

Unidentified Male: Okay. 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 have been confirmed by the New York State Senate, which affords the commission an ability to establish the forum and undertake action. This present meeting of the commissioners is now called to order. Miss Secretary will you please call the roll?

Miss Secretary: John Crotty?

John Crotty: Here.

Miss Secretary: Peter Moschetti?

Peter Moschetti: Here.

Miss Secretary: John Poklemba?

John Poklemba: Here.

Miss Secretary: Barry Sample.

Barry Sample: Here.

Miss Secretary: Todd Snyder.

Todd Snyder: Here.

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

Unidentified Male: I'd nominate Todd Snyder.

Barry Sample: Second.

Unidentified Male: Much to Todd's surprise.

Unidentified Male: Congratulations.

Todd Snyder: Thank you very much.

Unidentified Male: You're welcome.

Unidentified Male: Minutes of the commission meeting conducted on May 23, 2016 have been provided to the members. Does anyone have any comments on the meeting minutes? Carrying none, I'll entertain a motion to approve the minutes.

Unidentified Male: So moved.

Unidentified Male: Second.

Unidentified Male: Any objections?

Unidentified Male: None.

Unidentified Male: All in favor?

Unidentified Male: Aye.

Unidentified Male: Aye.

Unidentified Male: The minutes are approved. Rob I think we're onto the report of the executive director.

Rob: Okay thank you. This afternoon I'd like to provide an overview regarding development status of the three commercial casino projects. Provide a post-legislative session wrap up. Discuss the upcoming National Counsel and Problem Gambling's Annual Conference and call your attention to an upcoming franchise oversight board meeting. First as I previously mentioned del Lago has two defined stages of construction. The initial stage of construction includes the casino, the event center, back of house area, all restaurants housed inside the casino event center building, the parking garage, and the hotel shell. The final stage of construction includes the interior of the hotel build out. Del Lago now reports that they are 46.5% complete with the initial stage of construction and they anticipate over the next three months that their work rate will increase from 7.5% a month to 10% per month in order to stay on schedule and achieve their construction target. As to some specifics of their construction the exterior contract masonry, concrete masonry is now 100% complete and exterior metal studs and DensGlass Sheathing is 100% complete. Vapor barrier is approximately 99% complete and exterior, insulation finishing is well under way. Bathroom and electrical room, metal stud and drywall is 50% complete. The hotel foundation work is 100% complete with the second deck poured. The third deck will be complete and the fourth deck will be started during ____[00:03:07]. The parking garage foundation has also been started and precast is in fabrication. Del Lago reports that last month approximately 48,000 man hours were worked. Rivers Casino and Resort at Mohawk Harbor is progressing on schedule. The project is being constructed in two phases. Phase one is the low-rise building and consists of the casino, the back of house offices, warehouse, event center, and garage and phase two is the hotel building. Phase one steel and miscellaneous metals is now 86% complete. Site work is 29% complete and concrete is 76% complete. Rivers also reported completion percentages for several major construction components including 79% in roofing, 44% in fireproofing, 22% in framing and drywall, 18% in plumbing, 14% in HVAC, and 12% complete in low voltage electrical. They also report the precast garage is now 36% complete. To date the project has produced 72,000 man hours and the project is 19% overall complete. Montreign reports that they have fully completed the mass excavation and are at 77% complete for the site retaining walls, 90% complete with site utilities, 85% with foundation and excavation and site grading, 70% with the precast concrete structure parking garage, and 25% complete with the site electrical and underground plumbing. This summer they report that they will start the erection of the structural steels for the hotel and podium, start the installation of the central utility plant and the concrete slabs for the hotel. Early this fall they anticipate starting the roofing and installations of the concrete slabs for the parking garage. Montreign reports that during the month of May they expended 26,000 hours on the work site. The 2016 State Legislative Session

