

**New York State
Gaming Commission**

Minutes

Meeting of December 12, 2022

A meeting of the Commission was conducted in New York, New York, Schenectady, New York and Watertown, Connecticut. Two-way audio and video communications were maintained between locations for the duration of the meeting.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:08 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance in Manhattan were Chairman Brian O'Dwyer, and Members John Crotty, Marissa Shorenstein, and Jerry Skurnik. In physical attendance in Schenectady was Member Peter Moschetti. In physical attendance in Watertown, Connecticut was Christopher Riaño,

2. Consideration of Minutes for Meeting of October 27, 2022

The Commission considered previously circulated draft minutes of the meeting conducted on October 27, 2022. The minutes were accepted as circulated.

3. Rulemaking

a. ADOPTION: SGC-36-22-00003-P, Designation of Substantive Stewards

The Commission considered adoption of a proposed consensus rulemaking to make the rule concerning substitute stewards consistent with the amended Racing, Pari-Mutuel Wagering and Breeding Law § 218.

ON A MOTION BY: Commissioner Riaño

APPROVED: 6-0

b. ADOPTION: SGC-40-22-00009-P, Licensing and Registration of Gaming Facility Employees and Vendors

The Commission considered adoption of proposed amendments to various casino licensing regulations.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 6-0

c. ADOPTION: SGC-40-22-00010-P, Ineligible Potential Claimants in Thoroughbred Claiming Races

The Commission considered adoption of proposed amendments to address ineligible potential claimants in Thoroughbred claiming races, establish procedures for resolving challenges to claims and address horse custody if the stewards discover a claimant had been ineligible.

ON A MOTION BY: Commissioner Crotty
APPROVED: 6-0

4. Adjudications

a. In the Matter of Richard Gazer

Chairman O'Dwyer announced 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 determined upon a 6-0 vote to reject the Hearing Officer's Report. Chairman O'Dwyer stated that the Commissioners' reviewed the entire record, found the record established the violation as a matter of fact, and agreed to accept the stewards' penalty.

b. In the Matter of Orlando Noda

Chairman O'Dwyer announced 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 determined upon a 6-0 vote to reject the Hearing Officer's Report. Chairman O'Dwyer stated that the Commissioners' reviewed the entire record, found that the preponderance of the evidence supported that Mr. Noda's conduct was improper and detrimental to the best interests of racing, and determined the appropriate penalty was the fine recommended by the stewards and that a suspension of ninety days and evidence of completion of an appropriate anger management course before license reinstatement was warranted.

5. Matters Regarding Resorts World Hudson Valley

a. Consideration of Statutory Mitigation Agreement between Monticello Raceway Management, Inc. d/b/a Resorts World Hudson Valley and MGM Yonkers, Inc.

The Commission considered approval of a statutorily-required Mitigation Agreement between Monticello Raceway Management, Inc., d/b/a Resorts World Hudson Valley and MGM Yonkers, Inc.

ON A MOTION BY: Commissioner Shorenstein
APPROVED: 6-0

b. Consideration of Video Lottery Gaming Facility License for Monticello Raceway Management, Inc. d/b/a Resorts World Hudson Valley.

The Commission considered the issuance of a video lottery gaming facility license for Monticello Raceway Management, Inc., d/b/a Resorts World Hudson Valley.

ON A MOTION BY: Commissioner Crotty
APPROVED: 6-0

c. Consideration of issuance of an Operation Certificate for Monticello Raceway Management, Inc., d/b/a Resorts World Hudson Valley

The Commission considered authorizing staff to issue an Operation Certificate following final pre-opening facility inspection.

ON A MOTION BY: Commissioner Crotty
APPROVED: 6-0

6. New & Old Business

a. New Business

i. Mobile Sports Wagering

Chairman O'Dwyer discussed the New York Times article series regarding the proliferation of sports wagering, indicating that he was disturbed by sports wagering companies partnering with colleges and universities to promote their product. After

Commissioner discussion on the subject, Chairman O'Dwyer asked counsel to examine the issue and provide Commissioners with options should they wish to consider regulation of these partnerships.

ii. NYRA Backstretch

Chairman O'Dwyer advised that since he last publicly spoke regarding backstretch housing on the grounds of New York Racing Association racetracks, he had several contacts with their senior staff, and he was pleased that they had been receptive to his concerns. He noted that NYRA's forthcoming capital plans will include a new dormitory at Belmont Park, and he noted that approval has already been received for a new dormitory at Saratoga Race Course.

iii. Staff Acknowledgement

Chairman O'Dwyer thanked staff for the work necessary to create a draft Request For Applications applicable to the Additional Licensing Process for commercial casinos. He publicly acknowledged the work and dedication of Thomas Anapolis, Edmund Burns, James Googas, Lee Park, and Scott McLear.

iii. Fund Updates.

Chairman O'Dwyer also provided an update to fellow commissioners regarding the Agriculture & New York State Horse Breeding Development Fund Corporation and New York State Thoroughbred and Breeding Development Fund Corporation, both of which he chairs. He indicated that he was focused on improving and process development in both and particularly pleased that the Agriculture Fund had significantly increased funding to support youth participation through 4-H clubs.

No old business was presented.

7. Adjournment

The meeting was adjourned at 1:39 p.m.

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