

**New York State Gaming Commission Minutes
Meeting of August 22, 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 1:05 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Brian O'Dwyer, and Members Christopher Riaño, Marissa Shorenstein and Jerry Skurnik. Commission Crotty participated via telephone.

2. Consideration of Minutes for Meeting of June 29, 2022

The Commission considered previously circulated draft minutes of the meeting conducted on June 29, 2022. The minutes were accepted as circulated.

3. Rulemaking

a. PROPOSAL: Ineligible Potential Claimants in Thoroughbred Claiming Races

The Commission considered a proposed rulemaking to address ineligible potential claimants in Thoroughbred claiming races, establish procedures for resolving challenges to claims, and address horse custody if the stewards discover a claimant had been ineligible.

ON A MOTION BY: Commissioner Shorenstein

APPROVED: 5-0

While not present, Commissioner Moschetti asked the record to reflect that in his opinion claiming disputes have been a reoccurring issue that requires regulatory address and that had he been present he would have voted to propose the rule considered.

b. PROPOSAL: Consensus Rulemaking for Substitute Stewards

The Commission considered a proposed rulemaking to reflect Chapter 240 of the Laws of 2022, which eliminated an anachronistic provision in Racing, Pari-Mutuel Wagering and Breeding Law § 218. The law

had provided that in the absence or inability of the State steward in Thoroughbred racing to act, or in the event one of the other two stewards are not appointed, a steward's duties were to be performed without compensation by a Commission member. Now, an absent steward's duties may be performed by a person designated by the Commission.

ON A MOTION BY: Commissioner Riaño
APPROVED: 5-0

4. Hearing & Adjudication Decisions

a. In the Matter of Four Brothers Deli & Grill Corp

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 5-0 vote to accept the Hearing Officer's findings of fact, conclusions of law and recommendation of license revocation, with a suspension of license being from January 21, 2022 through the date of the Decision and Order.

5. New & Old Business

No new or old business was presented.

6. Adjournment

Prior to adjournment, Chairman O'Dwyer reflected on visitations he made to Belmont Park, Saratoga Race Course and Resorts World Catskills and indicated hope to continue his meetings with fellow members to discuss matters of concern.

The meeting was adjourned at 1:15 p.m.

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