concluded early June 18th passing several measures relative to horse racing, charitable gambling, and daily fantasy sports. Obviously the most notable legislation regards daily fantasy sports when the legislator placed the registration and regulation of all paid entry fantasy sports operations with the commission. If the bill is signed into law by the governor its provisions will become effective immediately. Sites that were in operation before November 10, 2015 when the state attorney general issued his Cease and Desist Orders are eligible to make an application for a temporary permit and advance at registration which would allow those entities to return to operation in the state. The commission was given the power to promulgate regulations, to put the law into effect, so if signed you should expect a package of staff proposed regulations designed to ultimately govern the industry. Several months ago I mentioned that the 2016 National Conference on Problem Gambling will be conducted July 13-16, just 25 miles north of here at the Westchester Marriott in Tarrytown. The conference consists of presentations and programs from more 100 individuals that provide the latest information on problem gambling prevention, education, treatment, responsible gaming, research, and recovery. Commission will be presented at three different conference sessions highlighting a different aspect of New York's emergence as an industry leader in this area of social responsibility. We will be appearing at two precession workshops, which are small group environment training sessions. One is entitled Crafting Your Problem Gambling and Responsible Gambling Plans for Success in the Field and the other is entitled Stakeholder Engagement, Laying the Foundation for Future Success. We are also presenting at a conference session entitled Let's Keep the Conversation Going. If any commissioner has availability please let me know so I can make arrangements for your attendance. Finally, this afternoon several floors beneath this room, the denting [PH] New York State Franchise Oversight Board will be conducting a meeting to consider a refinancing of certain New York loans supporting the Video Lottery Gaming Operation at Aqueduct Racetrack. Denting [PH] representatives will also be providing an overview of their proposed three-hundred-million dollar resort, hotel and convention space expansion. If you're interested in attending please let me know, otherwise the meeting will be video streamed accessible from a link on the Division of Budgets Homepage. Mr. Snyder.

Todd Snyder: Rob. New York State Racing...

Unidentified Male: I have a question.

Todd Snyder: Mm-hmm sorry.

Unidentified Male: I'm sorry, the Rivers, it's located where? I go to exit 25?

Unidentified Male: _____[00:08:02] or is it?

Unidentified Male: It's in Schenectady along the Mohawk River. If you go...on the through way out to 90 and get off at exit 5, which is Erie Boulevard...

Unidentified Male: Yep.

Unidentified Male: ...get off Erie Boulevard, head east and you will encounter it about two miles, two and a half miles on your left.

Unidentified Male: Okay.

Unidentified Male: It's impossible to miss.

Unidentified Male: I got a sense now. Okay. Very good.

Unidentified Male: And the other thing when we do the problem gambling conference, are we doing, just in anticipation of calls I may get, are we doing anything in conjunction with Oasis and are they doing anything there?

Unidentified Male: Absolutely. Oasis has a large role and...

Unidentified Male: Okay.

Unidentified Male: ...most of our activity is done conjunction with the responsible play partnership, which we have with-as a tripartite operation with Oasis and the New York Council and Problem Gambling.

Unidentified Male: Okay. That's all I need. Thank you.

Unidentified Male: Anything else.

Unidentified Male: New York State Racing Pari-Mutuel Wagering and Breeding Law Section 104.19 authorizes the commission to promulgate rules and regulations that it deems necessary to carry out its responsibilities. The commission will from time to time promulgate rules and rule amendments pursuant to the State Administrative Procedure Act. We have nine items for consideration today. Rob will you outline the first item please.

Rob: Certainly. For commission consideration is the adoption for a proposed regulation regarding rules for the conduct and operation of gaming. The proposed part addresses the following topics: Gaming facilities, licensee's, submission of a system of the administrative and accounting procedures for the conduct and operation of gaming, requirements for hours of operation, minimum age participation and access, retention of realty, construction, maintenance and business records, submission of the gaming facility licensee's, emergency action plan, requirements for the award of an operation certificate to commence gaming operations, procedures and requirements for key control, facial recognition, and license plate recognition, and limitation on certain financial transactions. The commission proposed this rule making on April 25, 2016 and the proposal was published in the May 11th State Register. The public comment period will end today. To date no public comment has been received. In the unlikely event that a comment is received before the close of business, staff will promptly inform each commissioner. Staff recommends the adoption of this proposal as a permanent rule.

Unidentified Male: Are there any questions with regard to the adoption of the conduct and operation of gaming facility rules on the assumption that we do not receive any comment today by the close of business?

Unidentified Male: Who do they match up to in terms of just these set of rules? They've obviously taken the best of the best from different jurisdiction right?

Unidentified Male: Yes.

Unidentified Male: Who's it closest to?

Unidentified Male: Some of the more recent jurisdictions that have introduced gaming, have been a little more comprehensive and some of the older ones. So Massachusetts has been a good model but we've looked at Pennsylvania, New Jersey, Ohio, Nevada, and some of the other major gamers.

Rob: I think it's also important to point out that one of the places that we start as well was with the Indian facilities in New York State. We have three different compacts. One of them is extraordinary comprehensive, which is based on New Jersey's. So that was a place where we started as well and built from that.

Unidentified Male: So in your mind this is the best of the breed?

Unidentified Male: We like to think so.

