



Gaming Commission

March 23, 2015

Rob Williams: New York State racing and pari-mutuel watering and breeding laws section 102 provides 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. Six members having been confirmed by the New York State Senate affords the commission an ability to establish a forum and undertake action. This present meeting of the Gaming Commission is now called to order. Ms. Secretary...will you please call the roll?

Secretary: John Crotty?

John: Here.

Secretary: Mark Gearan?

Mark: Here.

Secretary: Peter Moschetti?

Peter: Here.

Secretary: John Poklemba?

John: Here.

Secretary: Barry Sample?

Barry: Here.

Secretary: Todd Snyder?

Todd: Here.

Rob Williams: Ms. Secretary, please have the record reflect that a quorum of qualified members are present thus enabling the transaction of business. Chairman Gearan?

Chairman Gearan: Thank you and good afternoon. We begin with the minutes of the commission

meeting of February 23, 2015. They have been provided to Commissioners in advance and at this time I'd like to ask if there are any edits, corrections or amendments to the minutes. Hearing none, Madam Secretary, please let the record reflect that the minutes were adopted. Next is our report of the Executive Director. Rob?

Rob Williams: I have a couple updates on the Gaming Facility Location Board on horse racing, lottery provision and commercial gambling regulatory _____ [00:01:22]. First, with the Gaming Facility Location Board...since the last commission meeting the Board met and unanimously approved a report and findings effectively concluding the 2014 Request for Applications process. At that same meeting, the Board approved a new RFA for zone 2, region 5, subject to Commission authorization. A copy of the final report was electronically provided to each of you for your review in anticipation of today's meeting.

For horse racing, March 28th ends the Aqueduct winter meeting. It had been scheduled for conclusion in the previous week but _____ [00:02:02] had requested and was granted three additional days, commencing March 26th. Those days are in part to try to make up for some of the lost days that bad weather caused cancellation. The end of the meeting means the movement from the inner track to the main track. This upcoming spring Aqueduct meeting is highlighted by the 91st running of the Wood Memorial, set for April 4th. In addition to the Grade I Wood, April 4th will also see three additional graded stakes races including the 115th running of the Grade I Carter Handicap. The Wood Memorial will be the first of approximately one dozen races this year that will be conducted with enhanced security protocols.

As for the lottery, earlier this month the World Lottery Association granted the Division of the Lottery its Level 3 Responsible Gaming Certification. The advanced accreditation recognized the Commission's ongoing efforts to apply a strict, responsible gaming framework to its products advertising player education and activities. With the Level 3 Certification, New York joins only five other lottery jurisdictions in North America in attaining that distinction. And then finally, the first commercial gambling rulemaking work _____ [00:03:20] have been established. These are for disability access, problem gambling and workplace adversity. Approximately a dozen people have expressed interest in the disability access, 20 for problem gambling and 15 for workplace adversity. Initial contacts with interested parties have been made and materials and questions regarding each topical area have circulated.

Chairman Gearan: Great. Thank you. Anything else from Mr. Williams? Thank you Rob. Next on our agenda is rule making. The New York State racing Pari-Mutuel Wagering and Breeding Law 104.19 authorizes the Commission to promulgate rules and regulations that it deems necessary to carry out its responsibilities. To that regard, the Commission will from time to time promulgate rules and rule amendments, pursuant to the State Administrative Procedure Act. Today, we have one rule making item for consideration. Rob?

