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NEW YORK STATE GAMING COMMISSION

May 19, 2020

Held at

NEW YORK STATE GAMING COMMISSION

ONE BROADWAY CENTER

SCHENECTADY, NEW YORK 12305

Transcript of Recording

PRESENT:

New York State Gaming Commission

One Broadway Center

Schenectady, New York 12305

BY: John A. Crotty

John J. Poklemba

Barry Sample

Jerry Skurnik

Peter J. Moschetti



## Commissioner's Meeting

1           MR. WILLIAMS: New York State  
2           Racing, Pari Mutuel and Breeding Law  
3           Section 102 provided that the New York  
4           State Gaming Commission shall consist of  
5           seven members appointed by the Governor  
6           by and with the advice and consent of the  
7           Senate. Four members confirmed by the  
8           New York State Senate are necessary to  
9           afford the Commission an ability to  
10          establish decorum and undertake action.  
11          The present meeting of the Commission is  
12          now called to order.

13                 This meeting is being conducted in  
14                 conformity with Governor Andrew Cuomo's  
15                 executive order 202.1 which is entitled,  
16                 Continuing Suspension and Modification of  
17                 Laws Related to the Disaster Emergency.  
18                 The order contains portions of the open  
19                 meeting law and specifically allows the  
20                 conduct of meetings by telephone or other  
21                 similar service. The Governor's  
22                 executive order regarding first Article 7  
23                 of the Public Officers Law to the extent  
24                 necessary to prevent any public body to  
25                 meet and take such actions authorized by



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1 the law without permitting public in-  
2 person access to meetings and authorizing  
3 such meetings to be held remotely by  
4 conference or similar service provided  
5 that the public has the ability to view  
6 or look into such proceedings and that  
7 such meetings are recorded and later  
8 transcribed. Accordingly the  
9 Commissioner of the Commission meeting is  
10 being conducted in conformance with  
11 special allowance and we are recording  
12 today's meeting for transcription as  
13 required.

14 Ms. Secretary, will you please call  
15 the roll?

16 MS. SECRETARY: John Crotty?

17 MR. CROTTY: Here.

18 MS. SECRETARY: Peter Moschetti?

19 MR. MOSCHETTI: Here.

20 MS. SECRETARY: John Poklemba?

21 MR. POKLEMB: Here.

22 MS. SECRETARY: Barry Sample?

23 MR. SAMPLE: Here.

24 MS. SECRETARY: Jerry Skurnik?

25 MR. SKURNIK: Here.



## Commissioner's Meeting

1 MR. WILLIAMS: Ms. Secretary, please  
2 let the record reflect that a quorum of  
3 qualified members is present, thus  
4 enabling the transaction of business.

5 Chairman Sample has requested that  
6 Commissioner Moschetti preside over  
7 today's meeting. Unless there's such an  
8 objection to this, Commissioner  
9 Moschetti?

10 MR. MOSCHETTI: Chairman Sample,  
11 thank you for the opportunity to  
12 temporary fill your position today. The  
13 first item is consideration of minutes  
14 from our meeting of February 10th, 2020.  
15 Minutes of the Commission meeting  
16 conducted on February 10th, 2020 have  
17 been provided to the members in advance.  
18 At this time, I would like to ask the  
19 members if there are any edits,  
20 corrections, or amendments.

21 Hearing none, Ms. Secretary please  
22 let the record reflect the minutes were  
23 accepted as presented.

24 Item number 2, ruling New York State  
25 Racing, Pari Mutuel Wagering and Breeding



## Commissioner's Meeting

1 Law Section 104.19 authorizes the  
2 Commission to promulgate rules and  
3 regulations as deemed necessary to carry  
4 out its responsibilities. Consistent  
5 with that, the Commission will from time-  
6 to-time promulgate rules and rule  
7 amendments pursuant to the New York State  
8 Procedure Act. Today we have an active  
9 rulemaking agenda with six rules for  
10 adoption, consideration, and several for  
11 proposed.

