

Unidentified Male: New York State racing and pari-mutuel wagering and breeding laws section one hundred and two 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. Five members having been confirmed by the New York State Senate affords the commission an ability to establish quorum and undertake action. This present meeting of the commission is now called to order.

Unidentified Female: John Crotty.

Unidentified Male: Miss Secretary, will you please call the roll?

Unidentified Female: I am sorry, apologies. John Crotty.

John Crotty: Here.

Unidentified Female: Peter Moschetti.

Peter Moschetti: Here.

Unidentified Female: John Poklemba.

John Poklemba: Here.

Unidentified Female: Barry Sample.

Barry Sample: Here.

Unidentified Female: Todd Snyder.

Todd Snyder: Here.

Unidentified Male: Miss Secretary, will you please have the record reflect that a quorum of qualified members are present thus enabling the transaction of business. Given the absence of a designated chair, would the members like to select a member for the purposes of presiding over today's meeting?

Unidentified Male: I nominate John Crotty.

Unidentified Male: Second.

Unidentified Male: We need to have a vote? \_\_\_\_\_ [00:01:08] [crosstalk] [laughter]

Unidentified Male: Aye. [laughter] [crosstalk]

John Crotty: Well, thank you very much. First item of today's consideration of minutes from the last meeting we had on September tenth, twenty fifteen. The minutes have been provided to the members in advance. At this time I would ask if there are any edits, corrections, or amendments. Hearing that there is none move to \_\_\_\_\_ [00:01:39].

Unidentified Male: Second vote.

Unidentified Male: Aye.

Unidentified Male: Aye.

Unidentified Male: Aye. [crosstalk]

John Crotty: And minutes over. Next up is the report of Executive Director Bill Williams.

Bill Williams: Thank you, Commissioner. Given the length of today's regulatory agenda I would like to keep this as a little brief. [laughter] As I mentioned during the last meeting I had indicated that staff would provide an update on the casino licensing timeline and process. As you are aware, the regulations enable the commission to award licenses go into effect next Wednesday, September thirtieth when the notice of regulation adoption is published in the state register. By mid to late October the staff anticipates that we will have completed the suitability reports that include an analysis of the background investigations of the prospective licensees and principal management staff of each project. Staff is also in the final stages of compiling and reviewing all post selection updates to the three selected entities' applications. These updates but are not limited to the addition or replacement of key personnel, changes in any project financing structure, alterations to the project design, and more. A summary of all these changes will be assembled for your review and consideration as well.

Staff has also been working on the license documents themselves which will be akin to comprehensive contracts. Once all those components are in place and fully implemented the commission will be in a position to fully consider licenses. You remain on track to take licensing action by the end of the calendar year. With respect to the next set of casino regulations staff continues to develop initial materials for your consideration which will include surveillance requirements, game rules, disability access, work force development, problem gambling, et cetera. We anticipate that shortly at an upcoming meeting you will start seeing some of those materials as well. Finally, there were two meetings since our last time that we held a commission meeting that might be of interest to you. Last Friday the Gaming Facility Location Board conducted their public comment event at SUNY Broome for the fourth license request for application process. The meeting, which lasted over three and one-half hours, heard from over forty speakers. The board now has all materials necessary for them to commence deliberation. And in fact they have scheduled a meeting next Wednesday to begin their internal discussions. Lastly, the Responsible Play Partnership which is the group comprised of representatives of the Gaming Commission, the Office of Alcohol and Substance Abuse services, and the New York Council on Problem Gambling, conducted the third in their series of *Let's Start the Conversation* which brings together regional gaming operators and problem gambling service providers to discuss issues and opportunities that lie ahead given the state's changing gambling landscape. The well attended event which took place in Sullivan County will be followed up with a new event in the New York metropolitan region. Do you have a date for that?

Unidentified Male: Tentatively November nineteenth.

Bill Williams: November nineteenth, we will get that out in advance to you guys as well if anyone has any availability and would like to stop by the event, we would love to host you. Mr. Chairman?

John Crotty: Thanks, \_\_\_\_\_ [00:05:15] First item up is rule making. New York State racing and pari-mutuel wagering and breeding law authorized 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 rules and rule amendments pursuant to the state administrative procedure act. We have a very extensive list of rulemaking today. Rob, \_\_\_\_\_ [00:05:43]

Rob: Item 4A for commission consideration is an additional adoption of a rule allowing for the introduction of a new wager type for the lotteries division: numbers and \_\_\_\_\_ [00:05:56] games. The divisions regulations presently set forth existing wager types for each of those games. The division, if you recollect, would like to offer new wager types called close enough. This new wager would allow a player to collect a prize if one or more numbers that the player selects differs from one digit to the winning number in a particular numbers will win for a drawing. This rule was proposed by the commission at the meeting of May twenty-sixth, two thousand fifteen. Was published in the state register on August nineteenth. The commentary to this proposal closes on October fifth. The staff recommends a conditional adoption of this rule proposal with the condition being that no substantive comment is henceforth received.

John Crotty: Commissioners, any questions on the adoption of the amendment, the existing rule regarding new numbers and win four lottery game wagers?

Unidentified Male: Mr. Chairman, if a comment is received will that recirculate it to us and just put on hold?

Rob: If it is a substantive comment, yes.

Unidentified Male: Who makes that \_\_\_\_\_ [00:06:58]?

Rob: Council's office does on all of the rule making things.

Unidentified Male: I think if we get any comment we should redistribute it to the commission.

Rob: We can certainly do that. Makes sense.

Unidentified Male: Before it goes—

Rob: Before it is considered to be formally adopted.

Unidentified Male: I think that is right.

Unidentified Male: You OK with that Pete?

Pete: Fine.

Unidentified Male: Fine, good.

Unidentified Male: \_\_\_\_\_ [00:07:26] think that is a good idea. It is a version of everybody gets a trophy now, right, close enough?

Unidentified Male: There you go. [laughter]

John Crotty: With the stipulation [crosstalk] [laughter] let me propose it. Motion to adopt these amendments with John's comments so ruled.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

John Crotty: And the motion carries. Rob, would you please pull the next item.

