



**Gaming  
Commission**

**MEETING AGENDA  
APRIL 27, 2015**

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM
2. CONSIDERATION OF MINUTES, MEETING OF MARCH 23, 2015
3. REPORT OF EXECUTIVE DIRECTOR
4. RULEMAKING
  - A. PROPOSED RULEMAKING: UNCOUPLED ENTRIES FOR CERTAIN THOROUGHBRED STAKES RACES
  - B. PROPOSED RULEMAKING: SUPERFECTA WAGERING IN THOROUGHBRED RACING
5. ADJUDICATIONS
  - A. IN THE MATTER OF LUIS PENA
6. NEW BUSINESS /OLD BUSINESS
7. SCHEDULING OF NEXT MEETING
8. ADJOURNMENT

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**NEW YORK STATE  
GAMING COMMISSION MEETING**

**MINUTES**

**MEETING of MARCH 23, 2015**

**NEW YORK, NEW YORK**

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

**1. Call to Order**

The meeting was called to order at 12:32 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Chairman Mark Gearan and Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder.

**2. Consideration of the Minutes from February 23, 2015**

The Commission considered previously circulated draft minutes of the meeting conducted on February 23, 2015. The minutes were accepted as circulated.

**3. Report of Executive Director**

Executive Director Robert Williams provided an update on proceedings of the Gaming Facility Location Board, upcoming racing at Aqueduct, World Lottery Association accreditation and commercial casino regulatory workgroups.

**4. Rulemaking**

**a. SCG-28-14-00006-E, Rules Pertaining to Gaming Facility Request for Application and Gaming Facility License Application (Re-Adoption)**

The Commission considered a proposed rules re-adoption regarding pertaining to the Gaming Facility Request for Application and Gaming Facility License Application forms.

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

**5. Consideration of Request for Application to Develop and Operate A Gaming Facility in New York State**

The Commission considered authorizing the Gaming Facility Location Board's release of the Request for Application to Develop and Operate a Gaming Facility in New York State in Zone Two, Region Five.

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

**6. New Business/Old Business**

**a. New Business**

1. Personnel Matter. Commissioner Snyder requested that a personnel matter he had discussed with other Commissioners individually be raised by Chairman Gearan to the Executive Director. Chairman Gearan agreed to raise the concern.
2. Lasix. Commissioner Crotty asked that staff establish a forum at which members could be educated regarding issues relative to the use of Lasix by two-year old horses and whether restriction in certain races should be considered. Staff agreed to establish such a forum. Commissioners Crotty and Moschetti agreed to assist with program development.

**b. Old Business**

1. National Problem Gambling Awareness Month. Upon request of Chairman Gearan, Lee Park updated the Commissioners on the proposed regional problem gambling awareness public forums. The first event is anticipated during the week of April 20th.

**7. Scheduling of Next Meeting**

Chairman Gearan suggested that the Commission maintain the present schedule of meetings, the fourth Monday of every month, which would make the next meeting on April 27, 2015.

**8. Adjournment**

The meeting was adjourned at 12:48 p.m.

**# # #**



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

Mark D. Gearan, Chair  
John A. Crotty, Commissioner  
Peter J. Moschetti, Jr., Commissioner  
John J. Poklemba, Commissioner  
Barry Sample, Commissioner  
Todd R. Snyder, Commissioner

Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners  
**From:** Edmund C. Burns  
**Date:** April 23, 2015  
**Re:** Proposed Rulemaking for Uncoupled Entries for Certain Thoroughbred Stakes Races (9 NYCRR § 4025.10)

For Commission consideration is a proposed amendment to the thoroughbred racing wagering rules to remove, in stakes races with purses of \$50,000 or more, the requirement that horses be coupled\* as a single betting interest. The current Commission rule, § 4025.10(g), allows de-coupling of horses that otherwise would have been required to be coupled only in races with purses of \$1 million or more. The proposed de-coupling amendment is not absolute. The Commission steward would maintain authority, pursuant to Rule 4025.10(e), to require horses be coupled prior to the commencement of wagering on any particular race upon a finding that doing so is necessary in the public interest.

