

MINUTES

NEW YORK STATE RACING AND WAGERING SPECIAL BOARD

MEETING OF MARCH 27, 2000

A meeting of the New York State Racing and Wagering Board was held on Monday, March 27, 2000 at 2:00 p.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 2:15 p.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

Tom Casaregola, Director of Audits and Investigations

Joe Lynch, Chief of Racing Operations

Mark Stuart, Counsel

Also in Attendance Were:

Nicole Robilotto, NYSR&WB

Jennifer Whalen, NYSR&WB

Jim Kellogg, NYSR&WB

Bill Heller, Thoroughbred Times

Chris Riegle, Finger Lakes Racing Association

Brian J. Keller, Delaware North Companies, Incorporated

William Brandt, Nixon Peabody

Mike Kane, Gazette/Blood Horse

Steve Bochnak, NYHBPA

Robert Flynn, NYTHA

Andrew Goodell, Vernon Downs

John Signorelli, Jr., Vernon Downs

Pat Signorelli, Vernon Downs

Murty Finder, Vernon Downs

Heather Bennett, Bennett Firm

Maryann McCarthy, HSE representative FL Horsemen

Tom Precious, Buffalo News/Blood Horse

Paul D'onofrio, Finger Lakes/Monticello

Pete O'Connell, Western Regional OTB

Pat Brown, Plunkett & Jaffee

Keith Stein, Magna Int.

Joe Faraldo

Bruce Tubin, WNYHHA

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

Marty Schweibel, Buffalo Raceway

Jerry Campbell, Magna

Andrew Stronach, Magna

OPEN COMMENT PERIOD: Patrick Brown from Plunkett & Jaffee, who represents Magna, stated that the request before the Board (Board item D-7) is for approval to create a subsidiary to

hold racing track license. He stated that Magna wants the corporation to be formed in New York and hopes that the Board will grant this request to Magna. He also stated that this project was in the best interest of racing for New York and that the people at Magna were the right people for the project.

Jerry Campbell, President and CEO of Magna gave a brief description of Magna.

Andrew Stronach, also from Magna and one of the incorporators, stated that he thought the area was a good location for the track.

William Brandt, from Nixon Peabody, which represents Finger Lakes, had reservations regarding Magna's application being in the best interest of racing and wanted an opportunity to address this. He stated that he was unsure exactly what was being considered today and would like a reasonable amount of time to respond to the application before Board determination.

Patrick Brown questioned how Magna could not be in the best interest of racing (referring to Section 201 of the Racing, Pari-Mutuel Wagering and Breeding Law).

Mr. Brandt replied this was not an easy determination for the Board.

A. Approved the minutes of the Board meetings held on February 17, 2000, March 6, 2000 and March 20, 2000.

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

1. BUFFALO RACEWAY REQUEST TO SIMULCAST BAY MEADOWS & GULFSTREAM PARK

For entry into the minutes, on February 23, 2000, approval was granted for the request by Buffalo Raceway to import thoroughbred simulcasts from Gulfstream Park in Hallandale, Florida and from Bay Meadows in San Mateo, California.

This approval is effective immediately and this simulcast may be accepted whenever permitted under the current Racing Law.

The approval for the acceptance of the Bay Meadows simulcast signal extends through March 26, 2000 only. This is the date specified in the permission letter on file with the Board from the Thoroughbred Owners of California (TOC). Although the Buffalo Raceway contract is for all Bay Meadows race meetings conducted in the year 2000, a new letter of permission from TOC must be filed

with the Board for any Bay Meadows simulcasts received after March 26, 2000. This is in accordance with federal law.

2. NYRA REQUEST TO SIMULCAST SANTA ANITA PICK 6 POOL - 3/4/00

For entry into the minutes, on February 23, 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, March 4, 2000.

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, March 5, 2000.

3. SARATOGA HARNESS REQUEST TO IMPORT SIMULCAST FROM VARIOUS OUTLETS IN 2000

For entry into the minutes, on February 23, 2000, approval was granted for the request by Saratoga Harness for the importing of the thoroughbred signal from Bay Meadows in San Mateo, California through March 26, 2000, whenever in accordance with the Racing Law.

