All right, I will plug him through.

Thank you so much.

We are live?

Yes.

We are live.

Excellent.

New York State Racing, Pari-Mutuel Wagering and Breeding Law, section 109-a, provides that the Gaming Facility Location Board shall consist of five members, appointed by the New York State Gaming Commission.

The statute further specifies that the Board will be able to undertake its assignments upon the seating of three members.

Three members having been appointed to the Gaming Commission affords the Board an ability to establish a quorum and undertake action.

This present meeting of the Board is now called to order.

Establishment of a quorum requires three members being present.

Please indicate presence when your name is called.

Paul Francis?

Present.

Stuart Rabinowitz?

Virtually present.

William C. Thompson Junior?

Present.

The record will reflect that a quorum of qualified members is present, thus enabling transaction of business.

Mr. Rabinowitz joins us remotely from a properly noticed and open remote meeting location.

The record shall note that there is bilateral visual and oral communication between Mr. Rabinowitz and the members here in Manhattan.

Just one thing before you continue.

I think it's good since we're now being streamed, is if you identify yourself.

Oh, I apologize.

My name is Robert Williams.

I'm the Acting Executive Director of the Gaming Commission and I've been detailed in some certain circumstances to assist you at the Gaming Facility Location Board.

Next to me?

I'm Edmund Burns, general counsel of the New York State Gaming Commission and also, when requested, can function as staff.

You're welcome.
The Commission has the authority to designate a chair from among sitting Board members. No such designation has occurred, thus the Board should select one member to act as the presiding officer for the purposes of this meeting.

Gentlemen, would you like to select a presiding officer for this meeting?

I'd like to, Stu, I'd like to nominate Paul Francis to preside over this meeting.

We're no longer bilateral. Stuart?

It's just breaking up a little bit. We've got a little bit of a--a little breaking up here but I wanted to nominate, if you can still hear me, I can see you're a little frozen there but if you can--I'd like to nominate Paul Francis to preside over this meeting.

We have backups.

All of a sudden, it was the mention of your name.

That just threw things into disarray, Paul.

Here we go.

Can you hear me there?

Yeah, we can hear you a little.

Go to the action.

Technology is not working for us all of a sudden.

No.

We have backups.

All of a sudden, it was the mention of your name.

Yeah.

That just threw things into disarray, Paul.

Here we go.

Can you hear me there?

Yeah, we can hear you a little.

[inaudible]

Can we re-establish the link?

Yeah, we're gonna re-establish the link.

Just please stand by.

Hang on for a second, we're gonna re-establish the link again.

It happens.

It does indeed.

It's hard enough with just conference clients--

I have to tell you, it's amazing.

I was in--I forget, someone's office a couple of years ago, maybe a year and a half ago, in Los Angeles.

Yeah.

They have a room that's set up for conference calls but it's so visual and it's so--it's like the curvature of the table, everything is--it looks like you're in the room with the person.

It's amazing.

It really is just astonishing.

And there was some miscommunication of where the meeting would be.

