



# Gaming Commission

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

September 1, 2021

Re: **Industry Notification of Proposed Rulemaking for Serving Thoroughbred Jockey Suspensions (9 NYCRR § 4035.7)**

To Whom It May Concern:

The New York State Gaming Commission has proposed amendments to its Thoroughbred racing rules for serving jockey suspensions (9 NYCRR §4035.7). Upon publication in the September 15, 2021 State Register, the full text of the proposed rules will be found on our website at <https://www.gaming.ny.gov/proposedrules.php>.

Jockeys requesting a hearing receive an administrative stay of the penalty (which is typically no more than several days) pending Commission decision on the matter. The full adjudication process can be lengthy. A jockey may request a hearing and then withdraw the request after the conclusion of the meet, serving the suspension during a meet the jockey prefers. This creates an undue burden on taxpayers and the agency in expending significant resources in arranging and preparing for the hearing that never occurs.

This rulemaking proposal establishes discretion to require a Thoroughbred jockey to serve a suspension for a riding violation at the same track at which the violation occurred. The proposed rule seeks to discourage gamesmanship in the agency hearings process that has the effect of delaying a suspension, particularly at more lucrative meets such as Saratoga.

If you wish to provide any comments on this proposed rulemaking, please submit your written comments to [gamingrules@gaming.ny.gov](mailto:gamingrules@gaming.ny.gov) or to Kristen M. Buckley, One Broadway Center, Suite 500, Schenectady, NY 12305 no later than November 15, 2021.

Very truly yours,

Kristen M. Buckley  
Acting Secretary