



**MEETING AGENDA  
SEPTEMBER 26, 2016**

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM
2. CONSIDERATION OF MINUTES, MEETING OF AUGUST 30, 2016
3. REPORT OF EXECUTIVE DIRECTOR
4. RULEMAKING
  - A. ADOPTION: SGC-32-16-00001-P LICENSING AND REGISTRATION OF GAMING FACILITY EMPLOYEES AND VENDORS
  - B. PROPOSED CASINO RULEMAKING: ALCOHOLIC BEVERAGES
  - C. PROPOSED CASINO RULEMAKING: METHOD OF NOTICE TO REGULATED ENTITIES AND PERSONS IN REGARD TO RELEASE OF INFORMATION; WAGERING RESTRICTIONS
  - D. PROPOSED CASINO RULEMAKING: ELECTRONIC TABLE GAMES SYSTEMS
5. ADJUDICATIONS
  - A. IN THE MATTER OF ANTHONY A. CIUFFETELLI
  - B. IN THE MATTER OF ALAN HOFFMAN
6. OLD BUSINESS/NEW BUSINESS
7. SCHEDULING OF NEXT MEETING
8. ADJOURNMENT

###

NEW YORK STATE  
GAMING COMMISSION

MINUTES

MEETING of AUGUST 30, 2016

SARATOGA SPRINGS, NEW YORK

A meeting of the Commission was conducted in Saratoga Springs, New York. A video-conference location was maintained in Harlem, New York.

**1. Call to Order**

Executive Director Robert Williams called the meeting to order at 2:42 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance in Saratoga Springs, New York were Commissioners Peter Moschetti and Barry Sample. Commissioners John Crotty and John Poklemba attended in Harlem, New York. Bi-lateral audio and visual communications were maintained between locations. Commissioner Moschetti was unanimously elected as presiding officer for the meeting.

**2. Consideration of the Minutes from July 25, 2016**

The Commission considered previously circulated draft minutes of the meeting conducted on July 25, 2016. The minutes were accepted as circulated.

**3. Report of the Executive Director**

Executive Director Williams provided a brief report on fatalities occurring at the Saratoga Race Course during the 2016 season and briefly discussed an impending retirement.

**4. Rulemaking**

- a. **ADOPTION: SGC-24-16-00007-P, Repeal of Obsolete Thoroughbred Rule Giving Extra Weight Allowance for Apprentice Jockey Riding For “Original Contract Employer” (9 NYCRR § 4032.1)**

The Commission considered adoption of a repeal of an outdated Thoroughbred horse racing rule.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

b. **ADOPTION: SGC-28-16-00006-P, Criteria and Procedures For Patron Exclusion At A Gaming Facility (9 NYCRR § 5327)**

The Commission considered adoption of rules for excluded persons at casinos.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

c. **ADOPTION: SGC-28-16-00007-P, Definitions of Terms Used Throughout Subchapter B, Casino Gaming (9 NYCRR § 5300.1)**

The Commission considered adoption of amendments to the rule setting forth the definitions of terms used in the Commission's rules on casino gaming.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

d. **ADOPTION: SGC-28-16-00008-P, Regulation of Table Gaming Equipment (9 NYCRR § 5322)**

The Commission considered adoption of rules that set forth requirements for the inspection, use, storage and destruction of table game equipment.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

e. **ADOPTION: SGC-28-16-00009-P, Licensing and Registration of Junkets and Junket Enterprises (9 NYCRR § 5308)**

The Commission considered adoption of rules for the licensing of casino junkets.

ON A MOTION BY: Commissioner Sample

APPROVED: 4-0

f. **ADOPTION: SGC-28-16-00010-P, Registration of Labor Organizations (9 NYCRR § 5310)**

The Commission considered adoption of rules for the registration of labor organizations.

ON A MOTION BY: Commissioner Sample

APPROVED: 4-0

g. **ADOPTION: SGC-28-16-00011-P, Casino Table Games Conduct and Operation (9 NYCRR 5323)**

The Commission considered adoption of rules that prescribe requirements for the conduct and operation of table games at licensed casino gaming facilities.

ON A MOTION BY: Commissioner Sample

APPROVED: 4-0

h. **ADOPTION: SGC-28-16-00012-P, Registration of Lobbyists (9 NYCRR § 5309)**

The Commission considered adoption of rules for the registration of casino lobbyists.

ON A MOTION BY: Commissioner Sample

APPROVED: 4-0

i. **Proposed Casino Rulemaking: Accounting Controls (9 NYCRR Part 5315)**

The Commission considered proposing rules for gaming facility accounting controls.

ON A MOTION BY: Commissioner Sample

APPROVED: 4-0

**j. Proposed Casino Rulemaking: Cage and Count Standards (9 NYCRR Part 5316)**

The Commission considered proposing rules for cage and count standards and kiosks at casinos.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**k. Proposed Casino Rulemaking: Electronic Gaming Devices and Equipment (9 NYCRR Part 5321)**

The Commission considered proposing rules for electronic gaming devices.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**l. Proposed Casino Rulemaking: Monitoring Control Systems and Validation (9 NYCRR Part 5317)**

The Commission considered proposing rules for gaming facility monitoring and control systems and validation.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**m. Proposed Casino Rulemaking: Slot Tournaments and Progressive Gaming Devices (9 NYCRR Part 5320)**

The Commission considered proposing rules for slot tournaments and progressive gaming devices.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**n. Proposed Casino Rulemaking: Standards for Gaming Devices (9 NYCRR Part 5319)**

The Commission considered proposing rules for gaming facility gaming devices.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**o. Proposed Casino Rulemaking: Table Game Rules (9 NYCRR Part 5324)**

The Commission considered proposing rules for casino table games.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**p. Proposed Racing Rulemaking: Jockey Advertising Rules**

The Commission considered proposing revisions to the rules concerning advertising and promotional materials on jockeys in Thoroughbred racing.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**5. Adjudications**

**a. In the Matter of Joseph Carrubba**

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 4-0 vote, to accept the Hearing Officer's recommendation that Mr. Carrubba's license be suspended for 10 years.

