

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF AUGUST 12, 1999

A meeting of the New York State Racing and Wagering Board was held on Thursday, August 12, 1999 at 12:30 p.m. at the Saratoga Equine Sports Center located on Nelson Avenue, Saratoga Springs, New York.

The meeting was called to order at 12:40 p.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Bennett Liebman, Member

Edward Martin, Executive Director

Stephanie L. Donato, Secretary to the Board

Robert Feuerstein, General Counsel

Tom Casaregola, Acting Director of Audits and Investigations

Joe Lynch, NYSR&WB

Also in Attendance Were:

Dianne Landor, NYSR&WB

Rick Goodell, NYSR&WB

Mark Stewart, NYSR&WB

OPEN COMMENT PERIOD:

None were presented. No representatives from NYRA, any of the Regional OTB's or any harness track, including the host track, was present.

A. The Board approved the minutes of the Board meetings held on July 15, 1999 and July 27, 1999.

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

1. VERNON DOWNS REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on July 14, 1999, approval was granted for the request by Vernon Downs, dated June 30, 1999, to offer the following promotional events:

Wednesday, July 21st and Thursday, July 22nd - A pre-Woodstock celebration, Vernon will offer free clubhouse and grandstand admission, along with hotdogs and sodas for \$1.00. Vernon may also conduct a non-betting harness race between drivers and members of the track's management team.

Friday, July 30th - Old Timers Night - A free Vernon Downs' wall clock to the first 600 paying patrons. Vernon will also conduct an "Old Timers" non-betting harness race along with musical entertainment in Founders Park starting at 9:00 p.m.

2. CAPITAL OTB REQUEST TO IMPORT PLAINRIDGE RACECOURSE

For entry into the minutes, on July 14, 1999, approval was granted for the request by Capital OTB to approve the simulcast contract between Capital OTB and Plainridge Racecourse in Massachusetts. Capital OTB may import the simulcast signal and conduct wagering upon the Plainridge races whenever allowable under the Racing Law.

Included in this permission is the ability to simulcast and conduct full card wagering from Plainridge in all regions before the Saratoga Racecourse thoroughbred meeting begins on July 28th and after the 1999 Saratoga Racecourse concludes on September 6th.

From July 28th through September 6th, full card Plainridge simulcasts and wagering may be conducted on NYRA dark days only. Partial card harness simulcasts from Plainridge on Saratoga Racecourse racedays may commence upon the conclusion of the last Saratoga Racecourse race or 6 p.m., whichever is later.

3. NEW YORK CITY OTB REQUEST TO SIMULCAST 1999 CALIFORNIA FAIR CIRCUIT

For entry into the minutes, on July 14, 1999, approval was granted for the request by New York City OTB, dated June 30, 1999, to import the simulcast of five of the 1999 California Fairs. Approved were the fairs at Pleasanton, Vallejo, Santa Rosa, San Mateo and Sacramento. These imported simulcast signals may be used whenever permitted under the Racing Law. Approval is only granted for pari-mutuel wagering on horse racing; betting on mules is not permitted under NYS Statute.

Although this contract states that it may continue until terminated by either party, new California Horse Racing Board and Thoroughbred Owners of California (TOC) letters of permission need to be filed with the Board before further importation of California Fairs simulcast signals after the Calendar year 1999 concludes.

4. NEW YORK CITY OTB REQUEST TO IMPORT SIMULCASTS FROM THISTLEDOWN RACE CLUB

For entry into the minutes, on July 14, 1999, approval was granted for the request by New York City OTB, dated July 12, 1999, to import the simulcast from the Thistledown Race Club in Ohio whenever permitted under the Racing Law. This simulcast import may begin on and/or after July 19, 1999 and continue through the 1999 Thistledown racing season.

Although the agreement is renewable on a continuing basis, new Ohio Commission and Ohio horsemen's agreements must be filed with the Board before taking this simulcast signal next year.

The approval extends to the Capital, Catskill and Western Regional OTB Corporations.

5. NEW YORK CITY OTB REQUEST TO CONDUCT A HANDICAPPING CONTEST

For entry into the minutes, on July 16, 1999, approval was granted for the request by New York City OTB, dated July 14, 1999, to conduct a contest, in conjunction with The New York Post, to spur interest in racing at Saratoga Racecourse over a four week period, pursuant to the rules and regulations outlined in the letter.

