



# Gaming Commission

One Broadway Center  
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[www.gaming.ny.gov](http://www.gaming.ny.gov)

April 17, 2020

Mr. Patrick Madamba  
Senior Vice President and Legal Counsel  
MGM Resorts International  
1 Borgata Way  
Atlantic City, New Jersey 08401

Dear Mr. Madamba:

As you are aware, Governor Andrew M. Cuomo has issued several Executive Orders designed to combat the Novel Coronavirus (COVID-19) outbreak. Among the Orders is a requirement that certain employers reduce the number of their employees working at individual locations in the State by 100 percent effective March 22, 2020 at 8 p.m. The employment reduction requirements apply to all for-profit and not-for-profit employers in New York State, unless such business has been deemed an essential business or entity providing essential services. The Executive Orders themselves define the terms “essential businesses or entities” providing “essential services”.

Yesterday the applicability of the reduction was extended through May 15, 2020.

Review of the applicable Executive Orders continues to find that a racetrack operating for pari-mutuel wagering does not qualify as an essential business, accordingly, **the Commission hereby suspends any previously approved race dates of operation through May 15, 2020, and will not approve any pending race dates of operation through May 15, 2020.**

Should you disagree with the identification of your business as non-essential, you may file a request with the Empire State Development Corporation to be designated as an essential business through the following website: <https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026>.

However, animal care operations, including equine barn or facility maintenance, equine turnout and exercise, stall cleaning and enclosure repair, and farrier and veterinary care do qualify as essential business. As previously discussed in past correspondence, whether a racetrack remains open for training and barns remain open for stabling is a determination to be made by each racetrack and its horsemen’s organization. However,

should a racetrack or barn area remain open there are certain standards that must be maintained.

For facilities that remain open for training purposes, it is management's responsibility to maintain the training surface in a safe condition. Failure to properly maintain the surface presents significant risk to the equine athlete and those engaged in exercising or training. Racetracks must not allow, by omission, any unnecessary risk relative to its racing surfaces.

With respect to sanitary conditions, should any animals be maintained on racetrack grounds, the racetrack must continue to meet basic welfare responsibilities. These responsibilities include securing a reliable supply of products necessary to maintain the population and ensuring that the sanitary needs of the facility remain satisfied. These needs include the scheduled removal and disposition of refuse, manure and stained straw.

Should you have any questions, please contact me directly.

A handwritten signature in black ink, appearing to read 'Robert Williams', followed by a long horizontal line that ends in a small arrowhead pointing to the right.

Robert Williams  
Executive Director