

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF OCTOBER 24, 2001

A meeting of the New York State Racing and Wagering Board was held on Wednesday, October 24, 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 11:47 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Edward Martin, Executive Director

Maureen McGrath, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

OPEN COMMENT PERIOD: None

A. The Board approved the minutes of the Board meeting held on October 9, 2001.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS FOR 2001

For entry into the minutes, on October 8, 2001, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of the Cal Expo harness simulcast signal from California and the Sam Houston Park thoroughbred simulcast signal from Texas. These approvals are valid throughout the remaining year 2001 race meeting for both racetracks.

These approvals further extend to the Suffolk Regional Off-Track Betting Corporation.

* For entry into the minutes, on October 22, 2001, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of harness racing programs from Colonial Downs in New Kent, Virginia throughout the year 2001 live Colonial Downs race meeting.

This approval further extends to the Suffolk Regional Off-Track Betting Corporation.

2. NEW YORK CITY OTB REQUEST FOR EXTENSION OF CONTRACT WITH YONKERS

For entry into the minutes, on October 8, 2001, approval was granted for the request by New York City OTB to amend their simulcast plan of operation enabling the continuation of the simulcast of the harness meeting from Yonkers Raceway through December 31, 2002.

The contract is retroactive to January 1, 2001.

3. MONTICELLO RACEWAY LIST OF SIMULCAST LOCATIONS FOR 2001

For entry into the minutes, on October 10, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of simulcast signals on the year 2001 Northville Downs Fall harness meeting in Michigan beginning October 15, 2001 and continuing through December 29, 2001.

The simulcast of the above named racing program will be utilized and imported only as permitted under the Racing Law.

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

For entry into the minutes, on October 10, 2001, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the import of simulcast signals on the year 2001 Northville Downs Fall harness meeting in Michigan beginning October 15th and continuing through December 29, 2001 and from Lebanon Raceway in Ohio through December 31, 2001.

The simulcasts of the above named racing programs will be utilized as imported simulcasts only as permitted under the Racing Law.

5. CAPITAL OTB REQUEST TO OFFER PROMOTION

For entry into the minutes, on October 10, 2001, approval was granted for the request by Capital OTB, dated September 26, 2001 and amended on October 4, 2001, to conduct a promotion at the Albany Teletheater on Wednesday, October 24th.

Approved is the distribution by random drawing of five one-hundred dollar (\$100.00) betting vouchers that will be valid for wagering at any Capital OTB branch, E-Z Bet or the Teletheater on the World Thoroughbred Championship (Breeders' Cup) Day on Saturday, October 27, 2001.

6. FINGER LAKES REQUEST TO CHANGE POST TIME

For entry into the minutes, on October 12, 2001, approval was granted for the request by Finger Lakes to amend their plan of operation enabling them to change their first post on Saturday, October 27th to 12:15 p.m.

7. NEW YORK CITY OTB REQUEST TO DESIGNATE RACE AS “ SPECIAL EVENT”

For entry into the minutes, on October 12, 2001, approval was granted for the request by New York City OTB to amend their simulcast plan of operation with the designation of the Melbourne Cup from Flemington Racecourse in Australia as a “ special event” . The post time for this race is now 11:10 p.m. (Traditionally, in past years, the post time has been 11:20 p.m.)

This event has been added to the yearly list of special events available to be used by all New York State simulcast licensees.

8. NYRA REQUEST TO DESIGNATE RACES AS “ SPECIAL EVENTS”

For entry into the minutes, on October 19, 2001, approval was granted for the request by NYRA to amend their simulcast plan of operation by designating the following out-of-state stakes races and events as “ special events” :

- A guaranteed \$1 million Pick-Six wager at Oak Tree at Santa Anita on 11/3
- The Red Stripe Superstakes from Caymanas Park on 11/10
- A CDSN “ Turf” Pick-Three on 11/10
- A CDSN “ Turf” Pick-Three on 11/11
- The DeFrancis Dash (GR. I) on 11/17
- A CDSN “ Turf” Pick-Three on 11/17
- A CDSN “ Turf” Pick-Three on 11/18
- A guaranteed \$1 million Pick-Six wager on Hollywood Park on 11/25

9. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2001

For entry into the minutes, on October 19, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the import of simulcast signals from the year 2001 edition of the World Thoroughbred Championships (the Breeders' Cup) and Turf Paradise (Arizona), effective immediately.

