

CONFIDENTIAL

Case #16-0096

**Belmont Stakes
Visitor's Pass**

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Origin of Case:

In June 2016, Ronald Ochrym, Director of Racing and Pari-Mutuel Wagering, reported that John Jones, a Commission employee assigned to a thoroughbred track, requested six visitors passes to the backstretch during the 2016 Belmont Stakes from the New York Racing Association, Inc. ("NYRA") staff.

Nature of Allegation:

Ochrym reported that John Jones, Assistant to the Supervising Racing Veterinarian, may have inappropriately utilized his position and obtained backstretch passes for his friends on the day of the 2016 Belmont Stakes.

Investigative Action:

In furtherance of this investigation, Commission and NYRA records were obtained and reviewed, internet and Accurint searches were conducted, and a number of interviews were conducted including, but not limited to, employees of NYRA Security; [REDACTED] [REDACTED] [REDACTED] and John Jones.

Relevant Statutes & Policies

Commission employees are prohibited from engaging in conduct that constitutes an actual or perceived conflict of interest, including using one's position to obtain a benefit for themselves or another.

Public Officers Law § 74(3)(d) states that "[n]o officer or employee of a state agency . . . should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others."

HR-002 Commission Code of Ethics for Gaming Employees adopts the provisions cited in the above referenced Public Officers Law.

Background

The Commission regulates all horse racing and pari-mutuel wagering in New York State. There are four thoroughbred tracks in New York which include Aqueduct Racetrack, Belmont Park, Saratoga Race Course and Finger Lakes Gaming & Racetrack. With the exception of Finger Lakes Gaming & Racetrack, NYRA is the not-for-profit corporation that operates these tracks. Racing is conducted at one of the three NYRA tracks year-round.

NYRA also sponsors the last leg of the Triple Crown races at Belmont Park each year. The Triple Crown is comprised of three races, namely the Kentucky Derby, Preakness Stakes, and Belmont Stakes. The first winner of all three Triple Crown races was Sir Barton in 1919, and since that time only 11 other horses have accomplished the same feat. Thus, the Triple

Crown races have historically drawn much attention and anticipation of who will be the next thoroughbred to win this coveted title, and many flock to the tracks in the hope of witnessing another historic event. As a result of the significant increase in attendees on Belmont Stakes day, security is heightened and resources and amenities, such as parking, are limited.

Commission Employees

The Commission assigns a number of employees, including inspectors, investigators, an Assistant to the Supervising Racing Veterinarian, a Supervising Racing Veterinarian, and a Steward to the NYRA-operated tracks to facilitate the regulating and monitoring of races, as well as the drug testing of horses and jockeys. Hence, other than the Steward and investigators, Commission employees typically work in the backstretch where the test barn is located. The entrance to the backstretch at Belmont Park is located at Gate 6. For obvious reasons, access to the backstretch and test barn areas is restricted, and security is posted at the entrance to ensure that there are no trespassers. Security personnel are hired and managed by NYRA.

According to [REDACTED] and [REDACTED] state official at the track, in the absence of official duties or business, Commission employees should not be in the backstretch area, and if they are working, the employee should not be receiving visitors in the restricted area.

Key Interviews

[REDACTED] Chief Inspector of NYRA Security

[REDACTED] stated that in conducting a review of the Visitor's Pass Log for the 2016 Belmont Stakes he noted that John Jones had obtained four visitors' passes for two days, specifically, June 10th and June 11th (Stakes day) for the Gate 6/backstretch area. He further stated that he had spoken with [REDACTED] who informed him that state employees should not be issued visitors' passes. [REDACTED] explained that a visitor's pass would enable the visitor to park in the Gate 6/backstretch area and commented that security could be lax with those who have such passes.

[REDACTED] Director of Racing Investigations

[REDACTED] stated that visitors' passes are usually issued to guests of trainers and not Commission employees. He explained that the passes do not allow entrance to an event and do not have any significant monetary value, but it would allow guests to park in the backstretch. [REDACTED] further stated that he learned that Jones obtained visitors' passes for friends during the 2016 Belmont Stakes meet and expressed concerns that the guests were not only granted access to a restricted area, but also able to park for free in the backstretch when they would have otherwise had to pay for parking. (See, NYRA website regarding parking for 2016 Belmont Stakes print-outs annexed hereto as Exhibit "1.") [REDACTED] added that parking in the backstretch also makes entering and exiting the property during the Belmont Stakes much easier.