**b. In the Matter of Market Strength**

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 3-1 vote, Commissioner Moschetti voting in the negative,

to reverse a decision of the stewards and order a new disposition of the horse Market Strength by lot.

**6. Consideration of Gaming Facility Licensing**

**a. Tioga Downs Racetrack, LLC dba Tioga Downs Casino, Racing and Entertainment**

- (1) The Commission considered finding Tioga Downs Racetrack, LLC dba Tioga Downs Casino, Racing and Entertainment suitable for gaming facility licensing per standards contained with sections 1317 and 1318 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

- (2) The Commission considered finding the application, as amended, submitted Tioga Downs Racetrack, LLC dba Tioga Downs Casino, Racing and Entertainment as meeting the minimum licensing thresholds set forth in section 1316 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

- (3) The Commission considered executing the Gaming Facility License Award for Tioga Downs Racetrack, LLC dba Tioga Downs Casino, Racing and Entertainment pursuant to section 1311 of the N.Y.S. Racing, Pari-Mutuel Wagering and Breeding Law.

ON A MOTION BY: Commissioner Sample  
APPROVED: 4-0

**7. Old Business/New Business**

**a. Old Business**

No old business was offered for discussion.

**b. New Business**

At the request of Commissioner Moschetti, Acting Director of the Office of Interactive Fantasy Sports Regulation Bradley Fischer outlined the process regarding staff review and consideration of applications for Interactive Fantasy Sports temporary registration.

**8. Scheduling of Next Meeting**

It was announced that the next meeting date would be September 26, 2016.

**8. Adjournment**

The meeting was adjourned at 3:45 p.m.

**###**



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500

[www.gaming.ny.gov](http://www.gaming.ny.gov)

John A. Crotty, Commissioner  
Peter J. Moschetti, Jr., Commissioner  
John J. Poklemba, Commissioner  
Barry Sample, Commissioner  
Todd R. Snyder, Commissioner

Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners

**From:** Edmund C. Burns

**Date:** September 22, 2016

**Re:** Proposed Amendments for Licensing and Registration of Employees and Vendors (9 NYCRR Parts 5303 through 5307)

For Commission consideration is the adoption of amendments to the rules for the licensing and registration of gaming facility employees and vendors. The proposed amendments were made to clarify several aspects of the regulations. These include:

- Amendments to section 5303.9 clarify Commission expectations in regard to updating a submitted application;
- Amendments to section 5303.15 (to be renumber section 5303.14) specify the process and circumstances under which an applicant denied a license or registration, or a licensee or registrant whose license or registration has been revoked, may re-apply;
- Amendments to section 5306.2(b) apply the statutory disqualification criteria to applicants for a non-gaming employee registration;
- An amendment to section 5306.4 sets the term for a non-gaming employee registration at five years, to match the statutory five-year duration for a casino key employee and gaming employee license;
- Amendment to section 5307.2 revises language to allow for more enterprises to be categorized as vendor registrants rather than ancillary casino vendor enterprises;
- Amendments to section 5307.3 designate groups of vendors who are not required to be licensed or registered;
- Amendments to section 5307.5 clarify the forms required for licensing of casino vendor enterprises or ancillary casino vendor enterprises, the standards applicable to such licensing, the forms required for registration of

employees of vendor registrants and the standards applicable to such employee registrants.

A copy of the full text of the proposed amendments to Part 5303 through Part 5307 is attached. The public commenting period for this rulemaking will expire on September 26, 2016. To date, no public comments have been received.



attachment

cc: Robert Williams, Executive Director  
Chris Palmer, Deputy Director of Gaming

## PART 5303

### General Provisions [in Regard to] for Licensing and Registration

#### Section

- 5303.1 General
- 5303.2 Identification
- 5303.3 Fingerprinting
- 5303.4 Photographing
- 5303.5 Minimum age
- 5303.6 Eligibility to work in the United States
- 5303.7 Filing
- 5303.8 Processing
- 5303.9 Amendment
- 5303.10 Withdrawal
- 5303.11 Investigations
- 5303.12 Issuance of license
- [5303.13 Disqualifying criteria]
- [5303.14] 5303.13 Fees
- [5303.15] 5303.14 Application and employment after denial or revocation
- [5303.16 Disciplinary action]
- [5303.17] 5303.15 Restrictions on wagering

#### **§ 5303.1. General.**

(a) The terms *application*, *applicant*, *license*, *licensee*, *registration* and *registrant*, as used in Parts 5303 through 5307 of this Subchapter, relate to occupational licensing and enterprise and vendor licensing and registration as set forth in Titles 3 and 4 of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(b) It shall be the affirmative responsibility of each applicant, licensee and registrant to establish by clear and convincing evidence its qualifications for licensure or registration.

[(c) All licensees and registrants shall have a duty to inform the commission of any action that they believe would constitute a violation of the Racing, Pari-Mutuel Wagering and Breeding Law. No person who so informs the commission shall be discriminated against by an applicant, licensee or registrant because of the supplying of such information.]

#### **§ 5303.2. Identification.**

(a) Every natural person applying for a license or registration pursuant to [this Part] Parts 5303 through 5307 shall establish such person's identity to the satisfaction of the commission pursuant to the requirements of the license or registration application. For the purposes of this Part, applicants for licenses and registrations shall submit to the commission the information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2) or 1324(4), respectively.

(b) Any natural person may request that the commission change the name designated on such person's application, license or registration by establishing appropriate identity information as may be required by the commission, including, without limitation, as the case may be, a certificate of marriage, a certified copy of a divorce decree or other appropriate court order.