12 Mr. Williams will you please outline  
13 the items?

14 MR. WILLIAMS: Certainly. For the  
15 Commission's consideration is the  
16 adoption of a rulemaking that would allow  
17 a claimant to void any claims of a  
18 thoroughbred horse that is discovered to  
19 have epistaxis due to an exercise induced  
20 pulmonary hemorrhage and claim the race.  
21 Under the proposal the proclaimed horse  
22 would go to the test spot. After the  
23 appropriate cooling out period before  
24 which lameness is not always apparent,  
25 the State veterinarian would examine the



## Commissioner's Meeting

1 horse for lameness. Such an examination  
2 would include a visual appraisal of the  
3 horse at rest and in motion on soft and  
4 hard surfaces. If the veterinarian  
5 determines that the horse has grade two  
6 or higher lameness or has experienced  
7 epistaxis, he or she will inform the  
8 claimant who will then be permitted to  
9 void the claim. If the claimant voids  
10 the claim, then the owner who entered the  
11 horse in the race and will continue to be  
12 responsible for the horse. The claimant  
13 could also decide not to void the claim  
14 and may take the horse. These new  
15 provisions would not waive any other  
16 objections that might later be identified  
17 as possible objections to the claim. One  
18 public comment was received during the  
19 public comment period, which expired on  
20 April 20th. The New York Racing  
21 Association would afford (indiscernible)  
22 expanding the scope of the void claim  
23 rule to include horses deemed to be  
24 unsound or to have (indiscernible) by the  
25 state veterinarian or other designated



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1           veterinarians. The opposed utilization  
2           grading level for evaluating lameness,  
3           rather NYRA (phonetic) suggested the  
4           Commission adopt the Association of  
5           Racing Commissioners International Model  
6           Rule And we note that no racing  
7           jurisdiction has adopted the model rule  
8           suggested by NYRA The purpose of  
9           (indiscernible) the (indiscernible) is to  
10          standardize the criteria used and to  
11          remove subjectivity from (indiscernible)  
12          of the horse. The Commission says  
13          they'll (indiscernible) the scale of  
14          American Association of Equine  
15          Practitioners, which has published its  
16          criteria since 1999. While other scales  
17          exist, only the AAEP Lameness Scale has  
18          acceptance in use in the United States.  
19          Staff recommends adoption of this rule  
20          proposal.

21                 MR. MOSCHETTI: If there's any  
22                 questions on the adoption of the rule  
23                 regarding a board claim for lane  
24                 thoroughbred horses.

25                 Hearing none. May I have a motion



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1 to adopt the rule.

2 UNIDENTIFIED SPEAKER: So moved.

3 MR. MOSCHETTI: Second?

4 UNIDENTIFIED SPEAKER: Second.

5 MR. MOSCHETTI: Thank you. Any  
6 objection on motion?

7 Hearing none. All in favor?

8 IN UNISON: Aye.

9 MR. MOSCHETTI: Any opposed?

10 The motion carries. Next item  
11 please.

12 MR. WILLIAMS: For the Commission's  
13 consideration is the adoption of a rule  
14 providing optional match the dealer wager  
15 in the game of Spanish 21. When the side  
16 wager is placed the player wins the bet.  
17 If the rank of either or both of their  
18 initial two cards matches the rank  
19 dealer's top card. If the cards matching  
20 both rank and suit, the player wins the  
21 bigger payout according to a pre-  
22 determined payout table. No public  
23 comments were received. Staff recommends  
24 the adoption of this rule proposal.

25 MR. MOSCHETTI: Any questions on the





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1 adoption of the rule authorizing the  
2 optional max the dealer side wage Spanish  
3 21?

