

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF APRIL 30, 2001

A meeting of the New York State Racing and Wagering Board was held on Monday, April 30, 2001 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 11:35 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Cheryl Buley, Member

Edward Martin, Executive Director

Maureen McGrath, Secretary to the Board

Robert Feuerstein, General Counsel

Tom Casaregola, Director of Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Walker, NYSR&WB

Denise Poole, NYSR&WB

Jennifer Whalen, NYSR&WB

Russ Baller, NYSR&WB

Creighton Brittell, NYSR&WB

Bill Heller, Thoroughbred Times

Ron Olson, Conpor

George Westerfelt, DOB

Dennis Yusko, Times Union

Jason Wheatley, NYS Senate

Theresa Russo, WEMED

Heather Bennett, Bennett Firm

Tom Precious, Buffalo News/Blood Horse

Justice Cheney, Vernon Downs

James R. Wise, Vernon Downs

Cassandra Allison, DOB

OPEN COMMENT PERIOD: None

A. The Board approved the minutes of the Board meeting held on March 28, 2001.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. NYRA REQUEST TO OFFER PICK-SIX WAGER

For entry into the minutes, on March 29, 2001, approval was granted for the request by NYRA to amend their simulcast plan of operation by designating a Santa Anita Racecourse guaranteed one million dollar pick-six wager on Saturday, April 8, 2001 as a "special event."

It is understood that if no one anywhere participating in this pick-six pool properly selects all six winners on Saturday, April 7th, NYRA patrons may also participate in the carry-over pool on Sunday, April 8th, 2001.

2. NEW YORK CITY OTB REQUEST TO HOLD PROMOTIONS

For entry into the minutes, on March 29, 2001, approval was granted for the request by New York City OTB to offer a promotion to make a direct solicitation by mail to 12,000 names on a mailing list maintained from the year 2000 New York City OTB/New York Post Triple Crown Contest.

It is understood by the Board that individuals responding, by establishing new phone accounts with at least \$10.00 or depositing the same amount into existing inactive phone accounts will have an additional \$10.00 credited to each account by New York City OTB.

3. FINGER LAKES REQUEST FOR SIMULCAST LOCATIONS FOR YEAR 2001

For entry into the minutes, on April 2, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the importation of simulcast signals from Delaware Park in Delaware and from Garden State Park in New Jersey. These simulcasts may be taken whenever in accordance with the Racing Law.

* For entry into the minutes, on April 3, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the acceptance of simulcast signals and the ability to conduct wagering on the simulcasts emanating from the thoroughbred racetracks known as the Keeneland Race course in Kentucky and from Bay Meadows in California. These simulcast signals may be used whenever permitted under the Racing Law.

Please note that the Keeneland approval is for the spring race meeting only per the letters of permission from the Kentucky horsemen and the Kentucky Commission. The spring meeting concludes on April 27th.

The Bay Meadows approval extends through June 17, 2001 only, the date specified by the representative horsemen's group permission letter from the California Horse Racing Board and the letter from the Thoroughbred Owners of California (TOC). The Finger Lakes-Bay Meadows contract runs through November 5, 2001. Should Finger Lakes decide to handle Bay Meadows simulcasts after June 17th, new permission letters from the California Horse Racing Board and the Thoroughbred Owners of California must be filed with the Board.

* For entry into the minutes, on April 11, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the export of simulcast signals in-state to Monticello Raceway and the New York City Off-Track Betting Corporation effective with the Finger Lakes opening program of the year 2001 on Friday, April 13th.

* For entry into the minutes, on April 13, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the export of simulcast signals in-state to Buffalo Raceway, Vernon Downs and the Suffolk Regional Off-Track Betting Corporation.

Also approved were the agreements with the Fair Grounds in Louisiana, Plainridge Harness in Massachusetts and Scarborough Downs in Maine, effective with the Finger Lakes opening program of the year 2001 on Friday, April 13th.

* For entry into the minutes, on April 13, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the export of simulcasts from the year 2001 Finger Lakes thoroughbred race meeting conducted to the Western and Capital District Regional Off-Track Betting Corporations. The approved agreement with Western OTB only covers the opening Friday (April 13th) and Saturday (April 14th) of the 2001 season.