**§ 5303.3. Fingerprinting.**

(a) Each applicant, licensee or registrant, including each gaming facility principal, casino vendor enterprise principal, casino key employee and other employees, shall, at the time of application and upon renewal, be fingerprinted under the supervision of the commission or a duly authorized representative approved by the commission. In the alternative, the commission may permit a person to submit sets of classifiable fingerprints on fingerprint impression cards provided by the commission.

(b) In the event that the commission cannot obtain usable fingerprints for processing after two good-faith attempts, the commission shall undertake a search of a person's background via other means available to the commission.

(c) Nothing in this [part] Part shall relieve a person who submits fingerprint sets pursuant to subdivision (a) of this section from the duty to disclose any criminal arrests as required by this Part.

(d) Each gaming facility licensee shall remit fingerprinting fees directly to the fingerprinting service provider approved by the commission. However, if the applicant is submitting fingerprints via fingerprint impression cards, the gaming facility licensee shall remit the fee to the commission, payable to the fingerprinting service provider approved by the commission.

\* \* \*

**§ 5303.7. Filing.**

No application for a license or registration shall be deemed filed with the commission pursuant to this [part] Part until:

(a) all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, if applicable, and copies, as the commission may require;

(b) all appropriate application, registration, business disclosure and personal history disclosure forms have been properly completed and submitted;

(c) all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly submitted;

(d) all other information, documentation, assurances and other materials required or requested at the filing stage pertaining to qualifications have been submitted properly; and

(e) all required fees have been [properly and all required surety has been properly furnished] paid.

### **§ 5303.8. Processing.**

The commission shall process only complete applications. The processing of any application shall not constitute any agreement or acceptance by the commission that the requirements of [the] article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and Parts 5303 through 5307 of this Title have been satisfied.

### **§ 5303.9. Amendment.**

(a) [All applicants, licensees and registrants shall have a duty to ensure that information, documentation and assurances submitted to the commission:] Information contained in an application submitted by an applicant, licensee or registrant shall be updated on a form prescribed by the commission. Each applicant, licensee and registrant shall file promptly with the commission an update explaining any new or changed facts or circumstances whenever any material or significant new or changed fact or circumstance occurs with respect to any matter set forth in the application.

[(1)remains current; and]

[(2)] (b) All applicants, licensees and registrants shall have an obligation to ensure that information, documentation and assurances are submitted to the commission are not misleading in light of the circumstances in which such information, documentation and assurances were submitted.

[(b)] (c) The commission may permit any applicant, licensee or registrant to file an amendment to its application at any time prior to final action thereon by the commission.

[(c)] (d) The failure of an applicant, licensee or registrant to comply with this [part] Part shall be grounds for rejection of the application or for suspension or revocation of a license or registration.

### **§ 5303.10. Withdrawal.**

(a) Prior to [a final] the commission [action on any application] granting or denying any application pursuant to this Part, without regard to whether a temporary license has been issued, an applicant or the associated gaming facility licensee may withdraw a filed application by filing with the commission a written notice of such withdrawal. Upon the receipt of such notice, the commission will cease the processing of such application, but will retain such application and materials in accordance with applicable law and commission policy.

(b) If an applicant has previously withdrawn an application, the commission may refrain from processing any application submitted by such applicant within one year from the date of such withdrawal.

(c) No fee or other payment relating to an application shall become refundable by reason of withdrawal of the application, unless the commission determines otherwise for good cause shown. In no event, however, shall a fee for fingerprinting be refundable.

**§ 5303.11. Investigations.**

The commission, or its designee, shall make or cause to be made an inquiry or investigation concerning an applicant, licensee or registrant, or any affiliate, intermediary, subsidiary or holding company of an applicant, licensee or registrant, as the commission may deem appropriate, and in accordance with [the] article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, either at the time of the initial application or at any time thereafter.

**§ 5303.12. Issuance of a license or registration.**

(a) The commission shall notify [the applicant or] the human resource department or other applicable department of the gaming facility licensee in writing or via electronic communications when a license or registration is granted.

(b) Licenses and registrations issued by the commission are nontransferable.

**[§ 5303.13. Disqualifying criteria.]**

[Subject to notice and an opportunity for hearing, the commission shall deny a license or registration to any applicant who the commission determines is disqualified on the basis of the criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318.]

**§ [5303.14] 5303.13. Fees.**

All fees payable to the commission pursuant to Parts 5303 through 5307 of this Subchapter shall be paid by electronic funds transfer and shall be deposited into the commercial gaming revenue fund.

(a) *Application fee.* Upon submission of an application for a license or registration the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(b) *License fee.* Upon approval of an application for a license or registration the commission [will] may charge the gaming facility licensee a license fee as set forth in the applicable license application.

(c) *Renewal application fee.* Upon submission of a renewal application for a license or registration, the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(d) *Renewal license fee.* Upon approval of a renewal application for a license or registration the commission [will] may charge the gaming facility licensee a renewal fee as set forth in the applicable renewal license application.

**§ [5303.15] 5303.14. Application and employment after denial or revocation.**

[(a) Any natural person whose application for a license or registration is denied, or whose license or registration is suspended or revoked by reason of a failure to satisfy the affirmative qualification criteria required by this Part, or due to a finding by the commission that such person is disqualified, or both, may re-apply for such license or registration at any time after the failure or disqualification is cured.]

