

TEST.
TEST.
TEST.

>>> SECTION 102 PROVIDED FOR THE
NEW YORK STATE GAMING COMMISSION
SHALL CONSIST OF SEVEN MEMBERS
APPOINTED BY THE GOVERNOR BY AND
WITH THE CONSENT OF THE SENATE.
FOUR THE MEMBERS HAVE BEEN --
ABILITY TO ESTABLISH A QUORUM
AND UNDERTAKE ACTION.
THE THIS MEETING IS CALLED TO
ORDER.

THE SECRETARY WILL CALL THE
ROLL.

[ROLL CALLED]

>> PLEASE HAVE THE RECORD
REFLECT THE QUORUM IS PRESENT
THUS ENABLING THE TRANSACTION OF
BUSINESS.

SINCE THE CONDUCT OF OUR LAST
MEETING THE GOVERNOR DESIGNATED
BARRY SAMPLE AS CHAIRMAN.

>> GOOD MORNING.

THANK YOU FOR BEING HERE.

WE WELCOME OUR GUESTS.

LET'S START WITH THE MINUTES OF
THE MEETING FROM SEPTEMBER 9,
2013.

THEY HAVE BEEN PROVIDED TO
MEMBERS IN ADVANCE.

AT THIS TIME I WOULD LIKE TO ASK
MEMBERS FOR CORRECTIONS OR
AMENDMENTS.

>> NONE.

>> NONE.

>> NONE.

>> OKAY.

DO WE HAVE A MOTION TO APPROVE?

>> SO MOVED.

>> SECOND?

>> SECOND.

>> THANK YOU.

NEXT UP IS A REPORT FROM OUR
EXECUTIVE DIRECTOR, ROB
WILLIAMS.

>> I WOULD LIKE TO START BY
CLOSING OUT PREVIOUSLY DISCUSSED
ITEMS.

FIRST AT OUR LAST MEETING WE
DISCUSSED THE TRAVERSE STAKES
INVESTIGATION.

AS YOU WERE AWARE COMMISSION
STAFF UNDERTOOK A COMPREHENSIVE

INVESTIGATION FOLLOWING THE COMPLAINT BY THE TRAINER OF THE SECOND PLACE FINISHER THAT THE JOCKEY OF THE WINNING HORSE USED AN ELECTRICAL DEVICE IN THE 2013 TRAVERSE STAKES.

THE COMMISSION'S INVESTIGATION CONCLUDED THE WINNING JOCKEY WAS NOT CARRYING A ANY DEVICE AND THE ALLEGATION WAS WHOLLY UN

SUBSTANTIATED.

I WANT TO ACKNOWLEDGE THE PARTICIPATION OF VARIOUS PARTIES INVOLVED INCLUDING THE NEW YORK STATE POLICE, AND NYRA.

MEMBERS REQUESTED A CHANGE TO THE MINUTES OF THE MEETING HELD AUGUST 1, 2013.

THE ADOPTED MEETINGS HAVE BEEN POESD ON OUR WEBSITE.

THIRD, AT OUR LAST MEETING I SUGGESTED WE WOULD BE INTRODUCING THE STATE'S FIRST MEDICAL DIRECTOR.

UNFORTUNATELY WE HAVE YET TO NAVIGATE THE HIRING TO BRING THE CANDIDATE ON BOARD.

WE HAVE PLACED A HIGH IMPORTANCE ON THE POSITION.

THE INCREASE IN EQUINE FATALITIES UNDERSCORES THE NECESSITY TO FILL THE POSITION AS SOON AS POSSIBLE.

WE WILL BE UNDERTAKING THAT. TOMORROW MARKS ELECTION DAY. OF IMMEDIATE CONCERN TO THE COMMISSIONER'S PROPOSAL ONE WHICH, IF APPROVED WOULD AMEND SECTION 9, ARTICLE 1 OF THE STATE CONSTITUTION TO ALLOW THE LEGISLATURE TO AUTHORIZE AND REGULATE UP TO SEVEN CASINOS.

THE AMENDMENT ISN'T SELF-EXECUTING.

THE LEGISLATURE PASSED THE UPSTATE NEW YORK ECONOMIC GAMING DEVELOPMENT ACT WHICH PENDING THE REFERENDUM WILL ESTABLISH FOUR GAMING RESORTS IN UPSTATE NEW YORK.

I WOULD LIKE TO DISCUSS THE ELEMENTS IMMEDIATELY RELEVANT TO THE GAMING COMMISSION.

MOST SIGNIFICANT OF THE DUTIES FOR THE GAMING COMMISSION WILL BE TO ESTABLISH A SEPARATE BOARD KNOWN AS THE NEW YORK GAMING FACILITY LOCATION BOARD.

THIS BOARD WILL BE CHARGED WITH SELECTING A COMPETITIVE PROCESS NOT MORE THAN FOUR GAMING FACILITY APPLICANTS. THEY WILL BE AUTHORIZED TO RECEIVE A GAMING FACILITY LICENSE IF FOUND SUITABLE BY THE GAMING COMMISSION.

NEW COMMISSIONERS WILL BE REQUIRED TO SELECT FIVE MEMBERS OF THE BOARD AND NAME THE CHAIR. THERE ARE LIMITATIONS ON THE INDIVIDUAL'S ABILITY TO SERVE. EACH MEMBER MUST BE A NEW YORK STATE RESIDENT.

NO MEMBER OF THE LEGISLATURE OR PERSON HOLDING ELECTIVE OFFICE IN THE FEDERAL, STATE OR LOCAL GOVERNMENT IS ELIGIBLE TO SERVE.

MEMBERS OF THE BOARD MUST HAVE SIGNIFICANT EXPERIENCE.

TEN YEARS OF EGS APPEARANCE IN FISCAL MATTERS AND HAVE SIGNIFICANT SERVICE AS AN ACCOUNTANT, ECONOMIST OR FINANCIAL ANALYST, EXPERIENCED IN FINANCE OR ECONOMICS. IN AN ACADEMIC FIELD RELATED TO FINANCE OR ECONOMICS, KNOWLEDGE OF THE COMMERCIAL REAL ESTATE INDUSTRY OR OTHER EXECUTIVE EXPERIENCE WITH FIDUCIARY RESPONSIBILITIES.

ADDITIONALLY THE BOARD MEMBERS CANNOT HAVE CLOSE TIES OR BUSINESS RELATIONSHIPS TO A PERSON THAT HOLDS A COMMISSION LICENSE.

THEY CANNOT HAVE DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP OR MANAGEMENT IN ANY GAMING FACILITIES AND CANNOT SHARE IN THE PROCEEDS FROM NEW GAMING ACTIVITIES.

THIS RESTRICTION ALSO APPLIES TO ANYBODY WITH A BENEFICIAL INTEREST IN CONTRACT TO THE MANUFACTURER SALE OF GAMING

DEVICES.

THE CONDUCT OF ANY ACTIVITY OR
THE PROVISION OF ANY INDEPENDENT
CONSULTANT SERVICES IN
CONNECTION WITH THE
ESTABLISHMENT TO BE LICENSED.
THE COMMISSION IS TO PROVIDE FOR
THE BOARD REQUIRED TO CONTRACT
WITH AN OUTSIDE CONSULTANT TO
PROVIDE ANALYSIS.