Rob: At a previous meeting the commission was to consider a draft amendment to the regulation governing bonding requirements for video lottery gaming agents. You deferred consideration of this after I mentioned that I had received individual concerns from several commissioners regarding the proposed language. During the intervening time since the meeting staff has revised the proposal to address those concerns. While I outlined the theory at the last meeting or two meetings ago, I think, I think it is appropriate to place that information again on the record. Since the commencement of video lottery gaming agents have been required to provide a bond that corresponded with no less than a defined percentage of five days' estimated average daily net win. The percentage used during the last decade had been sixty-five percent which was set to near the state's statutory revenue retention from the facilities. That is net win minus the thirty-five percent agent member retention. Since establishment of that initial percentage the laws have been changed modifying agent and vendor retention. In general the agent and vendor retention is no longer thirty-five percent and the state retention is no longer sixty-five percent. The agent and vendor retention and the state retention now vary at each video lottery game facility. Amendment of this existing rule would allow the flexibility to allow bond coverage from each video lottery gaming facility to be commensurate with the state retention percentage at such facility. While the existing rule allows commission staff to print waivers from the sixty-five percent requirement for \_\_\_\_\_ [00:09:38] cause staff believes that amendment of the rule would make the bonding requirement consistent with the original intent to secure five days of the state share of net win at the state facility is appropriate. Staff recommends proposal of this rule amendment.

John Crotty: Commissions, is there any questions on this amendment?

Unidentified Male: No.

John Crotty: \_\_\_\_\_ [00:10:00] can we have a motion?

Unidentified Male: I move.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

Unidentified Male: Aye.

John Crotty: Any of the negatives? Motion carries. Rob, will you please call the next item.

Rob: Yes. It is item 4C for commission consideration is a proposed amendment to an outdated standard \_\_\_\_\_ [00:10:20] rule. The proposal would allow the commission to \_\_\_\_\_ [00:10:23] a standard \_\_\_\_\_ [00:10:25] to race for thirty days longer without a recent qualifying race in inclement weather or other unexpected events interfere with racing. The proposal would also delete an archaic reference to a racing calendar of June to September of each year. Staff recommends proposal of this rule amendment, your approving of proposal on that. Then goes out to public comment, et cetera.

John Crotty: Commissioners, any questions on the proposal of the existing rule regarding the unqualified standard bred horses? Do not all jump up. May I have a motion?

Unidentified Male: So move.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye.

Unidentified Male: Aye [crosstalk].

John Crotty: Motion carries. Rob, please call the next item.

Rob: \_\_\_\_\_ [00:11:32] for commission's consideration is a proposed technical revision to the standard bred racing rules definition of the term wire which denotes the finish line of the race. The proposed amendment allows a definition that is more flexible allowing greater use of technology when appropriate. Staff recommends the proposal of this rule amendment.

John Crotty: Commissioners, any questions on the proposed amendment of the existing rule regarding the standard bred \_\_\_\_\_ [00:12:01] the definition of wire? \_\_\_\_\_ [00:12:04] three-quarters pole when the people start yelling wire? [laughter] May I have a motion to propose these amendments?

Unidentified Male: Just one brief question, if the rule says it is the finish line is it also the starting line?

John Crotty: Not necessarily.

Unidentified Male: When they go wire to wire?

John Crotty: Start to finish can be an open term depending on where the start is. Wire is wire is more you can start three-quarters of a mile \_\_\_\_\_ [00:12:33] longer.

Unidentified Male: Right but isn't that also called the wire?

John Crotty: No, it is a term of art. It is the starting gate to the wire itself. Rob, jump in.

Unidentified Male: I think you are absolutely right that is how it has always been. \_\_\_\_\_ [00:12:52] the starting gate moves and so at least not the wire is moving.

Unidentified Male: Depending upon the length [crosstalk]

Unidentified Male: Then why are we calling it a finish line if it is also the starting line?

John Crotty: Well, it is not always the starting line. They do not always race the same distance.

Unidentified Male: But this is saying it is always the finish line. It is being defined exclusively as the finish line. This is saying it can never be the starting line and the horse could never go wire to wire.

Unidentified Male: Well, wire to wire I think is a colloquial expression; it is not an expression known to [crosstalk]

Unidentified Male: In the rules.

Unidentified Male: I think it would be just as valid if the finish came out. It is a real or imaginary line.

Unidentified Male: It depends on how \_\_\_\_\_ [00:13:50] the rules, right? I mean, if what they mean in the rule is the \_\_\_\_\_ [00:13:56] line and they are adopting the use of the word wire for finish line in the rules then we have to disrespect the construction. But if they are using it \_\_\_\_\_ [00:14:05] on the other finish. Maybe you are saying maybe we should not use the word wire we should just say finish line. I do not know \_\_\_\_\_ [00:14:12] the rule maker. \_\_\_\_\_ [00:14:16]

Unidentified Male: \_\_\_\_\_ [00:14:21] racing terms?

Unidentified Male: I think the wire is very—it has always been the term for the finish line.

Unidentified Male: If it is exclusively the finish line then that is fine. Of course that is what we are saying. [crosstalk] So it will officially define wire as the finish line.

Unidentified Male: Yes, great point. So do we have to modify the amendment?

Unidentified Male: No, I do not think so. I think we are agreeing that we are using the wire in all cases to mean the finish line.

Unidentified Male: That is correct.

John Crotty: So do we have a motion to propose this amendment?

Unidentified Male: Yes, so move.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

Unidentified Male: Aye.

John Crotty: None opposed, motion carries. Rob, will you call the next item?

Rob: Item 4E, I would like you to reference the amended text that was distributed to you this morning. For the commission consideration are proposed revisions to the horse racing rules in relation to the cost and frequency of post-race testing of claimed horses to determine whether impermissible blood or other substance was administered to the horse. A positive test of course gives the claimant the option to void the claim. These proposals would discontinue the commission's universal post-race sampling of claimed horses and replace it with a program of sampling at the expense of the claimant when the claimant requests this service on the claim form. The purpose of the proposal is to eliminate the burdensome state expense of testing every claimed horse. Many claimants do not elect to void a claim even if the sample tests positive and New York is the only major racing commission to provide unrequested free sampling of every claimed horse. The stewards and judges would retain their discretion to order post-race sampling of any horse at the expense of the commission. Positive test results of these samples would continue to provide a claimant with the option to void a claim. Staff recommends proposal of the full amendment.

John Crotty: This was something that was debated briefly and thought that we wanted to understand a little bit better the implication to the budget about this rule. [crosstalk] And so in that blood process until we get some of those it would probably make sense to think about this and get some of those answers.

Rob: It was put on the record several commissioners have identified to me the concerns relative to the cost of the program, how much the savings would be, what kind of moneys would be transferred to the individual owners, et cetera. And to that end I think I have a general sense of the materials that you are looking for and will have staff develop that. So you would like us to lay this aside until those materials are received and circulated?

John Crotty: Yes, that would be best.

Unidentified Male: Yes.

Unidentified Male: Thank you, Rob.

John Crotty: Thank you, Rob. Well, Rob, would you call the next item?

