

New York State Gaming Commission 02-29-2016

Unidentified Male: New York State Racing, Pari-Mutuel Wagering and Breeding Law 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. Five members having been appointed...have been confirmed by the New York state senate affords 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.

Unidentified Male: John Crotty.

John Crotty: Here.

Unidentified Female: Peter Moschetti.

Peter Moschetti: Here.

Unidentified Female: John Poklemba.

Unidentified Male: Here.

Unidentified Female: Barry Sample.

Unidentified Male: Here.

Unidentified Female: Toddy Snyder.

Unidentified Male: Here.

Unidentified Male: Ms. Secretary, please have the record reflect that a quorum of qualified members are present, thus enabling the transaction of business. Give the absence of a designated chair would the members like to select a person for the purpose of presiding over today's meeting?

Unidentified Male: I would like to move that Commissioner Moschetti run the meeting for us.

Unidentified Male: Second.

Unidentified Male: It is unanimous.

Unidentified Male: No it was not.

Unidentified Male: On a 4/1 vote. Mr. Moschetti.

Mr. Moschetti: Yes. So I think the first item is consideration of the minutes for meetings of January 26, 2016. Minutes of the commission meeting conducted on January 26, 2016 have been provided to the members in advance. At this time, I would like to ask the members if there are any edits, corrections, ordinance. Hearing nothing. Madame Secretary, please let the record reflect the minutes were accepted. I think next is the reported executive director.

Unidentified Male: Thank you. This afternoon I would like to provide an overview regarding the development status of three commercial casino projects and then discuss the national Problem Gambling Awareness Month. Running on this end of the meeting hall we will actually have some slides and we will have some other materials as we go through, so if you could direct your attention down that way. Since some of the Problem Gambling Awareness presentation involves multimedia we have added a few flourishes to the rest of the report as well. But starting with the casino development status we will start with Laga. Laga reports that they have been focused on concrete foundation work and as of January 31st, over 4,000 cubic yards of concrete have been poured which amounts to 96 percent of the overall amount necessary.

The concrete work is scheduled to be finished this month. Steel erection commenced on January 16th one day ahead of schedule. Overall, 60 percent of the necessary steel is on-site and 40 percent of that has already been erected. Exterior metal stud installation starts on February...or started on February 8th and the masonry contractor started laying exterior concrete blocks one week later. That same day that the concrete blocks were laid, roofing started and Laga was now on schedule to have the enclosed building completed by...during May. The building enclosed in May. From an NWV basis, Laga was on target to exceed their 30 percent participation goal. Right now over 47 percent of the contractors on site are New York State certified minority or women-owned businesses.

Montreign has completed its mass site excavation and retaining walls are now 90 percent complete. Utilities work is proceeding on schedule with an anticipated completion in early spring 2016. The precast garage component manufacturer is ahead of schedule and erection should commence by May of 2016. Steel erection is anticipated for this upcoming August. The Reese Jones golf course redesign is also underway with tree marking and surveying already completed. Cutting is expected to begin by March 31. From an NWV view, Montreign has participation on contracts in excess of 30 percent and they are now looking at their architect...is now looking at NWV designers for their hotel room design and they are also seeking an NWV landscape architect.

Rivers reports that their foundation work continues on schedule with steel erection already underway at the northwest corner of the facility. The foundation work is scheduled to be completed by the third week of March while structural steel will continue through mid-April. From an NWV view, Norwood- LeChase, their general contractor has awarded 88 percent of all subs with a utilization rate at 36.8 percent. This amounts to over 33 million dollars in spending. Several commissioners have indicated an interest in conducting upcoming meetings in proximity to the construction sites, so as to be able to undertake a site visitation. We have explored this possibility and should be able to accommodate regional scheduled meetings in May, June, July or August. We will continue some discussions relative to that and see if we can settle on some dates and locations.