ANY VALUATION SUBMITTED TO THE
BOARD FOR LICENSES.

THE BOARD MAY CONTRACT
ATTORNEYS, AUDITORS AND OTHER
EXPERTS FOR NECESSARY SERVICES.
FINALLY IN THE EVENT THE GAMING
REFERENDUM DOESN'T PASS THE
COMMISSION IS AUTHORIZED TO CITE
UP TO FOUR LOTTERY GAMING
FACILITIES, ONE PER REGION IN
THE CAPITAL DISTRICT, CENTRAL
SOUTHERN TIER AND THE CATSKILLS
AND ONE IN NASSAU COUNTY BASED
ON REVENUE, GENERATION AND
ECONOMIC CRITERIA.

I WANT TO RECOGNIZE THE HISTORIC
GAMING EVENT WHEN LONDON BRIDGE
BECAME NEW YORK BREEDING
INDUSTRY'S FIRST BREEDER'S CUP
WINNER.

THANK YOU.

>> ANY QUESTIONS?

WE'RE GOING TO HAVE TO DO THE
REVIEW AS TO WHETHER OR NOT THE
AMENDMENT PASSES.

WE STILL HAVE TO DO THE INDUSTRY
REVIEW.

>> YES.

>> WE HAVE WORK AHEAD OF US.

>> VERY GOOD.

WE HAVE A SERIES OF -- THAT
WE'RE GOING TO HAVE TO DISCUSS
TODAY.

SOME FOR PERMANENT ADOPTION.
SOME FOR PROPOSED RULE MAKING.
AND THE FIRST IS NEW YORK STATE
AUTHORIZES THE COMMISSION TO
PROMULGATE RULES NECESSARY TO
CARRY OUT THESE
RESPONSIBILITIES.

THE COMMISSION WITH TIME TO TIME
THE RULES AND RULE AMENDMENTS
PURSUANT TO THE STATE ACT.
TODAY THERE ARE SEVEN RULE

MAKING ITEMS FOR CONSIDERATION.
THE FIRST PROPOSAL FOR
CONSIDERATION IS ADOPTION AS A
PERMANENT ROLE OF THE PROPOSED
AMENDMENTS TO SUBSTITUTE PLASMA
AS THE MEDIA FOR TESTING FOR
IMPERMISSIBLE CONCENTRATIONS OF
STEROIDS.

THIS IS JOINED WITH CERTAIN
LANGUAGE CONSISTENT WITH THE
PLASMA RULE.

WITH RESPECT TO THE PLASMA
LANGUAGE A REVISED NOTICE OF OH
SUCH RULE MAKING WAS PUBLISHED
IN AUGUST 28, 2013 TO THE STATE
REGISTER.

THE COMMISSION FURTHER ADVISED
INTERESTED PARTIES BY SENDING
E-MAILS RATIFICATION OF SUCH
PUBLICATIONS TO PERSONS AND
ORGANIZATION.

IT IS MY UNDERSTANDING THAT
THREE PUBLIC COMMENTS WERE
RECEIVED.

COULD YOU DISCUSS THE THIS NOW?
>> THANK YOU, MR. CHAIRMAN.

THE FIRST COMMENT RECEIVED WAS
FOR THE DEPARTMENT OF RACING AT
SARATOGA ROADWAY IN SUPPORT OF
THE PROPOSED RULE MAKING AND THE
EXECUTIVE DIRECTOR OF THE
THOROUGHBRED HORSE ASSOCIATION
MADE AN INQUIRY TO SEEK
ASSURANCE THAT THE PLASMA
THRESHOLD WOULD BE REPLACING THE
FORMER URINE THRESHOLDS.

AN OFFICIAL OF THE RACING
MEDICATION AND TESTING
CONSORTIUM WROTE A LETTER TO US,
DISCUSSING SEVERAL OF THE
THRESHOLD VALUES AS WELL AS
EXPRESSING THE HOPE THAT ONE OF
THE STEROIDS STERIOZAHOL WOULD BE
BANNED BY THE STATE.

OUR RESPONSE TO THAT IS THAT THE
TLER HOLDS THAT ARE IN THE PO
POSED RULE THAT'S BEEN
PROMULGATED FOR POTENTIAL
ADOPTION REFLECT THE MOST MODERN
SCIENCE IN OUR VIEW INCLUDING
MORE RECENT STUDIES CONDUCTED AT
THE UNIVERSITY OF PENNSYLVANIA
VETERINARY SCHOOL AND THE
COMMISSION'S EXPERT TOXICOLOGIST

DR. GEORGE MALIN RECOMMENDS THE THRESHOLDS WE ARE PROPOSING. IN REGARD TO THE AN BOLLIC STEROIDS THAT A QUESTION WAS RAISED ABOUT, IT IS CURRENTLY IN USE IN THE THOROUGHBRED INDUSTRY.

IF THE COMMISSION WERE TO CONSIDER A ZERO THRESHOLD TOLERANCE IN THE FUTURE FOR THAT STEROID WE NEED TO CONSIDER SOME TYPE OF PHASE OUT PERIOD SO HORSES WOULDN'T BE INSTANTLY INELIGIBLE TO RACE IN NEW YORK. THAT'S CERTAINLY AN ISSUE THAT COULD BE WORTHY OF CONSIDERATION DOWN THE ROAD.

BUT FOR NOW, WE BELIEVE THE PROPOSED RULE MAKING IS READY FOR ADOPTION.

>> OKAY.

ANY QUESTIONS?

COMMENTS?

DO WE HAVE A MOTION?

>> I WOULD MOVE FOR THE PERMANENT ADOPTION.

>> SECOND?

SO MOVED.

>> OKAY .

>> THE SECOND IS A PROPOSED ADOPTION TO CONFORM TO THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE SENECA INDIAN NATION AND THE STATE OF NEW YORK.

THE MEMORANDUM OBLIGES THE COMMISSION TO COMMENCE A RULE MAKING TO PROHIBIT THE USE OF THE TERM SLOTS, SLOT MACHINES AND CASINO OR CASINOS FOR MARKETING OR OTHER PURPOSES BY VIDEO LOTTERY GAMING DEVICE FACILITIES OR LICENSED AGENTS TO THE STATE LOTTERY OPERATING WITHIN THE AREA WEST OF STATE ROUTE 14 FROM SODUS POINT IN THE NORTH TO THE NEW YORK PENNSYLVANIA BORDER IN THE SOUTH.

THE COMMISSION APPROVED THE PROPOSAL OF THE RULE AT ITS AUGUST 1, 2013 MEETING.

IT IS MY UNDERSTANDING THAT A REPRESENTATIVE OF SENECA NATION

SUBMITTED THE ONLY PUBLIC COMMENT.

WHILE SUPPORTIVE OF THE PURPOSES AND INTENT OF THE PROPOSED REGULATION THEY SUGGESTED THE TEXT OF THE RULE BE REVISED TO CLARIFY THAT NO VIDEO LOTTERY AGENTS BASED OUTSIDE OF THE DESCRIBED GEOGRAPHIC AREA COULD BE PERMITTED TO MARKET A VIDEO GAMING FACILITY WITHIN THE DESCRIBED GEOGRAPHICAL AREA USING THE PROHIBITED TERMINOLOGY.

