

NYS Gaming Commission - Public Meeting Transcript

February 27, 2022 1 p.m.

633 3rd Avenue, 37th Floor Board Room, New York, NY

Executive Director Robert Williams: New York State Racing, Pari-Mutuel Wagering and Breeding Law § 102 provides that the New York State Gaming Commission shall consist of seven members appointed by the governor by and with the advice and consent of the Senate. Four members confirmed by the New York State Senate are necessary to afford the Commission an ability to establish a quorum and undertake action. This present meeting of the Commission is now called to order.

This meeting is being conducted by video conferencing in two locations, New York and Schenectady. Both locations have been appropriately noticed and accommodate public attendance.

Ms. Secretary, will you please call the roll?

Acting Secretary Kristen Buckley (via video): John Crotty

Commissioner John Crotty: Here.

Kristen Buckley: Peter Moschetti. Brian O'Dwyer.

Chair Brian O'Dwyer: Here.

Kristen Buckley: Christopher Riano

Commissioner Christopher Riano: Here.

Kristen Buckley: Marissa Shorenstein

Commissioner Marissa Shorenstein: Here.

Kristen Buckley: Jerry Skurnik

Commissioner Jerry Skurnik: Here.

Executive Director Williams: Ms. Secretary, please have the record reflect the quorum of established members is present, thus enabling the transaction of business. Please note that Commissioners Moschetti and Riano are in Schenectady. Bilateral visual and oral communications between the two meeting locations have been established.

Chair O'Dwyer: Minutes of the Commission meeting conducted on January 17, 2023, have been provided to the members in advance. At this time I'd like to ask the members if there are any edits, corrections or amendments. Hearing none, Ms. Secretary, please let the record reflect the minutes were accepted. As I have in the past I now call on our Executive Director to make his report.

Executive Director Williams: Thank you, sir. Since we last met, there have been a few developments within our industry I would like to share.

The Additional Commercial Casino Process Request For Applications deadline for the Round 1 of questions by interested parties was February 3, earlier this month. The Gaming Facility Location Board received several hundred questions. Staff will be reviewing the material for duplicate submissions, then drafting proposed responses for Board consideration, approval, and publication. It is expected that the response process will take another three weeks. Upon publication, interested parties will have four weeks to submit questions for Round 2.

Also, I want to point out that the Governor's Executive Budget was introduced on February 1. At a functional level, there were five items of interest to the Commission. Several items were reintroductions of annual legislative proposals, such as extending various expiring provisions of the racing, pari-mutuel wagering and breeding law, continuing Capital Region Off-Track Betting Corporations' access to capital acquisition funds and seeking the elimination of square footage requirements for offering Quick Draw. Some are new, such as effectuating the wind down and closure of Catskill Regional Off-Track Betting Corporation, and authorizing The New York Racing Association, Inc. to access funds and enter a agreement with the State for the repayment of such funds for the renovation of Belmont Park.

These items may be found in the Article VII legislation, which is S.4009/A.4009, at Parts X through Parts AA.

There is also the annual appropriation to the Commission for our operations.

The legislation and appropriations materials have been previously circulated. As with past years, Deputy Executive Director Steven Lowenstein is available at your individual conveniences to discuss any financial questions that you may have.

Lastly, the former N.Y.S. Racing and Wagering Board revoked the thoroughbred trainer license of Richard E. Dutrow, Jr. on October 12, 2011, imposed an ineligibility to reapply for any license for ten years, and fined him \$50,000. Mr. Dutrow administratively and judicially contested the penalties, which resulted in the penalty imposition commencing on January 17, 2013. Having already satisfied his fine, Mr. Dutrow's term of revocation ended on January 17, 2023.

Mr. Dutrow recently applied for a thoroughbred trainers license, which was reviewed by the Bureau of Licensing, in consultation with the Division of Racing. Review found that Mr. Dutrow satisfied the penalty imposed by the Racing & Wagering Board, and his record is bereft of transgressions during his period of revocation. Accordingly, the Bureau has determined to issue Mr. Dutrow a valid license to participate in New York horseracing.

Thank you.

Chair O'Dwyer: Any of our Commissioner have any questions or comments. Hearing none I will go on you this is item four is Rulemaking.

