

**New York State Gaming Commission Minutes
Meeting of June 29, 2022**

A meeting of the Commission was conducted in conformity with Chapter 1 of the Laws of 2022. The meeting was conducted by conference call, with public listening access and such meeting was recorded and will be transcribed.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 11:30 a.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Chairman Brian O'Dwyer, and Members John Crotty, Peter Moschetti, Christopher Riaño, Marissa Shorenstein and Jerry Skurnik.

2. Consideration of Minutes for Meeting of March 28, 2022

The Commission considered previously circulated draft minutes of the meeting conducted on March 28, 2022. The minutes were accepted as circulated.

3. Rulemaking

A. Adoption: SGC-13-22-00001-P, Removing the Requirement to Couple Entries with Jockeys with Relationships Among Them or With Other Participants in the Race

The Commission considered the adoption of a rulemaking to amend the Commission's regulations to remove the requirement to couple entries with jockeys with relationships among them or with other participants in the race.

ON A MOTION BY: Commissioner Shorenstein
APPROVED: 6-0

B. Adoption: SGC-13-22-00003-P, Regulation of Charitable Gaming Games of Chance

The Commission considered the adoption of a rulemaking to revise the charitable gaming rules.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 6-0

C. Adoption: SGC-13-22-00004-P, Regulation of Charitable Gaming Raffles

The Commission considered adoption of a rulemaking to eliminate verbatim repetition of statute; eliminate specific prize-limits, instead cross-referencing to statutory requirements; reorganizing into one rule; setting forth procedures to apply when an authorized organization seeks to sell raffle tickets or conduct a raffle outside its premises; eliminate certain paperwork requirements; and make stylistic and technical changes consistent with other Commission rules.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 6-0

D. Adoption: SGC-13-22-00005-P, Racing License Hearing Requests and Service Methods

The Commission considered adoption of a rulemaking to establish a standard time period for requesting a hearing on horse racing license determinations, set forth acceptable service methods, and set forth the duty of licensees to keep addresses updated.

ON A MOTION BY: Commissioner Shorenstein
APPROVED: 6-0

4. Hearing & Adjudication Decisions

A. In the Matter of Dalton’s Bar and Grill, LLC

Chairman O’Dwyer announced the Commission, having considered this matter at a meeting conducted pursuant to the judicial or quasi-judicial proceedings exemption of N.Y. Public Officers Law § 108.1, announced that it had determined upon a 6-0 vote to modify the Hearing Officer’s findings of fact, conclusions of law and recommendation of license revocation, clarifying the date of suspension being from February 11, 2022 through the date of the Decision and Order.

B. In the Matter of the Voiding of the Claim of *Battalion* after the Fourth Race at Belmont Park on May 28, 2022

Chairman O’Dwyer announced a decision in an appeal of Belmont Park stewards’ decision to void a claim of the horse *Battalion* that had been awarded to Sanford Goldfarb after the fourth race at Belmont Park on

May 28, 2022. Designated hearing officer Commissioner Moschetti found all appellant's arguments unavailing and that the Stewards' decision was not arbitrary and capricious and not an abuse of the Stewards' discretion. Accordingly, Commissioner Moschetti affirmed the Stewards' decision to void the claim.

C. In the Matter of the Claim of the Horse *Wabaunsee*

Chairman O'Dwyer announced a decision in an appeal of Finger Lakes stewards' decision to reject a claim slip submitted by Victor Dean III for the horse *Wabaunsee* who was entered in the first race on June 13, 2022. Designated hearing officer Commissioner Moschetti found the decision of the stewards in rejecting the claim slip was incorrect and that Dean complied with the requirements for a claim slip as set forth in Commission Rule 4038.5(a). Accordingly, Commissioner Moschetti ordered the stewards conduct a new disposition by lot for the claim and provided a care reimbursement process should the shake result in differing ownership.

D. In the Matter of the Claim of the Horse *Born A Gambler* on June 18, 2022

Following receipt of fellow commissioners' assent to allow the addition of an additional item here rather than in New Business, Chairman O'Dwyer announced a decision in a challenge of stewards' actions in rejecting a claim slip at Belmont Park. James Costabile and Final Turn Racing Stable LLC appealed the decision of the stewards at Belmont Park rejecting their claim slip for a claim of the horse *Born a Gambler* from the 2nd race on June 18, 2022. Designated hearing officer Commissioner Moschetti found the stewards made no clear error of fact in rejecting the claim slip on the basis that the signature on the claim slip did not match the signature on Horse Owner Horsemen's Bookkeeper Signature Card for James Costabile and found the stewards made no error of law in concluding that the regulatory requirements for a claim slip were not met for the attempted claim.

5. New/Old Business

Commissioner Crotty spoke regarding the end of the tenure of former Commission Chairman Barry Sample and Commissioner John Poklemba, noting their service commitment, leadership, and professionalism. Commissioner Crotty's sentiments were joined by Commissioners Moschetti and Skurnik. Chairman O'Dwyer requested a copy this section of the meeting transcript be presented to both Mr. Sample and Mr. Poklemba.

6. Adjournment

The meeting was adjourned at 11:55 a.m.