

NYS Gaming Commission - Public Meeting Transcript

June 26, 2023 1 p.m.

633 3rd Avenue, 36h Floor Conference Room, New York, NY

Executive Director Robert Williams: New York State Racing, Pari-Mutuel Wagering and Breeding Law § 102 provides that the New York State Gaming Commission shall consist of seven members appointed by the governor by and with the advice and consent of the Senate. Four members confirmed by the New York State Senate are necessary to afford the Commission an ability to establish a quorum and undertake action. This present meeting of the Commission is now called to order.

This meeting is being conducted by video conferencing in two locations, New York and Schenectady. Both locations have been appropriately noticed and accommodate public attendance.

Ms. Secretary, will you please call the roll?

Acting Secretary Kristen Buckley (via video): John Crotty

Kristen Buckley: Sylvia Hamer

Commissioner Hamer: Here

Kristen Buckley: Peter Moschetti

Commissioner Moschetti: Here

Kristen Buckley: Commissioner O'Dwyer.

Chair Brian O'Dwyer: Here.

Kristen Buckley: Marissa Shorenstein

Commissioner Marissa Shorenstein: Here.

Kristen Buckley: Jerry Skurnik

Commissioner Jerry Skurnik: Here.

Robert Williams: Ms. Secretary, please have the record reflect the quorum of established members is present, thus enabling the transaction of business. Please note that Commissioner Moschetti is in Schenectady. Bilateral visual and oral communications between the two meeting locations have been established. Also, please note Commissioner Crotty is participating in all discussions, but is not included for purposes of quorum establishment or voting.

Chair O'Dwyer: It gives me great pleasure to recognize and to welcome our newest commissioner Sylvia Hamer, who has an incredible background in state government and in the matters which we are involved. She is a nominee of the Senate. We look forward to meeting with you for many, many years and we thank you for your service.

Commissioner Hamer: Thank you.

Chair O'Dwyer: Minutes of the meeting conducted on May 22, 2023, have been provided to the members in advance. At this time, I'd like to ask the members if there are any edits, corrections or amendments. Hearing none, Ms. Secretary, please let the record reflect the minutes were accepted. Now I would like to call on our Executive Director for his report:

Executive Director Williams: The final 2023 Problem Gambling Awareness event was conducted this week at Turning Stone Resort Casino in Verona, which was the first ever conducted on Indian territory. Started 10 years ago, the Commission, the Office of Addiction Supports and Services and the New York Council on Problem Gambling – who collectively constitute the Responsible Play Partnership – commenced undertaking regional events to drive awareness of problem gaming help availability.

When we started, we worked to coincide our events to National Problem Gambling Awareness Month but have since expanded our events to ensure proper attention is given to problem gambling during months other than just Problem Gambling Awareness Month.

This year, events were conducted in Manhattan, Saratoga Casino Hotel, Rivers Casino & Resort Schenectady, Jake's 58. Casino Hotel, Resorts World Hudson Valley and at Turning Stone Casino Resort.

I would like to acknowledge the efforts of the Commission's Lee Park, Brad Maione and Carolyn Hapeman and the New York Council on Problem Gambling's Michelle Hadden for making these events a success.

HISA Lasix Study Committee

The Horseracing Integrity and Safety Authority announced members of an Advisory Committee which has been convened to oversee a three-year study on the use of furosemide on horses during the 48-hour period before the start of a Covered Horserace, including the effect on equine health and the integrity of competition.

Among the eleven members appointed was our own equine medical director Scott Palmer, who is a former President of the AAEP and the American Board of Veterinary Practitioners. Dr. Palmer is currently a member of the RMTTC's Scientific Advisory Committee, the Horseracing Testing Laboratory Committee, the Association of Racing Commissioners International's Drug Testing and Standards Committee and the ARCI's Equine Welfare and Veterinarians Committee.

The establishment of this Advisory Committee for the study of furosemide administration and the requirements of the study are specifically mandated and set forth in the Horseracing Integrity and Safety Act. The Advisory Committee will oversee the process of

issuing a Request for Proposal to conduct the research, reviewing grant applications from academic researchers and allocating grant funding for the study.

