



Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

Mark D. Gearan, Chair
John A. Crotty, Commissioner
Peter J. Moschetti, Jr., Commissioner
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Barry Sample, Commissioner
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Robert Williams, Executive Director
Edmund C. Burns, General Counsel

March 20, 2015

Mark Schwartz
Och-Ziff Real Estate
9 West 57th Street, 40th Floor
New York, NY 10019

Re: Hard Rock application fee refund

Dear Mr. Schwartz:

The NYS Gaming Commission has completed its review of the above-referenced commercial casino application. The Commission incurred certain costs associated with the processing of the application and the investigation of the applicant. Pursuant to Section 1316 (8) of the Racing, Pari-Mutuel Wagering and Breeding Law, we provide the below statement of fees received, costs incurred and balance to be refunded to the applicant.

| Description | Amount |
|--|----------------|
| Application Fee Received | \$1,000,000.00 |
| NYS Gaming Commission Costs Incurred (see attached summary of costs) | \$347,797.22 |
| Total Unexpended Balance Refunded to Applicant | \$652,202.78 |

The unexpended balance of the application fee has been refunded today via fed wire transfer to the account you have designated. Please confirm receipt of the funds.

Supporting documentation for all expenses incurred will be forwarded via UPS to the designated applicant contact. If you have any questions or concerns regarding the refund or the documentation provided, please contact Mike Houlton at (518) 388-3322 or Mike.Houlton@gaming.ny.gov.

Sincerely,

Frank Roddy
Director of Administration & Finance

Hard Rock

| Vendor | Invoice/Order # | Description | Invoice Amount | Liability Date | Voucher Number | Payment Date | Reference # | HR Amount |
|--------------------------------------|--|---|----------------|----------------|------------------|--------------|-------------|--------------|
| B&H Photo Video | 503948240 | Supplies for Public Hearing | \$ 2,028.60 | 9/15/2014 | 00008354 | 10/14/2014 | 2081430 | \$ 126.79 |
| Empire State Plaza Convention Center | CVT-0000001317 | Gaming Facility Location Board Meeting & Media Briefing | \$ 2,585.00 | 12/23/2014 | 00009402 | 2/28/2015 | 00004687 | \$ 161.56 |
| Hoilday Inn | BEO# 538329 | Public Hearings Capital Region | \$ 5,323.34 | 9/17/2014 | 00008847 | 11/14/2014 | 2133347 | \$ 1,330.84 |
| NYS Media Service Center | MSC-0000000896 | Captioning for facility location meeting | \$ 230.00 | 9/16/2014 | 00008150 | 10/21/2014 | 00004100 | \$ 14.38 |
| NYS Media Service Center | MSC-0000000923 | Commercial Gaming Applicant Presentations | \$ 14,574.00 | 10/6/2014 | 00008347 | 11/18/2014 | 00004220 | \$ 910.88 |
| NYS Media Service Center | MSC-0000000953 | Commercial Gaming Public Hearing | \$ 7,654.00 | 10/9/2014 | 00008374 | 11/19/2014 | 00004229 | \$ 461.31 |
| NYS Media Service Center | MSC-000000989 | Transcription Services | \$ 4,060.00 | 11/26/2014 | 00008989 | 1/23/2015 | 00004503 | \$ 253.75 |
| NYSGC | Payroll Period 2014-7 (6/30/2014 - 7/2/2014) | Personal Services | \$ 729.04 | 7/2/2014 | N/A | 7/16/2014 | N/A | \$ 729.04 |
| NYSGC | Payroll Period 2014-8 (7/3/2014 - 7/16/2014) | Personal Services | \$ 1,786.42 | 7/16/2014 | N/A | 7/30/2014 | N/A | \$ 1,786.42 |
| NYSGC | Payroll Period 2014-9 (7/17/2014 - 7/30/2014) | Personal Services | \$ 1,931.68 | 7/30/2014 | N/A | 8/13/2014 | N/A | \$ 1,931.68 |
| NYSGC | Payroll Period 2014-10 (7/31/2014 - 8/13/2014) | Personal Services | \$ 2,498.05 | 8/13/2014 | N/A | 8/27/2014 | N/A | \$ 2,498.05 |
| NYSGC | Payroll Period 2014-11 (8/14/2014 - 8/27/2014) | Personal Services | \$ 1,962.23 | 8/27/2014 | N/A | 9/10/2014 | N/A | \$ 1,962.23 |
| NYSGC | Payroll Period 2014-12 (8/28/2014 - 9/10/2014) | Personal Services | \$ 2,248.31 | 9/10/2014 | N/A | 9/24/2014 | N/A | \$ 2,248.31 |
| NYSGC | Payroll Period 2014-13 (9/11/2014 - 9/24/2014) | Personal Services | \$ 2,584.25 | 9/24/2014 | N/A | 10/8/2014 | N/A | \$ 2,584.25 |
| NYSGC | Payroll Period 2014-14 (9/25/2014 - 10/8/2014) | Personal Services | \$ 3,554.20 | 10/8/2014 | N/A | 10/22/2014 | N/A | \$ 3,554.20 |
| NYSGC | Payroll Period 2014-15 (10/9/2014 - 10/22/2014) | Personal Services | \$ 3,024.69 | 10/22/2014 | N/A | 11/5/2014 | N/A | \$ 3,024.69 |
| NYSGC | Payroll Period 2014-16 (10/23/2014 - 11/5/2014) | Personal Services | \$ 1,161.60 | 11/5/2014 | N/A | 11/19/2014 | N/A | \$ 1,161.60 |
| NYSGC | Payroll Period 2014-17 (11/6/2014 - 11/19/2014) | Personal Services | \$ 1,029.72 | 11/19/2014 | N/A | 12/3/2014 | N/A | \$ 1,029.72 |
| NYSGC | Payroll Period 2014-18 (11/20/2014 - 12/3/2014) | Personal Services | \$ 1,761.22 | 12/3/2014 | N/A | 12/17/2014 | N/A | \$ 1,761.22 |
| NYSGC | Payroll Period 2014-19 (12/4/2014 - 12/17/2014) | Personal Services | \$ 1,609.03 | 12/17/2014 | N/A | 12/31/2014 | N/A | \$ 1,609.03 |
| NYSGC | Payroll Period 2014-20 (12/18/2014 - 12/31/2014) | Personal Services | \$ 544.02 | 12/31/2014 | N/A | 1/14/2015 | N/A | \$ 544.02 |
| NYSGC | Payroll Period 2014-21 (1/1/2015 - 1/14/2015) | Personal Services | \$ 989.04 | 1/14/2015 | N/A | 1/28/2015 | N/A | \$ 989.04 |
| NYSGC | Payroll Period 2014-22 (1/15/2015 - 1/28/2015) | Personal Services | \$ 363.23 | 1/28/2015 | N/A | 2/11/2015 | N/A | \$ 363.23 |
| NYSGC | Payroll Period 2014-23 (1/29/2015 - 2/11/2015) | Personal Services | \$ 651.42 | 2/11/2015 | N/A | 2/25/2015 | N/A | \$ 651.42 |
| NYSGC | Payroll Period 2014-24 (2/12/2015 - 2/25/2015) | Personal Services | \$ 236.86 | 2/25/2015 | N/A | 3/11/2015 | N/A | \$ 236.86 |
| NYSGC | Payroll Period 2014-25 (2/26/2015 - 2/27/2015) | Personal Services | \$ 13.06 | 3/11/2015 | N/A | 3/25/2015 | N/A | \$ 13.06 |
| NYSP | Casino Detail June - July | Personal/Non-Personal Services | \$ 661.89 | 7/31/2014 | Transfer to NYSP | 9/2/2014 | 1540405 | \$ 661.89 |
| NYSP | Casino Detail August | Personal/Non-Personal Services | \$ 11,631.68 | 8/30/2014 | Transfer to NYSP | 11/11/2014 | 1650319 | \$ 11,631.68 |
| NYSP | Casino Detail September | Personal/Non-Personal Services | \$ 16,212.77 | 9/30/2014 | Transfer to NYSP | 11/11/2014 | 1650320 | \$ 16,212.77 |
| NYSP | Casino Detail October | Personal/Non-Personal Services | \$ 6,822.11 | 10/31/2014 | Transfer to NYSP | 11/11/2014 | 1650321 | \$ 6,822.11 |
| Prime at the Plaza | Invoice #'s 661, 662, 664, 665 | Bidder Presentations Albany | \$ 4,660.25 | 9/2/2014 | 00008354 | 10/14/2014 | 2081430 | \$ 291.27 |
| Proftech | 7121911892 | HP USB Flashdrive | \$ 240.00 | 8/4/2014 | 00008101 | 9/11/2014 | 2039018 | \$ 14.12 |