[(b)] (a) Any natural person whose license, [or] registration or application was denied, [or whose license or registration was] suspended or revoked by the commission on the basis of any of [the statutory or regulatory] the following provisions [in paragraphs (1) through (4) of this subdivision, may reapply for a license or registration upon satisfaction of the relevant requirements set forth in in this subdivision. If the denial, suspension or revocation is based upon two or more such regulatory provisions, the commission shall permit reapplication only upon compliance with the requirements of this subdivision as to each such provision. Any person seeking to reapply pursuant to this subdivision shall file a certified petition stating with particularity how the specified requirements have been satisfied. The bases that require such certified petition are:] may reapply at any time after the failure or disqualification is cured:

(1) failure to demonstrate financial stability, after which reapplication is permitted only upon achieving financial stability;

(2) failure to satisfy the age requirement, after which reapplication is permitted only upon attaining the requisite age [or upon a commission finding that such age will be attained before the processing and approval of such reapplication has been completed];

(3) [pending disposition of a charge of any criminal offense,] if the commission has determined to deny a license or registration application or suspend or revoke a license or registration [while such charge is pending, after which] based upon a pending disposition of a criminal offense, reapplication is permitted [only] upon disposition of the pending charge; and

(4) any statutory or regulatory provision that is subsequently repealed or modified, after which reapplication is permitted only upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior determination should not be a basis for denying a license or registration application.

(b) Any person seeking to reapply pursuant to subdivision (a) of this section shall file with the commission a petition stating with particularity how the failure or basis for disqualification has been cured.

(c) Except as otherwise set forth in this Part, any person whose application has been denied or whose license or registration has been revoked may reapply after one year. The reapplication [must] shall include submission of sufficient evidence demonstrating that the factual circumstances upon which the denial or revocation was based have been cured to the satisfaction of the commission.

**§ [5303.16. Disciplinary action.]**

[If the commission determines, after investigation, that any licensee or registrant has violated any provision of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter, the commission is permitted to levy and collect penalties as provided in Racing, Pari-Mutuel Wagering and Breeding Law section 116 and article 13 and may suspend, limit, restrict or revoke any license or registration.]

**§ [5303.17] 5303.15. Restrictions on wagering.**

Wagering by casino key employees and gaming employees is restricted as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1336.

**PART 5304**

**Casino Key Employee Licensing**

Section

[5304.1 Persons required to obtain a casino key employee license]

[5304.2] 5304.1 Standards for issuance of a casino key employee license

[5304.3] 5304.2 Casino key employee license application and disclosure forms

[5304.4 Temporary license for casino key employee]

[5304.5] 5304.3 Duration of license

**[§ 5304.1. Persons required to obtain a casino key employee license.]**

[A person, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1301(8), is required to obtain a casino key employee license prior to being involved in any gaming licensed activities, unless the commission has granted such casino key employee applicant a temporary license pursuant to 5304.4 of this Part.]

**§ [5304.2] 5304.1. Standards for issuance of a casino key employee license.**

[(a) Each applicant for a casino key employee license shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2)(a) through (c).]

[(b) The commission shall provide an applicant for a casino key employee license with a copy of criminal history information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(4).]

The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-mutuel Wagering and Breeding Law sections 1301(8) and 1323(1) through (6).

**§ [5304.3] 5304.2. Casino key employee license application and disclosure forms.**

[A] An applicant for a casino key employee license [applicant] shall [be required to] file a [casino key employee application] multi-jurisdictional personal history disclosure form and other disclosure forms as [determined] required by the commission.

**[§ 5304.4. Temporary license for casino key employee.]**

[The commission may issue a temporary license to an applicant for a casino key employee license in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1323(5) and (6).]

**§ [5304.5] 5304.3. Duration of license.**

[(a)] Casino key employee licenses shall remain valid [as set forth in] for five years, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).

[(b) Each casino key employee license shall indicate an expiration date.]

**PART 5305**

**Gaming Employee Registration**

Section

[5305.1 Persons required to register as a gaming employee]

[5305.2] 5305.1 Standards for issuance of a gaming employee registration

[5305.3] 5305.2 Gaming employee registration forms

[5305.4] 5305.3 Duration of registration

**[§ 5305.1. Persons required to register as a gaming employee.]**

[(a) A person, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1301(22), is required to obtain a gaming employee registration prior to being involved in any gaming licensed activities.]

**§ [5305.2] 5305.1. Standards for issuance of a gaming employee registration.**

[(a) Each applicant for a gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Title.]

(a) The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301(22) and 1324(1) through (5).

[(b) The commission shall provide an applicant for a gaming employee registration with a copy of criminal history information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1324(5).]

[(c) Subsequent to the registration of a gaming employee, the executive director of the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Notwithstanding, a gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.]

(b) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1324(3), a Gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to Article 23-A of the Correction Law.

**§ [5305.3] 5305.2. Gaming [Employee] employee [Registration] registration form.**

A gaming employee registrant shall file a gaming employee registration form the commission supplies and may amend from time to time.

**§ [5305. 4] 5305.3. Duration of registration.**

[(a) Gaming] Except as otherwise provided in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6) a gaming employee [registrations] registration shall remain valid [as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6)] for five years.

[(b) Each gaming employee registration shall indicate an expiration date.]

**PART 5306**

**Non-Gaming Employee Registration**

Section	
5306.1	Persons required to register as a non-gaming employee
5306.2	Standards for issuance of a non-gaming employee registration
5306.3	Non-gaming employee registration forms
5306.4	Duration of registration

\* \* \*

**§ 5306.2. Standards for issuance of a non-gaming employee registration.**

(a) Each applicant for a non-gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Title.

(b) Subject to notice and an opportunity for a hearing, the commission shall deny a registration to an applicant for a non-gaming employee registration who the commission determines is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Subsequent to the registration of a non-gaming employee, the executive director of the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318. Notwithstanding, a non-gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction provided that the registrant has affirmatively demonstrated registrant's rehabilitation, pursuant to article 23-A of the Correction Law.

**§ 5306.3. Non-gaming employee registration forms.**

A non-gaming [employee registration applicant] employee registrant shall be required to file a non-gaming employee registration form that the commission supplies and may amend from time to time.