Unidentified Male: Okay. Great.

Unidentified Male: So again, on the assumption that by the close of the business we do not have public comment and if we do I understand that all the commissioners will be contacted, but on the assumption that we don't may I have a motion on the adoption of this rule?

Unidentified Male: So moved

Unidentified Male: Anyone to second?

Unidentified Male: Second.

Unidentified Male: Is there any further discussion? All in favor say aye.

Simultaneous: Aye.

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

Rob: Certainly. For commission consideration is the adoption of a proposed regulation regarding gaming facilities surveillance. The proposed part addresses the following topics: submission of the gaming facility licensee's, surveillance plan of operation, requirement for surveillance department including location and equipment and the monitoring of certain areas and activities, surveillance department employee training and restrictions and the retention of records. The commission proposed this rule making at the April 25, 2016 meeting and the proposal was published in the May 11th State Register. Public comment period for this rule, like the other, will end today. To date no public comment has been received. In the unlikely event that a comment is received before the close of business, staff will promptly inform each commissioner. Staff recommends the adoption of this proposal as a permanent rule.

Unidentified Male: Any questions or discussion on the rule? So on the assumption that we don't receive substantive comment before the close of business today may I have a motion to adopt the rule?

Unidentified Male: So move.

Unidentified Male: Second.

Unidentified Male: All in favor say aye.

Simultaneous: Aye.

Unidentified Male: Any opposed? The motion carries. Rob will you call the next time please?

Rob: Certainly. As item 4C for commission consideration is a proposal to amend existing casino rules definitions found in 9 New York Code and Rules and Regulations Part 5300. This proposal will add definitions relevant to new rules and ongoing casino rule making process and clarify existing definitions in certain instances. Some examples of new definitions that relate to proposed rules and excluded persons and for terms found in table game regulations. Preproposal comment was solicited from the three gaming facility licensee's and the applicant for the fourth casino license. Pertinent comments received have been incorporated. Staff recommends that the commission authorize the proposal of this rule making.

Unidentified Male: So just to be clear, we're not expecting—that there's no open public comment period of any of these unlike the other two rules?

Rob: There will be. This is the pre.

Unidentified Male: This is a preliminary?

Rob: Right.

Unidentified Male: All right.

Rob: This is preliminary. Now what you're doing is advancing to...

Unidentified Male: To publication.

Rob: ...publication in the State Registrar and the 45 day public comment period.

Unidentified Male: Understood, understood. Is there any other discussion on the proposed...preliminary rule making?

Unidentified Male: No.

Unidentified Male: May I have a motion?

Unidentified Male: So moved.

Unidentified Male: Second.

Unidentified Male: All in favor?

Simultaneous: Aye.

Unidentified Male: Any opposed? The motion carries. Rob, the next item.

Rob: For commission consideration of proposed rules for excluded persons at casino's the New York Racing Pari-Mutuel Wagering and Breeding Laws Sections 1342-1345 set forth various restrictions in regards to persons to be excluded from casino's and require the commission to regulate aspects of the exclusion process. Under the law the commission would establish and maintain a statewide excluded persons list. This proposed rule would set forth the criteria for exclusion, the process for placement on the excluded persons list, and processed to petition for the removal of the name from the excluded persons list, and requirements once a person is placed on the excluded persons list. Preproposal comments have been solicited from the three gaming facility licensee's and the applicant for the fourth license. Pertinent comments have been incorporated. Please note that you are voting on an amended version that was provided this morning that contains some technical, non-substantive amendments. Staff recommends that the commission authorize the proposal of this rule making.

Unidentified Male: Commissioners any questions or discussion on the proposed rulemaking?

Unidentified Male: Just one quick question. Didn't we discuss the exclusion in terms of the areas that were going to-a person was going to be excluded from in the past? I recall...

Unidentified Male: I recall it.

Unidentified Male: ...reviewing regulations as to what areas this would apply to.

Unidentified Male: Yeah. This would apply to anything on the gaming floor or the facility...

Unidentified Male: Right.

Unidentified Male: ...at large.

Unidentified Male: But we didn't we previously...

Unidentified Male: _____[00:16:19 over talking].

Unidentified Male: ...vote on that regulation?

Unidentified Male: There was a regulation on self-exclusion...

Unidentified Male: Yes.

Unidentified Male: ...that has already been adopted. This is...involuntary exclusion...

Unidentified Male: I see.

Unidentified Male: ...so to speak. So if someone has incidences at the casinos or...

Unidentified Male: I see.

