

MINUTES OF THE
NYS RACING AND WAGERING BOARD MEETING
MARCH 20, 1997

A meeting of the New York State Racing and Wagering Board was held on Thursday, March 20, 1997 at the New York City 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, Counsel
Felix Hester, Assistant Counsel
James Gallagher, Director of Racing Operations
Winnie Donohue, Associate Accountant
Steve Richman, NYCOTB

MINUTES
MEETING OF MARCH 20, 1997
THE NYS RACING AND WAGERING BOARD

A. THE BOARD APPROVED THE MINUTES OF THE FEBRUARY 11, 1997 BOARD MEETING HELD AT THE ALBANY, NEW YORK OFFICE.

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

1. BATAVIA DOWNS SIMULCAST AGREEMENT WITH NEW JERSEY SPORTS & EXPOSITION AUTHORITY (Meadowlands)

For entry into the minutes, on February 11, 1997, the Board approved the Batavia Downs request to simulcast and accept wagers on races conducted at the Meadowlands.

2. YONKERS RACEWAY REQUEST TO OFFER ALL TRIPLE NIGHTS

For entry onto the minutes, on February 14, 1997, the Board approved the Yonkers Raceway request to offer all triple nights on Monday and Saturday evenings.

3. YONKERS RACEWAY REQUEST TO SIMULCAST RACES TO BUFFALO RACEWAY

For entry into the minutes, on February 14, 1997, the Board approved the Yonkers Raceway request to simulcast their races to Buffalo Raceway on a daily basis in 1997.

4. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION

For entry into the minutes, on February 19, 1997, the Board approved the request by Capital District Regional Off-Track Betting Corporation to amend its plan of operation to appoint Frank J. Carcone as the new Concessionaire at their Charlestown/Herkimer County branch. This approval is conditioned upon a satisfactory return of Mr. Carcone's fingerprint cards.

5. NYRA REQUEST REGARDING BELMONT TRACK

For entry into the minutes, on February 24, 1997, the Board approved the New York Racing Association request to demolish and remove the wooden finish stand at the training track at Belmont Park.

6. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION

For entry into the minutes, on February 24, 1997, the Board approved the request by the Capital District OTB to amend its Simulcast Plan of Operation to relocate its Wynantskill Branch to 174 Main Street, Wynantskill, New York as a simulcast branch. This approval is conditioned upon receipt of a Certificate of Occupancy.

7. **NEW YORK RACING ASSOCIATION REQUEST TO ISSUE AN INTEGRATED RECEIVER DECODER**

For entry into the minutes, on February 24, 1997, the Board approved the request by NYRA to issue an Integrated Receiver Decoder (IRD) to Eugene Melnyk.

8. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE GRANDSTAND ADMISSION**

For entry into the minutes, on February 24, 1997, the Board approved the request by NYRA to offer free Grandstand admission or \$2.00 off Clubhouse admission on Sundays, May 11, July 20, and Friday, November 28, 1997.

9. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**

For entry into the minutes, on February 24, 1997, the Board approved the request by Suffolk Regional OTB to amend its Plan of Operation to close the Bohemia Branch located at 4788 Sunrise Highway, Bohemia, Suffolk County, New York, effective February 28, 1997.

10. **YONKERS RACEWAY REQUEST TO CANCEL THURSDAY EVENING RACE CARDS**

For entry into the minutes, on February 24, 1997, the Board approved the request by Yonkers Raceway to cancel Thursday evening race cards until further notice due to a shortage of horses.

11. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1997 RACING SCHEDULE**

For entry into the minutes, on February 24, 1997, the Board approved the request by Monticello Raceway to add Wednesday, March 26 and Thursday, March 27, 1997 to its racing schedule.

12. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO ALTER PATCHOGUE BRANCH**

For entry into the minutes, on February 24 1997, the Board approved the request by Suffolk Regional OTB to enhance its Patchogue branch to a simulcasting branch effective March 1, 1997.

13. **SARATOGA RACEWAY REQUEST TO AMEND ITS 1997 HARNESS RACING SCHEDULE**

For entry into the minutes, on February 21, 1997, the Board approved the request by Saratoga Raceway to amend its 1997 Harness racing schedule as follows:

ADD: Thursday, February 27th

DELETE: Sunday, March 1st

14. **CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION
REQUEST TO OPEN A SIMULCAST BRANCH**

For entry into the minutes, on February 24, 1997, the Board approved the request by Catskill Regional OTB to open a simulcast branch betting center in the Town of Hyde Park, NY.

