

MINUTES OF THE
BOARD MEETING
OF MAY 31, 1990

A meeting of the New York State Racing & Wagering
Board was held on Thursday, May 31, 1990, at the

Board offices located at 400 Broome Street, New York, 10013.

IN ATTENDANCE WERE:

Richard F. Corbisiero, Chairman
Joseph P. Neglia, Member
Bennett Liebman, Member
Victor A. Cocozziello, Director of Wagering Systems
John Dailey, Director of Racing & OTB
David B. Vaughan, Counsel
Joseph Slakas, Director of Public Information
Arthur Schechter, Director of Audits
Ted Garrison, Assistant Counsel
Robert Feuerstein, Assistant Counsel
Danny Goldberg, Assistant Counsel
Gale Berg, Assistant Counsel
John Barrett, Assistant Counsel
Bernie Handwerker, Director of Bingo
Eileen Clarke-Brady, Assistant Chief of OTB Operations
Edmund Leary, Assistant Chief of Audits & Investigations

MINUTES OF THE
BOARD MEETING
HELD ON MAY 31, 1990

(A)

1. Approved minutes of the Board Meeting held on April 26, 1990.

(B) FOR ENTRY INTO THE MINUTES

1. VERNON DOWNS/SIMULCAST OF GRADUATE STAKES
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs to simulcast and accept wagers on The Graduate Stakes from Buffalo Raceway on Saturday, April 28, 1990. Also, approved their request to offer the same betting menu as Buffalo Raceway; win, place, show, exacta and trifecta wagering and to move the "late double" from the 7th and 8th races to the 8th and 9th races.
2. YONKERS RACEWAY/WAGERING FORMAT CHANGE
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering on the 8th race for the George Morton Levy Memorial Pace to be held on Saturday, April 28, 1990.
3. APPLICATION BY CDROTBC/TO AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to amend their simulcast plan of operation in relation to the simulcasting of Yonkers Raceway races into their Plattsburgh simulcast facility. Also, approved their request to accept wagers and offer the live call on races run from Saratoga Raceway at this new facility.
4. BUFFALO RACEWAY/ADDITIONAL TRIFECTA IN THE GRADUATE STAKES
For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway to add trifecta wagering on the Graduate Stakes to be held on Saturday, April 28, 1990.
5. NROTBC/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Nassau Regional Off-Track Betting Corporation to conduct the following Kentucky Derby Day, promotions on May 5, 1990:
 - 1- To distribute free copies of Metro Turf in all branches

on Saturday, April 28, 1990.

- 2- To conduct a free, random distribution of Kentucky Derby posters for customers using SAMs during the period of April 29 through May 4, 1990. Each SAM will randomly issue a promotional voucher which can be exchanged for a free poster;
- 3- To distribute a Kentucky Derby glass to Hicksville branch patrons using TINY TIMS to make their wagers, concurrent with the poster promotion.

6. VERNON DOWNS/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs to conduct promotional activities for the month of May as outlined in their letter of 4/24/90.

7. NYRA/MAY SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of pari-mutuel wagers to various tracks in the month of May as outlined in their letter of April 25, 1990.

8. APPLICATION OF CDROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of an application of Capital District Regional Off-Track Betting Corporation to amend their plan of operation and simulcast plan of operation in relation to the establishment of their relocated branch and to transfer the simulcast facility license for the Bridgeport branch, effective May 3, 1990, contingent upon:

1. receipt of permit/final report from US. Army Corps. of Engineers;
2. receipt of the permit/approval by the Madison County Health Department for the operation of food and beverage service at the site.

9. APPLICATIONS OF ROTBC'S AND RACETRACKS/TO ACCEPT WAGERS ON THE 1990 KENTUCKY DERBY TO BE RUN ON SATURDAY, MAY 5, 1990

For entry into the minutes, the Chairman's prior approval of an application by New York City, Catskill, Nassau, Suffolk, Capital District, Regional Off-Track Betting Corporations to accept wagers on the 1990 Kentucky Derby to be run on Saturday, May 5, 1990 and to conduct advance wagering on the Kentucky Derby on Friday, May 4, 1990.

Also, approved applications by the New York Racing Association, Saratoga Raceway, Buffalo, Batavia and Vernon Downs to accept wagers on the 1990 Kentucky Derby to be run on Saturday, May 5, 1990.

16. YONKERS RACEWAY/BETTING FORMAT CHANGE
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel place and show wagering on the 9th race for the George M. Levy Memorial to be held on Saturday, May 12, 1990.
17. BUFFALO RACEWAY/SIMULCASTING TO BATAVIA DOWNS
For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway to simulcast Buffalo races to Batavia Downs nightly beginning on Friday, May 11, 1990.
18. APPLICATION OF NROTBC/TO AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a request by Nassau Regional Off-Track Betting Corporation to amend its simulcast plan of operation and eliminate Yonkers Raceway evening programs, at its Bethpage Branch, effective, Saturday, evening, May 19, 1990.
19. NYRA/ADDENDUM TO MAY SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of wagers on various races as outlined in their letter of May 18, 1990.
20. APPLICATIONS OF ROTBC'S AND RACETRACKS TO ACCEPT WAGERS ON THE PREAKNESS STAKES TO BE RUN ON SATURDAY, MAY 19, 1990
For entry into the minutes, the Chairman's prior approval of a request by New York City, Catskill, Nassau, Suffolk, Capital District Regional Off-Track Betting Corporations to accept advanced wagers on the 1990 Preakness Stakes on Friday, May 18, 1990. Also, approved requests by the New York Racing Association, Finger Lakes Racing Association, Saratoga Raceway, Buffalo Raceway, Batavia and Vernon Downs to accept wagers on the 1990 Preakness Stakes to be run on Saturday, May 19, 1990.
21. YONKERS RACEWAY/FORMAT FOR THE WESTCHESTER COUNTY FAIR
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway for approval of the betting format to be offered at the Westchester County Fair being held from Thursday, May 24 and conclude on Sunday, June 10, 1990 as outlined in their letter of May 11, 1990. Also, approved their request to offer free admission during the fair for racing, however, patrons attending the fair will pay \$5 admission fee and to offer free admission on May 21, 22, and 23, 1990 to all patrons coming to the races.

