

MINUTES
MEETING OF THE NYS RACING AND WAGERING BOARD
OCTOBER 22, 1997

A meeting of the New York State Racing and Wagering Board was held on Wednesday, October 22, 1997 in Meeting Room 2 of the Convention Center, located in the Empire State Plaza, Albany, New York.

IN ATTENDANCE WERE:

Michael J. Hoblock, Jr., Chairman
Joseph Neglia, Member
Bennett Liebman, Member
Stephanie L. Donato, Secretary to the Board
Edward Martin, Executive Director
Robert Feuerstein, Counsel
James Gallagher, Director of Racing Operations
John Signor, Director of Audits and Investigations

ALSO IN ATTENDANCE:

Edward Hamilton, NYSR&WB
Nicole Robilotto, NYSR&WB
Robert Williams, NYSR&WB
Bruce Samboy, NYSR&WB
Alfred Maunz, NYSR&WB
Frank Massimo, NYSR&WB
Mary Callaghan, NYSR&WB
Gerald Tysiak, Office of the State Comptroller
Dominick Vanacore, Office of the State Comptroller
Michael Tighe, DED
Martin Kinsella, DED
Todd Scheuermann, Division of Budget
Jim Ryan, OTB
Steve Nelson, The Record
Frazier Rice, ESD
Mark Seb
Roger L. Dworsky, Capital OTB
Steve Bochnak, NYTHA
Carl Strock, The Gazette
Tom Precious, Buffalo News/The Blood Horse
Mike Kane, The Gazette

ATTENDENCE continued

Nancy Laird, Division of Budget

Dan Levy, WTEN TV

Mike Conners, Albany County Comptroller

H.D. Gordon, Capital OTB

Bill Crowell, Hinman, Straub

Paul Foy, The Gazette

MINUTES
MEETING OF OCTOBER 22, 1997
THE NYS RACING AND WAGERING BOARD

A THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD ON SEPTEMBER 25, 1997.

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

1. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO SIMULCAST TO LADBROKE AT THE MEADOWS

For entry into the minutes, on September 26, 1997, approval was given for the request by Finger Lakes Racing Association, Inc. to simulcast its signal to Ladbroke at the Meadows and six OTB locations on Mondays and Tuesdays beginning September 29, 1997 through the remainder of their 1997 racing season.

1A. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO AMEND ITS SIMULCAST AGREEMENT WITH LADBROKE AT THE MEADOWS

For entry into the minutes, on September 30, 1997, approval was given for the request by Finger Lakes Racing Association, Inc. to amend its simulcast agreement with Ladbroke at the Meadows and six OTB locations by adding Fridays for the month of October on a trial basis.

2. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO CONDUCT PROMOTIONAL EVENTS

For entry into the minutes, on October 6, 1997, approval was given for the request by Finger Lakes Racing Association, Inc. to conduct several promotional events through December 2, 1997.

3. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO SIMULCAST ITS SIGNAL TO PENN NATIONAL RACE COURSE

For entry into the minutes, on October 3, 1997, approval was given for the request by Finger Lakes Racing Association, Inc. to simulcast its signal to Penn National Race Course and five of its satellite locations on Mondays and Tuesdays (excluding Monday, October 13th), beginning October 6, 1997 and the remainder of the 1997 racing season.

4. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO SIMULCAST TO COLONIAL DOWNS

For entry into the minutes, on October 8, 1997, approval was given for the request by Finger Lakes Racing Association, Inc. to simulcast to Colonial Downs and five off-track racing centers on Mondays and Tuesdays beginning Monday, October 13, 1997 for the remainder of the 1997 racing season.

5. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS 1997-98 SIMULCAST PLAN OF OPERATION**
For entry into the minutes, on October 1, 1997, approval was given for the request by NYCOTB Corporation to amend its 1997-98 Simulcast Plan of Operation to extend the simulcast agreement with the New York Racing Association, Inc. to October 31, 1997
6. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO DISTRIBUTE MYSTERY VOUCHERS**
For entry into the minutes, on October 2, 1997, approval was given for the request by NYCOTB Corporation in conjunction with the Daily Racing Form, to distribute mystery vouchers to patrons attending racing seminars on October 9, 16, 23, and 30 and November 6, 13, and 20, 1997.
7. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS 1997-98 SIMULCAST PLAN OF OPERATION**
For entry into the minutes, on October 3, 1997, approval was given for the request by NYCOTB Corporation on behalf of itself, Capital District, Nassau, Suffolk, Catskill and Western Regional OTB to amend each Corporation's 1997-98 Simulcast Plan of Operation in order to accept wagers and display the simulcast races from various racetracks in Australia and other racetracks in California (i.e. Los Alamitos Race Track or Bay Meadows), beginning October 1, 1997 at midnight and continuing through 3:00 a.m.