ED HAS INDICATED THAT THE STAFF HAS AGREED TO THE THIS CLARIFICATION AND THE CONCERN HAS BEEN INCLUDED IN THE REVISED RULE MAKING.

ARE THERE ANY QUESTIONS, COMMENTS FOR ED, PLEASE? DO WE HAVE A MOTION?

>> SO MOVED.

>> SECOND?

>> SECOND.

>> THANK YOU.

>> THE THIRD PROPOSAL FOR THE COMMISSION'S CONSIDERATION IS THE ADOPTION OF A NEW RULE RESTRICTING THE USE OF EXTRA CORPORAL SHOCK WAVE THERAPY, RADIO PULSE WAVE THERAPY AND SIMILAR PHYSIOLOGICAL TREATMENTS ON THOROUGHBRED RACEHORSES. SHOCK WAVE THERAPY INVOLVES THE APPLICATION OF EXTERNAL PRESSURE WAVES TO AN AREA OF A HORSE TO PROMOTE HEALING.

THE CONCERN IS THAT THE THERAPY ALSO MAKES THE AREA NUMB FOR SEVERAL DAYS.

THE NUMBNESS POSES A DANGER TO THOROUGHBRED RACEHORSEING, RACEHORSES RUNNING AT A HIGH SPEED AND TO THE EXERCISE RIDERS AND JOCKEY.

IT IS NOT KNOWN OR SUSPECTED TO CREATE A SIMILAR DANGER TO A SLOW MOVING HORSE SUCH AS ONE ENGAGED IN STANDARD RACING. THIS RULE WOULD REGULATE THE USE OF SHOCK WAVE TREATMENTS SO THAT THOROUGHBRED HORSES COULD NOT BE RAISED UNTIL THE RESULTING

NUMBNESS WEARS OFF.

THIS ITEM IS SIMILAR BUT NOT IDENTICAL TO A NOVEMBER 12 PROPOSAL BY OUR PREDECESSOR ENTITY BY NEW YORK STATE BOARD. THIS WAS AFTER CONSIDERATION OF RETURNS RAISED REGARDING OUT OF STATE TREATMENT.

THE NEW PROPOSAL ADDRESSES THE ISSUE.

IT'S MY UNDERSTANDING THAT THIS PROPOSAL HAS BEEN SENT TO PERSONS AND ORGANIZATIONS ON THE THOROUGHBRED MAILING LIST AND TWO COMMENTS WERE RECEIVED.

COULD YOU REVIEW THE COMMENTS FOR US, PLEASE?

>>YES.

MR. CHAIRMAN, BOTH COMMENTS WERE SUPPORTIVE PROPOSALS.

ONE FROM NYRA WHICH OPERATES THREE TRACKS IN THE STATE.

THE OTHER FROM FINGER LAKES WHICH IS THE OTHER THOROUGHBRED TRACK.

EVERYONE IS IN SUPPORT.

>> ANY QUESTIONS OR COMMENTS?

DO WE HAVE A MOTION?

>> I MOVE.

>> SECOND?

>> SECOND.

>> THANK YOU.

THE FOURTH PROPOSAL FOR COMMISSION CONSIDERATION IS A NEW SET OF RULES, REGULATING THE TREATMENT FOR THOROUGHBRED RACEHORSES WITH 24 DRUGS IDENTIFIED AS USEFUL AND NECESSARY FOR HORSE RACING AND STUDIED TO DETERMINE APPROPRIATE REGULATORY THRESHOLD VALUES.

THESE 24 DRUGS WERE FIRST IDENTIFIED BY THE RACING MEDICATION AND TESTING CONSORTIUM AND ARE MEANT TO ENCOMPASS THOSE DRUGS WHOSE BENEFICIAL EFFECTS ARE WIDELY ACCEPTED THAT PROVIDE A SUFFICIENT RANGE OF TREATMENTS TO ENSURE GOOD VETERINARY CARE AND THAT CAN BE REGULATED EFFECTIVELY BY MEANS OF LABORATORY THRESHOLD.

RMTC'S RECOMMENDATIONS REVIEWED,

REVISED AND ADOPTED AS A MODEL
RULE OF THE ASSOCIATION OF
RACING COMMISSIONS
INTERNATIONAL.

COMMISSION STAFF PARTICIPATED
THROUGHOUT THE PROCESS AND HAS
GENERALLY SUPPORTED THESE
PROPOSALS WITH DUE REGARD TO NEW
YORK THE'S EXISTING RELIANCE ON
RESTRICTED TIME PERIODS AND
OTHER CIRCUMSTANCES.

THE PRIMARY AMENDMENT TO THE
COMMISSION'S EXISTING RULES IS
THE CREATION OF A REGULATORY
THRESHOLD FOR EACH OF THESE 24
DRUGS.

TOGETHER WITH A PROHIBITION
AGAINST FINDING A RACEHORSE ON
RACE DAY ANY AMOUNT OF ANY OTHER
DRUGS OR MEDICATIONS THAT CAN
AFFECT THE PERFORMANCE OF A
HORSE.

THE VIOLATION OF THE THRESHOLD
CONSTITUTES AN AUTOMATIC
VIOLATION OF THE EQUINE DRUG
RULES.

IF ADOPTED, THESE THRESHOLDS
WOULD SIMPLIFY THE PROCESS OF
PROVIDING THE USE OF ANY
SUBSTANCE TO AFFECT RACE
PERFORMANCE.

COMMISSION STAFF ALSO RECOMMENDS
THAT SEVERAL AMENDMENTS BE MADE
TO THE COMMISSION'S RULES
RESTRICTING THE TIME PERIOD
BEFORE WHICH A HORSE MAY
PARTICIPATE IN A RACE AFTER
VARIOUS DRUG TREATMENTS.

IT IS MY UNDERSTANDING THAT
THESE PROPOSALS WERE SENT TO
PERSONS AND ORGANIZATIONS FOR
THE COMMISSION'S THOROUGHBRED
MAILING LIST.

ED, COULD YOU SUMMARIZE THOSE
RESPONSES AND WHERE WE ARE MANY
THE PROCESS, PLEASE?

>> WE HAVE NOT RECEIVED ANY
COMMENTS IN RESPONSE TO OUR
REQUEST FOR PREPOEM COMMENT.
I WOULD LIKE TO EMPHASIZE FOR
THE COMMISSION THAT THE NEW YORK
THOROUGHBRED HORSEMAN'S
ASSOCIATION HAS BEEN WITH
INVOLVED IN THE DEVELOPMENT OF

THIS PROPOSAL IN ITS EARLIER STAGES AND THROUGHOUT THE PROCESS.

WE WOULD ANTICIPATE EVENTUALLY THAT THE THOROUGHBRED HORSEMEN ARE FULLY SUPPORTIVE OF THIS. THE COMMISSION MAY WANT THE TO CONSIDER THOUGH WHETHER TO HAVE PUBLIC HEARINGS ON THE ISSUE SO WE CAN HAVE A FULL DISCUSSION OF THE SCIENTIFIC BASIS FOR THE VARIOUS PROPOSALS.

I WOULD ALSO BRING TO THE COMMISSION'S ATTENTION THE UNDERLYING PURPOSE OF THIS IS TO CREATE UNIFORMITY ACROSS THE COUNTRY WITH THE ULTIMATE GOAL OF TRYING TO MAKE COMPLIANCE MORE EASY FOR THE HORSEMEN.