We wound up, you know, nowhere--oh, well, you know,
00:04:08:25 we'll do this telephonically.
00:04:10:01 We'll hook you in, you know, with the video.
00:04:11:27 It was stunning.
00:04:13:10 It was literally--
00:04:16:22 This unfortunately, is not.
00:04:18:04 No, not quite.
00:04:22:26 Is that any better or are we freezing up again?
00:04:24:29 It doesn't look like we're doing so good.
00:04:30:13 Got a plan two?
00:04:31:18 Stuart?
00:04:40:22 All right, just one moment.
00:04:42:27 Stuart, are you gonna hear us?
00:04:44:04 I'm back.
00:04:45:05 Yes.
00:04:45:29 There we go.
00:04:47:02 Okay.
00:04:48:11 As long as we can hear you.
00:04:49:13 We can see you.
00:04:51:04 Great.
00:04:52:24 We have a bit of latency.
00:04:55:07 I wonder if we wouldn't be better off--
00:04:57:03 Open a cellular communication?
00:04:58:16 Opening cell phone and--
00:05:00:09 Yeah.
00:05:01:03 If it's a little bit behind the--
00:05:02:04 Yes, I'll take care of that right now.
00:05:05:09 Hang on for one minute.
00:05:06:10 We're just trying to work something out.
00:05:27:21 I want you to call this number and put a phone in front
00:05:30:17 of Mr. Rabinowitz.
00:05:36:07 Yeah, I'm gonna do it right now.
00:05:42:13 Yeah, put this right in front of Mr. Rabinowitz please and
mute
00:05:45:02 your end.
00:05:46:13 Or mute the iPad.
00:05:52:28 He's moving.
00:05:58:06 Hear me?
00:05:59:05 Yeah.
00:06:02:22 Stuart, can you hear us?
00:06:05:13 Hold on one second.
00:06:06:11 Sure.
00:06:09:10 Hello?
00:06:10:27 Can you hear us now?
00:06:14:01 Hello?
00:06:14:29 Yes, can you hear us?
00:06:16:19 Yes, I can hear you.
00:06:20:28 That's as loud as we go.
00:06:21:26 Okay, well, what we're gonna do, you're still, just so you
00:06:24:01 know, we're listening to you, and we're able to communicate
00:06:27:16 with you on the phone.
00:06:28:16 And even though we can still see you on the visual, we just--
it's
00:06:32:06 a slightly delayed signal.
00:06:34:10 But we can communicate this way.
Yeah, I can see you too.
Okay, excellent.
And I can see myself and what I said last time was I endorse the motion that was made and I suggest that Paul [inaudible] meeting by acclamation.
Okay.
Works for me.
Thank you.
Mr. Francis.
All right.
Well, New York State Racing, Pari-Mutuel Wagering and Breeding Law, section 1306.9, authorizes the Gaming Facility Location Board to promulgate rules and regulations it deems necessary to carry out its responsibilities and, to that end, the Board will from time to time promulgate rules and amendments pursuant to the State administrative procedure. Today's meeting has a single purpose: to adopt regulations and documents necessary to permit the Gaming Facility Location Board to release the Commercial Casino Gaming Request for Application.
Rob, will you call the first item?
Yes, sir.
Rob, Pari-Mutuel Wagering and Breeding Law, section 1006.4, requires the Board to set a gaming facility licensing fee. As fees, the State and Administrative Procedures Act at section 102(2)(a)(i) requires the promulgation of rules to effectuate such. Additionally, we need to establish hearing procedures which also requires rule-making. Emergency rule-making is necessary to allow the Gaming Facility Location Board to issue the RFA today. Therefore, for the Board's consideration, is a proposed emergency rule-making which contains a determination of zone commercial license fees by region and rules that will govern hearing procedures. Okay, members of the Board, do you have any questions about this technical provision of the emergency rule-making? And if not, would someone make a motion to adopt the emergency rule-making provision?
[inaudible] so moved.
And seconded.
All in favor?
Aye.
Aye.
Aye.
The motion carries. Rob, will you please move on to the next item?
Certainly.
Commission staff, acting for and on behalf of the Board, has diligently worked with Board members and the Gaming Advisory
Services Consultant to develop a Request for Application
document
that satisfies the statutory requirements and requires
potential applicants to provide documentation and materials
necessary to afford the Board with an ability to evaluate
projects and determine the appropriate responses to forward
to the Commission for casino license evaluation.
That document, the RFA, is now before you for action.
Okay.
Now Rob, all of the commissioners and Board members
have reviewed this document, and have had some comments for
staff.
I think for the public record, it would be useful if you
would
at a high level go through the RFA, section by section, and
just identify what the major provisions are in this document.
Sure, hm-mm.
Basically, the RFA is divided into a number of component
areas.
Right now it's 13 component areas or it is 13 component
areas.
The first is an overview which lays out the schedule, certain
procurement lobbying restrictions, permissible
contacts, walks through the questions and inquiries period
that we'll be undertaking, the mandatory applicant
conference,
and a bunch of other little elements that are really kind of
a necessary overall global--
Yeah.
The second main section is application instructions, which,
basically, walks you through exactly how we would like the
RFA responses to come back to us.
Obviously, we have a format and a structure that we're
interested in so that it makes it easier for us to be able to
compare apples to apples as we go through what we anticipate
to be a number of responsive applications.
Rob?
Yes, sir?
I have a question.
We have members of the public and a member of the press here
at he cannot hear what you're saying
that is because--
Okay, I'll move the phone
Do you have any suggestions so that he could hear?
He needs to hear at his end.
Oh, that's right.
Is it possible that--
They can pick the web stream up that's--
They can pick the web stream up?
If not, is it possible to put your phone on speaker as well?
We see you're holding it up to your ear.
That's a question.
Is it that to put it on speakers?
Okay, hold on.

We trust future meetings will be smoother.

Unfortunately, Mr. Rabinowitz is out of town.

