

**New York State  
Gaming Commission**

**Minutes**

**Meeting of October 27, 2022**

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 10:02 a.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 were Members Peter Moschetti and Christopher Riaño,

**2. Consideration of Minutes for Meeting of October 3, 2022**

The Commission considered previously circulated draft minutes of the meeting conducted on October 3, 2022. The minutes were accepted as circulated.

**3. Consideration of License Award for Churchill Downs Incorporated**

The Commission considered finding Churchill Downs Incorporated suitable for gaming facility licensing per standards contained with sections 1315(5), 1317 and 1318 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law. Churchill acquired certain gaming assets of Peninsula Pacific Entertainment LLC, including del Lago Resort & Casino, and committed to the conditions set forth in the license award issued to Lago Resort & Casino, LLC on December 15, 2015, and amended on October 8, 2019.

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

**4. Exemption from the Horseracing Integrity and Safety Authority regarding the use of furosemide for Thoroughbreds other than 2-year-olds and those competing in stakes races**

The Commission considered approving staff to request an exemption from the Horseracing Integrity and Safety Authority to permit the use of furosemide in horses other than 2-year old covered horses or covered horses in stakes races from the effective date of the horseracing anti-doping and medication control program for a period of three years.

A vigorous discussion occurred, with input provided by Equine Medical Director Scott Palmer, New York Racing Association President and Chief Executive Officer David O'Rourke and New York Thoroughbred Horsemen's Association President Joseph Appelbaum.

ON A MOTION BY: Commissioner Crotty

APPROVED: 6-0

Dr. Palmer was directed by Chairman O'Dwyer to advise the Commission in one-year regarding the progress of the study and the methodology used.

**5. Hearing on and Consideration of Video Conferencing Resolution**

The Commission considered a Resolution to allow for the use of videoconferencing to conduct open meetings under extraordinary circumstances.

- a. Public Hearing. Open Meetings Law § 103-a(2)(a) requires a public body to only consider adoption of a videoconferencing resolution following a public hearing. Chairman O'Dwyer sought a motion to commence a Public Hearing for the purposes of receiving public comment on the proposed resolution to allow members to attend Commission meetings by videoconferencing under extraordinary circumstances.

ON A MOTION BY: Commissioner Shorenstein

APPROVED: 6-0

Chairman O'Dwyer requested public comments on the proposed resolution. None were received. Chairman O'Dwyer then sought a motion to close this Public Hearing.

ON A MOTION BY: Commissioner Crotty

APPROVED: 6-0

- b. Resolution. Chairman O'Dwyer sought a motion to accept Resolution Number 01-2022, to authorize its members to attend meetings by videoconferencing under extraordinary circumstances.

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

## 6. **New & Old Business**

Chairman O'Dwyer advised that he had been appointed Chair of the Agriculture & New York State Horse Breeding Development Fund Corporation and the New York State Thoroughbred Breeding and Development Fund Corporation and that he had tasked respective staff to review practices given breeding trends. He also advised that staff had been working on the Request For Applications governing the Additional Casino Licensing law. Chairman O'Dwyer also announced that commencing in January, the Report of the Executive Director will be reestablished, and senior staff will attend meetings when there are issues from their portfolio that come before the Commission.

## 7. **Adjournment**

The meeting was adjourned at 10:53 a.m.

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