>> QUESTIONS, COMMENTS?

ONE OF THE SUGGESTIONS THAT WE HAVE THE HEARINGS.

IS THAT SOMETHING WE WANT TO PURSUE?

>> ARE YOU GOING TO CONTINUE TO SEEK THE COMMISSION'S APPROVAL OF THE PROPOSED RULING?

>> YES.

SO WHAT'S BEFORE THE COMMISSION TODAY WOULD BE TO AUTHORIZE THE PROPOSED RULE MAKING.

SO THE TEXT HAS BEEN PRESENTED TO YOU WOULD BE PRESENTED IN THE STATE LEDGESTER.

HEARINGS COULD BE HAD IF YOU SO DESIRE WITH TESTIMONY FROM DR. MALIN AND OTHERS AND ANYONE ELSE WHO HAD SCIENTIFIC INFORMATION TO BRING TO BEAR OR COMMENTS FROM ORGANIZATIONS ABOUT THEM COULD BE AIRED IN A FORUM THAT COULD BE THEN SUMMARIZED FOR YOUR CONSIDERATION WHEN IT COMES TIME TO CONSIDER THAT.

>> SO THE QUESTION IS THE PROPOSED RULE MAKING.

>> THE PROPOSED RULES.

>> WOULD IT BE APPROPRIATE TO INCLUDE IN THE MOTION THAT WE GO AROUND WITH THE HEARINGS?

>> IT WOULD BE APPROPRIATE.

AS A FORMAL MATTER WE WANT TO LOOK AT THE PROPOSED RULE MAKING AND THERE IS NOTHING TO PREVENT

THE COMMISSION FROM HAVING MORE INFORMAL HEARINGS IF WE DESIRE INPUT FROM THE INDUSTRY EVEN BEFORE THE FORMAL HEARING.

>> WHAT WOULD THE TIME FRAME BE?

>> THE TIME FRAME FOR A FORMAL HEARING WOULD BE EARLY IN 2014 BECAUSE THE PUBLICATION DATE YOU NEED TO GIVE THE PUBLIC A CERTAIN AMOUNT OF TIME OF NOTICE BF THE HEARING.

>> THANK YOU, ED.

DO WE HAVE A MOTION WITH THAT MODIFICATION?

I WOULD MOVE THAT WE GO AHEAD WITH THE PROPOSAL MAKING AND SCHEDULE HEARINGS AS COUNCIL HAS RECOMMENDED.

>> SECOND?

>> THANK YOU.

THE FIFTH PROPOSAL FOR CONSIDERATION IS A SET OF RULES RESTRICTING THE TREATMENT OF STANDARD BRED RACEHORSES WITH 24 DRUGS THAT HAVE BEEN IDENTIFIED AS USEFUL AND NECESSARY FOR HORSE RACING AND STUDIED TO DETERMINE APPROPRIATE REGULATORY LABORATORY THRESHOLD LEVELS. THE PROPOSALS RELATED SIMILAR TO THE PROPOSAL RELATED TO THOROUGHBRED HORSES.

TOGETHER WITH A PROHIBITION AGAINST FINDING IN A RACEHORSE ON RACE DAY ANY AMOUNT OF ANY OTHER DRUG OR MEDICATION THAT CAN AFFECT PERFORMANCE OF THE HORSE.

A VIOLATION OF THESE THRESHOLDS WOULD CONSTITUTE AN AUTOMATIC VIOLATION OF THE EQUINE DRUG RULE.

IF ADOPTED, THESE THRESHOLDS WOULD SIMPLIFY THE PROCESS OF THE SUBSTANCE TO AFFECT RACE PERFORMANCE.

IT IS MY UNDERSTANDING THESE PROPOSALS HAVE BEEN SENT TO PERSONS AND ORGANIZATIONS ON THE COMMISSION'S STANDARD BRED MAILING LIST AND THAT WE HAVE RECEIVED SIGNIFICANT RESPONSE TO THOSE POSTINGS.

COULD YOU SUMMARIZE THAT?

>> YES.

THIS PROJECT COMES OUT OF THE SAME PROJECT AS A HOPE TO STANDARDIZE THE DRUG TESTING REGIMEN ACROSS THE MIDATLANTIC STATES AND ULTIMATELY ACROSS THE COUNTRY.

THERE ARE CONCERNS ABOUT HARNESS RACING WITH RESPECT TO ADMINISTRATION OF CERTAIN MEDICATIONS.

STANDARD BRED HORSES RACE MORE FREQUENTLY THAN THOROUGHBRED HORSES.

AS IT IS A DIFFERENT BREED OF ANIMAL, IT TENDS TO BREAK DOWN LESS FREQUENTLY THAN THE THOROUGHBRED HORSES DO.

SO THERE WERE CONCERNS BOTH FROM NATIONAL HORSE PERSONS ORGANIZATIONS IN THE STANDARD BRED INDUSTRY AND NEW YORK ORGANIZATIONS ABOUT ADOPTING DRUG REGULATIONS THAT WOULD MIRROR THE THOROUGHBRED PROPOSALS.

IN ORDER TO FULLY ADDRESS ALL OF THOSE CONCERNS, AGAIN, IT MIGHT BE PRUDENT FOR THE COMMISSION TO CONSIDER HAVING PUBLIC HEARING WITH RESPECT TO ALL OF THE RULES AND THEIR APPLICABILITY TO THE HARNESS INDUSTRY.

WHICH WOULD GIVE ADEQUATE TIME FOR PEOPLE WHO HAVE THE CONCERNS TO PRESENT OTHER SCIENTIFIC EVIDENCE THAT MAY BE DIFFERENT FROM THE SCIENTIFIC EVIDENCE THAT WAS THE GENESIS OF THE PROPOSAL.

THE PROPOSED RULE MAKING IS PRESENTED FOR YOUR CONSIDERATION IN A WAY WHERE WE CAN BREAK DOWN THE 24 DRUGS INTO CERTAIN CATEGORIES.

SOME OF WHICH MAY BE LESS CONTROVERSIAL AND SOME MAY BE MORE CONTROVERSIALMENT ASPECTS COULD BE ENCOURAGED OR WELCOMED BY THE STANDARD BRED INDUSTRY YET OTHER ASPECTS MAY BE STRONGLY OPPOSE BID THE INDUSTRY, TOO.

THE PROPOSALS HAVE BEEN

PRESENTED TO YOU IN A SERIES OF ALTERNATIVE PROPOSALS THAT WHEN IT COMES TIME TO CONSIDER ADOPTION YOU CAN CONSIDER THE INDUSTRY FEEDBACK AND DECIDE WHICH ARE APPROPRIATE FOR STANDARD BRED AND WHICH AREN'T APPROPRIATE.

IN PARTICULAR THERE IS A CONCERN ABOUT CONBU THE TEROL WHICH IS FREQUENTLY USED FOR THERAPEUTIC EFFECT AND RESPIRATORY AILMENTS. UNDER THE MODEL RULES THAT THE PROPOSAL WAS BASED ON, AND THE FREQUENCY WITH WHICH STANDARD BRED HORSES RACE IT MIGHT MEAN THAT THE DRUG COULD NEVER BE ADMINISTERED WHICH WAS OF GREAT CONCERN.