Also approved are agreements with Saratoga Harness, Yonkers Raceway, Atlantic City Racecourse and the Atlantic City Casinos. These simulcast signals may be imported whenever permitted under the Racing Law.

* For entry into the minutes, on April 13, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the export of their simulcast signals in-state to Nassau Regional Off-Track Betting, Suffolk Downs and its listed simulcast sites in Maine and Massachusetts.

Also approved were the agreements with Calder Racecourse in Florida and The Meadows in Pennsylvania.

* For entry into the minutes, on April 16, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of simulcast signals to Freehold Raceway in New Jersey and to Philadelphia Park in Pennsylvania.

This approval is valid throughout the year 2001.

* For entry into the minutes, on April 16, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of simulcast signals to

Retama Park in Texas, Colonial Downs in Virginia, and Racing & Gaming Services in St. Kitts, effective immediately.

* For entry into the minutes, on April 25, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the importation of simulcast signals and wagering upon such simulcasts furnished by the Churchill Downs Simulcast Network as stipulated within the year 2001 Finger Lakes contract with Churchill Downs, Inc.

This contact provides for the import of the 2001 Arlington Park simulcasts, of both year 2001 Churchill Downs meetings, the Calder Race Course simulcasts (all year 2001 race meetings), the Hollywood Park simulcasts (the Spring-Summer race meeting only) and the year 2001 Ellis Park and Hoosier Park (thoroughbred) simulcasts. Only Hoosier Park thoroughbred simulcasts commencing before 7:30 p.m. may be taken per Section 1017-a of the Racing Law. All imported simulcasts must conform to the present Racing Law.

New letters of permission for the Fall year 2001 meetings from the Thoroughbred Owners of California (TOC) for Hollywood Park must be filed with the Board to fulfill the federal requirement for conducting interstate simulcasts.

* For entry into the minutes, on April 25, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of Finger Lakes simulcast signals to a new customer, the Downs at Albuquerque in New Mexico on Mondays and Tuesdays. This approval is valid throughout the year 2001.

4. MONTICELLO RACEWAY LIST OF SIMULCAST LOCATIONS FOR 2001

For entry into the minutes, on April 2, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the export of the video simulcast signal from Monticello Raceway for use by World Gaming Services through Starnet Communications, Inc.

This approval is conditioned on the understanding that there occur no wagering through World Gaming services emanates from New York State. In the event that such New York State wagering does in fact occur and/or the World Gaming Services/Starnet Communications knowingly accepts New York State residents as customers, this approval is rescinded.

* For entry into the minutes, on April 3, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of simulcasts from the Spring 2001 race meeting at Keeneland Racecourse in Lexington, Kentucky.

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

Also approved was the importation of the year 2001 Cal Expo harness meeting whenever

in accordance with the Racing Law.

The amendment to the Monticello Raceway simulcast plan of operation enabling the import of the Bay Meadows race meeting from California is approved through June 17, 2001. Should Monticello Raceway desire to take Bay Meadows simulcasts during the Bay Meadows Fall meet that begins on August 31st, new letters of permission from the California Horse Racing board and the Thoroughbred Owners of California (TOC) must be filed with the Board prior to receiving such simulcasts.

* For entry into the minutes, on April 16, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the importation of simulcasts from the year 2001 thoroughbred race meeting conducted at Finger Lakes.

Also approved were the agreements with the thoroughbred racetrack, Garden State Park in New Jersey and the harness racetracks of Harrington Raceway in Delaware and the Plainridge Racecourse in Massachusetts.

All simulcast signals may be imported whenever permitted under the Racing Law.

5. SARATOGA HARNESS REQUEST TO CANCEL MONDAYS IN APRIL

For entry into the minutes, on April 2, 2001, approval was granted for the request by Saratoga Harness to amend their plan of operation enabling the cancellation of five previously approved dates, all Mondays during the month of April, 2001.

6. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS FOR 2001

For entry into the minutes, on April 2, 2001, approval was granted for the request by Nassau OTB, dated March 26, 2001, to amend their simulcast plan of operation enabling the import of the year 2001 thoroughbred meetings from Lone Star Park in Texas, Delaware Park in Delaware, and from Bay Meadows in California.

