

MINUTES OF THE
BOARD MEETING
OF JANUARY 15, 1997

A meeting of the New York State Racing and Wagering Board was held on Wednesday, January 15, 1997, at the Board Office located at 120 Broadway, New York, New York 10271.

IN ATTENDANCE WERE:

Joseph Neglia, Member
Bennett Liebman, Member
Stephanie Donato, Secretary to the Board
Robert Feuerstein, General Counsel
James Gallagher, Chief of Racing
Arthur Schechter, Chief of Audits and Investigations
George Dranichak, Director of Racing Officials

MINUTES OF THE
BOARD MEETING HELD IN NEW YORK, NEW YORK
WEDNESDAY, JANUARY 15, 1997
NYS RACING & WAGERING BOARD

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN ALBANY, NEW YORK ON DECEMBER 20, 1996.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **MID-STATE RACEWAY, INC.(VERNON DOWNS) REQUEST TO AMEND ITS 1997 HARNESS RACING SCHEDULE**

For entry into the minutes, the Board approved on December 30, 1996 the Mid-State Raceway request (Vernon Downs) to conduct an eighty-six day harness racing meet at which pari-mutuel betting would be permitted.

After due consideration, the Board issued a temporary license with the following conditions.

1. Designation by Mid-State Raceway, Inc., of four additional race dates, to be submitted no later than January 31, 1997.
2. Compliance with the Payment schedule of arrears due to the Agriculture and New York State Horse Breeding Development Fund.
3. Submission to the NYS Racing & Wagering Board no later than February 14, 1997, of detailed financial information for Mid-State Raceway, Inc., including a financial plan for operation and satisfaction of obligations during 1997.

2. **MONTICELLO RACEWAY REQUEST TO AMEND THEIR 1997 HARNESS LICENSE**

For entry into the minutes, the Board approved on December 31, 1996, the request by Monticello Raceway to amend its 1997 Harness License to change its Sunday matinee post time indefinitely from 1:05 p.m. to 1:35 p.m.

3. **BUFFALO RACEWAY REQUEST TO ADD TO WAGERING December 31, 1996 FORMAT**

For entry into the minutes, the Board approved on December 31, 1996, the Buffalo Raceway request to add a second Pick 3 to its wagering format beginning Thursday, January 2, 1997 covering races 9, 10 and 11. Approval was also granted to extend "All Trifecta Cards" on Friday and Saturday nights through February 22, 1997.

4. **NEVADA PARIMUTUEL RACEBOOKS REQUEST**

For entry into the minutes, the Board approved on December 31, 1996, the Nevada Parimutuel Racebooks request to arrange with Yonkers Raceway to have available a fax

machine to receive an immediate fax copy of the matrix of any pool which is to be transmitted after its closing time pursuant to paragraph 10 of the contract; such fax copy will be independently time certified by the fax machine in control of Yonkers Raceway to reflect that such wagering information as well be transmitted to the Yonkers Raceway was, in fact, in the possession of the disseminator before the race started at the Yonkers Raceway track; a copy of such fax (and time certificate) will be transmitted by Yonkers Raceway to this board and the Nevada Gaming Control Board by the end of the day. No wagers will be merged after the start of the race unless such evidence has been received.

5. **YONKERS RACEWAY REQUEST TO SIMULCAST RACES**

For entry into the minutes, the Board approved on December 31, 1996, the Yonkers Raceway agreement with Atlantic City Casinos to simulcast their races to those outlets and they will merge their pools with Yonkers Raceway.

6. **YONKERS RACEWAY REQUEST TO SIMULCAST RACES**

For entry into the minutes, the Board approved on January 2, 1997, the Yonkers Raceway request to simulcast its races to the State of Connecticut's OTB system in 1997.

7. **VERNON DOWNS REQUEST TO SIMULCAST AND ACCEPT WAGERS**

For entry into the minutes, the Board approved on January 2, 1997, the Vernon Downs request to simulcast and accept wagers on races conducted at the Meadowlands. This approval was granted for a trial period through January 31, 1997.

8. **MONTICELLO RACEWAY REQUEST TO SIMULCAST AND ACCEPT WAGERS AT THE MEADOWLANDS**

For entry into the minutes, the Board approved on January 6, 1997, the Monticello Raceway to simulcast and accept wagers on races conducted at the Meadowlands. This approval was granted for a trial period through January 31, 1997.

9. **MONTICELLO RACEWAY REQUEST TO OFFER ALL TRIFECTA WAGERING ON MONDAY AND TUESDAY NIGHTS**

For entry into the minutes, the Board approved on January 6, 1997, the Monticello Raceway to offer all trifecta wagering on Monday and Tuesday nights beginning Monday, January 6th and continuing during their racing season.

10. **SARATOGA RACEWAY REQUEST TO SIMULCAST AND ACCEPT WAGERS CONDUCTED AT THE MEADOWLANDS**

For entry into the minutes, the Board approved on January 8, 1997, the Saratoga Raceway to simulcast and accept wagers on races conducted at the Meadowlands. This approval was granted for a trial period through January 31, 1997.