Approval was given to New York City, Nassau, Suffolk and Western OTB. Approval was withheld for Catskill and Capital OTB as the compliance information regarding their simulcast licenses had not been received.

In addition, the Board approved the designation of the Melbourne Cup, run by the Victoria Racing Club in Australia on Monday, November 3, 1997 as an out-of-country thoroughbred race of special interest in accordance with Section 905-a of the Racing, Pari-Mutuel Wagering and Breeding Law.

8. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO ESTABLISH A TEMPORARY BRANCH**
For entry into the minutes, on October 14, 1997, approval was given for the request by NYCOTB Corporation to establish a temporary branch at the Park Avenue Country Club to operate on Monday, November 3, 1997 from 6:00 p.m. until the close of the racing day at 2:00 a.m., Tuesday, November 4, 1997, in conjunction with the American Australian Association and the running of the Melbourne Cup.

9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT HANDICAPPING CONTEST**
For entry into the minutes, on October 3, 1997, approval was given for the request by Capital District OTB to conduct a handicapping contest on Friday, November 7, 1997 at their Tele-Theater as outlined in their letter dated September 24, 1997.

The Board also granted permission to offer \$2.00 bet vouchers to all patrons of the Tele-Theater for the night race card on October 10, 1997.

10. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**
For entry into the minutes, on October 10, 1997, approval was given for the request by Capital District Regional OTB to amend its Plan of Operation to appoint Rae L. Capano, as the new concessionaire of their Gloversville branch. This approval is conditioned upon a satisfactory return of Ms. Capano's fingerprint cards.
11. **NEW YORK RACING ASSOCIATION REQUEST TO SIMULCAST THE HAWTHORNE GOLD CUP HANDICAP III**
For entry into the minutes, on October 8, 1997, approval was given for the request by the New York Racing Association to simulcast the Hawthorne Gold Cup III on Saturday, October 11, 1997 to be held at the Hawthorne Race Course.
12. **NEW YORK RACING ASSOCIATION REQUEST TO AMEND SPECIAL EVENT SCHEDULE**
For entry into the minutes, on October 17, 1997, approval was given for the request by the New York Racing Association to cancel the simulcast of the Canadian International to be held at Woodbine on Sunday, October 19, 1997 due to the short field and a post time change.
13. **VERNON DOWNS REQUEST TO CONDUCT TRIFECTA WAGERING**
For entry into the minutes, on October 6, 1997, approval was given for the request by Vernon Downs to conduct Trifecta wagering on Friday, October 24 and Saturday, October 25, 1997 on all races.
14. **YONKERS RACEWAY REQUEST TO BAR WAGERING ON LORD STORMOUNT**
For entry into the minutes, on September 26, 1997, approval was given for the request by Yonkers Raceway to bar wagering on the trotter Lord Stormount on September 27, 1997 in the 11th race.

15. **GENESEE VALLEY HUNT CONSERVANCY TO CONDUCT GENESEE VALLEY HUNT RACE MEET**
For entry into the minutes, on October 8, 1997, approval was given for the request by the Genesee Valley Hunt Conservancy to conduct the Genesee Valley Hunt Race Meet at the Nations Farm on Saturday, October 11, 1997 in accordance with Section 207 of the Racing, Pari-Mutuel Wagering and Breeding Law.
16. **APPRENTICE EXTENSION ALLOWANCE FOR JESUS MIRANDA**
For entry into the minutes, on October 1, 1997, approval was given for the request by Jesus Miranda for an extension of apprentice jockey allowance, due to personal injuries suffered in the course of his occupation, from October 1, 1997 through and inclusive of December 31, 1997. In accordance with Board rule 4032.4, the apprenticeship can not exceed three years from his first mount, which was January 1, 1995.

D ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **DESIGNATION OF OFFICERS AND EMPLOYEES TO ADMINISTER OATHS AND ISSUE SUBPOENAS**

The Board approved the recommendation that John Signor, Deputy Director of Audits and Investigations, be designated to administer oaths, examine witnesses and issue subpoenas, pursuant to Racing Law Section 101(9).