Rob: It is item 4F. I would like you also to refer to the amendment text that was distributed earlier this morning. For commission's consideration are proposed amendments to various rules that would

exclusively authorize the supervised use of veterinary technicians at New York race tracks. The purpose of these proposals is to make it more feasible for horse persons and race tracks to provide appropriate veterinary care by permitting the use of supervised veterinary technicians. These proposals would create a specific license category for veterinary technicians and would apply to such personnel the same licensing and restrictions for recordkeeping, horse ownership, the possession and disposal of needles and drugs, as currently applied to veterinarians. Additionally, commission approval or employment by a race track would apply as it presently does to veterinarians. The proposals would also require that such personnel act under the direction and general supervision of a licensed veterinarian. Veterinary technician is a regulated profession subject to professional state and Department of Education licensing requirements including continuing education and are competent to perform certain functions “at the direction and under the general supervision of a licensed veterinarian.” These proposals also make stylistic changes to the applicable commission rules. Staff recommends proposal of these rule amendments.

John Crotty: Any questions?

Peter Moschetti: This is like a PA, I assume, like a physician’s assistant.

Rob: Correct.

Peter Moschetti: So is it anticipated that the veterinarian who is either supervising or directing this technician will sign off on the records that are created by the technician?

Rob: I do not know.

Peter Moschetti: You know what I am saying? [crosstalk]

Rob: Did we ever open the line for Scott?

Unidentified Male: Scott?

Rob: Scott, are you on the phone?

Scott Palmer: Yes I am.

Rob: On the phone is State Equine Medical Director Dr. Scott Palmer. Did you hear the question of Commissioner Moschetti?

Scott Palmer: Yes. Typically veterinarians are required to be responsible for any actions performed by the licensed veterinary technician under their supervision which would include sign-off on any records that would be generated by the technician.

Unidentified Male: What is the genesis of this? Why do we need this added?

Scott Palmer: Well, at the moment there already are some technicians working the race track and there is no general position for this. This is what enables an increase in the amount of veterinary care provided to horses because this would enable a veterinarian to leverage his professional expertise by

hiring technicians to enable him to perform work more efficiently at the race tracks. It would also potentially represent a decreased cost to the race tracks to hire veterinarians or other technicians to do such things as administered \_\_\_\_\_ [00:20:45] participating license program perhaps so that there are benefits to the race track and benefits to the practitioners for having the ability to hire—just in the same way they would leverage their professional services in a practice environment.

Unidentified Male: Is this done in other states, Dr. Palmer?

Scott Palmer: I am not sure about that.

Unidentified Male: I mean, what is the control mechanism, then? I mean, the veterinarians are responsible for themselves, there are issues from time to time, but they are accountable for their own actions. We are now creating a subclass of people who are going to report to the veterinarians and be responsible. Who is responsible and then how does that reporting work?

Scott Palmer: Well, part of the education program, there certainly are licensed veterinary technicians that work for veterinarians outside the race track. In all circumstances any actions that are performed by these individuals are responsible to the veterinarian that is the employer. That veterinarian is responsible for any problems that occur, any complications that occur between \_\_\_\_\_ [00:21:54] or any procedures that are performed. That person is held accountable, the veterinarian is held accountable to the state Department of Education.

Unidentified Male: So if a veterinary technician is working in the race track and then performs something inappropriately is it the veterinarian who ends up bearing the responsibility of his actions?

Scott Palmer: Exactly.

Unidentified Male: He is vicariously liable then for the conduct of the technician?

Scott Palmer: Yes, they are absolutely liable for the conduct of the technician.

Unidentified Male: So who charts the veterinarian technicians?

Scott Palmer: \_\_\_\_\_ [00:22:31] forgive me, I did not hear you.

Unidentified Male: Who charts them? If someone comes in to work on a horse and they say, “Oh no, I’m vet-veterinarian technician. A, how do you know who he is? And B, how is that accountability passed back to the veterinarian?”

Scott Palmer: Well, the person has been licensed on a race track as a veterinarian. And the veterinarian would have to provide supervisory responsibility. General supervision means that it does not mean you have to be standing there. You do not have to be standing there \_\_\_\_\_ [00:23:01] when any procedure is performed. But it does mean that the person, that they are ultimately responsible for that conduct. So what that means, is for example, a person would not ordinarily walk into a stall and do anything without some type of introduction, some type of protectional relationship with the client. So I do not think it is a situation of concern about [crosstalk]

Unidentified Male: It is not the client I am asking about. It is more on the regulatory side if you had someone who was acting inappropriately how would you know that person A was responsible to veterinarian B and acting under his guidance?

Scott Palmer: There would have to be some type of documentation of their employment in part of the licensing process. So the person was licensed as a veterinary technician, they would have to indicate what veterinarian they were working for. So \_\_\_\_\_ [00:23:55] absolutely the accountability through the licensing process.

Unidentified Male: Doctor, can the technician work for two different veterinarians? You know what I am saying? So that they could [crosstalk]

Scott Palmer: Ordinarily not. I mean, I guess it is certainly possible, a time sharing situation, but ordinarily not. If they would it would certainly have to be documented to both veterinarians to some fashion.

Unidentified Male: Well, if it was a group practice veterinarians could different vets be the supervisor for one particular technician?

Scott Palmer: Ordinarily the \_\_\_\_\_ [00:24:29] of veterinarians could be a supervisor depending upon who was on duty at the practice.

Unidentified Male: And their licensed now, the veterinary technicians, by the state?

Scott Palmer: Yes they are.

Unidentified Male: Are they licensed at the track to operate?

Scott Palmer: Yes they are. There is not many of them. I had one the other day who actually works in the \_\_\_\_\_ [00:24:49] house, the veterinarian, Mr. \_\_\_\_\_ [00:24:52] actually helps \_\_\_\_\_ [00:24:55] testing.

Rob: At present they are licensed under general services-vet tech. This would create a specific standard category for that important job rather than bringing it under the general services requirement. So hence the reason why some of the other restrictions that are otherwise applicable to a veterinarian would then be applicable to the veterinary tech where right now as a general services licensee those are not applicable. So basically professionalize, it creates the professional category of the veterinary tech as a licensed occupation as opposed to using it as a catch-all in general services.

Unidentified Male: Is there a way to make it—

Scott Palmer: Also the use of the licensing language in this proposal would also help tell us what the qualifications of somebody performing this service. In other words there are many states veterinarians do hire non-licensed technicians. And this rule specifically makes reference to licensed technicians which really is another level of training and qualification that has to be obtained to get a \_\_\_\_\_ [00:26:08] license with \_\_\_\_\_ [00:26:09]. So this would not necessarily \_\_\_\_\_ [00:26:11] but make it

more \_\_\_\_\_ [00:26:15] performing services properly trained and participating in continuing education programs.