>> ANY QUESTIONS, COMMENTS?

>> JUST TO CLARIFY AGAIN.

IN THIS INSTANCE THE RECOMMENDATION IS THAT WE HOLD HEARINGS, THAT WE APPROVE THE PROPOSED RULE MAKING FOR PUBLICATION IN ADVANCE OF THE HEARING.

>> CORRECT.

>> THE PROCEDURE, THE WAY WE ARE IN THE PROCEDURE.

>> WHAT IS BEFORE THE COMMISSION TODAY IS TO PROPOSE VARIOUS ALTERNATIVE RULES OR BUILDING BLOCKS.

THEY WOULD BE PUBLISHED AND GIVE PEOPLE A CHANCE TO DEVELOP ARGUMENTS AND PUT IN COMMENTS AND ULTIMATELY AFTER THE PASSAGE OF THE STATUTORY RULE MAKING TIME PERIOD YOU CAN TAKE THE ISSUE UP WITH THE BENEFIT OF THE INPUT THAT'S BEEN RECEIVED.

>> WE WOULD HAVE THE HEARINGS AND DISCUSSION GOING ON.

>> ONE COMMENT.

I HAVE BEEN TO THE HORSE RACING HALL OF FAME.

IT'S BEEN GOING ON FOR HUNDREDS OF YEARS.

BUTE IS PROBABLY ONE OF 30.

IT'S HARD TO FATHOM HOW MUCH OF THE INDUSTRY HAS IT WHEN IT WAS 150 PLUS YEARS OLD.

THERE'S A COMMENT.

DO WE HAVE A MOTION?
I WOULD MOVE AS I DID WITH THE
LAST ITEM THAT WE GO AHEAD WITH
THE PROPOSED RULE MAKING AND
CONDUCT THE HEARINGS AS COUNCIL
RECOMMENDED.
>> SECOND?
>> I WILL SECOND IT, KEEPING IN
MIND THE COMMISSIONER'S
OBSERVATION.
WE CAN GO AHEAD AND PUBLISH THE
NOTICE.
>> WE SHOULD.
>> I'M GENERALLY SKEPTICAL THAT
HORSES COULD RUN NATURALLY.
I'M NOT SURE WHY THEY NEED THE
DRUGS TO KEEP GOING.
>> OEG.
-- OEG.
. .
>> OKAY.
THE SIXTH PROPOSAL FOR
CONSIDERATION IS A PROPOSAL FOR
A NEW SET OF RULES REGULATING
TELEPHONE AND INTERNET WAGERING
THAT WOULD CONFORM TO AND
IMPLEMENT RULES, STATUTORY
REQUIREMENTS THAT TAKE EFFECT ON
JANUARY 1, 2014.
SPECIFICALLY, NEW RULES ARE
NECESSARY FOR A NEW CATEGORY OF
COMMISSIONED LICENSEE.
MULTI JURISDICTIONAL ACCOUNT
WAGERS PROVIDERS.
THIS PROPOSAL WILL BE SENT TO
RELEVANT PERSONS AND
ORGANIZATIONS ON THE
COMMISSION'S MAILING LIST.
COMMENTS AND SUMMARIZE FOR US,
PLEASE?
>> YES.
WELL, THE PURPOSE OF THIS SET OF
PROPOSED RULE MAKINGS IS TO
IMPLEMENT WHAT THE LEGISLATURE
IS DIRECTED.
THE LEGISLATURE SPECIFICALLY
DIRECTED TO PROMULGATE RULES
CONSISTENT WITH THE STATUTORY
SCHEME THAT WAS ENACTED INTO LAW
OVER THE SUMMER.
FOR THESE NEW MULTI
JURISDICTIONAL ENTITIES.
FEES NEED TO BE SET.
SOME OF WHICH ARE STATUTORY.

SOME ARE NOT IN ACCOUNT WAGERING
AND CERTAIN LANGUAGE NEEDS TO BE
CONFORMED TO CONFORM OUR RULES
AND REGULATIONS TO THE SCHEME OF
THE LEGISLATURE SET UP FOR THIS
ACTIVITY.

>> ANY QUESTIONS, COMMENTS,
CONCERNS?

>> AGAIN, BECAUSE IT'S PART OF
LEGISLATION IT'S A GOOD STEP IN
THE RIGHT DIRECTION.

IT IS NOT, HOWEVER -- IT DOES
NOT GIVE THE STATE WHAT IT'S
DUE.

THEREFORE I HAVE AN ISSUE WITH A
GENERAL MATTER.

THE LEGISLATURE HAS SPOKEN.
WE SHOULD ENACT IT.

THE OUT OF STATE 80-W IS A
THREAT TO NEW YORK STATE RACING.
IT SHOULD BE DEALT WITH.

THIS IS HELPFUL BUT I DON'T KNOW
IF BY ITSELF IT IS EFFICIENT.

>> DO WE HAVE A MOTION?

>> WE'LL MOVE IT.

>> >> I THINK IT IS A PROCESS.

THE STATES PUT OUT THE FIRST
ONE.

IT'S A USEFUL THING.

IT SHOULD GENERATE THE REVENUE
AND LICENSE PEOPLE FROM THAT.

THE HANDLE THAT LEAVES THIS
STATE TO OTHER STATES IS
SOMETHING THAT SHOULD BE
ADDRESSED.

THIS ADDRESSES THAT SOMEWHAT.
THE GAP IS BIGGER THAN WHAT THIS
ADDRESSES.

WE SHOULD DO MORE.

I DON'T KNOW IF IT'S POSSIBLE IN
THIS ITERATION AND THEREFORE
SHOULD NOT STAND IN THE WAY.

>> THIS IS RULE MAKING FOLLOWING
LEGISLATION.

>> RIGHT.

>> OKAY.

DO WE HAVE A MOTION?

>> YES.

>> SECOND.

>> SECOND.

>> SO MOVED.

OKAY.

THE SEVENTH AND FINAL RULE
MAKING FOR CONSIDERATION TODAY

IS FOR NEW RULES REGULATING
CONSEQUENCES FOR COMMISSION
LICENSES, AGENTS AND OTHER
REGULATED WHO VIOLATE
PROHIBITIONS ON UNDER AGED PLAY.
SPECIFICALLY, SIMILAR THE TO THE
STATE ENFORCEMENT EFFORTS THAT
PREVENT ALCOHOLIC BEVERAGE SALES
TO UNDER AGED BUYERS, THE
VIOLATION OF THE UNDER AGED
GAMING RESTRICTIONS COULD RESULT
IN FINES, SUSPENSIONS OR
REVOCATION OF A LICENSE TO ALLOW
SERVICES IN NEW YORK DEPENDING
ON VIOLATIONS AT A LOCATION.
IN GENERAL, THE PROPOSAL
RECOMMENDS THAT GRADUATED
STRUCTURE DEPENDING UPON THE
TYPE OF LICENSE HELD.
THIS THIS PROPOSAL WILL BE SENT
TO THE RELEVANT PERSONS AND
ORGANIZATIONS.

DO YOU HAVE ANYTHING ELSE TO
ADD?

I DON'T KNOW IF YOU WANT TO
BRIEFLY GO THROUGH THE
INSTRUCTION.