As provided, New York State Racing, Pari-Mutuel Wagering and Breeding Law authorizes the Commission to promulgate rules and regulations that it deems necessary to carry out its responsibilities. To that regard, the Commission will from time to time, promulgate amendments pursuant to the State Administrative Procedure Act. pursuant to the state administrative procedure act today we have one rule for adoption consideration and one proposal for consideration.

Mr Williams?

Executive Director Robert Williams: For commission consideration is the adoption of regulations to govern advertising by lottery courier services. The proposal aims to prevent false, deceptive or misleading advertising such as stating or implying that a customer may play the lottery through the custom the courier services platform or purchase a lottery ticket directly from the courier service. A courier service instead may market its actual services: fulfilling orders for the purchase of lottery tickets from licensed lottery sales agents and delivering tickets to the customer. In addition the proposed rule would require problem gambling assistance messaging similar to advertising requirements for casinos. A courier service would be required to submit draft advertisements to the commission team 15 days prior to publication or other dissemination and Commission staff would have 10 days to determine whether the draft complies with the regulations whether the draft complies with the regulations and, if the draft does not, prohibit application or dissemination of the proposed advertisement.

The notice of proposed rulemaking was published in the December 14, 2022 state register meaning the public comment period expired on February 13th 2023 public Three public comments were received, two from the Commission's current lottery courier licensees, Jackpocket and Lott.com and one from Briana Doura, an interested party.

Jack pocket generally objected to the entirety of the proposed regulations asserting that quote "a new way to play" is exactly what the lottery courier service provides end quote and that in authorizing Lottery Courier Services the commission was aware that it was establishing a new method for playing the lottery and regulated with that goal in mind.

Jackpocket argues that a convenient new way for everyone to play the lottery is an accurate description and that describing yourself as a digital Lottery Courier does not properly address the underlying lottery gaming activity taking place. Jackpocket also asserted that the proposed rules would be confusing to customers in light of references to the lottery player and commission rules 5014.7 and 5014.8. Jackpocket also stated that precluding a lottery licensed Lottery Courier from solicitations of playing the lottery are an unnecessary overreach that will lead to unintended consequences and unfavorable economic conditions. Jackpocket also asserted that the end effect would be less participation in the lottery system suggested clarifying language around the issue would be more transparent than prohibiting the use of a single word.

Staff disagrees.

Jackpocket's objections to the proposed rule proves the point that the proposed rule is well founded as they argue that misleading its customers about the nature of its services by advertising "play" and jackpots "on your phone" is effective and desirable to generate its revenue.

Under the existing lottery courier regulations, a licensed lottery courier service takes orders from customers, fulfills them and delivers or cashes winning tickets on the customer's behalf. A lottery courier service customer never purchases a ticket on the customer's phone. Rather, the purchase occurs only when the lottery courier service, in turn, proceeds to purchase the ticket on the customer's behalf from a licensed New York Lottery sales agent, just as the purchase occurs with any other lottery player who purchases directly from a sales agent. If a lottery courier service customer purchases services from a phone and the courier service fails to proceed to purchase the ticket on the customer's behalf, in no sense has the customer ever "played" the New York Lottery. The courier service customer becomes a lottery "player" only when the customer's ticket has been purchased on the customer's behalf. The order occurs on the customer's phone; Lottery "play" does not occur on the customer's phone.

The existing lottery courier service regulations were thoughtfully and carefully drafted to make clear the distinction between the ordering of courier services and actual lottery play, which occurs only when a lottery ticket is actually purchased. Staff had critical concerns that a customer might falsely believe that the customer has purchased a lottery ticket—in other words, "played the lottery"—when the customer places an order for lottery courier services on a mobile device.

Accordingly, the existing rules in Part 5014 are intended to make clear to licensed lottery courier services and customers that the purchase of a lottery ticket—the "playing" of the lottery—does not occur with the placing of lottery courier service order.

This proposed rule is meant, in part, to ensure truthful transparency about the nature of the order transaction and to mitigate the reputational harm to the New York Lottery brand if, for example, a lottery courier service customer placed an order before an

especially lucrative jackpot such as for a Mega Millions or Powerball yet the lottery courier service failed to follow through and purchase the ticket. The customer has not, in fact, “played” the lottery for that drawing. If such a customer is enticed to “play the lottery on the customer’s phone” and then the customer’s ordered numbers are drawn, yet the ticket had not been purchased by the courier service, the customer would likely feel cheated and the reputational harm to the New York Lottery would be significant.

