

**MINUTES OF THE
BOARD MEETING
OF APRIL 23,1996**

A Meeting of the New York State Racing and Wagering Board was held on Tuesday, April 23, 1996, at the Board office located at 120 Broadway, 13th Floor, New York, New York 10271.

IN ATTENDANCE WERE:

Jerry Bilinski, DVM, Chairman (via telephone conference call)
Joseph P. Neglia, Member
Bennett Liebman, Member
Donna M. Ross, Secretary to the Board
Robert A. Feuerstein, General Counsel
James Gallagher, Special Assistant to Chairman
Arthur Schechter
Eileen Clarke-Brady

ALSO PRESENT WERE:

Steven Richman, Esq., New York City OTB

"MINUTES"
BOARD MEETING HELD IN NEW YORK CITY, NEW YORK
TUESDAY, APRIL 23, 1996 - 1:00 P.M.
N.Y.S. RACING & WAGERING BOARD

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN ALBANY ON TUESDAY, MARCH 12, 1996

B. THE BOARD ACKNOWLEDGED THE ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN

1. CAPITAL DISTRICT OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman approved on March 11, 1996, the request by CDROTB to amend its Simulcast Plan of Operation to transfer the simulcast license at the Street Road Branch to a new enhanced telebranch located at 104 Montcalm Street, Ticonderoga. The Board also approved CDROTB's request to appoint Michael J. Vilardo, Sr. as concessionaire conditioned upon a satisfactory return of his fingerprint cards.

2. VERNON DOWNS REQUEST TO SIMULCAST FROM SUFFOLK DOWNS

For entry into the minutes, the Chairman approved on March 15, 1996 the request to accept the simulcast of races from Suffolk Downs as the "contemporaneous signal" on Sunday (excluding Palm and Easter Sunday), Wednesday, Friday and Saturday, March 17 through April 21, in lieu of the Hialeah simulcast.

3. NYCOTB REQUEST TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman denied on March 15, 1996 the request by NYCOTB, on behalf of itself and the other off-track betting corporations, to merge pari-mutuel pools on races run at Hialeah Park. The Board, pursuant to Section 907(3)(iii) of the Racing, Pari-Mutuel Wagering and Breeding Law, cannot authorize the commingling of pari-mutuel wagers with an out-of-state track where the takeout rates vary from those in New York by an amount in excess of twenty percent.

4. YONKERS REQUEST TO SIMULCAST TO POCONO DOWNS

For entry into the minutes, the Chairman approved on March 15, 1996 the request by Yonkers Raceway to simulcast its races on Mondays and Tuesdays in April to Pocono Downs.

5. **CATSKILL OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Chairman approved on March 19, 1996 the request by Catskill Regional OTB to amend its Simulcast Plan of Operation to approve a simulcast license for its OTB branch located in Norwich, New York. The approval is conditioned upon receipt of documentation that the Norwich OTB facility has had a recent fire inspection.

6. **CATSKILL OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Chairman approved on March 19, 1996 the request by Catskill Regional OTB to amend its Simulcast Plan of Operation to approve a simulcast license for its OTB branch located at 318 Broad Street, Village of Waverly, Tioga County. The approval is conditioned upon receipt of documentation that the Waverly OTB facility has had a recent fire inspection.

7. **WESTERN OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Chairman approved on March 25, 1996 the request by Western Regional OTB Corporation to amend its simulcast plan of operation:

- 1) to relocate its 100 Grant Street location to an OTB owned facility located at 118-136 Grant Street, Buffalo, Erie County and;
- 2) to transfer the existing simulcast license to the new location.

The approval is conditioned upon receipt, prior to opening, of a Certificate of Occupancy and a fire inspection.

8. **YONKERS REQUEST - LICENSE AMENDMENT**

For entry into the minutes, the Chairman approved on March 25, 1996 the request by Yonkers Raceway to cancel its Thursday racing program due to a shortage of horses beginning March 28, 1996.

9. **MONTICELLO REQUEST - LICENSE AMENDMENT**

For entry into the minutes, the Chairman approved on March 25, 1996 the request by Monticello Raceway to amend its 1996 harness racing schedule for the month of April as follows:

ADD: Wednesday, April 3rd, 10th, 17th and 24th
Thursday, April 4th and 11th

DELETE: Saturday, April 20th and 27th

The Board also grants Monticello Raceway permission to change its post time to 1:35 p.m. for Sunday matinees beginning April 14th through the end of the summer meet.