6. NEW YORK CITY OTB REQUEST TO SIMULCAST THREE RACES AT ASCOT ON 7/24/99

For entry into the minutes, on July 16, 1999, approval was granted for the request by New York City OTB, dated July 12, 1999, to simulcast races from Ascot Racecourse in England on Saturday morning, July 24, 1999. Under Section

1017-a of the Racing Law, all simulcasts must end before the first regularly scheduled thoroughbred race program in New York State commences on July 24th. That is currently scheduled to be Belmont Park at 1:00 p.m

The approval extends to all other regional OTB corporations in New York State should they choose to simulcast such races. Since no regional tracks of any of the six NYS Regional OTB's are in operation during this morning timeframe on July 24th, these Ascot races may also go into any OTB simulcast branches located within special betting districts, also in compliance with Section 1017-a of the Racing Law.

7. VERNON DOWNS REQUEST TO REEMPLOY THE "MIRACLE MILE" CLASSIFICATION

For entry into the minutes, on July 14, 1999, approval was granted for the request by Vernon Downs for the reintroduction of the "Miracle Mile" classification system for some weekly races for the best trotters and pacers on the grounds. The approval is effective with the "draw" of Wednesday, July 21st.

This approval is given with the understanding of compliance by the racing office at Vernon Downs with Board Rule 4108.8 that reads:

4108.8. Types of races to be offered.

In presenting a program of racing, the racing secretary shall use the following types of races only:

(a) stakes and futurities;

(b) early closing events;

(c) **overnight events:**

(1) conditioned races;

(2) claiming races;

(3) *preferred races limited to the fastest horses at the meeting.*

These may be open races, free-for-all races, invitational races, and conditioned races. Horses to be eligible in such races shall be posted in the declaration room, and listed with the presiding judge. Horses so listed shall not be eligible to conditioned races unless

such conditions specifically include horses on the preferred list. Not more than 12 such preferred races may be conducted during a racing week. Purses offered for such preferred races shall be at least 25 percent higher than the highest purse offered for other conditioned races or letter class races scheduled the same racing week. A two or three year old horse may not be used in such races, without the consent of the owner, unless such horse has won three races at the track during the year or has lifetime earnings of \$ 15,000;

(4) classified races but only with the express written permission of the commission and only if the track offers and schedules sufficient claiming races to give those horses authorized for claiming races and intended to be so raced an equal opportunity to race; and

(5) invitational races for two or three year olds.

8. CAPITAL OTB REQUEST TO OFFER PROMOTION AT NEW WOLF ROAD BRANCH OPENING

For entry into the minutes, on July 20, 1999, approval was granted for the request by Capital OTB, dated July 20, 1999, to use two-dollar vouchers in the course of instruction in the use of the self-service terminals (SST) at the new Wolf Road branch in the Hannaford Plaza.

9. FINGER LAKES REQUEST TO CHANGE POST TIME AND OFFER TRIFECTA WAGERING

For entry into the minutes, on July 22, 1999, approval was granted for the request by Finger Lakes to amend its post time from 1:15 p.m. to 12:45 p.m. beginning Friday, July 30, 1999 through September 6, 1999. The remaining races on any given days on the Finger Lakes card will be adjusted in relation to the post time of the remaining races on NYRA's Saratoga program.

The Finger Lakes Racing Association is requested to assist on-track Racing Board personnel in maintaining the integrity of the lasix administration program. There will be no leeway granted for horses missing the timeframe for lasix administration. With the differing Saratoga post times dependent on date and day of the week, individual Finger Lakes race post times will also vary. Thus, the timeframe for administration under the lasix program will also vary. Every effort must be made to make aware all trainers with "in to go" horses of that day's timeframe for lasix administration.

The Board also approved the request to offer trifecta wagering on Race #11 of each Tuesday twelve-race during the dark days of the 1999 Saratoga Racecourse meeting.

10. MONTICELLO RACEWAY REQUEST FOR UPCOMING 1999 CALENDAR YEAR

For entry into the minutes, on July 22, 1999, approval was granted for the request by Monticello Raceway to accept the simulcast signal from Thistledown Racetrack in Ohio, effective immediately. This simulcast may be used whenever permitted under the Racing Law.

The Board's approval of the imported simulcast is valid until October 1, 1999, as September 30th is the final 1999 date thus far approved by the Ohio Division of the Horsemen's Benevolent and Protective Association (HBPA).

Upon filing a new horsemen's letter of permission from the Ohio HBPA for the importation of any Thistledown simulcasts after September 30th, the remainder of the contract with Thistledown may be fulfilled.

* For entry into the minutes, on August 2, 1999, approval was granted for the request by Monticello Raceway to import the simulcasts from the Syracuse Mile effective August 6th; Garden State Park, effective August 27th; and Raceway Park, effective immediately.