Next item I would like to talk about is the Problem Gambling Awareness Month. March as you know is national Problem Gambling Awareness Month. Since the commission's founding we have endeavored to undertake events aimed at raising awareness about problem gambling. Our first effort occurred in 2013 when we partnered with the New York State Alcohol and Substance Abuse Services and the New York Council on Problem Gambling to establish the Responsible Play Partnership. The Responsible Play Partnership was designed to address a variety of issues surrounding problem gambling including ensuring that gaming venues comply with all rules and regulations and undertake proper outreach measures, reevaluating self-exclusion policies across the state to ensure consistency and considering best ways to advance New York's long-term commitment to prevent and treat problem gambling. Oasis commissioner Arlene Gonzalez Sanchez and New York Council's Jim Maney have provided leadership that has been instrumental in

ensuring their respective agencies participation has been meaningful and that the RPP and RPP working groups remain relevant to the evaluation and development of the state's approaches to responsible gaming policies

In April of 2014 under the direction of Chairman Mark Gearan, we conducted the state's first-ever forum focused on problem gambling. The forum provided an opportunity for the commission and the public to hear from experts in the field of addiction and psychiatry, gaming industry stakeholders and problem gambling treatment providers. The information gleaned from this event has impacted how we approach our regulation of all gaming in New York State and is evidenced in the proposed problem gambling regulations that you will be considering later this afternoon. Today we have with us Carolyn Hateman who serves as the commission's director of education community relations. In that role Ms. Hateman has been instrumental in the development of the responsible play partnership and all attend informal meetings, working group meetings and programs conducted. With your permission I would like Carolyn to provide an overview of the commissions and the Responsible Play Partnerships 2015 activities.

Carolyn Hateman: Thank you and commissioners. Last year the commission in conjunction with the Response Play Partnership took the lead of national council on problem gamblings, have the conversation about problem gambling campaign and conducted the Let's Start the Conversation events around the state. We hosted events in Rochester, Schenectady, Loch Sheldrake, Sullivan County and in Queens. These regional forums brought together for the first time all the state gaming operators, responsible gaming representatives and problem gambling prevention and treatment providers on a region by region basis with the goal of developing a more coordinated responsible gaming infrastructure. This past year the Responsible Play Partnership supplemented its Let's Start the Conversation events with a series of public service announcements and in educating the public about problem gambling and increasing awareness of related prevention and treatment options available. The first PSA began airing statewide in August. A second PSA was holiday themed providing a responsible gaming message regarding underage play during the holiday season. With your permission I would like to screen both of those PSAs.

[Recording]

Carolyn Hateman: That PSA ran more than 3,700 times across the state and office for 2015.

[Recording]

Carolyn Hateman: That holiday themed PSA ran more than 730 times on TV and 780 times on radio across the state between November and December of last year. To ensure the greatest coverage we created each PSA in English and Spanish.

Unidentified Male: She sad she got the coffee maker?

Carolyn Hateman: Well, the idea was gift appropriately, gift responsibly as in a child is not expecting to...does not appreciate a coffee maker and the same thing they do not appreciate lottery tickets.

Unidentified Male: Understood.

Carolyn Hateman: These PSAs are also available for viewing on the commission's YouTube page and we have provided it to each of our licensed facilities to them to run on their closed-loop television broadcast. A third public service announcement is in development and this spot will continue the conversation theme this time focusing on underage gambling. The new PSA will be specifically aimed at helping parents talk to their children about gambling given that research suggests a link between early gambling behavior and the associated risk of developing problem gambling issues later in life. We believe that this PSA is very appropriate. Thank you.

Unidentified Male: Thank you.

Unidentified Male: Thank you Carolyn. That brings us to this year 2016. With the help of our RPP partners, the commission plans to produce a video and make it available to schools and parent-teacher organizations to jumpstart that conversation among teachers, parents and students. Work has already begun on the video which should be completed this spring. Another major effort coming this year is our plans to finalize a statewide self-exclusion program. New York Racing, Pari-Mutuel Wagering and Breeding Law section 111 provides that the commission shall ensure the posting of signs and a listing of information designed to assist problem gamblers and promulgate rules and regulations pursuant to which people may voluntarily exclude themselves from entering the premises of a licensed or enfranchised entity.

