

## MINUTES

### NEW YORK STATE RACING AND WAGERING SPECIAL BOARD

#### MEETING OF APRIL 27, 2000

A meeting of the New York State Racing and Wagering Board was held on Thursday, April 27, 2000 at 11:30 a.m. at the Racing & Wagering Board's Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.

The meeting was called to order at 11:40 a.m.

#### **In Attendance Were:**

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Bennett Liebman, Member

Edward Martin, Executive Director

Nicole Thuillez, Secretary to the Board

Robert Feuerstein, General Counsel

Joe Lynch, Chief of Racing Operations

#### **Also in Attendance Were:**

Dianne Landor, NYSR&WB

Nicole Robilotto, NYSR&WB

Stacy Walker, NYSR&WB

Gary Grigalus, NYSR&WB

Heather Bennett, Bennett Firm

Tom Precious, Buffalo News/Blood Horse

Steve Bochnak, NYTHA

Bill Crowell, Hinman, Straub, Pigors & Manning, P.C.

**OPEN COMMENT PERIOD: No comments were made.**

**A.** Approved the minutes of the Board meeting held on March 27, 2000.

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

**1. MONTICELLO RACEWAY REQUEST FOR SIMULCASTS FOR YEAR 2000**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Monticello Raceway to accept simulcasts from the Spring 2000 race meeting at Keeneland Racecourse in Lexington, Kentucky, Plainridge Racecourse in Massachusetts and from the in-state thoroughbred racetrack of Finger Lakes.

The out-of-state simulcast signals may be utilized whenever applicable under the current Racing Law.

\* For entry into the minutes, on April 6, 2000, approval was granted for the request by Monticello Raceway for approval of the agreement between Monticello Raceway and Tampa Bay Downs in Florida, effective immediately.

This approval allows Monticello Raceway to accept simulcasts from Tampa Bay Downs through May 7, 2000 whenever the simulcast is in accordance with the Racing Law.

\* For entry into the minutes, on April 7, 2000, approval was granted for the request by Monticello Raceway to accept simulcasts from Delaware Park in Delaware.

Approval was effective immediately and applicable whenever permitted by the Racing Law.

\* For entry into the minutes, on April 24, 2000, approval was granted for the request by Monticello for the contract with Churchill Downs, Inc. This contract provides for the import of the year 2000 Churchill Downs simulcasts (Spring-Summer meet only) and includes the Hoosier Park simulcasts (harness only), the Calder Race Course simulcasts (all year 2000 race meetings), the Hollywood Park simulcasts (the Spring-Summer race meeting only) and the year 2000 Ellis Park simulcasts.

New letters of permission for the Fall year 2000 meetings from the Thoroughbred Owners of California (TOC) for Hollywood Park and from the Kentucky Division of the Horsemen's Benevolent and Protective Association (H.B.P.A.) for the Fall year 2000 Churchill Downs meeting must be filed with the Board to fulfill the federal requirements for interstate simulcasting.

This approval is effective immediately and applicable whenever permitted by the Racing Law.

## **2. NYRA REQUEST SIMULCAST SANTA ANITA, LONE STAR, ETC.**

For entry into the minutes, on March 27, 2000, approval was granted for the request for the New York Racing Association's on-track and telephone customers to wager into the pari-mutuel pool for a designated "special event", a one-million dollar guaranteed pick-six pari-mutuel pool at Santa Anita on Saturday, April 8, 2000. It is understood that if no one anywhere participating in this pick-six pool has all six winners on Saturday, NYRA patrons may also participate in the carry-over pool on Sunday, April 9, 2000.

Also approved was the "Big 3 - Pick 3" wager on the Wood Memorial, Toyota Blue Grass and the Arkansas Derby on April 15<sup>th</sup>. NYRA will be the hub for this wager and a special 20% takeout is approved.

Additionally, the special events from Lone Star Park in Texas on April 22<sup>nd</sup> have been approved. Specifically, the Lone Star Derby and the Texas Mile are the two stakes races designated as "special events".