Unidentified Male: Isn't that technicians now or this past season or even \_\_\_\_\_ [00:26:24] are working unlicensed?

Unidentified Male: No.

Unidentified Male: So they are licensed by the state of New York?

Unidentified Male: They are licensed. First of all they are licensed as a veterinary technician under the Department of Education. Secondly on race tracks themselves because there is no specific category for veterinary technician they are licensed as a general service employee.

Unidentified Male: I understand; thank you.

Unidentified Male: Is there a way of making clear the veterinary technician is working for a vet so it is not subject to any ambiguity?

Rick Addell: Scott, I can address that. This is Rick Addell. The term general supervision means that the veterinarian is aware of what treatment is being provided and he has approved the veterinary technician to go and perform that service. So our rule and the state education's rule require that the veterinarian be aware of what is happening and approve it. And that would apply to all treatments.

Rob: The last thing that I had read was that quote, "the direction under the general supervision of a licensed veterinarian comes out of the Department of Education's veterinary technicians licensing section."

John Crotty: Anything else?

Unidentified Male: Nothing.

John Crotty: Motion?

Unidentified Male: So moved.

Unidentified Male: Second.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye [crosstalk].

John Crotty: None opposed, the motion carries. Rob, will you call the next item?

Rob: Item 4G for commission's consideration is a proposed amendment of an outdated thoroughbred horse racing rule. The proposal would delete the provision for an extra weight allowance for an apprentice jockey who continues to ride for the jockey's original contract employer. This provision was adopted to reward stables that brought a young jockey into racing for a now defunct system of jockey needing a sponsoring stable or housing including medical care, training, and eligibility for a jockey license. Staff recommends the proposal of these rule amendments.

John Crotty: So we would be getting rid of the weight allowance?

Rob: No. [crosstalk]

Unidentified Male: You would be—at a year along you want to get \_\_\_\_\_ [00:28:52]

John Crotty: Any other comments? Do I have a motion? \_\_\_\_\_ [00:29:00]

Unidentified Male: Second.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye. [crosstalk]

John Crotty: None opposed, motion carries. Rob, would you please call the next item.

Rob: As item 4H for the commission's consideration of proposed revisions to horse racing rules in relation to the forty-eight hour restricted time period of pre-race medication horses. These proposals would no longer permit the use of more than one non-steroidal anti-inflammatory drug or NSAID within one week of racing. Currently New York permits the use of various non-steroidal anti-inflammatory drugs until forty-eight hours before racing which allows humane and beneficial veterinary care to be provided for mild inflammation. The duration of effect of such NSAIDs when administered singly will dissipate by race day. These drugs can be administered in combinations, however, that increase the potency and duration of the effect of the drugs. Thus when two non-steroidal anti-inflammatory drugs that are administered in sub-clinical doses inside of forty-eight hours before racing which is not permissible can be effective on race day. But the concentrations down by the commission's testing laboratory will be indistinguishable from two standard doses that are given permissibly in these forty-eight hours before racing. Further, clinical doses that are given at least forty-eight hours before racing could remain efficacious on race day. These uses which interfere with the ability to detect legal administrations within forty-eight hours of racing potentially endanger the health and safety of the horses and the drivers or jockeys on race day are not necessary to provide veterinary care to a horse that is actively racing. The restriction on the use of non-steroidal anti-inflammatory drugs to one week before racing except allowing one to be used until forty-eight hours before racing addresses these concerns while permitting the appropriate use of the NSAIDs. These proposals also make stylistic changes. Staff recommends the proposal of these rule amendments.

John Crotty: Commissioners, any questions or comments on the proposal of these amendments?

Unidentified Male: Seems like a good step, a positive step moving forward, to eliminate race day drugs in horses \_\_\_\_\_ [00:31:29] even around race day, \_\_\_\_\_ [00:31:31] around for the health of \_\_\_\_\_ [00:31:34] seems \_\_\_\_\_ [00:31:35]

John Crotty: Anyone else? Do I have a motion?

Unidentified Male: So move.

John Crotty: Second?

Unidentified Male: Second.

John Crotty: Second. All in favor?

Unidentified Male: Aye. [crosstalk]

John Crotty: Motion carried. Rob, will you please call the next item?

Rob: Certainly. Item 4I; for commission's consideration is a proposed revision to the horse racing rules that strictly regulate the use of anabolic steroids in race horses. This proposal would discontinue the permissive presence at threshold amounts of stanozolol, the only anabolic steroid that is neither endogenous to a horse already banned by the commission. The commission's prohibition of anabolic steroids includes permissible threshold amounts for four anabolic steroids. Three of these exceptions are for endogenous substances that are naturally present in a horse. And their thresholds are at a concentration that occurs naturally in a horse. This proposal phases out the permissible threshold amount for the anabolic steroid stanozolol as some horses have been lawfully administered this drug well before racing and thus complied with the current permitted threshold use. Staff recommends the proposed ban on any amount of this drug be scheduled to take effect six months after the adoption of the rule change. This proposal is consistent with national rule making proposals and with the commission's intended prohibition of administration of an anabolic steroid to any horse that is actively racing. Staff recommends proposal of these rule amendments.

Unidentified Male: Are the other anabolic steroids used in \_\_\_\_\_ [00:33:26] regard?

Rob: Dr. Palmer?

Scott Palmer: There are a couple of anabolic steroids that are used \_\_\_\_\_ [00:33:37] and this is the first. Winstrol is the product that we are talking about. And this is consistent with the general \_\_\_\_\_ [00:33:45] to reduce the amount of these drugs used in racehorses. There are legitimate indications for these drugs in non-racing horses to recover, for example, from a severe illness and help rebuild \_\_\_\_\_ [00:33:58]. But there is a strong, a long term strong, incentive to implement these drugs in racing horses \_\_\_\_\_ [00:34:08] necessary to \_\_\_\_\_ [00:34:10]

John Crotty: Did he go? Any other discussion or comments? Do I have a motion?

Unidentified Male: So move.

John Crotty: Second?

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

John Crotty: The motion carries. Rob, would you please call the next item?

Rob: Yes, it is item 4J, for commission's consideration is a proposed revision to the couple of entries rule for standard bred races. The proposals would apply to the revisions that the commission recently made to rules for coupled entries for thoroughbred races. These proposals would provide stakes races of twenty-five thousand dollars or more separately owned horses having the same trainer may be uncoupled although horses owned and trained by the same trainer would continue to be coupled entrants. For stakes races of one hundred thousand dollars or more all horses with common ownership may be uncoupled. In both cases the uncoupling of the horses would be subject to the discretion of the presiding judge to couple the entries if in the interest of the wage earning public. Staff recommends proposal of this rule amendment.

