NYS Gaming Commission - Public Meeting Transcript
February 3, 2026 2:30 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: Brian O'Dwyer

Chairman O'Dwyer: Here

Acting Secretary Kristen Buckley: John Crotty

Commissioner John Crotty: Here.

Acting Secretary Kristen Buckley: Sylvia Hamer

Commissioner Hamer: Here

Acting Secretary Kristen Buckley: Martin Mack

Commissioner Mack: Here

Acting Secretary Kristen Buckley: Marissa Shorenstein

Commissioner Marissa Shorenstein: Here.

Acting Secretary Kristen Buckley: Jerry Skurnik

Commissioner Skurnik:

Executive Director Williams: Ms. Secretary, please have the record reflect the quorum of established members is present, thus enabling the transaction of business. Please also note that Commissioners Moschetti is in Schenectady and we have established bilateral oral and visual communications. Mr. Skurnik had a previous commitment and is unable to participate today.

Chairman O'Dwyer: Minutes of the Commission meeting conducted on December 15, 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, the minutes were accepted as circulated. The next item of business is the report of our Executive Director. Mr. Williams?

Robert Williams: Thank you. While there has been significant media attention to the commercial casino licensing process, there are a few items that warrant reinforcement for the record. First, all three licensees have remitted their $500M license fee, which has, consistent with state law, in turn been remitted to the Metropolitan Transit Authority. Additionally, two of the three licensees have provided their completion bond for their respective project, with the third being finalized shortly. Working through bond format and state needs has been laborious, warranting specific acknowledgement of Deputy Counsel Jessica Desany and her team.

While Bally's Bronx and Hard Rock Metropolitan Park are well away from the commencement of facility construction, Resorts World New York City has undertaken an aggressive timeline, seeking to open as early as practicable. Accordingly, staff from the Gaming Division, Licensing, and Executive Offices have been engaged in substantial daily interaction with Resorts World to establish workable timelines and adequately address all concerns necessary to open.

Since we last met, Governor Kathy Hochul delivered her State of the State address and presented her Fiscal Year 2027 Budget Proposal. Most significant in the State of the State, Governor Hochul directed the Commission to explore effective ways to ensure young people are not illegally downloading betting apps, creating accounts, or using the accounts of others she specifically requested that the board consider the use of biometric approaches and controlling youth access. In addition, the Governor presented a comprehensive plan for curbing gambling addiction. While most relevant to the Office of Addiction Support and Services, the Commission was directed to issue guidance on ways to positively utilize new technology tools to assist with the identifying and proactively helping those who may be of assistance need of assistance.

Recall, we have been watching New Jersey consider the mandate of proactive intervention measures by their online gambling licensees, accordingly there is a roadmap for our potential initiation.

In her Executive Budget, the Governor included four legislative proposed relative to Commission operations. One makes numerous technical amendments to the pari-mutuel tax, seeking to provide consistency with taxation changes from last year's adopted budget. Specifically, last year's changes were approved "notwithstanding any inconsistent provisions of law." This proposal seeks to strip out these

inconsistent and now archaic provisions. Another proposal would extend the authorized use of certain capital acquisition funds to be used for specific operating purposes by Capital District Regional Off Track Betting Corporation for an additional year. A third proposal would permanently extend certain pari-mutuel tax and simulcasting provisions that have, traditionally, been extended annually for decades. The final legislative proposal would extend certain horse racing seasonal employee licensing requirements for one additional year, in consideration of the final year of additional racing dates being shifted from Belmont Park to Saratoga Race Course.

Chairman O'Dwyer: We have several rulemakings for adoptions and proposal today. Mr. Williams?

Executive Director Williams: The first rules for adoption consideration were initially considered and proposed at the meeting of November 18, 2025. Recall, at that meeting the proposals were divided into three groupings: consolidation and standardization of rules of general applicability, conforming individual game rules to the new standardization, and repeal of discontinued or discontinuing games.

The purpose of the rule proposals was to consolidate language of general applicability. This led to duplicative or superfluous language throughout the Part. Affected games are: Daily Numbers, Win 4, Take 5, Quick Draw, Pick 10, Lotto, Mega Millions, Powerball, and Raffle Game. Limited language, predominately in Payment of Prizes, was also added to clarify practice that may be considered vague or inconsistent.