All simulcasts may be imported whenever permitted under the Racing Law.

* For entry into the minutes, on April 3, 2001, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of simulcast signals from the Maryland Jockey Club racetrack known as Pimlico Racecourse in Maryland in 2001 through June 10th.

All simulcast signals may be utilized whenever permitted under the Racing Law.

* For entry into the minutes, on April 11, 2001, approval was granted for the request by Nassau OTB (on behalf of Suffolk OTB) to amend their simulcast plan of operation enabling the importation of simulcast signals and to conduct wagering on the harness track, Harrington Raceway in Delaware (from 6 p.m. on each twilight program lacking the NYRA permission letter to take out-of-state harness simulcasts prior to 6 p.m. in District One) and the thoroughbred simulcast signals from the race tracks of Emerald Downs in Washington, Keeneland Racecourse in Kentucky, Garden State Park in New Jersey, Prairie Meadows in Iowa and River Downs in Ohio during the year 2001. These simulcast signals may be utilized whenever permitted under the Racing Law.

The approval of the simulcast from the harness track, Harrington Raceway in Delaware is exclusively for simulcasts commencing 6 p.m. or later on NYRA race days on each twilight program. This is due to the lack of NYRA permission letter to take out-of-state harness simulcasts prior to 6 p.m. in District One.

These approvals, including the 6 p.m. or later Harrington restriction on NYRA race days, extend to the Suffolk Regional Off-Track Betting Corporation.

* For entry into the minutes, on April 16, 2001, approval was granted for the request by Nassau OTB, dated April 5, 2001, to simulcast the remainder of the 2001 harness racing meeting from Hazel Park in Michigan that concludes on October 14th.

This approval extends to Suffolk Regional OTB as well. The Hazel Park simulcasts may be imported whenever permitted under the Racing Law.

7. FINGER LAKES REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on April 3, 2001, approval was granted for the request by Finger Lakes to distribute "mystery" vouchers on opening weekend, April 13th and 14th that are the first two days of the year 2001 live Finger Lakes race meeting. There will be 10,000 vouchers available with one valued at \$1,000; ten valued at \$100; twenty valued at \$50; fifty valued at \$20; two hundred valued at \$5; the remainder all valued at \$2.

Additionally, the Board approved the handicapping contest to be conducted May 12th and 13th on the "live" Finger Lakes races. The prizes for this contest, for which there is no entry fee, are \$1,000 for the patron with the most points winning, with the second highest point earner awarded \$600, while the customer finishing third receives \$400. All winners will be notified by mail and a list of winners must be made available to the general public.

Also approved is the Triple Crown race day promotions as per the submitted rules and the "Mother's Day/Cash Cube" promotion in which three mothers will be selected at random to participate in "scooping-up" as much cash within the cash cube as possible in fifteen seconds.

The promotions for "Senior Days", "Direct Mail Offers (as indicated)" and "Season Pass" sales are acknowledged and do not require the approval of the Racing and Wagering Board.

8. NYRA REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on April 3, 2001, approval was granted for the request by NYRA to offer the following five promotions:

Conduct a guaranteed \$1 million
Pick-Six pari-mutuel pool on races
five through ten on Belmont Stakes
Day, Saturday, June 9, 2001.

Award a \$5,000.00 betting voucher
(1st prize), a Delta Airlines
continental United States trip (2nd
prize) and a color television (3rd

prize) by random drawing on Belmont Stakes Day on Saturday, June 9, 2001. 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 a.m. until 12 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 television network and if the winner is off-track, he or she will be admitted for free to claim his or her prize.

Award a \$5,000.00 betting voucher by random drawing and valid for a wager on the Hopeful Stakes at Saratoga Racecourse on Saturday, September 1, 2001. The drawing for the winner of the voucher will take place on Travers Stakes Day on Saturday, August 25, 2001. There is no purchase necessary to enter this contest and all winners will be announced on the NYRA public address system. In addition, the winner 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.

To have a second superfecta wager on the Belmont Stakes Day racing program on Saturday, June 9, 2001 with the superfecta on the one race known as the Belmont Stakes.

