

WEBVTT

Executive Director Williams 1

00:00:03.718 --> 00:00:13.679

New York state racing, pari-mutuel, wagering and breeding law section. 102 provides that the New York State gaming commission shall consist of 7 members appointed by the governor.

2

00:00:13.679 --> 00:00:27.179

By and with the advice and consent to the Senate 4 members confirmed by the New York State, Senate are necessary to afford the commission and ability to establish a quorum and undertake action. This present meeting of the commission is now called to order.

3

00:00:28.135 --> 00:00:31.885

This meeting is being conducted in conformity with chapter 1 of the laws of 2022. Such chapter authorizes state and local government entities to meet and take such action authorized by law without permitting in person public in person access to meetings and authorizes such meetings to be held remotely by conference call or other similar service,

6

00:00:47.454 --> 00:00:55.554

provided that the public can view or listen to such proceeding and that such meetings are recorded and later transcribed. Accordingly this commission meeting is being conducted in conformance with such allowance.

8

00:01:03.359 --> 00:01:07.109

And we were allowing both the public to listen to our proceeding.

00:01:32.189 --> 00:01:42.180

Miss secretary, could you please have the record reflect that a quorum of qualified members or present, not enabling the transaction of business.

00:05:03.054 --> 00:05:14.964

Staff notes that the party's related to,

00:05:14.964 --> 00:05:26.514

or associated with jockeys are involved in horses to be coupled and the Bond comments are all directed and issue different than that. Addressed by the proposed rulemaking.

00:05:26.849 --> 00:05:36.839

That is the extent to which entries ought to be coupled when persons related to trainers are involved in the same race. In some circumstances.

00:05:36.839 --> 00:05:42.959

Commission rule 4025.10 E applies.

00:05:43.644 --> 00:05:58.344

Providing the state steward discretion to require coupling when the stewards find it necessary in the public interest to amend the proposal to include language that coupling is not required for trainers with such relationships as unnecessary as no rule currently requires such coupling.

00:06:00.299 --> 00:06:09.089

The proposed amendment of ruled 402,510 f, on the other hand is necessary, because it affects a change in policy.

00:06:09.089 --> 00:06:14.879

Namely, the elimination of an existing mandatory coupling rule concerning jockeys.

00:06:14.879 --> 00:06:22.019

Furthermore, the nicer proposed language would not address the example 9th estates. It wishes to address.

00:06:22.019 --> 00:06:36.324

In, which a trainer spouse may have an ownership interest in 1 of 2 horses trained by his spouse in the same race trainer bond did not define how the broadening of the jockey riding allowance would affect his business and Mrs.

00:06:36.324 --> 00:06:39.714

Bond's comments did not address the elimination of the mandatory coupling.

00:06:40.379 --> 00:06:44.069

When persons related to jockeys are involved in the same race.

00:06:44.069 --> 00:06:48.329

The staff recommends that the commission adopt this rule.

00:06:48.329 --> 00:06:58.379

Commissioners, are there any questions on the adoption of the rule, requiring the requirement to couple entries with jockeys.

00:06:58.379 --> 00:07:03.299

Removing the risk sorry? Removing the requirement to couple of jockey entries.

00:07:03.299 --> 00:07:08.459

With jockeys with relationships among them, or with other participants in the race.

00:07:10.079 --> 00:07:15.809

Mr. chairman, I just want to note that this is commissioner here on the on the call.

00:07:15.809 --> 00:07:19.919

Excellent. Kristen will you please reflect that? Yeah.

00:07:19.919 --> 00:07:23.699

Any further discussion.

00:07:23.699 --> 00:07:27.389

May have motion to adapt that rule.

00:07:27.389 --> 00:07:31.979

So 2nd, your 1st discussion on the motion.

00:07:33.839 --> 00:07:38.399

All in favor aye opposed motion carries unanimous.

00:07:38.399 --> 00:07:48.089

For commission consideration is the adoption of a rulemaking to revise the charitable gaming rules to replace references to specific prize limits throughout.