John Crotty: Any questions or comments on this one?

Unidentified Male: Could you give an example of when the presiding judge may be \_\_\_\_\_ [00:35:32] this question \_\_\_\_\_ [00:35:36]?

Unidentified Male: \_\_\_\_\_ [00:35:38] I think when you have a situation where there might be a minor ownership of a horse, one that may be twenty-five percent, and the owners of the other \_\_\_\_\_ [00:35:49] feel that \_\_\_\_\_ [00:35:50] owners of the horses, so you might want to couple them.

Unidentified Male: Thank you.

John Crotty: Any other comments? Do I have a motion?

Unidentified Male: So move.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

Unidentified Male: Aye.

John Crotty: Motion carries. Rob, would you please call the next item? [laughter]

Rob: For the commission's consideration proposed revisions to the horse racing rules in relation to the use or removal of hobbles for standard bred horses. Hobbles are a strap that keeps the foreleg and hind legs together on each side of the horse in order to keep the legs on the same side moving in unison. These proposals derive from the modern consensus that in the standard bred industry and of regulators that typically standard bred horses are able to race regardless of the change of equipment and that the wage earning public can handicap properly based on information the race program. These proposals would allow the trainer discretion when entering a horse to race to change whether a horse will use hobbles or not subject to oversight by the commission judges at the race track. The disqualification would no longer require the judge's permission for a horse's first use of hobbles and instead the program would be required to report any changes in a horse's use of hobbles. The amendments would also allow a trainer more flexibility to change hobbles as appropriate for local track configurations and conditions without incurring time and expense of requalifying the horse. Staff recommends the proposal of these rule amendments.

John Crotty: Commissioners, any questions or comments on the proposal of the amendment to the existing rule regarding hobbles? None, do we have a motion?

Unidentified Male: I will move adoption.

John Crotty: Second? All in favor?

Unidentified Male: Aye [crosstalk].

Unidentified Male: Aye.

John Crotty: Rob, would you please call the next item.

Rob: Yes, item 4L for commission's consideration proposed revisions to horse racing rules in relation to the qualifications for an occupational license of the thoroughbred trainer or assistant trainer. This proposal would require that all thoroughbred trainers including assistant and private trainers have continuing education of at least four hours each year. The Jockey Club has developed and is offering online programs for thoroughbred trainers and the stewards have been providing continuing education programs for interested trainers for many years at New York Race Track. This proposal includes an exemption for a trainer who rarely participates in New York racing subject to the permission of the state's steward. Commission staff has participated in extensive discussions in the thoroughbred industry regarding this proposal and is planning to initiate discussions with standard bred interests to prepare a similar program. Staff recommends proposal of these rule amendments.

John Crotty: I just have one—are they videos or are they courses?

Rob: Scott, Dr. Palmer?

Scott Palmer: There is a combination of things that are available for continuing education of the trainers and assistant trainers. The Jockey Club \_\_\_\_\_ [00:39:05] something called advanced horsemanship program which is an online program where you \_\_\_\_\_ [00:39:09] register and then you \_\_\_\_\_ [00:39:12] these modules on the computer and they walk you through the process. They

generally take an hour or little more than hour to complete. You have to answer questions along the way in order to work your way through the program. \_\_\_\_\_ [00:39:23] the Jockey Club has a system for notifying the Racing Commission so the participation the trainers will get credit for it. There are also live events held, for example, every other month at the \_\_\_\_\_ [00:39:37] also given some \_\_\_\_\_ [00:39:44] continuing education courses at \_\_\_\_\_ [00:39:47] plan to continue that \_\_\_\_\_ [00:39:50]. We have plenty of opportunities for people to get this information and this is really important process I think in terms of increasing trainers' and assistant trainers' ability to make smart medical decisions \_\_\_\_\_ [00:40:03] horses.

Unidentified Male: How does the commission approve the programs? Is there a body or group that approves them?

Scott Palmer: What would happen is the commission would be reviewing these programs, for example, programs \_\_\_\_\_ [00:40:18] universities are recognized as continuing education \_\_\_\_\_ [00:40:21] pretty \_\_\_\_\_ [00:40:23] automatically approved. But they would have to go into an approval process for programs \_\_\_\_\_ [00:40:30] for this \_\_\_\_\_ [00:40:32]. But typically the individual that is providing continuing education would need to send a letter to the commission to get approval for programs. And programs such as the Jockey Club program would be \_\_\_\_\_ [00:40:45] programs by \_\_\_\_\_ [00:40:48] would also be accepted.

Unidentified Male: Doctor, what is the mechanism to make sure that you have compliance?

Scott Palmer: Compliance, well, certainly we would have a record. The commission will be keeping a record of the hours completed by the individuals in our database \_\_\_\_\_ [00:41:07] reference when the individual goes to reapply for his license. If there was not an adequate amount of continuing education in the database \_\_\_\_\_ [00:41:16] have to get more in order to get the license.

Unidentified Male: Continuing legal education lawyers are required to sign an affidavit during the period of time when they are supposed to have these particular credits affirming or swearing that they had completed the requisite number of hours and they are also put down those hours. And they pull proof by way of a certificate but they do not put those in. So the compliance comes—it is self-compliance but then if the person is called on to show that they actually did the hours they put down in the affidavit they have the certificates to show that. Because you guys would have to review all the trainers, right, periodically to see if they complied?

Scott Palmer: [crosstalk] actually a three year renewal process right now for the licensing that we would have to look at in terms of how we would make that four hours per year. But your point is a very good one; affidavit or some kind of a certificate would certainly work to document their participation. The Jockey Club, for example, is notifying its \_\_\_\_\_ [00:42:27] of these \_\_\_\_\_ [00:42:28] database \_\_\_\_\_ [00:42:30] establish one with the commission as well to streamline that process a little bit.

Unidentified Male: Thank you.

Unidentified Male: What is the cost involved?

Scott Palmer: There is no cost involved at this point. There could be. I mean, the continuing education provider certainly has a right to charge for their continuing education but at this point the advanced

horsemanship program with the Jockey Club is free and the education programs that are provided by the state of New York either by \_\_\_\_\_ [00:42:58] or one of the universities, there is no charge for those at this time.

John Crotty: Anybody else? Do I have a motion to propose these amendments?

Unidentified Male: So ruled.

John Crotty: The second?

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye. [crosstalk]

John Crotty: None opposed, motion carries. Rob, would you please call item M.

