NYS Gaming Commission - Public Meeting Transcript
March 16, 2026 1:30 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 Brian O'Dwyer: Here

Acting Secretary Kristen Buckley: John Crotty

Commissioner John Crotty: Here.

Acting Secretary Kristen Buckley: Sylvia Hamer

Commissioner Sylvia Hamer: Here

Acting Secretary Kristen Buckley: Martin Mack

Commissioner Martin Mack: Here

Acting Secretary Kristen Buckley: Marissa Shorenstein

Commissioner Marissa Shorenstein: Here.

Acting Secretary Kristen Buckley: Jerry Skurnik

Commissioner Jerry Skurnik: Here.

Executive Director Williams: Ms. Secretary, please have the record reflect the quorum of qualified members is present, thus enabling the transaction of business. Please also note that Commissioners Moschetti is in Schenectady location and bilateral oral and visual communications between Schenectady and New York have been established.

Chairman O'Dwyer: Minutes of the Commission meeting conducted on February 3, 2026 have been provided to the members in advance. At this time, I'd like to ask the members, if there any edits, corrections or amendments? Hearing none, please let the record reflect that the minutes were accepted as read. Next item is the report of our Executive Director, Mr. Executive Director.

Executive Director Williams: I'd like to provide a brief update regarding the progress of the Resorts World commercial casino development and an update on the State Budget process.

Resorts World remains in pursuit of an aggressive opening schedule. As we have previously discussed, their facility is expected to initially house approximately 245 tables and 2,800 slot machines over three floors. Overall, slot installation has been deliberate as new slot devices

require installation, and older devices require software conversion after having been decommissioned from being video lottery-based. With respect to table installation, the equipment will start being placed tomorrow.

From as licensing perspective, Resorts has recently dedicated additional resources to navigate the licensing process which should address any issues with application completeness and speed submission.

Structurally, Resorts has undertaken substantial new construction including new or expanded cages, chip banks, and internal elevators.

Senior Commission staff have completed interviews for new onsite personnel necessary to undertake our regulatory obligations and are set to undertake the substantial administrative work necessary before any consideration of a Certificate of Operations may occur.

Special acknowledgement is directed to the Gaming Division's Tom Fattorusso, Scott McLear and William Chiu and Krystie Phillips' licensing unit for their continuing efforts.

On to the Budget … in her Executive Budget the Governor included four legislative pieces relative to Commission jurisdiction or operations.

One makes numerous technical amendments to the pari-mutuel tax law, 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.

A second 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.

The third proposal would permanently extend certain pari-mutuel tax and simulcasting provisions that have, traditionally, been extended annually for decades.

The final gubernatorial proposal sought to 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.

This past week, both legislative houses released their own budget proposals, with two of the Governor's four being accepted by both houses. The Senate added back Catskill Regional Off Track Betting Corporation into the capital acquisition funds item, while the Assembly sought only a single year extension did only one-year for the pari-mutuel tax and simulcasting extender.

Two legislative proposals were also advanced, with the Senate reintroducing last year's proposal for anonymity of certain lottery winners, while the Assembly added a new standardbred drug testing and anti-doping program. Thank you, sir.

Chairman O'Dwyer: Thank you. March is National Problem Gambling Awareness Month, and New York State is rightfully proud of its fundraising through gambling activities. New York Lottery has contributed nearly $90 billion to public education since its founding. And recently the Commission, as you well know, facilitated $1.5 billion in casino licensing fees for the MTA infrastructure.

However, with this great revenue comes great responsibility, as it is written.

In Governor Hochul's 2026 State of the State, she detailed several concerns regarding underage and problem gambling and directed the Commission to take appropriate actions, and we are doing so.

First, she called on the Commission to consider effective means necessary to ensure young people are not illegally downloading betting applications, creating accounts or using the accounts of others, and suggested the use of biometric approaches to safeguard against youth access.

Second, the governor directed the Commission to consider ways to positively utilize new technology tools to assist with identifying and proactively helping those who may need problem gambling assistance.

Today we start on that path to meet the governor's very appropriate and timely demands upon this Commission. As we were discussing this today, when I generally But none of these have pervaded our consciousness like sports wagering, nor has anybody come on the scene with such a sense and such an ability to influence sports wagering, which is relatively new in New York.

I'm not a scientist, but I can identify 3 distinct populations to gamble.

First, those who participate as a form of entertainment, who play reasonably for their lifestyle, economics and social position. The vast majority of people fall within this category, and that's why we have legalized sports gambling in this state.

The second population are those who have become or are at risk of becoming problem gamblers. While the number remains relatively small, common sense indicates that the number is increasing, obviously because of the ability and the ease of gambling.

The third consists of youth. While it's against law for youth to participate in any regulated gambling in New York, this is the population at greatest risk and potentially young men. We all know have embraced gambling as part of their sports ethos. Kids are impressionable. Their risk management undertaking is that we know all of us. Unfortunately, I know a number of young men who have gone into a great deal of difficulty because of using these methods of sports gambling. While parental education are the best methods to keep kids from gambling, as with anything else, I believe there are additional ways to protect our youth.