## **3. VERNON DOWNS REQUEST TO IMPORT SIMULCASTS FROM VARIOUS LOCATIONS IN 2000**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Vernon Downs for approval of the agreements that Vernon Downs has entered into to accept simulcasts from the Downs, Inc. (Pocono Downs) in Pennsylvania and the in-state thoroughbred track of Finger Lakes. These approvals are valid for the entire 2000 race meetings of both Pocono Downs and Finger Lakes.

The out-of-state simulcast from Pocono Downs may be imported whenever applicable under the current Racing Law.

\* For entry into the minutes, on April 13, 2000, approval was granted for the request by Vernon Downs to import the simulcast from the April Keeneland Race Course race meeting.

Also approved is the Vernon Downs contract with Churchill Downs, Inc. This contract provides for the import of the year 2000 Churchill Downs simulcasts which includes the Hoosier Park simulcasts (harness only), the Calder Race Course simulcasts (all year 2000 race meetings), the Hollywood Park simulcasts (all year 2000 race meetings) and the year 2000 Ellis Park simulcasts.

**4. YONKERS RACEWAY REQUEST TO SIMULCAST FINGER LAKES**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Yonkers Raceway to import simulcasts during the year 2000 from the thoroughbred in-state racetrack of Finger Lakes and the out-of-state harness tracks of Pocono Downs in Pennsylvania and Hazel Park in Michigan.

All simulcasts may be utilized whenever in accordance with the current Racing Law.

**5. NASSAU OTB REQUEST TO SIMULCAST FROM LONE STAR PARK**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Nassau Regional OTB, dated March 7, 2000, to simulcast the year 2000 thoroughbred meeting from Lone Star Park in Texas. The Lone Star simulcasts begin on April 13th and conclude on July 23, 2000. The Lone Star simulcasts may be imported whenever permitted under the Racing Law.

This approval further extends to Suffolk Regional OTB.

**6. NASSAU OTB REQUEST TO SIMULCAST FROM DELAWARE PARK & KEENELAND**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Nassau Regional OTB, dated March 21, 2000, to import the simulcast signal from the Spring (only) race meeting at the Keeneland Racecourse and to import simulcasts during the entire year of 2000 from all race meetings at Delaware Park. Another horsemen's approval letter is required to continue under the submitted Keeneland contract when the Fall year 2000 meeting commences.

This approval further extends to Suffolk Regional OTB as well. These simulcasts may be utilized whenever in accordance with the current Racing Law.

**7. YONKERS RACEWAY REQUEST TO EXPORT VIA THE RACING NETWORK**

For entry into the minutes, on March 27, 2000, approval was granted for the request by Yonkers Raceway, dated March 13, 2000, for approval to export the Yonkers Raceway simulcast signal to The Racing Network (TRN), effective immediately.

This approval is valid as long as TRN remains a distributor of the simulcast signal and does not take wagering directly through TRN. If such a TRN wagering aspect is to happen in the future, this approval is rescinded.

#### **8. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS**

For entry into the minutes, on March 29, 2000, approval was granted for the request by Finger Lakes for approval of the agreements with Plainridge Racecourse in the contiguous state of Massachusetts and with SPW, Inc. (a New York entity), allowing the export of the year 2000 Finger Lakes simulcast signals to Plainridge Racecourse (Massachusetts), and to Caymanas Park (Jamaica) and to Goodwood Racing (including outlets) in Guyana.

\* For entry into the minutes, on March 30, 2000, approval was granted for the request by Finger Lakes to export its simulcast signals to Ladbroke at the Meadows (including named associates), Garden State Park and Atlantic City Racecourse in New Jersey, the Keystone Turf Club (d/b/a Philadelphia Park and its named associates) and Autotote Enterprises in Connecticut.

Included among the Connecticut recipients are all Connecticut OTB satellite locations (Mohegan Sun Sports Book, Shoreline Star and Plainfield Greyhound), simulcast facilities (Sports Haven, Bradley, New Britain, Bristol and Hartford), and the seven regular OTBs that are non-simulcast.