>> MR. CHAIRMAN, THE PENALTY
STRUCTURE IS DESIGNED TO -- AS
YOU NOTED -- HAVE A GRADUATED
SET OF PENALTIES FOR REPEATED
VIOLATIONS WITHIN A ONE-YEAR
PERIOD.

FINES COULD START DEPENDING UPON
THE CATEGORY OF THE TYPE OF
ESTABLISHMENT.

THE RECOMMENDATION IS TO HAVE A
DIFFERENT FINE STRUCTURE FOR
DIFFERENT TYPES OF WAGERING
ENTITIES.

SOME OF WHICH HAVE MORE STAFF
AND RESOURCES AVAILABLE SO IT
CAN BE HELD TO A HIGHER STANDARD
OF ACCOUNTABILITY.

SOME VENUES IT'S APPROPRIATE
MORE ANYWAY MOOI NORS TO BE
PRESENT AT THOUGH THEY CAN'T
WAGER.

IT MAY BE APPROPRIATE TO HAVE
SMALLER FINES THAN WHERE MINORS
AREN'T PERMITTED TO BE PRESENT
AT ALL.

THE PROPOSAL IS FOR RACETRACKS.
OFF TRACK BETTING FACILITIES,

THEATER FACILITIES BEGINNING AT 1,000 FOR THE FIRST VIOLATION AND THEN WITHIN A YEAR, IF THERE IS A FOURTH OR MORE VIOLATION UP TO \$25,000 FINE WHICH IS THE MAXIMUM FINING AUTHORITY THAT THE STATUTE ALLOWS THE COMMISSION TO IMPOSE AS WELL AS POSSIBLE FURTHER ACTION SUCH AS A REVOCATION LICENSE AND OPERATION, FOR EXAMPLE.

FOR A VIDEO LOTTERY FACILITY THE PROPOSAL IS \$5,000 FINE FOR A FIRST VIOLATION FOR AN INSTANCE OF UNDER AGED GAMING WHICH WOULD INCREASE TO THE MAXIMUM OF \$25,000 AND POSSIBLE FURTHER ACTION INCLUDING REVOCATION OF THE EMPLOYEE LICENSES FOR EMPLOYEES AND SUPERVISORS WHO MIGHT BE INVOLVED IN THE SUPERVISION OF THE ACTIVITY.

FOR UNESCORTED MINORS ON THE VIDEO LOTTERY GAMING FLOOR WHICH ISN'T PERMITTED BY REGULATION FINES WOULD START AT \$1,000 AND GO UP TO \$25,000.

AGAIN WITH THE POTENTIAL FOR REVOCATION OF LICENSES FOR RESIT VISS.

FOR THE LOTTERY RETAILERS, CHARITABLE GAMING LICENSEES. THERE IS A WARNING FOR COMMISSION ENFORCEMENT AUTHORITY AND FINES COULD GO UP TO \$1,000 FOR A THIRD VIOLATION AND THEN POSSIBLE ACTION INCLUDING THE LOSS OF LICENSES OR REVOCATION OF LICENSES AT LARGE AND FOR REPEATED VIOLATIONS BEYOND TA.

-- THAT.

>> ANY QUESTIONS, COMMENTS? IF WE WERE TO ADOPT THIS AT SOME POINT IN TIME, WHAT TYPE OF ENFORCEMENT APPARATUS WOULD WE ATTEMPT TO PUT IN PLACE OR HAVE IN PLACE OR CONTEMPLATED DOING.

>> THE PROPOSALS HAVE BEEN DEVELOPED P IN CONJUNCTION WITH A GROUP ET UP CALLED THE RESPONSIBLE PLAY PARTNERSHIP WHERE THE COMMISSION HAS COOPERATED WITH THE STATE ALCOHOL AND SUBSTANCE ABUSER

VICES.

FURTHER COOPERATION WOULD BE ANTICIPATED WITH THEM. WE WOULD USE STAFF RESOURCES TO THE MAXIMUM EXTENT POSSIBLE TO TRY TO ENFORCE THESE REGULATIONS AND MAKE SURE THE ACTIVITY DOESN'T OCCUR.

>> MR. CHAIRMAN, I THINK BEFORE WE WENT AHEAD WITH THE PERMANENT ADOPTION ANY SPECIFIC ENFORCEMENT PROGRAM IN PLACE WITH ADEQUATE TRAINING OF THE VINLS THAT ARE GOING TO BE RESPONSIBLE FOR ENFORCING THE PERMANENT RULES.

I WOULD LIKE TO SEE THAT BEFORE WE VOTE ON THE PERMANENT ADOPTIONS.

>> AT THIS STAGE WHAT'S BEFORE YOUR CONSIDERATION IS THE PROPOSED BY AI ADOPTION OF THE RULE.

>> UNDERSTOOD.

>> WHEN WE GET TO THAT STAGE THE ISSUE IS WHAT ARE WE DOING?

OTHER AGENCIES ARE USEFUL. ALCOHOL AGENCY IS -- LICENSING AGENCY IS USEFUL.

WHAT ARE WE DOING IN CONJUNCTION WITH POTENTIAL LAW ENFORCEMENT AGENCIES IN TERMS OF HELPING ENFORCE THIS.

WITH THE SUGGESTION -- DO WE HAVE A MOTION?

>> SO MOVED.

>> OKAY.

>> SECOND.

>> SECOND.

>> OKAY.

THANK YOU.

WE HAVE FINISHED, I THINK, WITH THE RULE MAKING AND PROPOSED RULE MAKING PROCESS.

WE HAVE A SERIES OF ADJUDICATIONS THAT WE NEED TO SPEND A BIT OF TIME WITH.

THE FIRST CASE REGARDS SCOTT P. ANDERSON WHOSE APPLICATION FOR AN OCCUPATIONAL LICENSE AS A MUTUAL CLERK WAS DENIED.

MR. B ANDERSON APPEALED AND A HEARING WAS CONDUCTED ON AUGUST 20, 2013.

UNFORTUNATELY DESPITE BEING
PROPERLY SERVED, MR. ANDERSON
FAILED TO APPEAR.
ALL MEMBERS HAVE RECEIVED A COPY
OF THE HEARING OFFICE'S REPORT
AND HAVE AN OPPORTUNITY TO
REVIEW THE RECORD OF THE
HEARING.

WOULD ANYONE LIKE TO DISCUSS THE
REPORT AND/OR RECOMMENDATIONS?
HEARING NONE, MAY I HAVE A
MOTION TO ADOPT THE HEARING
OFFICER'S REPORT?

>> SO MOVED.

>> SECOND?

>> SECOND.

>> THANK YOU.

THE NEXT MATTER IS THE MATTER OF
DAVID COHEN.

THIS CASE REGARDS AN APPEAL BY
JACKIE DAVID COHEN.

THE STATE STEWARD AT AQUEDUCT
RACETRACK SUSPENDED MR. COHEN
FOR SEVEN DAYS AFTER FINDING HIM
IN VIOLATION OF COMMISSION RULE
4035.2-D.

FOR CARELESSLY RIDING IN A RACE
CONDUCTED ON APRIL 13, 2013.
MR. COHEN APPEALED AND A HEARING
WAS CONDUCTED ON AUGUST 15,
2013.

