

**New York State
Gaming Commission**

Minutes

Meeting of February 27, 2023

A meeting of the Commission was conducted in New York, New York and Schenectady, New York. 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 1:01 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 and Christopher Riaño.

2. Consideration of Minutes for Meeting of January 17, 2023

The Commission considered previously circulated draft minutes of the meeting conducted on January 17, 2023. The minutes were accepted as circulated.

3. Report of the Executive Director

The Executive Director presented an update on the Additional Commercial Casino Process Request For Applications, noting that the deadline for Round 1 of questions by interested parties was February 3, 2023. He noted that the Gaming Facility Location Board received hundreds of questions, and that staff is reviewing the material for duplicate submissions, then drafting proposed responses for Board consideration, approval, and publication. The Director also mentioned that the Governor's Executive Budget was introduced on February 1, 2023 and that the gaming-related legislation could be found in the Article VII legislation, S.4009/A.4009, at Parts X through Parts AA. He concluded by stating that former thoroughbred trainer Richard E. Dutrow, Jr., whose ten-year revocation had concluded on January 17, 2023, had recently applied for a thoroughbred trainers license, which was reviewed by the Bureau of Licensing, in consultation with the Division of Racing. The Director noted that review found that Mr. Dutrow satisfied the penalty imposed by the Racing & Wagering Board, and that his record was bereft of transgressions during his period of revocation. Accordingly, the

Bureau determined to issue Mr. Dutrow a valid license to participate in New York horseracing.

4. Rulemaking

A. ADOPTION: SGC-50-22-00008-P, Lottery Courier Service Advertising

The Commission considered adoption of regulations to govern advertising by lottery courier services.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-1, Commission Crotty in the negative

B. PROPOSED: Sports Wagering Advertising, Marketing and Promotions

The Commission considered proposed rules to regulate sports wagering advertising, marketing, and promotion.

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

5. Adjudications

A. In the Matter of Sarah A M Deli & Grocery Corp

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 adopt the Hearing Officer's findings of fact, conclusions of law and recommendation of license suspension, and accept each of the exceptions noted by staff counsel.

B. In the Matter of Tonys Deli and Grocery II Corp

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 adopt the Hearing Officer's findings of fact, conclusions of law and recommendation of license revocation.

6. New & Old Business

a. New Business

Chairman O'Dwyer provided a report on his activities, mentioning that the Standardbred Fund increased purse levels for all participants and made a substantial increase in donation to the 4-H, for the purposes of promoting standardbred awareness. The Chairman also noted that the Thoroughbred Fund conducted a ceremony at which they highlighted their recent grants to aftercare organizations, and another to the Racetrack Chaplaincy of America. Chairman O'Dwyer concluded by noting that the Commission would be conducting events with the Office of Addiction Supports and Services (OASAS) and the New York Council on Problem Gambling, designed to draw attention to problem gambling during Problem Gambling Awareness Month.

b. Old Business.

The scheduled old business, *Discussion of Mobile Sports Wagering Advertising, Marketing and Promotions*, was considered in context of the Item 4 (B) rulemaking consideration.

7. Adjournment

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

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