

**New York State
Gaming Commission**

Minutes

Meeting of December 4, 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 1:23 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, Sylvia Hamer, Marissa Shorenstein, and Jerry Skurnik. In physical attendance in Schenectady was Member Peter Moschetti.

2. Consideration of Minutes for Meeting of October 3, 2023

The Commission considered previously circulated draft minutes of the meeting conducted on October 3, 2023. The minutes were accepted as circulated.

3. Report of the Executive Director

The Executive Director presented an update on the commercial casino Additional License Process, the proposed New York City Zoning Text Amendment, and the Commission's participation in the National Council on Problem Gambling's annual Gift Responsibly campaign.

4. Rulemaking

A. SGC-34-23-00012-P, Lottery Prize Assignment Processing Fee

The Commission considered adoption of a regulation to set forth the processing fee authorized by N.Y. Tax Law § 1613(d)(7) for review of documentation concerning proposed lottery prize assignments.

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

B. SGC-50-22-00009-RP, Purchase Location Requirements for Lottery Courier Services

The Commission considered adoption of an amendment to regulations governing the purchase of lottery courier services.

ON A MOTION BY: Commissioner Shorenstein

APPROVED: 5-0, Commissioner Crotty abstaining.

C. Proposal: Lottery Prize Payment and Subscription Amendments

The Commission considered amendments to the lottery prize payment and subscription rules, to change guaranteed “for life” payouts to a specific annual amount rather than being obligated to reconcile and adjust for a final year payment, to limit the Lottery subscription program to individuals by eliminating provisions relating to subscriptions by groups to make explicit that a subscription is void if payment for the ticket is rejected for non-sufficient funds and to reserve authority to suspend a subscription in the event of suspicious transactions, to clarify certain responsibilities, and to and make technical stylistic edits to sections.

ON A MOTION BY: Commissioner Crotty

APPROVED: 6-0

5. Adjudications

A. In the Matter of Todd Pletcher and In the Matter of the Disqualification of Forte from the 11th Race at Saratoga Race Course on September 5, 2022

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 and conclusions of law, and imposing upon Mr. Pletcher a fine of \$1,000 and a suspension of 10 days, and that *Forte* be disqualified from the Hopeful Stakes conducted September 5, 2022, and from any share of the purse in that race.

B. In the Matter of Joseph J. Chindano, Jr.

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 to modify the recommendation that the licensee be fined \$1,000 and his license as a driver be suspended for 10 days and instead impose a fine of \$1,000 and that Mr. Chindano's drivers' license be suspended 20 days. The Commissioners also directed staff to review Mr. Chindano's record as a driver and to make appropriate recommendations to the Commissioners regarding his qualifications to continue to hold a license.

C. In the Matter of Hillside Mini Mart I 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 that the Hillside license be revoked.

6. Consideration and Appointment of Gaming Facility Location Board Member

The Commissioners considered and appointed Carlos Naudon as a member of the Gaming Facility Location Board for the Additional Casino Licensing Process authorized by Part RR of Chapter 56 of the Laws of 2022.

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

7. New & Old Business

A. New Business

The Chairman advised that he and Commissioner Hamer had visited the Belmont backstretch visit to review developments of dormitories being undertaken by The New York Racing Association, Inc. He also mentioned that since the last meeting he had met with the President of DraftKings N.A., Matt Kalish regarding DraftKings distasteful advertising on 9/11, and informed the Commissioners that DraftKings had made several incremental changes to ensure a similar

advertisement would not be exposed. The Chairman also advised that he would be scheduling meetings with the Lottery's advertising partner to further explore messaging regarding Lottery benefits to education and would be conducting a meeting with Everi to discuss the circumstances of the Jake's 58 October shutdown.

The Chairman concluded by introducing Sarah Klein as the new Director, Division of Horse Racing and Pari-Mutuel Wagering.

B. Old Business

No old business was presented.

8. Adjournment

The meeting was adjourned at 1:52 p.m.

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