The "bridge" simulcast signals from Turf Paradise may be imported whenever in accordance with the Racing Law through December 31, 2001.

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

1. IN THE MATTER OF DAVID GEORGE

The Board approved Hearing Officer Baller's recommendation that the license of thoroughbred trainer-groom David George be revoked based upon the finding of the drug cocaine in a urine specimen provided by him at Finger Lakes Race Track on August 5, 2001, which violated Board Rule 4042.5 and Mr. George's Consent to Conditions for Reinstatement dated April 23, 2001.

2. IN THE MATTER OF PETER A. RONCONE

The Board approved Hearing Officer Baller's recommendation that the decision of the stewards at Finger Lakes Race Track, which disqualified the horse "Evie's Appeal" in the fourth race on July 14, 2001 and placed the horse from first to fifth place due to interference be upheld inasmuch as there is no mistake of law, fraud or a manifest mistake of fact.

3. IN THE MATTER OF PETER A. RONCONE

The Board approved Hearing Officer Baller's recommendation that the decision of the stewards at Finger Lakes Race Track, which disallowed the claim of foul lodged against the horse "Dr F Laparco" in the fifth race on July 6, 2001 fifth be upheld inasmuch as there is no mistake of law, fraud or a manifest mistake of fact.

4. IN THE MATTER OF HEATHER SERINO

The Board approved Hearing Officer Baller's recommendation that the Board sustain the refusal to license Heather Serino based upon a finding that she lacks the experience, character and general fitness and that her participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing.

5. IN THE MATTER OF HENRY STANTON

The Board approved Hearing Officer Brittell's recommendation to uphold the decision of the judges at Monticello Raceway, which imposed an eight-day suspension based upon the finding that Mr. Stanton had impeded the progress of another horse in the fourth race on August 4, 2001, in violation of Board Rule 4117.4(a) and (k). The Board made the following additional finding of fact, "Mr. Stanton, driver of the #1 horse, shifted to the right, thereby impeding the progress of the #5 horse and causing it to break."

6. MONTICELLO RACEWAY REQUEST FOR ADDITION TO WEBSITE

The Board approved the request by Monticello Raceway to add an enhanced audio capability to its website enabling a website visitor to access the live call of the Monticello Raceway races.

This request is in compliance with Board Rule 4101.13.

7. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$15,690.10

The Board approved \$10,690.10 of Monticello's September 27, 2001 request to withdraw \$15,690.10 from its Capital Improvement Fund for reimbursement of Advertising and Promotional Expenditures. In addition, the Board deferred \$5,000 of the request for reimbursement of the annual fireworks show until such time as a copy of the cancelled check for this expenditure is submitted.

During its review of Monticello Raceway's past requests for reimbursement for this year, the Board noted that a majority of expenses were for other than backstretch expenses. While the Board will consider any request submitted, Monticello Raceway is reminded of their responsibility to maintain a suitable facility for the horsemen as well as their patrons.

8. CAPITAL OTB REQUEST TO ADD E-Z BET LOCATION - TICONDEROGA

The Board approved the Capital District Regional OTB request, dated June 11, 2001 to conduct wagering and display simulcasts at the Kim Vilardo Inc. in Ticonderoga, New York (Essex County) located at 104 Montcalm Street. At this new E-Z Bet location, all wagering is self-service and initiated using a winning ticket or voucher only. The amount limit in the issuance of any voucher to a customer at any one time will be five hundred dollars (\$500).

It is expected that Capital OTB, using its own security and audit employees, will inspect the Kim Vilardo, Inc. E-Z Bet facility and certify that all rules and laws concerning the conduct of wagering in New York State, are being followed. A copy of the results of all Capital security checks involving E-Z Bet locations must be filed with the Board in a timely manner.

The Secretary to the Board must be immediately notified in writing should a change in any operating procedure become effective at this approved E-Z Bet facility.

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