15. **LICENSE APPLICATION FOR VERNON DOWNS**

For entry into the minutes, on February 26, 1997, the Board approved the request by Vernon Downs for a track license to conduct a ninety (90) day race meet from April 18 through November 8, 1997. The license is conditioned upon compliance with the payment schedule of arrears owed to the Agriculture and New York State Breeding Development Fund.

16. **YONKERS RACEWAY REQUEST TO SIMULCAST ITS RACES**

For entry into the minutes, on March 3, 1997, the Board approved the request by Yonkers Raceway to simulcast its races to the following tracks:

Ladbroke at the Meadows	- Mondays and Thursdays
Rosecroft Raceway	- Tuesdays and Thursdays
Atlantic City Racecourse	- Daily Basis
Winners OTB	- Daily Basis
Vernon Downs	- Daily Basis

17. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO
DESIGNATE RACE OF SPECIAL INTEREST**

For entry into the minutes, on March 3, 1997, the Board approved the request by New York City Off-Track Betting Corporation to designate "THE DUTY FREE" race, to be run in Dubai on Saturday, March 29, 1997 as a race of special interest, pursuant to Section 905-a of the Racing, Pari-Mutuel Wagering and Breeding Law.

18. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION
REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, on March 4, 1997, the Board approved the request by Capital District Regional Off-Track Betting Corporation to amend its Simulcast Plan of Operation to:

1. Establish a new branch at the 526 Erie Boulevard West, Rome, NY
2. Transfer the existing simulcast license at Black River Boulevard, Rome, NY to 526 Erie Boulevard West, Rome, NY.

This approval is conditioned upon the receipt of a Certificate of Occupancy.

19. **REQUEST FOR THE EXTENSION OF APPRENTICE ALLOWANCE OF
JOCKEY PEDRO SOSA**

For entry into the minutes, on March 4, 1997, the Board approved the request for an extension of the apprentice allowance of Jockey, Pedro Sosa for 40 days due to a shoulder injury that occurred while riding at El Comandante on December 27, 1996. The allowance will expire on April 10, 1997.

20. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO ISSUE PROMOTIONAL BET VOUCHERS**

For entry into the minutes, on March 10, 1997, the Board approved the request by Capital District Regional Off-Track Betting Corporation to issue promotional bet vouchers on March 17 and 27, 1997, as outlined in their letter dated March 4, 1997.

21. **NEW YORK RACING ASSOCIATION REQUEST TO AMEND THE LIST OF SPECIAL EVENTS**

For entry into the minutes, on March 12, 1997, the Board approved the request from the New York Racing Association to amend the designated list of special events as follows:

	Date	Race	Track
DELETE:	4/20/97	Lone Star Derby	Lone Star Park
	4/27/97	San Francisco Mile	Golden Gate
ADD:	5/10/97	Pimlico Special	Pimlico

D. ITEMS FOR BOARD CONSIDERATION

1. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND IS PLAN OF OPERATION**

The Board approved the request by Western Regional Off-Track Betting Corporation to amend its Plan of Operation to appoint Edward J. Sohoski as a Member of its Board of Directors representing Oswego County. Approval is conditioned upon a satisfactory return of Mr. Sohoski's fingerprint cards.

2. **FINGER LAKES CAPITAL IMPROVEMENT/ADVERTISING AND PROMOTION REQUEST**

The Board approved the request by Finger Lakes Racing Association for approval to withdraw \$41,068.09 from the capital improvement fund for 1996 advertising and promotion expenditures.

3. **MONTICELLO RACEWAY - CAPITAL IMPROVEMENT FUND**

The Board approved the December 9, 1996 request from Monticello Raceway for \$5,748.74 to be withdrawn from the capital improvement fund for the following:

Cameras & Supplies for Judges Upper Grandstand	\$4,681.25
Labor for Surveillance Cameras	160.00
Labor for Surveillance Cameras	640.00
Monitor for Surveillance Camera	<u>264.49</u>
TOTAL	\$5,748.74

4 **FLRA - SIMULCAST AGREEMENT WITH THE ATLANTIC CITY CASINOS**

The Board approved the request by Finger Lakes Racing Association for a simulcast contract between FLRA and Caesar's Atlantic City, Bally's Park Place, Trump Taj Mahal, Merv Griffin's Resort, Sands Hotel, Showboat Hotel, Trump's Castle, Atlantic City Hilton and Tropicana Casino.

