Adopted, 28 October 2024

Minutes

Meeting of 23 September 2024

A meeting of the Commission was conducted in New York, New York.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:43 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Brian O'Dwyer and Members John Crotty, Sylvia Hamer, Martin Mack, Peter Moschetti, Marissa Shorenstein, and Jerry Skurnik.

2. Consideration of Minutes for Meeting of 23 June 2024

The Commission considered previously circulated draft minutes of the meeting conducted on 23 June 2024. The minutes were accepted as circulated.

3. Report of the Executive Director

The Executive Director presented a report on the Commission's recently updated website and a forthcoming Franchise Oversight Board Information Meeting regarding the Belmont Redevelopment project.

4. Rulemaking

A. ADOPTION: SGC-25-24-00003-P, Whip Use in Harness Racing

The Commission considered the adoption of rule revisions regarding the use of whips in harness racing, to further define the allowable urging at any time a horse driven on the track, and to set a penalty structure for violations.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 7-0

5. Consideration of the Application of Penn Sports Interactive, LLC d/b/a ESPN Bet, a subsidiary of PENN Entertainment, Inc. acquisition of WSI US, LLC

The Commission considered approval of Penn Sports Interactive, LLC d/b/a ESPN Bet, a subsidiary of PENN Entertainment, Inc. acquisition of WSI US, LLC, a Platform Provider and Operator licensed in New York since February 3, 2022.

ON A MOTION BY: Commissioner Crotty
APPROVED: 7-0

6. RESOLUTION: Delegation of Authority to Establish Advisory Board, No. 01–2024

The Commission considered a resolution that would allow for the establishment of a committee of Brian O'Dwyer, Peter Moschetti and Jerry Skurnik to select persons to serve on and a process to effect the appointments to an advisory board to assist in evaluating the proper use of monies received by the Thoroughbred Breeding and Development Fund and Agriculture & New York State Horse Breeding Development Fund to be allocated for the care of retired horses.

ON A MOTION BY: Commissioner Hamer
APPROVED: 7-0

7. Staff Presentation regarding Responsible Gaming

Staff members Carolyn Hapeman and Dana Idema presented an overview of two award winning responsible gambling campaigns conducted by the Division of the Lottery. In the course of presentation, Hapeman and Idema screened two videos, Big Gamble SUSHI and Big Gamble DROOL.

8. New & Old Business

While no New or Old Business was formally considered, Chairman O'Dwyer noted that two state-licensed video lottery gaming operators had been cited for violations originating in Nevada, with one alleged to have demonstrated "a culture of non-compliance and willful disregard of regulation" per a regulatory complaint. Additionally, a potential bidder for additional casino license had entered a non-prosecution agreement regarding their behavior. O'Dwyer noted that New York State is closely monitoring how the entities respond to the allegations or concerns as they relate to their existing and potential operation in New York State.

O'Dwyer also raised concern with DraftKings now-withdrawn proposal to impose a surcharge on patron's winnings, calling it misleading and detrimental to the customer. He advised that similar efforts would be strictly reviewed, and if appropriate, rejected. O'Dwyer also referenced the ongoing Lottery Aid to Education Awareness Program which included the debut of a McCann NY-produced commercial spot entitled A Chance to Dream. Finally, O'Dwyer motioned that The New York Racing Association, Inc. had opened new dormitory housing at Saratoga Race Course and would be soon opening an additional dormitory at Belmont Park. He urged his fellow Commissioners to visit the racetracks to observe the ongoing development in person.

9. Adjournment

The meeting was adjourned at 2:32 p.m.

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