The approval for the acceptance of the Bay Meadows simulcast signal extends through March 26, 2000 only. This is the date specified in the permission letter on file with the Board from the Thoroughbred Owners of California (TOC). This is in accordance with federal law.

* For entry into the minutes, on March 7, 2000, approval was granted for the request by Saratoga Harness for the importing of simulcast signals from Pocono Downs in Pennsylvania and its satellites. This approval is valid throughout the year 2000 racing season at Pocono Downs.

4. SARATOGA HARNESS REQUEST TO EXPORT SIMULCAST TO VARIOUS OUTLETS IN 2000

For entry into the minutes, on February 23, 2000, approval was granted for the request by Saratoga Harness for the export of simulcast signals from Saratoga Harness to Monticello Raceway during the year 2000 Saratoga Harness racing season.

Also approved was the request to export the simulcast signal from Saratoga Harness to Ladbrokes at the Meadows and its satellite facilities including Ladbrokes-New Castle in New Castle, PA; Ladbrokes-Greenburg in Greenburg, PA; Ladbrokes-West Mifflin in West Mifflin, PA; Ladbrokes-Harmer Twp. in Pittsburgh, PA; Ladbrokes Moon Twp. in Coraopolis, PA; Ladbrokes Call-A-Bet

in Meadow Lands, PA; the Ladbroke Network daily 12-hour live racing show on most Western PA Cable systems and to selected home decoder users.

The combination of the simulcast signal and the authorization of wagering by Saratoga Harness given to Ladbroke at the Meadows for its Call-A-Bet System may violate Saratoga Harness' current contract with the Television Games Network (TVG). Sections 3.2(e)(f) of that contract that addresses "refraining from, directly or indirectly, competing with ODST or assisting others in competing with ODST in any area of TVG, including the simulcast aspects of TVG and/or the wagering aspects of TVG..." This, however, is a Saratoga Harness, Ladbroke at the Meadows (TRN) and ODST/Television Games Network (TVG) legal issue.

This approval is effective immediately.

* For entry into the minutes, on March 7, 2000, approval was granted for the request by Saratoga Harness for the export of simulcast signals to Pocono Downs in Pennsylvania and its satellites. This approval is valid throughout the year 2000 racing season at Saratoga Harness.

Also approved was the agreement between Saratoga Harness and Thistledown Racetrack in Ohio for Thistledown to accept and wager upon the Saratoga Harness simulcast signal during the year 2000.

5. FINGER LAKES REQUEST TO CONDUCT HANDICAPPING CONTEST

For entry into the minutes, on February 24, 2000, approval was granted for the request by Finger Lakes to conduct a handicapping contest on the first seven imported simulcast races from Aqueduct Racetrack on March 11th and again on March 12th using the first seven races from Gulfstream Park.

The prizes for this contest, for which there is no entry fee, are \$500 for the patron with the most points winning, second highest point earner is awarded \$300, while the customer finishing third in total accumulated points receives \$200. All winners will be notified by mail and a list of winners must be made available to the general public.

6. FINGER LAKES REQUEST TO CONDUCT PROMOTIONS FOR 2000 SEASON

For entry into the minutes, on February 24, 2000, approval was granted for the request by Finger Lakes to distribute "mystery" vouchers on April 1st and 2nd (the first two days of the year 2000 live Finger Lakes race meeting). It is understood that 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 April 8th and 9th on the live Finger Lakes races. The prizes for this contest, for which there is no entry fee, are \$500 for the patron with the most points winning, second highest point earner is awarded \$300, while the customer finishing third receives \$200. All winners will be notified by mail and a list of winners must be made available to the general public.

7. FINGER LAKES REQUEST EXPORT SIMULCAST TO ATLANTIC CITY CASINOS & IMPORT HIALEAH PARK

For entry into the minutes, on February 25, 2000, approval was granted for the request by Finger Lakes to accept simulcast signals and conduct wagering on the thoroughbred track of Hialeah Park in Florida. These simulcast signals may be used whenever permitted under the Racing Law.

Also approved is the agreement allowing the export of the live Finger Lakes simulcast signal to the Atlantic City Casinos named in the submitted contract. It is required that the Board approve all agreements for the exporting of simulcast signals by New York State racetracks to entities in contiguous states.

