NYS Gaming Commission - Public Meeting Transcript
September 30, 2025 2 p.m.
655 3rd Avenue, 2nd Floor Conference Room, New York, NY

Executive Director Robert Williams: New York State Racing, Pari-Mutuel Wagering and Breeding Law § 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 undertake action. This present meeting of the Commission is now called to order.

Ms. Secretary, will you please call the roll?

Acting Secretary Kristen Buckley (via video): John Crotty
Commissioner John Crotty: Here.

Kristen Buckley: Syvia Hamer
Commissioner Sylvia Hamer: Here

Kristen Buckley: Martin Mack, Peter Moschetti

Kristen Buckley: Brian O'Dwyer
Chairman Brian O'Dwyer: Here.

Kristen Buckley: Marissa Shorenstein
Commissioner Marissa Shorenstein: Here.

Kristen Buckley: Jerry Skurnick
Commissioner Skurnick: Here

Executive Director Williams: Ms. Secretary, please have the record reflect the quorum of established members is present, thus enabling the transaction of business. Please note that both commissioners Mack and Moschetti had indicated they had prior commitments which made them unavailable for today. Mr. Chair?

Chairman O'Dwyer: Minutes of the Commission meeting conducted on August 25, 2025, have been provided to the members in advance. At this time, I'd like to ask the members if there are any edits, corrections or amendments. Hearing none, Ms. Secretary, please let the record reflect the minutes were accepted. The next item of business is the report of our executive director. Mr. Williams?

Robert Williams: Today, I'd like to discuss the status of the additional licensing process, the voluntary self-exclusion rule amendments, and conclude with a mention regarding lottery's advertising recognition at the recently concluded NASPL annual conference.

With respect to the additional licensing process, all eight community advisory committees have concluded their work, with four projects rejected and four advanced for gaming facility location board consideration. Rejected were the Avenir, Caesar's Palace, Time Square, the Coney, and Freedom Plaza. Advanced were Bally's Bronx, Metropolitan Park, MGM Empire City, and Resorts World New York City.

The Gaming Facility Location Board is developing a meeting schedule and a work plan that will enable their conclusion by the end of November. Now that the competitive landscape has been established, the next major step regards submission of materials concerning the competitive taxation rate, a statutorily required element of this licensing process. Recall the request for applications requires each bidder that advances to the gaming city location board to complete and return a scenario worksheet and submit additional revenue and financial information.

The supplemental material, which will be due no later than October 14th, 2025, will include an amended executive summary detailing the proposed tax rate and rates and changes to revenue and financial information from the original executive summary. A state and local revenue worksheet matrix which gathers input on various competitive scenarios including an applicant's estimate of total gaming revenues and gaming tax within each competitive scenario, as well as estimated impacts on existing facilities; an updated summary narrative of total gaming revenue, including an updated summary narrative of total gaming revenue under each scenario and the gaming revenue impact on existing facilities for each of the scenarios and a dynamic financial model for three competitive models in the downstate market.

Additionally, each applicant must submit a full independent market study that explains the model or methodology used to derive their projections, identify the source and robustness of input data, report the results of projections from other projects, including a comparison of the results to actual observed visitation and revenue performance against the most favorable gaming facilities and other jurisdictions for which data are available. and submit a study completed by an independent expert providing projections for all estimated state, county, and local tax revenue for the first 10 years for a variety of revenue producing scenarios.

A guidance and worksheet matrix will be released tomorrow to each remaining bidder. Finally, I do want to note that each of the consultants for financial advisory services, market analysis, and to provide summaries, comparisons, and comprehensive drafting have been engaged on behalf of the gaming facility location board and are working with the application material.

Moving on to the recent annual conference and trade show of the North American Association of State and Provincial Lotteries or NASPL as they are more commonly referenced. One portion of the annual conference is a recognition of lottery marketing campaigns throughout North America. I'm pleased to report that New York's division of the Lottery earned top honors in five award categories, including digital and

social media, for multicultural and community engagement, television advertising for multicultural and community engagement, television advertising for lottery and daily numbers games, original music, and digital and social media for responsible gaming communications.

New York Lottery was also a finalist in seven other categories. All award-winning and finalist pieces are resident on the Lottery's website.