* For entry into the minutes, on August 6, 1999, approval was granted for the request by Monticello Raceway to import the simulcast signal from Bally's Ocean Downs in Maryland, effective immediately.

The approval is valid for the entire 1999 Bally's at Ocean Downs race meeting scheduled to end on September 4th.

11. SARATOGA HARNESS REQUEST TO SIMULCAST THE CALIFORNIA FAIRS

For entry into the minutes, on July 22, 1999, approval was granted for the request by Saratoga Harness for the importation of the simulcast signal from the Authority of Racing Fairs in California, whenever permitted under the Racing Law. These imported simulcasts are available to be utilized under "bridge" conditions on all days that thoroughbred racing is conducted in New York State. Races from "bridge tracks" may be imported and wagered upon from the conclusion of the final afternoon New York State thoroughbred race (at both NYRA and Finger Lakes) until 7:30 p.m. (Racing Law - Section 1017-a). No race with an advertised post time past the 7:30 p.m. eastern hour may be imported

The approval is only granted for pari-mutuel wagering on horse racing, betting on mules is not permitted under NYS Statute.

12. VERNON DOWNS REQUEST TO SIMULCAST FROM GARDEN STATE PARK

For entry into the minutes, on July 22, 1999, approval was granted for the request by Vernon Downs for the importation of the simulcast signal from Garden State Park in New Jersey. This contract is renewable after the conclusion of the 1999 Garden State Park harness meeting, however, new New Jersey Commission and horsemen association letters of permission need to be filed with the Board should the renewal occur.

13. YONKERS RACEWAY REQUEST TO SIMULCAST RACES FROM SYRACUSE MILE

For entry into the minutes, on July 22, 1999, approval was granted for the request by Yonkers Raceway to accept simulcasts from the Syracuse Mile on two consecutive weekends in August, specifically August 7th, 8th, 14th and 15th. On August 2, 1999 approval was granted for August 6th and 13th as well.

14. BUFFALO RACEWAY REQUEST TO SIMULCAST RACES FROM GARDEN STATE PARK

For entry into the minutes, on August 2, 1999, approval was granted for the request by Buffalo Raceway to import harness simulcasts from Garden State Park in New Jersey effective Friday, August 27th and continuing through December 18, 1999.

This simulcast may be imported whenever permitted under the Racing Law.

15. BUFFALO RACEWAY REQUEST ALL TRIFECTA RACE CARD ON 8/12 & 8/19/99

For entry into the minutes, on August 2, 1999, approval was granted for the request by Buffalo Raceway to conduct triple (trifecta) wagering on August 12th and the 19th.

16. BUFFALO RACEWAY REQUEST TO SIMULCAST DEL MAR THOROUGHBRED CLUB

For entry into the minutes, on August 2, 1999, approval was granted for the request by Buffalo Raceway to import simulcasts from the Del Mar Thoroughbred Club in California, effective immediately.

The approval is valid through the end of the 1999 Del Mar race meeting scheduled to end on September 8, 1999. These simulcasts may be imported whenever consistent with the Racing Law.

17. YONKERS RACEWAY REQUEST TO SIMULCAST FROM RACEWAY PARK & GARDEN STATE PARK

For entry into the minutes, on August 2, 1999, approval was granted for the request by Yonkers Raceway to import simulcast harness racing programs from Garden State Park in Cherry Hill, New Jersey throughout the 1999 Garden State harness race meeting.

Also approved were the import of harness simulcast signals from Raceway Park in Toledo, Ohio. *This approval is valid until September 1, 1999* as that is the extent of the Ohio Harness Horsemen's Association, Inc. permission. A new horsemen's association letter of permission must be secured and filed with the Board before any importing of simulcasts from Raceway Park after August 31, 1999.

18. NASSAU OTB REQUEST TO SIMULCAST FROM GARDEN STATE PARK & REMINGTON PARK

For entry into the minutes, on August 2, 1999, approval was granted for the request by Nassau OTB to import simulcast harness racing programs from Garden State Park in Cherry Hill, New Jersey throughout the 1999 Garden State harness race meeting.

Also approved was the request to import the simulcast from Remington Park in Oklahoma, beginning August 13th and continuing through December 4th whenever permitted under the Racing Law.

The approval extends to Suffolk Regional OTB as well.

19. SUFFOLK OTB REQUEST TO CONDUCT HANDICAPPING CHALLENGE (9/18/99)

For entry into the minutes, on August 2, 1999, approval was granted for the request by Suffolk OTB, dated July 29, 1999, to conduct a handicapping challenge on September 18, 1999 at its Tele- A-Race, 110 Adams Avenue, Hauppauge, New York, in accordance with the rules and regulations outlined in the request letter.