As you may recollect from our previous discussions, New York's self-exclusion program is balkanized's product of years of incremental growth between varying agencies. Self-exclusion programs exist at all video lottery gaming facilities all thoroughbred and Standardbred racetracks, all off-track betting corporations and at each Indian gaming facility. But New York statute and gambling compacts place obligations for exclusion on the licensed facilities individually which leaves a gap vulnerable for potential exploitation. We have heard from a number of problem gambling professionals that the state's existing program contains loopholes that make it possible for a patron to self-exclude from one facility but continue wagering another facility down the road or in a different format from which they first excluded. Commission staff intends to plug this hole administratively by establishing a uniform self-exclusion policy across state licensed gambling venues cutting through the red tape that exists were person is looking to cumulatively exclude themselves from gambling opportunities.

We are working with all industry stakeholders and with the various Indian tribes and nations to establish a single point voluntary self-exclusion program. For the first time were also seeking to extend self-exclusion to traditional lottery draw and instant games where the threshold prizes must be claimed at a regional lottery customer service center. As you are all aware, lottery prizes that exceeds 600 collars must be claimed through such a lottery customer service center. Upon and limitation when a self-excluded individual tries to claim this prize they would be prohibited. They would be caught at that point at the regional center. Each year the commission has highlighted Problem Gambling Awareness Month with a printed message on each draw game ticket and through messaging at our electronic displays at lottery terminals.

This year we are going to go a step further and the commission is participating with the Responsible Play Partnership in a poster campaign aimed at raising awareness of Problem Gambling Awareness Month and raising awareness of the referral services available through the states toll-free help line. These posters will be distributed throughout the commission's various divisions and video lottery and gaming facilities at racetracks and off-track betting corporations. this past Friday we actually visited Batavia Downs and noted that the posters were already up and in place there. Finally, we

want to call attention to the New York Council on problem gambling for hosting the National Council on Problem Gambling's 30th annual conference this upcoming July 15th and 16th. The conference will be conducted just 25 miles north of here at the Westchester Marriott in Tarrytown. This event will bring hundreds of problem gambling prevention and treatment professionals as well as gaming facility operators from across the country to the lower Hudson Valley to learn and to share best practices.

The commission will be represented at three different conference sessions each highlighting a different aspect of New York's emergence as an industry leader in this area of social responsibility. These endeavors and rules pending action later in the agenda underscore the commission's commitment to promote responsible gambling in New York, not just in theory but in practice. In total conclusion, Carolyn will make her contact information available to all you so that if you have any questions or you have any things that you think that we might be able to utilize as we move forward in our problem gambling awareness and responsible gaming program, we would be happy to hear and Carolyn would love to interact with any of you relatives that.

Unidentified Male: Thank you.

Unidentified Male: Finished. You ready to go to rule making?

Unidentified Male: Sure.

Unidentified Male: New York State, Racing Pari-Mutuel Wagering and Breeding Law section 104.19 authorizes the commission to promulgate rules and regulations that if deemed necessary can carry out its responsibilities. As a result, the commission will from time to time promulgate rules and rule amendments pursuant to the state administrative procedure _____ [00:17:05]. We have seven items for consideration today. So Mr. Williams would you please outline the first item.

Mr. Williams: Certainly. Item 4A for commission consideration is adoption of rules regarding lottery subscription program. The rule proposal was published in the New York State register on December 30, 2015 meaning that the public comment period expired on February 16th. No public comments were received. The commission's existing rules permit subscriptions. The amendments would update the subscription program by allowing the use of newer technologies and addressing limitations imposed by older outdated processes. The staff recommends that the commission adopt the proposed rulemaking.