First of all, we should consider requiring age verification controls for any person ineligible to wager on its platform by virtue of age from downloading or installing such licensee’s application.

And then we require that to establish an account, an individual should provide biometric data, face recognition, fingerprints to be used to ensure the later user of the account as the same individual who established the account. No fathers giving the phones to their sons to bet with.

We should require further that owners of already established account must provide biometric data within 60 days or have their account closed.

I would want us to consider requiring a user of any wagering application to provide biometric identification before placing any wager in the application session before any wager is

accepted. And while we're talking about sports gambling in the sense, I know that at the moment, we have licensed the Courier service for the Lotto. I would require biometric verification in any Lotto bet as well that's done over the phone.

Employing sufficient geolocation controls to identify and deny access to the application when the access is attempted from a mobile device other than the device customarily used, but from locations which the customer does not customarily gain access to the application. Identifying and preventing account access at two or more locations that are at a distance where the account holder is unlikely to be in both locations.

Enabling an individual over the age of 18 to prevent their Social Security number from being used to establish an account for a fixed period of time.

Adding a provision that allows the Commission to involuntarily ban any individual who's facilitated the access of gambling activity to an individual to wager by virtue of age. I think we should also propose involuntarily excluding all underage access enablers from all forms of legal activities in New York.

There are other there are other things to think about, one of which would be for the legislature to amend the common criminal law to say that the allowing or facilitating a bet by an underage gambler would be considered endangering the welfare of a minor. That's for the legislature to take up, but these are things that we need to do.

What we can do without the legislature is if you get caught allowing you, you cannot attend a horse race, attend a concert, eat at a restaurant at a commercial casino, let alone gamble.

That's what we can do. The Legislature can do so much more.

In addition to these targeted changes, I'd like the Commission to roll out for comment two large scale components.

One, we should restrict licenses or franchises from using artificial intelligence to offer personalized promotion or suggest wagers or wager amounts to a customer.

Two, I have reviewed the proposed eventual response gambling rule proposed by New Jersey Division of Gaming Enforcement, and I commend them for the rule. The rule text proposes standards for sports wagering operators regarding responsible gaming and defines categories of at-risk patrons who may require intervention.

I would like us to consider a similar rule for New York. I think it's important for us to understand that up until now we have required the problem gambler to self-identify. We don't answer, but if someone is facilitating this and there are ways of them understanding what’s a problem gambler that should be on the operator as well.

Certainly in the in the state of New York, the Dram Shop Act has certainly has provided responsibility for owners of licensed bars and restaurants to assure that people are not overindulging. Things of that sort need to be ... we need to shift our emphasis from just the problem gambler to those who are providing the facilities for problem gambling.

I think it's important that we just don't post these ideas online and hope someone responds. For this to be done right, we need to outreach. We need to outreach to all that are interested. Commissioner Mack suggested that we go out to the universities and colleges in their mental

health departments, and ask them for their help. And we go to certainly OASAS, the New York Council and Problem Gambling. However, there are so many more groups that do outreach to the affected populations, our religious groups and charities, PTAs, the schools, the youth groups, even the medical societies and Pediatricians and the pediatric psychiatrists. All of these are going to help us because, the governor has given us this mandate and it's for us to deliver on that mandate in a comprehensive and thoughtful way, so that when we in the future and hopefully in the near future, propose regulations, that those regulations will be the product of an enormous outreach and enormous look by all citizens of our society that are affected here in and I think it's important that we hear from them all and I'm asking our staff to do outreach and by obviously by means of this meeting to solicit viewpoints from all so that the staff can come up with a for us, for our proposal, for our consideration, as I said, comprehensive, thoughtful regulations that will address what all of us here understand has become a very serious issue, the question of particularly youth and problem gambling in light of the overwhelming number of sports betting that has come up.

So, I'm directing the staff to create proposals consistent with what I've outlined and get it out for pre-proposal comment so that by our next meeting that we can formally propose new rules.

Commissioner Mack: I think what this does and what Governor Hochul is promoting highlights the difference between state regulation of gambling and those markets such as the prediction markets having no regulations other than from the Commodity Exchange Commission. Because the Commodity Exchange Commission and prediction markets are allowing gambling disguised as a financial investment, as a financial instrument. If you look at the promotion of prediction markets online they make no mention of investing. They make no mention of derivatives or financial instruments. They sell it like they're selling soap. If you just go online anywhere and look what this advertising is, it makes prediction markets the coolest, most exciting activity in town.

And what this law promotion that we're the law we're trying to change through this reg also highlights is the failure of the Commodity Exchange Commission to regulate prediction markets. One can gamble on a prediction market at the age 18.
In New York State to gamble, you must be 21. That shows the value of state regulation.

The further you remove the regulation of gambling and wagering, however you disguise that word, is going to only hurt those that are gambling. We're trying to take steps here with problem gamblers, trying to take steps by limiting access by those underage, something that is not happening and will never happen at the federal level. So again, I think this is an opportunity to highlight and differentiate what state regulation of gambling means and what commodity exchange commission gambling will resolve it.