The approval is granted pursuant to Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law.

20. YONKERS RACEWAY REQUEST TO AMEND CONTRACT WITH FINGER LAKES

For entry into the minutes, on August 6, 1999, approval was granted for the request by Yonkers Raceway, effective immediately, to begin Monday simulcasting from Finger Lakes, in addition to any other selected days that the Finger Lakes simulcasts are imported.

The approval is valid for the life of the existing contract that expires on November 30, 1999.

21. NEW YORK CITY OTB REQUEST TO SIMULCAST FROM RIVER DOWNS

For entry into the minutes, on August 6, 1999, approval was granted for the request by New York City OTB, dated August 2, 1999, to import the simulcast signal from River Downs, a thoroughbred track in Ohio, whenever permitted under the Racing Law.

The approval extends to Capital, Catskill and Western Regional OTB Corporations as well.

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD, CAPTIONED BELOW AND ON FILE IN THE SECRETARY'S OFFICE.

1. NYRA REQUEST TO ADD ADDITIONAL BARN TO ORIGINAL ANNEXATION OF PROPERTIES

For entry into the minutes, on August 9, 1999, approval was granted for the request by NYRA to add a fifth barn to the original annexation of properties for raceday lasix administration. The fifth and final waiver received is for property with a barn utilized by trainers Anthony Margotta, Jr. and Charles Simon. It is located on Gridley Street, adjacent to the approved Roy Lehrman barn. This is a secondary barn for Mr. Margotta as his main barn on Jefferson Street had previously been registered with the Board.

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

1. MATTER OF JAMES R. ALLEN, SR.

The Board, by a written opinion, with one concurring and one dissenting opinion, granted a trainer-driver license to James R. Allen, Sr. for the calendar year 1999.

2. MATTER OF JEREMIAS FLORES

The Board approved Hearing Officer Liebman's recommendation that the Mr. Jeremias Flores be found guilty of violating 9E NYCRR Section 4035.2 in both the seventh race on October 17, 1998; and the first race on October 25, 1998 at Finger Lakes Racetrack and that the penalty of two separate ten day suspensions of Mr. Flores' jockey's license be affirmed.

3. MATTER OF LONNY HALE

The Board approved Hearing Officer Hoblock's recommendation that the 30 day suspension of Mr. Hale's owner-trainer license be affirmed for three violations of Board Rule 4120.6(a) (1), in that on October 21, 1998 he knowingly had in his possession at Vernon Downs, hypodermic equipment without permission.

4. MATTER OF KERWIN JOHN

The Board approved Hearing Officer Liebman's recommendations that the ten day suspension of Mr. Kerwin John for a violation of 9E NYCRR Section 4035.2 at Finger Lakes Racetrack for causing interference in the second race on October 14, 1998, be affirmed and that the State Steward at Finger Lakes Racetrack, in his discretion, determine an appropriate time for the suspension to be served.

5. MATTER OF CEDRIC WASHINGTON

The Board approved Hearing Officer Liebman's recommendation that the decision of the judges at Yonkers Raceway to suspend Mr. Washington's harness driver's license for causing interference in the sixth race at on February 1, 1999 for a period of eight days in violation of 9E NYCRR Section 4117.4(a) be affirmed.

6. STUART ENTERTAINMENT REQUEST TO APPROVE ELECTRONIC BINGO AID

The Board approved the request by Stuart Entertainment to approve their Power Bingo King and Power Player electronic bingo aids.

7. BUFFALO RACEWAY REQUEST TO DEVIATE FROM PURSE DISTRIBUTION RULE

The Board approved the request by Buffalo Raceway, dated August 5, 1999, to issue purse checks to drivers and trainers beyond the 72-hour requirement in Section 4118.1(b), effective immediately through December 31, 1999.

8. BUFFALO RACEWAY REQUEST TO WITHDRAW FROM CAPITAL IMPROVEMENT FUND

The Board approved the request by Buffalo Raceway, dated June 25, 1999; to withdraw \$20,462.16 from their CIF for reimbursement of various capital expenditures incurred by the track.

