

**NEW YORK STATE
GAMING COMMISSION MEETING**

MINUTES

MEETING of DECEMBER 22, 2014

NEW YORK, NEW YORK

A meeting of the N.Y.S. Gaming Commission was conducted in New York, New York.

1. Call to Order

The meeting was called to order at 12:21 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Mark Gearan, and Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder.

2. Consideration of the Minutes from November 24, 2014

The Commission considered previously circulated draft minutes of the meeting conducted on November 24, 2014. The minutes were accepted as circulated.

3. Report of Executive Director

Executive Director Robert Williams provided an update on the actions of the Gaming Facility Location Board. On December 17th, the Board publicly announced it had recommended three bidders for casino facility license:

- a. Montreign Operating Company, LLC (Montreign Resort Casino, Thompson, Sullivan County) in Region One, Zone Two;
- b. Capital Region Gaming LLC (Rivers Casino & Resort at Mohawk Harbor, Schenectady, Schenectady County) in Region Two, Zone Two;
and
- c. Lago Resort & Casino, LLC (Lago Resort & Casino, Tyre, Seneca County) in Region Five, Zone Two.

4. Rulemaking

a. **Emergency and Proposed Rulemaking: Jockey Injury Compensation Fund Plan and Assessment**

This item was withdrawn, given that the Jockey Injury Compensation Fund submitted a 2015 plan of operation on December 20, 2014, which will be processed under delegated authority to the executive director.

Chairman Gearan asked Mr. Williams to explain items 4-b through 4-l, which all related to regulation of drugs to horses in harness racing. Mr. Williams explained that these rules were proposed originally in November 2013 and that certain ones were re-proposed, with a few revisions, in March 2014. In addition, Mr. Williams stated the Commission held a public hearing to seek additional input in January 2014. He noted that as a result of the hearing, the Commission was in a position to make findings of fact in regard to certain rulemaking proposals. Gaming Commission Equine Medical Director Scott Palmer, who recommended the rules be effective no earlier than April 1, 2015 so as to provide adequate notice to practitioners, further described aspects of the proposals and the basis of the proposed findings of fact.

- b. **SGC-49-13-00011-P: Per Se Regulatory Standardbred Thresholds for Equine Drugs (Adoption)**
- c. **SGC-49-13-00015-P: Per Se Regulatory Standardbred Threshold and Restricted Time Period for Flunixin (Adoption)**
- d. **SGC-49-13-00018-P: Per Se Regulatory Standardbred Threshold and Restricted Time Period for DMSO (Adoption)**
- e. **SGC-49-13-00017-P: Restricted Time Period for Standardbred Firocoxib Use (Adoption)**
- f. **SGC-49-13-00009-RP: Restricted Time Periods for Clenbuterol Use on Standardbred Racehorses (Adoption)**
- g. **SGC-37-14-00005-P: Restrictions on the Use of Clenbuterol in Standardbred Racing (Adoption)**
- h. **SGC-37-14-00007-P: Reporting of Standardbred Corticosteroid Joint Injections to the Commission (Adoption)**
- i. **SGC-49-13-00014-P: Use of the Corticosteroid Methylprednisolone Acetate (e.g., Depo Medrol) in Standardbred Racing (Adoption)**

Chairman Gearan asked for a Motion to Adopt the eight rules labeled as Items 4.b through 4.i:

ON A MOTION BY: Commissioner Crotty
APPROVED: 6-0

Chairman Gearan then asked for a Motion to adopt fourteen findings as agency fact finding relative to four specific rule proposals.

ON A MOTION BY: Commissioner Poklemba
APPROVED: 6-0

- j. **SGC-49-13-00012-P: Per Se Regulatory Standardbred Threshold and Restricted Time Period for Betamethasone and Triamcinolone Acetonide (Withdraw)**
- k. **SGC-49-13-00013-P: Per Se Regulatory Standardbred Threshold and Restricted Time Period for Dexamethasone and Prednisolone (Withdraw)**
- l. **SGC-49-13-00010-P: Per Se Regulatory Standardbred Threshold Limited to 24 Drugs, Special Corticosteroid Rules (Withdraw)**

Chairman Gearan asked for a Motion to withdraw three previously proposed rules labelled Items 4.j through 4.l, two of which related to standards and restricted time periods for certain corticosteroid injections and the third of which related to corticosteroid detection thresholds

ON A MOTION BY: Commissioner Crotty
APPROVED: 6-0

- m. **Proposed Rulemaking: Equine Doping Multiple-Violator Minimum Penalty**

Chairman Gearan asked Mr. Williams to introduce for consideration a proposal that would require specific minimum penalties for multiple medication violations. Mr. Williams stated that the rulemaking is recommended nationally by the Association of Racing Commissioners International, and the concept is supported widely by other non-governmental entities including the New York Racing Association, Inc., The Jockey Club and the New York Thoroughbred Horsemen's

Association. Commissioner Poklemba asked for and received clarification on the comment period that will apply to this proposal.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 6-0

5. Adjudications

a. In the Matter of Charlie Amaro (FL 55-2014)

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 unanimously sustained the Hearing Officer's Report and Recommendations.

b. In the Matter of Charlie Amaro (FL 67-2014)

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 unanimously sustained the Hearing Officer's Report and Recommendations.

c. In the Matter of Jose Baez

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 unanimously sustained the Hearing Officer's Report and Recommendations.

d. In the Matter of Disqualification of Always for You (Louis A. Gutierrez)

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 unanimously sustained the Hearing Officer's Report and Recommendations.

e. In the Matter of Disqualificaiton of Kisses and Kicks (David P. McNeight, 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 unanimously sustained the Hearing Officer's Report and Recommendations.

f. In the Matter of Pedro Rodriguez

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 unanimously sustained the Hearing Officer's Report and Recommendations.

6. New Business/Old Business

a. New Business

Commissioner Poklemba requested that the Commission consider a rule specifying that a placement decision is unappealable unless there is a genuine issue of material of fact concerning a mistake of law, ministerial error or fraud. Staff will research and report regarding the request.

b. Old Business

No action on old business was taken.

7. Scheduling of Next Meeting

Chairman Gearan suggested that the Commission maintain the present schedule of meetings to be on the fourth Monday of every month, which would make the next meeting on January 26, 2015.

8. Adjournment

The meeting was adjourned at 12:51 p.m.

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