22. CDROTBC/TO ACCEPT WAGERS

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to accept wagers on and simulcast of races run at Buffalo Raceway on Monday evening, May 28, 1990 and consent thereto by Saratoga Harness.

23. APPLICATION OF CROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of an application by Catskill Regional Off-Track Betting Corporation to amend its plan of operation and simulcast plan of operation to relocate its Newburgh branch (from Lakeside Plaza which will close) to the Mid Valley Mall and to transfer the simulcast facility license to the new relocated facility.

24. YONKERS RACEWAY/SIMULCAST TO VARIOUS HOTELS IN LAS VEGAS, NEVADA BEGINNING ON MAY 26, 1990

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to simulcast its races to various Hotels in Las Vegas, Nevada beginning on May 26, 1990 as outlined in their letters of January 19 and May 18, 1990.

25. CDROTBC/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Catskill Regional Off-Track Betting Corporation to conduct a "Singles night" promotion at its Albany simulcast theater with free admission and a free \$2.00 late daily double coupon on Wednesday, May 30, 1990.

C. PREVIOUSLY APPROVED BY THE BOARD

1. APPLICATION OF BATAVIA DOWNS/FOR A 1989-1990 SIMULCAST FACILITY LICENSE

The Board approved the request by application of Batavia Downs for a 1989-1990 simulcast facility license together with its simulcast plan of operation for track to track Finger Lakes Racing Association races on May 4, 1990 and Buffalo Trotting Association races on May 4, 1990 as well; as races on May 11, 1990 through June 30, 1990.

D. BOARD DETERMINATION

1. N.Y.S. HORSE BREEDING DEVELOPMENT FUND/FOR THE NEW YORK SIRE STAKE CHAMPIONSHIP EVENTS

The Board approved with member Bennett Liebman dissenting a request by the New York State Horse Breeding Development Fund to waive the rules regarding coupled entries which relate to the commonality of trainers for the New York Sire Stake Championship events at Yonkers Raceway on September 15, 1990.

2. NYRA/AGREEMENT WITH RADIO STATION WKAJ

The Board approved the request by the New York Racing Association of an agreement between NYRA and radio Station WKAJ of Saratoga Springs, New York, whereby NYRA will provide calls of its 1990 Saratoga races for broadcast on a ten-minute delay basis.

3. SARATOGA RACEWAY/CAPITAL IMPROVEMENT FUND

The Board approved the request by Saratoga Raceway to withdraw \$77,880.02 from the Capital Improvement Fund. After audit \$39,780.56 has been denied for a Jeep Cherokee and a Topographic Survey. Therefore the Board has approved the amount of \$38,099.46.

4. MONTICELLO RACEWAY/CAPITAL IMPROVEMENT FUND

The Board approved the request by Monticello Raceway to withdraw \$284,428.41 from the Capital Improvement Fund. After audit \$6,489.68 be disallowed for the Executive Parking lot Paving and the Supplies Carpenter's Shop also \$3,403.83 is being deferred until the Pylons Main Track is installed. Therefore the Board has approved a total of \$274,534.90.

5. PROPOSED EMERGENCY HEARING RULE/PART 5402

The Board approved the proposed emergency rule to add a new Part 5402 to the Board's rules and regulations to provide guidelines for the conduct of administrative adjudicatory proceedings.

6. PROPOSED EMERGENCY RULE 4011.22 TRIFECTA

The Board approved the proposed Emergency Rule amending the present thoroughbred trifecta rule to conform to the present practice of allowing entries and fields in trifectas and for trifecta to continue with at least six horses where the race is a grade one stakes.

7. HEARING OFFICER REPORT/IN THE MATTER OF MIKE E. SMITH, JOCKEY

The Board approved the Hearing Officer's recommendation that Mr. Smith's ten (10) day suspension be confirmed.

8. HEARING OFFICER REPORT/IN THE MATTER OF PAUL ZAMBITO, JR.
The Board approved the Hearing Officer's recommendation that Mr. Zambito's withdrawal of appeal and that the stay of his suspension be vacated.
9. APPLICATION OF NROTBC/TO AMEND SIMULCAST PLAN OF OPERATION
The Board approved the request relating to an agreement between NROTBC and Finger Lakes Racing Association for the simulcasting of FLRA races into licensed simulcast facilities of NROTBC, during the period of April 24 through December 8, 1990.
10. NYRA'S/KENTUCKY DERBY ADVERTISING
The Board issued a letter of warning to NYRA, advising them that they must comply with Section 905 (1) (g) of the Racing Law, in regards to including Off-Track Betting advertisements of the Kentucky Derby.
11. APPLICATION OF CDROTBC/TO AMEND PLAN OF OPERATION AND SIMULCAST PLAN OF OPERATION
The Board approved the application of Capital District Regional Off-Track Betting Corporation to amend their plan of operation and simulcast plan of operation to relocate their branch in Little Falls, Herkimer County, from West Lansing Street, to Shopper's Square Mall, Main Street, Little Falls, New York and to transfer the simulcast facility license from the West Lansing Street Location to Shopper's Square Mall.
12. ADOPTION OF VARIOUS TECHNICAL RULES
The Board approved the various technical rules with the exception of Section 4001.7 which was deferred.