\* For entry into the minutes, on April 4, 2000, approval was granted for the request by Finger Lakes for the extension to the January 27, 1999 Catskill Regional OTB agreement with the Finger Lakes Racing Association to import simulcasts from Finger Lakes Racetrack. This extension is for a period of three years and will conclude on January 27, 2002.

The extension to the Western OTB contract through April 30, 2000 and the year 2000 contract with Suffolk Regional OTB were also approved.

The agreements with the Penn National Turf Club (for Penn National and Pocono Downs and their associated OTBs, along with the Charles Town Races) and the agreement with Freehold Raceway were also approved in accordance with the Board's requirement for submission of all export contracts with entities located in contiguous states.

#### **9. NYRA REQUEST FOR APPROVAL OF RACING OFFICIAL FOR 2000 - LEROUX**

For entry into the minutes, on March 29, 2000, approval was granted for the request by NYRA from the Chief Examining Veterinarian, Dr. Neal Cleary to appoint Dr. Annette Jeanine Leroux to a position as one of the Association's examining veterinarians. This approval is in compliance with Board Rule 4005.1

The Board advises both Drs. Cleary and Leroux that Dr. Leroux should not perform any pre-race exams in instances where she believes there might be a potential conflict of interest.

#### **10. NEW YORK CITY OTB REQUEST TO SIMULCAST FINGER LAKES AND CHURCHILL DOWNS**

For entry into the minutes, on April 3, 2000, approval was granted for the request by New York City OTB for the approval of the contract between the New York City Off-Track Betting Corporation and Finger Lakes. Also approved is the contract with Churchill Downs, Inc.

Although a multi-year contract encompasses Churchill Downs, Calder Racecourse, Hollywood Park, Hoosier Park and Ellis Park, this approval is specific for the year 2000 race meeting at the named tracks. Additionally, the horsemen's approval relating to the Churchill Downs race track, specifies the Spring 2000 race meeting only. A new approval letter must be filed with the Board prior to the commencement of the Fall 2000 Churchill Downs meet. For the year 2001, new letters of permission from all involved racing commissions and representative horsemen's groups must also be filed with the Board.

These simulcasts may be imported only when in compliance with the current Racing Law. The Churchill Downs, Inc. approval also extends to the Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations.

#### **11. SUFFOLK OTB REQUEST TO CONDUCT HANDICAPPING CONTEST**

For entry into the minutes, on April 3, 2000, approval was granted for the request by Suffolk OTB, dated March 20, 2000, to conduct the New Millennium Harness Tournament, as outlined in the official rules and regulations.

It is understood that at least half of the ten harness races utilized in this contest will be simulcast races from an in-state harness track in compliance with Section 908 of the Racing Law. Furthermore, the "wildcard win option" as outlined in rule #9 will be accepted on any one of the ten races that are a part of this contest. This results in nine races on which a contestant has mythical \$200 win and \$200 place wagers and one race with a straight \$400 win wager (no place).

This approval is specific to a one-day contest on Friday, May 5, 2000 at the Tel-A-Race in Hauppauge, New York.

**12. NASSAU OTB REQUEST TO SIMULCAST THE MEADOWS, EMERALD DOWNS, ETC.**

For entry into the minutes, on April 4, 2000, approval was granted for the request by Nassau OTB, dated March 30, 2000, to import simulcasts and conduct wagering on the harness races from Ladbroke at the Meadows in Pennsylvania.

Also approved were the agreements with the thoroughbred tracks at Prairie Meadows in Iowa and Emerald Downs in Washington.

This approval extends to Suffolk Regional OTB as well. All simulcasts may be utilized, and wagering conducted on such simulcasts, only when in accordance with the Racing Law.