11. **MONTICELLO RACEWAY AGREEMENT WITH ATLANTIC CITY CASINOS**

For entry into the minutes, the Board approved on January 8, 1997, the Monticello Raceway agreement with Atlantic City Casinos under which they will simulcast their races to those outlets merger of their pools with Monticello.

12. **YONKERS RACEWAY REQUEST TO SIMULCAST RACES**

For entry into the minutes, the Board approved on January 8, 1997, the Yonkers Raceway request to simulcast races to the following tracks:

Foxboro Raceway - (on a daily basis) January 2, - December 31, 1997

Detroit Racecourse - Mondays & Tuesdays in January (will change monthly)

MONTICELLO Raceway - Tuesdays through Saturday - January - December 31, 1997

Raceway Park - Mondays, Tuesdays, Thursdays - January - December 31, 1997

13. **YONKERS RACEWAY REQUEST TO SIMULCAST THEIR RACES TO PHILADELPHIA PARK**

For entry into the minutes, the Board approved on January 10, 1997, the Yonkers Raceway request to simulcast their races to Philadelphia Park on a daily basis in 1997.

D ITEMS FOR DETERMINATION

1. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION TO APPOINT JOHN SIFFERT AS A MEMBER OF ITS BOARD OF DIRECTORS**

The Board approved the NYC Off-Track Betting Corp. request to amend their Plan of Operation to appoint John S. Siffert to its Board of Directors.

2. **ADOPTION OF PERMANENT RAFFLE RULES**

The Board approved the permanent adoption of the rule proposal that was published in the State Register on October 23, 1996.

This rule amends Rule 5624.3 to establish the additional license fee for raffles at two percent and thereby implements Chapter 550 of the Laws of 1994. Chapter 550 authorized the conduct of raffles as a game of chance.

This identical amendment was initially adopted by the Board as an emergency rule on April 15, 1996 and became effective upon filing on April 19, 1996. That emergency adoption was lapsed on July 18, 1996 and a new emergency rule was adopted on July 22, 1996. A first readoption was filed on October 17, 1996 and a second readoption was filed on December 13, 1996. The second readoption would have expired on or about February 11, 1997.

3. **MATTER OF CRAIG FAINE**

The Board modified the careless riding suspension from ten days to a five day suspension based upon a lesser degree of culpability.

4. **MATTER OF DAVID MARTIN**

The Board upheld theStewarts finding that Mr. Martin violated Board Rule 4022.12 andimposition of the \$200. fine.

5. **NYRA REQUEST FOR APPROVAL FOR 1997 ROSTER OF RACING OFFICIALS**

The Board approved the request of the New York Racing Association for approval of the 1997 roster of racing officials with the following conditions:

1. The Alternate Stewards listed in Category III can serve in such capacity for the NYRA Steward only in the event of temporary absence.
2. The Jockey Club must submit to the Board its own Alternates to serve as the Jockey Club Steward.
3. Please advise the Board when Robert Duncan and William Keen have received Accreditation from the University of Louisville so they can serve as Alternate Stewards. Until such accreditation is received, they cannot serve as Alternate Stewards for NYRA.

6. **MATTER OF JOSEPH SHAFFER**

The Board upheld the decision of the judges to suspend Mr. Shaffer's drivers license for eight days, for violation of rule 4117.4(a).

7. **CERTIFICATION TO THE COMMISSIONER OF TAXATION AND FINANCE REGARDING THE NUMBER OF PROGRAMS/RACES AT THE STATE'S RACETRACKS IN 1996 FOR TAX RATE PURPOSES**

The Board certified in accordance with Section 228 (3)(b)(ii) and Section 318 (5)(b)(ii) of the Racing, Pari-Mutuel Wagering and Breeding Law that racing associations or corporations in 1996 have conducted at least ninety percent (90%) of the programs and races so conducted during 1985 or 1986 (whichever had fewer) for the prescribed tax rate; or, if any association or corporation failed to conduct such number for good cause due to factors beyond its control or because the Board found it would be uneconomical or impractical for such association or corporation to conduct such number that the Board so certify to that circumstance. During 1996, Finger Lakes Race Track, Buffalo Raceway, Monticello Raceway, Syracuse Mile and Yonkers Raceway did conduct the required number of programs and races. For 1996, the Board found that with Batavia Downs, Saratoga Raceway and Vernon Downs, it would have been uneconomical or impractical for these associations to be assigned the prescribed number, pursuant to Section 318 (5)(b)(ii) so that such finding entitles them to be considered as if they did comply with such requirements.

Based upon the foregoing, the Board certified that all these tracks have complied with Section 228 (3)(b)(ii) and Section 318 (5)(b)(ii) of the Racing, Pari-Mutuel Wagering and Breeding Law for the purpose of establishing the pari-mutuel tax rate for 1996.

The meeting was adjourned at 11:30 a.m.