Unidentified Male: Commissioners any questions on the adoption of rules relating to the lottery subscription program? Hearing none, may I have a motion to adopt this rule proposal?

Unidentified Male: Second.

Unidentified Male: Discussion on the motion? Anyone. None? All in favor?

Unidentified Male: I.

Unidentified Male: Any opposed? The motion carries. Mr. Williams will you call the next item please.

Mr. Williams: For commission consideration is adoption of rules regarding lottery prize payment. The rule proposal was published in the state register also in December 30th meaning that public comment period expired on February 16th. No public comments were received for this either. The amendment would add flexibility in the manner in which lottery prize payments are made. Current regulations are inconsistent differing among ticket formats. This rule proposal would simplify payment and allow the commission to offer alternative means of payment. The staff recommends that the commission adopt the rule proposal.

Unidentified Male: Commissioners any questions on the adoption of the rules relating to the lottery prize payments? Hearing none, may I have a motion to...

Unidentified Male: Second.

Unidentified Male: Discussion on the motion? None? All in favor?

Unidentified Male: I.

Unidentified Male: Opposed? The motion carries. Mr. Williams will you call the next item.

Mr. Williams: Item 4C for commission consideration is adoption of a rule to ban the use of stanozolol. The rule was published in the December 30, 2015 state register meaning that the public comment period expired on February 16th. One public comment was received. These proposed revisions would discontinue the permissive...or presence of threshold amounts of stanozolol the only anabolic steroid that is neither endogenous to a horse nor already banned by the commission. The proposal phases out a permissible threshold amount of this steroid which was initially included as an exception to the general ban on anabolic steroids only because of a long clearance time of many months of this endogenous drug. As some horses may have lawfully been administered this drug well before racing and complied with the current permissive threshold, staff recommends that the proposed ban be scheduled to take effect six months after the adoption of the rule change.

As mentioned, there was one public comment received. A veterinarian wrote that the use of the drug is a useful tool in equine veterinary medicine and that used appropriately it is medicine. Used inappropriately it is a drug. The commenter suggested that stanozolol should be allowed and that horses should be tested for appropriate use. This proposal which is consistent with the national rulemaking proposals and with the commission's intended prohibition of any administration of an anabolic steroid to a horse that is actively racing continues to permit the use of the endogenous anabolic steroids, which have a much shorter clearance time to provide an efficacious therapy while the horse is restricted from racing on the veterinarians list. Staff recommends that the commission adopt the proposed rulemaking.

Unidentified Male: Commissioners, any questions on the adoption of a rule to ban the use of stanozolol? Hearing none, may I have a motion to adopt this rule?

Unidentified Male: _____ [00:21:21].

Unidentified Male: Second anyone?

Unidentified Male: Second.

Unidentified Male: All in favor?

Unidentified Male: I.

Unidentified Male: Opposed? Motion carries. Mr. Williams will you call the next item?

Mr. Williams: Certainly. For commission consideration is adoption of rules regarding suspension and revocation of a lottery agent's license. The rule proposal was published in the state register on December 30, 2015 meaning that the public comment period expired on February 16th. One public comment was received. Current regulations require a sales agent as a condition of licensing to comply with the licensing agreement and any rules, regulations, procedures, policies and instructions promulgated or issued by the commission. The lottery sales agent license agreement contains an obligation as a condition of licensing that the agents achieve a level of sales required by the lottery. The proposed amendments would make explicit that failure to meet such obligations is grounds for suspension or revocation of the sales agent license.

The amendments would add other grounds for suspension or revocation including violation of a licensing agreement, violation of the conditions of licensing and noncooperation with or frustration of a commission investigation. To protect the license sales agent, the amendments would also require the commission to notify the sales agent of a sales deficiency in writing and set forth a time in which the sales agent could illustrate satisfactory improvement. The amendment would also allow the sales agent to raise as an affirmative defense to suspension or revocation based on insufficient sales, that the agent's sales performance is reasonably excused by factors outside the control of the agent that the agent has taken reasonable steps to mitigate. Examples are extreme weather, natural disaster, flood, earthquake, war, discharge of hazardous material, blackout or power interruption, civil unrest or other events and circumstances.