**13. SARATOGA HARNESS REQUEST TO HOLD PROMOTION**

For entry into the minutes, on April 6, 2000, approval was granted for the request by Saratoga Equine Sports Center to distribute one hundred dollars (\$100.00) to a winner, drawn by lot, following each live harness race on Friday, April 7, 2000. It is understood by the Board that there is no fee charged to enter this promotion.

The Board also desires to convey the "best of success" to the management of Saratoga Equine Sports Center in attracting new patrons to the sports bar, delicatessen and handicapping carrels in the newly designed mezzanine area of the upper grandstand.

**14. SARATOGA HARNESS REQUEST TO EXPORT SIMULCAST SIGNAL TO VARIOUS OUTLETS IN 2000**

For entry into the minutes, on April 7, 2000, approval was granted for the request by Saratoga Harness for the export of simulcast signals from Saratoga Harness to Autotote Enterprises, Inc. in Connecticut.

Included among the Connecticut recipients are all Autotote Enterprises satellite locations included on the submitted contract (Mohegan Sun Sports Book, Shoreline Star and Plainfield Greyhound), simulcast facilities (Sports Haven, Bradley, New Britain, Bristol and Hartford) and the seven regular OTBs that are non-simulcast.

This approval was effective immediately.

**15. SARATOGA HARNESS REQUEST TO IMPORT SIMULCASTS FROM VARIOUS OUTLETS IN 2000**

For entry into the minutes, on April 7, 2000, approval was granted for the request by Saratoga Harness to import the simulcast signals from Golden Gate Fields

(California), Keeneland Racecourse (Kentucky), Turf Paradise (Arizona) and Hazel Park (Michigan), effective immediately.

The "bridge" simulcast signals from Golden Gate Fields and Turf Paradise may be imported whenever in accordance with the Racing Law. Keeneland has been designated as a "first" or "second" out-of-state afternoon thoroughbred signal throughout its April 2000 race meeting. Hazel Park can be one of the five out-of-state harness simulcast signals imported on any given night.

**16. WESTERN OTB REQUEST FOR APPROVAL OF EXTENSION OF SIMULCAST AGREEMENT WITH BUFFALO RACEWAY**

For entry into the minutes, on April 7, 2000, approval was granted for the request by Western OTB for the new one-month extension of the Buffalo Raceway simulcast contract with the Western Regional Off-Track Betting Corporation.

This contract is now in effect through April 30, 2000.

**17. NYRA REQUEST TO HOLD PROMOTIONS AT BELMONT**

For entry into the minutes, on April 13, 2000, approval was granted for the request by NYRA, dated March 31, 2000, for three promotions to:

- Conduct a guaranteed \$1 million Pick-Six pari-mutuel pool on races five through ten on Belmont Stakes Day, June 10, 2000.
- Award a \$5,000 betting voucher (1<sup>st</sup> prize), a Delta Airlines continental United States trip (2<sup>nd</sup> prize) and a color television (3<sup>rd</sup> prize) by random drawing on Belmont Stakes Day on Saturday, June 10, 2000. Patrons not desiring to attend the full card of races must be allowed to enter this contest. It is understood by the Board that Gate 6 from 11:00 a.m. until 12:00 p.m. will afford such customers an opportunity to enter this contest without paying an admission. There is no purchase necessary to enter this contest and all winners will be announced on the NYRA public address system. In addition, all winners will be displayed on the NYRA television network and if the winner is off-track, he or she will be admitted for free to claim his or her prize.
- Conduct a contest to elect the New York Champions of the Twentieth Century and award five prizes to the winners as drawn on Sunday, May 7<sup>th</sup>. Prizes to be awarded are two round-trip economy tickets to anywhere in the continental United States serviced by Delta Airlines and the book entitled "Champions" (1<sup>st</sup> prize); two clubhouse passes and two reserved seats for the May



29<sup>th</sup> Metropolitan Handicap on Memorial Day and a copy of the book "Champions" (2<sup>nd</sup> through 5<sup>th</sup> prizes).