4 Hearing none. They have a motion to  
5 adopt this rule.

6 UNIDENTIFIED MALE SPEAKER: So  
7 moved.

8 MR. MOSCHETTI: Second?

9 UNIDENTIFIED MALE SPEAKER: Second.

10 MR. MOSCHETTI: Any questions on the  
11 motion?

12 Hearing none. All in favor?

13 IN UNISON: Aye.

14 MR. MOSCHETTI: Any opposed? The  
15 motion carries. Next item please.

16 MR. WILLIAMS: For Commission's  
17 consideration the adoption of amendment  
18 related to the provision of Social  
19 Security numbers. The use of Social  
20 Security numbers will continue to be  
21 required when necessary to comply with  
22 tax laws and be allowable when  
23 voluntarily given. This proposal is  
24 consistent with the Federal Privacy Act  
25 of 1974 and the New York State Personal



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1 Privacy Protection Law. All public  
2 comments were received. Staff recommends  
3 the adoption of this rule proposal.

4 MR. MOSCHETTI: Is there any  
5 questions on the adoption of the rule  
6 relating to the provision of Social  
7 Security numbers?

8 Hearing none I propose to adopt this  
9 rule.

10 UNIDENTIFIED MALE SPEAKER: So  
11 moved.

12 MR. MOSCHETTI: Second?

13 UNIDENTIFIED MALE SPEAKER: Second.

14 MR. MOSCHETTI: Any discussion about  
15 the rule?

16 Hearing none. All in favor?

17 IN UNISON: Aye.

18 MR. MOSCHETTI: Any opposed? The  
19 motion carries. Next item please.

20 MR. WILLIAMS: For Commission's  
21 consideration is the adoption of the  
22 consensus rulemaking amending rule  
23 4024.1(b)(1) to broaden the requirements  
24 of a lip tattoo for thoroughbred horses  
25 to race in New York with digital tattoos.



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1 The rule will (indiscernible) Commission  
2 rules with a nationwide digital tattoo  
3 system which was introduced by The Jockey  
4 Club first apply to the horses that will  
5 be two years old in 2020. As mentioned  
6 during consideration no change to the  
7 Commission's harness racing rule is  
8 necessary as it is broad enough to permit  
9 any tattoo whether lip or digital. A  
10 notice to the proposed rule has been  
11 published in the State register on  
12 January 8th. Being that the public  
13 comment area closed on March 9th. No  
14 public comment was received. Staff  
15 recommends the Commission adopt the  
16 consensus rule.

17 MR. MOSCHETTI: May I have a motion  
18 to adopt the rule proposal to permit  
19 thoroughbred horses with digital tattoos  
20 to race in New York?

21 UNIDENTIFIED MALE SPEAKER: So  
22 moved.

23 MR. MOSCHETTI: Second?

24 UNIDENTIFIED MALE SPEAKER: Second.

25 UNIDENTIFIED MALE SPEAKER: Second.



## Commissioner's Meeting

1 MR. MOSCHETTI: Any discussion on  
2 this motion. Hearing none. All in  
3 favor?

4 IN UNISON: Aye.

5 MR. MOSCHETTI: Any opposed? The  
6 motion carries.

7 MR. WILLIAMS: For Commission's  
8 consideration is the adoption of a  
9 rulemaking regarding certain drug  
10 injections in thoroughbred races. If you  
11 recall, the proposal has three parts.

12 With respect to the first part, the  
13 proposal amended the restricted time  
14 period for the use of cortico joint  
15 injections (indiscernible) from the  
16 current restriction of seven days before  
17 a thoroughbred horse's next race. The  
18 purpose of the proposal is to enhance the  
19 perfection afforded for a horse by  
20 allowing veterinarians and horsemen a  
21 greater time frame following  
22 administration of a cortico joint  
23 injection to evaluate effectiveness.  
24 With respect to the second part, the  
25 proposal would amend a restricted time



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1 period for the inter-articular injection  
2 of any substance to a thoroughbred horse  
3 to max the proposal with a fourteen-day  
4 time period for a cortisone joint  
5 injection. Again the purpose of this  
6 proposal is to allow veterinarians and  
7 horsemen time to evaluate horses  
8 following treatment before returning them  
9 to high-speed exercise and competition.