00:07:48.089 --> 00:07:53.999

Eliminate the need to make multiple regular regulation amendments when the legislature amends prize limits.

00:07:53.999 --> 00:07:58.349

Clarify which organizations may conduct charitable gains of chance.

00:07:58.349 --> 00:08:01.619

Describe game play for merchandise wheels.

00:08:01.619 --> 00:08:04.919

Increase the retention period for winning bell jar tickets.

00:08:04.919 --> 00:08:14.669

And then certain aspects of the search for the queen of hearts game, modify the play restrictions, applicable to those assisting and the conduct of games of chance.

00:08:14.669 --> 00:08:19.469

Clarify that alcoholic beverages apply to the conduct of games of chance.

00:08:19.914 --> 00:08:31.374

Make games of chance to advertising regulation consistent with bingo advertising regulations, allow for the electronic payment of certain expenses, clarify final reporting requirements.

00:08:31.374 --> 00:08:39.114

When organization sees to conduct charitable gaming, make consistently requirements for donations by service and fraternal organizations.

00:08:39.389 --> 00:08:46.709

Eliminate verbatim, repetition of statute and add cross references to controlling statutes.

00:08:46.709 --> 00:08:58.889

A notice a proposed rule making was published in the state register of March 30th, 2022 meaning the public comment period expired on May 31st 2022. no public comments were received.

00:08:58.889 --> 00:09:02.639

Staff recommends the commission adopt this rule making.

00:09:02.639 --> 00:09:07.259

Commissioners any question on the adoption of a consensus rule.

00:09:07.259 --> 00:09:10.409

Regarding regulations of charitable gaming chance.

00:09:10.409 --> 00:09:14.339

Games with fans hearing none.

00:09:14.339 --> 00:09:18.299

May I have a motion to adopt this room so.

00:09:18.299 --> 00:09:22.769

A 4th discussion on the motion.

00:09:23.939 --> 00:09:27.629

Hearing none all in favor.

00:09:27.629 --> 00:09:31.379

Opposed motion carries.

00:09:31.379 --> 00:09:46.319

For commission considerations, the adoption of the consensus rulemaking to eliminate verbatim repetition of statute, eliminate specific prize limits. Instead cross referencing to statutory requirements, reorganizing into 1 rule.

00:09:46.319 --> 00:09:51.299

Setting forth procedures to apply when an organism authorized organization.

00:09:51.299 --> 00:10:02.544

Seeks to sell raffle tickets or conduct a raffle outside its premises, eliminate certain paperwork requirements and make stylistic and technical changes consistent with other commission rules.

00:10:03.264 --> 00:10:13.434

A notice the proposed rulemaking was published in the state register of March 30th, 2022 meaning the public comment period expired on May 31st 2022. expired on may thirty first two thousand and twenty two

00:10:13.949 --> 00:10:19.649

No comments were received staff, recommends that the commission adopt this will make.

00:10:19.649 --> 00:10:23.729

Commissioners any questions on the adoption of a consensus rule.

00:10:23.729 --> 00:10:27.239

Authorizing regulation of charitable gaming.

00:10:29.309 --> 00:10:33.359

May have a motion to adopt festival, so.

00:10:33.359 --> 00:10:38.789

Is there a 4th is there any discussion on the motion?

00:10:40.079 --> 00:10:43.649

Hearing none all in favor aye post.

00:10:46.164 --> 00:10:57.174

For commission considerations, the adoption of a proposed rule, making to establish a standard time period for requesting a hearing on horse racing, licensing determinations, set forth, acceptable service methods,

00:10:57.444 --> 00:11:04.194

and set forth the duty of licenses to keep addresses updated, establishing a time a standard time.

00:11:04.529 --> 00:11:15.629

Period in regulation for requesting a hearing is necessary, because the race environmental wagering and breeding laws does not provide for such a time period for challenging the denial of certain types of licenses.