8. FINGER LAKES REQUEST TO IMPORT SPORTSMAN'S PARK

For entry into the minutes, on February 25, 2000, approval was granted for the request by Finger Lakes to accept simulcast signals and conduct wagering on the thoroughbred track of the Sportsman's Park in Illinois. This simulcast signal may be used whenever permitted under the Racing Law.

9. NASSAU OTB REQUEST TO SIMULCAST FROM HIALEAH PARK

For entry into the minutes, on February 25, 2000, approval was granted for the request by Nassau OTB to simulcast the year 2000 race meeting from Hialeah Park in Florida beginning March 17th and ending on May 22nd. The Hialeah Park simulcast signal may be imported whenever permitted under the Racing Law.

This approval extends to Suffolk Regional OTB as well.

10. NASSAU OTB REQUEST TO SIMULCAST FROM SPORTSMAN'S PARK

For entry into the minutes, on February 25, 2000, approval was granted for the request by Nassau OTB, dated February 8, 2000, to simulcast the thoroughbred meeting from Sportsman's Park in Illinois.

The Sportsman's Park simulcast, generally a "bridge" simulcast signal, may be imported whenever permitted under the Racing Law.

This approval extends to Suffolk Regional OTB as well.

11. VERNON DOWNS REQUEST TO OFFER HANDICAPPING CHALLENGE

For entry into the minutes, on February 25, 2000, approval was granted for the request by Vernon Downs to conduct a "Handicapping Challenge and Contest" on March 10th and 11th, as outlined in the official rules and regulations.

It is understood by the Board that Vernon Downs, in guaranteeing a minimum pay-out to winning handicappers of \$2500, may be liable to an amount in addition to the \$500 in "seed money" should less than 80 patrons enter each contest.

12. SARATOGA HARNESS REQUEST TO FOR ISSUANCE OF A DIGITAL DECODER

For entry into the minutes, on March 1, 2000, approval was granted for the request by Saratoga Harness, dated February 25, 2000, to authorize a software change by Autotote Communications Services, Inc. to an IRD (digital) decoder in the possession of Richard J. Kulle of Los Altos Hills, California.

Mr. Kulle is a licensed New York State owner in 2000 that races harness horses at Saratoga Harness. Mr. Kulle has been previously approved by the Board to have the decoder to receive the Yonkers Raceway simulcast signal.

13. WESTERN OTB REQUEST TO CONDUCT MARCH PROMOTION

For entry into the minutes, on March 1, 2000, approval was granted for the request by Western OTB to offer a voucher promotion scheduled for the time period it takes to convert all Western branches to the New York Network simulcast signals for nighttime harness racing.

A voucher in the amount of one hundred and fifty dollars (\$150.00) will be awarded to one customer in each of the forty-six Western OTB branches. In addition, there is no monetary cost to the customer to enter this drawing.

This approval is effective immediately.

14. BUFFALO RACEWAY REQUEST TO SIMULCAST FROM HIALEAH PARK

For entry into the minutes, on March 7, 2000, approval was granted for the request by Buffalo Raceway for the importation of the Hialeah Park (Florida) simulcast signal whenever permitted under the Racing Law.

This approval extends throughout the year 2000 Hialeah Park meeting that concludes on May 22nd.

15. FINGER LAKES STEWARD REQUEST FOR EXTENSION OF APPRENTICE JOCKEY ALLOWANCE - MCKEEVER

For entry into the minutes, on March 7, 2000, approval was granted for the request by the State Steward for an extension of the apprenticeship of Mandy McKeever. The Board approved an extension of the apprentice allowance of Jockey Mandy McKeever for 56 days.

Ms. McKeever's date of record for the expiration of her apprenticeship allowance is now October 27, 1999. Upon submission of an application and documentation for the time period in and after June of 1999 to submitted documented medical clearance date, the Board will consider a further extension.

16. FINGER LAKES REQUEST TO EXPORT SIMULCAST TO VERNON DOWNS & SARATOGA HARNESS

For entry into the minutes, on March 7, 2000, approval was granted for the request by Finger Lakes for the exportation of the Finger Lakes simulcast, in-state, to Saratoga Harness and Vernon Downs whenever applicable under the Racing Law.

