

Participant: Good morning. New York State Racing Pari-Mutuel Wagering and Breeding Law Section 102 provided by the New York State Gaming Commission _____ [00:00:07] seven members appointed by the Governor buy-in with the advice and consent of the Senate. These members confirmed by the New York State Senate are necessary to afford the Commission an ability to establish a quorum and undertake action. This present meeting of the Commission is now called to order. Ms. Secretary, please start it off.

Secretary: John Crotty?

John Crotty: Here.

Secretary: _____ [00:00:29]

Participant: Here.

Secretary: John Blacemba?

John Blacemba: Here.

Secretary: Barry Sample?

Barry Sample: Here.

Secretary: Jerry Skurnik?

Jerry Skurnik: Here.

Secretary: Todd Snyder.

Chairman: Ms. Secretary, please have the record reflect that a quorum of qualified members was present. _____ [00:00:48] transaction of business. Chairman _____ [00:00:48]?

Participant: _____ [00:00:50] Commission meetings _____ [00:00:51] on January 22 have been provided to the members _____ [00:00:56]. At this time, I'd like to ask if the members have any edits, corrections, or _____ [00:01:01]. No? Can I have the motion to approve these?

Participant: Second.

Chairman: Second. [overtalking]

Chairman: _____ [00:01:13]. Next, we'll have the Executive Director come forward. Ron?

Ron:

Thank you, Mr. Chairman. I'd like to address three items. The Lottery's new website, National Problem of Gambling Awareness Month, and a major race upcoming at Aqueduct.

First, this past Wednesday, the Division of the Lottery launched this new consumer website. Apart from that it would provide Lottery information and relevant content to consumers, the new website, which remains at the top – remains at the same address – www.NYLottery.NY.gov – represents the first top-to-bottom overhaul of the lottery site in eight years. There were enhancements _____ [00:01:55] optimization for mobile usage, improved navigation, enhanced search functionality, and improved user tools.

Secondly, as you all are aware, March is National Problem Gambling Awareness Month. In recognition, the Responsible Play Partnership, which consists of the New York State Gaming Commission, the New York State Office of Alcoholism and Substance Abuse Services, and the New York Council on Problem Gambling, announced a series of initiatives, including the _____ [00:02:21] public service announcement and that increasing awareness of the State's addictions referral help line, which is administered by Oasis.

We have also finalized plans to extend the State self-exclusion program to include traditional lottery and lottery subscription programs. And we continue to review the original Problem Gambling Responsible Gaming plan submitted by commercial casino licensees to ensure that properties meet their goals and our expectations.

Also, as we've done in the past several years, the Division of Lottery's promoting National Problem Gambling and Awareness Month and the help line awareness through messaging and signage at seventeen thousand lottery agents throughout the state.

Finally, the Commission has instituted mandatory responsible gaming and problem gambling training for all our employees to ensure we are all better informed on the issue.

I would also like to call to your attention the day of racing upcoming on April 7 at Aqueduct Racetrack. That day _____ [00:03:15] five greatest stakes races – the Wood Memorial, Carter Handicap, Gazelle, Bayshore, and Excelsior. The 94th Wood Memorial is part of the road to the Kentucky Derby prep series with one hundred qualifying points to the winner.

I know that certain members of the Commission also serve on the New York State Thoroughbred Breeding and Development Fund. I'd be remiss if I failed to mention that three-year-old New York-bred filly, Ignite the Sky, is likely to start in the Gazelle. Ignite the Sky is owned and bred by Dr. Bill Wilmont, who has been a long-time member of the Thoroughbred Fund.

Chairman: Okay. Any questions or comments for Ron? Nope. The next item on our agenda is rule-making, New York State Racing Pari-Mutuel Wagering and Breeding rule authorizes the Commission to promulgate rules and regulations that it deems necessary to carry out its responsibility. In that regard, the Commission will, from time to time, promulgate rules and rule amendments pursuant to New York State _____ [00:04:16].

We have one item for consideration today. Ron?

Ron: The Commission consideration is a proposed restriction for employees of vendors of commercial casino licensees. As you may recall, there are statutory and regulatory restrictions on the ability of licensed casino employees to wager at casinos where they work, or an affiliated licensee and a licensed casino key employee may not wager at any commercial casino in the state.

Employees of casino vendor registrants who have responsibility for services to a commercial casino are regulated and managed similar to casino employees. Such employees must qualify for registration under the standards for qualification of a casino key employee; thus, such person should be subject to the same wagering restrictions, given the appearance of impropriety. Revised rule language was provided to the commissioners that would restrict the ability of a vendor employee from wagering at any commercial casino in the state where their company provides services. Staff recommends that the Commission authorize the proposal of this rulemaking.

Chairman: Any questions on the proposal? May I have a motion on the proposed rule?

Participant: So moved.

Chairman: Second?

Participant: Second.

Participant: All those in favor?

Multiple Speakers: Aye.

Chairman: Any opposed? Motion carries. Adjudications, the next item of schedule business regards adjudications. Today, we have two announcements and five items for adjudication. Ron, you can [interruption]...

Ron: On July 20, 2017, the Bureau of Licensing issued a Notice of License Suspension, an order for the immediate temporary suspension of the lottery sales agent license of A&T Grocery, which is located in Brooklyn. The notice indicated that the suspension was for failure to comply with the Commission's instructions in regard to licensed activity and for fraud to see misrepresentation or conduct potential to public confidence in the State Lottery. Specifically, the notice indicated store personnel had tampered with Instant Lottery tickets. Following a hearing, a hearing officer submitted a reported dated February 23, 2018, documenting that A&T Grocery license be revoked and that the period from the date of initial suspension to Commission decision be considered a suspension of the license. The Commission considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of New York Public Offices Law Section 108.1.

