

>>> THANK YOU FOR ATTENDING TODAY'S BIDDERS CONFERENCE.

ROBERT WILLIAMS: MY NAME IS ROBERT WILLIAMS AND I SERVE AS A STAFF MEMBER OF THE GAMING FACILITY LOCATION BOARD.

IT IS MY UNDERSTANDING THAT BOARD MEMBERS PAUL FRANCIS, STUART RABINOWITZ AND BILL THOMPSON ARE MONITORING THESE PROCEEDINGS VIA WEBSTREAM.

I AM JOINED TODAY BY SEVERAL OFFICIALS OF THE STATE GAMING COMMISSION WHO HAVE BEEN DETAILED TO PROVIDE ASSISTANCE TO THE GAMING FACILITY LOCATION BOARD.

THEY ARE EDMUND BURNS, GENERAL COUNSEL  
BRADLEY FISCHER, DIRECTOR OF POLICY MANAGEMENT AND EXTERNAL AFFAIRS  
JAMES NIELSEN, ACTING DIRECTOR OF THE DIVISION OF GAMING  
GAIL THORPE, SUPERVISOR OF CONTRACT ADMINISTRATION

ALL OF US HAVE FOR PURPOSES OF AND LIMITED TO TODAY'S SESSION, PERMISSIBLE CONTACTS UNDER THE STATE'S PROCUREMENT LOBBYING LAW..

TO BEGIN WITH I'D LIKE TO START BY REVIEWING WHERE WE ARE AND WHERE WE'RE HEADED.

THE RFA WAS ISSUED ON MARCH 31, 2014

APPLICANT FIRST QUESTIONS WERE DUE ON APRIL 11 AND WERE RESPONDED TO ON APRIL 23

TODAY IS, OF COURSE, THE MANDATORY APPLICANT CONFERENCE.

AS I WILL DISCUSS LATER, RESPONSES TO QUESTIONS POSED TODAY ARE WILL BE POSTED ON THE COMMISSION'S RFA WEBPAGE BY MAY 2ND.

APPLICANT SECOND ROUND QUESTIONS ARE DUE ON MAY 7TH, WITH BOARD RESPONSES TO BE POSTED ON MAY 14TH.

AS YOU'RE ALL AWARE, APPLICATIONS ARE DUE BY 4:00 P.M. EASTERN DAYLIGHT TIME ON JUNE 30, 2014.

BETWEEN JUNE 30TH AND LABOR DAY, INDIVIDUAL MEMBERS OF THE BOARD WILL BE MEETING WITH THEIR CONSULTANTS, ADVISORS AND STAFF TO BREAK DOWN COMPONENT PARTS OF EACH APPLICATION.

ORAL PRESENTATIONS BY APPLICANTS WILL LIKELY BE REQUESTED TO BE CONDUCTED HERE IN ALBANY ON THE FIRST MONDAY FOLLOWING LABOR DAY.

SHORTLY THEREAFTER, A COMMUNITY MEETING IN EACH OF THE REGIONS WILL BE SCHEDULED.

THE NEXT ITEM OF BUSINESS REGARDS A NUMBER OF HOUSEKEEPING MATTERS:

FIRST, WRITTEN RESPONSES TO ADVANCE QUESTIONS SUBMITTED FOR CONSIDERATION AT THIS CONFERENCE HAVE NOW BEEN POSTED ON THE COMMISSION'S RFA WEBPAGE. FOR THE CONVENIENCE OF THE BIDDERS, COPIES OF THOSE QUESTIONS AND ANSWERS ARE BEING DISTRIBUTED.

A GUIDANCE DOCUMENT HAS ALSO BEEN POSTED TO THE RFA WEBPAGE. THIS ONE-PAGE DOCUMENT CLEARLY OUTLINES HOW A BIDDER MAY SEEK RETURN OF ITS APPLICATION FEE.

AGAIN FOR THE CONVENIENCE OF THE BIDDERS, COPIES OF THAT DOCUMENT ARE ~~HIMSELF~~ ALSO BEING DISTRIBUTED.