10 With respect to the third part, this  
11 proposal would require the reporting of  
12 every intra-articular joint injection.  
13 Current rules only require submission of  
14 cortico joint injections within forty-  
15 eight hours of treatment. Parts 1 and 2  
16 have been advanced as part of the Mid-  
17 Atlantic strategic plan to reduce equine  
18 fatalities by the regulated sportsman and  
19 race track operators from the seven  
20 states that comprise the Mid-Atlantic  
21 region. Part 3 simply applies parts 1  
22 and 2 for existing reporting  
23 requirements. No public comments were  
24 received. Staff recommends the adoption  
25 of this rule proposal.



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1 MR. MOSCHETTI: Do the commissioners  
2 have any questions on the adoption of the  
3 rule regarding thoroughbred joint  
4 injections?

5 Hearing no questions. May I have a  
6 motion to adopt this rule?

7 UNIDENTIFIED MALE SPEAKER: So  
8 moved.

9 UNIDENTIFIED MALE SPEAKER: Moved.

10 MR. MOSCHETTI: Second?

11 UNIDENTIFIED MALE SPEAKER: Second.

12 UNIDENTIFIED MALE SPEAKER: Second.

13 MR. MOSCHETTI: Any discussion on  
14 this motion? Hearing none. All in  
15 favor?

16 IN UNISON: Aye.

17 MR. MOSCHETTI: Any opposed? The  
18 motion carries. Next item please.

19 MR. WILLIAMS: For Commission's  
20 consideration the adoption of a  
21 rulemaking regarding thoroughbred Pari  
22 Mutuel wagering rule for pick five and  
23 pick six wagers. The current rule  
24 prohibit a race track from displaying  
25 wagering information about pick five or



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1 pick six combinations other than will-  
2 pays after the penultimate race in the  
3 sequence. The proposed revision would  
4 permit a race track to display publicly  
5 combinations wager wise, amounts wagered  
6 on such combinations wagered upon, the  
7 amounts wagered on such combinations, the  
8 number of tickets sold or the number of  
9 tickets still capable of winning a pick  
10 five or pick six pool. No public  
11 comments were received. Do I have  
12 recommend adoption of this rule proposal?

13 MR. MOSCHETTI: Do any of the  
14 Commissioners have questions on the  
15 adoption of the rule regarding  
16 thoroughbred Pari Mutuel wagering rule  
17 for pick five and pick six wagers? There  
18 are no discussions. May I have a motion  
19 to adopt this rule?

20 UNIDENTIFIED MALE SPEAKER: So  
21 moved.

22 MR. MOSCHETTI: Second?

23 UNIDENTIFIED MALE SPEAKER: Second.

24 MR. MOSCHETTI: Is there any  
25 discussion on this motion?



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1           Hearing none. All in favor?

2           IN UNISON: Aye.

3           MR. MOSCHETTI: Any opposed? Motion  
4 carries.

5           Next item please.

6           MR. WILLIAMS: For Commission's  
7 consideration is a proposal to restrict  
8 the administration to thoroughbred horses  
9 of nonsteroidal anti-inflammatory drugs  
10 or NSAIDS such that only one clinical  
11 dose may be administered during the weeks  
12 before the horse races. The proposal  
13 would limit the administration through an  
14 intravenous treatment and adopt stricter  
15 thresholds for the two months commonly  
16 used NSAIDS, flunixin and phenylbutazone  
17 and has been recommended by the Racing  
18 Medication & Testing Consortium and has  
19 adopted as a model rule by the  
20 Association of Racing Commissioners  
21 International. The proposal also reduces  
22 the list of NSAIDS that can be  
23 administered lawfully within one week  
24 before the horse races to only three for  
25 which the appropriate laboratory





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1 threshold is unclear. The current rule  
2 permits the use of two NSAIDs from the  
3 (indiscernible) list of six NSAIDs  
4 (indiscernible) before a horse races, if  
5 one is not used within ninety-six hours  
6 of the race and the other is administered  
7 outside forty-eight hours. Staff  
8 recommends the Commission authorize the  
9 proposal of this rulemaking.