No, understand that.

That's fine.

Can you hear us now?

Yes.

Okay, can you hear me?

Yes.

Can you hear me?

Yes.

Can you hear me?

We hear you very clearly.

Hear you well.

And can the others hear us?

Could you begin again, Rob?

I can certainly walk through where I'd been already, if that's appropriate.

Okay, on the key points.

Okay, on the key points, again, as I've mentioned, there are 13 provisions of the RFA here.

The first one--I guess, walking through very, very quickly--

Very, very high level, yes?

There's a initial requirement of local support.

If that is not evidenced, your application will not be received.

We then segue into a definition section that helps drive some of the definitions and the phrases, terms, that are used later in the document.

The third major element is an overview of the process itself.

It basically walks through the schedule and some restrictions that there are on lobbying and procurement lobbying.

Walks through the question-and-answer period and the applicant's conference and what's going to be undertaken in the process of backgrounding.

It also talks about some of the clarification processes and just general pro forma-type language that's necessary in this type of a released document.

The next major element is where we left off.

And it's the application's instructions.

This basically is to ensure that everyone provides a like kind document for the ease of ability of you members to be able to compare and contrast the responses to each of the individual questions that are asked here.

So we have an official submission format that we want. We're also looking for public presentations.

What we would like, as you guys have directed, excuse me, we want public participation in two different manners.

The first is for each of the bidders to come in after the bids are received and to go through at a relatively high
level exactly what their proposal is so that every one of the members has an understanding of how the different elements fit together and a cohesiveness of their approach to the entire process.

We're also looking to hold a public hearing in each one of the different zones to try to reflect what the local members in the local communities are interested in. There's also going to be public disclosure of this material. We are going to post as much as we can that is not trade secrets up on the web so that everyone can take a look at it and they can also follow along and make certain decisions as we do as well.

And then the next element, next major element of this, is really the applicant information which is section 6. This basically walks through and asks about the business formation itself, how it's constructed, who owns it, what--the organization, who are the people that are directors and officers, what are the ownership interests, where are--what are the regional and host municipalities that you're seeking to locate a gaming facility.

What kind of conflicts of interest might you have, do you have any contracts with the State of New York, have you selected a casino manager, and then also providing us all the organizational documents so that we can really start that process of examining who is actually applying for this.

The next element is section 7 which walks through the evaluation criteria. And this basically tracks what the statute says. It's the 70%-20%-10% factors that was required by the State Legislature.

First is the 70% on economic development activity and business development factors. Second is the local impact in siting factors, that's worth 20%.

And the workforce enhancement factors which are worth 10%. This basically outlines what those factors are and explains the different things that are in statute that require your attention as you do your evaluation.

As to the actual RFA itself, it really commences with section 8, which is the economic activity and business development. Here we have it divided into a number of different factors. First being finance and capital structure.

We talk about the capital investment that's going to be required. At this moment in time, we have not identified the capital investment but we will be doing that within 10 days of the bidders' conference so that we can better analyze the market.
and regions that we're looking at. This also will explain what is to be contained in an applicant and minimal capital investment requires some pro forma financial information, a 5-year business plan, capital and financing structure, where you're getting your money and under what terms, and then also requires submission of a variety of other information for each of the applicants, including financial statements, audit reports, U.S. and Securities Exchange Commission filings if applicable, documentation of financial suitability and also some elements related to your activity, legal actions, bankruptcy, breach of contracts, et cetera. We also in this location ask for licenses that are held in other jurisdictions and also some illustration of additional financial commitments for further building. The next element under that provision is economics. Here, we're looking for market analysis and also how you're going to develop your program itself. Player database and loyalty programs, studies and reports that have been undertaken, what the projected tax revenues are with the State, how you integrate with regional economic plans that are out there right now, whether you're using New York State subcontractors and suppliers. We want an employee definition as well. Who are you hiring? Who do you project to hire? Where do they come from? We're also looking at the competitive environment and how you operate within that competitive environment. We're looking for the marketing plans, also a potential of a supplemental tax payment. As you all recollect, the statute says that a licensing fee is set, which is what you guys have done and what was done with the Gaming Commission earlier today. But it also specifically says that any bidder can exceed that base line if they feel that their presentation needs or if the market requires some differentiation amongst other bidders. And then there's the licensing fee as well. Actually, the licensing is what I was talking about. The next major element is on land construction and design. And here we want to talk about the--we want the applicants to talk about the land itself, the ownership of the land, how it fits in with present zoning, how it fits in with a master plan in building, what's the design and layout, how does the casino look, what is contained in the casino itself, a hotel, what does the hotel look like and how does that integrate with the facility, what kind of meeting and convention facilities you
might have.

