



# Gaming Commission

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

February 2, 2024

Re: **Industry Notification – Proposed Rulemaking to Amend Thoroughbred Pick-Five Wagering Rule (9 NYCRR § 4011.25)**

To Whom It May Concern:

The New York State Gaming Commission has proposed amendments to its Thoroughbred pick-five wagering rule (9 NYCRR § 4011.25). Upon publication in the February 7, 2024 State Register, the full text of the proposed rules will be found on our website at <https://www.gaming.ny.gov/proposedrules.php>.

This rulemaking proposal would allow a Thoroughbred racetrack to choose one of two options for conducting pick-five wagering: either carry over 100% of the net pool or carry over 75% of the net pool while paying out a consolation of 25%. Prior written approval of the Commission would be required before a track could change the method of apportioning its pick-five pools and each track operator would be required to ensure that the wagering public is aware of the differences in the way the pick-five pool is apportioned. This rule making promotes consistency with other prominent racing jurisdictions.

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 April 8, 2024.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley".

Kristen M. Buckley  
Acting Secretary