



**MEETING AGENDA  
MARCH 26, 2018**

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM
2. CONSIDERATION OF MINUTES, MEETING OF JANUARY 22, 2018
3. REPORT OF THE ACTING EXECUTIVE DIRECTOR
4. RULEMAKING
  - A. PROPOSED GAMING RULEMAKING: EMPLOYEE VENDOR WAGERING RESTRICTIONS
5. ADJUDICATIONS
  - A. IN THE MATTER OF A&T GROCERY
  - B. IN THE MATTER OF KAP FUEL & FOOD INC.
  - C. IN THE MATTER OF KP DELI CORP.
  - D. IN THE MATTER OF OUR GOURMET DELI CORP.
  - E. IN THE MATTER OF RICARDO JUSTINIANO
  - F. IN THE MATTER OF CATCH TWENTY-TWO
  - G. IN THE MATTER OF MILO MILO
6. OLD BUSINESS/NEW BUSINESS
7. SCHEDULING OF NEXT MEETING
8. ADJOURNMENT

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NEW YORK STATE  
GAMING COMMISSION

MINUTES

MEETING of JANUARY 22, 2018

NEW YORK, NEW YORK

A meeting of the Commission was conducted in New York, New York. A videoconference location was also maintained in Schenectady, New York.

1. **Call to Order**

Acting Executive Director Ronald Ochrym called the meeting to order at 1:33 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance in New York were Chairman Barry Sample and Commissioners John Crotty, John Poklemba, Gerald Skurnik and Todd Snyder. In attendance in Schenectady was Commissioner Peter Moschetti.

2. **Consideration of the Minutes from November 27, 2017**

The Commission considered previously circulated draft minutes of the meeting conducted on November 27, 2017. The minutes were accepted as circulated.

3. **Report of the Acting Executive Director**

Acting Executive Director Ochrym provided a brief report on the development status of both Resorts World Catskills and the Oneida Nation's Point Place Casino.

4. **Rulemaking**

a. **ADOPTION: Anti-Stacking of NSAIDs, Add Diclofenac and Delete Meclofenamic Acid From 48-Hour NSAIDs, SGC-45-16-00004-RP**

The Commission considered adoption of a revised proposed rulemaking in regard to additional time restrictions on the use of non-steroidal anti-inflammatory drugs before horse races.

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

**b. PROPOSAL: Voiding Claims of Lame Thoroughbred Horses [9 NYCRR Part 4038.5 and 4038.17]**

The Commission considered a proposal to allow a claimant to void a claim of a Thoroughbred horse that is discovered to have become lame or experienced epistaxis due to exercise induced pulmonary hemorrhage in a claiming race.

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

**5. Adjudications**

**a. In the Matter of Andy Hernandez.**

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 6-0 vote, to accept the Hearing Officer's Report and Recommendation that the licensee's seven-day suspension be upheld.

**b. In the Matter of Jorge L. Melendez.**

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 6-0 vote, to reject the Hearing Officer's Report and Recommendation that the licensee be suspended for the remainder of his license period, unless and until he participates in treatment and/or counseling satisfactory to the Commission.

**c. In the Matter of William Mott.**

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 6-0 vote, to accept the Hearing Officer's Report and Recommendation that the penalties assessed for the improper administration of flunixin be upheld, but that the penalties for the improper administration of furosemide be dismissed.

**6. New Business/Old Business**

**a. Old Business**

No old business was offered for discussion.

**b. New Business**

No new business was offered for discussion.

**7. Scheduling of Next Meeting**

No specific date for the next Commission meeting was set, although Commissioners generally requested consideration of a February date.

**8. Adjournment**

Prior to adjournment, Chairman Sample requested executive session for the sole purpose of consideration of the employment history of a particular person. Upon return from such session, the Chairman announced that no votes to expend public money were undertaken and the meeting was adjourned at 2:02 p.m.

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# Gaming Commission

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

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

**To:** Commissioners

**From:** Edmund C. Burns

**Date:** March 12, 2018

**Re:** Proposed Rulemaking for Vendor Key Employee Wagering Restrictions (9 NYCRR § 5300.3)

There are statutory and regulatory restrictions on the ability of casino employees to wager at casinos. A casino key employee may not wager at any casino in the State. See Racing, Pari-Mutuel Wagering and Breeding Law § 1336(1). Any other casino employee who is directly involved with the conduct of gaming operations or holds a gaming employee registration is prohibited from wagering in the same casino or in any casino that is owned or operated by the employing casino or an affiliated licensee. *Id.* § 1336(2); 9 NYCRR § 5300.3.

Employees of casino vendor registrants who have responsibility for services to a casino are regulated in a manner similar to casino employees in many respects. Such employees must qualify for registration under the standards for qualification of a casino key employee, see Racing, Pari-Mutuel Wagering and Breeding Law § 1326(4), so it follows that such persons should be subject to at least the same wagering restrictions as casino gaming employee registrants. There could be an appearance of impropriety if, for example, a vendor servicing slot machines wagered at that casino.

The text of the rule would be as follows:

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

(a) Gaming facility employees. In addition to the requirements set forth in section 1336 of the Racing, Pari-Mutuel Wagering and Breeding Law, all employees of a gaming facility licensee holding a gaming employee registration issued by the commission are prohibited from wagering in any facility in which the employee is employed or any facility owned or operated by that gaming facility or an affiliate of that gaming facility.

(b) Casino vendor enterprise employees. All employees of a casino vendor enterprise required to be qualified pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326(4) are prohibited from wagering in any facility in which the employee operates or any facility owned or



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operated by the gaming facility, or an affiliate of the gaming facility, in which the employee operates.

[REDACTED]

cc: Ronald Ochrym, Acting Executive Director  
Thomas Anapolis, Director, Division of Gaming  
Danielle Holmes, Director, Bureau of Licensing