Jackpocket’s advertising seems to mislead the customer in precisely that manner: into thinking the customer “plays” the lottery on the customer’s mobile phone, when, in fact, the customer merely requests a ticket through the phone and “plays the lottery” only when the ticket purchase is effected. This risk of harm to the New York Lottery is at least mitigated if a courier service is prohibited from advertising itself as something that it is not.

Jackpocket’s assertion that Commission intended to create a “new way to play” the lottery is inaccurate. Part 5014 of the Commission’s regulations aims to make clear the distinction between what a courier service does and what the Commission and its licensed sales agents do, which are different roles.

The references to “player” in existing Commission Rules 5014.7 and 5014.8 are accurate. The lottery courier service customer becomes a lottery player, but only when the customer’s lottery ticket is actually purchased, not when the purchase is merely ordered from a courier service. Lottery courier services are go-betweens between a lottery player and the licensed lottery sales agents who sell the tickets. Any lottery courier service advertisement that entices a customer by stating or implying that the customer “plays” the lottery on the customer’s phone is false, deceptive and misleading.

Given our articulated concerns, staff have requested Jackpocket cease certain of its advertising that we believe is false, deceptive and misleading. Jackpocket has declined, citing the lack of a specific regulation prohibiting such. This proposal supplies such specific regulation.

Lotto.com stated that it “supports the desire to protect the public from ‘false, deceptive or misleading advertising,’” but believes existing rules and practices are sufficient, citing current Rule 5014.17 concerning advertising and marketing, the Commission’s courier service license application requirement to disclose marketing plans, and the Commission’s ability in current Rule 5014.20(a)(1) to suspend or revoke a license for conduct inconsistent with the public interest. Lotto.com objected to the proposed rule requiring submission of proposed advertisements for Commission review prior to public dissemination. Lotto.com also stated that a jackpot may be fleeting and “there may not be the ability to review and respond to marketing requests in a timely manner.” Lotto.com also objected to the proposed requirement to submit samples of advertisements within five days of use and to the proposed retention requirements for advertising. Lotto.com also asserted that the Commission does not require anything comparable for licensed lottery retail sales agents, who “largely remain free to advertise

in an unfettered manner.” Finally, Lotto.com asserted that “there is no rational basis for treating retail licensee advertising and courier licensee advertising differently.”

Staff notes that licensed lottery courier services are not licensed lottery sales agents. As explained in response to Jackpocket’s objections, a courier service is a fundamentally different enterprise from a lottery sales agent. Lottery sales agents do not pose the same risk that lottery courier services do of potentially misleading the public as to the nature of the services provided. Staff is unaware of any instances of false, deceptive or misleading advertising by licensed sales agents. The difference in risk—actual, in the case of lottery courier service advertising, and nonexistent, in the case of lottery sales agency advertising—justifies different regulatory treatment.

Staff also believes that uncontroversial, compliant advertising from the limited number of licensed lottery courier services could be reviewed and approved promptly. Furthermore, staff will be prepared to issue blanket pre-approvals of advertising using the same or similar wording as a proffered exemplar, but would reserve the right to disapprove proposed advertising using new words, phrases or images that would mislead the public.

Finally, the pre-approval process is intended to benefit the licensed lottery courier services. Without it, a licensee would be at risk of fines, suspensions or license revocation for violation of Commission regulations, which would be more inconvenient for the licensee than the approval process. Staff believes that the advertising submission process would foster cooperation between the Commission and the lottery courier service licensees, to ensure that false, deceptive or misleading advertising is stopped before it results in sanctions for the licensee and confusion to the public.

