

**NEW YORK STATE  
GAMING COMMISSION**

**MINUTES**

**MEETING of DECEMBER 21, 2015**

**NEW YORK, NEW YORK**

A meeting of the N.Y.S. Gaming Commission was conducted in New York, New York.

**1. Call to Order**

Executive Director Robert Williams called the meeting to order at 2:07 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder. Commissioner Snyder was unanimously elected as presiding officer for the meeting.

**2. Consideration of the Minutes from November 23, 2015**

The Commission considered previously circulated draft minutes of the meeting conducted on November 23, 2015. The minutes were then accepted as circulated.

**3. Rulemaking**

**a. Adoption: SGC-44-15-00019-P, Gelding Reporting Requirements**

The Commission considered adoption of a proposed regulation that requires any alteration to the sex of a horse from that recorded on the certificate of foal registration, eligibility certificate or other official registration certificate be reported to both the racing secretary and the official horse identifier if the horse is entered to race at any race meeting.

ON A MOTION BY: Commissioner Sample  
APPROVED: 5-0

**b. Proposal: Emergency Rulemaking for 2016 Jockey Injury Compensation Fund Assessments and Plan (9 NYCRR Part 4046)**

The Commission considered adoption of an emergency regulation that generally establishes a process for Commission consideration of a Jockey Injury Compensation Fund Assessment and Plan when the Fund fails to timely submit a plan and establishes a specific assessment and plan for 2016.

The emergency rule and plan would be utilized unless and until the Jockey Injury Compensation Fund submits an acceptable superseding plan.

ON A MOTION BY: Commissioner Moschetti  
APPROVED: 5-0

**c. Proposal: Rulemaking for 2016 Jockey Injury Compensation Fund Assessments and Plan (9 NYCRR Part 4046)**

The Commission considered adoption of a proposed regulation that generally establishes a process for Commission consideration of Jockey Injury Compensation Fund Assessments and Plan when the Fund fails to timely submit a plan and establishes a specific assessment and plan for 2016.

ON A MOTION BY: Commissioner Crotty  
APPROVED: 5-0

**4. Adjudications**

- a. In the Matter of Kevin Clarke.** The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 5-0 vote, to accept the Hearing Officer's recommendation that the applicant's license denial be upheld on the grounds of a rule violation.
- b. In the Matter of Victor Valderrama.** The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 5-0 vote, to accept the Hearing Officer's recommendation that the applicant's license denial be upheld.
- c. In the Matter of Delight Distribution.** The Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had agreed, on a 5-0 vote, to accept the

Hearing Officer's recommendation that the applicant's license be revoked and that suspension of the license until revocation be upheld.

**5. Consideration of Gaming Facility Licensing.**

**a. Capital Region Gaming, LLC doing business as Rivers Casino & Resort at Mohawk Harbor.**

- (1) The Commission considered finding Capital Region Gaming, LLC doing business as Rivers Casino & Resort at Mohawk Harbor suitable for gaming facility licensing per standards contained with sections 1317 and 1318 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample  
APPROVED: 5-0

- (2) The Commission considered finding the application, as amended, submitted Capital Region Gaming, LLC doing business as Rivers Casino & Resort at Mohawk Harbor as meeting the minimum licensing thresholds set forth in section 1316 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample  
APPROVED: 5-0

- (3) The Commission considered adopting the Lead Agency's SEQRA Findings Statement certifying that the requirements of 6 NYCRR Part 617 have been met, and consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

ON A MOTION BY: Commissioner Sample  
APPROVED: 5-0

- (4) The Commission considered executing the Gaming Facility License Award for Capital Region Gaming, LLC doing business as Rivers Casino & Resort at Mohawk Harbor pursuant to section 1311 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample

APPROVED: 5-0

**b. Lago Resort & Casino, LLC doing business as Lago Resort & Casino**

- (1) The Commission considered finding Lago Resort & Casino, LLC doing business as Lago Resort & Casino suitable for gaming facility licensing per standards contained with sections 1317 and 1318 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Crotty  
APPROVED: 5-0

- (2) The Commission considered finding the application, as amended, submitted Lago Resort & Casino, LLC doing business as Lago Resort & Casino as meeting the minimum licensing thresholds set forth in section 1316 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Moschetti  
APPROVED: 5-0

- (3) The Commission considered executing the Gaming Facility License Award for Lago Resort & Casino, LLC doing business as Lago Resort & Casino pursuant to section 1311 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Crotty  
APPROVED: 5-0

**c. Montreign Operating Company, LLC doing business as Montreign Resort Casino**

- (1) The Commission considered finding Montreign Operating Company, LLC doing business as Montreign Resort Casino suitable for gaming facility licensing per standards contained with sections 1317 and 1318 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Moschetti  
APPROVED: 5-0

- (2) The Commission considered finding the application, as amended, submitted Montreign Operating Company, LLC doing

business as Montreign Resort Casino as meeting the minimum licensing thresholds set forth in section 1316 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Poklemba

APPROVED: 5-0

- (3) The Commission considered adopting the Lead Agency's SEQRA Findings Statement certifying that the requirements of 6 NYCRR Part 617 have been met, and consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

ON A MOTION BY: Commissioner Moschetti

APPROVED: 5-0

- (4) The Commission considered executing the Gaming Facility License Award for Montreign Operating Company, LLC doing business as Montreign Resort Casino pursuant to section 1311 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Moschetti

APPROVED: 5-0

## 6. Old Business/New Business

### a. Old Business.

- (1) Discussion of the Staff Report in Regard to Allegations Advanced by the People for the Ethical Treatment of Animals in Regard to the Practices of KDE Equine, LLC *et al* was deferred until the January meeting. Commissioners requested Equine Medical Director Scott E. Palmer attend the meeting.
- (2) Use of Whip Research. Commission Executive Director Robert Williams stated that the national Jockey's Guild provided information relative to whip use and identifying how different jurisdictions are now considering its use. Williams also noted that counsel's office was drafting a memorandum regarding use and practice and that such memorandum would be circulated before the next meeting.

b. **New Business.** No new business was offered for discussion.

7. **Scheduling of Next Meeting**

It was announced that the next meeting date would be January 26, 2015.

8. **Adjournment**

The meeting was adjourned at 2:41 p.m.

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