

**NEW YORK STATE  
GAMING COMMISSION MEETING**

**MINUTES**

**MEETING of JUNE 25, 2014**

**NEW YORK, NEW YORK**

A meeting of the N.Y.S. Gaming Commission was conducted at Empire State Development, New York, New York.

**1. Call to Order**

The meeting was called to order at 11:07 a.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance were Chairman Mark Gearan and Commissioners John Crotty, Peter Moschetti, Jr., John Poklemba, Barry Sample and Todd Snyder.

**2. Approval of the Minutes from May 27, 2014 Meeting**

The Commission considered draft minutes of its meeting conducted on May 27, 2014. The minutes were accepted as offered.

**3. Report of Acting Executive Director**

Mr. Williams provided an update on the commercial casino facility application process, Belmont Stakes Day and State legislation recently considered and passed.

**4. Appointment to the Gaming Facility Location Board**

Mr. Williams reported that paperwork for a candidate to be appointed to the Gaming Facility Location Board was not finalized and thus the appointment could not be considered.

**5. Rulemaking**

**a. Adoption : Standardbred Out-of Competition Testing**

The Commission considered adoption of standardbred out-of-competition testing rules, designed to clarify the existing rule and incorporate certain Commission protocols.

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

**b. Proposed: Use of Cellular Phone in Standardbred Paddock**

The Commission considered adoption of a rule allowing limited cellular telephone use in a harness paddock. The Commission had adopted such a rule on a one-year experimental basis in August 2013. At the request of Commissioners, staff provided a summary of rules in other jurisdictions and New York's experience with the rule during the past year.

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

**c. Proposed: Standardbred Officials' Conflict of Interest**

The Commission considered a proposed amendment to its standardbred rules to strengthen conflict-of-interest provisions. The current provision allows a racing secretary or assistant racing secretary to be a driver outside the racing season. This new proposed rule would strengthen the current rules by broadening the prohibitions against activities in which such officials may engage.

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

**6. Adjudications**

In response to a question from Commissioner Snyder, Commission General Counsel Edmund Burns confirmed that the Commissioners, pursuant to N.Y. Public Officers Law § 108.1, are permitted to discuss quasi-judicial proceedings at other than an open meeting.

Commissioner Snyder requested the meeting be temporarily adjourned to discuss quasi-judicial proceedings of the forthcoming agenda matters.

**The meeting was then temporarily adjourned at 11:28 a.m.**

**The meeting resumed at 12:23 p.m.**

**a. In the Matter of Anthony W. Dutrow**

The Commission considered remanding this matter to the hearing officer.

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

**b. In the Matters of Peter Kazamias**

The Commission considered remanding this matter to the hearing officer.

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

**c. In the Matter of Edward J. Williams**

The matter involved the appeal by Edward J. Williams of his harness racing driver and trainer license denial. The Commission considered adopting the findings and recommendation of the hearing officer with respect to the denial of a driver and trainer license and modifying the report to exclude any recommendation regarding other licenses which the applicant might apply.

ON A MOTION BY: Commissioner Snyder  
APPROVED: 4-2 (Commissioners Moschetti and Sample dissenting)

**d. In the Matter of Winkys Pride**

The matter involved an appeal by Robert M. Hummel, the owner of Winkys Pride, who appealed the disqualification of his horse from a race at Batavia Downs harness track. The Commission considered adopting the findings and recommendation of the hearing officer to sustain the judges' placement decision.

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

**7. New Business/Old Business**

**a. New Business**

No new business was discussed.

**b. Old Business**

The Commission received a status report on the new Cash 4 Life lottery.

**8. Scheduling of Next Meeting**

Chairman Gearan noted that the Commission had previously contemplated the establishment of a uniform meeting date and suggested Saratoga Springs, New York as the next meeting site. July 28 was discussed as a possible date.

**9. Adjournment**

Chairman Gearan asked if any Commissioners had additional items to discuss or present. Hearing none, the meeting was adjourned at 12:36 p.m.

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