

MINUTES
MEETING OF OCTOBER 22, 1998
NEW YORK STATE RACING AND WAGERING BOARD

A meeting of the New York State Racing and Wagering Board was held on Thursday, October 22, 1998 at 11:00 a.m. at the International Agricultural Center on the Erie County Fairgrounds located at 5600 McKinley Parkway, Hamburg, New York 14075.

The meeting was called to order at 11:00 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman
Joseph P. Neglia, Member
Bennett Liebman, Member
Edward Martin, Executive Director
Stephanie L. Donato, Secretary to the Board
Robert Feuerstein, General Counsel
Jim Gallagher, Chief of Racing Operations
John Signor, Director of Audits and Investigations

Also in Attendance Were:

Joe Lynch, NYSRWB
Nicole Robilotto, NYSRWB
Martin L. Lieberman, NYRA
Anita Jozwiak, BTA Controller
Jim Ryan, Coppola Ryan McHugh
Donald Groth, Catskill OTB
Tim McCarthy, Western OTB
Cliff Ehrlich, Monticello Raceway
Bruce Tubin, Western New York Harness Horsemen's Assoc.
Martin S. Basinait, Western OTB
Jim Richards, Nassau OTB
Dan Wray, NYCOTB
Greg Peterson, Nassau OTB
William Z. Verney, Horseman
Lynn Whitmen, Horseman
Rose Campbell, Horseman
Gerald Sarana, Horseman
Paul Szalay Jr., Horseman
Neal Russo, Horseman
Angelo Nappo, Horseman
Nick Noce, Western OTB
Jean Kester, WNYHHA
Stuart Kester, WNYHHA Owner
Art Gray, NYSRWB
Joel Leveson, NYSRWB

Hellen Barber, Owner and Trainer
Earl Scheelar, NYS Owner
Brian Shiorch, Driver and Trainer
Robert Galterio, Yonkers Raceway
Michael Torrcello, Horseman
Dennis Kópec, Capital OTB
Bill Crowell, Hinman Straub
Howard DeMartini, Suffolk OTB
Lloyd Lamb, Erie Co. Agricultural Society

- A The Board approved the Minutes of the Board Meetings held on September 17, 1998, September 28, 1998 and October 20, 1998.**
- B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN**
- 1. FINGER LAKES RACING ASSOCIATION REQUEST TO AMEND WAGERING FORMAT**
For entry into the minutes, on September 11, 1998 approval was granted for the request by Finger Lakes to amend its wagering format by eliminating the monthly all trifecta program and adding the trifecta wager to the fourth (4th) race of each card for the remainder of the 1998 race meet.
 - 2. FINGER LAKES RACING ASSOCIATION REQUEST TO AMEND ITS PLAN OF OPERATION**
For entry into the minutes, on September 11, 1998 approval was granted for the emergency request by Finger Lakes to amend its plan of operation to have as backup simulcast signals, Louisiana Downs from Bossier City, LA and Calder Racecourse from Miami, FL.

This approval was given with the understanding that Finger Lakes will be "dark" on Friday, September 11, 1998. On Saturday, September 12, Sunday, September 13 and Monday, September 14, 1998 the approved back up tracks will be Delaware Park in Staton, Delaware and Calder Racecourse in Miami, Florida. It is further understood that these tracks will be used only in the event that the Finger Lakes jockey colony refuses to ride the regularly scheduled program during this timeframe.
 - 3. VERNON DOWNS REQUEST TO CONDUCT A PROMOTIONAL EVENT**
For entry into the minutes, on September 14, 1998 approval was granted for the request by Vernon Downs to offer a Wine and Cheese Tasting Night on Friday, September 18, 1998, in the lower clubhouse at Vernon Downs. It will also be "Village of Vernon Night" with local merchants coming for dinner and

making trophy presentations during the evening.

4. **YONKERS RACEWAY – SIMULCAST AGREEMENT**

For entry into the minutes, on September 14, 1998 approval was granted for the request by Yonkers Raceway to send its signal to The Downs at Albuquerque, New Mexico starting September 14, 1998. This agreement is for all Monday, Tuesday and Thursday cards and extends through December 31, 1998.

5. **YONKERS RACEWAY – SIMULCAST AGREEMENT**

For entry into the minutes, on September 15, 1998 approval was granted for the request by Yonkers Raceway to simulcast harness races from Garden State Park in Cherry Hill, N.J. effective September 4 through December 12, 1998.

6. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION – SIMULCAST AGREEMENT**

For entry into the minutes, on September 15, 1998 approval was granted for the request by Capital OTB (and on behalf of Western OTB) to accept simulcasts from Freehold Raceway effective immediately.

Approval is conditioned upon the receipt of consent forms from both the New Jersey Racing Commission and the association representing the horsemen at Freehold Raceway.

7. **VERNON DOWNS REQUEST TO OFFER A PROMOTIONAL EVENT**

For entry into the minutes, on September 17, 1998 approval was granted for the request by Vernon Downs to conduct the following promotional events:

1. **Free admission** on Wednesday and Thursday nights beginning Wednesday, September 23rd and continuing through Thursday, October 29th for a total of twelve (12) racing days.
2. **Free \$50 Bet Voucher-** On Wednesday nights beginning September 30th through October 21st, patrons attending the track on any of these four (4) Wednesdays will receive free admission and an entry form to become eligible to participate in a drawing where five persons each night will receive a \$50 bet voucher to be used for wagering purposes only at Vernon Downs through closing night October 31, 1998.

The Board *denied* the request by Vernon Downs to hold a **Columbus Day Sale** promotion on Saturday, October 10, 1998 allowing patrons to make wagers for 25 cents because the rule for bets less than \$2.00 has yet to be adopted.

8. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING AND VERNON DOWNS REQUESTS TO DESIGNATE A RACE OF SPECIAL INTEREST**

For entry into the minutes, on September 18, 1998 approval was granted for the requests by Capital OTB and Vernon Downs to designate "The Juliette" on September 23rd and "The Little Brown Jug" on September 24th races from the Delaware County Fair, as harness races of special interest, pursuant to Section 523(7) of the Racing, Pari-Mutuel Wagering and Breeding Law.

There will be full card racing on both days.

9. **NEW YORK CITY OFF-TRACK BETTING CORPORATION - SIMULCAST AGREEMENT**

For entry into the minutes, on September 23, 1998 approval was granted for the request made by NYC OTB (and on behalf of all OTBs) to simulcast the thoroughbred program from Santa Anita (Oak Tree meeting).

10. **MONTICELLO RACEWAY REQUEST TO AMEND ITS PLAN OF OPERATION**

For entry into the minutes, on September 23, 1998 approval was granted for the request made by Monticello Raceway to amend its post time on Mondays, Tuesdays and Wednesdays from 7:35 p.m. to 3:30 p.m. for the month of October.

The Board also granted approval for Monticello to amend Sunday's matinee post time from 3:30 p.m. to 1:05 p.m. beginning October 25, 1998.

11. **FINGER LAKES RACING ASSOCIATION, INC. SIMULCAST AGREEMENT**

For entry into the minutes, on September 23, 1998 approval was granted for the request made by Finger Lakes to accept the simulcast signal from Turfway Park, Calder Race Course, Delaware Park, Louisiana Downs and Philadelphia Park for the remainder of Finger Lakes' live 1998 racing season, in the event Finger Lakes' live racing is cancelled due to inclement weather, jockey and/or horsemen problems.

12. **GENESEE VALLEY HUNT, INC. REQUEST FOR STEEPLECHASE MEET**

For entry into the minutes, on September 23, 1998 approval was granted for the request made by the Genesee Valley Hunt, Inc. to conduct the Genesee Valley Hunt Race Meet at the Nations Farm on Saturday, October 10, 1998 in accordance with Section 207 of the Racing, Pari-Mutuel Wagering and Breeding Law.

13. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO AMEND APPROVED PICK 6**
For entry into the minutes, on September 28, 1998 approval was granted for the request by NYRA to amend their previously Board approved Pick 6 request to offer the October 24th pool on races 5 through 10.

The Board also grants permission to offer advanced wagering on Friday, October 23, 1998 on the Pick 6 pool.
14. **THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR AMENDMENT TO 1998 ROSTER OF RACING OFFICIALS**
For entry into the minutes, on September 28, 1998 approval was granted for the request by NYRA to include Dr. Motler, DVM as an examining veterinarian at NYRA on an as needed basis, in accordance with Board Rule 4005.1.

This approval is conditioned upon Dr. Motler relinquishing her occupational license with the New York State Racing and Wagering Board (to otherwise practice veterinary medicine at the Racetrack).
15. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**
For entry into the minutes, on September 28, 1998 approval was granted for the request by Finger Lakes to simulcast Belmont Park's races 6 through 10 on October 10, 1998 (Breeders' Cup Preview).