To have a second superfecta wager on the Travers Stakes Day racing program on Saturday, August 25, 2001 with the superfecta on the one race known as the Travers Stakes.

9. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2001

For entry into the minutes, on April 3, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the import of simulcast signals from Turfway Park (Kentucky) and Turf Paradise (Arizona), effective immediately.

The "bridge" simulcast signals from Turfway Park and Turf Paradise may be imported whenever in accordance with the Racing Law.

* For entry into the minutes, on April 11, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the importation of simulcast signals from Keeneland Racecourse in Kentucky, effective immediately.

Also approved was the agreement for the importation of simulcast signals and wagering on the 2001 Finger Lakes race meeting commencing on Friday, April 13th.

* For entry into the minutes, on April 13, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the importation of simulcast signals from Hazel Park (Michigan) effective immediately.

Hazel Park can be one of the five out-of-state harness simulcast signals imported on any given night and utilized whenever in accordance with the Racing Law.

10. NYRA REQUEST TO DESIGNATE RACES AS "SPECIAL EVENTS"

For entry into the minutes, on April 12, 2001, approval was granted for the request by NYRA to amend their simulcast plan of operation by designating the April 29th Sixty Sails Handicap from Sportsman's Park in Illinois and the May 4th-5th Oaks-Derby Double as "special events."

These two special events begin the listing of the additional 35 specials that are taxed at the lower rate.

11. SARATOGA HARNESS REQUEST TO CHANGE POST TIMES

For entry into the minutes, on April 11, 2001, approval was granted for the request by Saratoga Harness to amend their plan of operation enabling a change in the first post time on Kentucky Derby Day, May 5th and on Belmont Stakes Day, June 9th from 7:40 p.m. to a matinee program beginning at 12:00 p.m. (noon). There will be no nighttime live racing at Saratoga Harness either evening.

12. CAPITAL OTB REQUEST TO CONDUCT HANDICAPPING CONTEST

For entry into the minutes, on April 11, 2001, approval was granted for the request by Capital OTB, dated March 28, 2001, to amend their plan of operation to conduct a handicapping contest via TV-12 and in conjunction with the Saratoga Equine Sports Center on Friday mornings beginning May 11th and concluding through June 15th.

This contest requires no entry fee, and random viewers to TV-12, the Capital cable television network, will be asked to select the winning exacta combination of the same afternoon' s Aqueduct race chosen by Skip Carlson of the Saratoga Equine Sports Center. Should the contestant match the actual winning exacta combination, the contestant will win a one hundred dollar (\$100.00) voucher courtesy of Capital OTB and the Saratoga Equine Sports Center.

Also approved was the Triple Crown Promotion involving The Kentucky Derby, The Preakness and The Belmont Stakes per the rules submitted.

13. NEW YORK CITY OTB REQUEST TO SIMULCAST FINGER LAKES

For entry into the minutes, on April 11, 2001, approval was granted for the request by New York City OTB to amend their simulcast plan of operation enabling the import of thoroughbred simulcasts from the in-state racetrack known as Finger Lakes in Farmington during the year 2001.

This approval is effective with the start of the year 2001 Finger Lakes racing season on Friday, April 13th.

14. FINGER LAKES ROSTER OF RACING OFFICIALS FOR 2001

For entry into the minutes, on April 13, 2001, pursuant to delegation (Item D-7, March 28, 2001 meeting), approval was granted for the request by Finger Lakes for approval of the listing

of officials to work during the 2001 live racing season, as required under Board Rule 4005.1.

15. YONKERS RACEWAY REQUEST FOR SIMULCAST LOCATIONS FOR THE YEAR 2001

For entry into the minutes, on April 13, 2001, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the importation of simulcasts during the year 2001 from the in-state thoroughbred racetrack of Finger Lakes.

16. BUFFALO RACEWAY REQUEST TO SIMULCAST KEENELAND RACE COURSE

For entry into the minutes, on April 16, 2001, approval was granted for the request by Buffalo Raceway to amend their simulcast plan of operation enabling the import of the simulcast signal from Keeneland Racecourse in Kentucky.