[REDACTED] stated that he spoke with Jones about the matter, and Jones openly admitted that he had four friends from Washington, D.C. visit during Belmont Stakes, and he obtained visitors'

passes for them. [REDACTED] commented that Jones is one of the more senior employees assigned to the NYRA tracks and knows everyone. Therefore, it is conceivable that the NYRA security staff member may have felt obliged to acquiesce to Jones' request for the passes.

[REDACTED] NYRA Security

Both [REDACTED] were assigned to Gate 6/backstretch during Belmont Stakes weekend and the times that Jones' guests visited. It should be noted at the outset that both claimed not to know Jones, yet both described him as a white male. [REDACTED] explained that she surmised that Jones was white since most of the Stakes day attendees were white. However, she had been posted to Gate 6 since May of 2015, and Jones was not a mere visitor, but a state employee who reported daily to the track via Gate 6. As for [REDACTED] she commenced her employment with NYRA in 2014 and had similarly been assigned to Gate 6 prior to the Stakes meet and would have had ample opportunity to observe Jones reporting to work on a daily basis. Interestingly, [REDACTED] recalled specific details of her encounter with Jones and even provided a clothing description yet still incorrectly described his ethnicity. Other inconsistencies were also noted during [REDACTED] and [REDACTED] interviews regarding Jones and their reported interaction, which [REDACTED]

According to [REDACTED] she was hired by NYRA in December 2014, but 2016 was her first year working during Belmont Stakes and she was overwhelmed by the long line of visitors. [REDACTED] stated that she did not recall what identification was presented to her by Jones and his guests, and contrary to NYRA protocol, she did not obtain clearance from her supervisor prior to allowing Jones' guests access to the restricted area. [REDACTED] stated that she was subsequently informed by her sergeant that Jones should not have been allowed to bring visitors into the backstretch area.

[REDACTED] was initially vague during her interview until she was presented with records completed by her and pointedly asked why she allowed Jones' visitors into a restricted area. She explained that Jones identified himself as a Commission employee and indicated that the visitors worked with him even though they presented drivers' licenses and not Commission identification. She further stated that Jones stated to her that badges were in the process of being made for the visitors. [REDACTED] averred that normally she would have inquired with her supervisor as mandated by NYRA protocol, but did not do so in this instance because Jones was a Commission employee, and she had been told not to "question" Commission employees. [REDACTED] also added that there was a backlog of visitors, and she was trying to process them quickly.

[REDACTED] Sergeant NYRA Security

[REDACTED] stated that Gate 6 is the entrance for a restricted area utilized by hot walkers, grooms, assistant trainers, riders, owners, jockeys, and Commission employees. She further stated that Commission employees who work in the test barn located in this area are not issued passes as they have the necessary credentials. As such, there are no known protocols for the issuance of a visitor's pass to a Commission employee.

Immediately following the 2016 Belmont Stakes weekend, ██████ stated that she was informed by a staff member that her subordinate, ██████ had issued visitors' passes to guests of John Jones. When ██████ spoke with ██████ she learned that ██████ thought it was okay to issue the passes to Jones since he was a Commission employee. ██████ also determined that ██████ had issued passes to Jones guests as well. She indicated that she and her staff all knew who Jones was and that he was in charge of the test barn. ██████ commented that although her staff knew Jones, she did not believe they socialized together outside of work.