**18. NYRA REQUEST FOR ISSUANCE OF A DECODER (IRD) - DIXON**

For entry into the minutes, on April 13, 2000, approval was granted for the request by NYRA, dated April 6, 2000, to issue an IRD (digital) decoder to F. Eugene Dixon, Jr., residing in the Commonwealth of Pennsylvania.

F. Eugene Dixon, Jr. is a currently licensed New York State owner in the year 2000 who races horses at the NYRA racetracks.

**19. NYRA REQUEST TO OFFER PICK 6 ON HOLLYWOOD PARK & RACES OF SPECIAL INTEREST**

For entry into the minutes, on April 13, 2000, approval was granted for the request by NYRA for their on-track and telephone customers to wager into the special one-million dollar guaranteed pick-six pari-mutuel pool at Hollywood Park on Sunday, April 30, 2000. It is understood that if no one, anywhere, participating in this pick-six pool has all six winners on this one Sunday, NYRA patrons may also participate in the carry-over pool on Wednesday, May 3, 2000.

Approval is also given to conduct a special "stakes double" combining the two Churchill Downs races on Derby weekend known as the Kentucky Oaks on Friday, May 5<sup>th</sup> and the Kentucky Derby on Saturday, May 6<sup>th</sup>.

**20. NYRA REQUEST TO ADD RACING OFFICIAL TO ROSTER - JACKSON**

For entry into the minutes, on April 13, 2000, approval was granted for the request by NYRA to appoint Dr. Katrina Sheryce Jackson to a position as one of the Association's examining veterinarians.

This approval is in compliance with Board Rule 4005.1.

**21. CAPITAL OTB REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on April 13, 2000, approval was granted for the request by Capital OTB for the conversion to a simulcast branch of the branch in the Bellevue section of the City of Schenectady at 2224-26 Broadway.

Approval is effective immediately.

**22. NEW YORK CITY OTB REQUEST TO HOLD TRIPLE CROWN SWEEPSTAKES**

For entry into the minutes, on April 13, 2000, approval was granted for the request by New York City OTB to conduct a contest, in conjunction with the newspaper known as *The New York Post*, on the year 2000 Triple Crown Races.

Since the value of the prizes available to winners of this contest is greater than \$5,000, this contest required registration as a sweepstakes with the Secretary of State of the State of New York. In addition, proof of such filing must be forwarded to the Board upon receipt.

Approval is effective upon the forwarding to the Board of proof of such registration with the New York State Secretary of State.

23. **WESTERN OTB REQUEST TO RELOCATE BRANCH - CHEEKTOWAGA**

For entry into the minutes, on April 13, 2000, approval was granted for the request by Western OTB to relocate the branch located in Cheektowaga at 720 Maryvale Drive to a new location in Cheektowaga at 1042 Wehrle Drive.

As indicated in this application, the Western OTB plans for the future of this branch include a further upgrading to "enhanced" status. Upon a concessionaire being found, it is expected that such be forwarded to the Board for approval.

Approval for branch transfer, including the current applicable simulcast license, is conditioned upon receipt of a Certificate of Occupancy.

24. **WESTERN OTB REQUEST TO RELOCATE BRANCH - BUFFALO**

For entry into the minutes, on April 13, 2000, approval was granted for the request by Western OTB to relocate the branch located in the City of Buffalo at 1348 Hertel Avenue to a new location in the City of Buffalo at 2208 Delaware Avenue.

Approval is conditioned upon receipt of a Certificate of Occupancy.

25. **YONKERS RACEWAY REQUEST TO SIMULCAST VERNON DOWNS**

For entry into the minutes, on April 14, 2000, approval was granted for the request by Yonkers Raceway for the import of in-state simulcasts from Vernon Downs during their year 2000 racing season. Currently, the Vernon Downs season is scheduled to begin on April 28<sup>th</sup>.

This approval is effective for the term of this contract, April 28<sup>th</sup> through December 31, 2000.