Other revisions are proposed to eliminate duplication of statute, align the provisions from winding up terminated sales agent licenses with the preferred practice and make stylistic changes. As mentioned, one public comment was received. The New York Association of Convenience Stores urged the commission to add quote, "actions by state and local governments" to the list of enumerated unforeseen circumstances that might be grounds for an affirmative defense by a sales agent. The Association explains that government action such as allowing nearby gaming facilities, road construction and increased taxes on the items offered at a convenience store might drive patronage down in ways that a storeowner might not be able to mitigate.

The Association also urged removing the requirement for a sales agent to take reasonable steps to mitigate. Staff believes that the proposed language which includes quote, "other events or circumstances" among the enumerated factors beyond the sales agents control provide sufficiently broad language to cover exceptional circumstances and allow a sales agent challenging a suspension or revocation on such grounds the ability to state the sales agent's case. Staff also does not recommend eliminating the agent's duty to mitigate. The scope of the duty to mitigate will vary with the fact specific circumstances but eliminating a mitigation requirement which would allow a sales agent not to be diligent to use best sales efforts in the wake of unforeseen circumstances are contrary to the public policy goals of maintaining a robust sales culture. Staff recommends that the commission adopt the proposed rulemaking.

Unidentified Male: Commissioners, any questions on the adoption of rules regarding the suspension and revocation of a lottery agent's license?

Unidentified Male: Do you have any examples of ways that can be mitigated? The Association objects to the requirement that they take reasonable steps to mitigate. What types of things would be considered as steps?

Unidentified Male: I think that would be done in conjunction with the individual lottery marketing representative who would put them on notice and then go work with them to see what can be done to actually raise or better address lottery sales. So it is not something that would be done on a uniform basis but it would be a fact sensitive basis depending upon what the issues are that are surrounding that particular lottery agent's low sales.

Unidentified Male: In their objections did they mention any specific mitigation steps that they do not think they could achieve?

Unidentified Male: I don't believe they did at all. The letter was provided as part of the package but I do not believe it is specific.

Unidentified Male: To follow up on John's point, do we have...they seem credible enough the four instances they gave but I just do not know if what they said actually happened.

Unidentified Male: Yeah, I think the argument we have that we have from a staff level is that all of the items that they articulated are something that would fall within the existing language that we had drafted for the proposed rule.

Unidentified Male: I understand that. I get what you are saying, but they went through a couple of sort of points. I was just going to ask, do we have experience with them? They seem not just pie-in-the-sky hypotheticals, it seem like those are situations that pointed to where you would have had to have dealt with them before.

Unidentified Male: They did not provide any enumerated examples of it.

Unidentified Male: Essentially what you are asking is when the sale's agent runs into difficulty what type of technical assistance is provided.

Unidentified Male: Right. And they listed out some very specific sort of like that flood on upstate New York a couple of years ago in Allen's...

Unidentified Male: Well, that was ours. The Association mentioned government action by allowing nearby gaming facilities, road construction and increased taxes.

Unidentified Male: If you take the three things they have enumerated, two of them are completely different than the third. The third is road construction. In a road construction scenario where all of a sudden all of your foot traffic is being routed away, there probably are some technical things that can be done. You could have a covered walkway that allows some ingress/egress to the store whatever, but what are we really saying? We are going to make it difficult for local authorities to change their taxing regimes so that these guys can sell tickets? I think you have to leave room for the tax...

Unidentified Male: No. No. I was fine with the proposal. Just they had some very specific points. I was interested and I am reading it thinking well, you seem to be speaking from some level of experience. What does that actually mean?