**§ 5306.4. Duration of registration.**

[(a) Non-gaming registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).]

[(b) Each non-gaming registration shall indicate an expiration date on the registration.]

A non-gaming employee registration shall remain valid for five years.

**PART 5307**

**Vendor Licensing and Registration**

Section

- 5307.1 [Persons] Entities required to obtain a casino vendor enterprise license
- 5307.2 [Persons] Entities required to obtain an ancillary casino vendor enterprise license
- 5307.3 Registration of other vendors
- 5307.4 Standards for issuance of vendor [license] licenses and registrations
- 5307.5 Vendor application and disclosure forms
- 5307.6 Temporary service providers; badges
- 5307.7 Duration of license and registration

**§ 5307.1. [Persons] Entities required to obtain a casino vendor enterprise license.**

(a) Any vendor offering goods or services that directly relate to casino or gaming activity, as described in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(1) and (2), shall be required to be licensed as a casino vendor enterprise. In addition, the executive director of the commission may permit an applicant for a casino vendor enterprise license to conduct business transactions with the gaming facility applicant or licensee prior to the licensure of such casino vendor enterprise applicant, effective only for the transaction for which such permission is requested.

(b) In addition to any vendor required to be licensed by this Part, the commission may require a license for any person if the issuance of such license would be consistent with this Part and consistent with the protection of commercial gaming in the State of New York.

**§ 5307.2. [Persons] Entities required to obtain an ancillary casino vendor enterprise license.**

[Any vendor offering goods and services ancillary to gaming activity shall be required to be licensed as an ancillary casino vendor, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(3). Goods and services ancillary to gaming activity include, without limitation, licensors of games, non-casino alcoholic beverage operators, lessors of casino property not required to hold a casino license, trash haulers, limousine operators and food suppliers.]

(a) Junket enterprises.

(b) Any vendor providing goods or services to the gaming facility, not otherwise licensed pursuant to section 5307.1 of this Part, that the commission determines to be supporting gaming activities directly enough that registration pursuant to section 5307.3 of this Part would be insufficient to protect the integrity of gaming.

**§ 5307.3. Registration of other vendors.**

(a) Any vendor offering goods and services to a gaming facility applicant or licensee that is not a casino vendor enterprise or an ancillary casino vendor enterprise shall be required to be registered as a vendor registrant, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(5).

(b) Notwithstanding the requirements set forth in this Part, entities engaged in the following fields of commerce that provide goods or services to a gaming facility applicant or licensee, shall not be required to be licensed or registered as a vendor:

(1) insurance companies and insurance agencies;

(2) television, radio newspaper, internet or other similar media outlets used for advertising purposes;

- (3) governmental entities performing traditional governmental functions;
- (4) professional legal, accounting and financial services;
- (5) physicians;
- (6) utility companies;
- (7) telecommunication companies;
- (8) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
- (9) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
- (10) professional entertainers and/or celebrity appearances; and
- (11) any other person who, by submission of a written petition, demonstrates to the commission that registration as a non-gaming vendor is not necessary to protect the public interest.

**§ 5307.4. Standards for issuance of vendor licenses and registrations.**

(a) Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license or vendor registration shall meet the qualification criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326.

**§ 5307.5. Vendor application and disclosure forms.**

(a) Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license, or vendor registration shall file a vendor application and registration form and other disclosure forms as determined by the commission.

(b) Owners, managers and supervisory personnel [and employees of a casino vendor licensee or ancillary casino vendor licensee who provide services to the gaming area of a gaming facility] are required to fill out a casino key employee application form and comply with the standards for issuance of a casino key employee license as set forth in section 5304.2 of this Title.

(c) Employees of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee who provide services to the gaming area of a gaming facility are required to complete a vendor employee license application form and comply with the standards of a casino key employee as set forth in Part 5304 of this Subchapter.

(d) Employees of vendor registrants are required to fill out a non-gaming employee application form and comply with the standards of a non-gaming employee as set forth in Part 5306 of this Subchapter.

\* \* \*

**§ 5307.7. Duration of license and registration.**

Casino vendor enterprise licenses, ancillary casino vendor enterprise licenses and vendor registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1327.



# Gaming Commission

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Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners

**From:** Edmund C. Burns

**Date:** September 20, 2016

**Re:** Proposed Rulemaking for Casino Alcoholic Beverages (9 NYCRR Part 5328)

For Commission consideration are proposed rules in regard to alcoholic beverages for casinos. Racing, Pari-Mutuel Wagering and Breeding Law section 1340 gives jurisdiction over casino alcoholic beverage licenses to the Commission and requires the Commission to consult regularly with the State Liquor Authority, or its designee, on all licensing and enforcement matters. Additionally, Racing, Pari-Mutuel Wagering and Breeding Law section 1340(4) incorporates the alcoholic beverage control law and the rules, regulations, bulletins, orders and advisories promulgated by the State Liquor Authority, with the ability of the Commission to grant variances to accommodate for the uniqueness of the gaming facilities. The proposed Part addresses the issuance of casino alcoholic beverage licenses by the Commission, the restrictions and limitations that may be placed on the license and the duration of the license.

Highlights of the proposal follow:

- Section 5328.2 sets forth the standards and application requirements for a casino alcoholic beverage license.
- Section 5328.3 establishes the procedures for the determination of a casino alcoholic beverage license.
- Section 5328.4 provides a procedure for applicants to request a review of the denial of a license.
- Section 5328.5 sets forth the form of the license and the requirements for the display of the license in the facilities and at each point of sale.
- Section 5328.6 establishes a duration of two years for a new casino alcoholic beverage license and three years for a renewed license.

- Section 5328.7 sets forth the restrictions and limitations the Commission may impose on a casino alcoholic beverage license, including the conditions for providing complimentary beverages.
- Section 5328.8 establishes a Special Event Casino Alcoholic Beverage permit for a facility seeking to serve alcoholic beverages in an unlicensed area of the facility for a limited time for the purpose of a special event.

