



**Agriculture and New York State Horse Breeding Development Fund
DRAFT Minutes – March 13, 2026**

ITEM 1: CALL TO ORDER

Chairman Brian O’Dwyer called the meeting to order at approximately 1:25 p.m. Establishment of a quorum was noted by Chairman O’Dwyer. In attendance were Fund Board Members Richard Ball, Commissioner of the Department of Agriculture and Markets, and Trustee Steve Jones. Chairman O’Dwyer noted that he and Trustee Jones were participating remotely. Chairman O’Dwyer noted the presence of Executive Director Fletcher Whyland, Elizabeth Wolters, Deputy Commissioner of the Department of Agriculture and Markets, Giuseppe Carberg & Sarah Sheehan from Capitol Hill Management Services, and Brian Kearns & Brandon Valvo from UHY LLP.

ITEM 2: CONSIDERATION OF MINUTES OF FEBRUARY 13, 2026

The Fund considered previously circulated draft minutes of the meeting conducted on February 13, 2026. The minutes were accepted as circulated.

ITEM 3: FINANCIAL UPDATE – ANNUAL FINANCIAL AUDIT REVIEW

Brian Kearns and Brandon Valvo from UHY were present to discuss the results of the 2025 Financial Audit. UHY noted the unmodified opinion without any significant deficiencies or material defects. The 2025 Audited Financial Statements were approved.

ON A MOTION BY: COMMISSIONER BALL - APPROVED: 3-0

Giuseppe Carberg from Capital Hill Management Services updated the Board on the Fund’s year-to-date financials. Giuseppe noted that the majority of accounts receivable were current as of February 28, 2026, except for the receivable amount owed to the Fund by Resorts World Catskills of approximately \$1.14 million. An agreement has been made to receive the remaining past due balance by January 2027.

ITEM 4: CONSIDERATION OF COUNTY FAIR SCHEDULE

The 2026 County Fair schedule was considered. The proposed location for the 2026 County Fair Finals is the Goshen Historic Track. Executive Director Whyland discussed the status of the County Fair Racing Series. Chairman O’Dwyer requested that Executive Director Whyland continue to attempt to get more counties to participate with an emphasis on downstate counties.

The County Fair Schedule was approved.

ON A MOTION BY: COMMISSIONER BALL - APPROVED: 2-0 (TRUSTEE JONES - ABSTAINED)

ITEM 5: INTERNSHIP POSITION AND MODIFICATION OF 2026 BUDGET

Executive Director Whyland provided draft employment terms and compensation for the creation and modification of an internship position. The roles and responsibilities of this position would include but not be limited to: assisting in the day-to-day mission of the Fund to promote agriculture through the breeding of Standardbred horses and the conduct of a three-tiered racing program in the State, assisting in the operation and coordination of racing operations related to the Sire Stakes program, and attending events and certain races held at tracks throughout the State. The position would be structured as a six-month, part-time appointment (19 hours per week) at a rate of \$24 per hour.

Executive Director Whyland noted that an adjustment to the 2026 Budget is necessary to provide adequate funding and that the Fund will remain in compliance with statutory spending caps. The amount allocated under Administration Expenses for Temporary Employees would need to be increased from \$5,750 to \$11,900 (this is an increase of \$6,150). The Fund is authorized to spend no more than 4% of its operating revenue on administration (§332(1)(a) of the Racing, Pari-Mutuel Wagering and Breeding Law). The Fund has remained in compliance with this requirement. The proposed modification to allocate additional funding to support the internship position will have a negligible impact on the current statutory limit.

ON A MOTION BY: TRUSTEE JONES - APPROVED: 3-0

ITEM 6: LEGISLATIVE UPDATE

Executive Director Whyland provided the following update: Governor Kathy Hochul signed Assembly Bill A.8533 / Pretlow into law on February 7, 2024 (Chapter 39 of the Laws of 2023). The changes impacted all series of racing (including the County Fair and Excelsior races). On September 29, 2023, the requirements for a mare to be bred in New York State were removed. Further changes were referenced in Governor Hochul's October 2023 Approval Memorandum. With those changes, eligibility for the County Fair and Excelsior Series was once again restricted to foals bred in NY State (to a NY stallion and a mare bred in NY State). Foals that are a product of shipped semen will only be eligible for the Sire Stakes Series. Additionally, foals bred in NY State (to a NY stallion and a mare bred in NY State) are eligible for bonus payments for Sire Stakes Series races.

On November 7, 2025, Assembly Bill A.9234-A was introduced by Assemblymember Woerner. The Bill, as currently written, would remove the requirement for mares to be bred

in New York State in order for their resulting foals to be eligible to participate in the Excelsior and County Fair Races. This legislative session, the bill was reported from the Racing and Wagering Committee (1/20/26), reported from the Ways & Means Committee (3/12/26), and passed the Assembly (3/16/26). The Same-As Senate bill is being sponsored by Senator Addabbo, Senate Bill S.9183. This bill has been reported from the Racing, Gaming and Wagering Committee (3/17/26) has Advanced to Third Reading (3/19/26) and passed the Senate (3/24/26).

ITEM 7: CONSIDERATION OF FUND POLICIES

The Fund's policies were all updated in 2024. No changes have been made to the policies in 2026. The Members approved the Policies.

ON A MOTION BY: COMMISSIONER BALL - APPROVED: 3-0

ITEM 7: NEW/OLD BUSINESS

There was no new or old business to discuss.

ITEM 9: ADJOURNMENT:

Chairman O'Dwyer expressed a preference for the next Board meeting to take place in September. Chairman O'Dwyer declared the meeting adjourned at approximately 2:07 p.m.