

New York State Gaming Commission 02-10-2020

Chairman: New York State Racing Pari-Mutuel Wagering and Breeding Laws section 102 provides that the New York State Gaming Commission shall consist of seven members appointed by the governor by and with the advice and consent of the senate. Four members confirmed by the New York State Senate are necessary to afford the commission an ability to establish a quorum and to undertake action. This present meeting of the Commission is now called to order. Ms. Secretary, will you please call the roll?

Ms. Secretary: John Crotty?

John Crotty: Here.

Ms. Secretary: Peter Moschetti? John Poklemba?

John Poklemba: Here.

Ms. Secretary: Barry Sample?

Barry Sample: Here.

Ms. Secretary: Jerry Skurnik:

Jerry Skurnik: Here.

Chairman: Ms. Secretary, please have the record reflect that a quorum of qualified members is present thus enabling the transaction of business. Mr. Moschetti has a previous commitment and was unavailable to meet today.

Minutes of the commission meeting conducted on December 19, 2019 have been provided to the members in advance. At that time, I'd like to ask the members if there are edits, corrections, or amendments? Any changes?

Unidentified Male: No.

Unidentified Male: No.

Chairman: Please let the record reflect that the minutes were accepted.

We'll move on to the next item which is adjudications. The next item of scheduled business regards adjudications. Today we have two items for adjudication. Mr. Williams.

Mr. Williams: The state steward at Aqueduct Racetrack suspended apprentice jockey Benjamin Hernandez Soto for 10 days for a failure to ride in a professional manner. Specifically he was accused of failure to protect the best interest of his mount by not dismounting when his horse illustrated distress during the running of the eighth race on February 8, 2019. Mr. Hernandez requested a hearing which was conducted over three days in June and July of 2019. The hearing officer submitted a report dated December 30, 2019 recommending

that the finding of a violation be upheld but that the penalty be reduced to a five-day suspension. 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.

Chairman: The Commission duly deliberated and considered this matter and determined upon a 4-0 vote to modify the hearing officer's report and recommendations and provide for no suspension. Next case.

Mr. Williams: On October 23, 2019 the Division of the Charitable Gaming issued a notice of hearing to determine whether the license of Magee Volunteer Fire Department, Inc. entire should be suspended or revoked and whether Magee Fire should be fined for numerous violations on charitable gaming laws and regulations. Specifically Magee Fire was accused of failing to timely file weekly bingo reports and bingo cash control reports with the local licensing authority, failing to timely file quarterly bingo reports with the local licensing authority or to file such reports with the Commission, failing to timely deposit bingo proceeds, conducting bingo without a bingo license, failing to list all active members who would conduct bingo, failing to disclose the name and criminal history of a member who would conduct bingo, and failing to require members to wear identifying badges while conducting bingo. They were also accused of selling bell jar tickets without a license, failing to file quarterly bell jar reports with the Commission, and selling raffle tickets outside permitted municipalities and conducting raffles with net proceeds exceeding \$5,000 without a license.

A hearing was conducted on December 10, 2019. The hearing officer submitted a report to the Commission secretary dated January 31, 2020 finding numerous violations as charged but not finding violations for failure to disclose the criminal history of a member assisting in bingo or for the sale of bell jar tickets and associated reporting after 2010. The hearing officer recommended that the Commission revoke Magee Fire's bingo license and bingo identification number and games of chance identification number and declare them ineligible to apply for a new license and numbers for one year and fine the Magee Fire Department \$5,000.

The hearing officer further recommended that the imposition of the penalties be suspended for three years subject to Magee Fire's immediate and full compliance with all charitable gaming laws and regulations. The hearing officer also recommended that if at any time during the three years' suspension period Magee Fire violates any charitable gaming laws and regulations, the suspension should be revoked and the penalties should be immediately imposed.

However, the hearing officer also recommended that if the Magee Fire Department did not violate any charitable gaming laws and regulations during the three years' suspension period, at the conclusion of that period, the penalties should be dismissed in full. 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

Chairman: The commission duly deliberated and considered this matter and determined upon a 4-0 vote to sustain the hearing officer's report and recommendations. The next item on the agenda is old business. At our last meeting we discussed Lasix and we also discussed the use of the crop which was of keen interest to Commissioner Moschetti and the Lasix issue was a keen interest for Commissioner Crotty. Due to the fact that Commissioner Moschetti is not with us today, we'd like to take that matter up at our next meeting where we could have more of a comprehensive discussion of the matter, have staff here to report back on both of those issues.

Unidentified Male: Makes sense.

Chairman: Okay. Anybody have any other old business? Okay. Is there any new business? Does anyone have? Hearing none, I suggest that we work with Kristin on scheduling our next session and we can adjourn for the day. Motion to adjourn.

Unidentified Male: So moved.

Chairman: Second.

Unidentified Male: Yes, sir.

Chairman: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye.

Chairman: Thank you.