2. **RULE ADOPTION/REPEAL OF OBSOLETE RULES**

The Board approved the adoption of the rule to repeal parts 4070, 5201, 5211, 5000 and 5001 of the Board's rules contained in 9 NYCRR. The following is a listing of the various parts and titles:

Part 4070	Special rules pertaining to NYRA and off-track betting upon such races for the period July 31, 1978 through May 31, 1980
Part 5201	The New York State Racing and Wagering Board
Part 5211	Distribution of tracks' percentages of off-track betting pools
Part 5000	Lottery Drawings
Part 5001	General Provisions

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

The Board approved emergency adoption and proposal of the following various rule amendments.

Section 5608.2 The provision penalizing the sale of bell jar equipment without a license was revised to delete felony penalty. Only the illegal sale of bell jar tickets by a manufacturer or a distributor is subject to the felony penalty. The bar code provision was revised to require both encrypted and non-encrypted information.

Section 5608.3 The provisions containing size requirements for non-vendable bell jar tickets was deleted. The provisions requiring the listing in the invoice of the bell jar ticket colors for the particular bell jar deals was deleted.

Section 5608.5 The provision for the submission of bell jar tickets for approval was revised to provide submission of art mock-ups for Board review prior to the formal approval process.

Section 5608.8 Revisions were made to be consistent with section 5608.3, invoice requirements.

Section 5608.9 The provisions requiring the return of defective deals was revised to permit retention of deals where the invoice was defective so long as the Board is notified in writing of the issuance of the corrected invoice within 30 days.

Section 5609.1 Various sections of the bell jar vending machines provisions were reorganized. Provisions requiring electrical specifications were revised to require bell jar ticket vending machines to meet Underwriters Laboratories test specifications or the requirements of any other similar entity. Provisions requiring bell jar vending machines retain accounting information for six months after power is interrupted revised to require retention of information for thirty days. New provisions for coin-operated non-electrical bell jar ticket vending machines were added.

Section 5610.2 New grandfather clause for coin-operated non-electrical bell jar ticket dispensing devices was added.

4. **RULE PROPOSAL TO AMEND GAMES OF CHANCE REGULATIONS TO EXEMPT ORGANIZATIONS**

The Board approved the amendment of the Board's Games of Chance rules to implement the new law 5624.21 contained in Chapter 190 of the Laws of 1997. The new law became effective in August 1997.

5. **BATAVIA DOWNS – REQUESTS FOR WITHDRAWAL FROM CAPITAL IMPROVEMENT FUND**

The Board approved the requests by Batavia Downs dated August 20, 29 and September 4, 1997 from the capital improvement fund for the following projects:

Application dated August 20, 1997

2 Televisions for Simulcasting	\$ 300.24
1 Canon BJC-400 Color Bubble Jet Printer	229.96
3 Overhead Fans	194.01
1 Circuit Breaker for Track Lights	<u>93.75</u>
TOTAL	\$ 817.96

Application dated August 29, 1997

Installation of Phone lines	\$ 875.00
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Application Dated September 4, 1997

Tractor tire	<u>\$ 536.71</u>
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GRAND TOTAL \$2,229.67

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

The Board approved the request by Capital OTB to amend their plan of operation to include the broadcast of the live race call over its internet site. The live race call will only be available to patrons with a phone-a-bet account.

7. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO SIMULCAST RACES**

The Board approved the Capital OTB request for reconsideration to accept wagers and display the simulcast of races from Australia and other race tracks in California from midnight to 3 a.m.

8. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT A HANDICAPPING TOURNAMENT VIA E-MAIL**

The Board approved the request by Capital OTB to conduct a handicapping tournament via e-mail beginning Wednesday, November 5 through Sunday, November 9, 1997. The track involved in this contest is Aqueduct race card and the Breeders' Cup races.

9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO ISSUE BET VOUCHERS FOR THANKSGIVING PROMOTION**

The Board approved the request by Capital OTB to distribute promotional mystery bet vouchers as a Thanksgiving promotion to be held on Friday, November 21, 1997.

E ITEMS FOR BOARD INFORMATION/DISCUSSION

1. NEW YORK JOCKEY INJURY COMPENSATION FUND
2. WESTERN OTB – AMENDMENT TO THEIR PLAN OF OPERATION WITH B.E. SMART, INC.
3. NEW YORK CITY OTB – RACES FROM LOS ALAMITOS, CALIFORNIA
4. CAPITAL OTB – UNITED TOTE ERROR
5. CAPITAL OTB – REQUEST TO ADDRESS THE BOARD

The meeting was adjourned at 2:00 p.m.