Finally, Brianna Doura “commend[ed] the Commission for designing and deploying such an impressive and robust infrastructure and process for licensure” of lottery courier services”, stating that proposed Rule 5014.17(e)(3) “is very important” because “ensuring truth and transparency in advertising is crucial in a quest to properly combat problematic gambling.” However, Doura stated that the marketing restrictions in proposed Rule 5014.17(f)—for example, prohibiting the use of the word “play” in connection with lottery courier services—is “potentially worrisome” in that, in Doura’s opinion, courier service customers “are in fact engaging in legal gambling and playing the lottery.” Doura asserted that “[t]he terminology of ‘play the lottery’ is ubiquitous and any variation thereof could lead to confusion by the public.” Additionally, Doura stated ‘it would seem a bit contradictory that the courier services be promoting things such as ‘responsible play’ ... if they weren’t communicating that customers were playing the lottery through their service.’ Doura supported the requirement to publish the problem gambling helpline “and in such a manner that makes it prominent,” indicating that it is “essential that all stakeholders within the gaming ecosystem ... do their part in informing the wider public that help and hope exists.” Finally, Doura stated that “it’s critical that the customer understands that they are in fact ‘gambling’ and ‘playing’ the lottery even when using a courier service.”

Staff believes Doura misunderstands the difference between requesting the purchase of a lottery ticket and playing the lottery when the purchase is effected, precisely what this proposal aims to address. Staff agrees that responsible gaming messaging is appropriate, as proposed in these rules, based on a lottery courier service's role in, as Doura puts it, the "gaming ecosystem," but it does not follow that a lottery courier service customer is "playing" the lottery by virtue of requesting the purchase of a lottery ticket. The responsible gaming messaging accomplishes its purposes in connection with lottery courier services without also misleading a customer about the nature of courier services themselves.

Staff recommends that the Commission adopt this rulemaking.

Chair O'Dwyer: Commissioners, any questions on the adoption of rules regarding Lottery Courier Service Advertising?

Commissioner Crotty: I would like to make a couple comments. When we were asked to approve this regulation back, I don't remember the year, Rob, do you offhand?

Executive Director Williams: I don't remember, several years ago, like more than five years ago and probably five years ago, a little less.

Commissioner Crotty: Okay I had great reservation about it because it didn't make sense to me why we were regulating these people that quasi really shouldn't be able to do the business models shouldn't work. The fact now that we have issues with the language and can't effectively regulate it and that they've extended what might be, you know appropriate language to describe their services it just highlights my original you know fears with regulating this thing in the beginning. I'm going to vote no on the language and I really would ask that we consider whether or not we should rescind those regulations we put out in the beginning because I'm not entirely clear that these services are in the best interest of the people of the state. And you know I think we should ask a more formal body to opine as to what they think versus interpreting this by ourselves. The executive directors made it very clear that they're going to exist. One way or the other or that's his opinion I don't want to misstate it but you know as we move forward I just don't I don't think this regulatory scheme is one that works very well at all and the language stuff just highlights that problem more and I was told today that of the you know however many thousand um kiosks that we have out there these guys represent some of the biggest ones in the state so at this point now you're you're also creating a new paradigm within your existing dealer network that feels unfair to me.

Chair O'Dwyer: Thank you. Commissioner? No one else? We will take a motion to adopt.

Commissioner Skurnick: So moved.

Chair O'Dwyer: Second?

Commissioner Shorenstein: Second.

Chair O'Dwyer: Any discussion on the motion? All in favor?

Commissioners: Aye

Commissioner Crotty: Nay

Chair O'Dwyer: The motion is adopted with one opposition.

Executive Director Williams: As an administrative note, please be advised that SGC-50-22-00009-P, Purchase Location Requirements for Lottery Courier Services has also come off public notice. Staff continues to review and analyze the comments received. Those were rules that were both proposed at the same time. One is simply behind the other because of the depth of comments came in.

Chair O'Dwyer: Can you give us an another update on that Mr. Executive Director? I'm not sure I remember that one.

Executive Director Williams: There are two elements one was on the advertising the other was ensuring the location uh of the sales of the tickets, to ensure that uh they're appropriate and consistent with New York law in large measure. So one puts in a an affirmative obligation on the entity that's purchasing or that is selling the tickets at that point. So what this will do is add a geolocation or a location requirement for the purchases of those tickets that are occurring through the lottery courier services. The comments on that were a little deeper I think...

Mr. Burns: To elaborate a little bit on that yeah there are two aspects. We do currently have geolocation requirements when someone tries to order a ticket through their phone through one of these courier services. The question arose though about the funding of future purchases. So whether someone needed to be in New York state or not if they want to continue on an ongoing basis the purchase of tickets and there were concerns raised about if someone ordered a series of tickets in New York and that subscription would end and then left the state and wanted fund the purchase of future tickets while they're no longer in New York and we're still working through the federal law aspects of that.