When the independent scientific research has been completed and published, it will be presented to the Advisory Committee who will then relay the findings and their recommendations to the HISA Board of Directors.

In addition to Dr. Palmer, we also note the inclusion of Dr. Ted Hill, who served as the racing steward for The Jockey Club at NYRA racetracks. Previous to his service as a steward, Dr. Hill served as the Chief Veterinarian for NYRA.

Backstretch Clinic Dedication

Finally, the Saratoga Hospital has scheduled a dedication and ribbon cutting ceremony for 11:30 a.m. on July 11, 2023 to open the Saratoga Race Course Backstretch Health Clinic. As a reminder, this new facility replaces the current medical clinic at Saratoga, which consists of a trailer that the non-profit Backstretch Employee Service Team or BEST launched in 2005, and with which Saratoga Hospital partnered in 2009.

While the facility is constructed on an easement over State lands at Saratoga Race Course it could not have been built but for the contributions of John Hendrickson, the widower of Saratoga social doyenne Marylou Whitney. I want to recognize the efforts of Mr. Hendrickson, and of NYRA leadership, who worked extensively with Saratoga Hospital personnel to establish the appropriate footprint for facility construction and to establish rights of access to the clinic.

Chair O'Dwyer: Thank you Mr. Williams. Do any of the Commissioners have any questions for Mr. Williams? Hearing none The New York State Racing, Pari-Mutuel Wagering and Breeding Law authorizes the Commission to promulgate rules and regulations that it deems necessary to carry out its responsibilities. To that regard, the Commission will from time to time, promulgate amendments pursuant to the State Administrative Procedure Act. Today we have one rule for consideration and for that I call upon Mr. Williams.

Robert Williams: For Commission consideration is an amendment to Commission Rule 4007.5, which concerns qualifications to start. The proposed regulation would require a trainer's attending veterinarian to examine a horse within 72 hours before a race or a workout, to determine the horse's fitness to participate in the race or workout. A horse would be prohibited from entry into a race or from a workout unless such evaluation finds the subject horse is fit to race or work. The proposed rule would require such attending-veterinarian examinations to include, without limitation, a close inspection of the eyes, examination of the legs, and observation of the horse at rest and while in motion. The evaluation of the horse's fitness to race or work out would be required to be reported in a manner the Commission directs. Following a determination that the horse is either fit to race or to work, the attending veterinarian and trainer would be obligated to inform the racing association's veterinarian of any changes in the horse's fitness before race day or the workout. Finally, for clarity, the term "workout" would be defined. New York rules currently require a horse being examined by the racing association's veterinarian on race day for the express purpose of evaluating the horse's fitness to race.

Adding the requirement for an examination by the attending veterinarian provides additional safeguards by ensuring an evaluation by a veterinarian with knowledge of a particular horse, while maintaining the examination by the racing association's veterinarian as an additional level of review. Further, adding the requirement for examinations prior to workouts will implement equivalent protections for training. While staff has no reason to believe an attending veterinarian would permit a horse under their care to race or participate in a workout if the horse is unfit, we believe it appropriate to require attending veterinarians to explicitly make such representations of fitness as a further safeguard to promote the safety and health of New York's racehorses. Staff recommends that the Commission authorize the proposal of this rulemaking.

Chair O'Dwyer: Commissioners, any questions on the proposal of rules regarding Attending Veterinarian Examinations in Thoroughbred Racing? Hearing none, may I have a Motion to propose this rule?

Commissioner Shorenstein: So moved.

Chair O'Dwyer: Seconded?

Commissioner Skurnick: Second.

Chair O'Dwyer: Any discussion on the motion? All in favor?

Commissioners: Aye

Chair O'Dwyer: The motion carries.

Chair O'Dwyer: Any new and old business? Hearing none. I do want to make a few comments as you might expect what I normally do at the end of the meeting give my fellow Commissioners some idea of what I've been doing since the last meeting. As you know the legislature at the governor's urging has granted a \$425 million facility to NYRA for the completion of the renovation of Belmont. That facility brings into focus the relationship between NYRA and the state of New York, now. And the coming meet at Saratoga after a long interlude of COVID requires to reexamine the relationship of all stakeholders of NYRA, the thoroughbred fund, the Department of Agriculture and tourism, the unions, the traders, the breeder, the backstretch workers among others. I have proposed and I have talked to our Executive Director to call meeting of all the stakeholders in the future with the view to developing a comprehensive plan for the future of both Saratoga and Belmont to maximize both the facility and the future of both race acts racetracks to the advantages of all. I think it's important that again what they were going forward it's been a long time since we've recognized or this or established or examined our relationships and within the state of New York considering the considerable interaction between all that we do that. I will be back to our commissioners that said with the help of the staff terms of setting a date and an agenda for such meeting.