10. **YONKERS REQUEST TO SIMULCAST TO PHILADELPHIA PARK**
For entry into the minutes, the Chairman approved on March 25, 1996 the request by Yonkers Raceway to simulcast its races on Mondays, Tuesdays, Fridays and Saturdays to Philadelphia Park beginning March 23, 1996 through December 31, 1996.
11. **NYCOTB REQUEST TO DESIGNATE FOUR (4) SUFFOLK DOWNS RACES AS RACES OF SPECIAL INTEREST**
For entry into the minutes, the Chairman denied on March 25, 1996 the request by New York City Off-Track Betting Corporation to designate four (4) Suffolk Downs races to be run March 27, 1996 as races of special interest as set forth in Section 905-a of the Racing, Pari-Mutuel Wagering and Breeding Law on the grounds that these races are not races of special interest within the meaning of the statute.
12. **NYRA REQUEST TO OFFER FREE GRANDSTAND ADMISSION**
For entry into the minutes, the Chairman approved on March 25, 1996 the request by NYRA to offer free Grandstand Admission or \$1.00 off Clubhouse admission at Aqueduct Racetrack on Sunday, April 28, 1996.
13. **NEW YORK CITY OTB REQUEST TO EXTEND CONTRACT WITH AMTOTE**
For entry into the minutes, the Chairman approved on April 3, 1996 the request by NYCOTB to extend its current contract with Amtote International, Inc. for a period of eighteen months from October 25, 1996 through April 24, 1998.
14. **CAPITAL DISTRICT OTB TO OFFER FREE BET VOUCHER**
For entry into the minutes, the Chairman approved on April 3, 1996 the request by Capital District OTB to offer a free bet voucher valued between \$2.00 and \$50.00 with every paid admission to its Teletheater on April 4, 1996.
15. **FINGER LAKES RACING ASSOCIATION, INC./TRUMP CASTLE**
For entry into the minutes, the Chairman approved on April 5, 1996 the request by Finger Lakes Racing Association, Inc. to approve their agreement with Trump Castle Casino for the 1996 racing season pursuant to the following:
In this regard, it is our understanding that these outlets are not permitted to transmit bets into your pools unless they are permitted a "manual merge procedure to continue after the start of the race". In this connection, it is also our understanding that there is a New Jersey State auditor.
16. **FINGER LAKES RACING ASSOCIATION, INC./PHILADELPHIA PARK AND DELAWARE PARK**
For entry into the minutes, the Chairman approved on April 9, 1996 the request by Finger Lakes Racing Association, Inc. to approve their agreements with Philadelphia Park and Delaware Park to simulcast its signal on specified days during the 1996 FLRA meet as outlined in their request.

17. **FINGER LAKES RACING ASSOCIATION, INC./AUTOTOTE ENTERPRISES**
For entry into the minutes, the Chairman approved on April 11, 1996 the request by Finger Lakes Racing Association, Inc. to simulcast its races to Autotote Enterprises (Connecticut OTB) on Monday and Tuesday each week during 1996 meet.
18. **FINGER LAKES RACING ASSOCIATION, INC./AUTOTOTE ENTERPRISES**
For entry into the minutes, the Chairman approved on April 11, 1996 the request by Finger Lakes Racing Association, Inc. to approve their agreement with Sports Wire, Inc. and Atlantic City Racing Association to simulcast its signal to sites in the Caribbean and to Atlantic City Racetrack for the 1996 racing season, as outlined in the request for approval dated April 4, 1996.
19. **FINGER LAKES RACING ASSOCIATION, INC./CESTA PUENTA**
For entry into the minutes, the Chairman approved on April 11, 1996 the request by Finger Lakes Racing Association, Inc. to simulcast via its agreement with Cesta Puente Deportes, Inc. to Juarez Racetrack and affiliated racebook outlets in Mexico for the 1996 meet.
20. **NYCOTB REQUEST TO EXPAND TELETHEATER - 991 SECOND AVENUE, MANHATTAN**
For entry into the minutes, the Chairman approved on April 12, 1996 the request by New York City Off-Track Betting Corporation to amend its Simulcast Plan of Operation in order to expand the simulcast theater located at 991 Second Avenue, Manhattan, on the 2nd floor, by opening an additional area on the lower basement level of the building. The approval was conditioned upon receipt of satisfactory documentation regarding compliance with relevant building and fire codes.
21. **NYCOTB APPLICATION TO SUBSTITUTE**
For entry into the minutes, the Chairman approved on April 15, 1996 the request of New York City Off-Track Betting Corporation to substitute 2 Group "C" sites (exemptions until June 1997)
4013 13th Avenue
5704 Fifth Avenue
for 2 Group "B" sites (exemptions until June 1996)
4325 Boston Post Road
320 Court Street
as outlined in applications of March 23 and June 22, 1994 and modified in your October 31, 1994 submission from exemptions under Section 5204.16 of the Board's Rules and Regulations. This application for substitution is a modification of the 4 1/2 year exemption and installation plan which was approved by the Board's amended letter of February 2, 1995.

