



## Minutes

### Meeting of 25 March 2024

A meeting of the Commission was conducted in New York, New York.

#### 1. **Call to Order and Establishment of Quorum**

Executive Director Robert Williams called the meeting to order at 1:21 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Brian O'Dwyer and Members John Crotty, Sylvia Hamer, Marissa Shorenstein, and Jerry Skurnik. Member Peter Moschetti was noted as having a conflicting appointment.

#### 2. **Consideration of Minutes for Meeting of 4 December 2023**

The Commission considered previously circulated draft minutes of the meeting conducted on 4 December 2023. The minutes were accepted as circulated.

#### 3. **Report of the Executive Director**

The Executive Director presented an update on the additional casino licensing process, laying out the obligation of all applicants to navigate the State Environmental Quality Review Act. The Director also noted the status of several applicants that have been engaged in the New York City Uniform Land Use Review Procedure, which requires navigation of the City Environmental Quality Review Act. Also discussed was that the City process, by law, is a coordinated review with the State. Finally, the Director noted the Franchise Oversight Board had scheduled a meeting to consider, among other things, approval of the Belmont Park renovation, the project State Environmental Quality Review Act finding, and a Loan and Repayment Agreement.

**4. Rulemaking**

**A. ADOPTION: SGC-52-23-00014-P, Lottery Prize Payment and Subscription Amendments**

The Commission considered adoption of amendments to the lottery prize payment and subscription rules intended to improve the claims process and clarify practices and interpretations.

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

**B. PROPOSAL: Change in Commission Address**

The Commission considered proposal of a consensus rulemaking to update the Commission's address in 15 sections of rules from 1 Broadway Center in Schenectady to 354 Broadway in Schenectady. Additionally, the proposal eliminates an unnecessary subdivision in Lottery Rule 5000.4.

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

**C. PROPOSAL: Amendments to the existing harness whipping rule**

The Commission deferred consideration of this proposal, requesting that it be considered when Member Moschetti was in attendance.

**5. Adjudications**

**A. In the Matter of Asim Convenience Corp.**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations that the subject license be suspended as set forth in the Notice of License Suspension.

**B. In the Matters of Norman Follett and Alexander Kazdan**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations that no violation be found or penalty imposed against either licensee.

**C. In the Matter of Thomas LaMarca**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations that no violation be found or penalty imposed against the licensee.

**D. In the Matter of Todd Pletcher**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations that the penalties be imposed as had been determined by the State Steward and that the horse be disqualified from the race and any share of the purse from such race.

**E. In the Matter of Jaime A. Torres**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations of a violation and a 14-day suspension.

**F. In the Matter of 7721 SM Deli & Grocery Inc.**

The Commission duly deliberated and considered this matter and determined, upon a 6-0 vote, to sustain the Hearing Officer's Report and Recommendations recommending that 7721 SM's license be revoked.

**6. New & Old Business**

Chairman O'Dwyer noted that thoroughbred trainer Steve Asmussen's stable had been recently adjudged liable by a federal district court in Kentucky for wage and hour law violations totaling more than \$486,000 in actual and liquidated damages and raised specific concern with the judge's finding that there was willfulness on the part of Mr. Asmussen's stable. Chairman O'Dwyer noted that the Commission has substantial concern with the treatment of horsemen's employees and directed the Office of Counsel to examine the most recent judicial determinations and return with a recommendation of action, if warranted.

## 7. **Adjournment**

Before concluding, Chairman O'Dwyer noted appreciation of Member Skurnik service, as he had undertaken several appearances at community events to explain the downstate casino licensing process. The Chairman also noted the substantial Mega Millions and Powerball jackpot run ups, specifically indicated the benefit each had on both education and to lottery sales agents.

The meeting was adjourned at 1:56 p.m.

###