17. NYRA STEWARD REQUEST FOR EXTENSION OF APPRENTICE JOCKEY ALLOWANCE - ROCCO

For entry into the minutes, on March 7, 2000, approval was granted for the request by the State Steward for an extension of the apprenticeship of Joe Rocco, Jr. for an additional twenty (20) days. This is the time Mr. Rocco, Jr. lost due to a race-related injury from April 30, 1999 through May 20, 1999.

The original date of the expiration of his ability to claim the five-pound apprentice allowance was March 14, 2000. His ability to claim the five-pound apprentice allowance has now been extended. His new expiration date will now be April 3, 2000. During this extended time period, Joe Rocco, Jr. will be eligible to claim his five-pound apprentice allowance in all overnight races (other than stakes or handicaps).

18. VERNON DOWNS REQUEST TO IMPORT SIMULCASTS FROM VARIOUS LOCATIONS IN 2000

For entry into the minutes, on March 7, 2000, approval was granted for the request by Vernon Downs, received February 23, 2000 and contracts received March 1, 2000, to participate in the final two future pools on the year 2000 Kentucky Derby to be contested at Churchill Downs. The second period of wagering will be March 9th through March 12th. The third period will be April 13th through April 16th.

The fact that "there will be no cancellations or refunds" even if the horse listed in the future pools does not compete in the Kentucky Derby on May 6th (per Kentucky rules) should be stressed to the customers before they wager.

Also approved by the Board was the agreement with Hialeah Park in Florida to import the simulcast and take wagering upon their thoroughbred races whenever in accordance with the Racing Law.

These approvals are effective immediately.

* For entry into the minutes, on March 16, 2000, approval was granted for the request by Vernon Downs for the importation of the simulcast from Golden Gate Fields whenever permitted by the Racing Law. This approval is valid until June 18, 2000. At that time the permission letter from the California Horse Racing Board expires.

To continue importing the simulcast signal from Golden Gate Fields after June 18, 2000, new letters of permission from both the California Horse Racing Board and the TOC must be filed with the Board.

19. NEW YORK CITY OTB REQUEST TO SIMULCAST FROM ARLINGTON INTERNATIONAL RACECOURSE

For entry into the minutes, on March 7, 2000, approval was granted for the request by New York City OTB, dated March 1, 2000, to simulcast thoroughbred races from Dubai in the United Arab Emirates on Saturday, March 25, 2000. There is scheduled to be a seven-race program on this day. Races three through seven have been contracted for by New York City OTB with Arlington International Racecourse.

It is understood by the Board that the single race known as The Dubai World Cup will command a payment rate of three and one-half percent (3.5%) on all pari-mutuel pools, regular, multiple and exotic as per contract. All other races simulcast on this same World Cup 2000 race program from Dubai require a two percent (2%) rate for all wagers in all pari-mutuel pools.

Other stakes races on the Dubai World Cup 2000 race card, including the UAE Derby, the Dubai Golden Shaheen, the Dubai Sheema Classic and the Dubai Duty Free can be simulcast and wagering taken under Section 1017-a of the Racing Law. All events are scheduled to conclude before the initial in-state thoroughbred race of the day at the operating NYRA track (Finger Lakes has yet to begin its 2000 season).

This approval extends to all other regional OTB corporations in New York State should they choose to simulcast and take wagering on any (all) such races.

20. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on March 8, 2000, approval was granted for the request by Finger Lakes for the importation of the simulcast signals and the conduct of wagering upon such simulcasts from the Turfway Park in Kentucky through April 6, 2000, whenever permitted under the Racing Law. It is noted that on the current schedule of New York simulcasts, Turfway Park will be the "first signal" for thoroughbreds on Saturday, March 25, 2000.

Also approved is the agreement with Arlington Global Services, Inc. for the import of the simulcast signal and wagering upon the \$6 million Dubai World Cup on Saturday, March 25th.

Also approved were the Finger Lakes Racing Association agreements with Buffalo Raceway and Nassau Regional Off-Track Betting for the year 2000 simulcasts emanating from Finger Lakes Racetrack.

* For entry into the minutes, on March 16, 2000, approval was granted for the request by Finger Lakes to import the simulcast signal from the Spring 2000 race meeting from Keeneland Racecourse in Kentucky, specifically on the day of the Toyota Blue Grass Stakes, Saturday, April 15th.