I WOULD ALSO LIKE TO RECOGNIZE THE PRESENCE OF SEVERAL REPRESENTATIVES FROM THE JOINT COMMISSION ON PUBLIC ETHICS IN THE CORNER OVER THERE. JCOPE IS THE STATE'S LOBBYING REGULATOR AND THEY HAVE APPROPRIATELY RAISED CONCERNS THAT POTENTIAL BIDDERS PROPERLY RESPECT THE STATUTORY LIMITATIONS AND REQUIREMENTS OF THE STATE'S LOBBYING ACT, WHICH COVERS BOTH THE STATE AS WELL AS MUNICIPAL AND COUNTY-LEVEL LOBBYING.

TO THAT END, THEY WOULD LIKE TO MAKE THEMSELVES AVAILABLE FOR SPECIFIC COMPLIANCE QUESTIONS. I WOULD STRONGLY SUGGEST BIDDERS TAKE TIME ACQUAINT THEMSELVES WITH THE JCOPE STAFF.

AS DETAILED IN THE FIRST ROUND, TODAY'S CONFERENCE SERVES TWO PURPOSES:

TO RECEIVE QUESTIONS SEEKING TO CLARIFY ANSWERS TO THE FIRST ROUND QUESTIONS; AND  
TO PROVIDE AN ADDITIONAL FORUM FOR BIDDERS TO ASK QUESTIONS.

THUS THE AGENDA IS RELATIVELY SIMPLE. WE WILL ACCEPT QUESTIONS FROM ALL QUALIFIED POTENTIAL BIDDERS.

TO ENSURE AN ORDERLY PROCESS, WE HAVE RANDOMLY ORDERED THE LIST OF BIDDERS. I WILL ALLOW EACH BIDDER TO INDIVIDUALLY ASK THEIR QUESTIONS. WHEN ALL BIDDERS HAVE HAD AN OPPORTUNITY TO ASK THEIR QUESTIONS, I WILL THEN OPEN IT UP FOR FOLLOW-UP QUESTIONS TO BE ASKED.

FOR BOTH PRIMARY AND FOLLOW-UP QUESTIONS, PLEASE CLEARLY IDENTIFY WHO YOU ARE AND YOUR RELATIONSHIP TO THE BIDDER.

THIS EVENT, AS WE'VE MENTIONED IN E-MAIL YESTERDAY, IS NOT DESIGNED TO BE INTERACTIVE. APPLICANTS SHOULD NOT PROMOTE OR DENIGRATE'S PROPOSAL.

AS I PREVIOUSLY MENTIONED, ANSWERS TO ALL OF TODAY'S QUESTIONS WILL BE POSTED ON THE COMMISSION'S RFA WEBPAGE ON MAY 2ND.

FOR THOSE WHO HAVE PREPARED WRITTEN COPIES OF TODAY'S QUESTIONS, WE WOULD BE GREATLY APPRECIATIVE IF YOU COULD PROVIDE THEM TO GAIL THORPE, WHO IS UP HERE, OR STACEY RELATION, WHO IS IN THE BACK OF THE ROOM. THEY ARE THE PERMISSIBLE CONTACTS FOR RFA INQUIRIES.

WHEN WE GET TO THE FOLLOW-UP QUESTION, AS A POINT OF PROCEDURE, PLEASE RAISE YOUR HAND AND WAIT TO BE RECOGNIZED. ALLOW ONE OF THE ASSISTANTS TO BRING OVER A MICROPHONE, IDENTIFY YOURSELF FOR THE RECORD, AND THEN ASK YOUR QUESTIONS.

WE ARE ALSO DISTRIBUTING THE RANDOM ORDER FOR QUESTIONS.

SO WITH NO FURTHER ADO WE'LL START WITH CONCORD KIAMESHA LLC AND MOHICAN GAMING NEW YORK LLC.

WE NEED A MICROPHONE. IT'S COMING.

THANK YOU.

>> GOOD MORNING. I AM XXXXX, COUNSEL AND LOBBYIST FOR CONCORD AND MOHICAN GAMING. FOLLOWING UP ON THE ANSWER TO QUESTION 189-C IN THE LIST OF ANSWERS DISTRIBUTED BY THE COMMISSION, THE COMMISSION DID NOT ANSWER THE QUESTION ON WHETHER IT WILL TOLL THE PERIOD PENDING COMPLETION OF SEQRA.

WHAT IS THE ANSWER TO THAT QUESTION AND/OR WHEN WILL IT BE ANSWERED. THAT'S ALL WE HAVE AT THIS TIME.

WILLIAMS: NEXT QUESTIONER IS FROM GREENETRACK INC.

>> THANK YOU.