FLRA will receive 2% of the total handle at the casinos and the horsemen will receive half that amount. The contract provides for a "manual merge procedure" to continue after the start of a race. At the transmission center for the casino, a New Jersey State auditor will certify that all bets being transmitted by the manual merge Procedure after the start of a race were in fact placed before the start of the race.

5. **MATTER OF KIRI'S CLOWN**

The Board upheld Mr. Liebman's recommendation that the decision to disqualify Kiri's Clown be affirmed. This matter involved the appeal by the owners of Kiri's Clown from the disqualification of the horse from the first place finish in the ninth race on September 7, 1996 at Belmont Park. Kiri's Clown was placed third as the result of the disqualification.

6. **EMERGENCY ADOPTION AND PROPOSAL OF BELL JAR RULES**

The Board approved the various rule amendments as both an emergency rule adoption and rule proposal.

Principally, these rules would amend the Board's games of chance regulations to implement Chapter 309 of the Laws of 1996 and Chapter 386 of the Laws of 1995. Chapter 309 amended the General Municipal Law by creating stricter reporting requirements and increased penalties to enhance enforcement in the area of bell jar tickets sales and distribution in New York State. The law provided a funding mechanism for Board enforcement of bell jar provisions. Chapter 386 provided authorization for the use of vending machines for the sale of bell jar tickets.

The rules are designed to provide specific reporting and licensing requirements consistent with the statute, and to provide specifications for bell jar dispensing machines. In addition, these rules provide changes to implement statutory prize limit revisions, statutory deletion of veterans organization from certain requirements, and existing Board policy on coin boards.

7. **MATTERS OF JOSEPH SHAFFER AND THE PROTEST OF THE 4TH RACE OF SEPTEMBER 23, 1995 AT BATAVIA DOWNS**

The Board approved Mr. Liebman's recommendation that the decision of the judges to disqualify GIVEMENOF LAK be affirmed but that the placement of GIVEMENOF LAK be modified from seventh to third behind MR. NASTY K. The Board also approved Mr. Liebman's recommendation that the 8 day suspension of driver Shaffer be affirmed.

8. **PROPOSAL TO AMEND BOARD RULE 4011.23 (h)(2) REGARDING THE PICK 6**

The Board approved the proposal to amend Board Rule 4011.23(h)(2) regarding the Pick 6. This amendment requires the refund of the Pick 6 Pool if three or fewer races are contested.

9. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT A BIG 3 PICK 3 PROMOTION**

The Board approved the amended request by NYCOTB to conduct a Big 3 Pick 3 Promotion on Saturday, April 12, 1997. The objective of this promotion is to reach the 8,000 telephone betting accounts that have been inactive since December, 1996.

As amended, these patrons will be offered a free \$3.00 wager on Saturday, April 12, 1997 with encouragement to use the wager on the Big 3 Pick 3 special wager, including the Wood Memorial, Arkansas Derby and the Blue Grass Stakes.

E. **ITEMS FOR BOARD INFORMATION**

The following were submitted for Board Information:

1. **VERNON DOWNS - FINANCIAL PLAN FOR OPERATION**

Financial plan of operation requested by the Board on 12/30/96.

2. **WESTERN REGIONAL OTB - HUB TEST**

Western Regional OTB President and CEO, Martin Basinait advises that its tote system is capable of offering "hub" services for multiple OTB's and tracks, and would like for the Board to initiate a "system test" with State Tax. WROTB wants this test for core transmission of wagering data to another site, as well as for computing prices as a terminus for all wagers.

3. **CATSKILL REGIONAL OTB - SIMULCAST BRANCH IN THE TOWN OF HYDE PARK**

Confirmation by an appropriate local official that the above captioned branch is in compliance with applicable local ordinances.

4. **NYRA - 1997 ROSTER OF RACING OFFICIALS**

The Jockey Club has submitted the NYRA Alternate Stewards to serve as the Jockey Club Steward if Dr. Ted Hill is absent. As such, Bill Boland, John Hennegan, Don Combs and Mike Prunetti can serve. Bob Duncan and Bill Keen have yet to be accredited by the University of Louisville and can't serve.

5. **CAPITAL DISTRICT REGIONAL OTB - CERTIFICATE OF OCCUPANCY FOR 40/42 CENTRAL AVENUE BRANCH, ALBANY**

The required Certificate of Occupancy for the newly established branch located at 40/42 Central Avenue, Albany was received which the approval was conditioned upon.

The meeting was adjourned at 12:45p.m.