Unidentified Male: I think the main element is the concern over the potential expansion of gambling as we have seen over the course of the last 15 years in New York State where there has been a creep of variety of different gambling that has been offered and the concern is that somebody who may be well-established might be affected by a gaming facility that is located in proximity to their location.

Unidentified Male: But the weird part of this debate is that what they seem to be saying is okay, let's assume that creeping gambling alternatives have whittled away at the market and therefore he...this is agent is not hitting his sales target. Their remedy is to let him keep missing his sales target.

Unidentified Male: Right. That is correct.

Unidentified Male: It just does not seem very practical from anyone's point-of-view.

Unidentified Male: I think the intention of the program would be setting the targets mindful of the facts and circumstances of that particular location. So for example, if a Native American casino opened across the street had not been there before that would be taken into account in setting the sales target goal in the first place.

Unidentified Male: Does any of this rulemaking address any of that though? This all has to do with basically taking away the license not setting the goal.

Unidentified Male: Correct.

Unidentified Male: Or requiring steps in mitigation.

Unidentified Male: Or requiring steps in mitigation. Right. But either way it has nothing to do with whether we can adjust the sales goal inside of an agency agreement for a guy whose circumstances may or may not changed. I hear your point, but that is not what we are doing here.

Unidentified Male: But I guess what I am suggesting is the point that the commenter made is probably better addressed in the sales goal setting portion of the process than the revocation processing.

Unidentified Male: I agree with that.

Unidentified Male: What steps could be taken in that situation if someone opened up a casino across the street from an establishment that running Quick Draw? What steps can be taken in mitigation?

Unidentified Male: Most likely in that situation there would be no steps in mitigation. It would be an adjustment to the sales goal given the new opportunities that are there.

Unidentified Male: But isn't that what the Association is objecting to?

Unidentified Male: No. The concern as Ed raised is that is an adjustment that can be in the vendor agreement not with the...we would never get to the point of pulling a license at that point. So in other words, if there was a change in their sales goals and they still were doing poorly or perhaps it is no longer a location that is useful to have a lottery vendor then that would be something that we would consider.

Unidentified Male: And that is something they could challenge.

Unidentified Male: Um-hm.

Unidentified Male: And they would have a right to a hearing.

Unidentified Male: Um-hm. Yes, they would.

Unidentified Male: This is a way of sort of enforcing like a best efforts type of provision. You have got to be trying to sell the tickets, if you are not we are going to revoke the license.

Unidentified Male: Yeah.

Unidentified Male: Got it. Thank you.

Unidentified Male: Any other questions? If there is no other questions may I have a motion to adopt this rule? Second?

Unidentified Male: Second.

Unidentified Male: Any discussion on the motion? Hearing none, all and favor?

Unidentified Male: I.

Unidentified Male: Opposed? Motion carries.

Mr. Williams: As item 4E for commission consideration is adoption of a rule that allows for consideration of a plan of operation for the Jockey Injury Compensation Fund. The rule was published on January 6, 2016 in this...the proposed rule. The state register meaning that the public comment period expired on February 22, 2016. One public comment was received. Recall that the commission adopted an emergency rule effective December 22, 2015 to set forth a process for developing a subsequent year assessment plan for the Jockey Injury Compensation Fund. This emergency rule was mooted when the fund proposed an acceptable plan. At the same time as the emergency rule, the commission also proposed a JICF assessment rule for standard adoption to create a standing structure for the commission and position of a default subsequent year assessment plan in the event that the JICF failed to meet the statutory deadline for planned submission and approval. As mentioned, one public comment was received. Assemblywoman Carrie Warner who represents a constituency in Saratoga and Washington counties wrote on December 22nd that the commission should approve a plan submitted by the fund in lieu of the plan contemplated pursuant to the commission's emergency rule. Ultimately, the commission did so mooted her concern. Staff recommends that the commission adopt this proposed rulemaking.

Unidentified Male: Commissioners, are there any questions on the adoption of rules regarding the plan of operation for the Jockey Injury Compensation Fund? Hearing none, may I have a motion to adopt the rule? Second?

