

New York State Gaming Commission

Minutes

Meeting of January 28, 2019

A meeting of the Commission was conducted in New York, New York.

1. **Call to Order and Establishment of Quorum**

Acting Executive Director Robert Williams called the meeting to order at 1:46 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In attendance were Chairman Barry Sample and Commissioners John Crotty, Peter Moschetti, John Poklemba, Jerry Skurnik and Todd Snyder.

2. **Consideration of Minutes for Meeting of December 10, 2018**

The Commission considered previously circulated draft minutes of the meeting conducted on December 10, 2018. The minutes were accepted as circulated.

3. **Rulemaking**

a. **ADOPTION: SGC-42-18-00015-P, Permit Greater Purse-to-Price Ratio in Thoroughbred Claiming Races**

The Commission considered an adoption of a proposed rulemaking that would add flexibility to the Thoroughbred claiming-price rule on a case-by-case basis for all or a portion of a race meeting while requiring the track to meet increased requirements to ensure the competitiveness, soundness and safety of the horses that enter any such races.

Chairman Sample directed State Equine Medical Director Scott Palmer to carefully examine each request and for staff to report back in May on the preliminary effect of the rule change.

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

b. PROPOSED: Cash 4 Life Rules Amendment

The Commission considered proposed amendments to rules relating to the Cash 4 Life draw game.

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

c. PROPOSAL: Sports Wagering

The Commission considered a proposal to enable sports wagering as an authorized casino game.

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

4. Adjudications

a. In the Matter of Jahmel Stokes

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 sustain the Hearing Officer's Report and Recommendation that the applicant's license denial be upheld.

b. In the Matter of S&S Grocery Mart, 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 6-0 vote to sustain the Hearing Officer's Report and Recommendation that the entity's license be revoked and that the period from the date of suspension to the Commission's final determination be the term of license suspension.

c. In the Matter of Sanam Petroleum Corp.

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 sustain the Hearing Officer's Report and Recommendation that the entity's license be revoked and that the period from the date of suspension to the Commission's final

determination be the term of license suspension. The Commission also clarified that the Hearing Officer's Report applied to the licensed entity.

d. In the Matter of BP-BAPS Enterprises 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 6-0 vote to sustain the Hearing Officer's Report and Recommendation that the entity's license be revoked and that the period from the date of suspension to the Commission's final determination be the term of license suspension. The Commission also clarified that the Hearing Officer's Report applied to the licensed entity.

e. In the Matter of Harguru Nanak Petroleum Corp.

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 sustain the Hearing Officer's Report and Recommendation that the entity's license be revoked and that the period from the date of suspension to the Commission's final determination be the term of license suspension. The Commission also clarified that the Hearing Officer's Report applied to the licensed entity.

f. In the Matter of 3rd Ave Deli and Grill Corp.

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 grant the Office of Commission Counsel's Motion for Summary Judgment finding that the entity's lottery sales agent license should be revoked. The Commission also announced that Findings and Order would be forthcoming.

5. Consideration of MGM Yonkers, Inc. to conduct harness racing, simulcasting, account wagering on horseracing and video lottery gaming at Yonkers Raceway

a. Harness Licensing

The Commission considered and approved, on a 6-0 vote, the application of MGM Yonkers to conduct harness racing in 2019, effective as of the date the purchase transaction closes.

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

b. Simulcasting and Account Wagering Licenses

The Commission considered and approved, on a 6-0 vote, the application of MGM Yonkers to conduct simulcasting and account wagering on horseracing in 2019, effective as of the date the purchase transaction closes.

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

c. Video Lottery Gaming

The Commission considered and approved, on a 6-0 vote, the application of MGM Yonkers for a video lottery gaming license and the issuance of an operation certificate to conduct video lottery gaming at Yonkers Raceway, effective as of the date the purchase transaction closes.

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

d. Material Debt Transactions

The Commission considered and approved, on a 6-0 vote, the request of MGM Yonkers to approve material debt transactions in regard to the merger transaction and of the related acquisition of real property and interests.

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

6. Old Business/New 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

The Commission tentatively set February 25, 2019 as the date for the next meeting.

8. Adjournment

The meeting was adjourned at 2:16 p.m.

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