26. **FINGER LAKES ROSTER OF RACING OFFICIALS FOR 2000**

For entry into the minutes, on March 28, 2000, approval was granted for the request by Finger Lakes for a list of racing officials employed for the year 2000 thoroughbred race meeting. The list includes eighteen individuals.

**27. BUFFALO RACEWAY REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on April 24, 2000, approval was granted for the request by Buffalo Raceway to cancel all four scheduled Thursday race programs during the month of May in the year 2000.

Thursday racing will again resume during the month of June 2000.

**28. NYRA REQUEST TO HOLD MYSTERY VOUCHER PROMOTION - BELMONT**

For entry into the minutes, on April 24, 2000, approval was granted for the request by NYRA, dated April 14, 2000, to issue 51,200 wagering vouchers good one day only at Belmont Park on Saturday, May 13, 2000.

It is understood that from 11:30 a.m. to 12:30 p.m. at Gate Six at Belmont Park on Saturday, May 13<sup>th</sup>, a patron with a mystery voucher may be escorted to and from designated windows to redeem that voucher, and do so without paying admission or parking fees. Furthermore, a list of winners can be obtained by sending a self-addressed, stamped envelope to NYRA, Promotions Department.

**29. VERNON DOWNS REQUEST TO HOLD KENTUCKY DERBY PROMOTIONS**

For entry into the minutes, on April 24, 2000, approval was granted for the request by Vernon Downs to conduct year 2000 Kentucky Derby promotions on the afternoon of Saturday, May 6<sup>th</sup>.

Vernon Downs will not be charging any fee whatsoever to enter either promotion. The initial drawn winner receives a 32" color television should that person also have selected the winner of the Kentucky Derby. If not, the prize is a 13" color television. Should the initial drawn name not select the correct Kentucky Derby winner, additional names are then drawn to find a winner that has selected the victor of the year 2000 Kentucky Derby. Such winner receives as a prize the 32" television set.

Approval is also given to draw ten names after each of the first seven races on Kentucky Derby Day at Churchill Downs and award each of the ten people a coupon good for a ten dollar exacta wager on either a Churchill Downs or an Aqueduct race.

It is further understood that the initial 125 fans attending Vernon Downs on Kentucky Derby Day will receive a Kentucky Derby Mint Julep glass.

30. **SUFFOLK OTB REQUEST TO HOLD 2<sup>ND</sup> HANDICAPPING CHALLENGE**

For entry into the minutes, on April 24, 2000, approval was granted for the request by Suffolk OTB, dated April 17, 2000, to conduct a second 2000 Suffolk OTB Handicapping Challenge on Saturday, June 3, 2000, as outlined in the official rules and regulations.

There has been one thoroughbred contest held in February and there will be a future handicapping contest this year at Suffolk OTB as it states under PENN NATIONAL RULES that "the person who accumulates the most winning contest money in the *three* designated contests...."

The approval is specific to a one-day contest on June 3, 2000.

31. **BUFFALO RACEWAY REQUEST TO SIMULCAST CHURCHILL DOWNS, POCONO DOWNS & HARRINGTON RACEWAY**

For entry into the minutes, on April 25, 2000, approval was granted for the request by Buffalo Raceway to import simulcasts from the Churchill Downs, Inc. owned tracks, including Churchill Downs (through its Spring-Summer race meeting), Hollywood Park (the Spring-Summer meeting only), Calder Race Course (all year 2000 meets), Ellis Park (entire year 2000 meet) and Hoosier Park (harness meeting only).

The nighttime thoroughbred meeting at Hoosier Park begins past the 7:30 p.m. cutoff time for thoroughbred racing in New York State and therefore is not currently allowed under Section 1017-a of the New York State Racing Law.

New federally required letters of permission from both the State commissions and the horsemen associations for the Fall meetings at Churchill Downs and Hollywood Park must be filed with the Board before accepting the Fall simulcasts from those two race tracks.

Approval is also granted for the importation of harness simulcasts during the year 2000 from Pocono Downs in Pennsylvania and Harrington Raceway in Delaware. A reminder that under current Racing Law, no more than five (5) out-of-state *harness* simulcasts may be imported on any one day of the year.

