

**New York State
Gaming Commission**

Minutes

Meeting of May 22, 2023

A meeting of the Commission was conducted in New York, New York and Schenectady, New York. Two-way audio and video communications were maintained between locations for the duration of the meeting.

1. Call to Order and Establishment of Quorum

Executive Director Robert Williams called the meeting to order at 1:13 p.m. Establishment of a quorum was noted by Acting Secretary Kristen Buckley. In physical attendance in Manhattan were Chairman Brian O'Dwyer, and Members John Crotty, Marissa Shorenstein, and Jerry Skurnik. In physical attendance in Schenectady was Member Peter Moschetti.

2. Consideration of Minutes for Meeting of March 27, 2023

The Commission considered previously circulated draft minutes of the meeting conducted on March 27, 2023. The minutes were accepted as circulated.

3. Report of the Executive Director

The Executive Director presented an update on gaming components of the recently completed State Budget, the restart of the Horseracing Integrity and Safety Authority Anti-Doping & Medication Program, a state Worker Adjustment and Retraining Notification (WARN) Act notice filed by Vernon Downs Casino Hotel, the announced PointsBet sale to Fanatics Betting and Gaming, background information regarding the Pletcher meloxicam drug positive and the status of the Request For Applications Question and Answers Round 1.

4. Rulemaking

**A. ADOPTION: SGC-08-23-00004-P, Amendments to Rules
Governing the Content of Gaming Facility License
Applications**

The Commission considered adoption of regulations to govern the content of casino license applications, to reflect the statutory requirements of Title 2-A of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law concerning the application process for additional casino licenses.

ON A MOTION BY: Commissioner Shorenstein
APPROVED: 5-0

B. REVISED PROPOSED: Sports Wagering Advertising

The Commission considered re-proposal of the rules to regulate advertising, marketing and promotions concerning sports wagering, providing an amendment to the prohibition against compensating marketing and advertising third parties and requiring disclosure of business practices on the websites of such affiliate marketing sites.

ON A MOTION BY: Commissioner Skurnik
APPROVED: 5-0

5. Adjudications

A. In the Matter of Naji M. Mahmoud d/b/a NA Market

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 determined upon a 4-1 vote, Commissioner Moschetti voting in the negative, to adopt the Hearing Officer's findings of fact and conclusions of law, suspending Mr. Mahmoud's lottery license for a period of one year beginning December 1, 2022.

6. New & Old Business

No New or Old Business was presented.

7. Adjournment

Before concluding, Chairman O'Dwyer noted that he was pleased that the adopted State Budget included language to require the address of worker backstretch housing at Belmont Park and Saratoga Race Course. He also noted that consideration of the ownership transfer of PointsBet to Fanatics would be undertaken at the Commission level. Finally, Chairman O'Dwyer observed the recent resignation of Commissioner Christopher Riaño and noted the retirement of longtime Commission employee Brian Barry, thanking both for their exemplar service to the People of New York.

The meeting was adjourned at 1:47 p.m.

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