This simulcast signal may be utilized whenever permitted under the Racing Law. This approval is effective immediately.

17. NYRA REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on April 16, 2001, approval was granted for the request by NYRA, dated March 30, 2001 to issue the specified "mystery amount" wagering vouchers to be redeemed on each of specified promotion days. Each issued voucher is valid one specific day at Belmont Park, Aqueduct Racetrack or Saratoga Racecourse as per the outlined rules of redemption. The redeemable date is to be clearly printed on the voucher.

Arrangements will be made from one to one and one half-hours prior to post time on each "mystery voucher day" for any patron not desiring to attend the day's racing program but wanting to ascertain the value of his (her) voucher. The patron with a mystery voucher valid for that day is to be escorted to and from a designated window(s) to redeem the voucher from a specified gate(s). In so redeeming a voucher, the customer may do so without paying admission or parking fees. Furthermore, should anyone desire a list of winners, it may be obtained from NYRA by mail request including a self addressed stamped envelope.

18. NYRA REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on April 25, 2001, approval was granted for the request by NYRA, dated March 30, 2001 for handicapping contests to:

Conduct a handicapping tournament at Belmont Park on Saturday, July 14th and Sunday, July 15th, 2001.

Conduct a handicapping tournament at Aqueduct Racetrack on Saturday, November 17th and Sunday, November 18th, 2001.

Both handicapping tournaments are to be conducted within the rules as submitted to the Board.

19. VERNON DOWNS REQUEST FOR EARLY & LATE CLOSING EVENT, ETC.

For entry into the minutes, on April 25, 2001, approval was granted for the request by Vernon Downs for the conditions for Vernon Downs 2001 Early and Late Closing events. This approval is pursuant to Board Rule 4111.23 that requires approval for "early closing" events.

Within the conditions is stated that the rules of the United States Trotting Association and the New York State Racing and Wagering Board shall apply. Notwithstanding, the rules of the New York State Racing and Wagering Board shall prevail whenever there might be a rule conflict.

20. YONKERS RACEWAY GREATER WESTCHESTER COUNTY FAIR - PADDOCK WALKWAY

For entry into the minutes, on April 25, 2001, approval was granted for the request by Yonkers Raceway, dated April 3, 2001, to provide for a walkway through the Yonkers paddock. This walkway is to be manned by Yonkers security thus preventing unauthorized and non-licensed patrons from remaining in the paddock. Such people will only be "passing through" on their way to the Fair. Despite a walkway for the public through the paddock, the non-public portion of the paddock will remain secure.

The racing schedule during the Greater Westchester County Fair beginning Thursday, May 17th and concluding on Sunday, June 10th will be as outlined in the letter.

21. VERNON DOWNS REQUEST TO OFFER VOUCHER PROMOTION

For entry into the minutes, on April 26, 2001, approval was granted for the request by Vernon Downs to offer a promotion take place on the one day of Saturday, April 28, 2001.

On this day, 12 fans that have previously completed a free entry form will have their names drawn at random at various times during the afternoon and evening simulcast sessions. Five fans during the afternoon and 5 fans during the evening session will each receive a wagering voucher worth ten dollars (\$10.00). One fan during the afternoon and one fan during the evening simulcast session will have his/her name drawn and each will receive a fifty dollar (\$50.00) wagering voucher.

22. YONKERS RACEWAY REQUEST TO CANCEL LIVE RACING

For entry into the minutes, on April 26, 2001, approval was granted for the request by Yonkers Raceway to amend their plan of operation enabling the cancellation of the four scheduled Friday live racing programs during the month of May 2001.

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

1. IN THE MATTER OF MARC G. MOSHER & BERKELEY D. BRIGGS

For entry into the minutes, on April 11, 2001, the Board summarily suspended the licenses of trainer/driver Marc G. Mosher and Veterinarian Berkeley D. Briggs based upon the finding that the public safety and welfare required this emergency action due to events on February 20, 2001 at Monticello Raceway (and related dates) concerning the death of the horse TOO MUCH DATA.

2. FINGER LAKES REQUEST FOR SIMULCAST LOCATIONS FOR YEAR 2001

For entry into the minutes, on April 19, 2001, the Board granted approval for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of simulcasts conducted from the year 2001 Finger Lakes thoroughbred race meeting to the Western Regional Off-Track Betting Corporation.