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00:11:15.629 --> 00:11:25.049

and commission staff believes it's desirable to standardize the hearing request time periods for assurances of finality of commission decisions so they are not challenged

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00:11:25.049 --> 00:11:28.919

Regulations unacceptable service methods are needed.

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00:11:28.919 --> 00:11:43.499

To put regulated parties on notice of how the commission will communicate certain notices and actions to them and avoid unnecessary disputes about whether a notice has been delivered in support of that goal is beneficial to establish a requirement.

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00:11:43.499 --> 00:11:50.549

That regulated parties, keep the commission updated about their current addresses so unnecessary disputes. It.

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00:11:50.549 --> 00:11:54.119

About whether an addresses current can also be avoided.

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00:11:54.119 --> 00:12:07.199

notice of proposed rule making was published in the state register of march thirty th two thousand and twenty two meaning that the public comment period expired on may thirty first two thousand and twenty two two public comments were received

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00:12:07.199 --> 00:12:19.859

1, from the New York thoroughbred horseman Association, and 1 from the New York thoroughbred breeders, both entities expressed support for the proposal. Staff recommends that the commission adopt this rulemaking.

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00:12:21.119 --> 00:12:25.529

Commission is there any questions on the adoption of a rule regarding.

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00:12:25.529 --> 00:12:33.749

Racing license hearing requests and service hearing none. May I have a motion to without this 1.

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00:12:33.749 --> 00:12:38.729

The 4th is there a discussion on the motion?

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00:12:38.729 --> 00:12:43.139

Hearing none all in favor. Aye.

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00:12:43.139 --> 00:12:47.879

The motion carries.

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00:12:47.879 --> 00:13:01.254

The next item was scheduled business regards hearings into 2 cases. Today we have 1 adjudication and 3 decision announcement. Mr. Williams by notice of license suspension dated February 11th 2022. Dalton was advised adult.

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00:13:01.254 --> 00:13:12.744

This is in the matter of Dalton's barring grill LLC. I'm sorry, Dalton was advised that its license would be suspended temporarily pursuant to tax law section. pursuant to tax law section

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00:13:13.229 --> 00:13:25.529

6,570 for engaging in conduct, constitutes a fraud deceit or misrepresentation, or conduct prejudicial to the public confidence in the state lottery and pursuant to.

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00:13:25.529 --> 00:13:36.624

Commission rules 6,908 2 a 4 and a 6. the underlying reason was that the members of the New York City Police Department, Queens, vice human trafficking unit, conducted a business inspection.

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00:13:36.654 --> 00:13:40.644

vice human trafficking unit conducted a business inspection

72

00:13:40.889 --> 00:13:49.439

Adult and found 2 gambling devices in the form of slot machines across from barstools at the bar in view of the bar.

73

00:13:49.439 --> 00:13:56.489

And New York lottery operations, this resulted in the rest of the manager for various penal law violations.

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00:13:56.489 --> 00:14:01.739

Dalton requested a hearing, which was conducted on May 19, 2022.

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00:14:01.739 --> 00:14:16.019

The hearing officer submitted a report on May 24th recommending adults license, be revoked from the period of the data suspension to the date of the director's decision and order representing a suspension of the adult and license.

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00:14:16.019 --> 00:14:28.769

The commission considered this matter at a meeting, conducted pursuant to the judicial or quasi judicial proceedings exemption of New York, public officers, law section 108.1.

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00:14:28.769 --> 00:14:31.949

The commission do we.

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00:14:31.949 --> 00:14:36.689

Deliberated and considered as matter, and determined upon the 6 0 both.

79

00:14:36.689 --> 00:14:41.519

To modify the hearing offices report and recommendations.

80

00:14:41.519 --> 00:14:49.079

So that the modifications to clarify the date of suspension being from February 1, February 11th, 2022.

81

00:14:49.079 --> 00:14:54.059

Through the date of our decision and order and therefore, and thereafter to be revolt.