Interested parties proposed this amendment, in order to increase field size, wagering opportunities and wagering revenue. Several other states have recently addressed their coupling rules. In Kentucky and Texas, rules have been amended to permit horses with common ownership to compete as uncoupled entries in any stakes race with a gross purse of \$50,000 or more. Other states, such as California and Illinois, have repealed their coupled-entries rule completely.

The former approach recognizes that misconduct, such as potential collusion among jockeys of commonly owned horses, is generally less prevalent in races with greater purses. A more measured approach, represented by the latter, would provide the Commission the opportunity to evaluate the effect of a limited amendment before considering a broader relaxation.

The text of the proposed rule is attached.

[REDACTED]

attachment

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\* Horses are coupled as a single betting interest in a race when they have common ownership or a common trainer, though two horses with a common trainer and no common ownership are permitted to race uncoupled. See Rule 4025.15(d).

Commissioners  
February 17, 2015  
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cc: Robert Williams, Executive Director  
Ronald Ochrym, Acting Director, Division of Horse Racing and Pari-Mutuel Wagering

The proposed text of the amendment is as follows:

**§ 4025.10. Limitation on entries.**

\* \* \*

(b) All horses in common ownership as defined in subdivision (e) of section [4026.2(e)] 4026.2 of this [Title] article (*i.e.*, having any common managing owner) or subdivision (c) of section [4026.3(c)] 4026.3 (*i.e.*, in which there is a 25 percent commonality among nonmanaging owners) must be coupled and run as an entry.

\* \* \*

(d) A maximum of two horses trained by the same trainer may race uncoupled in any race provided the entries do not have common ownership as set forth in subdivision (b) of this section.

(e) The commission steward may require any horses entered in a race to be coupled for betting purposes prior to the commencement of wagering on-track and off-track, if such steward finds it necessary in the public interest.

\* \* \*

(g) Notwithstanding the provisions of subdivisions (b) and (d) of this section, no entry shall be coupled by reason of common ownership or training in any stakes race in which the gross purse is [\$1,000,000] \$50,000 or more, provided however that the provisions of subdivision (e) of this section shall continue to be applicable in any such races. In any race subject to the provisions of this subdivision, the racing secretary shall have the authority to establish a mutual field and coupled entries in any race with more than 14 starters. When this subdivision permits two or more horses to race without being coupled and run as one entry, the racetrack operator shall take such actions as are necessary to inform the public adequately with regard to the common ownership and/or trainer that would otherwise require such horses to be coupled as a single betting interest pursuant to this section.



# Gaming Commission

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Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners  
**From:** Edmund C. Burns  
**Date:** April 23, 2015  
**Re:** Proposed Rulemaking for Superfecta Wagering in Thoroughbred Racing (9 NYCRR § 4011.22)

For Commission consideration is a proposed rule in regard to thoroughbred racing superfecta\* wagering. At present, The New York Racing Association, Inc. and Finger Lakes Racetrack offer superfecta wagering through a model rule of the Association of Racing Commissioners International. Commission Rule 4011.28 permits incorporation of an ACRI December 1996 model rule, with prior Commission approval. Interested parties have suggested an amendment in regard to coupling of entries in a race wherein the wager is offered to make the wager more competitive and attractive to the betting public. This proposal would set forth a complete Commission superfecta rule, incorporating the wish to allow superfecta wagering in races with coupled entries. The proposal is modeled on the existing Commission's existing trifecta rule, Rule 4011.22.

The NYRA and Finger Lakes support this rule proposal.

The proposed text of the amendment is attached. Some conforming stylistic changes are proposed to the trifecta rule as well.

[REDACTED]

attachment

cc: Robert Williams, Executive Director  
Ronald Ochrym, Acting Director, Division of Horse Racing and Pari-Mutuel Wagering

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\* The superfecta is a type of pari-mutuel wager in which the bettor, in order to win, must select correctly the first four finishers of a race in the correct sequence.

## THE TRIFECTA

### § [4011.22] 4011.21. Trifecta.

(a) The object of the trifecta is to select in order, the first-, second- and third-place horses in a designated trifecta race. The trifecta pool shall be held entirely separate from all other pools and has no relation to any other pool.