Additionally, two games – Monopoly Millionaires Club and Cash 4 Life – were proposed for repeal, as the former has not been recently conducted, and the latter will soon be discontinued.

Each game was submitted individually for rule amendment, but for the expedience of time these may collectively be considered. Actually, there's a bit of change in that as one of them is no longer capable of being considered for consensus rulemaking.

All of these rule proposals were published in the December 3, 2025 State Register, meaning the public comment period expired on February 2, 2026. One public comment was received regarding the discontinuation of Cash 4 Life. While the comment was non-substantive, this proposal is no longer considered consensus and must be proposed for full rulemaking consideration.

Staff recommend that the Commission adopt each of the rules proposed.

Commissioner Mack: Could I ask a question? On the Mega Millions question, I was thinking about was a what rules do we set for Mega Millions you know what rule does the consortium set?

Executive Director Williams: We're fortunate that we have the Director of Lottery Gweneth Dean here with us today and I think it'd be best addressed by Miss Dean.

Commissioner Mack: I'm just curious as to where that line is what we can do and what we can't.

Lottery Director Gwyneth Dean: The consortium sets the rules for the game and then we must apply those rules unless we have rules that override anything that the consortium has created.

Commissioner Mack: So we can preempt?

Lottery Director Gwyneth Dean: Yes.

Commissioner Mack: But the things we can't preempt on are something like the fee or something like that.

Lottery Director Gwyneth Dean: The payout, the prize structure. The matrix.

Chairman O'Dwyer: I think prudent take the rules is in the manner presented with it being consolidation and standardization rules of general applicability. Are there any questions on romanette one adoption of amendments to reflect the consolidation standard rules of general applicability?

Commissioner Crotty: So moved

Commissioner Shorenstein: Second.

Motion passes.

Chairman O'Dwyer: The second grouping are conforming individual game rules to the new standardization.

Are there any questions on romanette (ii), Conforming Amendments to Individual Games? I note that there are individual amendments to Daily Numbers, Win 4, Take 5, Quick Draw, Pick 10, Lotto, Mega Millions, Powerball, and Raffle Game? Any questions? Do I have a motion to adopt this rule?

Chairman O'Dwyer: Commissioners, I think it prudent to take the rules in the manner presented.

First, any questions on romanette (i), proposal of amendments to reflect the Consolidation and Standardization of Rules of General Applicability?

Hearing none may have a motion?

Motion passes.

Chairman O'Dwyer: The **t**hird grouping is a repeal of a discontinued game. Monopoly Millionaires Club lottery. May I have a motion to adopt the rule?

Motion passes.

Executive Director Williams: For Commission consideration is the adoption of a new multi-jurisdictional Lottery $5 draw game named "Millionaire for Life." The game, which will feature larger "for life" jackpots and improved prize levels, is intended to be introduced nationwide through the Multi-State Lottery Association with 33 lotteries expected to participate, beginning on February 22, 2026. This game is intended to replace the current multi-jurisdictional "for life" game called Cash 4 Life which will end nationally on February 21, 2026.

The game will award prizes to holders of bet tickets matching specified combinations of numbers randomly selected in associated drawings. Players will select five numbers from one set of 58 numbers and one number from a second set of five numbers. Drawings will occur daily. The jackpot prize in each drawing will be $1,000,000 per year for life, the second prize will be $100,000 per year for life, and other fixed prizes will range from $8 to $7,500, depending upon the quantity of numbers matched from each set. If there are multiple winners of a jackpot prize, those winners would split the applicable prize.

Provisions of the just-adopted Consolidation of Lottery Games and Draw Game Rules would apply to this game, if adopted.

All of these rule proposals were published in the December 3, 2025 State Register, meaning the public comment period expired on February 2, 2026. Two comments were received from one individual, who suggested the Commission adopt Oregon's Win For Life as a replacement for Cash 4 Life - apparently because of a dislike regarding the lump-sum options which the commentator believes reduces odds and prizes.

Chairman O'Dwyer: Commissioners, any questions on the adoption of Millionaire For Life draw game?

Executive Director Williams: For Commission consideration is the adoption of amendments to Lottery rules intended to mitigate the risk that an entity or group attempts to purchase all or substantially all number combinations in a draw game or available tickets in an instant game.