Unidentified Male: Second.

Unidentified Male: Any discussion on the motion? Hearing none? All in favor?

Unidentified Male: I.

Unidentified Male: Opposed? The motion carries.

Mr. Williams: The next two proposals each concern similar topics namely problem gambling and self-exclusion. Given the similarity of topic I think it prudent to discuss them together. Please note that a redlined version of the amendment was circulated this morning. It is this language that is being considered today. If you will note the language changes between what was circulated previously in this are very minor. As items 4F and 4G for commission consideration as proposal of rules that address casino licensee problem gambling plans and allow for patron self-exclusion.

The former prescribes the contents of a problem gambling plan that each gaming facility licensee must submit for approval of the commission. The plans require goals, procedures and a timetable for implementation as well as identifying an individual responsible for implementing the plan of operation. The proposed rules also require the gaming facility's problem gambling plan identify policies and procedures that would be implemented to combat problem gambling including an employee training program. Quarterly and annual reporting to the commission would be required in regard to the gaming facility licensee's problem gambling plan progress and results. The rules set forth procedures and restrictions on gambling facility advertising and signage including the content and placement of gambling assistant messages.

The latter proposal sets forth a process by which a person can request to be excluded from participation in gaming activities. The rules require that a person file a request for self-exclusion which includes a length of exclusion sought and releases any claims that could arise from a failure by the state, the commission or the gaming facility licensee to withhold or restore gaming privileges or from confiscation of the individual's winnings. The proposed rules would require the commission to maintain an official list of self-excluded persons and to notify probably a gaming facility licensee's agents of additions or deletions from such list. The rules prescribed that a self-excluded person may not collect the winnings or recover losses during the period of exclusion. A gaming facility licensee would be required to establish procedures and training for its employees to identify and manage any self-excluded persons found to be present on the gaming floor were involved in gaming related activities.

Pre-proposal comments have been solicited from the three gaming licensees and the fourth...the applicant for the fourth gaming license. They have also been solicited from the New York Council on problem gambling. Feedback from that process has been incorporated into the proposed rules. As mentioned, the commission self-exclusion program is balkanized and staff intends to continue to work with all industry stakeholders and the various Indian tribes and nations to establish a single-point voluntary self-exclusion program. Perspective changes to this existing self-exclusion rules and

requirements will utilize this structure as the bedrock plus proposal of these rules are necessary to advance those efforts. Staff recommends proposal of each of the rules.

Unidentified Male: So let's take the proposals of each rule independently. Commissioners, are there any questions on the proposal of a rule regarding the problem gaming prevention and outreach? Hearing no questions, may I have a motion to propose this rule?

Unidentified Male: Second.

Unidentified Male: Second.

Unidentified Male: Any discussion on the motion.? Hearing none? All in favor?

Unidentified Male: I.

Unidentified Male: Opposed? The motion carries. Are there any questions on the proposal rule of the rule regarding self-excluded? Hearing no questions, may I have a motion to propose this rule? Second?

Unidentified Male: Second.

Unidentified Male: Any discussion on the motion? Hearing none? All in favor?

Unidentified Male: I.

Unidentified Male: Opposed? The motion carries.

Unidentified Male: Sorry about that.

Unidentified Male: Missed my queue. Adjudication. The next item on the agenda regards adjudication and we have one hearing up for...for consideration today. My understanding is on the second one Helen has withdrawn...

Unidentified Male: That is correct. The owner of Beauty and the Pulpit has withdrawn the appeal mooted today's consideration.

Unidentified Male: You want to outline the only case we have that?