82

00:14:54.059 --> 00:14:59.339

Okay.

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00:14:59.339 --> 00:15:08.369

Our next sort of in a matter of avoiding the claim of battalion after the 4th race at Belmont park on May 28.

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00:15:08.369 --> 00:15:16.079

2022 our next item is the announcement of decision regard to the challenge of stewards actions to void a claims.

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00:15:16.079 --> 00:15:23.039

At Belmont park, the stewards hit by 1 park avoided the claim of the horse battalion.

86

00:15:23.039 --> 00:15:30.689

That had been awarded to Sanford dartford after the 4th race at Belmont park on May 28 2022.

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00:15:30.689 --> 00:15:38.879

Stable LLC, the owner of battalion that entered the horse race and battalions. Trainer. Robert is.

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00:15:38.879 --> 00:15:44.099

Appeal the steward decision commissioner, Peter and Shadi was assigned to the field.

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00:15:44.099 --> 00:15:49.499

The testimony of the record was that nyra officials have a function in the claiming process.

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00:15:49.499 --> 00:15:52.829

Specifically, the nature of racing Secretary's office is.

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00:15:52.829 --> 00:15:58.949

Tasked with informing Irish assistant clerk of scales when there is a claim on the horse race.

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00:15:58.949 --> 00:16:04.319

The assistant clerk of scales also this tasked with informing commission.

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00:16:04.319 --> 00:16:10.499

Personnel the claim so the commission personnel can then advise the claim horses groom or handler.

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00:16:10.499 --> 00:16:14.609

That a credit claim was made this results in a claim towards.

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00:16:14.609 --> 00:16:25.859

Being brought directly to the state test barn after the race, the horse farm present in the test part is required to protect the claimant. Who may if the circumstances warranty.

96

00:16:25.859 --> 00:16:31.709

Avail themselves to the provision of commission rule 400308584.

97

00:16:31.709 --> 00:16:38.039

To have the claim deemed void. If a permission designated veterinarian determines is the horse is lame.

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00:16:38.039 --> 00:16:46.649

Pursue it to the standards of such rule, such rule also provides as a claim of a horse determined to be sufficiently.

99

00:16:46.649 --> 00:16:52.619

By the commission designated veterinarian shall be deemed voided unless the representative of the claimants.

100

00:16:52.619 --> 00:16:57.479

Is president of the test bar and instead decides immediately to accept the voice.

101

00:16:57.479 --> 00:17:04.499

When battalion was not timely, brought to the horse test on the state steward.

102

00:17:04.499 --> 00:17:08.189

Was concerned that the failure to follow the claiming notice protocol.

103

00:17:08.189 --> 00:17:11.429

My prejudice, the claimant, and therefore avoid, is the claim.

104

00:17:11.429 --> 00:17:15.599

Following consideration of submissions commissioner.

105

00:17:15.599 --> 00:17:18.719

Found all the intelligence arguments unavailable.

106

00:17:18.719 --> 00:17:24.359

And that the steward's decision was not arbitrary increases and non abuse of the stewards discretion.

107

00:17:24.359 --> 00:17:30.539

Accordingly the Stewart's decision to avoid the claim of battalion on May 28.

108

00:17:30.539 --> 00:17:36.029

2022 is a firm Thank you commissioner for your work.

109

00:17:36.029 --> 00:17:39.089

In the matter of the claim of horse.

110

00:17:39.089 --> 00:17:49.049

Our next item is the sort of a decision regarding a challenge of steward's actions, and you're rejected claims to slip.

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00:17:49.049 --> 00:17:53.099

That fingers lace right? Track 650.

112

00:17:53.099 --> 00:17:57.989

The 2nd, or the 3rd field, the decision of the stewards to reject the slip.

113

00:17:57.989 --> 00:18:01.109

He submitted for a claim of the horse swap Vanessa.

114

00:18:01.109 --> 00:18:05.069

Who was entered in the 1st rate on June, 13 2022.