Finally, as I discussed last month, the proposed rule amendments regarding voluntary self-exclusion duties of operators came off a public comment on July 21st. In addition to three public comments that were received pre-proposal, two additional comments were received during the process itself.

Since our August meeting, staff has engaged the other two members of the Responsible Play Partnership, the Office of Addiction Services and Supports, and the New York Council on Problem Gambling to gain their insights and recommendations. We received input from each and expect staff review to be finalized for our October meeting. Mr. Chairman?

Chairman O'Dwyer: We go now to the appointment of a new member of the Gaming Facilities Location Board. Mr. Williams?

Executive Director Williams: By New York Racing Par-Mutuel Wagering and Breeding Law, section 109-hyphen A, the commission is required to select five individuals to serve as members of the gaming facility location board for the additional licensing process. One vacancy remains. The commission staff search for qualified unconflicted individuals to serve has led to the identification of a replacement whose name, biography, and conflicts review has been circulated to members in advance of today's consideration.

Chairman O'Dwyer: I'd like to state here today that I personally have met have talked to Ms. Cindy Ruby Estrada, our potential candidate and her she has indicated her desire to accept this task. I have told her that it is truly a herculean task to be doing. Let me say that she can know after I got through talking with her there was no false illusions about the amount of work that will be done.

Members serve without compensation in a limited license situation. At the conclusion of this, there will be up to three people that are be very happy and at least one and maybe more who will be unhappy and of course she will have to prepare. But it is an incredible task. And of course, in terms of the future of New York, it really as we all know it is going to be something that is very, very, important in terms of both our taxation and in terms of the number of jobs that are created all of that. know that the work is substantial. I know that the work needs to be done. We've seen the other members of the Gaming Facilities Location board. It needs to be done thoroughly and with great integrity. I have not the slightest doubt that our, my candidate that I am proposing today will meet those tasks of utmost responsibility, utmost work and utmost integrity.

Ms. Estrada, I want to thank you on behalf of the commission for uh taking on as I said this task. We're most delighted to have you. So I will leave the floor open today to the commissioners if they'd like to ask our candidate a question or two.

Commissioner Crotty: We spoke before the meeting. Your qualifications are excellent. Thank you for doing this.

Ms. Estrada: Thank you for having me. Actually, I think it's an honor. I really appreciate the opportunity.

Chairman O'Dwyer: All right. May I have a motion? So moved. All those in favor. Thank you.

Executive Director Wiliams: Had Commissioner Mack been present, he has advised me that he would have voted in favor of Miss Estrada's appointment. I did not hear from Commissioner Moschetti prior to the meeting.

Chairman O'Dwyer: Any new or old business before the board?

Commissioner Crotty In the groups that were voted down by the CAC's. Have we heard any feedback? In the groups that were voted down by the CAC's. Have we heard any feedback? I read in the paper that there were various elements of people saying different actions they were contemplating or undertaking. Are you aware of any in terms of legal action or otherwise legal action?

Executive Director Williams: No, I've not heard of anything that that and nothing has been substantiated at this point.

Chairman O'Dwyer: Any other items? Hearing none. I just want to make a few reports. As of today, the community advisory committees have all completed their work and the workflow has now shifted to the Gaming Facilities Location Board. While the established timeline has the board decision made at the end of November. It's a rather truncated timeline. The facilities location board comes out with their decision the end of November. We have to have our decision by the end of December. Because of that the Commission is not waiting until December 1st to continue our work. We have engaged the staff. We are going to have the staff working on the criteria that we need to work on and to certify.

To be clear, our job is not to re-evaluate or substitute our own judgment as to the sighting of the facilities. That is in according to the legislation in the purview of the gaming facilities location board alone. We do, however, have the pursuant to statute have the obligation to ensure an applicant and certify to this legislature and the public that an applicant recommended by the gaming facility location board meets the following criteria: that will invest the required capital into the gaming facility, illustrated ownership or interest in the land where the gaming facility will be located, pay the license deposit, demonstrate it can pay and commit to pay the gambling license

fee, demonstrate how it will address the problems of problem gambling, work phase development, community development, and host and nearby municipal impact and mitigation issues, identify the infrastructure cost of the host municipality concurred in direct relation to the construction operation of gaming facility and committed to a community mitigation plan for the host municipality, identify the service costs of the health municipality including emergency services and direct relation to the operation of a gaming facility and commit to a community mitigation plan for the host municipality. pay the application fee, illustrated compliance with the state building fire prevention codes, and formulate an affirmative action program of equal opportunity where the applicant establishes specific goals for the utilization of minorities, women, and veterans on construction jobs.

