. Fluet does not violate any Commission rule.

**5. New/Old Business**

**a. Old Business**

Presiding Officer Moschetti suggested staff develop a variety of potential rule proposals to address use of the crop in thoroughbred racing for Commissioner consideration.

**b. New Business**

Presiding Officer Moschetti suggested staff undertake some research and consult with those who condition or use racing surfaces and develop language for a potential rulemaking providing standards of maintenance.

**6. Adjournment**

Presiding Officer Moschetti suggested that if workload required action that a mid-December meeting date should be considered due to the holidays.

The meeting was adjourned at 1:59 p.m.

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