The approved Buffalo Raceway CIF consists of:

General & Administrative

Refurbished Engine - Caterpillar Wheel Loader	\$16,115.81
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Backstretch Area

2 Coats of Stain for 60 stall walls in Barn 13	\$1,625.00
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Application of Coribb Halt to interior of stalls for Barn 13	2,225.00
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Power wash front of Barn 15 and 2 coats of paint for overhang	450.00
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Door Pulls and Hasps for Barn #14 Tack Room	<u>46.35</u>
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Total Backstretch Area	<u>\$4,346.35</u>
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Total Request	<u>\$ 20,462.16</u>
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9. FINGER LAKES REQUEST TO WITHDRAW FROM CAPITAL IMPROVEMENT FUND

The Board approved the request by Finger Lakes, dated July 13, 1999; to withdraw \$189,598.66 from the Capital Improvement Fund for reimbursement of various capital expenditures incurred by the track.

The Board **denied** an \$8,132.80 purchase of Fuji videotapes to be used to archive 1999 races because this purchase does not meet the requirements listed in statute for reimbursement. The Board deemed this expense to be appropriately classified as supplies rather than equipment.

The approved Finger Lakes CIF request consists of:

General & Administrative - 12%

1999 Ford Pick-Up (FOR Maintenance)	\$15,904.41
Storage Tanks - Fuel containment system	4,165.51
Carpets for Thoroughbred Racing Protective & Benevolent Agent's Office (TRPB), CCTV supervisor's & accounting office	793.49
Fax Machine for General Manager's office	715.50
Furnace for Mutuel Manager's office	<u>700.65</u>
Subtotal - General & Administrative	<u>\$22,279.56</u>

Barns, Dorms and Oval Racing Strip - 38%

Electrical Rewiring for Barns 15,16& 17	\$25,424.00
23 Sheds for Barn Area & Backstretch	18,222.10
15 Storm Drains – Backside	14,250.00
Concrete for Floor Repairs to Tack and feed rooms	4,520.23
Painting Backside Kitchen and Racing Office	2,889.00
Workshop Shed – Backside	2,691.05
Lumber for Catwalk and matting for walkway	978.48
New Odds Board for Paddock	<u>705.09</u>
Subtotal - Barns, Dorms and Oval Racing Strip	<u>\$69,679.95</u>

Closed Circuit TV (CCTV) Equipment for Patron Areas and Services - 44%

12 Time Base Correctors	\$28,882.60
Route Switcher	19,362.19
2 Digital VCR's & 2 Controllers	16,023.25
Videotek Multi-Format On Screen Test Monitor	8,404.85
Rack System for Control Room	4,621.91
Power Supply for Control Room	924.48
Networking Component and HP Writer for Control Rm	922.20

Two VCR's for CCTV Department & Board Room	<u>794.56</u>
Subtotal - CCTV Equipment	<u>\$79,936.04</u>
<u>Miscellaneous - 6%</u>	
(48) Entrance Floor Mats for Main Building	\$8,620.99
Computer for Group Sales	<u>949.32</u>
Subtotal - Miscellaneous	<u>\$9,570.31</u>
Total Approved Application	<u>\$181,465.86</u>

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10. CAPITAL OTB REQUEST FOR NEW CONCESSIONAIRE FOR PLATTSBURGH

The Board approved the request by Capital OTB, dated May 7, 1999, to amend its Plan of Operation to appoint Mr. Jon Terry Ladd as the new concessionaire at their Plattsburgh Racing Center.

11. CAPITAL OTB REQUEST TO ISSUE 20 TINY TIM BETTING MACHINES

The Board approved the request by Capital OTB, dated July 15, 1999, to issue up to twenty (20) Tiny Tim betting machines.

Capital District Regional OTB is to inform the Board, in a timely manner, of any problems emanating from the use of these machines.

12. NEW YORK CITY OTB REQUEST TO AMEND CONTRACT WITH AMTOTE

The Board approved the request by New York City OTB to amend its Plan of Operation and extend the current contract with Amtote International, Inc. for a period of one year from October 24, 2000 through October 24, 2001.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. CAPITAL DISTRICT OTB -- 04-39-E

Notice of Claim of John Giovanni, et al v. CDROTBC

- 2. CAPITAL DISTRICT OTB -- 05-12-E**

Notice of Claim of Colleen Mabee v. CDROTBC

- 3. CAPITAL DISTRICT OTB -- 07/99-42-E**

Summons & Complaint of Daniel T. & Louella Moore v. CDROTBC

Notice of Claim was filed on or about March 15, 1999.

- 4. CAPITAL DISTRICT OTB -- 06-58-E**

Notice of Claim of Geraldine Wagar v. CDROTBC

- 5. WESTERN REGIONAL OTB -- 08/99-09-E**

Robbery at 118 Grant Street, Buffalo branch on July 31, 1999 in which \$5,000 was taken.

The meeting adjourned at 1:45 p.m.