In addition, pursuant to Racing, Pari-Mutuel Racing and Breeding Law section 1317, the commission also has the obligation to evaluate the suitability of each recommended applicant included without limitation, integrity, honesty, good character, reputation, financial stability, integrity and background, business practices and business ability to establish and maintain a successful gaming facility, whether an applicant has a history of compliance with gaming licensing requirements in other jurisdictions, whether an applicant is a defendant in litigation.

The suitability of all parties and interest to the proposed gaming facility license including affiliates and close associates of licenses. Practically each one of us have been closely following the transaction of each community advisory committee and have access to complete unrejected materials find by each applicant. I know I've already engaged in the facility in the material I know many of you already have.

Let me just say that is a very tall order for this commission to do in 30 days and that is why I'm now engaging staff on our behalf to start review of those materials so that we can rapidly have the material in front of us once the Gaming Facilities Location Board makes their decisions. We're not going to start anew, we're going to start with all the materials in front of us. It obviously has made it much easier for us now that we're only four people have come across. Like I said before and I've said repeatedly, this not this is a tabula rasa. There are no front runners or favorites, and unfortunately we're already seeing things in the media about who's in favor, who's not in favor, some people are going to may may get certain advantages over certain others and all these things. I'll leave that to the Gaming Facilities Location Board. It's their decision really to figure that out.

Our decision really is to make sure that at the end of this we are as a commission satisfied that the people that are licensed have both the operational ability and the utmost integrity in doing this.

I want to also make sure that people understand here that our mandate is up to three licenses. Neither the Gaming Facilities Location Board nor this commission is required by law to issue three licenses. I, for one, will not vote for any license. And if it means no licenses, so be it unless I am convinced that the person that I the entity that I have vote

for will have the utmost integrity, an ability to operate a gaming facility. Um, in particular, we are required to look at to whether an applicant has a history of compliance with gaming licensing requirements in other jurisdictions. Certainly there are enough allegations that have occurred in the last few years in some of their licensees, or potential licensees, that need to be looked at very, very, very seriously.

Again, I think there's just a lot of a lot of speculation out there about what who's who has first place who doesn't. I know Ms. Estrada is going to do this like all the other members of incredibly competent Gaming Commission that that are going to say that this is, you know, everybody starts at the same place. And again, I don't want it out there and I think we've heard it that there's going to be three licenses. That's not necessarily true. There may be three licenses, but I've heard no I've had nobody come to me from any place that indicated that I have to vote for three licenses or I should vote for three licenses. On the contrary I think each one of us has an obligation to vote for as many licenses and if that's none, that's none, as many licenses as we think will serve the public interest.

As we discussed earlier today mark began in the community advisory committee process. At the beginning, the commission procured the services of a consultant firm to manage the CAC process and provide administrative support and technical assistance for the establishment of these committees. These committees after public procurement we select NYSTEC who performed exemplary work in coordinating with the CAC's. The task was substantial over the last three months. The committees conducted a cumulative 34 public events including organizational meetings, public comment, hearings, and vote national final votes. NYSTEC's team of professionals ensured each event was successful and concluded in accordance with New York Open Meetings Law. One of the things I know I spoke at the preliminary meetings. I know Commissioner Skurnick spoke at a number of meetings. Our message was very clear - and I commend the legislature Chairman Addabbo and Chairman Pretlow at that time in in how they uh fashioned the legislation.

The idea was that no community would have a casino shoved down their throat, that it was deliberately a very difficult process and it was made to sure that the committee and communities that wanted casinos would have casinos in consideration and the communities that didn't want casinos would not get those casinos in consideration. And it turned out to be exactly the way it worked. Each group was allowed to make their presentation to the community. Obviously four communities felt that they wanted the opportunity to have a casino in their presence. The other communities have decided that they did not. That's the way it was supposed to work and it worked beautifully. I commend everybody in the process for how this came about because as I said it was designed by the legislature to do exactly what it was done and it did it well.

