

**NEW YORK STATE
GAMING COMMISSION MEETING**

MINUTES

MEETING of MAY 27, 2014

NEW YORK, NEW YORK

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

I. Call to Order

The meeting was called to order at 10:11 a.m. by Acting 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.

II. Approval of the Meeting Minutes, March 12, 2014 and March 31, 2014

The Commission considered draft minutes of its meetings conducted on March 12, 2014 and March 31, 2014. The minutes were accepted as offered.

III. Report of Acting Executive Director

Mr. Williams provided an update on the commercial casino facility application process and Belmont Stakes.

IV. Rulemaking

a. Notice of Extension of Emergency Rulemaking for Commercial Casino Forms and Applications

The Commission considered re-adoption of the emergency rule prescribing the forms for the Request for Application to Develop and Operate a Gaming Facility, which was previously approved at the March 31, 2014 meeting. The emergency rule was published in the New York State Register on April 16, 2014. It was noted that no public comments were received in regard to the proposal.

Pursuant to the State Administrative Procedures Act, re-adoption of the emergency rule was necessary to allow the Commission to adopt the rule as permanent.

ON A MOTION BY: Commissioner Snyder

APPROVED: 6-0

b. Proposed Rulemaking for Commercial Casino Forms and Applications

The Commission considered making permanent the re-adopted emergency rule prescribing the forms for the Request for Application to Develop and Operate a Gaming Facility, which was first approved at the March 31, 2014 meeting and effectively re-adopted at the present meeting. The emergency rule was published in the New York State Register on April 16, 2014.

ON A MOTION BY: Commissioner Crotty

APPROVED: 6-0

c. Emergency Rulemaking on Restrictions on Acceptance of Public Assistance

The Commission considered promulgation of emergency rules to restrict the acceptance of federal public assistance benefits distributed by the State, as required by the federal Middle Class Tax Relief and Job Creation Act of 2012. The federal law required states to put in place policies and procedures to prevent federal public assistance benefits from being used in any electronic benefits transaction at designated types of businesses, including liquor stores, adult entertainment establishments, casinos, racetracks, off-track betting facilities and bingo facilities.

To ensure compliance with the federal mandate, the State legislature authorized the Commission to promulgate regulations on an emergency basis to implement the new law.

ON A MOTION BY: Commissioner Snyder

APPROVED: 6-0

d. Permanent Rulemaking on Restrictions on Acceptance of Public Assistance

The Commission considered promulgation of permanent rules to restrict the acceptance of federal public assistance benefits distributed

by the State, as required by the federal Middle Class Tax Relief and Job Creation Act of 2012. The federal law required states to put in place policies and procedures to prevent federal public assistance benefits from being used in any electronic benefits transaction at designated types of businesses, including liquor stores, adult entertainment establishments, casinos, racetracks, off-track betting facilities and bingo facilities.

Adoption of emergency rules to ensure compliance with the federal mandate occurred at the present meeting.

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

e. Adoption of New Lottery Game: Cash 4 Life

The Commission considered adoption of rules for a planned multi-state lottery game. The Commission first proposed the rulemaking for this game on March 12, 2014. The proposed rule was published in the State Register on April 9, 2014. It was noted that no public comments were received in regard to the proposal.

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

V. Adjudications

a. **In the Matter of Gregory J. Annaloro**

The matter involved an appeal of discipline of harness driver who had his license suspended 365 days and was fined \$1,000 for allegedly assaulting another driver, verbally abusing a racing official and verbally abusing and making contact with security personnel. The Commission adopted the findings and recommendations of the Hearing Officer, with the clarification that the suspension be reduced to the number of days served as of May 27, 2014.

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

b. **In the Matters of Anthony W. Dutrow and Peter Kazamias**

Consideration of these matters was deferred.

c. In the Matter of Luis A. Gutierrez

The matter involved an appeal of discipline of a thoroughbred owner-trainer at Finger Lakes Racetrack, who was fined \$1,000 and had his licenses suspended for 15 days following a post-race positive drug test found an impermissible level of flunixin in a horse under his charge. The Commission adopted the findings and recommendation of the Hearing Officer.

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

d. In the Matter of Robert S. Messina

The matter involved an appeal by exercise rider who was fined \$100 for both disregarding an instruction of the paddock judge at Finger Lakes Racetrack and conducting himself in a disrespectful manner. The Commission adopted the finding and recommendation of the Hearing Officer.

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

VI. Racing Fan Advisory Council Presentation

The Commission received an oral presentation of the Racing Fan Advisory Council, which presented its annual report. Council members Patrick Connors and Michael Amo described elements of the Report and answered various questions from Commissioners.

VII. New Business/Old Business

a. New Business

No new business was discussed.

b. Old Business

1. Steward Transparency. The Commission received a status report from Ronald Ochrym, Acting Director of the Division of Horse Racing and Pari-Mutuel Wagering regarding the various Steward transparency measures raised by Commissioner Crotty at the meeting of March 12, 2014.

2. Problem Gaming Forum. The Commission received a status report from Commission Counsel Edmund Burns regarding how the information received at the April 9, 2014 Problem Gambling Forum was being considered for integration into drafts of the Commission's forthcoming commercial casino gambling regulations.

VIII. Scheduling of Next Meeting

Chairman Gearan noted that the Commission had previously contemplated the establishment of a uniform meeting date. He suggested establishment of the fourth Monday of each month as a meeting date, reserving the right to vary dependent upon Commissioner availability.

IX. Adjournment

Chairman Gearan asked if any Commissioners had additional items to discuss or present. Hearing none, the meeting was adjourned at 11:38 a.m.

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