(b) Races in which trifecta betting shall be conducted shall be approved by the commission and be clearly designated in the program.

(c) If a horse is scratched or excused from racing or betting no further tickets shall be sold designating such horse and all tickets previously sold designating such horse shall be refunded and the money deducted from the pool.

(d) (1) If no ticket is sold designating, in order, the first three horses or only two horses finish, the net pool shall be distributed equally among holders of tickets designating the first two horses in order[;].

(2) [if] If no ticket is sold designating, in order, the first two horses or only one horse finishes, the net pool shall be distributed equally among holders of tickets designating the [first] horse to win.

[(e)] (3) If no ticket is sold designating the winner to win, the trifecta shall be declared off and the gross pool refunded. An announcement of such possibility shall be made as soon as the pool closes.

[(f)] (e) *Dead heat*. In the event of a dead heat, all tickets designating the correct order of finish, crediting each horse in a dead heat as finishing in [either position] any of the dead-heat positions, shall be winning tickets[ and distribution]. Distribution shall be in accordance with established pari-mutuel practice relative to dead heats, *i.e.*, separate price calculations for different combinations.

[(g)] (f) Coupled entries and fields are permitted in trifecta races. In such races no wagers may be accepted or issued (including "wheel" or "box" type bets) that couple the same coupled entry or the same field in the same combination.

[(h)] (g) The numbers of the first three horses as made official shall constitute the winning combination, except that where two or more such horses are part of the same coupled entry or field only the best finishing position attained by such coupled entry or field horses shall be considered for pay-off purposes and the next best finishing horses not part of such coupled entry or field shall be selected to determine the winning trifecta combination.

[(i)] (h) No trifecta wagering shall be conducted on any race having fewer than five betting entries. If fewer than five betting entries start, the trifecta shall be declared off and the gross pool refunded. The commission's steward may, in the exercise of discretion to protect the wagering public, require that there be at least six betting entries for the conduct of trifecta wagering.

## THE SUPERFECTA

### § 4011.22. Superfecta.

(a) The object of the superfecta is to select in order, the first-, second-, third- and fourth-place horses in a designated superfecta race. The superfecta pool shall be held entirely separate from all other pools and has no relation to any other pool.

(b) Races in which superfecta betting shall be conducted shall be approved by the commission and be clearly designated in the program.

(c) If a horse is scratched or excused from racing or betting no further tickets shall be sold designating such horse and all tickets previously sold designating such horse shall be refunded and the money deducted from the pool.

(d) (1) If no ticket is sold designating, in order, the first four horses or only three horses finish, the net pool shall be distributed equally among holders of tickets designating the first three horses in order.

(2) If no ticket is sold designating, in order, the first three horses or only two horses finish, the net pool shall be distributed equally among holders of tickets designating the first two horses in order.

(3) If no ticket is sold designating, in order, the first two horses or only one horse finishes, the net pool shall be distributed equally among holders of tickets designating the horse to win.

(4) If no ticket is sold designating the winner to win, the superfecta shall be declared off and the gross pool refunded. An announcement of such possibility shall be made as soon as the pool closes.

(f) *Dead heat.* In the event of a dead heat, all tickets designating the correct order of finish, crediting each horse in a dead heat as finishing in any of the dead-heat positions, shall be winning tickets. Distribution shall be in accordance with established pari-mutuel practice relative to dead heats, *i.e.*, separate price calculations for different combinations.

(g) Coupled entries and fields are permitted in superfecta races. In such races no wagers may be accepted or issued (including "wheel" or "box" type bets) that couple the same coupled entry or the same field in the same combination.

(h) The numbers of the first four horses as made official shall constitute the winning combination, except that where two or more such horses are part of the same coupled entry or field only the best finishing position attained by such coupled entry or field horses shall be considered for pay-off purposes and the next best finishing horses not part of such coupled entry or field shall be selected to determine the winning superfecta combination.

(i) No superfecta wagering shall be conducted on any race having fewer than five betting entries. If fewer than five betting entries start, the superfecta shall be declared off and the gross pool refunded. The commission's steward may, in the exercise of discretion to protect the wagering public, require that there be at least six betting entries for the conduct of superfecta wagering.