115

00:18:05.069 --> 00:18:10.859

Peter machete commissioner was assigned to hear the appeal following arguments.

116

00:18:10.859 --> 00:18:16.619

Commission was said he determined that the decision of the stewards and rejecting the claims slip, who was incorrect.

117

00:18:16.619 --> 00:18:20.219

And the dean complied with the requirements for a claim slip.

118

00:18:20.219 --> 00:18:23.939

As set forth condition rule 40, 38.

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00:18:23.939 --> 00:18:30.239

Point 5 subsection a commissioner machete ordered the steward's conducted.

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00:18:30.239 --> 00:18:34.949

Conduct a new disposition by laws for the claim, and provided a.

121

00:18:34.949 --> 00:18:39.149

Care reimbursement process for the sake result indifferent.

122

00:18:39.149 --> 00:18:42.869

Ownership see.

123

00:18:42.869 --> 00:18:47.189

In the matter of the claim of the horse born a gambler on June 18.

124

00:18:47.189 --> 00:18:51.299

uh twenty two twenty two

125

00:18:51.299 --> 00:19:01.649

This is a new item that has not appeared on the agenda. I was like, unanimous consent for my fellow commissioners to allowing this announcement here, rather than under new business.

126

00:19:01.649 --> 00:19:04.949

Is there an objection? So.

127

00:19:04.949 --> 00:19:12.719

Hearing none, we will proceed the final announcement today regards to challenge the steward's actions rejecting the flame.

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00:19:12.719 --> 00:19:27.354

Slip that Belmont park James comfortable and the final turn racing stable LLC appealed the decision of Stuart to racetrack to reject their claim for a claim of the horse born a

129

00:19:27.354 --> 00:19:31.074

gambler from the 2nd race on June 18th, 2022. two thousand and twenty two

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00:19:31.349 --> 00:19:35.189

Again, commissioner machete was assigned to hear the appeal.

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00:19:35.189 --> 00:19:38.309

Following the arguments commissioner.

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00:19:38.309 --> 00:19:45.899

Machete affirmed the decision of the stewards, find it. They made no clear error of fact, and reject in claim slip.

133

00:19:45.899 --> 00:19:50.549

On the basis of the signature of the claim split did not match the signature.

134

00:19:50.549 --> 00:19:57.449

Of both, or the horse owners enforcements bookkeeper signature card for Jane hospital.

135

00:19:57.449 --> 00:20:00.659

And try to the stewards made and no error in law.

136

00:20:00.659 --> 00:20:05.729

Concluding that the regulatory requirements for a claim slip were not met.

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00:20:05.729 --> 00:20:10.709

For the testing.

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00:20:10.709 --> 00:20:13.949

New an old.

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00:20:13.949 --> 00:20:28.829

The hearing none, we now proceed to any of the commissioners having like they like to present consideration. My understand is commission body would like to address. I would like to thank you. Mr. chairman.

140

00:20:28.829 --> 00:20:37.259

You know, your appointments are great news and when a wonderful new start here for the commission and new look on things and I'm.

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00:20:37.259 --> 00:20:45.719

Looking forward to working with both of you very much, but it'd be remiss not to mention the hard work and effort of the 2, the party members.

142

00:20:45.719 --> 00:20:58.289

A very sample and John, Columbia, Barry and John and myself and Peter. I think you came a little bit afterward a year later, but we had served on the commission for a long time and and.

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00:20:58.289 --> 00:21:02.339

Had done a lot of work together with these gentlemen who've grown.

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00:21:02.339 --> 00:21:11.039

Uh, I've, I've learned a tremendous amount of working with them. They've grown into becoming very good friends, and they're always worth running a number of issues.

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00:21:11.039 --> 00:21:24.059

Through and off, because they have a world of experience and wisdom that I've come to really rely on and respect their great service for the state and the capacities they had prior to serving on the commission.