Executive Director Williams: And what almost like their credit card on file with when I run out just re-up me even though I might be out of state we're out of country yeah yeah so that's that's the subtlety we're working though.

Chair O'Dwyer: Will that be on for the next meeting, or the meeting after?

Mr. Burns: Hopefully the next meeting.

Chair O'Dwyer: Next regulation. Mr Williams?

Executive Director Williams: For Commission consideration are proposed rules to regulate sports wagering advertising, marketing, and promotion. Concerns have been expressed at several Commission meetings, specifically regarding the advertising and marketing of sports wagering at college and university campuses, and generally regarding promotional language.

Since the commencement of mobile sports wagering, Commission staff have consciously monitored marketing and advertising practices of our licensed operators. We maintain review of the advertisements for the purposes of ensuring they contain mandatory problem gambling messaging, and that the language of advertisements is not misleading. We are cognizant, however, that sports wagering marketing and advertising has come under increasing scrutiny. In fact, N.Y. State Senators Leroy Comrie and Luis Sepúlveda have introduced legislation that would require all advertisements for gambling to include warnings about potential harmful and addictive effect of gambling and should only be consumed by and marketed to adults. We also note that U.S. Representative Paul Tonko, who represents New York's 20th congressional district, proposed legislation in Congress that would prohibit the advertising of sportsbooks on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission.

Given Chairman O'Dwyer publicly raised concerns, staff re-examined the issue and proposes a package of rules that would, among other things, firmly establish licensee responsibility for the content of their advertising, marketing and branding; prohibit false, deceptive or misleading statements; require marketing and promotions to clearly and conspicuously disclose material facts, terms and conditions to potential customers; require an opt-out functionality to block receipt of future direct advertisements; prohibit designs aimed to appeal primarily to underage persons; prohibit advertising to a target audience that is reasonably foreseeable to comprise underage persons; and prohibit advertising on college and university media. Elements of the proposal are derived from the American Gaming Association's Responsible Marketing Code for Sports Wagering and from sports wagering advertising regulations from other states such as Arizona, Massachusetts, Ohio and Virginia. While the package may not address all Commission concerns, staff believes it is a good starting point and recommend that the Commission propose this rulemaking.

Chair O'Dwyer: I had placed discussion of mobile sports wagering advertising under Old Business in Item 5, but it seems appropriate to have that discussion in context of the staff rule proposal ...

I have a couple of comments but I'll reserve mine till everybody else is done. Anybody? No. I think we've done is a good thing and I think it's worth noting you were sort of pushing this in sort of the one the reason this is here I think it's a good outcome so thank you thank you. After one year it's obvious that the introduction of legal online sports waging has been a net positive to the people of New York. In that time over 900

million dollars has been added to the New York State's revenue and the profits from this activity no longer fuel organized crime. However the commission is also cognizant that along with the success comes the potential for problem gambling irresponsible placing of wagers. This is especially true in young men and women whose interest in college and professional sports is often coupled with gaming activity. Already our commission staff works to assure that only those wagers that are not subject to manipulation are allowed. The regulations proposed today by our staff are potentially an important first step in achieving these objectives, I know all my fellow commissioners will review the comments from stakeholders as will I. After one year it is particularly incumbent on us to get understand both the successes and problems engendered by this legislation. After further review we find additional steps are necessary to achieve the goals of our legislative mandate, they will of course be considered. I am satisfied that the proposed regulations are an important initial step in addressing the concerns of the commissioners regarding the targeting of college campuses for the promotion of mobile sports wagering. I want to thank our staff, our executive director and our legal staff our general counsel for their work in developing these proposed regulations especially in light of their tremendous work load these days in developing criteria for the site selection committee. I also want to thank commissioner Skurnick for his initial bringing this matter to our attention.

Chair O'Dwyer: Having said that are we ready for vote? All those in favor?

Commissioners: Aye

Chair O'Dwyer: Alright. The motion carries unanimously. Thank you. The next is the matter of the adjudications. Today we have two matters for adjudication. Mr Williams?