In drafting these regulations, staff consulted with the State Liquor Authority and solicited and reviewed plans from the four licensed gaming facilities for providing alcohol to patrons in their facilities.

The text of the proposed rule is attached.

[REDACTED]

attachment

cc: Robert Williams, Executive Director  
Chris Palmer, Deputy Director, Division of Gaming

## PART 5328

### Alcoholic Beverages

Section	
5328.1	Definitions
5328.2	Casino alcoholic beverage license
5328.3	License determination
5328.4	Review of license determination
5328.5	Form and posting of license
5328.6	Duration
5328.7	Restrictions and limitations
5328.8	Special events

#### § 5328.1. Definitions.

Unless the context indicates otherwise, the following definitions apply throughout this Part. The definitions contained in Alcoholic Beverage Control Law, to the extent to which they are not in conflict with this Part, are fully incorporated into this Part by reference.

(a) *Casino alcoholic beverage license* means a license issued to a gaming facility licensee, or a licensed or registered vendor providing alcoholic beverages within a gaming facility, for the sale of alcoholic beverages at retail in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1340 and this Part.

(b) *Complimentary* means without payment of money or other form of monetary-like consideration.

#### § 5328.2. Casino alcoholic beverage license.

(a) A gaming facility licensee or casino vendor licensee or registrant applying for a casino alcoholic beverage license shall establish by clear and convincing evidence its good character, honesty and integrity, and provide such other financial information as may be required by the commission. Each casino vendor licensee or registrant that intends to purchase and select alcoholic beverage product and profit from the sale of such product at a gaming facility shall not do so unless and until duly licensed pursuant to this Part.

(b) A gaming facility licensee or casino vendor licensee or registrant intending to serve alcoholic beverages within a gaming facility shall file a casino alcoholic beverage license application the commission supplies and may amend from time to time, except that the commission may instead consider an application for facilities applying for a conversion of an existing alcoholic beverage license pursuant to subdivision (g) of this section.

(c) A gaming facility licensee or casino vendor licensee or registrant intending to serve alcoholic beverages at the commencement of operations of a gaming facility shall file its application at least 30 days prior to the projected date, except for an application for conversion of an existing alcoholic beverage license pursuant to subdivision (g) of this section, which the commission may accept at any time.

(d) Each casino alcoholic beverage licensee shall submit to the commission for review and approval any amendments to its casino alcoholic beverage license at least 30 days prior to the intended implementation of such amendment. The casino alcoholic beverage licensee may implement a proposed amendment on the 30<sup>th</sup> calendar day following the filing of such amendment with the commission, unless the commission provides notice pursuant to subdivision (e) of this section objecting to such amendment.

(e) If during the 30-day review period the commission determines that any amendment is inconsistent with the intent of this Part, the commission shall, by delivering written notice to the casino alcoholic beverage licensee, object to such amendment. Such objection notice shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that such amendment not be implemented.

(f) When the commission has objected to an amendment pursuant to subdivision (e) of this section, the casino alcoholic beverage licensee may submit a revised amendment for review within seven days of delivery of the commission's objection, pursuant to subdivision (d) of this section.

(g) A gaming facility licensee holding an active alcoholic beverage license issued by the state liquor authority may file a request in writing to the commission for the conversion of such license to a casino alcoholic beverage license, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1340(11), along with a sworn statement detailing any violations or penalties imposed by the state liquor authority in regard to such existing license in the five-year period preceding the request.

(h) A casino alcoholic beverage applicant or licensee shall require each employee authorized to serve or deliver alcohol to complete an alcohol training and awareness program certified by the state liquor authority and submit to the commission such employee's certificate of completion.

### **§ 5328.3. License determination.**

(a) Upon receipt of a completed application for a casino alcoholic beverage license, the commission shall confirm that the gaming facility licensee or casino vendor licensee or registrant has met the requirements set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1340 and this Part.

(b) The commission, following consultation with the state liquor authority, or the designee of the state liquor authority, shall either:

(1) grant the application for a casino alcoholic beverage license, if the commission determines that doing so is in the best interests of gaming in this State; or

(2) deny the application for a casino alcoholic beverage license and notify the applicant of the reason or reasons for denial.

If the application is for conversion of an existing alcoholic beverage license and there are no state liquor authority violations or penalties in regard to the existing license, the commission shall grant the request for conversion of the license. If there are one or more state liquor authority violations or penalties in regard to the existing license, the commission shall consider whether granting the request for conversion of the license is in the best interests of gaming in this State. The commission may impose such conditions, restrictions, limitation or covenants upon a casino alcoholic beverage license, whether from a request for conversion of an existing license or otherwise, as the Commission may deem appropriate in its discretion to mitigate risk of violations, protect the public health safety or welfare, or serve the best interests of gaming in this State.

#### **5328.4. Review of license determination.**

Within 30 days of the denial of a casino alcoholic beverage license, the applicant may submit a written request to the commission for a review of such determination. The commission or its designee shall confirm the denial or grant the application within 30 days of the request for review.

#### **§ 5328.5. Form and posting of license.**

(a) Following the grant of a casino alcoholic beverage license, the commission shall issue a license document that contains at a minimum:

- (1) a complete identification of the applicant's identity and address;
- (2) any conditions; and
- (3) the signature of the secretary of the commission.

(b) Each casino alcoholic beverage license shall at all times be displayed in a conspicuous place in the gaming facility where alcoholic beverages are sold or distributed so that all patrons visiting such licensed area may readily see such license.

(c) Each point of sale location approved under the casino alcoholic beverage license shall display a certificate issued by the commission for that point of sale location.