The Board also approved the contracts allowing the export of the Finger Lakes simulcasts to The Meadowlands in New Jersey and Suffolk Downs in Massachusetts, both contiguous states, and Suffolk Downs' affiliates of John Martin Manor Restaurant (Maine), Millers Restaurant (Maine) and the Raynham Greyhound Park (Massachusetts).

The submitted contracts with the New York State simulcast licensees of Monticello Raceway and Yonkers Raceway are also approved.

All approvals are valid for the entire year 2000 Finger Lakes live racing season.

* For entry into the minutes, on March 16, 2000, approval was granted for the request by Finger Lakes allowing the export of the Finger Lakes simulcast in-state to the Capital District Regional Off-Track Betting Corporation throughout the year 2000 Finger Lakes approved racing season.

21. MONTICELLO RACEWAY REQUEST FOR SIMULCASTS FOR YEAR 2000

For entry into the minutes, on March 8, 2000, approval was granted for the request by Monticello Raceway to accept simulcasts from Freehold Raceway in New Jersey on Tuesdays and such other NYRA "dark days" as may occur during the year 2000, effective immediately.

This approval is valid for the entire year 2000 racing season at Freehold Raceway.

Also approved was the request for the importation of the Hialeah Park (Florida) simulcast signal whenever permitted under the Racing Law.

This approval extends throughout the year 2000 Hialeah Park meeting that concludes on May 22nd.

* For entry into the minutes, on March 16, 2000, approval was granted for the request by Monticello Raceway to accept simulcasts from The Downs, Inc. (Pocono Downs) in Pennsylvania effective on Pocono Downs' opening night on April 1, 2000.

This approval is valid for the entire 2000 Pocono Downs race meeting.

22. CAPITAL OTB REQUEST TO HOLD MYSTERY BET PROMOTION

For entry into the minutes, on March 8, 2000, approval was granted for the request by Capital OTB, dated March 6, 2000, to distribute by mail various denominations of mystery bet vouchers. It is understood that one \$1000 voucher, ten \$100 vouchers, one hundred \$10 vouchers and 4,889 vouchers of the \$2 variety will be distributed in their entirety.

It is understood by the Board that each of the six "mystery voucher days" are separate and distinct. Approved dates for redemption include the Kentucky Derby on May 6th, the Preakness Stakes on May 20th, the Belmont Stakes on June 10th, the first Saturday of the Saratoga thoroughbred meeting (The Test Stakes) on July 29th, the Travers Stakes on August 26th and on Breeders' Cup Day on November 4th.

The value of these mystery vouchers may be determined and the voucher redeemed at any Capital OTB branch, E-Z Bet location or at the teletheater only on the date for which the voucher was issued.

23. BUFFALO RACEWAY REQUEST TO CANCEL RACING ON THURSDAYS IN APRIL

For entry into the minutes, on March 15, 2000, approval was granted for the request by Buffalo Raceway to cancel all four scheduled Thursday race programs during the month of April in the year 2000.

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

24. FINGER LAKES REQUEST TO AMEND RACING LICENSE

For entry into the minutes, on March 15, 2000, approval was granted for the request by Finger Lakes to change the three races on the daily program that comprise the three legs of the daily pick-three pool from races five, six and seven to be races, six, seven and eight.

The reason for this change is to eliminate having the fifth race as a leg of both the approved pick-three and the approved daily pick-four wager.

25. NYRA REQUEST TO HOLD VOUCHER PROMOTIONS

For entry into the minutes, on March 15, 2000, approval was granted for the request by NYRA, dated March 1, 2000, to issue approximately 47,850 wagering vouchers good one day only on the 2000 Wood Memorial Day at Aqueduct Racetrack on Saturday, April 15, 2000.

From 11:30 a.m. to 12:30 p.m. at Gate Four at Aqueduct Racetrack on Saturday, April 15th, 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, should anyone desire a list of winners, it may be obtained from NYRA by mail request including a self addressed stamped envelope.

Approval is also given for the distribution of vouchers as "party favors", each valued at two dollars and valid for \$2 worth of wagering on Derby Day, to all customers attending the Kentucky Derby party within the confines of Aqueduct Racetrack on Saturday, May 6, 2000.