Unidentified Male: ...integrity issues, etcetera, they can be placed on a list that even if they wanted to go in they're not permitted in the facilities.

Unidentified Male: So it would be two separate regulations...

Unidentified Male: Correct.

Unidentified Male: ...one on self-exclusion and one on, I'll call it involuntary exclusion.

Unidentified Male: That's correct.

Unidentified Male: And are the areas the same?

Unidentified Male: The areas would be the same.

Unidentified Male: So if you are involuntarily excluded it would be from the same areas that would have, you could be self-excluded?

Unidentified Male: Correct.

Unidentified Male: Thank you.

Unidentified Male: ____ [00:17:05 inaudible].

Unidentified Male: Actually the excluded list would exclude you from the entire gaming facility, which is a defined term that's a little broader than...

Unidentified Male: So this broader...

Unidentified Male: ____ [00:17:18 over talking].

Unidentified Male: ...than the self-exclusion?

Unidentified Male: Yeah. Yes. Whereas the self-exclusion you would not be permitted on the gaming floor.

Unidentified Male: Right. So if you were excluded for some of type of misconduct then you could not go on the grounds of the facility...

Unidentified Male: Exactly.

Unidentified Male: ... ____ [00:17:35]?

Unidentified Male: Any other discussion?

Unidentified Male: Thank you.

Unidentified Male: May I have a motion.

Unidentified Male: So moved.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: All in favor?

Simultaneous: Aye.

Unidentified Male: Any opposed? The motion carries. Rob the next item?

Rob: For commission consideration of proposed rules for the licensing of casino junkets which is required by New York Racing Pari-Mutuel Wagering and Breeding Law Section 1328. The proposed rules address permissible junket activity, licensing, waivers of licensing and reporting requirements. Preproposal comments have been solicited from the three gaming facility licensee's and the applicant from the fourth casino license. Pertinent comments have been incorporated. Staff recommends proposal of or the commission authoring proposal of this rule making.

Unidentified Male: Any discussion on the junket proposed rule?

Unidentified Male: Looks good.

Unidentified Male: May I have a motion to approve the proposal?

Unidentified Male: So moved.

Unidentified Male: A second?

Unidentified Male: Second.

Unidentified Male: All in favor?

Simultaneous: Aye.

Unidentified Male: Any opposed?

Unidentified Male: None.

Unidentified Male: The motion carries. Rob can we go onto the next one please?

Rob: Item 4F for commission consideration of proposed rules for the registration of casino lobbyists, which is required by New York Racing Pari-Mutuel Wagering and Breeding Law Section 1329. The proposed rules address requirements for lobbying registration applications and notice of termination of a lobbyists services. Preproposal comments have been solicited from the three gaming facility licensee's and the applicant for the fourth casino license. Pertinent comments have been incorporated. Staff recommends that the commission authorize the proposal of this rule making.

Unidentified Male: Commissioner's is there any discussion on the proposed rulemaking regarding lobbyist registration? If not, may I have a motion please?

Unidentified Male: So moved.

Unidentified Male: Anybody second?

Unidentified Male: Second.

Unidentified Male: Thank you. All in favor say aye.

Simultaneous: Aye.

Unidentified Male: Any opposition? The motion carries. Rob can we move onto the next item?

Rob: As item 4G for commission consideration of proposed rules for the registration, oops, did I just do that twice?

Unidentified Male: Nope.

Unidentified Male: No, you're right.

Unidentified Male: You're good. You're good.

Unidentified Male: Labor unions.

Rob: Okay, labor unions, which is required by New York Racing Pari-Mutuel Wagering and Breeding Law Section 1330. The proposed rules address the application process for labor organization registration. The application process for a labor organizations officer, agent, and principal employee and access for the authorized representative of the labor union or affiliate. Preproposal comments were solicited from certain labor union organizations whose numbers are likely to be employed in gaming facilities and pertinent comments have been incorporated if they were received. Staff recommends that the commission authorize the proposal of this rule making?

Unidentified Male: Is there any discussion on this proposed rulemaking? Any questions? May I have a motion please?

Unidentified Male: So move.

Unidentified Male: Second?

Unidentified Male: Second.

Unidentified Male: All in favor please say aye.

Simultaneous: Aye.

Unidentified Male: Any opposed? That motion carries. Rob the next proposed rule please.