Rob Williams: Item 4A regards rules pertaining to gaming facility requests for application and gaming facility license applications. Specifically, on March 31, 2014, the Commission promulgated emergency rules prescribing both forms for the Request for Applications to develop and operate a gaming facility and several forms necessary to consider and process applications for gaming facility licenses. By publication in the State Register on July 16, 2014, September 10, 2014, November 12, 2014, again on January 7, 2015 and again on March 4, 2015, the Commission extended the emergency

adoption. The March 4th extension is set to expire on April 14th. Accordingly, for Commission consideration is the re-adoption of part 5300 as an emergency rule, with such re-adoption to be filed with the Department of State prior to the expiration of the current emergency rule. The text of the rules has not changed since the initial emergency adoption on March 31, 2014. While the public comment period has expired and no public comments were received, permanent adoption of this rule should be considered when the Commission has before it the broad set of proposed commercial casino regulations that are still in the midst of being drafted. Commission staff recommends re-adoption of this emergency rule measure.

Chairman Gearan: Thank you Rob. Commissioners, any questions on the re-adoption of the rules pertaining to the gaming facility Request for Application for gaming facility license applications, with such re-adoption to be filed with the Department of State prior to the expiration of the current emergency rule? Any questions? May I have a motion then to re-adopt the rules pertaining to gaming facility Request for Application and gaming facility license application.

Unidentified Male: Motion

Chairman Gearan: Do I have a second?

Unidentified Male: Second.

Chairman Gearan: Any discussion on the motion? All in favor say aye.

[Multiple Voices]: Aye.

Chairman Gearan: Opposed? The motion carries. Rob, would you call the next item?

Rob Williams: For continued Commission consideration is a proposed Request for Application to develop and operate a gaming facility in New York State in zone 2, region 5. Recollect that last month, the Commission briefly discussed the concept but reserved full consideration until after the Gaming Facility Location Board had released their report and findings regarding the RFA in 2014, and the Board itself had adopted the proposed RFA. As I mentioned, at the most recent meeting of the Gaming Facility Location Board conducted on February 27, 2015, the Board unanimously adopted a _____ [00:07:28] regarding the 2014 RFA and unanimously adopted a new RFA, sending it to the Commission for its review and consideration. Commission staff has reviewed the new Request for Application and sees no impediment to Commission adoption.

Chairman Gearan: Commissioners, any questions on the adoption of the new Request for Application to develop and operate a gaming facility here in the State in zone 2, region 5? Any questions?

Unidentified Male: This is a procedural vote on our part. This is what the Facility Location Board wants to have done and it doesn't cause us any hesitation as to the means to accomplishing it. That is all we are...?

Chairman Gearan: That is all. The procedural pieces. Any other questions? May I have a motion then to adopt the Request for Application to develop and operate a gaming facility in New York State in

zone 2, region 5?

Unidentified Males: Motion, motion.

Chairman Gearan: The motion has been made and seconded. Any discussion on the motions? I call a vote. All those in favor say aye.

Multiple Voices: Aye.

Chairman Gearan: All those opposed? The motion carries. I'd like to announce that for the purpose of the RFA, the Commission is now in a restricted period. All individuals interested in discussion of the RFA or RFA procedure should contact either Gail Thorpe [PH] or _____ [00:09:06] in our Contract Administration Unit. Their contact information is listed in the RFA and is identifiable on our website.

Next on our agenda is new business. Does anyone have any new business to consider?

Unidentified Male: Mr. Chairman, I raised with you a personnel matter that I have had occasion to have come conversation with the other Commissioners in one off conversation. If you have the opportunity, please raise that with Rob Williams and get back to us.

Chairman Gearan: Certainly. I will follow up to your request. Any other new business?

Unidentified Male: We had discussed one matter. We had discussed some period of time ago looking at Lasix was a suggestion of one of the trainers, John Kimmel, who said... Why don't we look at Lasix in Grade 1 races and in 2-year-old stakes races. These are where the breeders come from. This is the horse stock that gets passed along, not every single one of them but certainly on the male side of the Grade 1 winners and a lot of them are champions in 2 as well. I think it would be useful now that we have some uniform rule making in place, to take a look at this. Maybe it can be a panel or open forum and discuss this in a way that can educate us a little more. It is still a controversial topic and other jurisdictions have looked at this. I think it would be good for us to understand the science behind it and what would make sense for us as a State to look forward.

