

**NEW YORK STATE  
GAMING COMMISSION**

**MINUTES**

**MEETING of MARCH 12, 2014**

**GENEVA, NEW YORK  
NEW YORK, NEW YORK**

A meeting of the N.Y.S. Gaming Commission was conducted at Hobart and William Smith College, Geneva, New York and at Empire State Development, New York, New York. Bilateral visual and oral communication was sustained between locations.

**1. Call to Order**

The meeting was called to order at 3:34 p.m. by Acting Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Buckley. In physical attendance were Chairman Mark Gearan and Commissioners John Crotty, John Poklemba, Barry Sample and Todd Snyder.

**2. Approval of the Meeting Minutes for November 4, 2013**

Minutes of the Commission meetings conducted on November 4, 2013, were considered. Chair Gearan requested edits, corrections or amendments. None were offered and the minutes were accepted as offered.

**3. Report of Acting Executive Director**

Mr. Williams reported on several matters previously discussed, including Commission staff preparation for the Commercial Casino Development process, certain issues relative to The New York Racing Association, Inc. and a draft report submitted by Camelot Global Services North America regarding the future of the New York Lottery.

**4. Appointment of the Gaming Facility Location Board Members**

Chairman Gearan asked Mr. Williams to introduce for consideration the appointment of the Gaming Facility Location Board Members. Mr. Williams noted that N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 109-a required the Commission to appoint five individuals to serve as members of the Gaming Facility Location Board. It was observed that in February, the Commission announced three of the five members: Paul Francis, Stuart Rabinowitz and William C. Thompson, Jr. The Commission then considered a motion to formally appoint the three the nominees.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 5-0

## 5. Rulemaking

- a. Permanent Adoption Notice of Corticosteroid Injections in Claimed Thoroughbred Horses. The Commission considered permanent adoption of a rule first proposed at the September 9, 2013. The rule requires the previous trainer of the claimed horse provide to the new owner within 48 hours after a claiming race is made official all records of corticosteroid joint injections administered to the horse within the 30 days prior to the claiming race.

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

- b. Permanent Adoption Regulation of Shock Wave & Similar Therapies. The Commission considered permanent adoption of a rule first proposed at the November 4, 2013 meeting. The proposal restricts the use of extracorporeal shock wave therapy, radial pulse wave therapy and similar physiological treatments on thoroughbred racehorses.

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

- c. Proposed Rulemaking for Standardbred Out-Of-Competition Testing. The Commission considered a proposed amendment to the Commission's standardbred out-of-competition testing rules, designed

to clarify the existing rule and define the protocols of the Commission. This rule clarified that a trainer or owner must apprise the Commission when he or she is not training the horse to race in New York, which excuses the horse from sampling. The proposed rule also amended its application to a category of prohibited substances that the appellate court had struck down because the existing rule contained one inconsistency.

ON A MOTION BY: Commissioner Poklemba

APPROVED: 5-0

- d. Proposed Rulemaking for New Lottery Game “Cash 4 Life”. The Commission considered a proposed rulemaking to govern a new planned multi-state lottery game among states that participate in the Mega Millions and Powerball consortia. The game would have drawings each Monday and Thursday. For each \$2 wager, a player may select five numbers out of 60 and one number out of four. A player may also choose “quick picks.” The jackpot for this game is \$1,000 a day for life, with the second prize being \$1,000 a week for life. One-time lower level prizes would range between \$2 and \$2,500.

ON A MOTION BY: Commissioner Snyder

APPROVED: 5-0

- e. Revised Proposed Rulemaking for Controlled Therapeutic Harness and Thoroughbred Medications. The Commission considered a revised proposed rulemaking restricting the treatment of standardbred and thoroughbred racehorses originally proposed on November 4, 2013. The public comment period included several advisable recommendations. Most of the revisions were technical in nature and required an additional 30-day public comment period.

ON A MOTION BY: Commissioner Sample

APPROVED: 5-0

- f. Proposed Rulemaking for Reporting Gelding Information. The Commission considered a proposed rulemaking which would require the reporting of a horse’s status as a gelding to both the racing secretary and the official horse identifier.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 5-0

**6. Adjudications**

- a. In the Matter of Graham Lewis. The matter involved the denial of occupational licenses as a harness owner, harness trainer and harness driver. The Commission adopted the findings and recommendation of the Hearing Officer.

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

- b. In the Matter of Greg Luther. The matter involved an appeal of discipline of a harness driver for using unauthorized equipment and subsequently threatening a racing judge. The Commission adopted the findings and recommendation of the Hearing Officer.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 5-0

- c. In the Matter of Janet Smith. The matter involved an appeal of a tote employee occupational license denial. The Commission upheld the findings and recommendation of the Hearing Officer, with the exception of the Hearing Officer's finding of fact number 5. That finding was rejected by the Commission.

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

**7. New Business/Old Business**

- a. Stewards Practice. Commissioner Crotty raised concern with the manner of operation by thoroughbred stewards, identifying a recent stewards' decision in another jurisdiction that had large implications for wagering. Commissioner Crotty suggested the staff consider steward practices and procedures and consider whether such reforms

as publicly identifying votes on issues and decisions; identifying anyone who communicates with the stewards during their deliberations; and perhaps making publicly available video footage relied on by the stewards in their inquiries and deliberations. He stated that some procedures in this area would serve the goals of transparency and public confidence in the stewards' decision making. Chairman Gearan asked Mr. Williams to look into this issue. Mr. Williams noted that he will work with the Racing Fan Advisory Council to explore recommendations.

- b. Problem Gambling. Chairman Gearan noted that March is National Problem Gambling Awareness Month and that during his confirmation, a review of the casino gaming statues focused his attention of this issue. Chairman Gearan recommended that the Commission be proactive on this topic by working with the N.Y. Office of Alcohol and Substance Abuse Services and other various experts to discuss the best practices and approaches to the prevention and treatment of problem gambling. In furtherance of discussion, Director of Communications Lee Park reviewed Commission efforts already undertaken to enforce laws and regulations against problem gambling, such as the Under 18 "We check ID" compliance training program. Chairman Gearan asked Mr. Park to organize a public forum during April 2014 to explore approaches to combatting problem gambling.

## **8. Scheduling of Next Meeting**

Chairman Gearan noted that the Commission had previously contemplated the establishment of a uniform meeting date (e.g., the third Wednesday of each month). All Commissioners suggested they would review their calendars to explore a date for the next meeting.

## **9. Adjournment**

Chairman Gearan asked if any Commissioners had any additional items to discuss or present. Hearing none, the meeting was adjourned at 4:52 p.m.

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