32. **SARATOGA HARNESS REQUEST TO CHANGE RACING DAYS**

For entry into the minutes, on April 25, 2000, approval was granted for the request by Saratoga Harness to cancel one race card on Tuesday, May 16<sup>th</sup> and the addition of a racing program on the very next evening, Wednesday, May 17<sup>th</sup>. The first post time of the Wednesday, May 17<sup>th</sup> program will be 7:40 p.m.

**33. NASSAU OTB REQUEST TO SIMULCAST RIVER DOWNS & HARRINGTON RACEWAY**

For entry into the minutes, on April 25, 2000, approval was granted for the request by Nassau OTB to simulcast the year 2000 thoroughbred races from River Downs in Ohio through September 4<sup>th</sup> and the harness meetings from Harrington Raceway in Delaware, through November 1<sup>st</sup>. These simulcasts may be imported whenever permitted under the Racing Law.

Harrington Raceway has a 5:45 p.m. first post. In the absence of permission from the New York Racing Association, and to comply with Section 1016 (2) of the Racing Law, it is understood that both Nassau and Suffolk OTB will begin each Harrington program with Race #2, the initial race contested after the 6 p.m. time specified under this section of the Law. Nassau OTB may apply to the Board, should they receive from NYRA and forward to the Board a letter of permission, to take the 5:45 p.m. first race. Such a letter from NYRA would constitute compliance by waiver with this section of the Racing Law. The 6:00 p.m. time, applying to out-of-state harness (only) simulcasts, is in effect regardless of the ending time of the last NYRA race.

The River Downs simulcast is allowed under the Racing Law as a bridge signal or whenever there is a Board -designated special event. River Downs bridge simulcasts may be taken after the last New York instate thoroughbred race has been contested and before 7:30 p.m.

These approvals further extend to Suffolk Regional OTB.

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

**1. IN THE MATTER OF THE APPEAL OF THE STEWARDS' DECISION TO DENY THE REQUEST TO VOID THE CLAIM OF "OUTBURST" IN THE 9<sup>TH</sup> RACE ON JANUARY 12, 2000 AT AQUEDUCT RACE TRACK**

On March 30, 2000 the Board ordered that the decision of the stewards denying the petition to void the claim of "OUT BURST" from the 9<sup>th</sup> race of January 12, 2000 be reversed; and further ordered that the horse "OUT BURST" be returned by Mr. Galluscio to its former owner, My Meca Stable, and the sum paid on the claim be returned to Mr. Galluscio, as agent for the claimant. It was further ordered that the stewards at Aqueduct Race Track issue such further orders or directives as may be necessary to effectuate the decision of the Board.

**2. IN THE MATTER OF THE APPLICATION TO REOPEN THE BOARD'S MARCH 30, 2000 FINDINGS & ORDER TO VOID THE CLAIM OF "OUTBURST"**

On April 12, 2000 the Board denied the application by My Meca Stables to reopen the Board's March 30, 2000 decision to void the claim of "OUT BURST".

**D. ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD**

**1. IN THE MATTER OF NORBERTO ARROYO, JR.**

The Board approved Hearing Officer Dranichak's recommendation that Mr. Arroyo be found to have violated Board Rule 4035.2, except the Board found the actions of Mr. Arroyo were reckless and constituted a serious unwarranted danger to the participants, and increased the penalty of 15 days to 20 days.

**2. REQUEST TO WITHDRAW CONSENSUS RULEMAKING OF REAL ESTATE RAFFLE RULE - 5622.16**

The Board approved withdrawal of the proposal as a consensus rulemaking, per GORR's request, and resubmission of the amendment as a proposed rulemaking.

**3. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$43,160.62**

The Board approved the request by Monticello Raceway to withdraw \$43,160.62 from its Capital Improvement Fund for reimbursement of various capital expenditures incurred by the track.