Unidentified Male: Certainly. On October 31, 2014, the presiding judge Vernon Downs harness track fine owner trainer driver licensee Joseph D'agostino 500 dollars for failing to conduct himself in a forthright and gentlemanly manner and for conduct detrimental to the best interest of racing at the track offices on August 29, 2014 in violation of several commission rules. Specifically, Mr. D'agostino was alleged to have attempted to interfere with a criminal investigation into the larceny of horse testing samples from a track office and to have refused to leave the commission's offices at the track when requested when another witness was being interviewed by the New York State police. After Mr. D'agostino appealed a hearing was conducted on August 18, 2015. Mr. D'agostino subsequently moved for a summary judgment alleging that deficiencies in the hearing transcript warranted dismissal of the sanctions. The hearing officer denied that motion in an opinion dated November 22nd. The hearing officer's final report and recommendations were delivered to the

commission secretary on January 22, 2016. The hearing officer recommended that the fine be upheld. The commission consider this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of the New York Public Officers Law section 108.1.

Unidentified Male: The commission duly deliberated and consider this matter and determined upon a five to nothing vote to sustain the hearing officer's report record.

Unidentified Male: _____ [00:40:16] consider updating the rule that requires gentlemanly conduct whether that language is still appropriate. Maybe it needs a 24th century...

Unidentified Male: Okay. We will take a look at that.

Unidentified Male: So I think we are down to any new business old business. First of all, any old business? We have no items scheduled as old business. Does anyone have old business to consider? Hearing none? We have no items scheduled as new business. Does anyone have any other new business to consider?

Unidentified Male: Should congratulate the New York _____ [00:40:55] group won in Japan right? _____ [00:40:59] and we talked about it briefly. Said they are going to come back, look through the chain as to what that...

Unidentified Male: Yes, I will take a look at that.

Unidentified Male: It is a group one race in Japan need 14 other horses.

Unidentified Male: Any New York bred that wins a group one race anywhere in the world is doing well.

Unidentified Male: Do you know what that _____ [00:41:19] was?

Unidentified Male: It was in yen.

Unidentified Male: Yeah, expected you not to translate.

Unidentified Male: Yeah, yeah, yeah. I do not know off the top of my head. They generally race for very...

Unidentified Male: How do the purses in Japan compare to here? Are they generally _____ [00:41:36].

Unidentified Male: They are generally higher. They do not have as many big ones over there the way...

Unidentified Male: And the season is shorter. It is like three months.

Unidentified Male: But it is a good question. Big number I would assume.

Unidentified Male: I think running one without _____ [00:41:53] too. She is interesting.

Unidentified Male: Yeah.

Unidentified Male: Anything else? So we have the next meeting the commissioner has scheduled...March 28th. So if you guys could please advise Ms. Buckley of your availability so we can confirm if that date is good.

Unidentified Male: That is not one of the dates Rob that you were considering being elsewhere right?

Unidentified Male: No. We are looking at that starting in April.

Unidentified Male: But since we are going to be traveling we might want to think about those dates with Kristen now. I am not saying today but we might want to start thinking...like we are going to do...somebody mentioned August. We probably want to be in Saratoga maybe...that is the racing season.

Unidentified Male: Any month is fine for Saratoga. It is beautiful country all 12 months.

Unidentified Male: Let me shut up then. I do not know.

Unidentified Male: No you are right.

Unidentified Male: No obviously it is a good place to have it in.

Unidentified Male: Yeah. You mentioned...I do not know if the other one is in May. I think it was June or August or something like that.

Unidentified Male: I do not think we are allowed up to Geneva to at least May right?

Unidentified Male: Yeah.

Unidentified Male: That is a mild winter.

Unidentified Male: But I am just saying, we might want to think about scheduling around that now because we have got travel time. Some people are going to have to do overnight to do it.

Unidentified Male: For me and I am sure all of you, the sooner we know the better.

Unidentified Male: Ms. Buckley, will you coordinate and see what is the appropriate time and location for the...

Unidentified Male: I think that concludes today's published agenda.

Unidentified Male: What else is out in the area?

Unidentified Male: Do any commissioners have items they would like to present of consideration?

Unidentified Male: No. Thank you.