Entertainment venues that you have on site as well, and then going into non-gaming amenities, and the quality of the amenities. Here we also are looking for the hours of operation, how your back-of-house areas are set up, what kind of parking infrastructure you're going to have, and how does that relate, the parking and the expected demand for transportation, in the region itself.

We're also looking for different project firms that will be utilized, a construction budget, a timeline for construction, some very significant information on construction jobs and what gaming vendors you anticipate using if you have made that determination at this point.

Also pursuant to statute, we are interested in your internal control and security system.

The next major element of the RFA--am I missing a page? No, is the local impact and siting factors.

Here what we want to look at is not just that threshold question that you have. Move the bar enough simply to afford your application to be reviewed but we need to do an assessment of local support. This includes local and regional municipalities, the counties that are surrounding there, the businesses, the chambers of commerce, and other community groups, religious groups, and other community organizations as well.

Here we're also looking for information on mitigation of impact to host communities and nearby municipalities, the impact or potential on housing and the impact potential on school populations that might result as an increase of employment is concentrated in a particular locale.

Also within this section, we're looking for regional and tourism attractions, how you partner with local businesses, your partnership with live entertainment venues, how the local business communities are being integrated and whether you have any local agreements. And if there are, are there any cross-marketing agreements on a regional tourism basis.

The next element is on workforce enhancement factors. Here, the first is to measure how you are addressing problem gambling. This refers and requests some information related to on-site resources for problem gambling, problem gambling signage, how you identify problem gamblers, self-exclusion policies, treatment and prevention policies and programs that you have in place, and against problem
00:21:33 gambling.
00:21:35 Workforce development is also a significant factor here. Here we want to know about your human resources practices. We want to know whether you have certain goals in mind for women-
00:21:45 and minority-owned businesses.
00:21:48 We'd like you to address your affirmative action plan.
00:21:50 Job opportunities for training the unemployed.
00:21:54 We also are interested in your experience in hiring unemployed.
00:21:59 What labor or organized labor contracts you have and then
00:22:03 again, pursuant to the statute, need to address an element of labor harmony that is specifically required within the
00:22:10 enabling legislation.
00:22:13 Next in this element here relates to sustainability and
00:22:15 resource management, which includes traffic mitigation and
00:22:19 that's kind of what I talked about before, it actually bleeds
00:22:23 into a couple of locations.
00:22:26 Lead certification, energy efficient equipment, storm water
00:22:27 and water conservation, renewable energy, things of that
00:22:31 nature, your energy consumption and how you will actually
00:22:34 look at your energy utilization.
00:22:38 The last elements of this, the RFA, basically just have post
00:22:42 licensing responsibilities.
00:22:45 This is to identify to each of the members, the individuals
00:22:47 that'll be applying, and see that they understand very
00:22:51 cleanly what they are going to be required to do if they are
00:22:54 awarded a license.
00:22:56 Lastly, we include a list of required exhibits because there
00:23:00 is a tremendous amount of material that's going to be
00:23:02 adhered and created in exhibit form and we want to make sure
00:23:07 nobody misses anything on that.
00:23:09 And then we close with a few attachments that are necessary
00:23:13 for the process itself.
00:23:14 Well, thank you, Rob.
00:23:15 That's a very good overview.
00:23:18 When will the RFA itself be put online?
00:23:21 We can put that online today.
00:23:25 Okay, thank you.
00:23:27 Well, with that, are there any questions about the RFA?
00:23:33 Not really.
00:23:35 The only and the one thing that we had talked about was making
00:23:37 an addition and strengthening the component pertaining to
00:23:41 minority- and women-owned businesses.
00:23:44 Okay.
00:23:45 And I think that it would make sense, you know, we talked
00:23:47 about that and we'll be able to put that up in the next few days
00:23:49 also and make that addition.
00:23:51 There's no doubt.
00:23:52 There's also an ability in the process and in general sense to
make revisions to the RFA as we find.
I mean, we worked all very hard on this document in the last
couple of weeks but there may be certain sections that we
have
omitted or certain sections that we may want to enhance or
draw
additional attention to and that—we have that ability too.
We will also be posting any of that information online as we
do
that.
Okay, good.
I just wanted to add, you know, you probably said, maybe I
didn't hear it that—I want to emphasize the importance of