10 MR. MOSCHETTI: Do any of the  
11 Commissioners have questions on the  
12 proposal or the rule to amend the  
13 administration of nonsteroidal anti-  
14 inflammatory drug in thoroughbred horses?  
15 Hearing no questions, may I have a motion  
16 to propose this rule?

17 UNIDENTIFIED MALE SPEAKER: So  
18 moved.

19 MR. MOSCHETTI: Second?

20 UNIDENTIFIED MALE SPEAKER: Second.

21 MR. MOSCHETTI: Any discussion on  
22 this motion? Hearing none. All in  
23 favor?

24 ON UNISON: Aye.

25 MR. MOSCHETTI: Anybody oppose? The



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1 motion carries.

2 The next item please.

3 MR. WILLIAMS: For Commission's  
4 consideration is a consensus rulemaking  
5 to correct cross-references in our gaming  
6 regulations that were left unchanged when  
7 we recently moved the (indiscernible)  
8 gaming self-exclusion provisions from  
9 part 5326 to a new part 5402. The  
10 proposal also made blanket statements to  
11 be consistent with other rules. Staff  
12 recommends the commission authorize the  
13 proposal of this rulemaking.

14 MR. MOSCHETTI: Do any of the  
15 Commissioners have questions of the  
16 proposal of a rule to make technical  
17 changes to rule cross-referencing?  
18 Hearing no questions, may I have a motion  
19 to propose this rule?

20 UNIDENTIFIED MALE SPEAKER: So  
21 moved.

22 MR. MOSCHETTI: Second?

23 UNIDENTIFIED MALE SPEAKER: Second.

24 MR. MOSCHETTI: Any discussion on  
25 the motion? Hearing none. All in favor?



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1           IN UNISON:   Aye.

2           MR. MOSCHETTI:  Any opposed?  The  
3           motion carries.  The next item please.

4           MR. WILLIAMS:  For Commission's  
5           consideration as emergency and consensus  
6           rulemaking to extend the date upon which  
7           a harnessed horse must (indiscernible) by  
8           30 days to a date as determined  
9           appropriate by the Commission.  In  
10          layman's terms, all (indiscernible) at  
11          which a horse must establish its ability  
12          to participate in a race meeting  
13          consistent with the qualifying standards  
14          established for that class of horse.  
15          (Indiscernible) pandemic has shuttered  
16          specific racing activity without a rule  
17          change, virtually all harnessed horses  
18          will be required to requalify.  When  
19          racing is all right to resume the  
20          requalification requirement with  
21          necessitate event gathering of owners,  
22          trainers, and riders and associated  
23          personnel (indiscernible) requalify their  
24          horses.  To alleviate this potential  
25          gathering staff suggests an allowance to



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1 establish a longer qualification period.  
2 Accordingly, we suggest the  
3 (indiscernible) an emergency and a  
4 consensus rulemaking. We believe the  
5 emergency rulemaking is appropriate to  
6 safeguard the health of the participants  
7 in the horse racing industry and believes  
8 this proposal also has widespread support  
9 in the industry. Hence, we suggest this  
10 proposal also as a consensus rule. Staff  
11 recommends the Commission authorize the  
12 proposal as emergency and consensus  
13 rulemaking.

14 MR. MOSCHETTI: I am going to call  
15 the proposals individually. Any  
16 questions on the proposal of the harness  
17 qualifying rules? Hearing no questions.  
18 May I have a motion to propose this rule?

19 UNIDENTIFIED MALE SPEAKER: So  
20 moved.

21 UNIDENTIFIED MALE SPEAKER: So  
22 moved.

23 MR. MOSCHETTI: Second?

24 UNIDENTIFIED MALE SPEAKER: Second.

25 MR. MOSCHETTI: Any discussion on



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1 the motion? Hearing no discussion. All  
2 in favor?

3 IN UNISON: Aye.

4 MR. MOSCHETTI: Any opposed? The  
5 motion carries.

6 Next -- let's see. Can I have --  
7 this is the next one. Any questions on  
8 the consensus proposal on an amendment to  
9 the harness qualifying rule? Hearing no  
10 questions. Do I have a motion to propose  
11 this rule?

