

**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
BOARD MEETING OF JANUARY 30, 2004**

A meeting of the New York State Racing and Wagering Board was held on Friday, January 30, 2004 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

Cheryl Buley, Member

Edward Martin, Executive Director

Erin Dahlmeyer, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits & Investigations

Joseph Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Francesca Pizzimenti, NYSR&WB

Sheila Osterhout

Peter Gould, Agriculture Breeding & Development Fund

Robert Hemsworth, Capital OTB

Janet Silver, Hinman Straub

Paul D'Onofrio, Monticello Raceway

OPEN COMMENT PERIOD: None.

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

1. EMERGENCY RULEMAKING-THOROUGHBRED TRIFECTA BETTING ENTRIES/RULE 4011.22

The Board again approved the emergency adoption of Rule 4011.22(i) to permit the conduct of trifecta wagering in thoroughbred stakes races, handicap races or allowance races in situations where there are five betting entries, based upon a finding that such action is necessary to preserve the general welfare and that compliance with standard rule making procedures would be contrary to the public interest.

The amendment will become effective for ninety (90) days upon filing with the Department of State.

2. EMERGENCY RULEMAKING-ERYTHROPOIETIN, DARBEPOIETIN, RESERPINE AND FLUPHENAZINE

The Board again approved the emergency adoption of thoroughbred and harness rules to address the use of the substances erythropoietin and darbepoietin and the drugs reserpine and fluphenazine, in order to preserve the general welfare as well as the health and safety of the racing participants.

The amendments will become effective upon filing with the Department of State and would be effective for ninety (90) days.

3. CONTINUATION OF RULEMAKING PROPOSAL- THOROUGHBRED AND HARNESS VETERINARY RECORDKEEPING REQUIREMENT

Based upon comments and the desire to give additional consideration to these comments and further evaluate the existing record keeping rules, the Board continued the rule proposal which would require Board licensed veterinarians to submit written records no later than 24 hours after treatment or, if treatment is within 24 hours, no later than one hour prior to post-time. The rule also provides for confidentiality of records and amends record keeping requirements for the furosemide administration form. Further, it would add a requirement for the filing of a written record of veterinary treatment by veterinarians who are not licensed by the Board. The records would be filed no later than one hour before the scheduled race. Sanctions would exist in the event records are not filed.

The period for adoption will be extended for 185 days beyond the original expiration date of February 23, 2004.

4. IN THE MATTER OF MATTHEW LAMACCIA - APPLICATION TO DISQUALIFY THE HEARING OFFICER

The Board denied the request, pursuant to Board Rule (9 N.Y.C.R.R.) 5402.7, that designated Hearing Officer Russell H. Baller, Jr. be disqualified from continuing to preside over the proceeding *In the Matter of Matthew LaMacchia*.

5. REQUEST TO EXTEND PERIOD OF TIME OTB'S HAVE TO ISSUE MONTHLY REPORTS

Pursuant to Section 524 (3) of the Racing, Pari-Mutuel Wagering and Breeding Law the Board approved an extension for the filing of quarterly reports by the Off-Track Betting corporations. This action will allow OTB corporations to file quarterly reports 45 days after the end of each quarter instead of 15 days. This will remain in effect through the end of the 2004 calendar year.

The meeting was adjourned at 11:55 a.m.