[inaudible] not just for here, of course, but [inaudible]
transparent as possible.
You know, above all we need the public to understand that
this
is a process that [inaudible] importance that the statutory
and all of us have discussed that
time and time again in our context and concernedly
going over various drafts of the--
[inaudible]
Yeah, I think that's a great point.
That it is a very transparent process.
With that--
[inaudible]
supported by the users' findings--
That is correct.
So that [inaudible]
the end result of [inaudible]
That is correct.
That's an unusual element of an RFA or an RFP process where
the
determinations will have to be made upon a written record and
written findings.
That is a major element that will illustrate exactly how the
decisions were made.
Right.
And again, except for confidential commercial
information, the applications themselves will be public.
Which is novel.
Which is, you know, which is something I think that the
public wants to see, how the decisions are gonna be made so I
just, you know, it's something I've continued to applaud.
I just--it's really well done.
Good.
If there are no further questions, is there a motion to
approve the RFA?
I make that motion.
Second?
Second.
All in favor?
Aye.
Aye.
Okay.
And the motion carries.
Rob, will you call the next item?
Yes, sir.
As you're all aware, the Commission staff has been working on a variety of forms that are necessary to appropriately investigate the applicants.
These forms include a Gaming Facility License Application form; a Multi-Jurisdictional Personal History Disclosure form; and a New York supplement form, which includes questions relevant to New York investigators that are not otherwise included in the Multi-Jurisdictional form.
These forms have been developed with the input of the Gaming Advisory Services' Consultant, Commission staff, and the New York State Police.
I want to advise that earlier this afternoon, the New York State Gaming Commission adopted these forms by rule.
And are there any questions on the forms?
Again, they require a great deal of disclosure about the applicants.
The million-dollar application fee supports a thorough investigation, and with that, was there other questions?
Do I have a motion to adopt the forms?
Motion to adopt.
Do we have a second?
Second.
Second.
Okay.
All in favor, say "Aye."
Aye.
Aye.
Motion carries.
Okay, Rob, will you call the final item?
Yes, sir.
The New York State Department—or New York Department of State requires that an individual appropriately designated to take action on behalf of the authority, Board, Commission or public benefit corporation, sign any rule-making submission.
In this instance, the Board should designate an individual to make the submissions.
Okay, do I have a nomination for such a duty?
I have a feeling you're the person.
Yes, I'm happy to.
Aye.
I'd like to nominate Paul Francis.
Ah, there you go, that's right.
[laughing]
So--
[inaudible]
Yes, I'm happy to.
[inaudible]
And I second.
Happy to accept that.
Happily nominate you.
Lost myself for a moment.
Okay, so I'd like to indicate now that for purposes of the RFA, the Board is now in the restricted period, as the Commission said earlier on its behalf.
All individuals who are interested in discussion of the RFA should contact Gail Thorpe or Stacey Relation at the Gaming Commission's Contract Administration Unit and I am aware that their contact information is explicitly listed in the RFA.
Will it be also identifiable on the website?
Yes, it will be, very prominently.
Okay.
Rob, and just for clarification, for public clarification, what does that mean?
Okay, I'm gonna kick this over to Ed Burns to talk about.
He's done a little looking into this and--
Sure.
This enabling legislation for the casino siting process explicitly incorporates provisions of the State Finance Law known as the procurement lobbying law, and the basic gist of it is simple.
Any potential applicant or applicant through this competitive process must only communicate with the Board or the Commission through the designated points of contact. And any attempt to try to influence any of you as Board members or even contact you about the substance of their proposals is strictly forbidden and could result in the disqualification of an application.
So right now, people are prohibited from reaching out in any form or fashion to any of the members of the Commission?
That's correct.
The sole point of contact should be the points of contact indicated in the RFA itself and on the Commission's website.
Could not be more clear.
Thank you.
Okay, so that concludes today's published agenda.
Do either of the Board members have any other items they would like to present for consideration?
The only thing I'd like to mention is, you know, given the staffing, given Rob, you guys have done a great job, and Paul.
The work in going through and putting together the RFA has been very well done.
And it has been very involved, very focused, and, as I said, a great collaboration.
So I'd just like to make that mention.
Very, very good.
So I second that.
You know, with regard to staff, did a great job on a complex process.
You had some great staff to work with.
Hm-mm.
If there are no other comments or questions, then the meeting of the Board is adjourned.
Okay, thank you.
Thank you.
Stuart, take care.