At previous Commission meetings, Members have discussed various issues relative to events that occurred with the Texas Lottery during 2023. Specific to this staff proposal, there was substantial controversy raised after a syndicate purchased a substantial percentage of combinations in a Lotto Texas game. In this incident, Texas Lottery staff apparently assisted a purchasing consortium with ensuring they had the physical ability to functionally corner a mathematically advantageous draw.

Bulk purchases, particularly by large investment groups or syndicates aiming to buy nearly all possible combinations, can undermine the public's perception of fairness and randomness in the lottery.

This proposal seeks to enact measures to mitigate the risk of such an attempt and to protect the fairness of access to jackpot prizes by all purchasers of a lottery tickets.

Specific provisions include:

- generally prohibiting the facilitation of any attempt to purchase all or substantially all of the combinations in a draw game or all or substantially all of the remaining bet tickets in an instant game, including by accepting a wire or other electronic transfer of funds;

- generally prohibiting collaboration with or the sharing of information with any person or entity in connection with any bulk-purchase attempt.

- creating an affirmative duty for lottery sales agents, lottery vendors and lottery courier services to report bulk-purchase attempts;

- authorizing lottery staff to suspend or limit sales at a lottery sales agent upon suspicion of a bulk-purchase attempt occurring there; and

- explicitly prohibiting additional terminal provision on a temporary basis

The Commission published a Notice of Proposed Rulemaking in the September 24, 2025 State Register. The public comment period expired on November 24, 2025. Four comments were received, three from State-licensed lottery courier services [Lotto.com, Jackpocket.com, Jackpot.com]. One additional comment was generally supportive of Commission efforts.

The Memorandum accompanying the proposal contains a summary of all comments and staff response. No commentator-suggested amendments have been recommended by staff.

Staff recommends the Commission adopt this rulemaking as proposed.

Chairman O'Dwyer: May I have a motion? Discussion. Motion passes.

Commissioner Mack: I mean, just for the record, that this is important. It's because there's some mathematical certainty that somebody bought. Room It's going to have some winnings. You know, there's not been top prizes so that. By fact of that, everybody else's price is gonna be diminished if they pick the same number then so somebody else can win. But the prize is diminished and they're unaware of that activity going on in any time.

Chairman O'Dwyer: Thanks, Marty. Because I think that's important for us to put down the record.

Executive Director Williams: For Commission consideration, is the proposed rulemaking to add a new Powerball Double Play game feature and set forth rules for existing Powerball power play game feature in the Commission's Powerball rules.

The double play double play game feature, which is currently offered in 29 US jurisdictions, enters a player's Powerball bet ticket numbers into a second drawing for a chance to win additional prizes for an additional price of $1.00 per play.

The double play drawing occurs shortly after each Powerball drawing using the same fields of numbers used for the Powerball drawing. The double play winnings prizes range from a share of $10 million first prize to a $7.00 prize.

Staff notes that a Power Play game feature has been offered since 2010 without the play detail customarily found in Commission regulations.

Staff recommends inclusion of the power play game feature detail and regulations.

In addition to the other game proposal to provide consistency and promote ease of reference for players, staff recommends that the Commission authorize this proposed rulemaking.

Chairman O'Dwyer: Motion passes,

Executive Director Williams: For Commission consideration, as a proposed rulemaking to repeal Cash for Life, as the game will be discontinued nationally this month. Recall this game was included in the November package of Rule amendments Staff presumes the game was ending. There would be little opposition to repeal the rule establishing its play. We did, however, receive one comment by a patron who wished that at remained, as they preferred the odds of Cash For Life over its successor, game Millionaire for life. The comment negates the status as a consensus rule, making requiring the repeal proposal to be considered in the full rulemaking process. Staff recommend that the Commission authorize the proposal of the repeal. All in favor? Motion thought he was due.

Chairman O'Dwyer: Motion passes. A keen observer of the racing law would have noted statutory requirements must require a successful applicant to deposit no less than 5%, no more than 10%. the total investment posed to an interest-bearing account based on the liability of the applicant.

We discussed this in the past in the reliance of the Commissioners significant expertise in building a Commission of unanimous determined to set this requirement at 5%.

Today we had a series of discussions among ourselves and one of the things we were discussing was the question of proposition betting, which has been of great interest and unfortunately much litigation in the last few months. The Commission on the whole feels that the requirement that the policing of this belongs to the respective leagues.