26. CATSKILL OTB REQUEST TO CLOSE GOSHEN BRANCH

For entry into the minutes, on March 15, 2000, approval was granted for the request by Catskill OTB for closure of the non-simulcast branch located in Goshen.

27. BUFFALO RACEWAY REQUEST TO IMPORT HAZEL PARK RACEWAY

For entry into the minutes, on March 16, 2000, approval was granted for the request by Buffalo Raceway to import simulcasts from Hazel Park Raceway in Michigan effective the opening night of the year 2000 Hazel Park racing season, scheduled to be April 3rd. These simulcasts may be imported whenever permitted under the Racing Law through the end of the year 2000 race meeting.

Although the contract is valid through April 3, 2001, both the Michigan Commission and the Michigan horsemen's permission letters are valid through December 31, 2000. Therefore, the import of the Hazel Park simulcast signal is approved through the end of the year 2000 Hazel Park Raceway meeting only.

28. NYRA STEWARD REQUEST FOR EXTENSION OF APPRENTICESHIP - ARIEL SMITH

For entry into the minutes, on March 16, 2000, approval was granted for the request by State Steward Carmine Donofrio for the extension of the

apprenticeship of Ariel Smith for an additional forty-one (41) days. Mr. Smith lost this time due to injury from January 13th through March 15, 2000.

The original date of the expiration of his ability to claim the five-pound apprentice allowance was February 22, 2000 per California Ruling #28 on December 27, 1999. His ability to claim the five-pound apprentice allowance has now been extended. His new expiration date will now be April 25, 2000. During this extended time period, Ariel Smith will be eligible to claim his five-pound apprentice allowance in all overnight races (other than stakes or handicaps).

29. YONKERS RACEWAY REQUEST TO EXPORT TO PHILADELPHIA PARK

For entry into the minutes, on March 22, 2000, approval was granted for the request by Yonkers Raceway to export simulcasts to Philadelphia Park in Pennsylvania including its various "Turf Clubs" and the Philadelphia Park phone betting system.

It is understood by the Board that the Philadelphia Park phone wagering account holders that wager on Yonkers Raceway races will have their wagers segregated as to origin. The "instate" bettors wagering on Yonkers entitles Yonkers to receive three percent (3%) and wagers made on Yonkers by "out-of-state" telephone account holders entitles a payment to Yonkers of six percent (6%) of such net wagering.

This approval is effective immediately.

30. SARATOGA HARNESS REQUEST TO IMPORT THE DUBAI WORLD CUP

For entry into the minutes, on March 24, 2000, approval was granted for the request by Saratoga Harness import the simulcast signal and the conduct of wagering upon the \$6 million Dubai World Cup on Saturday, March 25, 2000.

This simulcast, although not a designated "special event" is allowed under Section 1017-a of the Racing Law that allows simulcasts from midnight until the start of the next day's in-state thoroughbred racing program. The Dubai World Cup will be contested before Aqueduct begins on March 25th.

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

1. IN THE MATTER OF JOSEPH MINIERI

For entry into the minutes, on February 25, 2000, the Board summarily suspended the trainer-driver license of Joseph Minieri for violating Part 4120 of the Racing,

Pari-Mutuel Wagering and Breeding Law for four post race positives for the drug Naloxone at Monticello Raceway; one on November 9, 1999 and three on November 14, 1999. A hearing was scheduled for March 10, 2000.

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

1. MATTER OF JESSICA CREE-ALVAREZ

MATTER OF STACEY L. COOK

MATTER OF RESTITUTO B. ESTILO

MATTER OF DONNA E. MCDONALD

MATTER OF JESSICA K. MILLER

MATTER OF CHARLES F. THOMPSON

The Board approved Hearing Officer Dranichak's recommendation that the temporary certification of each named individual be revoked for failure to provide the requested material in response to all questions in the Application and Personal History Disclosure Form, pursuant to Section 5(e)(B)(1)(g) of the Tribal-State Compact.

2. MATTER OF KEVIN CUMMINGS

The Board approved Hearing Officer Martin's recommendation that the 90 day suspension and \$500 fine for a violation of Board Rule 4119.7(a)(3) and (d) as a result of conduct at Buffalo Raceway on October 17, 1998, be withdrawn and that Mr. Cummings be given thirty (30) days to reimburse the Board the sum of \$350 for expenses in connection with a tardy request for a telephonic hearing. Mr. Liebman agreed with the ultimate result upon a finding that Kevin Cummings had not failed to cooperate inasmuch as he had responded to the questions.