Just a the couple of other things. Last week many of our commissioners went out and were able to tour the new facility at Belmont and we were very heartened to see that they how much had been done. We all we were delighted. I just ask everybody to comment in a second about that. But we were delighted to see that it was doing really

well and that I think they're on time and on schedule and it look it's going to be an absolutely magnificent facility.

In my own mind and Commissioner Hamer has been there with me before. One thing that I noticed uh was the complete transformation of workers housing, from the time that I went. What was substandard and frankly not very good has now been turned into state-of-the-art facilities for the backstretch workers. I have to commend NYRA and Mr. O'Rourke and Mr. Kozak for their work in that regard truly impressive the way the turnaround in a very short period of time.

Commissioner Crotty: So far it looked incredible. I think New Yorkers going to be uh very excited about what ends up being there it's really thoughtful project for horse racing will have something in America that they really haven't had before across the board. The turf courses look great. It was a very impressive facility. Really looking forward to getting that operational, as they are too.

Commissioner Skurnick: I want to add the I want to talk about the course that Commissioner I was more impressed with something Commissioner Crotty did not mention the new synthetic track that they're going to have there. That's going to replace Aqueduct, and I think it's going to very improve winter racing in New York and hopefully increase the action and the safety of the horses. Well, definitely improve the safety of the horses.

Commissioner Hamer: I was very impressed. But I agree with you, Mr. Chairman from last year and this year and looking at the facilities for the backstretch workers that meant a lot to me, when I remember years ago but when I first started out in gaming, I remember the floors being dirt floors and the doors were barely hanging or in place, and now just to see that the way they're treating them now is just with the utmost respect and uh to have people traveling around.

That's one of the things that they really need is dignity and respect, especially when it comes to housing. So, I was very impressed with that. And then also the medical facilities that they have for them now because health care is really important. So, just those two pieces were wow. It was incredible. Yeah. So, I'm happy about that.

Commissioner Skurnick: I was also impressed with the health facility that it was built for the horses, the Ruffian Equine Center. I was pretty impressed by that also with state-of-the-art treatment for the horse.

Chairman O'Dwyer: No, it was it was very impressive and I think that hopefully the that will relate to again better safety record on horses perhaps. They were doing very well. Thank you all then and I'm sure we will follow up in another next year we'll have another meeting hopefully just time they're going to get going.

I just very quickly you know in my space as chairman of the basically the Standardbred Fund. I'm happy to report that everything is going really well and for the first time

commissioner Ball from the agriculture we over the course of the last few years unfortunately lost harness racing at the county fairs, which when we were kids was very much part of county fair. For the first time, we've reversed that. We're going to have three more county fairs using horse harness racing, and I think that's just really good. We're making incredible progress there. We gave a substantial grant to 4-H. To see the kids presenting their projects to us was really quite impressive. It's again another turnaround.

I think as far as the thoroughbred fund. I so serve along with Commissioners Crotty, Moschetti and Mack and we're spending a lot of time making sure that the horses are taken care of in the aftercare and a lot of things going on there where we're going to be devoting a lot of resources and a lot of attention to the horses to the aftercare provisions.

It's as I have said to the entire industry, this industry makes sense if we take care of the horses and take care of the people who take care of the horses, and if we don't do that the industry is going to go down. I think we've made substantial progress uh in the last year. Going to be happy to report you more about that.

With that, I thank you all and I thank our Executive Director and our staff for yeoman's work, particularly since their work now just begins until December and they got a lot of work ahead of them and they're going to they've done it beautifully in the past. I know they'll do it beautifully in the future. I look forward to I think the first meeting of the gaming first official meeting is next week, right? Yes. On the 8th. On the 8th.

I'll I will attend the meeting to welcome everybody and to thank everybody for their service. You are welcome to come. And then pursuant to what I think is my statutory obligation, I'll get out of there and let them work. But I think it's important that we thank them. I've already done officially on behalf of commission for their work.

And once again, congratulations. Congratulations probably not the word we should be using.

Thank you for your work (Ms. Estrada) and we look forward to working with you in the future.

Ms. Estrada: Thank you. I will try and make all the meetings in person. I will be in Puerto Rico from the 4th to the 12th for the SOMOS conference, but I will definitely be here as many times as I can.

This meeting is adjourned.