Rob: For commission consideration of proposed rules that set forth requirements for the inspection, use, storage, and destruction table game equipment. The proposed rules also prescribe the physical characteristics for certain table game equipment. The proposed part addresses chips, tournament chips and plaques, big wheels, roulette, manual and automated shakers, dice, Pai Gow tiles, playing cards, card readers, and dealing shoes. Preproposal comments have been solicited from three gaming facility licensee's and the applicant for the fourth casino license. Pertinent comments have been incorporated. Please note that you are voting on an amended version that was provided this morning that contained technical, non-substantive amendments. Staff recommends that the commission authorize the proposal of this rule making?

Unidentified Male: Is there any discussion on this proposed rule?

Unidentified Male: I just have a question out of my ignorance, which is pretty large, but what are dealing shoes?

Rob: That's the...where you put the cards in and you deal from the cards from the shoe.

Unidentified Male: Oh okay.

Unidentified Male: It's the _____[00:21:51].

Unidentified Male: Okay.

Unidentified Male: Anything else? May I have a motion?

Unidentified Male: So moved.

Unidentified Male: Second.

Unidentified Male: All in favor?

Simultaneous: Aye.

Unidentified Male: Any opposition? So the motion carries. Rob item I.

Rob: For commission consideration of proposed rules that prescribe requirements for the conduct and operation of table games at licensed gaming facilities. The proposed part addresses the submission of a gaming facility licensee's table gaming staffing plan...

Unidentified Male: _____[00:22:22 over talking].

Rob: ...equipment, schematics, layouts, minimum and maximum table game wagers, and new table game proposals. A gaming facility licensee establishment of a dealer training program and requirements for a gaming facility licensee in regard to posting payout odds and the text of table gaming rules. Preproposal comments were solicited from three gaming facility licensee's and the applicant for the fourth casino license. Pertinent comments received have been incorporated. Staff recommends that the commission authorize the proposal of this rule making.

Unidentified Male: Is there any discussion on this proposed rulemaking? No?

Unidentified Male: Commissioner Crotty may I have a motion?

John Crotty: So moved.

Unidentified Male: Second.

Unidentified Male: Thank you very much. All in favor?

Simultaneous: Aye.

Unidentified Male: Any opposed? That motion carries.

Unidentified Male: There you go Barry.

Unidentified Male: I think that's the last of our rule making. Brings us to any new and old business. Does anyone have old business to consider? Any old business to consider? Yes, no, maybe?

Unidentified Male: _____[00:23:34].

Unidentified Male: Any old business you'd like to consider?

Unidentified Male: No.

Unidentified Male: Okay. Hearing none. Is there any new business that you brought to the table?

Unidentified Male: No.

Unidentified Male: So I don't think we had a full report back from...NYRA on the other day.

Unidentified Male: It would be interesting if they sort of...I didn't read about all their facts and figures.

Rob: Oh for the most recent Triple Crown?

Unidentified Male: Yeah. I know it was down from last year's Triple Crown but up?

Rob: I think I have some material in one of the weekly reports that I provide. I'll send it to you.

Unidentified Male: Up from 20...

Unidentified Male: _____[00:24:07] didn't have a contender.

Unidentified Male: Right, right, right, right, right.

Rob: I think there's a comparative there. I'll provide something to you.

Unidentified Male: Yeah. Should make it part of the public record. Right? Was it out there?

Rob: Yeah it's out there.

Unidentified Male: I was looking at the _____[00:24:23]. I didn't see it.

Rob: I'll provide it.

Unidentified Male: Okay.

Rob: I'll provide you direction on where you can find it.

Unidentified Male: Okay.

Unidentified Male: And Rob as part of the new legislation our relationship remains the same? Our relationship NYRA?

Rob: It does. There are two bills that were or portions of one bill and another bill that had some...potential affect. Legislator originally passed a bill that would have reconstituted NYRA in a different form returning them to a different governing body and then subsequent to that they passed a part in a larger bill that simply extended out NYRA's term for another year under the new organization board.

Unidentified Male: Thank you.

Unidentified Male: Now that brings us to our favorite part of the meeting. The scheduling of our next meeting. I believe we have one on for July? Is that right?

Unidentified Female: Correct. 25th.

Unidentified Male: Okay. Would everyone please just...

Unidentified Male: What did you say the day was?

Unidentified Male: The 25th?

Unidentified Female: Yeah.

Unidentified Male: The 25th.

Unidentified Male: 25?

Unidentified Male: Monday. Just advise Miss Buckley [PH] of your availability and unless anyone has anything else to bring to the table I think that concludes our agenda for today and I propose that we adjourn.

Unidentified Male: So moved.

Unidentified Male: Hear that.

Unidentified Male: Second.

Unidentified Male: We are adjourned.

Unidentified Male: Thank you.

Unidentified Male: Thank you.