22. **YONKERS REQUEST TO SIMULCAST THE GEORGE MORTON LEVY FINAL**

For entry into the minutes, the Chairman approved on April 17, 1996 the request by Yonkers Raceway to simulcast the George Morton Levy Final on Saturday, April 20, 1996 to Northfield Park.

23. **NYCOTB REQUEST TO ISSUE FREE \$2.00 WAGER**

For entry into the minutes, the Chairman approved on April 17, 1996 the request by New York City Off-Track Betting Corporation to issue a free \$2.00 wager to each individual who opens and activates a telephone betting account with New York City Off-Track Betting Corporation on Friday, April 19th, Saturday, April 20th and Sunday, April 21, 1996.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **EMERGENCY RAFFLE RULE**

For entry into the minutes, the Board approved on April 15, 1996 an emergency rule for the conduct of raffles as games of chance.

D. FOR BOARD DETERMINATION

1. **MATTER OF NICHOLAS TANTALO**

Thoroughbred trainer Nicholas Tantalo appealed a \$100 fine imposed by the Board Steward at Finger Lakes Race Track for failure to bring his horse to the paddock on time for the sixth race on November 25, 1995, resulting in a late scratch. The Board concurred with the Hearing Officer's recommendation that the violation and fine be affirmed. Member Liebman abstained from voting.

2. **RECOGNITION OF THE NEW YORK THOROUGHBRED HORSEMEN'S ASSOCIATION, INC.**

The Board approved New York Thoroughbred Horsemen's Association, Inc. ("NYTHA") Executive Director, Robert Flynn's request to recognize the NYTHA as the successor to the NY-HBPA, Inc.

3. **MATTER OF RAUL SANCHEZ/RECONSIDERATION OF PENLTY**

The Board denied the application of thoroughbred trainer Raul Sanchez to reconsider the penalty imposed on him for two post-race dextromoramide positives.

4. **THE MATTER OF JOHN ZALANSKY**

Harness driver John Zalansky appealed the penalty imposed on him by the judges at Monticello Raceway involving a race on June 11, 1995 for violation of Board Rule 4117.4(n). The Board concurred with the Hearing Officer's report that the violation and suspension be upheld. Member Liebman abstained from voting.

5. **NYRA-NEVADA PARI-MUTUEL BOOKS CONTRACT**
The Board approved the NYRA request for the Las Vegas Dissemination Company, Inc. to continue simulcasting the NYRA races for the period May 1 through July 22, 1996 (Belmont Park Spring/Summer Meet) to the Nevada Pari-Mutuel Race Books.
6. **CATSKILL OTB REQUEST TO APPOINT DANIEL F. DIMON AS A MEMBER OF THE BOARD OF DIRECTORS**
The Board approved the Catskill Off-Track Betting Corporation request to appoint Daniel F. Dimon as a member of the Board of Directors representing Chemung County.
7. **MATTER OF ELI A. GIAQUINTO**
The Board revoked the license of harness trainer-driver Eli Giaquinto based upon revocation by the New Jersey Racing Commission for New Jersey rules violations.
8. **PROPOSAL FOR RAFFLES RULES**
The Board deferred the matter.
9. **BELL JAR DISPENSER RULE**
The Board approved a rule proposal for bell jar dispensers. These rules will implement the legislatively authorized use of bell jar vending machines or other suitable devices.
10. **FINGER LAKES - CAPITAL IMPROVEMENTS**
The Board approved the Finger Lakes Racing Association, Inc. request to withdraw \$54,814.89 from the capital improvement fund for the following projects:

Konica Copier 1690	\$16,050.00
Two Ice Machines-Horse Cooling	7,588.95
Five Closed Circuit TV Security Cameras (pari-mutuel area/money rooms)	7,465.00
Two Computers-Racing Office and Controller	6,196.02
Amtote Software for Tax Dept. Download	4,000.00
Landscaping for New Tote Board	5,177.49
Loading Dock Area-Concrete Slab and Paving	4,622.43
22 Chairs for Board Room and Offices-Used	1,177.00
38 Ceiling Mounts for TV Monitors	2,538.00
Total Amount	\$54,814.89

11. **FINGER LAKES-CAPITAL IMPROVEMENTS**

The Board approved Finger Lakes Racing Association, Inc. request to withdraw \$82,648.46 of the originally requested amount of \$87,637.11 for the following:

Parking Lot Paving-Front of Grandstand	\$81,750.00
8 Calculators-Mutuel Department	898.46
Total Amount	\$82,648.46

The remaining \$4,988.65 for the saddle towels and helmet covers was denied as items ineligible for capital improvement reimbursement.

The Board meeting adjourned at 1:20p.m.