12 UNIDENTIFIED MALE SPEAKER: So  
13 moved.

14 UNIDENTIFIED MALE SPEAKER: So  
15 moved.

16 MR. MOSCHETTI: Second?

17 UNIDENTIFIED MALE SPEAKER: Second.  
18 If any person is going to move it.

19 MR. MOSCHETTI: Any discussion on  
20 the motion? Hearing none. All in favor?

21 UNIDENTIFIED MALE SPEAKER: Aye.

22 UNIDENTIFIED MALE SPEAKER: Aye.

23 UNIDENTIFIED MALE SPEAKER: Aye.

24 MR. MOSCHETTI: Any opposed? The  
25 motion carries.



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1 Next item, please.

2 MR. WILLIAMS: For Commission's  
3 consideration the rulemaking to remove  
4 certain penal aspects of horses coming  
5 off of and returning to races  
6 administration.

7 As you might recall, certain  
8 racetracks have considered  
9 (indiscernible) races wherein a condition  
10 would be that no horse receives race day  
11 Lasix administration. Present rules  
12 allow a horse to be removed from Lasix  
13 administration list, but only allow  
14 return after an additional  
15 (indiscernible) triggers a mandatory  
16 horse layoff. This penal aspect might  
17 (indiscernible) trainers would, found  
18 that they're (indiscernible) Lasix.

19 Accordingly this proposal would  
20 permissibly allow a horse to be removed  
21 from the Lasix eligible list for the  
22 limited purpose for competing in a non-  
23 Lasix race. And allow them to return to  
24 the list without incurring any potential  
25 mandatory layoff. Staff recommends the



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1 Commission authorize this proposal of  
2 this rulemaking.

3 MR. MOSCHETTI: Any questions before  
4 we move onto the amendment to the Lasix  
5 administration rules? Hearing none. May  
6 I have a motion to propose this rule?

7 UNIDENTIFIED MALE SPEAKER: So  
8 moved.

9 MR. MOSCHETTI: Second?

10 UNIDENTIFIED MALE SPEAKER: Second.

11 MR. MOSCHETTI: Any discussion on  
12 the motion? Hearing none. All in favor?

13 UNIDENTIFIED MALE SPEAKER: Aye.

14 UNIDENTIFIED MALE SPEAKER: Aye.

15 MR. MOSCHETTI: Any opposed? The  
16 motion carries.

17 All right then. That concludes the  
18 rulemaking portion of our agenda.

19 UNIDENTIFIED MALE SPEAKER: Correct,  
20 sir.

21 MR. MOSCHETTI: So we're going to  
22 move onto communications. That is the  
23 next scheduled. Today we have four items  
24 for adjudication. Mr. Williams.

25 MR. WLLIAMS: On June 10th, 2019,



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1 the presiding judge at Monticello Raceway  
2 suspended standardbred trainer Dennis  
3 Washington for 730 days and fined him  
4 \$2,000 dollars for numerous violations of  
5 the Racing Pari Mutuel Wagering and  
6 Breeding Law and the Commission  
7 standardbred racing rules. These  
8 violations involved two horses under Mr.  
9 Washington's care. With respect to the  
10 horse it will be said Mr. Washington was  
11 accused of mistreatment and endangerment  
12 of the horse by permitting an unsafe and  
13 dangerous treatment that led to the  
14 horse's infection and subsequent death  
15 euthanasia.

16 With respect to the second horse,  
17 Billy Button, Mr. Washington was accused  
18 of selling the horse without  
19 authorization and falsely and  
20 fraudulently obtained or attempting to  
21 obtain payments for the horse at  
22 (indiscernible) he was no longer being  
23 trained by Mr. Washington. Mr.  
24 Washington was also accused of possessing  
25 or directing someone to possess equipment





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1 usable in connection or acting with  
2 financial irresponsibility and failing to  
3 cooperate with the Commissioner's  
4 investigation. Mr. Washington first  
5 requested a hearing, which was adjourned  
6 twice at his request. The hearing was  
7 conducted on December 19th, 2019.