#### **§ 5328.6. Duration.**

A casino alcoholic beverage license shall expire two years from the date of issuance and shall be renewable thereafter for a period of no less than three years. An application to renew a casino alcoholic beverage license shall be submitted to the commission at least 30 days prior to the expiration of the license.

### **§ 5328.7. Restrictions and limitations.**

(a) Any violation of the Alcoholic Beverage Control Law, the regulations and rulings promulgated by the state liquor authority, Racing, Pari-Mutuel Wagering and Breeding Law section 1340 or this Subdivision by a casino alcoholic beverage license or its agents or employees shall be grounds for suspension or revocation of a casino alcoholic beverage license or other disciplinary action, including, without limitation, monetary penalties following notice and an opportunity for a hearing.

(b) Pursuant to paragraph five of Racing, Pari-Mutuel Wagering and Breeding Law section 1340, the commission may from time to time by means of bulletins, special rulings or findings notify casino alcoholic beverage licensees of provisions of the alcoholic beverage control law and rules, regulations, bulletins, orders, and advisories promulgated by the state liquor authority that are inapplicable to gaming facilities or portions of gaming facilities.

(c) Pursuant to paragraph eight of Racing, Pari-Mutuel Wagering and Breeding Law section 1340, a gaming facility licensee holding a casino alcoholic beverage license may provide complimentary alcoholic beverages to a patron under the following conditions:

(1) there shall be no delivery of more than two drinks to one patron at a time, except that a bottle of wine may be served to one or more patrons;

(2) there shall be no sale or delivery to any patron an unlimited number of drinks during any set period of time for a fixed price (*i.e.* open bar), except at invitation-only private functions not open to the public;

(3) there shall be no game or contest that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes; and

(4) there shall be no service of any alcoholic beverage to minors.

### **§ 5328.8. Special events.**

A gaming facility licensee seeking to serve alcoholic beverages in an unlicensed area of the facility shall submit a *Special Event Casino Alcoholic Beverage* permit application, on a form the commission prescribes. The commission shall approve the application and issue the permit if the commission determines that the application contains all required information and issuance would not compromise the integrity of gaming or the public health, welfare or safety. The application shall be submitted to the commission at least 30 days prior to the proposed event and contain, at a minimum:

(a) name and description of the event;

(b) a description of the mapped location of the event;

(c) date, time and duration of the event;

- (d) a copy of the advertisement, program and promotional material for the event;
- (e) number of persons anticipated to attend the event;
- (f) admission price to the event;
- (g) type of alcoholic beverages to be served;
- (h) security and staffing arrangements;
- (i) the identity of any jointly responsible person, persons, sponsor or sponsors, including the contact information and casino vendor enterprise license or registration number or numbers issued in accordance with Part 5307 of this Subchapter; and
- (j) the identities of the licensed employees for the special event area, including the license or registration numbers of such employees issued in accordance with Parts 5304 through 5306 of this Subchapter.



# Gaming Commission

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Todd R. Snyder, Commissioner

Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners

**From:** Edmund C. Burns

**Date:** September 20, 2016

**Re:** Proposed Rulemaking for Casino General Provisions (9 NYCRR Part 5300)

For Commission consideration are additions to the general section of casino regulations to address certain matters that statutes either direct the Commission to regulate or give the Commission discretion to regulate.

The first of these amendments concerns a statutory requirement to provide the method of notice to be provided to an applicant, registrant or licensee in regard to the release of information or data provided to the commission from any applicant, registrant, or licensee. See Racing, Pari-Mutuel Wagering and Breeding Law section 1307(2)(d). The proposed rule sets forth posting on the Commission's website as the method of such notice.

The second of these amendments addresses how the Commission will interpret which gaming facility employees are subject to the prohibitions on employee wagering set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1336(2). That section of law provides that any employee who is not a casino key employee may not wager in the employer's gaming facility or any other gaming facility in New York owned or operated by the same employer or an affiliate, if the employee "is directly involved with the conduct of gaming operations" in the judgment of the Commission. Gaming facility licensees have sought direction from Commission staff on the interpretation of that provision. The proposed rule sets forth gaming employee registrants as those directly involved in the conduct of gaming.

The text of the proposed amendments follows:

## **§ 5300. 2. Method of Notice**

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1307(2)(d), the commission shall post on its website, as the method of notice to all applicants, registrants or licensees, the commission's policy in

regard to the release of any information or data provided to the commission by such applicant, registrant or licensee.

**§ 5300.3. Restrictions on employee wagering.**

Each gaming employee registrant is directly involved with the conduct of gaming operations so as to make the restrictions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1336(2) applicable to such employee.



attachment

cc: Robert Williams, Executive Director  
Chris Palmer, Deputy Director, Division of Gaming



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Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

**To:** Commissioners

**From:** Edmund C. Burns

**Date:** September 22, 2016

**Re:** Proposed Rulemaking for Electronic Table Games Systems  
(9 NYCRR §§ 5317.41 and 5319.60)

For Commission consideration are proposed rules for electronic table game systems. Electronic table games are similar to table games, but players make wagers through electronic systems, rather than with dealers. A proposed section 5317.41 addresses the technical standards for the certification of such systems. A proposed section 5319.60 sets forth requirements for communication protocol, system integrity, random number generators, maintenance of critical memory, player interface terminals and notification in case of non-conformance.

The text of the proposed new sections is attached.

[REDACTED]

attachment

cc: Robert Williams, Executive Director  
Chris Palmer, Deputy Director, Division of Gaming

**A new section 5317.41 would be added to 9 NYCRR as follows:**

**§ 5317.41. Electronic table games system.**

(a) This section shall apply when an electronic table game (*ETG*) or games operate as a part of a table game system that is independent of any external gaming system.

(b) All electronic table games systems shall meet the requirements set forth in sections 5317.16, 5317.17, 5317.26, 5317.33, and 5317.36 of this Part.