Unidentified Male: Question Inaudible.

Unidentified Male: They have a forum. Yes. We could task Rob and the staff to set something up and invite some of the experts in and hear what that could mean.

Rob Williams: It's very timely as I believe Kentucky Racing Commission today is considering something very similar. We would be happy to create a forum for that for education.

Chairman Gearan: Question Inaudible.

Unidentified Male: If they do it right we won't have a choice. We'll have to. If Kentucky acts, which I think is not too similar if we act. The majority of the flesh goes through the three big companies _____ [00:11:42] being one of them.

Chairman Gearan: I guess it depends on how they choose to act.

Unidentified Male: Yeah...100%.

Chairman Gearan: Rob, you have the generalized...

Rob Williams: Yes and I will work with Commissioner Crotty to make sure that we hit the points for concern.

Chairman Gearan: Any other new business? Okay, old business. I'd like to just say at our last meeting in conjunction with the National Problem Gambling Awareness Month we talked about the formation of a few public forums around the state and I mentioned at that time in depth providing education regarding this important issue. We asked Lee Park [PH] to coordinate our efforts in this endeavor making contact with our colleagues in the Responsible Play Partnership in the New York State Office of Alcohol Abuse and Substance Services as well as the New York Council of Problem Gambling. I'd like to ask Lee to provide an update for us on our efforts to date.

Lee: Certainly. Starting in April, the Responsible Play Partnership will be hosting a series of three hour events across New York State. We initially plan on holding five such events. Each will start with a comprehensive Town Hall Meeting for prevention and treatment providers to earn continuing education credits and discuss where the gambling industry is heading in New York. The latter portion of the event will be an exhibition/trade show where local providers, gaming facilities and other interested parties can showcase their services and programs geared towards responsible gaming practices. The Commission, council and the council will all have displays at each event and we are inviting facilities overseen by the Commission, including BLT facilities, racetracks, ambient casinos and commercial casino operators to participate. We expect problem gambling prevention and treatment providers based in each region as well as local elected leaders in general will also attend. Of course, any Commissioners who are available on the dates that we end up settling on are encouraged to participate at the event as well. These meetings will bring together all the stakeholders in one room to share ideas, hear concerns and at the very least put names to faces for all those involved in promoting a responsible gaming environment. We expect to hold the first event during the week of April 20th in Queens, followed by similar start the conversation events in capital region, western New York, central New York and the Hudson Valley. One other note, the Commission is working on public service announcements to further increase awareness of problem gambling and promote responsible gaming practices. We should have more details about that at the next meeting.

Finally, I'd just like to acknowledge that all of these responsible gaming efforts have been due largely in part to _____ [00:14:49] so I extend my thanks to her for her hard work on this project.

Chairman Gearan: Thank you Lee. This is a poster?

Lee: Yes.

Chairman Gearan: That has been circulated?

Lee: Yes that has gone to all of our licensed facilities recognizing that March is the Problem Gambling Awareness Month and supporting the National Council promoting this message to have the conversation.

Chairman Gearan: This follows up to the _____ [00:15:16] in Albany. All the Commissioners attended. Thank you for your leadership on this. Any other old business to consider?

Unidentified Male: Just a question. Do we have oasis involved?

Lee: Yes.

Unidentified Male: Question Inaudible.

Lee: They were helpful in delivering all the _____ [00:15:33].

Unidentified Male: The Commission has been very, very helpful and provided a lot of assistance.

Chairman Gearan: Thank you very much. I am very grateful and excited about this. Okay. The next is just housekeeping. Today's meeting concludes. Consistent with our practice, the next meeting we have scheduled is April 27th to our past practice of the fourth Monday of the month and please advise Miss Buckley of your availability. That is the conclusion of today's published agenda. Any other items for present consideration? Hearing none, this meeting of the New York State Gaming Commission is officially adjourned. Thank you very much.