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00:21:24.059 --> 00:21:38.844

And they were wonderful members to serve with and really created a model of how to think of what goes on at this brand new commission. At the time. We were sort of all finding our way through a weird origin of how things go. And there was a lot of.

147

00:21:39.534 --> 00:21:52.914

Not really gray areas, but somewhat undefined and John and Barry both offer great wisdom as to how to think about things how to handle things and ultimately were great stewards for the state.

148

00:21:52.914 --> 00:22:07.854

And the commission of of what this group has done through, some very sort of tumultuous and could have been significantly more difficult times, if not for their hard work and wisdom in terms of what we should be thinking about as a group what's in the best interest of the state,

149

00:22:07.884 --> 00:22:15.204

and really how what we're doing is best serving the people who we were put here to represent and to.

150

00:22:16.704 --> 00:22:24.864

Manage in its own way, and there were some ups and downs and those guys were, they had seen it all already twice,

151

00:22:24.864 --> 00:22:32.154

I think and they offered a lot of wisdom that I think will miss in many different ways.

152

00:22:32.454 --> 00:22:40.404

And as we get going through this new process for the and thinking about new casinos here in New York, you know, I'm, I'm hoping to be able to lean on.

153

00:22:40.404 --> 00:22:51.714

Some of that was the best things go on and times go on, because for sure they'll have a viewpoint worth listening to or some facts and figures worth understanding. We'll miss them. Both. They serve with great distinction.

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00:22:51.714 --> 00:22:56.034

And their time here should be noted and deployed by all because.

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00:22:56.999 --> 00:23:09.449

They did such a masterful job at at lending, real credibility to this organization and to our processes that we were beyond the approach the entire time. I don't know that there was.

156

00:23:09.449 --> 00:23:22.409

A single story that was against us, or an action that worked for us there's some whining here and there, but overall it's a tenure. They

should be very proud of. I'm very proud to serve with them and they will be very best here.

157

00:23:22.409 --> 00:23:29.849

Thank you permission anybody else wanted to make I agree with John. They were always the voice of reason. Yeah. Uh.

158

00:23:29.849 --> 00:23:35.099

I check in with both both Commission, machete and commission necrotic.

159

00:23:36.054 --> 00:23:50.874

Constantly gentleman to always yeah. Except, you know, there was a couple of things John, at 1 point had to be convinced. The gaming commission had a box at the city field and I saw that 1 of the, the playoff games for the best that he said.

160

00:23:50.934 --> 00:24:00.474

Yeah. But the commission box go wow. I don't know about it. You never knew with Johnny was always take it through a curveball at any moment.

161

00:24:00.474 --> 00:24:14.124

So I was wondering why it was never referred to me particularly now. What do you think he's doing now? That he's not here so thank you. Thank you for this required. Thank you.

162

00:24:15.174 --> 00:24:17.664

For your work. I know that the.

163

00:24:18.509 --> 00:24:27.269

I would ask the executive director, make sure that those that transcribed and and the.

164

00:24:27.269 --> 00:24:32.579

Incentives to commissioners so that they can keep their of the.

165

00:24:32.579 --> 00:24:36.869

Esteemed fellow colleagues have, uh.

166

00:24:36.869 --> 00:24:41.039

Tell them and their thanks for their service and the people in the state of New York.

167

00:24:41.039 --> 00:24:48.899

Um, do any of the commissioners have any items for consideration.

168

00:24:48.899 --> 00:24:56.459

Hearing none traditionally met on the 4th, Monday of each month, which would be.

169

00:24:56.459 --> 00:25:01.109

The 25th for planning purposes. Secretary Buckley.

170

00:25:01.109 --> 00:25:04.649

Will be in contact considered availability.

171

00:25:04.649 --> 00:25:08.069

Hearing no other writers have consideration.

172

00:25:08.069 --> 00:25:13.979

I now just seeing this meeting in New York State gaming commission.

173

00:25:13.979 --> 00:25:16.680

Right, right? Yeah. Well.