3. MATTER OF MICHAEL ERB

The Board approved Hearing Officer Martin's recommendation that Mr. Erb engaged in the conduct charged in violation of Board rules 4022.12 and 4022.13. It was further recommended that the penalty be modified as follows:

The Board will notify the management of Finger Lakes Race Track of Mr. Erb's actions and of its responsibility under Rule 4003.46 to bar undesirable persons from the grounds of the track;

Michael Erb' s actions be referred to the Licensing Division of the State Racing and Wagering Board to be considered as ground for denial in the event Mr. Erb chooses to seek future licensing from the Board when his current suspension expires on April 2001;

The Board extends Mr. Erb' s current suspension for a period of one additional year until April 15, 2002.

4. MATTER OF GERALD HADE

The Board approved Hearing Officer Martin's recommendation that the \$250 fine imposed by the Presiding Judge at Yonkers Raceway for a violation of Board Rule 4120.2(b)(6) (race day lasix administration) for the horse BOLD CURRAGH, which raced on March 25, 1999, be affirmed.

5. MATTER OF ANDREW SANTERAMO

The Board approved Hearing Officer Brittell's recommendation, after remand as to penalty, that the 30 day suspension in violation of Board Rule 4117.4(p) be affirmed and the Board ordered that the penalty be enhanced in the event of a similar violation within the next three years.

6. MATTER OF DAVID STRONG

The Board approved Hearing Officer Brittell's recommendation that the 30 day suspension of Mr. Strong's license for driving SAMANTHA' S MAGIC with a lack of effort in the 3rd race on June 14, 1999, in violation of Board Rule 4117.4(p) be dismissed and that a further investigation into the suspicious activities surrounding the subject race be conducted and a report of such investigation promptly be made to the Board.

7. MATTER OF THE APPLICATIONS OF MEC (NY) RACING INC. FOR APPROVAL OF A PROPOSED CERTIFICATE OF INCORPORATION, A NEW YORK STATE THOROUGHBRED TRACK LICENSE AND RELATED OCCUPATIONAL LICENSES

Pursuant to §201 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law, the Board approved the filing of the Certificate of Incorporation of MEC (N.Y.) RACING INC., and stated that, in its opinion, the purposes of Article II of the New York State Racing, Pari-Mutuel Wagering and Breeding Law and the public interest will be promoted by such incorporation, and that such incorporation will be conducive to the interests of legitimate racing; and granted a track management license for (i) Andy Stronach, (ii) Brant Latta, (iii) Tommy Austin, (iv) Lonny Powell, and (v) Frank DeMarco, the incorporators of MEC (N.Y.) RACING INC.; and stated that approval of the Certificate of Incorporation will create the opportunity to proceed with the plans to develop a race track

concerning which the Board indicated that staff work with MEC (N.Y.) RACING Inc. in regard to compliance with the provision of Article II of the New York State Racing, Pari-Mutuel and Breeding Law, as the construction and development of the race track proceeds.

8. RE-ADOPTION OF GAMES OF CHANCE RULES - NYCRR 5600

The Board approved the request for re-adoption of the amendments to Board Rules 5600.1 et. seq. and 5814.6 et. seq. These amendments will be submitted as emergency rules.

9. MILLENNIUM GAMES REQUEST APPROVAL OF ELECTRONIC BINGO AID - BINGOSTAR

The Board approved the request by Millennium Games of Las Vegas, Nevada for approval of its electronic bingo aid, Bingostar.

10. FINGER LAKES ROSTER OF RACING OFFICIALS FOR 2000

The Board deferred the request by Finger Lakes for approval of a list of racing officials employed for the year 2000 thoroughbred race meeting until all officials were properly licensed. The Board delegated to the Chairman the power to approve.

11. FINGER LAKES REQUEST TO ADD SUPERFECTA WAGERING TO 6TH RACE

The Board deferred the request by Finger Lakes to have a second superfecta on its daily racing program on the sixth race, stating that they needed more information on the effects of the proposal.

12. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$40,124.60

The Board approved the request by Finger Lakes to withdraw \$40,124.60 from their Capital Improvement Fund for reimbursement of various advertising and promotional expenditure incurred by the track for the period of December 1998 through June 30, 1999.

The approved Finger Lakes CIF request consists of:

<u>Advertising Media</u>	<u>Amount</u>
Radio	\$18,208.94

Television	10,243.59
Newspapers	9,426.34
Other	<u>2,245.73</u>
Total	

13. NYRA REQUEST FOR RENOVATIONS AT BELMONT PARK

The Board approved the request by NYRA for the issuance of a permit for the renovation of pari-mutuel bays at Belmont Park which are located on the first floor of the grandstand. This approval is made pursuant to Section 239 of the Racing, Pari-Mutuel Wagering and Breeding Law, and Section 4003.2 of the Rules.

14. NYRA REQUEST FOR CONSTRUCTION AT SARATOGA RACE COURSE

The Board deferred 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, which is almost already completed, because a review by the NYS Parks, Recreation and Historic Preservation is needed.

15. NYRA REQUEST FOR CONSTRUCTION AT AQUEDUCT RACETRACK

The Board approved the request by NYRA for the issuance of a permit for the construction of two new gift shops to be located on the first floor grandstand and on the second floor clubhouse at Aqueduct Racetrack, under Section 239 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 4003.2 of the Rules.

16. NYTHA DONATION OF FUNDS TO BELMONT CHILDCARE

The Board approved the New York Thoroughbred Horsemen' s Association, Inc.' s (NYTHA) request to donate \$302,193.75 (plus accrued interest and dividends credited up to the date of the donation), to the Belmont Child Care Association, Inc. (BCCA) for BCCA' s future operating costs of the proposed day care center.

These funds shall be kept intact until construction of the building housing the day care center is completed and childcare services commence operation. Furthermore, the day care services must comply with applicable New York State licensing provisions.

In the unlikely event the day care facility is not built or does not operate, the NYTHA must obtain authorization from the Board for an alternate benevolent use of the funds.

17. VERNON DOWNS REQUEST FOR POINT SYSTEM MARKETING PROPOSAL

The Board approved the submitted marketing plan to award points based on the wagering history of enrolled Vernon Downs' bettors. It is understood by the Board that participation in this marketing program by a customer is optional but any customer desiring to partake of this "player tracking" program may do so.

Additionally, any changes that occur after implementation of this marketing plan must be submitted to the Board for approval. Under no circumstances may "cash rebates" be given to anyone connected with this marketing plan.

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

The Board approved the request by Yonkers 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.

19. CAPITAL OTB REQUEST TO ADD TWO E-Z BET LOCATIONS - MOIRA & TANNERSVILLE

The Board approved, with member Liebman abstaining, the requests by Capital OTB to amend their simulcast plan of operation to include two new wagering facilities; one will be located at the Crossroads-Moira in Franklin County and the other one at P J Larkins in Tannersville (Greene County).

20. SUFFOLK OTB REQUEST TO APPOINT VICE PRESIDENT - BARANELLO

The Board approved the appointment of Mr. Dominic Baranello as Vice-President of the Suffolk County Regional Off-Track Betting Corporation.

21. WESTERN OTB REQUEST TO APPOINT NEW BOARD OF DIRECTORS - CARNEVALE

The Board approved the appointment of Mr. Daniel Carnevale to the Western Regional Off-Track Betting Corporation's Board of Directors, representing the City of Buffalo.

22. WESTERN OTB REQUEST FOR INDEPENDENT HANDICAPPING SERVICES - TODD HAIGHT

The Board approved the contract between Western Regional Off-Track Betting and Mr. Todd Haight, public handicapper.

Mr. Haight will provide independent handicapping services for Western OTB mainly on the live racing simulcast from Finger Lakes Racetrack. When Finger Lakes is dark, Mr. Haight will utilize the operating NYRA track.

The Board is to be informed of implementation of any expanded duties as a handicapper as outlined as a possibility in the request letter submitted. Approval by the Board of the Western OTB contract with Todd Haight is necessary under Section 520(3) of the Racing Law and under Section 5204.7 of the Board Rules.

The meeting was adjourned at 4:00 p.m.