Rob: Item M. I would again like you to reference the text that was passed out this morning. For commission's consideration are proposed revisions to the commission's pari-mutuel authorized wagering rules in relation to pick four, pick five, and pick six pools on thoroughbred horse races. These proposals would make such wagers consistent by eliminating rule discrepancies that arose when such wagers were authorized incrementally over a period of many years and would standardize some of the potential common occurrences of wagers of a similar nature. \_\_\_\_\_ [00:44:00] the proposals would provide that if a horse were scratched from a race then the substitute entry for betters in the ticket and the pool would be the betting favorite in the win pool at the close of wagering on a race. If identical sums were wagered on more than one horse then the horse with the lowest program number would be substituted. If there are surface changes, for instance due to weather conditions or races in a pick end race, then the pick end would be cancelled when no better has correctly selected the winner in at least one race that is run on its original surface. Otherwise the pick end will be determined as every other bet on the races with the surface changes were winning bets on such races. The amendments also establish a consistent practice so that when a certain number of races in a pick end are cancelled the pool is also cancelled. Finally, these proposals would also formally insert pick five pool wagering into the commission rules, also makes grammatical and other stylistic changes and renumbers the rules in serial order. The amendments were formulated in consultation with the New York Racing Association which supports the proposals. We specifically thank our Senior Vice President to Peri-Mutual operations Patrick Mahoney and Vice President and Chief Revenue Officer David O'Rourke for their assistance and guidance during the drafting process. Staff recommends proposal of these rule amendments.

John Crotty: Commissions, any questions on those proposals?

Unidentified Male: When they did this originally they provided some financial results as way of backup for the pick four not being cannibalized by the pick five, pick six. At the time it was a reasonably short period of time before they looked at it, I forget what the window was. I do not know if it was a year. But I think it would be good to sort of have that brought back now and take a look at it in the totality of sort of the longer prism of time. Is that possible to get something like that?

Rob: Absolutely. Ron \_\_\_\_\_ [00:46:06] actually follows and has been tabulating [crosstalk]

Unidentified Male: About the cannibalization of both. I remember we saw before there was a mild cannibalization of [crosstalk] pick four but there was a big uptick in—

Unidentified Male: It is still very mild. I mean, the Saratoga \_\_\_\_\_ [00:46:20] pick five is the highest on average. And pick six has actually went through the roof since Saratoga \_\_\_\_\_ [00:46:27] so they have been doing very well. Pick four is basically holding its own.

Unidentified Male: The problem with Saratoga in general is the results are always so wonderful, hard to skew it across the other [crosstalk] three hundred and some-odd days [crosstalk]

Unidentified Male: They had nineteen carryovers this year so [crosstalk]

Unidentified Male: [crosstalk] had very great weather so you did not have a lot of cancellation and some goofy things. But it was more concern overall through a calendar year.

Unidentified Male: We do monitor that and like I said, pick four has basically been holding pretty well except for the aqueduct \_\_\_\_\_ [00:46:59] little lower but generally it has been holding its own since we instituted a pick five. And five has done tremendously well.

Rob: We would certainly be able to provide [crosstalk] materials.

Unidentified Male: We will look at it, right? I mean, it was positive before. Whatever the cannibalization was was crushed by what the uptick in the pick five was.

John Crotty: Any other comments? Is there a motion?

Unidentified Male: So moved. [crosstalk]

John Crotty: So moved. The second? [crosstalk]

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye. [crosstalk]

John Crotty: None opposed, the motion carries. Rob, would you please call the next item, item N?

Rob: Which is the last of the rule proposals. Again I please reference you to the amended text that was distributed this morning. As item 4N for commission consideration are proposed revisions to horse racing rules that regulate the use of certain substances with per se thresholds and restricted time periods. These proposals would align the commission's laboratory thresholds for controlled therapeutic medications, that the latest ones approved by the Association of Racing Commissioners International or

RCI. RCI recommends adding a threshold for albuterol, a bronchodilator, and lowering the threshold for Ketoprofen, a non-steroidal anti-inflammatory. Both recommendations are consistent with the commission's existing time restrictions for albuterol and for non-steroidal anti-inflammatory drugs that ensure a horse person will not inadvertently commit partial violations. RCI's scientific advisory committee also recommends adopting two thresholds for cobalt which is a dietary element. One threshold at fifty nanograms per milliliter regards the detection of intentional overuse of cobalt, a practice that has no valid purpose and cannot occur without using refined products. The second threshold at three hundred nanograms per milliliter would impose a blood doping level penalty when the violation has undeniably occurred. Cobalt is reportedly misused in a manner that causes adverse effects in horses including clinical signs of abdominal pain as well as a blood doping effect. Finally, the proposal would also add a threshold for \_\_\_\_\_ [00:49:24], a corticosteroid, restrict its use to only joint injections and establish a requirement that the commission first warn a trainer how is in excess of corticosteroid threshold when the corticosteroid joint injection causing the threshold violation is shown in documents or evidence which pre-race reports to the commission or veterinary records. And when those reports have been indicated that they were safely administered in compliance with the commission's seven day restricted time period for thoroughbred races. Unlike the other proposals, these corticosteroid proposals are limited to one breed because the commission has differing standards for them. Staff recommends the proposal of these rule amendments as well.

John Crotty: Any comments or questions?

Unidentified Male: Dr. Palmer, the cobalt, can you tell us what that is? I know it is a dietary element but I do not know what that is.

Scott Palmer: Cobalt is a component in a number of valid therapeutic medications. For example, \_\_\_\_\_ [00:50:30] B12s \_\_\_\_\_ [00:50:31] and a number of products include a number of types of B vitamins include cobalt in them. Cobalt was also \_\_\_\_\_ [00:50:40] in certain \_\_\_\_\_ [00:50:41] given to teas. It is also present in \_\_\_\_\_ [00:50:45] supplements given to horses. Research has been done to show that, well, basically a little bit of cobalt goes a long way. It is a very useful element. It is an important element in terms of production of red blood cells \_\_\_\_\_ [00:50:56] as well. But the problem that we are confronted with is that cobalt salts, cobalt salt matrix \_\_\_\_\_ [00:51:05], is given in large doses intravenously to horses and causes some real health issues with the horses and does seem to have a blood doping effect. The mechanism is not entirely clear but it is a real problem. And so the Racing Commission International and the RTC has been working \_\_\_\_\_ [00:51:26] with this for a couple of years now to come up with recommendations. Because it is a natural element in the body there was a lot of controversy early on about threshold levels that should be used and how to determine whether or not this element is normally in the system or is it abnormally added to the system \_\_\_\_\_ [00:51:43]. These thresholds now have been validated. I feel very comfortable that two to three hundred represents \_\_\_\_\_ [00:51:52] indications of the \_\_\_\_\_ [00:51:53] overuse of this substance. So this proposal gives the commission the ability to allow people to use cobalt appropriately as a supplement \_\_\_\_\_ [00:52:07] or even intravenous doses in small doses. But it also recognizes when a person has given excessive doses of this medication where it could be a blood doping agent thus harming the horse and applying the appropriate penalties for that.