(c) All communications in ETGs shall pass through at least one application-level firewall approved by the commission and shall not have a facility that allows for an alternate network path.

(1) A firewall application shall:

(i) maintain an audit log of the following information:

(a) all changes to configuration of the firewall;

(b) all successful and unsuccessful connection attempts through the firewall;  
and

(c) the source and destination IP addresses, port numbers and MAC addresses; and

(ii) disable all communications and generate an error event if the audit log becomes full.

(2) The system shall provide for interrogation that enables online comprehensive searching of the significant-event log.

(3) The system shall contain an access-level control structure that is capable of limiting access to programs, menu items or other secure areas of the system by means of a user name and login combination, personal identification number or other equivalent means.

(4) The system shall not permit the alteration of any significant log information without supervised access control.

(5) There shall be a system administrator notification and user lockout or audit trail entry after a set number of unsuccessful login attempts.

(6) The system shall record:

(i) date and time of the login attempt;

(ii) username supplied; and

(iii) success or failure.

(7) The use of generic user accounts on servers is not permitted.

(8) The system shall not permit the alteration of any accounting or significant event log information without supervised access controls. In the event financial data is changed, an audit log shall be capable of being produced to document:

(i) data element altered;

(ii) data element value prior to alteration;

(iii) data element value after alteration;

(iv) time and date of alteration; and

(v) user login.

(d) In addition to the requirements set forth in section 5317.36 of this Part, a gaming facility licensee or a licensed manufacturer shall submit to the commission for review and approval procedures to be established in the use of remote access as set forth in subdivision (b) of section 5321.10 of this Subchapter. Such procedures shall designate, at a minimum, authorized users and authorized settings of the electronic table game or games.

(1) Remote access shall authenticate all computer systems based on the authorized settings of the electronic table game and firewall application that establishes a connection with the electronic table game pursuant to the following requirements:

(i) a remote access user activity log is maintained by both the gaming facility and the licensed manufacturer, depicting the following information:

(a) authorizing individual;

(b) purpose;

(c) user login;

(d) time and date; and

(e) duration and activity while logged in.

(ii) unauthorized remote user administration functionality is prohibited;

(iii) unauthorized access to the database is prohibited;

(iv) unauthorized access to the operating system is prohibited; and

(v) if remote access is to be on a continuous basis, then a network filter shall be installed to protect access, as approved by the commission.

(2) The system shall implement self-monitoring of all critical interface elements and shall have the ability to notify effectively the system administrator of any error condition, provided the condition is not catastrophic.

(3) The system shall be able to perform the operation prescribed in paragraph (2) of this section with a frequency of at least once in every 24-hour period and during each power-up and power reset.

(e) A gaming facility licensee shall report any requirements that cannot be met as a result of manual intervention from a live dealer to the commission prior to submission for required testing as set forth in Part 5318 of this Subchapter.

**A new section 5319.60 would be added to 9 NYCRR as follows:**

**§ 5319.60. Electronic table games.**

All electronic table games (*ETGs*) shall meet the requirements set forth in sections 5319.12, 5319.13, 5319.14 and 5319.35 of this Part.

(a) *Communication protocol.* Each component of an ETG system shall function as indicated by the communication protocol implemented. All protocols shall use communication techniques that have proper error detection and/or recovery mechanisms that are designed to prevent unauthorized access or tampering, employing data encryption standards or equivalent encryption with secure seeds or algorithms. Any alternative measures shall require approval of the commission in writing.

(b) *System integrity.* The server or system component or components shall reside in a secure area where access is limited to authorized staff as set forth in the gaming facility licensee's approved system of internal controls. Access to the logic components of the game shall be logged on the system or on a computer or other logging device that resides outside the secure area and is not accessible to the employee or employees gaining access to the secure area.

(1) The logged data shall include time and date and user login.

(2) The resulting logs shall be retained for a minimum of 90 days.

(c) *RNG.* Each RNG shall meet the requirements set forth in section 5319.35 of this Part and the following requirements:

(1) In the game selection process:

(i) each possible permutation or combination of game elements that produces winning or losing game outcomes shall be available for random selection at the initiation of each play, unless otherwise denoted by the game;

(ii) after selection of the game outcome, the ETG shall not make a variable secondary decision that affects the result shown to the player; and

(iii) an ETG shall use protocols that effectively protect the RNG and random selection process from influence by associated equipment that may be communicating with the ETG.

(2) The RNG shall be cycled continuously in the background between games and during game play at a speed that cannot be timed by the player. Periods when the RNG may not be cycled (e.g., interrupts) shall be kept to a minimum.

(3) The first seed shall be determined randomly by an uncontrolled event such that the seed randomly changes after every game. A licensed manufacturer is not required to use a random seed so long as such manufacturer shall ensure that games do not synchronize.

(4) Games depicting cards being drawn from a deck shall meet the following requirements:

(i) at the start of each hand, the cards shall be drawn from a randomly shuffled deck;

(ii) replacement cards shall not be drawn until needed and allow for multi-deck and depleting decks in accordance with game rules;

(iii) cards once removed from the deck shall not be returned to the deck except as provided by the rules of the game depicted; and

(iv) as cards are removed from the deck, such cards shall be used immediately as directed by the rules of the game.

(d) *Maintenance of critical memory.* Critical memory storage may be maintained by the player terminal or the system, where applicable.

(e) *Player interface terminal requirements.* Player interface terminals may either be a display mechanism where the system performs all operations of the game (also known as thin client) or a mechanism that contains its own logic function in conjunction with the ETG (also known as thick client). Such player interface terminals shall meet the hardware and software requirements set forth in this Part.

(f) *Notification of non-compliance.* A gaming facility shall report any requirements that cannot be met as a result of manual intervention from a live dealer to the commission prior to submission for required testing as set forth in Part 5318 of this Subchapter.