Commissioner Crotty: I agree with Marty. Actually, there was recently some controversy. I didn't follow too closely, but I did see a trial lawyer advertising for one of the groups not paying off their ‘Will the Iranian government fall’ over the particulars of it in a lawsuit? But it's in exactly with what you're saying about some of that stuff. I've started talking to different state legislators who have reached out to me to talk about this in my capacity here and we've started working on various bits of legislation to introduce that will make the losses personally liable of the individuals doing it. We'll add another level of liability to promoters of these services that are not operating with a license from us. To the extent that they hurt the state and hurt the revenues of the state, they become civilly liable for the diminution of revenue to the state, something that the regulatory framework, the equal playing field gives to all. They're trying to usurp that and there should be a civil penalty associated with that and an ongoing

one that would be significant. So I'd like to, you know, hopefully we can get that introduced in the near term and talk about it more to for the Legislature.

Commissioner Mack: Yeah, in addition to that, we should note that the gaming commission has issued a cease and desist order to Kalshi several months ago, and that's in court, but it is still the position of this commission in the state of New York that these entities are violating New York state gambling laws. It's the long tradition of state regulation of gambling. There is no preemption in the statute. There is no specific preemption. That's the issue before the courts. But this shows the value. This action being recommended today shows the action, the value of state regulation of gambling

Commissioner Crotty: to reflect the laws passed by the legislature.

Commissioner Mack: Well, we amplify that and add more of it.

Commissioner Crotty: Correct.

Chairman O'Dwyer: In the meantime, of course, while we are at it, it is my hope of course that if we do succeed, and I feel we will, that those people who have gambled in the meantime and have lost would be refunded their bets.

Commissioner Crotty: That's one of the things we've been talking about with the legislature, that they should be obligated to pay that back. They were here, they lost illegally. They should be compensated as such.

Commissioner Mack: That's right. It's happening with the tariffs and it should happen with the prediction market commodity exchange instruments, as they call them.

Chairman O'Dwyer: I think I know we will be very, very interested and frankly we'll be very we will make sure that we that is well considered either in the legislature or by administrative action.

I did want to ask and to talk of a couple of other things and then we can adjourn. Up till now we have discussed proposition betting and the concerns that this Commission was had in terms of the tendency with the possibility of having a fix put in, and many of us are concerned about that considering the newspaper articles that have come out both in Major League Baseball and in national basketball.

In response to that, our staff identified over 100 leagues in in which bets are made in the United States in New York State. Some of those leagues have expressed concerns about proposition betting and there being people not being able to fix the outcome.

We wrote to over 100 leagues. Unfortunately only three responded and of those three, I must say that NCAA and Major League Baseball were the two leagues that at least gave us substantive response.

It appears to me and to the members of this Commission that most of those leagues could care less about whether their leagues are being subjected to possibilities of manipulation. I find the response from the leagues underwhelming, to say the least, and disappointing to say the most.

We still have before us some discussions on Proposition bets, among which is this

Commission, can, if it so desires, ban proposition betting in its entirety. There may be a time if we're getting no responses from the leagues and no concerns. They may not be concerned about the integrity of their processes, but we are concerned about the integrity of their processes. And if we need to ban proposition betting to assure that that is in absence of people coming forward and saying these are the types of bets that we think are susceptible to manipulation or not, then I think we have to seriously consider it. But in the meantime, I'm hoping we get a better response, better, more concern from the leagues than just the lip service that they've made. Really, really disappointing in that point.

I want to congratulate the New York Racing Association. I understand that the new Belmont is on track, on budget and on schedule. We look forward to that. I think we've all a new Belmont coming up in September and of course we're all looking to the stakes of Saratoga this year. The Commission will be out soon, probably in the next couple of weeks and once again reviewing the progress being made to open the new Belmont, and we are looking forward to that.

Finally we do want to talk a little bit about - We have met as a Commission with the three licensees of the new casinos and have discussed with them, as you well know, people well know that we conditioned in the resolution that we made conditioned the licensing of the three casinos on identifying and that they retain outside monitoring to assure compliance with the promises that they made during the process and also that they continue to maintain their legality and good best practices.

Resorts World, which as we know is seeking to be the first to be operating, has met with us and we have met with their potential monitor. We are waiting for the final decision, final contract with that. But I want to say that Resorts World has cooperated with us greatly and we're looking forward to working with them and their monitor to assure that every single thing that they have promised is fulfilled and that they operate continue to operate their facility and the highest standards that we require.

The other two we have met with as well and we have obviously there's not quite the alacrity needed, but we have required them within the next two weeks to identify and give us at least first draft of a contract with their outside monitoring firms and we will hold it to those deadlines. The Commission was very serious when we when we met in December to give those licenses out, make sure that those everybody was in compliance and that's not just something that was will be done, it will be done for the entire five years that we required. We look forward to them again coming forth with that.

But having said that, I have nothing further for the moment. Any other comment?

On a personal note, a very happy Saint Patrick's Day. Even you. Especially.

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