Unidentified Male: Thank you.

John Crotty: Any other comments or questions on the amendment?

Unidentified Male: There is a special provision I saw in the rules about the fact that if there is a positive with respect to the corticosteroid joint injections then if the trainer can, I guess, produce veterinary records that it was administered within the timeframe or outside seven days or back or however it is judged that that is an absolute defense. Is that a provision we have seen in other drug issues with respect to horses?

Rob: Yes we have. Dr. Palmer, would you like to address that as well?

Scott Palmer: We have had situations with the new adoption of \_\_\_\_\_ [00:53:15] medication program. There were a number of corticosteroids that were regulated by that program. And the challenge of setting up these rules initially was that these drugs are given in numerable fashions and at different doses in different locations both in the joint, outside the joint. So it was quite a challenge to figure out how to regulate these corticosteroids in a way that would be appropriate so that these medications could be appropriately used but regulate against the inappropriate use of these medications. So one of the things that the RTC did was perform studies to look at a particular dose of particular drugs in one joint, for example. And then because it is frankly impossible to sort of \_\_\_\_\_ [00:54:02] studies to include every possible combination of dosing and joint combinations and multiple joint combinations we were forced to consider mitigating circumstances. For example, the rule does say \_\_\_\_\_ [00:54:17]. The threshold, what happens if you get injection joints, then what happens? So we went through the process of acquiring information for more than two years actually looking at what would happen if \_\_\_\_\_ [00:54:32]. And it really helped us to clarify \_\_\_\_\_ [00:54:37] mitigating circumstances or \_\_\_\_\_ [00:54:39] circumstances given the nature of corticosteroid finding in the laboratory. And because we do not have a rule for every possible combination the decision was made that the first time something like this would occur we would notify the individual involved, the trainer or the veterinarian, and discuss the situation with them and advise them that the protocol they had just used exceeded our thresholds and provide them an opportunity for them to make corrections, basically give them a warning for that. There will not be a warning for a second offense. So that is the policy we use for \_\_\_\_\_ [00:55:14] results, for example. And it is the same policy for the \_\_\_\_\_ [00:55:18], it is the same way.

Unidentified Male: But my question is with respect to the production of the veterinary records. Because as I understand this it says basically there is a positive drug test, right?

Scott Palmer: That is right.

Unidentified Male: Then the trainer has the opportunity to produce it says contemporaneous vet records to show that the injection was made within the proper time period. That is what I am asking about. Is that a provision that we have with respect to the administration of other drugs?

Scott Palmer: Yes it is. I believe Rick could comment about that. Yes, \_\_\_\_\_ [00:55:58] if the question is whether we have a production of veterinary record requirement before we enforce laboratory positives \_\_\_\_\_ [00:56:11] other than corticosteroid joint injections the answer is that we request those records in every investigation but they are not \_\_\_\_\_ [00:56:21]. The corticosteroid joint injection restricted time period which is seven days is the only one that does not ensure trainers that they will not have a threshold violation if they follow the time period. And so the purpose of this is to not have a

restricted time period if they provide assurances that there will not be a violation but to give a trainer or veterinarian a benefit of that only if they have properly documented their corticosteroid joint injection.

Unidentified Male: So how does that work, though, Rick? Say there is a positive, does that mean it is incumbent upon the trainer to produce the records and they have to show that they were contemporaneous? I do not know how they do that, I guess, if it is properly dated or \_\_\_\_\_ [00:57:13] deliver the material to you folks?

Scott Palmer: Yes, in addition the rule requires that they also have complied with our requirement that they disclose all of the corticosteroid joint injections pre-race so that would give us an added assurance that their veterinary records were accurate. At point in conjunction with Dr. \_\_\_\_\_ [00:57:41] a judgment would be made whether the documented administration would account for the laboratory finding.

Unidentified Male: I mean, the concern would be that they are contemporaneous, right, that the records were kept contemporaneous with the injection?

Scott Palmer: Correct.

Unidentified Male: Thank you.

John Crotty: Any other comments or questions? You OK?

Unidentified Male: Yes.

John Crotty: Motion to propose these amendments?

Unidentified Male: So move.

Unidentified Male: Second.

John Crotty: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye.

Unidentified Male: Aye. [crosstalk]

John Crotty: None opposed then the motion carries. Rob, will you please call the next item?

Rob: The next items are our adjudications. We have two hearing officer reports for consideration today. The first is in the matter of Michael Brown. On August sixth, two thousand fifteen the Bureau of Licensing declined to issue Michael Brown a general services license. The denial is based on the conclusion that his experience, character, or general fitness is such that his participation in racing relating activities would be inconsistent with the public interest, convenience, or necessity or with the best interest of racing generally. Specifically Mr. Brown made a false statement on his license

application regarding his criminal history. After Mr. Brown appealed a hearing was conducted on August twenty-fifth. The hearing officer report recommendations were delivered to the commission secretary on September third. The hearing officer recommended that the license denial be upheld. At a meeting conducted pursuant to the judicial \_\_\_\_\_ [00:59:17] judicial proceedings exemption in New York Public Officers law section one hundred and eight point one the commission considered this matter.

John Crotty: The commission did deliberate this matter and considered indeed there was a vote which was five to nothing. But I ask my colleague, Commissioner Moschetti, to explain some thoughts that were expressed.

Peter Moschetti: In looking at the hearing record, I mean, it is clear that the evidence was overwhelming. But my concern and I think the concern of some others was that in looking at the due process here this is a pro se respondent or applicant so he does not have a lawyer but he is entitled to the same rights as someone who would come to the hearing represented by counsel. And when the hearing officer conducted the hearing to me it was done differently than they are usually done and should be done in that the applicant here did not have an opportunity to present his side of the story and essentially direct the examination although he would have to do it as a narrative because there would be no one asking the questions. What happened at least through a reading of the record is that he was sworn but then the attorney for the commission then began to cross examine him thereby depriving him of the opportunity to explain himself in a narrative about his position and why he thought that the decision was incorrect. So I would think and hope in the future that the hearing officers are consistent in the way they conduct the hearings such that they make sure that the pro se applicants along with those that are represented by counsel afforded the same due process, that they have an opportunity to present their case without interference and without having to worry about being cross examined before they even offer their defense in the case. That was just my concern.

John Crotty: Mr. Burns, are we capable of providing that concern to our hearing officers?

Mr. Burns: Yes, absolutely. I will write a memorandum to all of the hearing officers and CC commission counsel summarizing the concern in this particular case and generalizing it to all hearings going forward.

