

**NEW YORK STATE
GAMING COMMISSION MEETING**

MINUTES

MEETING of OCTOBER 26, 2015

NEW YORK, NEW YORK

A meeting of the N.Y.S. Gaming Commission was conducted in New York, New York.

1. Call to Order

The meeting was called to order at 12:50 p.m. by Executive Director Robert Williams. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Commissioners John Crotty, Peter Moschetti, John Poklemba, Barry Sample and Todd Snyder. Commissioner Crotty was unanimously elected as presiding officer for the meeting.

2. Consideration of the Minutes from September 24, 2015

The Commission considered previously circulated draft minutes of the meeting conducted on September 10, 2015. Commissioner Crotty noted that the reference to the Hearing Officer's recommendation In the Matter of the Disqualification and Placement of the Horse 'Kiwi Ideal N' should be altered to reflect the Commission accepted the Hearing Officer's recommendation that the appeal of the Judge's placement decision be dismissed.

The minutes were then accepted as amended.

3. Report of Executive Director

Executive Director Robert Williams discussed the casino licensing timeline and process and recent notice of recommendation to Tioga Downs by the Gaming Facility Location.

4. Resolution in Regard to Delegation of Authority

Consideration of this Resolution was deferred.

5. Rulemaking

a. **Adoption: SGC-35-15-00001-P, Rulemaking for Video Lottery Gaming Facility Closing Hours (9 NYCRR § 5118.9)**

The Commission considered adoption of amendments to conform Commission rules to legislation allowing later closing hours in video lottery facilities and other technical changes.

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

b. **Proposed Rulemaking: Post-Race Testing of Claimed Horses (9 NYCRR §§ 4038.5, 4038.17, 4109.3 and 4109.5)**

The Commission considered proposing revisions to the horseracing rules in relation to the cost and frequency of post-race testing of claimed horses.

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

6. Adjudications

a. **In the Matter of 1 First Stop Deli, Inc.** 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 5-0 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.

b. **In the Matter of the Kunal & Runhit.** 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 5-0 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.

c. **In the Matter of Niagara Deli & Grill.** 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 5-0 vote, to reject the Hearing Officer's recommendation that the agent's license suspension be lifted, finding that the facts presented supported a determination that the agent's experience, character and general fitness were

inconsistent with the public interest or convenience and that the license should remain suspended pending further determinations.

7. Old Business/New Business

- a. **Old Business.** Mr. Williams presented information relative to the size of the Lasix industry in New York for thoroughbred horses. He stated that research regarding the size of the Lasix industry in New York for standardbred racing remains pending.
- b. **New Business.** Commissioner Poklemba requested staff prepare a memorandum regarding Daily Fantasy Sports and the role, if any, the Commission has regarding same.

8. Scheduling of Next Meeting

The next regular meeting was announced as being scheduled for Noon on November 23, 2015.

9. Adjournment

The meeting was adjourned at 1:10 p.m.

###