██████ also informed this Office that another Commission employee, Dr. Anna Gurevich, brought visitors' to the backstretch on more than one occasion. She recounted that the most recent incident took place in October 2015. ██████ explained that she received a call from Dr. Gurevich requesting a visitor's pass for a friend; at which time she replied that a veterinarian is not allowed to receive a visitor's pass. Dr. Gurevich stressed that she was the "State Veterinarian" and ██████ indicated that she knew who she was as they had exchanged words during the recent Belmont Stakes weekend. ██████ stated that she then conferred with ██████ who confirmed that visitors are not allowed in the test barn area. When Dr. Gurevich's guest, ██████ arrived at Gate 6 and was denied entry, both Dr. Gurevich and ██████ departed from the area in her car. Dr. Gurevich then proceeded to enter with ██████ through Gate 5. When security learned of the matter and questioned her, it was only at that time did Dr. Gurevich contend that she needed ██████ to tend to her car which was in an accident earlier that day.

██████ also recalled another incident involving Dr. Gurevich during the 2015 Belmont Stakes. She explained that Dr. Gurevich provided a list of approximately 20 names of individuals she wanted to bring in as guests on Stakes Day. (See, List of guests dated June 6, 2015 annexed hereto as Exhibit "2.") When ██████ informed Dr. Gurevich that she could not have guests, she became disrespectful and cursed at her. Dr. Gurevich also commented to ██████ that "one way or another" she was going to have her guests visit. According to ██████ a number of trainers subsequently vouched for and/or escorted Dr. Gurevich's guests as their own guests. (See, NYRA 2015 Visitor's Pass Log for June 6th annexed hereto as Exhibit "3.")

John Jones

Jones stated that he is a long-standing state employee who has been assigned to work at the NYRA tracks since 1977. He reports directly to the Supervising Racing Veterinarian and is responsible for supervising the inspectors. Although the ██████ is the ██████ state official at the track and ██████ he rarely goes into the backstretch. As such, Jones often confers with the Supervising Racing Veterinarian on operational issues in lieu of the ██████ Jones stated that he knows most of the backstretch staff (trainers, grooms, etc.) and is familiar with most of the NYRA staff including security. He does not, however, socialize with any of these individuals outside of work.

Jones stated that visitors are not allowed in the backstretch area, but commented that former employees often stop by to say hello. Initially, Jones denied that he had brought visitors onto the grounds as he is "too busy to go get a visitor's pass." However, he then admitted that he has had guests during Belmont Stakes. According to Jones, these friends, ██████ are from

Washington D.C. and have been visiting him on Stakes day for the last 25 years. Jones claimed that he would obtain visitors' passes from the security office at Gate 6 and leave them at the security booth for his guests. Jones stated that his guests arrive early, before the races and before the arrival of the horses, to chat with him outside of the test barn. Thereafter, the guests would proceed to the track to watch the races. Jones denied being aware of any Commission policy as it pertains to visitors.

Jones stated that he did not understand why there was such a concern about having visitors on Stakes day as it did not interfere with his duties. He conceded that parking is an issue on Stakes day and claimed not to know where his guests parked when they visited, but later indicated that his guests sometimes parked in the backstretch area. Jones also denied obtaining visitors' passes for two dates and not just Stakes day. When shown the NYRA Visitor's Pass Log which indicated that passes were issued to his guests for two different dates, he explained that his guests may have used his name to obtain passes for the other day. (See, NYRA 2016 Visitor's Pass Log for June 10th and 11th annexed hereto as Exhibit "4.") Jones, however, was not concerned with his guests' actions as they were "straight up" people.

Lastly, Jones reported that visitors regularly visit the backstretch area without the Steward knowing and that the practice has been ongoing for years. However, if there is a Commission policy against this practice, and it was clearly communicated, he would adhere to it. It should be noted that a review of the Commission's policies and procedures as posted on the intranet did not yield any policies which specifically addressed Division of Racing and Pari-Mutuel Wagering employees.

Dr. Anna Gurevich

This Office attempted to interview Dr. Gurevich, but was informed by her counsel that she is declining to meet with this Office as she is no longer working for, or licensed by the Commission.