ROBERT MCLAUGHLIN FROM HODGSON RUSS FOR GREENETRACK. WE HAVE TWO QUESTIONS. ONE, WITH RESPECT TO POST APPLICATION DESIGN CHANGES, CAN YOU OFFER ANY GUIDANCE AS TO WHAT WILL BE PERMITTED FOR THE FACILITY INCLUDING THE AMENITIES.

SECOND QUESTION WOULD BE WITH RESPECT TO YOUR ANSWER IN NUMBER 184 WHERE IT SEEMS THAT YOU'RE LIMITING THE PREEMPTION OF THE STATUTE TO JUST REALLY THE GAMING FLOOR, DEALING, OPERATING, CARRYING ON, CONDUCTING PLAY OF GAME. SINCE THE STATUTE REQUIRES AT LEAST ONE HOTEL AND OTHER AMENITY, ITS A LITTLE UNCLEAR WHY THE PREEMPTION DOESN'T REACH BEYOND THIS LIMITED GAMING FACILITY.

THANK YOU.

WILLIAMS: NUMBER THREE IS TRADITIONS RESORT AND CASINO.

>> GOOD MORNING. MY NAME IS JOHN HUSSAR. WE HAVE ONE QUESTION RELATING TO THE ORAL PRESENTATIONS AS WHEN THE FORMAT WILL BE ANNOUNCED ON WHAT IS PERMISSIBLE TIME FRAMES FOR THE PRESENTATION, ET CETERA.

WILLIAMS: THANK YOU.

NEXT QUESTIONS WITH ROLLING HILLS ENTERTAINMENT LLC.

>> JASON HANSELMAN.WE DON'T HAVE ANY QUESTIONS AT THIS TIME.

WILLIAMS: THANK YOU.

>> SARATOGA HARNESS RACING INC.

>> WE HAVE NO ADDITIONAL QUESTIONS AT THIS TIME.

WILLIAMS: HUDSON VALLEY GAMING LLC.

>> JOHN DONNELLY. WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: TRADING COVE NEW YORK LLC.

>> I'M PATRICK BROWN WITH TRADING COVE NEW YORK. OUR QUESTION INVOLVES THE CUTOFF OF WHAT TYPES OF FINANCIAL BACKERS OF THESE PROJECTS WILL BE REQUIRED TO UNDERGO THE BACKGROUND CHECK. A SERIES OF THOSE QUESTIONS WERE ASKED IN THE LAST ROUND AND WE WOULD LIKE MORE CLARITY OF PARTICULARLY THOSE ENTITIES THAT MIGHT PROVIDE DEBT TO THESE PROJECTS.

WILLIAMS: THANK YOU.

>> NYS FUNDING LLC.

>> NO QUESTIONS AT THIS TIME.

WILLIAMS: NEVELE-R LLC.

>> NO QUESTIONS AT THIS TIME.

WILLIAMS: TIOGA DOWNS RACETRACK.

>> I'M FROM AMERICAN RACING. MY ONLY QUESTION CONCERNS THE FACT THAT WE HAVE THREE OF US BIDDING IN OUR REGION AND THE PROJECT IN TYRE HAS PUBLICLY STATED THE PROJECT WILL COST ABOUT \$350 MILLION. ANOTHER COMPETITOR IN JOHNSON CITY IS ON RECORD PROPOSING TO SPEND ABOUT \$150 MILLION. AND I'M ON RECORD PROPOSING TO SPEND ABOUT \$150 MILLION IF YOU TAKE INTO ACCOUNT THE MONEY ALREADY SPENT. AND MY QUESTION IS WILL THE BOARD CONSIDER THE POTENTIAL COMPETITIVE IMPLICATIONS IN THE POTENTIAL OF ONLY HAVING ONE APPLICANT LEFT TO APPLY.

WILLIAMS: FLORIDA ACQUISITION CORP.

>> GOOD MORNING.

STEVEN SHREYER. MY QUESTION IS THAT MANY OF THE ANSWERS TO THE FIRST SET OF QUESTIONS TALKS ABOUT REGULATIONS THAT WILL BE PROMULGATED IN ANSWER THOSE QUESTIONS. SO OUR QUESTION IS WHEN WILL THOSE REGULATIONS OR WHEN ARE THOSE REGULATIONS ANTICIPATED TO BE ISSUED.THAT'S ALL THE QUESTIONS THAT WE HAVE.

