

**New York State
Gaming Commission**

Minutes

Meeting of August 3, 2023

A meeting of the Commission was conducted in Saratoga Springs and New York. Two-way audio and video communications were maintained between locations for the duration of the meeting.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 2:03 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance in Saratoga Springs were Chairman Brian O'Dwyer, and Members Sylvia Hamer and Peter Moschetti. In physical attendance in New York were Members John Crotty, Marissa Shorenstein, and Jerry Skurnik.

2. Consideration of Minutes for Meeting of June 26, 2023

The Commission considered previously circulated draft minutes of the meeting conducted on June 26, 2023. The minutes were accepted as circulated.

3. Report of the Executive Director

The Executive Director presented an update on the Linda Rice improper practices adjudication, announcing that the time for Ms. Rice to appeal the decision of the Third Department had passed, thus the matter was returned to the Commission to reassess the penalty. He also updated the Commission on equine medical director Scott Palmer's appointment to the Horseracing Integrity and Safety Authority Advisory Committee to oversee the statutorily required three-year study on the use of furosemide on horses during the 48-hour period before the start of a horserace, noting that Dr. Palmer had been selected to chair the Committee. Finally, Mr. Williams used the impending \$1.25 billion jackpot Mega Millions drawing to reinforce the impact of these high prize roll-ups on raising revenues for education and driving retail lottery agent commissions.

4. Rulemaking

A. Re-Proposal, SGC-50-22-00009-P, Purchase Location Requirements for Lottery Courier Services.

The Commission considered the re-proposal of an amendment to Rule 5014.7 to clarify the courier-service purchase location requirement by providing that the purchase of courier services occurs when the customer requests the delivery of a ticket or tickets through the courier service network, and the customer initiates the transfer of funds to the such courier service in connection with such to cover the cost in full of the lottery ticket or tickets requested to be purchased.

ON A MOTION BY: Commissioner Moschetti
APPROVED: 5-1, Member Crotty voting in the negative

B. Thoroughbred Claiming Rule

The Commission considered proposal of an amendments to Rules 4038.1, 4038.3, and 4038.4, to expand the number of owners eligible to claim and delay claimed horses from racing out of state.

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

C. Lottery Prize Assignment Processing Fee

The Commission considered proposal of an amendment to Rule 5002.11, establishing a processing fee when a lottery prizewinner seeks to assign voluntarily all or part of a future prize payment installment or installments. The proposed amendments would also rephrase the existing rule for clarity and acknowledge each of the existing offset statutes.

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

5. Adjudication

A. In the Matter of Abdul R. Tillman

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 adopt the Hearing Officer's findings of fact and conclusions of law recommending that Mr. Tillman's gaming employee registration be revoked.

6. Discussion of Fanatics Ownership Acquisition

An extensive discussion occurred regarding FBG Enterprises Opco, LLC d/b/a Fanatics Betting and Gaming, a subsidiary of Fanatics Holdings, Inc. acquisition of PointsBet USA's subsidiary PointsBet New York LLC, a Platform Provider and Operator licensed in New York since January 24, 2022. The Commission advised that it would consider a staff report and recommendations at the September meeting.

7. New & Old Business

No New or Old Business was discussed.

8. Adjournment

Before concluding, Chairman O'Dwyer noted that mobile sports wagering advertising remained an ongoing concern and he would continue to closely examine all advertising. He also advised that he had attended a meeting with the Division of the Lottery's advertising vendor to review its processes and suggested that a campaign to highlight the public education benefit of the Lottery would be forthcoming. The Chairman also advised that he was looking forward to the development of the new worker housing at Saratoga Race Course, and expected the release of the Round 1 additional casino license answers by the September meeting.

The meeting was adjourned at 2:55 p.m.

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