The approved Monticello Raceway CIF request consists of the following items:

**General & Administrative - 53%**

Gasoline Tanks Removal	\$18,057.41
Computers & Related Software	3,020.32
New Radiator Core for Dresser Loader (Maintenance Vehicle)	<u>1,647.80</u>
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**Sub-Total**

**Backstretch - 29%**

Road Paving Barns Areas	\$11,164.08
Paving of Roads (Barn Areas)	

Heating Unit for Horse Test Barn	909.50
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(2) Water Heaters for Barns "J" & "P"	<u>363.78</u>
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**Sub-Total**

**Patron Services & Areas - 18%**

Glass for Tote Board	\$ 3,500.00
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Wood - stands for Auto-Teller Machines	1,131.19
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Equipment & parts for roof heating units	<u>3,366.54</u>
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**Sub-Total**

<b>Total Application</b>	<b><u>\$43,160.62</u></b>
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**4. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$10,602.45**

The Board approved the request by Monticello Raceway to withdraw \$10,602.45 from its Capital Improvement Fund for 1999 advertising and promotional expenses incurred by the track.

The approved Monticello Raceway CIF request consists of:

**Advertising & Promotional**

**Media Advertising**

Radio	\$4,573.60
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Newspapers Ads	4,388.25
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Television (cable)	<u>399.00</u>
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**Sub-total**

<u>Trophies, other prizes &amp; payments</u>	<u>\$1,241.60</u>
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**Total Application**

\$10,602.45

**5. NYRA REQUEST FOR CONSTRUCTION AT SARATOGA**

The Board approved the request by NYRA for the issuance of a permit for the construction of a 1000 square foot toilet room in the form of a detached accessory building at Saratoga Race Course. A letter was received from the New York State Office of Parks, Recreation and Historic Preservation, dated April 4, 2000, which stated that it was their opinion "that this project will have No Impact upon those qualities which cause the Saratoga Race Course to be a contributing component of the Union Avenue Historic District." This request is made pursuant to Section 239 of the Racing, Pari-Mutuel Wagering and Breeding Law, and Section 4003.22 of the Rules.

**6. VERNON DOWNS REQUEST TO DEVIATE FROM THE PURSE DISTRIBUTION RULE - SECTION 4118.1(b)**

The Board approved the request by Vernon Downs to issue purse checks for the calendar year 2000 beyond the seventy-two hour limit called for in Board Rule 4118.1(b). Vernon will be issuing purse distribution checks within the following time allotment after the race:

- April 72 hours
- May 96 hours
- June 96 hours
- July 96 hours
- August 96 hours
- September 96 hours
- October 120 hours
- November 96 hours

**7. YONKERS RACEWAY REQUEST TO WITHDRAW FROM CIF - \$100,000**

The Board approved the request by Yonkers Raceway to withdraw \$100,000 from the Capital Improvement Fund for expenses previously approved by the Board related to the demolition of the Grandstand and the relocation of racing related services to the Clubhouse.

**E. ITEMS FOR BOARD INFORMATION/DISCUSSION**

**1. NYRA EXTENSION OF AUTOTOTE CONTRACT - 03/00-31-E**



**NYRA's contract with Autotote Corporation has been extended through October 31, 2002.**

**2. NYTHA FINANCIAL REPORTS FOR NYRA MEETS - 04/00-22-E**

**Report by staff regarding two deficiencies in NYTHA's reporting practices.**

**3. SARATOGA HARNESS PURSE FUND AUDIT - 04/00-04-E**

**Audit of the contributions to the purse fund at Saratoga Harness during 1998.**

**4. YONKERS RACEWAY ANNUAL CIF INSPECTION - 04/00-15-E**

**Facility inspection conducted on February 28, 2000.**

**5. WESTERN OTB ROBBERY - 04/00-11-E**

**Robbery at 1158 Broadway Branch in Buffalo on 4/10/00 - \$4,526 stolen.**

**The meeting was adjourned at 12:00 p.m.**