Secondly I want to note that our executive director has been well occupied lately our executive director has been well occupied lately as one of the negotiating representatives of the state and seeking a new compact with the Seneca Nation. His status is representative

of the negotiating team comes not from this position on this commission but as a recognized and long-standing tenure of service on matters involving relations with Nations and I can only join my fellow Commissioners in thanking him and recognizing him for his work to the people of the state of New York.

Our fervent hope that your service is quickly concluded so that he will rejoin our commission full-time and in the vital work that we perform here at the commission mister executive director. I want you to return home, I appreciate it.

Thirdly I'm heartened by the news that many of the colleges and universities that had previously entered into marketing arrangements with the sports betting corporations are now negating those arrangements. This commission has repeatedly denounced those arrangements. I'm particularly grateful to commissioner Skurnick for bringing these arrangements to the attention of the commission.

As I stated our last meeting while we have allowed third-party marketing arrangements we will be closely monitoring all advertising to assure they meet our standards and we look forward hopefully by the next meeting to finalize our particular regulations in terms of marketing arrangements and marketing rates so overall and marketing ranges in particulars with the colleges and universities I said I most heartened by the news of the last couple of weeks and almost all those arrangements which I find I think most of us find it abhorrent have been negated between the colleges and the sports betting groups.

Fourthly I joined with many in the field and my Commissioners and congratulations To Jena Antonucci being the first female trainer winner in one of the Triple Crown races. The Thoroughbred fund which as you know I'm chair will be honoring her on September 11th at the Saratoga racing museum and I wish everyone to invite all up there for what I think is a very special person very special day.

I congratulate staff and my fellow Commissioners on our work today in promoting race horse safety. More needs to be done and I know that the staff along with our medical director Dr. Palmer are taking this very, very seriously and working on new approaches to minimizing bad outcomes on the track and in training and I know that they will be coming out further suggestions in the future if warranted.

I wanted to particularly congratulate our executive director and staff on their work in terms of problem gambling. I had the occasion to be at least one of the sessions and I think it's a very important for all of us to be cognizant of the problem. As I've stated in the past there is no doubt that the various gambling particularly now sports betting and casinos are a great benefit to people the tax revenues that derived thereon are really important for us. But at the same time we would be remiss in our duties to not recognize that along with that um of certain people who have problems with their addressing their gambling addictions um. I think that our executive director in particular has been out front working diligently to try it at previous this problem this addiction to the attention of all and working hand in hand with casinos and now for the first time with the Indian casino. We are at a point where people are taking this very seriously and attention needs to be placed on it and I think our executive director has done that but uh and our staff and I congratulate them on that as well.

Finally I only go to repeat this because nobody seems to pay attention to it. I have repeated over and over to media and for everyone who will listen that this commission is dedicated passionately dedicated to assuring that when we give out the licenses for the award the license to the three new casinos nobody has a leg up nobody is in front and no particular influences going to bear on the ultimate decision of the site selection committee and ultimately of this Commission and despite the numerous articles that are in the paper and people and rumors around or whatever what once again breiterate that everyone comes to this the process exactly the same way and I have great faith in our site selection Committee in particular and our staff and assuring that there will be three licenses awarded and excuse me ultimately there will be a lot of disappointed entities and people because obviously that's what happens when all names are real hard but I don't I want everybody to leave this process as important as it might be with the knowledge and the understanding that this commission has conducted this process with transparency and fairness. I can assure those who are paying the slightest bit of attention that would be done. Again, I thank the commission staff for the Herculean work they've done in advancing this process. I look forward to the next step.

Having heard all of that I guess I will take a motion to adjourn.

All in favor.

The meeting is adjourned.

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