8 Mr. Washington failed to appear at  
9 the hearing and later claimed that he did  
10 not receive notice. The hearing officer  
11 submitted a report, dated February 18,  
12 2020, finding that Mr. Washington's  
13 contention that he did not receive notice  
14 of the hearing date was without merit.  
15 That the Commission had met its version  
16 of establishing the various violations of  
17 the laws and the rules and recommended  
18 that Mr. Washington's license be revoked  
19 for a minimum period of two years. The  
20 hearing officer also recommended that Mr.  
21 Washington not be granted a license  
22 thereafter unless he satisfactorily  
23 (indiscernible) for the disappearance of  
24 Billy Button to the Commission  
25 (indiscernible). The Commission



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1 considered this matter at a meeting  
2 conducted in judicial or quasi-judicial  
3 proceedings exemption of the New York  
4 Public Officers Law Section 108.1.

5 MR. MOSCHETTI: The Commission duly  
6 deliberated and considered this matter to  
7 determine upon a vote of 5 to nothing to  
8 modify the hearing officer's report and  
9 recommendation. We got the factual  
10 findings report. However, we vote to  
11 modify the recommendations of  
12 (indiscernible) revocation and we modify  
13 as follows, that the revocation be ten  
14 years and that the fine is \$5,000  
15 dollars.

16 MR. WILLIAMS: The next matter on  
17 December 20th, 2019, the Bureau of  
18 Licensing denied the application of  
19 Brewster Love (ph.) for a gaming employee  
20 registration to work as a dealer at the  
21 del Lago Casino Empire. The denial cited  
22 New York (indiscernible) section  
23 1318(1)(a) and 1318(1)(c), which provided  
24 the applicant must prove qualification by  
25 clear and convincing evidence and for



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1 disqualification on the grounds of the  
2 conviction of the applicant of any  
3 offense in any jurisdiction which is or  
4 will be a felony or other crime involving  
5 public integrity embezzlement, theft,  
6 fraud or perjury.

7 The applicant requested a hearing  
8 which was conducted on January the 29th  
9 of 2020. The hearing officer submitted a  
10 report to the Commission secretary dated  
11 April 13th, recommending that the  
12 registration denial be adopted. The  
13 Commission considered this matter at a  
14 meeting conducted judicial or quasi-  
15 judicial proceedings exemption of New  
16 York Public Officer's Law Section 108.1.

17 MR. MOSCHETTI: The Commission  
18 deliberated and considered this matter  
19 upon a vote of 5 to nothing to sustain  
20 the hearing officer's report and  
21 recommendations.

22 UNIDENTIFIED SPEAKER: On September  
23 25th, 2019, the judges at the Batavia  
24 Downs disqualified Rock'n Roll Rosie  
25 following her winning second place. The



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1 judges prepared action following a  
2 determination that the horse was  
3 ineligible having failed to comply with  
4 the conditions of the race. Horse owner,  
5 Henry Conrad (ph.), challenged the  
6 disqualification and requested a hearing  
7 which was conducted on December 17th,  
8 2019. The hearing officer submitted the  
9 report dated March 12th, 2020,  
10 recommending that the decision of the  
11 judges to disqualify and (indiscernible)  
12 the horse declare the purse winnings of  
13 \$3,650 be forfeited and direct  
14 (indiscernible) mount to return to  
15 (indiscernible) to Batavia Downs and  
16 redistributed to eligible entries be  
17 upheld.

18 The Commission considered this  
19 matter at a meeting conducted judicial or  
20 quasi-judicial proceedings exemption of  
21 New York Public Officer's Law Section  
22 108.1.

23 MR. MOSCHETTI: The Commission  
24 deliberated and considered this matter  
25 discovered upon a vote of 5 to nothing to



## Commissioner's Meeting

1 sustain the Hearing Officer's report and  
2 recommendation.