Unidentified Male: Thank you.

John Crotty: So while we voted five to nothing there was a strong sense I think among my colleagues that Mr. Brown should reapply with an application that was conforming with the questions that were asked.

Unidentified Male: \_\_\_\_\_ [01:01:54]

Unidentified Male: Yes, we felt strongly about that.

Unidentified Male: Yes.

John Crotty: That the process would be upheld.

Unidentified Male: We will make certain that that sentiment is reflected in communications to Mr. Brown.

Unidentified Male: I think we also had talked about the language on the application.

Unidentified Male: Yes.

Unidentified Male: And the consensus, I believe, was that we need to improve that language such that applicants fully understand that no matter what they think about what happened to any prior arrest or conviction they need to put it on the form that they were arrested and the failure to do so is they are not going to end up being licensed. So that if they have questions or they are unsure they should ask or make inquiry to whomever, whether it is the commission or someone that would have knowledge.

Unidentified Male: \_\_\_\_\_ [01:02:45] provision make an inquiry of either someone from the commission or from \_\_\_\_\_ [01:02:49]

Unidentified Male: Yes, someone other than an outside influence that may not know the rules as they are applied.

Unidentified Male: Yes, I do not think \_\_\_\_\_ [01:03:00] concern, David, there is sort of a consensus view that we are seeing far too many of these appeals that seem to be based on a mistaken interpretation of the questionnaire and we would like to not see these cases if clarification of the questionnaire can help it.

Unidentified Male: \_\_\_\_\_ [01:03:21] We will certainly hold a meeting with licensing staff to review the applications, review the language, and see if we can conform the language that we utilize in those applications to address your concerns.

Unidentified Male: I think you guys said you would be kind enough to send that language to us or provide it to us so we could take a look at it before \_\_\_\_\_ [01:03:37] [crosstalk]

John Crotty: \_\_\_\_\_ [01:03:43], Rob?

Rob: This would be a matter of the disqualification and placement of the horse \_\_\_\_\_ [01:03:51]. On February twenty-eighth, two thousand and fifteen the standard bred \_\_\_\_\_ [01:03:55] raced at Yonkers Raceway. The horse had finished first in tenth race but was disqualified by the judges and places eighth for maintaining the pace and causing confusion. Darren F. Cassar, the owner of the subject horse, appealed the judge's placement decision on March seventh. On August fourth the commission brought a motion to dismiss the appeal and requested that the claim be resolved by summary judgment. The hearing officer considered the motion and response papers thereafter. The hearing officer's report and recommendation were delivered to the commission secretary on September fifteenth. The hearing officer recommended that the motion of the commission for summary judgment and dismissal of the appeal be granted and that the placement determination of the judges be upheld. At a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of New York Public Officers law section one hundred and eight point one the commission considered this matter.

John Crotty: The commission did consider this matter; we deliberated and came to a five to nothing vote.

Rob: To sustain.

John Crotty: To sustain the decision. \_\_\_\_\_ [01:05:06] hearing officer's report. Item number six, old business. Any items on the agenda that are old business to consider?

Rob: We have none \_\_\_\_\_ [01:05:18].

John Crotty: I guess the one we kind of thought about was we have not heard about the Lasix \_\_\_\_\_ [01:05:24] follow-up.

Rob: Actually, Commissioner, Moschetti had mentioned that he was \_\_\_\_\_ [01:05:29] something, \_\_\_\_\_ [01:05:31] down \_\_\_\_\_ [01:05:31] some new research.

Peter Moschetti: Apparently the racing jockey is going to conduct some research into, I guess, the efficacy of Lasix twenty-four hours before race time. So it would not be race day administration of Lasix. And so consistent with what we heard at the forum that the commission held on Lasix there is \_\_\_\_\_ [01:05:56] of research on the issue. So they are going to research that effect of equine exercise induced hemorrhaging or I should say exercise induced hemorrhaging, and apparently issue a report on that. I think that is being funded by a number of groups at a number of the race tracks including \_\_\_\_\_ [01:06:17]

Rob: Including \_\_\_\_\_ [01:06:18] We also note that the Kentucky's attempt to propose some regulations that would allow for the carding of non-Lasix races, that the regulation has been rejected in the manner they have for their regulatory processes and is now back to the authority for reevaluation.

John Crotty: Maybe we could take a look at some of that.

Rob: I could certainly gather those materials.

Unidentified Male: There were other items you said we were going to follow up on, size of the Lasix industry.

Rob: Yes, we have not gotten those materials.

Unidentified Male: Right and I think it is worth sort of exploring both here and potentially in the New York \_\_\_\_\_ [01:06:59] thinking about what are some reliable ways to do that. It did not seem to me, it was not clear that there was a lack of number of tests, there was a lack of effective tests. Certainly everyone was referencing the study somewhere and the innuendos made a lot of different comments about things that perhaps were not showing up.

Unidentified Male: There are a lot of comments not backed by any studies.

Unidentified Male: Correct \_\_\_\_\_ [01:07:26] just an awful lot of stuff. I think we should hear, sort of go through the process of figuring out what was real and not real, what is possible to sort of \_\_\_\_\_ [01:07:36]

Rob: We are still in the process of gathering materials \_\_\_\_\_ [01:07:40]

Unidentified Male: John, if you want to send me a note I will put it on the agenda for the next meeting \_\_\_\_\_ [01:07:46]

Unidentified Male: Great. Yes, I would be interested to hear the breeder's perspective. You are creating the super horse; you are certainly spending a lot of money on it. How does that factor into your decision making process? There \_\_\_\_\_ [01:08:04] bred by grade ones but there is obvious benefit for them winning here in New York. Maybe there is something to think about there.

John Crotty: Any other new business, old business?

Unidentified Male: No.

John Crotty: I would like to congratulate Saratoga Raceway on their triple \_\_\_\_\_ [01:08:22]. Looking forward to seeing that in the not so distant future.

Unidentified Male: We all request [crosstalk]

John Crotty: Yes, we all would like to see a copy of that. I think that is a fairly exciting outcome. Wish it was a little bit easier to accept. With that the next meeting of the commission is scheduled for October twenty-sixth. Talk to \_\_\_\_\_ [01:08:41] advising of your availability.

Rob: I believe the primary meeting location of that, Lee, is Manhattan?

Lee: Yes, the town.

Unidentified Male: Good show, Lee, thank you. [laughter]

John Crotty: That concludes today's published agenda. Any other items for consideration? \_\_\_\_\_ [01:08:58] good day.

Unidentified Male: Thank you, Mr. Chairman, [applause] [crosstalk]

[End of audio]