Chairman: The Commission will deliberate and consider this matter, and determine upon a unanimous vote to sustain hearing officer's report and recommendations. Ron?

Ron: Given common ownership of the two licensees and identical sets of facts in each case, I'd ask permission to present both in the matter of KP Deli Corporation and in the matter of KAP Food and Fuel, Inc. together.

Chairman: Granted. Please, Kristen, thank you.

Ron: On September 13, 2017, the Bureau of Licensing issued a Notice of License Suspension and ordered the immediate temporary suspension of the Lottery sales agent license of KP Deli Corporation, which is located in Staten Island. The notice indicated that the suspension was for fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the State Lottery. Specifically, the notice indicated that store personnel discounted a winning ticket presented by a customer.

On September 19, 2017, the Bureau of Licensing issued a Notice of License Suspension and ordered the immediate temporary suspension of the Lottery sales agent license of KAP Fuel and Food, Inc., which is located in Staten Island. The notice indicated that the suspension was for fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the State Lottery. Specifically, the notice indicated that the store personnel at another location owned by the same owner as this location had discounted a winning ticket presented by a customer.

Following a hearing, a hearing officer submitted a report dated February 13, 2018, recommending that each license be revoked and that a period from the date of the initial suspension through Commission decision be considered a suspension of licenses. The Commission considered this matter at a meeting conducted pursuant to judicial or quasi-judicial proceeding exemption from the New York Public Offices Law, Section 108.1.

Chairman: The Commission deliberated and considered this matter and determined upon a unanimous vote to sustain the hearing officer's report and recommendations. The next is Our Gourmet Deli?

Ron: On September 15, 2017, the Bureau of Licensing issued a Notice of License Suspension and ordered the immediate temporary suspension of the Lottery sales agent license of Our Gourmet Deli Corporation, which is located in Brooklyn. The noticed indicated that the suspension was for fraud, deceit, misrepresentation, or conduct prejudicial to public confidence [sound out] in the State Lottery. Specifically, notes indicated that a New York State Department of Taxation & Finance investigation found illegally stamped cigarettes at the store.

Following a hearing, a hearing officer submitted a report dated February 23, 2018 recommending that the agent's license be revoked and that the period from the date of the suspension to Commission decision be considered a suspension of the license.

The Commission considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of New York Public Offices Law 108.1.

Chairman: The Commission deliberated and considered this matter and determined upon unanimous vote to sustain the hearing officer's report and recommendations.

Ron: March 8, 2017, the Bureau of Licensing denied the application of Ricardo Justino for gaming employees registration and Commissions report, then potential for employment as a cage cashier at Del Lago, citing Commission Rule 5305.2C, which refers to the standards set forth in racing, pari-mutuel wagering, breeding law Section 1318.

Following hearing, a hearing officer submitted a report dated February 20, 2018, recommending that the denial of Mr. Justino's registration be upheld. The Commission considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of New York Public Offices Law 108.1.

Chairman: The Commission will deliberate and consider this matter and determine upon a four-to-one vote to sustain the hearing officer's report and recommendations. We have two others, Milo Milo and Catch 22?

Participant: Yes.

Chairman: Okay. The next two items regard matters considered by the Commission at a meeting conducted pursuant to judicial and quasi-judicial proceedings, exemptions, Public Offices Law 108.1. And these final determinations have already been declared to ____ [00:11:08]. Ron?

Ron: First is the matter of Milo Milo, EV Racing Stable – AJ Racing Stable. He's requested a hearing following his steward's decision to avoid EV Racing's December 17, 2017 claim of the horse, Milo Milo, from AJ Racing.

Following a hearing, a hearing officer submitted a reported dated February 24, 2018, documenting that steward's decision to avoid the claim be reversed and the horse be returned to EV Racing Stable.

Chairman: The Commission considered this matter at a quasi-judicial proceeding announced today and agreed on a 6 to 0 vote to adopt a hearing recommendation to reverse the steward's decision to avoid the claim of Milo Milo, but rejected certain of the ____ [00:11:58] findings and conclusions.

Dan: Next is the matter of Catch 22. EV Racing Stable also requests that a hearing in relation to the steward's decision to avoid their December 17, 2017 claim of the horse, Catch 22, from Louis Lasinaro, LLC.

Following a hearing, a hearing officer submitted a reported dated January 24, 2018, recommending that the steward's decision to void the claim be reversed and the horse be returned to EV Racing Stable.

Chairman: The Commission, having considered this matter at a meeting held on February 6, 2018, and conducted in judicial proceedings exemption of New York Public Offices Law Section 108.1. And announced and it agreed on a 6-to-0 vote to adopt the hearing officer's recommendations and reverse the steward's decision to void the claim of Catch 22, but rejected certain of the hearing officer's findings and conclusions of law.

Is there any other business? No? Does anyone have any new business? No? And the next issue, or final issue, is the scheduling of our next meeting. And Kristen will be in touch with us on that. But we have a tentative date of what, April 23?

Participant: Yup.

Participant: Yes.

Chairman: Okay. And if everybody can check their schedule to see if we have any issues with that and let Kristen know.

Participant: So, what's the _____ [00:13:47], Mr. Chairman?

Chairman: _____ [00:13:49]. [laughter]

Participant: I'm sure that's not true.

Chairman: And that concludes our public agenda for the day. Do we have any items or anything else anyone wants to present? No? _____ [00:14:01], we conclude our meeting. Thank you.