AUGUST MEMBERS RECEIVED A COPY
OF THE HEARING OFFICER'S REPORT
AND HAD AN OPPORTUNITY TO REVIEW
THE RECORD OF THE HEARING.

WOULD ANYONE LIKE THE TO DISCUSS
THE REPORT OR RECOMMENDATIONS?
WITH NONE, DO I HAVE A MOTION TO
ADOPT?

>> SO MOVED.

>> SECOND?

>> SECOND.

>> OKAY.

THANK YOU.

>> THE FINAL ADJUDICATION
INVOLVES PIERRE THOMAS -- TOMAS.
CORRECT?

REGARDING APPEAL OF JOCKEY
PIERRE TOMAS, STATE STEWARD OF
BELMONT SUSPENDED HIM AS HE DAYS
AFTER FINDING HIM IN VIOLATION
OF RULE 4035.2 FOR CARELESS
RIDING IN A RACE CONDUCTED MAY
4, 2013.

HE APPEALED AND A HEARING WAS CONDUCTED ON AUGUST 15, 2013. AUGUST MEMBERS RECEIVED A COPY OF THE HEARING OFFICER REPORT AND HAD AN OPPORTUNITY TO REVIEW THE HEARING.

WOULD ANYONE LIKE TO DISCUSS THE REPORT OR MAKE RECOMMENDATIONS? HEARING NONE, DO I HAVE A MOTION?

>> SO MOVED.

>> SECOND.

>> THANK YOU.

THAT CONCLUDES WHAT WE HAVE FOR ADJUDICATIONS FOR THIS MEETING. THE NEXT ITEM ON THE AGENDA IS CONSIDERATION OF AN RFP AWARD. EACH COMMISSIONER RECEIVED A COPY OF A REK MEN MEMORANDUM PREPARED BY STAFF AFTER BIDS RECEIVED IN RESPONSE TO A REQUEST FOR PROPOSAL FOR MARKET RESEARCH OF ALTERNATIVE APPROACHES FOR THE FUTURE OF THE NEW YORK STATE LOTTERY.

THE RFP NEEDS TO REVIEW DIFFERENT STRATEGIES TO REMAIN AS RELEVANT -- AS A RELEVANT GAMING OPTION, AN IMPORTANT SOURCE OF FUNDING FOR THE STATE AIDE TO EDUCATION AND ASSIST WITH THE COMPREHENSIVE BUSINESS PLAN THAT IDENTIFIED VARIOUS STRATEGIC DEVELOPMENT OPPORTUNITIES, PATHS OR OH AGSS.

I WANT TO REMIND THE COMMISSIONERS THAT THE AWARD RECOMMENDATION IS NOT PUBLIC INFORMATION UNTIL A FORMAL REWARD HAS BEEN MADE.

ONCE COMMISSION APPROVAL WAS GRAPTED AND THE TENTATIVE AWARD HAS BEEN RECEIVED AND REVIEWED BY THE OFFICE OF THE ATTORNEY GENERAL AND THE OFFICE OF STATE CONTROLLER.

ONLY INFORMATION PERTAINING TO THIS DEVELOPMENT OF THE RFP AND THE EVALUATION INSTRUMENT AND THE PROCESS OF EVALUATION REWARD CAN BE SUBJECT TO PUBLIC DISCUSSION.

GIVEN THESE ADVISORIES, WOULD ANYONE LIKE TO DISCUSS THE

DEVELOPMENT OF THE RFP OR
EVALUATION INSTRUMENT OR THE
PROCESS OF EVALUATION AND AWARD?
NO COMMENT?

>> NO.

>> NO SUGGESTIONS?

MOTION TO ADOPT A
RECOMMENDATION?

>> SO MOVED.

>> SECOND?

>> SURE.

>> THANK YOU.

WE HAVE ONE ITEM FOR DISCUSSION.
WE'D LIKE TO CONFORM ON THE
RECORD ACTION RECENTLY TAKEN BY
THE COMMISSION.

ON AUGUST 1, 2013 THE COMMISSION
UNANIMOUSLY VOTED TO ALLOW NYRA
TO CONDUCT ON A TEMPORARY BASIS
TWO NEW WAGERS -- THE PICK FIVE
AND THE SHOW QUINELLA.

IT WAS GRANTED THU THE CLOSE OF
THE BELMONT FOUR MEETING.

THIS PAST WEEK NYRA SOUGHT THE
TO EXTEND THE AUTHORIZATION SO
THEY MIGHT HAVE ADDITIONAL DATA
TO ANALYZE THE WAGER'S EFFECT ON
HANDLE.

COMMISSION MEMBERS ON AN
INDIVIDUAL BASIS APPROVED THIS
EXTENSION THROUGH DECEMBER 31,
2013.

OLD BUSINESS.

ONE ITEM.

THAT'S THE DELEGATION OF
AUTHORITY.

AT THE COMMISSION'S JUNE 26,
2013, MEETING, CERTAIN MEMBERS
REQUESTED A MODIFICATION OF
RESOLUTION 03-2013 WHICH REGARDS
DELEGATION OF AUTHORITY.

IN THE INTERIM, EACH MEMBER HAS
RECEIVED SEVERAL DVDS CONTAINING
ALL SUBSTANTIVE ACTIONS TAKEN BY
THE ACTING EXECUTIVE DIRECTOR SO
WE HAVE A GENERAL UNDERSTANDING
OF THE DAY-TO-DAY TRANSACTIONS
UNDER CONSIDERATION.

A REVISED RESOLUTION WAS
PREPARED AND CIRCULATED FOR OUR
CONSIDERATION.

ED, COULD YOU EXPLAIN THE
REVISIONS?

>> YES.

MR. CHAIRMAN, AT ITS INITIAL MEETING, THE COMMISSIONERS ADOPTED A RESOLUTION THAT INCLUDED A GENERAL DELEGATION OF AUTHORITY ON DAY-TO-DAY COMMISSION MATTERS TO THE ACTING EXECUTIVE DIRECTOR.

AT THE SAME TIME THE COMMISSIONERS EXPRESSED AN INTEREST IN MORE FULLY FLESHING OUT THE TYPES OF MATTERS THAT ARE BEING DELEGATED AS OPPOSED TO A BROAD, GENERAL LANGUAGE USED IN ITS INITIAL RESOLUTION. AS A RESULT, S COMMISSION STAFF HAS ENDEAVORED TO PROPOSE A NEW RESOLUTION WHICH WOULD BE NUMBERED, NUMBER 5 2013 THAT WOULD PROVIDE THE COMMISSIONERS ACT THEMSELVES IN REGARD TO ANY DUTY THAT IS EXPLICITLY PRESCRIBED BY STACHD TO THE COMMISSION FOR THE COMMISSIONERS SUCH AS RULE MAKING OR ADJUDICATIONS.