The approved agreement with Western OTB only covers the period of live Finger Lakes racing of Friday, April 20th through Tuesday, May 1st of the 2001 season.

3. VERNON DOWNS REQUEST FOR APPROVAL OF A COMPLIANCE MONITOR - SISE

For entry into the minutes, on April 19, 2001, the Board granted approval for the request by Vernon Downs for approval of Judge Robert Sise to act as the compliance monitor for Mid-State Raceway Inc. d/b/a Vernon Downs, subject to the terms that were established by the Board on March 28, 2001.

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

1. IN THE MATTER OF DENNIS BROWN

The Board adopted the recommendation of Hearing Officer Brittell that the refusal to issue an owner license to Mr. Brown be upheld based upon a finding that his character and fitness are such that his participation in pari-mutuel racing is inconsistent with the best interest of racing generally because he had been convicted of a crime involving moral turpitude.

2. IN THE MATTER OF JOHN DOWD

The Board approved the recommendation of Hearing Officer Hoblock to uphold the decision of the State Steward at Aqueduct Race Track that trainer John Dowd violated Board Rules 4120.2(f) and 4120.4 in that the horses, CRITICAL THINKER who finished 1st in the 6th race at Aqueduct on 12/30/99; FIREKING who finished 4th in the 8th race at Aqueduct on 1/9/00; and GESTALT who finished 3rd in the 9th race at Aqueduct on 1/9/01, with the drug ergonovine in their systems. The Board approved the hearing Officer's recommendation that the suspension of three consecutive 60-day terms be modified to be a \$2500 fine and a suspension of 90 days for each incident, with the penalty for these violations to be served in part concurrently with each other, resulting in a total license suspension of 120 days in violation of Board Rules 4043.2(f) and 4043.4. This is based on the severity of the violations. This suspension shall be effective at the discretion of the State Steward where respondent participates and during this suspension, respondent shall also be denied the privileges and use of the grounds of each and every NYS racetrack.

3. IN THE MATTER OF FALCONER LOYAL ORDER OF MOOSE LODGE #2301

The Board approved the recommendation of Hearing Officer Buley that the games of chance license and registration identification number issued by the New York State Racing and Wagering Board

be suspended immediately. Any games of chance license or bell jar license issued by the City of Falconer to respondent is declared null and void. The suspension shall remain in effect until such time as the Board determines, after a showing of affirmative proof by the Lodge, that they have donated \$19,644 to worthy causes in satisfaction of its 1999 and 2000 obligations as required by Board Rule 5624.21(c)(2).

4. IN THE MATTER OF CARMINE FUSCO

The Board approved the recommendation of Hearing Officer Dranichak that the decision of the Presiding Judge at Yonkers Raceway, that Mr. Fusco violated 4120.2(f) and 4120.4 in that ergonovine was administered within 7 days prior to LEE'S DREAMER racing on December 28, 1999 be affirmed. The penalty of a 120 suspension is modified to be a 120 suspension with 30 days suspended provided that there are no other equine drug violations incurred by Mr. Fusco within 1 year from the date of 4/30/01. The suspension shall be effective at the discretion of the Presiding Judge at the NYS track where respondent participates and during this suspension Mr. Fusco shall also be denied the privileges and use of the grounds of each and every NYS racetrack.

5. IN THE MATTER OF HARRY MARSH, JR.

The Board approved the recommendation of Hearing Officer Brittell that the \$500 fine and 20 day suspension for violation of Board Rules 9E NYCRR Sections 4120.2 and 4120.4 be reduced to a fine of \$200 and a suspension of 10 days and the Presiding Judge's decision disqualifying the horse "MOONIE BLUE" from its first position pursuant to Board Rule 9E NYCRR Section 4120.5 be affirmed. The penalty is to be served at the discretion of the Presiding Judge.