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|---|--------------------|---|-----------------|----------------|--|--------------|-------------|----------------------|
| Proftech | 7123280950-111-001 | Supplies for Casino Applicant Presentations | \$ 90.00 | 8/29/2014 | 00008101 | 9/11/2014 | 2039018 | \$ 5.63 |
| Proftech | 7123280621-000-01 | Supplies for Casino Applicant Presentations | \$ 17.39 | 8/29/2014 | 00008101 | 9/11/2014 | 2039018 | \$ 1.09 |
| Staples | 9712686683 | Supplies for Casino Applicant Presentations | \$ 50.75 | 8/29/2014 | 00008102 | 9/11/2014 | 2039019 | \$ 3.17 |
| Staples | 7124022432 | Supplies for Public Hearing | \$ 110.30 | 9/15/2014 | To be paid on 4/6/2015 CITI card statement | | | \$ 6.89 |
| Taft | 2641617 | Gaming Advisory Services | \$ 1,255,587.16 | 8/12/2014 | 00008272 | 9/30/2014 | 0300440 | \$ 26,182.89 |
| Taft | 2641736 | Gaming Advisory Services | \$ 2,351,555.33 | 9/12/2014 | 00008316 | 10/16/2014 | 03038868 | \$ 165,149.91 |
| Taft | 2652335 | Gaming Advisory Services | \$ 529,714.31 | 10/28/2014 | 00008807 | 11/7/2014 | 03077265 | \$ 30,520.37 |
| Taft | 2660283 | Gaming Advisory Services | \$ 357,199.64 | 11/13/2014 | 00009316 | 12/16/2014 | 03198776 | \$ 19,431.53 |
| Taft | 2700412 | Gaming Advisory Services | \$ 711,381.49 | 3/6/2015 | TBD | TBD | TBD | \$ 38,876.95 |
| UPS | 00001Y493E274 | Shipping Costs | \$ 1,177.32 | 7/5/2014 | 00007983 | 9/23/2014 | 2048398 | \$ 28.54 |
| UPS | 00001Y493E314 | Shipping Costs | \$ 408.13 | 8/2/2014 | 00008026 | 9/11/2014 | 03038868 | \$ 14.62 |
| UPS | 0000V42R95334 | Shipping Costs | \$ 236.95 | 8/16/2014 | 00008106 | 9/19/2014 | 2042929 | \$ 0.38 |
| UPS | 00001Y493E384 | Shipping Costs | \$ 86.93 | 9/20/2014 | 00008328 | 10/17/2014 | 2088559 | \$ 3.85 |
| Total NYS Gaming Commission Costs Incurred | | | | | | | | \$ 347,797.22 |