Executive Director Williams: On October 19, 2022, the Bureau of Licensing issued a Notice of License Suspension to Sarah A M Deli & Grocery Corp which conducts business on Locust Street in Mount Vernon. The notice informed Sarah A M Deli of a suspension for engaging in conduct that constitutes a fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the state lottery. Specifically, the notice stated that the action was taken because the licensee was found to be in possession of untaxed cigarettes. The notice stated that the suspension would continue until Sarah A M Deli provided proof of the final disposition of the investigation of the N.Y. Department of Taxation and Finance into the possession of the untaxed cigarettes.

Sarah A M Deli & Grocery Corp requested a hearing. On November 16, 2022, Taxation and Finance issued its decision revoking Sarah A M Deli Certificate of Registration as a Retail Dealer of Cigarettes and Tobacco and banning a re-application for one year from the date of the violation, which was August 24, 2022. The Commission conducted a hearing on January 19, 2023. The Hearing Officer submitted a report to the Commission's Secretary dated February 9, 2023, recommending that Sarah A M Deli's lottery agent license be suspended for a period of one year, beginning August 24, 2022. Please note that pursuant to Commission Rule 5000.6(d), staff filed possible exceptions, objections and replies to the Hearing Officer report. The Commission considered this

matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1.

Chair O'Dwyer: The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations, accepting each of the exceptions noted by staff counsel.

Executive Director Williams: On August 9, 2022, the Bureau of Licensing issued a Notice of License Suspension to Tonys Deli and Grocery II Corp which conducts business on Wolcott Street in Brooklyn. The notice informed Tonys Deli and Grocery II Corp of a suspension for engaging in conduct that constitutes a fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the state lottery. Specifically, the notice stated that the action was taken because the licensee was found to be in possession of untaxed cigarettes. The notice stated that the suspension would continue for six months or until the end of any suspension of Tonys Deli by the N.Y. Department of Taxation and Finance for the possession of the untaxed cigarettes and selling tobacco product without a valid Certificate of Registration. Tonys Deli and Grocery II Corp requested a hearing.

A pre-trial hearing was conducted on November 10, 2022, and the hearing was conducted on December 8, 2022. The Hearing Officer submitted a report to the Commission's Secretary dated January 11, 2023, recommending that Tonys Deli lottery agent license be revoked, with a period of suspension being from August 9, 2022 through the date of the Commission's decision. The Commission considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1.

Chair O'Dwyer: The Commission duly deliberated and considered this matter and determined, upon a unanimous to sustain the Hearing Officer's Report and Recommendations.

I note that the agenda I know that the agenda discussed sports wagering but we've already taken care of that in terms of the proposed regulations. That concludes the today's published agenda. Do we have any comments from any of the other Commissioners? I did want to give you a quick update on what I've done since the last meeting. The Lottery. This is the largest of the enterprises we oversee. Our Executive Director and I will continuing a complete review of the operations and promotions of the lottery. I will report back to the board in the future. I think that is very important. The standardbred fund has been able to increase the purses for participants. I am really delighted to report to you that the fund has increased funding for programs that will benefit 4-H youth programs that will benefit youth program throughout the state including in the metropolitan area. This year the fund was able to increase funding from \$40,000 to \$200,000 as part of a multi-year million-dollar program to promote Standardbreds to the youth through 4-H.

Thoroughbred fund for the first time the thoroughbred fund was able to host a ceremony to highlight the grants the fund had supported. The fund has been active in supporting aftercare for horses that have reached the end of their racing career and we were able to keep that funding. Additionally the funded continues to support the work of the racetrack the chaplaincy and the great work they do and we can hope to be even doing more in the future. The commission continues to support the work of combating problem gambling. In this regard I have to acknowledge with thanks the great work of our executive director in promoting the committee on problem gambling as well as working with OASAS to address that problem. In terms of casinos in terms of casinos the new casino sightings. I have represented and will represent the commission on various in various media and organizations to explain the process as it unfolds. In this regard I note that I once again report to the commissioners that the same thing I've been saying for the last few months, which repeatedly is that nobody goes out of this with a preference that everybody comes in with tabula rasa and despite that it will be reported differently. And finally. commissioner Skurnick was recently feted as one of the most outstanding New Yorkers and he deserves very bit of it so thank you for that. With that a motion to adjourn.

Commissioner Crotty: So moved.

Chair O'Dwyer: The meeting is adjourned. Thank you all.

###