6. IN THE MATTER OF ROBERT PEREZ

The Board approved the recommendation of Hearing Officer Martin that the August 31, 2000 violation of Rule 4022.13 be affirmed. The Board modified the penalty recommendation of the Hearing Officer and affirmed the \$3,000 fine imposed by the State Steward based upon the aggravated, persistent nature of the misconduct and the need to foster respect for racing officials. The Board provided that if Mr. Perez demonstrates his remorse and desire not to repeat such conduct by an apology to the stewards on or before May 30, 2001, the fine would be reduced to \$1250, payable in full no later than May 30, 2001.

7. IN THE MATTER OF THOM NORTON & COMPANY, INC.

The Board approved the recommendation of Hearing Officer Martin, with Chairman Hoblock abstaining, that respondent's Games Of Chance supplier's license is to be suspended for 30 days for violation of 9E NYCRR 5608.5, during which time respondent will not sell or offer for sale any games of chance supplies (including but not limited to bell jar tickets) in the State of New York. Respondents GOC supplier's license is suspended for 45 days for violation of General Municipal Law 189-a. This suspension will be served concurrently with the aforementioned 30-day suspension. Respondent is fined \$75 for failing to make timely notification of the employment of Michael Hinchcliff as required by 9E NYCRR 5607.14 and 5815.12. The respondent is fined \$250 for each of the 33 bell jar ticket deals sold in violation of 9E NYCRR 5608.1(c) for a total of \$8,250 provided however that, \$7,000 of the fine is suspended for a period of 12 months upon the conditions that respondent promptly notifies all parties of the sale of unapproved tickets that respondent knows have been made in the past 2 years and make reasonable efforts to recover unapproved product and files with the Board a satisfactory report of such notification and efforts prior to the expiration of the 12-month term.

8. PROPOSAL OF CONSENSUS RULE TO ALLOW THE UNCOUPLING OF HORSES WITH COMMON OWNERSHIP OR TRAINING IN RACES WITH A GROSS PURSE OF \$1,000,000 OR MORE

The Board approved the proposal of consensus rule to allow the uncoupling of all entries in the eight Breeders' Cup Championship races, regardless of common owners or trainers. The Breeders' Cup races will be hosted by NYRA on October 27, 2001.

The amendment and required analysis/forms will be filed with the Department of State. It will be published with a 45-day comment period. If there is no objection, the Board may then adopt the amendment.

9. CONSENSUS RULE MAKING - THOROUGHBRED RULES PROJECT

The Board approved a consensus rule making proposal for the thoroughbred rules. The amendments and required analysis/forms will be filed with the Department of State. It will be published with a 45-day comment period. If there is no objection, the Board may then adopt the amendments.

10. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$66,415.70

The Board approved the request by Finger Lakes to withdraw \$66,415.70 from their Capital Improvement Fund for reimbursement of capital improvement purchases and improvements.

Backstretch (60%)	
Security Lights - Stable Area	\$1,321.67
Electrical work - Security Lights - Stable Area	1,214.45
4 - Horse Wash pads for Barn Area	\$37,020.91
Subtotal - Backstretch	\$39,557.03
Other (40%)	
Finish Painting Exterior Grandstand	\$23,775.07
Software for Closed Circuit TV Room	3,083.60
Subtotal - Other	\$26,858.67
Total Recommended Approval	\$66,415.70

11. NASSAU OTB REQUEST TO APPOINT NEW PRESIDENT - AARONSON

The Board approved the appointment of Larry Aaronson as the new President of the Nassau Regional Off-Track Betting Corporation.

12. NEW YORK CITY OTB REQUEST TO APPOINT NEW PRESIDENT - SATIN

The Board approved the appointment of Maury Satin as the new President of the New York City Off-Track Betting Corporation.

13. VERNON DOWNS REQUEST FOR AN EXTENSION OF TIME

The Board approved the request for a 30-day extension of the requirement, as set forth in the conditional license, which requires

Mid-State Raceway to demonstrate financial stability by bringing all racing related payables into current status (less than 90 days as calculated from the original date of billing).

This extension is granted through May 29, 2001.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. VERNON DOWNS STAFF REPORT ON INVESTIGATION - 04/01-27-E

Audits and Investigations staff finalized a report), dated April 11, 2001, on the investigation into the business and managerial practices of Mid-State Raceway (Vernon Downs Raceway.

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