WILLIAMS: HOWE CAVES DEVELOPMENT LLC.

>> RYAN MOSES ON BEHALF OF HOWE CAVES.NO ADDITIONAL QUESTIONS AT THIS TIME.

WILLIAMS: EMPIRE RESORTS INC..

>> GOOD MORNING. NICK CASIELLO ON BEHALF OF EMPIRE RESORTS, WE HAVE SEVERAL QUESTIONS.

EXHIBIT C-1-F REQUIRES COPY OF PHASE ONE, PHASE TWO REPORTS OR OTHER INVESTIGATIONS OF SITES, GEOTECHNICAL OR ENVIRONMENTAL CONDITIONS OR HAZARDOUS MATERIALS THAT HAVE BEEN COMPLETED RELATING FOR THE CONDITION OF THE PROJECT SITE. THOSE REPORTS ENCOMPASS THOUSANDS OF PAGES. IN LIEU OF PROVIDING A HARD COPY, CAN WE PROVIDE EITHER AN EXECUTIVE SUMMARY ENTRY REPORT OR EXECUTIVE SUMMARY WITH EACH REPORT ON USB DRIVE OR OTHER ELECTRONIC MEDIA. WITH RESPECT TO QUESTION NUMBER 265 OF THE FIRST ROUND, IT SPECIFIES THE PURSE AMOUNTS FOR THE DIFFERENT FACILITIES. WE'D LIKE THE BOARD OR THE COMMISSION TO CLARIFY HOW THEY DETERMINED THOSE AMOUNTS.

AN ISSUE WITH RESPECT TO MODELING. THERE ARE A NUMBER MUCH DIFFERENT COMPETITIVE PERMUTATIONS THAT OCCUR DEPENDING UPON THE LOCATION OF COMPETITIVE FACILITIES. OUR QUESTION IS WHETHER THERE IS A LOW BASE AVERAGE CASE AND HIGH CASE FOR EACH THOSE SCENARIOS. SO FOR EXAMPLE WHETHER IS VARY THE ASSUMPTIONS WITH RESPECT TO COMPETITION. AND IF WE VARY THOSE ASSUMPTIONS WITH RESPECT TO COMPETITION, DO WE THEN NEED A LOW AVERAGE AND A HIGH CASE. TWO MORE QUESTIONS.

JUST GIVE ME A SECOND. -- MARKET DOMINANCE OF SOUTHERN ORANGE COUNTY, IF A LICENSE IS AWARDED AND IT MAKES THE FINANCING OF A FACILITY DIFFICULT, WHAT WOULD HAPPEN TO THE FOURTH LICENSE.

SORRY.

ONE MORE.

THAT'S.

THANK YOU.

WILLIAMS: THANK YOU.

RW ORANGE COUNTY LLC.

>> GOOD MORNING. JESSICA HOPPE.IN-HOUSE COUNSEL FOR RW ORANGE COUNTY LLC.WE HAVE TWO QUESTIONS.

THE FIRST IS WHETHER THE PROCUREMENT LOBBYING LAWS PROHIBITION ON COMMUNICATION PREVENTS COMMUNICATIONS WITH STATE AGENCIES THAT ARE INDIRECTLY RELATED TO THE APPLICANT'S PROPOSED PROJECT. FOR EXAMPLE, NY D.O.T. OR THE OFFICE OF STATE PARKS

RECREATION AND HISTORIC PRESERVATION. ANY COMMUNICATION WOULD BE FOR INFORMATIONAL PURPOSES ONLY. FOR EXAMPLE TRAFFIC MITIGATION, NOT ENDORSEMENT OR OTHER SUPPORT.

THE SECOND QUESTION IS SIMILAR TO THE AQUEDUCT RFP ISSUED IN 2010, WILL THERE BE A MEDIA SILENCE PERIOD THAT WILL BEGIN UPON SUBMISSION OF THE BIDS UP TO THE ANNOUNCEMENT OF THE AWARDED LICENSES.

WILLIAMS: WILMONT CASINO AND RESORT.

>> WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: CAESARS ENTERTAINMENT.

>> GOOD MORNING.

BRIAN CARDY FOR CAESARS. WE DON'T HAVE ANY QUESTIONS AT THIS TIME.

WILLIAMS: OCCR ENTERPRISES LLC.

>> GOOD MORNING. HOWARD WEINSTEIN ON BEHALF OCCR ENTERPRISES LLC. WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: PNK DEVELOPMENT 33 LLC.

>> WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: GROSSINGERS DEVELOPMENT CORPORATION.

>> GOOD MORNING. JEFF KAY. MY QUESTION -- ONE QUESTION TODAY. THE ANSWER ON QUESTION 189-A VERY CLEARLY SUGGESTED THAT THE GAMING FACILITIES ARE SUBJECT TO SEQRA. THE ANSWER TO QUESTION 215 VERY CLEARLY SUGGESTED THE AWARD OF A LICENSE IS INDEPENDANT OF THE SEQRA PROCESS. SO FOR CLARIFICATION PURPOSE, MY QUESTION IS - IS THE AWARD OF A GAMING FACILITY LICENSE AND IS THE GAMING COMMISSION AWARD SUBJECT TO SEQRA.

PART TWO OF THAT QUESTION, THE ISSUANCE OF A LICENSE SUBJECT TO SEQRA.

THAT'S THE ONLY QUESTION WE HAVE TODAY.

WILLIAMS: CRCR ENTERPRISES LLC.

>> FRANK DONAHUE. WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: CAPITAL REGION GAMING LLC.

>> WE HAVE NO QUESTIONS AT THIS TIME.

WILLIAMS: LAST OF THE PRIMARY, SARATOGA HARNESS RACING INC.

>> REGARDING ANSWER 184 RELATIVE TO THE PREEMPTIVE NATURE OF THE LOCAL ZONING ORDINANCES. SECOND QUESTION OF THAT ANSWER SAYS THAT THE APPLICATION CAPITAL IS REQUIRED TO REQUIRED RECENTLY VARIANCES, APPROVALS, ET CETERA EITHER. AND PROVIDE A SCHEDULE PERTAINING TO THEIR ACQUISITION FOR ANY USE AND ACTIVITIES THAT DOES NOT CONSTITUTE GAMING AND SO FORTH.

THE ACQUISITION OF WHAT EVER THOSE PERMITS IS THAT TO BE DETERMINED BY LOCAL AGENCIES OR BY STATE.

WILLIAMS: DOES ANYONE HAVE ANY FOLLOW-UP QUESTIONS FOLLOWING HEARING THE PRIMARY QUESTIONS?

>> JESSICA HOPPE. TO FOLLOW UP ON ANOTHER APPLICANT'S QUESTION REGARDING THE ISSUANCE OF THE REGULATIONS, WILL THE REGULATIONS BE ISSUED IN TIME TO MEET THE STATE ADMINISTRATION PROCEDURES ACT TO ALLOW FOR COMMENTS BY APPLICANTS.

WILLIAMS: ANY OTHER FOLLOW-UP QUESTIONS?

ONE IN THE FRONT HERE.

>> FOR CONCORD AND MOHICAN GAMING. ONCE IT IS DETERMINED WHEN THE 24 MONTH PERIOD COMMENCES, QUESTION 189, ALL MITIGATION AGAINST THE APPROVALS THE TWO YEAR PERIOD?

WILLIAMS: ANY OTHER FOLLOW-UP QUESTIONS TO BE ASKED?

AS A REMINDER -- I'M SORRY.

>> BRIAN DAVIS FROM SARATOGA GAMING.

THE DEFINITION OF FULLY OPERATIONAL REQUIRES SOME CLARIFICATION RELATIVE TO PARTIAL OPENINGS, COMPONENTS THAT WOULD BE REQUIRED TO BE OPENED VERSUS 100%.

WILLIAMS: ANY OTHER QUESTIONS?

HEARING NONE, WE CONCLUDE TODAY.

WE APPRECIATE YOUR ATTENDANCE.

AS MENTIONED, THE ANSWERS WILL BE POSTED MAY 2ND ON THE COMMISSION'S RFA WEBPAGE.

YOU HAVE ANOTHER OPPORTUNITY TO SUBMIT WRITTEN QUESTIONS, TAKING INTO THE ACCOUNT THE FIRST ROUND QUESTIONS AND WHAT WAS MENTIONED HERE OR ANYTHING ELSE THAT COMES TO YOU.

THOSE ARE DUE ON MAY 7TH WITH RESPONSE BEING POSTED BY MAY 14TH.

AGAIN, WE APPRECIATE YOUR ATTENDANCE TODAY AND GOOD LUCK IN THE PROCESS.

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