3 MR. WILLIAMS: The next matter and  
4 final adjudication for today, on January  
5 15th, 2020, the Bureau of Licensing  
6 denied the application of Steven  
7 Shoemaker (ph.) for gaming employee  
8 license and registration to work as a  
9 dealer at the Tiago Downs Casino Resort  
10 and Nightclub. The denial cited New York  
11 Racing, Pari Mutuel Wagering and Breeding  
12 Law Section 1316(1)(a), 1318(b), 1318(1)  
13 which provides that the applicant must  
14 prove qualification by clear and  
15 convincing evidence, provide information  
16 required by the racing law, and for  
17 disqualification on the grounds of  
18 failure by the applicant to repay any  
19 debt owed to the State unless the  
20 applicant can provide proof to the  
21 executive director satisfaction of  
22 payment or arrangements to pay such debt  
23 prior to licensure.

24 Mr. Shoemaker requested a hearing  
25 which was conducted on March 11th, 2020.



## Commissioner's Meeting

1 The hearing officer submitted a report to  
2 the Commission secretary dated April  
3 22nd, recommending that the registration  
4 be granted. The Commission considered  
5 this matter at a meeting conducted  
6 pursuant judicial or quasi-judicial  
7 proceedings exemption of meeting Public  
8 Officers Law Section 108.1.

9 MR. MOSCHETTI: The Commission duly  
10 deliberated and considered this matter  
11 and determined upon a vote of 5 to  
12 nothing to sustain the hearing officer's  
13 report and recommendation. However,  
14 there's one small modification on page 16  
15 of the report. The last sentence there's  
16 a typographical error. Instead of Steven  
17 Shoemaker, it should say Steven Richard  
18 Shoemaker (indiscernible).

19 Next, we have old business. At the  
20 previous meeting we started some  
21 discussions regarding Lasix use  
22 nationwide and the use of the crop.  
23 Considering the length of today's agenda  
24 and the fact that the crop used to  
25 (indiscernible) continue to motivate



## Commissioner's Meeting

1 stakeholders and to get (indiscernible)  
2 further discussions for the next meeting.  
3 (Indiscernible) we're all looking forward  
4 to that (indiscernible).

5 Does anyone have any other old  
6 business to consider?

7 Hearing none. Any new business? If  
8 there's no new business mentioned does  
9 anyone have any business?

10 UNIDENTIFIED MALE SPEAKER: I'd like  
11 to (indiscernible) the third chair. This  
12 is a vast improvement over our  
13 (indiscernible) chair.

14 UNIDENTIFIED MALE SPEAKER: We need  
15 to make this more permanent.

16 MR. SAMPLE: Yes, absolutely not.

17 UNIDENTIFIED MALE SPEAKER: Barry  
18 (indiscernible) he wants to chair. Peter  
19 did. I commend him for today's  
20 performance.

21 MR. SAMPLE: Thank you.

22 UNIDENTIFIED MALE SPEAKER:  
23 (Indiscernible).

24 UNIDENTIFIED MALE SPEAKER: I second  
25 that.



## Commissioner's Meeting

1 MR. SAMPLE: Thank you.

2 MR. MOSCHETTI: That concludes our  
3 agenda. Anything else you want to talk  
4 about other than that? All right.

5 So traditionally we meet on the  
6 fourth Monday of each month. So today's  
7 meeting for May, the June date will be  
8 June 22nd for planning purposes. You  
9 recall (indiscernible) arrange it for us  
10 and get it all set up. So I hear no  
11 other items for consideration. The  
12 meeting is adjourned. Thank you, guys.

13 UNIDENTIFIED MALE SPEAKER: Thank  
14 you.

15 (End of recording)

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C E R T I F I C A T I O N

I, Allison Bloodworth, certify that the foregoing transcript is a true and accurate record of the proceedings.

*Allison Bloodworth*



Allison Bloodworth (-)

AAERT Certified Transcriber

eScribers

352 Seventh Avenue, Suite #604

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Date: May 25, 2020

