

**New York State
Gaming Commission**

Minutes

Meeting of October 3, 2022

A meeting of the Commission was conducted in Manhattan.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:19 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, Christopher Riaño, Marissa Shorenstein and Jerry Skurnik.

2. Consideration of Minutes for Meeting of August 22, 2022

The Commission considered previously circulated draft minutes of the meeting conducted on August 22, 2022. The minutes were accepted as circulated.

3. Rulemaking

a. ADOPTION: SGC-30-22-00011-P, Licensing Requirements for Jockey's Agent

The Commission considered adoption of amendments to the regulation governing licensing requirements for a jockey's agent.

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

b. ADOPTION: SGC-30-22-00012-P, Jockey Equipment Weighing Rules for Thoroughbred Racing

The Commission considered adoption of amendments to regulations to eliminate the need for jockeys to be weighed with muzzles, martingales, and breastplates.

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

c. PROPOSAL: Lottery Courier Service Advertising

The Commission considered proposal of regulations to govern advertising by lottery courier services to prevent false, deceptive, or misleading advertising and require problem gambling assistance messaging on courier advertisements.

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

d. PROPOSAL: Lottery Courier Service Purchase Location

The Commission considered proposal of regulations governing the purchase of lottery courier services to clarify the requirements for customer presence in New York State.

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

e. ANNOUNCEMENT: SGC-29-22-00010-P, Comprehensive Regulations for Interactive Fantasy Sports

Commission staff announced consideration of public comments in response to a proposed a rulemaking necessary to regulate interactive fantasy sports contests offered by registered operators in New York would likely be substantively revised, necessitating a re-proposal.

4. Hearing & Adjudication Decisions

a. In the Matter of Evan Hoagland

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 3-2 vote to accept the Hearing Officer's findings of fact, conclusions of law and recommendation that Mr. Hoagland be licensed. Chairman O'Dwyer and Commissioner Riaño voted in the negative.

b. In the Matter of Artemio Rodriguez

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 5-0 vote to modify the

Hearing Officer's findings of fact and conclusions of law, but modifying the penalty to impose a \$500 fine, with the collection of the fine suspended for one year and the fine nullified so long as the licensee committed no other violations of Commission rules within such year.

c. In the Matter of the Voiding of the Claim of Lil Commissioner on August 24, 2022

Commission staff announced that Commissioner Peter J. Moschetti, Jr. heard an appeal by Sanford J. Goldfarb and Alan Kahn, through trainer Philip Antonacci, of the decision of the Stewards at Saratoga Race Course to void the claim of the horse Lil Commissioner following the 8th race on August 24, 2022.

Commissioner Moschetti determined the Stewards voided the claim after personnel at the test barn dismissed Lil Commissioner on the mistaken belief that the horse had not been claimed, and that the Stewards did not abuse their discretion in voiding the claim since the horse had left the test barn before being examined by the State veterinarian as required by Commission Rule 4038.5(a) and had been briefly out of the presence of Commission officials following barn departure.

5. Consideration of Conditional License Award for Churchill Downs, Incorporated

This item was deferred due to internal administrative concerns.

6. Consideration and Appointment of Gaming Facility Location Board Members

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

- a. Chairman O'Dwyer asked for a motion to appoint Quenia Abreu to the Board.

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

- b. Chairman O'Dwyer asked for a motion to appoint Vicki Been to the Board.

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

- c. Chairman O'Dwyer asked for a motion to appoint Stuart Rabinowitz to the Board.

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

7. New & Old Business

No new or old business was presented.

8. Adjournment

Prior to adjournment, Chairman O'Dwyer reflected on a visit he made to the Belmont Park backstretch, accompanied by a The New York Racing Association, Inc. Board Member and the Vice President of Facilities & Racing Surfaces. He noted that he had seen the proposed \$450 million frontside development and repeated his desire to see the project include an upgrade to workers' housing. Chairman O'Dwyer also discussed the visits he made to MGM Grand at Yonkers Raceway and to Resorts World Catskills and indicated intention to visit Ithaca to tour the New York Drug Testing and Research Laboratory and visit with officials at Cornell University. He also announced that he had been appointed Chair of both the Agriculture & New York State Horse Breeding Development Fund Corporation and the New York State Thoroughbred Breeding and Development Fund Corporation.

The meeting was adjourned at 1:41 p.m.

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