According to the written statement submitted by Dr. Gurevich dated October 28, 2015, and obtained by this Office, Dr. Gurevich stated that she was in a car accident and had advised security that [REDACTED] would be arriving to assist her. She did not understand why [REDACTED] was denied entry as he had shown security a number of passes that had been previously issued to him. Dr. Gurevich claimed that she tried to follow protocol as she had done on other occasions when she obtained passes. However, she had to enter via Gate 5 because she needed to tend to the horses and had planned on sorting out the "discrepancy" later. She further claimed that there were no samples kept in her office. Dr. Gurevich also stated that although [REDACTED] had offered to allow [REDACTED] to remain in the Commission Racing Office to wait for her, she did not think it was feasible as she did not know when she would finish work. Consequently, she insisted that [REDACTED] be allowed to wait in her office or she would leave with him. In the end, [REDACTED] mediated, and [REDACTED] was allowed to wait for her in the car outside of the test barn. (See, Statements provided by Dr. Gurevich and [REDACTED] are annexed hereto Exhibit "5.")

Review of NYRA Visitor's Pass Logs

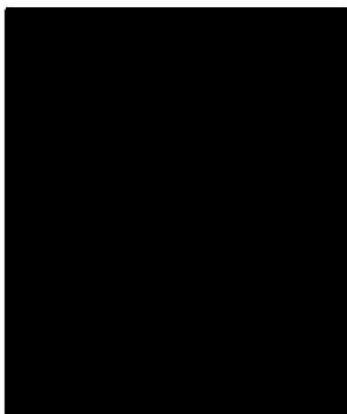
This Office obtained and reviewed NYRA's Visitor's Pass Logs for the years 2013-2016, specifically Belmont Stakes day. (See, Exhibits "3," "4," and NYRA 2014 Visitor's Pass Log entries for June 7th annexed hereto as Exhibit "6." Visitor records for 2013 are not provided as Commission employees were not issued visitors' passes.) The Logs revealed the following:

June 8, 2013

There were no visitors' passes noted as being issued to Commission employees.

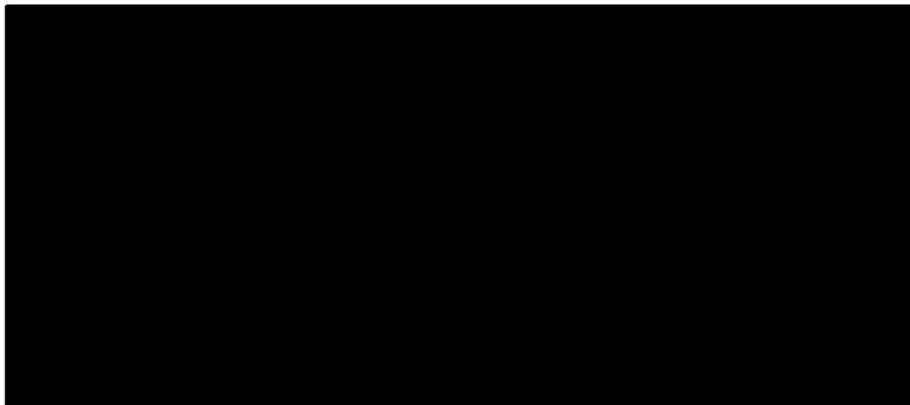
June 7, 2014

The following individuals were listed as guests of Dr. Gurevich:



June 6, 2015

The following guests were initially listed as guests of Dr. Gurevich, but were denied passes by NYRA. The individuals were subsequently listed as guests of various Trainers as noted in parenthesis:



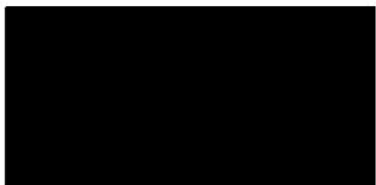
** Additional guests initially identified by Dr. Gurevich, but did not attend:



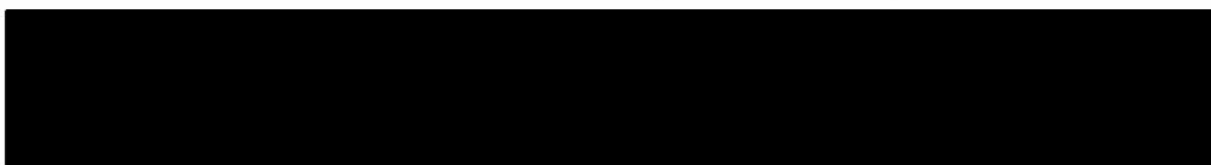


June 10, 2016

The following individuals were listed as guests of Jones:

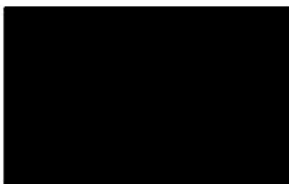


The following individuals were listed as guests of



June 11, 2016

The following individuals were listed as guests of Jones:



It should be noted that despite Jones' assertion that he has had the same visitors for the past 25 years during Belmont Stakes, a review of NYRA Visitor's Pass Logs for the years 2013, 2014, and 2015 did not indicate that any visitors' passes were issued to Jones. Thus, one may reasonably infer that either Jones did not obtain passes for his guests or that NYRA Security failed to properly document the presence of such visitors.

Findings:

This investigation revealed the following:

- 1) John Jones did obtain visitors' passes for his guests during the 2016 Belmont Stakes. NYRA records indicate that four visitors' passes were issued to guests of Jones during the Belmont Stakes events.
- 2) Jones admitted that for the past 25 years, he has had friends visit him in the backstretch during Belmont Stakes. NYRA Visitor's Pass Logs for the years 2013, 2014, and 2015; however, did not indicate that visitors' passes were issued to Jones. Thus, one may reasonably infer that either Jones did not obtain passes for his guests or that NYRA Security failed to properly document the presence of such visitors

- 3) NYRA Security Sergeant [REDACTED] reported that in addition to Jones, Dr. Anna Gurevich has also had visitors in the backstretch at Belmont and recalled two distinct incidents. In one incident, Dr. Gurevich, after being advised that she was not authorized to have visitors in the backstretch on Stakes day, had trainers vouch for and/or escort her guests onto the property as their own guests. In the second incident, and despite once again being advised she was not allowed to have a visitor in the backstretch, circumvented security and entered a restricted area with an unauthorized guest through another gate after being denied entry at Gate 6.
- 4) Dr. Gurevich's conduct in requesting that trainers escort her guests into the backstretch area severely compromises her integrity and ability to perform her duties fairly and without bias, creates the perception of a conflict of interest with other trainers who may be aware of what happened, and presents a corruption risk.

Conclusions & Recommendations:

Based upon this Office's investigation, it is recommended that this case be closed as SUBSTANTIATED. This investigation revealed that both John Jones and Dr. Anna Gurevich secured visitors' passes for friends and family. Further, that as a result of the passes, the guests were granted access to highly restricted areas including the backstretch and test barn; were able to park their vehicle(s) in the backstretch area; and avoided incurring parking fees. The passes were issued to Jones and Dr. Gurevich as a result of their position with the Commission. Therefore, their actions may be construed to be in violation of Public Officers Law § 74(3)(d). As such, this report and its findings will be referred to JCOPE for its review.

Accordingly, the following is recommended:

- 1) A Commission policy regarding visitors in the backstretch and test barn area should be issued, clearly communicated to Commission employees, and visibly posted at all tracks.
- 2) Track Operators should also be made aware of the Commission's policy regarding visitors to the backstretch and test barn areas and directed not to issue such passes unless consented to by the Steward or Presiding Judge.
- 3) As it pertains to Dr. Anna Gurevich, because she knowingly and intentionally circumvented security protocols when her guests were denied entrance to the backstretch and relied upon her relationships with various trainers to have them vouch for and/or escort her guests, Dr. Gurevich's integrity is effectively compromised. Further, Dr. Gurevich's conduct raises serious questions as to her judgment and ability to properly conduct herself as a state regulator and employee. As such, Dr. Gurevich should not be reappointed as a Supervising Racing Veterinarian at any track or as a stand-by veterinarian.

- 4) Dr. Gurevich's conduct should be reflected in her personnel file in the event she should seek employment with the Commission again.
- 5) As it pertains to the conduct of John Jones, the matter should be referred to Human Resources for whatever action they deem appropriate, as his actions may be construed as having also violated HR-002 Commission Code of Ethics for Gaming Employees.