We take wagers, as many know, on more than 100 different leagues throughout the world, and it is really the responsibility of those leagues to tell us, and we have made that clear, that if there are certain proposition betting that they feel are inappropriate and subject to fixing, we would be of course more than amenable to prohibiting those bets. Well, I have instructed the staff to write to the Commissioners of the leagues to seek their further input as to how we they feel that they should. How they feel that we should further police those proposition bettings.

In November, I had written to the head of the Commissioner of the National Basketball Association asking for their input because he had been quoted as saying that there were certain proposition bets that were inappropriate.

And we received a reply mid-November saying that they were studying the situation. We have received no further reply from the NBA and I think that's disappointing to me and I think to the other Commissioners, if there are in fact inappropriate bets that that in their expertise, they feel is wrong. Again, we're seeking the input of that league like that league, as well as all the other leagues. As to whether further regulations or further prohibitions are required.

Today the Commissioners, met with the three licensees of the casinos that we that we granted in December. Basically as many people remember, we made sure that in December that we had conditioned the issuance of the license on a full fair independent and comprehensive monitor that would monitor the not only the compliance with the law and the regulations, but would also monitor the many undertakings that each one of those licensees did to their respective communities. I felt that we had a very good meeting with them today. They were very cooperative. We expect in the near an ability to go and meet with the nominees of those licensees who will be the monitors. We have made it clear that we will, as we had said before, we will both.review any sort of monitoring agreement they have with the monitors and also that we will also interview the monitors before we make any commitment.

Today we also met with the advertising agency of the Lottery and we had a comprehensive review of their proposals for the next year and their new ad campaign, and while that is, just one of the many things that this Commission does, it's something that we're very aggressively done because obviously the amount of money that the Lottery gives is significant to the state budget and that money goes to public education solely.

And it's very important to the people of New York, particularly to the school children and the parents of New York, that we make the lottery as successful as possible.

Finally the we have also discussed, pursuant to the governor's direction, to us at the state of the state. A number of proposals that we will be following up on the question of biometric viewpoints in terms of betting, to making sure that. We give additional safeguards in mobile sports betting in particular. And the lottery, where those bets are made through the use of the computer or mobile sports or mobile phones to introduce sufficient and effective biometric engineering within that to make sure that no underage, bettor under 21 or somebody with problem gambling will be betting on the basis of that. We think we think that's going to be we will probably be the first ones in the country adopting that standard. And we've asked staff to go along with that, make sure again that we have effective biometric safeguards to keep underage gamblers from using their mobile devices to bet.

And before we conclude, I'd like to recognize at today's meeting it marks the final appearance of Brad Maione, who served our Director of Communication for the last

decade. Brad, who is retiring always an exhibited in an affable manner irrespective with what task was thrown his way. Brad, we, all of us here at the Commission want to thank you for your service to the state of New York, to the service, to us, and we wish you well as you go on this next phase of your life.

Commissioner Mack: Can I just mention something about Brad, too, because Sylvie and I have worked with him, you know, with Eliot Spitzer. Brad did a great job there and he's done a great job here. As one who's retired also, I welcome him to the new role.

BRAD: Thank you very much.

Commissioner Hamer: You will be missed.

Commissioner Crotty: I'd like to wish Brad congratulations as well. It's been a real pleasure working with him.

I'd like to reemphasize the chairman's point, the integrity of the leagues as well. We've talked about it quite a bit. The leagues really have to provide direction on these prop bets as much as we are a gambling authority and a regulatory body. The integrity of the game belongs 100% to the leagues themselves and they have a real bridge to ensure to not only their fans, but to the games in public, many of whom are the same people.

So you know, I think that'll be a great and welcome development. Yes, as that moves along.

Chairman O'Dwyer: Thank you, Commissioner. Yes, I think that's really important for us as we both. The Commission was given our by our Executive Director, number of Prop bets that are we. We do allow and I think that needs to be looked at very, very seriously. The integrity of the game belongs exclusively to the league itself.

And they have to uphold that for the things.

Commissioner Mack: That's their product. You know, they put it out there. They have the responsibility and the incentive to make sure the product can be trusted by those who. Engage with you know the wager. And obfuscation and delay should have. You know, and we're certainly going to address that coming months.

With that, I'll take a motion to adjourn.
Meeting is adjourned.