AND THEN INCLUDE AS PART OF THE RESOLUTIONS AN APPENDIX WHICH SETS FORTH IN MORE DETAIL THE TYPES OF MATTERS BEING HANDLED AND DELEGATED TO THE ACTING EXECUTIVE DIRECTOR ON A DAY-TO-DAY BASIS AND RESERVED FROM THOSE TYPES OF MATTERS GENERALLY DELEGATED THE RIGHT TO CONSIDER THEMSELVES ANYTHING THEY DEEM OF SIGNIFICANT IMPORTANCE OR FINANCIAL IMPACT TO THE STATE OR OTHER MATTERS THAT THEY WOULD PREFER TO PULL BACK AND DECIDE ON THEIR OWN. WHAT'S BEFORE YOU IS A PROPOSED RESOLUTION THAT IS INTENDED TO ADDRESS THE COMMISSIONER'S EARLIER CONCERNS ABOUT THE BROAD RESOLUTION AND MAINTAIN THE FUNCTIONAL WORKING RELATIONSHIP THAT'S DEVELOPED IN THE EXECUTION OF DAY-TO-DAY MATTERS.

>> DO WE HAVE COMMENT?

I DON'T KNOW IF WE HAVE HAD SUFFICIENT TIME TO DIALOGUE ON THIS AT ALL.

>> I BELIEVE, MR. CHAIRMAN, THAT WE ASKED COUNSEL TO REVISE THE

LANGUAGE WITH THE GOAL OF MAKING
IT CLEAR THAT STAFF ACTIONS
AREN'T INTENDED TO CHANGE THE
POLICIES OR THE GOALS OF THE
COMMISSION AND THAT ANYTHING --
ANY ACTION THE STAFF MIGHT TAKE
THAT MIGHT HAVE THAT EFFECT
NEEDS TO BE DONE AFTER
SIGNIFICANT NOTICE TO
COMMISSIONERS SO WE CAN
INTERVENE AND TAKE THE ITEM BACK
TO OUR OWN DESK.

I BELIEVE THIS LANGUAGE DOES
THAT.

BUT THAT'S MY PERSPECTIVE.

>> OKAY.

>> IS THAT SO?

>> THAT'S MY RECOMMENDATION.

>> I REVIEWED IT.

I BELIEVE IT ACCOMPLISHES THAT
OBJECTIVE ALSO.

THANK YOU.

>> THE COMMISSION CAN REVERSE
THE EXECUTIVE DIRECTOR ON ANY
ACTION TAKEN DOWN THE ROAD.

>> TO SAY IT AGAIN, THE NEW
LANGUAGE REQUIRES WHAT WE DEEM
SUFFICIENT NOTICE IF THE ACTION
IS GOING TO MODIFY POLICIES OR
GOALS.

>> MY CONCERN WITH IT ALL ALONG
WAS DOWN THE ROAD WHAT OCCURRED.
IF SOMETHING THAT WAS REASONABLY
SMALL CAME UP DOWN THE ROAD --

>> SUDDENLY BECAME A BIGGER
DEAL.

INADVERTENT, NOT THAT STAFF
INTENTIONALLY WAS DOING IT.
YOU HAD A GAP BETWEEN A MINOR
ISSUE AND THEN SOMETHING
BECOMING A BIGGER ISSUE.

THE HYPOTHETICALS WE CAN GO
THROUGH.

HOPEFULLY THEY NEVER OCCUR.

THAT WAS THE EXTENT.

THAT WAS THE WORKLOAD WE CAN'T
DELEGATE AS MUCH ON.

IT WAS BETTER HANDLED BY THE
EXPERTS ON CERTAIN ADD
MINISTERIAL MATTERS.

>> MY READING IS WE HAVE
TIGHTENED UP THAT HYPOTHETICAL
SPACE.

>> YEP.

>> IT'S ALWAYS GOING TO BE SOME QUESTION.
I THINK WE HAVE TIGHTENED IT UP AS MUCH AS WE CAN.
>> I AGREE.
DID A GREAT JOB.
GOOD WORK.
>> SO WE'RE FINE WITH THE MODIFICATION.
>> I AM.
>> VERY GOOD.
EXCELLENT.
>> THE NEXT ITEM IS TO DISCUSS --
>> PROPOSED.
>> OKAY.
>> THE NEXT ITEM ON THE AGENDA IS FUTURE SCHEDULING.
SHOULD WE HAVE A DISCUSSION ON THIS?
WE HAVE TALKED ABOUT TRYING TO STANDARDIZE WHEN WE WANTED TO MEET.
OR DO WE STILL WANT TO DO IT AS WE HAVE BEEN DOING IT, TRYING TO CONFORM EVERYBODY'S SCHEDULE TO THE NEXT MONTH IT WILL BE.
IS THAT YOUR SUGGESTION?
>> STAFF WILL BE RESPONSIVE TO YOU.
DEPENDS ON IF YOU WANT TO DO SOMETHING ON A FORMAL --
>> I THINK THE REALITY IS WE NEED ALL TO BE IN ATTENDANCE. NO MATTER WHAT WE DO WE HAVE TO CONFORM TO CALENDARS ANYWAY.
>> I AGREE.
THE FIRST OR SECOND OF THE MONTH.
BUT I DON'T KNOW IF THAT WORKS WITH ANYBODY'S SCHEDULE.
>> I THINK WE SHOULD DO IT. IF WE HAVE A PROBLEM WE MOVE IT. BUT OTHERWISE IT'S SET.
YOU SAID AT SOME POINT YOU'RE NOT IN CONTROL OF THE SCHEDULE. WE ALL HAVE SOME ELEMENT OF THAT.
THE PUSHBACK AT LEAST EXISTS INITIALLY.
RIGHT?
MAYBE IT DOESN'T WORK.
YOU HAVE TO MODIFY IT ANYWAYS.
IT WOULD BE HELPFUL TO HAVE IT

SET UP FROM THE INDUSTRY
PRACTICE.
>> IF YOU NEED TO MOVE IT.
EVEN IF WE GOT THE FIFTH MEMBER.
SO WHAT.
EVERYBODY SHOW IN ATTENDANCE.
IF YOU HAVE AN ISSUE, YOU CAN
CHANGE IT AROUND.
>> RIGHT NOW WE HAVE BEEN
RESPONDING TO IT.
THAT'S MODIFIED.
NOW WE KNOW WHAT THE DATE IS
GOING TO BE.
WE CAN WORK AROUND THAT.
>> AS LONG AS IT GIVES STAFF
SUFFICIENT TIME TO GIVE US THE
INFORMATION BEFORE THE MEETING.
>> WE ARE WORKING ON THAT.
>> TRYING TO ESTABLISH WHAT THAT
IS.
>> NO, NO.
WE HAVE TO DO THAT AND WORK
THROUGH IT.
AS JOHN SUGGESTED TO MAKE SURE
IT DOESN'T UNREASONABLY INFRINGE
ON WHAT YOU HAVE TO DO HERE.
SO IT GIVES YOU ADEQUATE TIME TO
COME UP WITH EVERY OTHER
WEDNESDAY OR THE FIRST WEDNESDAY
A MONTH THAT IT BECOMES A HARD
AND FAST RULE IF IT'S GOING THE
TO NEGATIVELY IMPACT UPON OUR
ABILITY TO DEAL WITH THE
SUBSTANCE.
SO FLEXIBILITY.
OKAY?
>> YEP.
>> I THINK THAT'S THE END OF THE
AGENDA FOR TODAY.
I THANK OUR GUESTS FOR BEING
HERE.
UNLESS ANY OF THE MEMBERS HAVE
OTHER QUESTIONS AND ISSUES.
NO?
STAFF HAVE OTHER ISSUES?
OKAY.
>> OKAY.
>> THANK YOU.