

**NEW YORK STATE
GAMING COMMISSION MEETING**

MINUTES

MEETING of AUGUST 24, 2015

SARATOGA SPRINGS, NEW YORK

A meeting of the N.Y.S. Gaming Commission was conducted in Saratoga Springs, New York. A videoconference location was maintained in New York, New York.

1. Call to Order

The meeting was called to order at 12:30 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance in Saratoga Springs were Chairman Mark Gearan and Commissioners John Crotty, Peter Moschetti, John Poklemba and Barry Sample; Commissioner Todd Snyder attended in New York. Bi-lateral audio and visual communications were maintained among each location.

2. Consideration of the Minutes from July 8, 2015

The Commission considered previously circulated draft minutes of the meeting conducted on July 8, 2015. The minutes were then accepted as circulated.

3. Report of Executive Director

Executive Director Robert Williams provided an update on rulemaking proposals previously considered, the upcoming Lasix and Retired Racehorse events and the upcoming applicant presentation and public comment events in relation to the Request For Applications to Develop a Commercial Casino Facility in Zone 2, Region 5.

4. Rulemaking

a. Proposed Bonding of Video Lottery Agents

A proposed amendment to the existing regulation governing bonding requirements of video lottery agents was deferred following Mr. Williams's articulation of concerns he received relative to the proposed amendment language. Staff committed to revise the proposed language in time for consideration at the next Commission meeting.

5. Adjudication

- a. **In the Matter of Balwi Food Mart.** 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 agreed, on a 5-1 vote, to accept the Hearing Officer's recommendation that the agent's license be revoked and that suspension of the license until revocation be upheld. Commissioner Moschetti voted in the negative, explaining that his decision was based not on the factual determinations and penalty recommendation made by the Hearing Officer, but that the delay from the date of suspension to the date of hearing and decision violated the due process rights of the agent/owner. The commissioners also noted that they unanimously felt that the timeframe for adjudication in this matter should not be used for any precedent in any future adjudication before the commission.
- b. **In the Matter of Food King.** 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 agreed, on a 5-1 vote, to accept the Hearing Officer's recommendation that the agent's license be revoked and that suspension of the license until revocation be upheld. Commissioner Moschetti voted in the negative, explaining that his decision was based not on the factual determinations and penalty recommendation made by the Hearing Officer, but that the delay from the date of suspension to the date of hearing and decision violated the due process rights of the agent/owner. Commissioners also announced they were unanimous that the present case process not serve as precedent for future Commission adjudications.
- c. **In the Matter of Number 1 Convenient.** 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 agreed, on a 6-0 vote, to accept the Hearing Officer's recommendation that the agent's license be revoked and that suspension of the license until revocation be upheld.
- d. **In the Matter of Stop N Go Market.** 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 agreed, on a 6-0 vote, to accept the Hearing Officer's recommendation that the agent's license be revoked and that suspension of the license until revocation be upheld.

- e. **In the Matter of Jeanette McCall.** 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 agreed, on a 6-0 vote, to accept the Hearing Officer's recommendation that the applicant's license denial be upheld.

6. New Business/Old Business

No new or old business was presented.

7. Scheduling of Next Meeting

The next regular meeting was announced as being scheduled for Noon on September 10, 2015. The primary meeting location will be in New York City.

8. Adjournment

Before adjournment, Mark Gearan announced his resignation from the Commission effective at meeting conclusion. The meeting was adjourned at 12:54 p.m.

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