The Board also granted permission to simulcast the entire Belmont Showcase day card on October 24, 1998.
16. **VERNON DOWNS – SIMULCAST AGREEMENT**
For entry into the minutes, on September 28, 1998 approval was granted for the request by Vernon Downs to accept the simulcast signal from Harrington Raceway commencing on Tuesdays and on some Wednesdays and Thursdays.
17. **YONKERS RACEWAY – SIMULCAST AGREEMENT**
For entry into the minutes, on October 1, 1998 approval was granted for the request by Yonkers Raceway to simulcast Garden State and Maywood Park's races to enable New York City OTB to simulcast these races in-home and any other wagering facility taking Yonkers' races.
18. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO DESIGNATE RACES OF SPECIAL INTEREST**
For entry into the minutes, on October 1, 1998 approval was granted for the request made by NYRA to designate the Arc de Triomphe (1), Prix

du Rond Point (II) and the Prix de l'Opera (II) as races of special interest. These races will be held on Sunday, October 4, 1998 from 9:50a.m.- 11:30a.m. at Longchamp.

The Board also granted permission for NYRA to take advance wagering on these races on Saturday, October 3, 1998.

19. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO OFFER A PROMOTIONAL EVENT**

For entry into the minutes, on October 5, 1998 approval was granted for the request by NYRA to offer the following promotional event:

Sunday, October 25th – All paid admissions to Belmont Park, arriving before 1:00 p.m. will receive a free coupon. The coupon will offer patrons the choice of receiving either a free \$2 Early Daily Double coupon to be redeemed on October 25th or free general admission on opening day at Aqueduct Racetrack on October 28, 1998.

20. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO DESIGNATE A RACE OF SPECIAL INTEREST**

For entry into the minutes, on October 5, 1998 approval was granted for the request by NYRA to designate the Santa Anita Pick 6 to be held on Saturday, October 10, 1998 as a race of special interest, pursuant to Section 905-a of the Racing, Pari-Mutuel Wagering and Breeding Law.

21. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO OFFER A PROMOTIONAL EVENT**

For entry into the minutes, on October 5, 1998 approval was granted for the request by NYRA to offer free grandstand admission to any patron presenting a non-winning New York State Lottery Instant Scratch-Off Game card on Sunday, October 25, 1998 at Belmont Park and Sunday, November 8, 1998 at Aqueduct Racetrack.

22. **VERNON DOWNS REQUEST TO OFFER A PROMOTIONAL EVENT**

For entry into the minutes, on October 5, 1998 approval was granted for the request by Vernon Downs to offer the following promotional event:

October 10, 1998 – President's (Justice Cheney) Birthday Sale
Vernon Downs will run an ad in the Utica, Rome, and Oneida newspapers containing a coded coupon offering free admission. All patrons attending will receive a free piece of birthday cake. In addition, Dave Schultz and members of the new Mohawk Valley Prowlers hockey team will be there

to meet the fans, sign autographs, answers questions and make a feature race trophy presentation.

23. **YONKERS RACEWAY AND MONTICELLO RACEWAY
REQUESTS TO AMEND THEIR PLANS OF OPERATION**

For entry into the minutes, on October 6, 1998 approval was granted for the requests made by Yonkers and Monticello to amend their plans of operation in regards to Wednesdays per the following:

Yonkers will cancel Wednesdays for the remainder of the current meeting. The Board expects this reduced schedule (Wednesdays dark) to continue through December 31, 1998.

Monticello will change its post time on Wednesdays from 3:30 p.m. to 7:30 p.m. through the end of the year. The Board expects this racing schedule to continue through December 31, 1998.

With this action, it is the Board's intention to provide a regular schedule for the downstate harness tracks, the interactive off-track betting corporations, horsemen, fans and employees.

24. **SARATOGA RACEWAY – SIMULCAST AGREEMENT**

For entry into the minutes, on October 9, 1998 approval was granted for the request by Saratoga Raceway to accept the simulcast of Keeneland Racecourse into Saratoga Raceway beginning Saturday, October 10, 1998 and continuing through Saturday October 31, 1998.

25. **VERNON DOWNS REQUEST TO AMEND ITS 1998
HARNESS LICENSE**

For entry into the minutes, on October 9, 1998 approval was granted for the request by Vernon Downs to conduct less than a nine (9) race card (in case of a shortage of horses) and supplement Vernon Downs' live racing program with simulcasts from an in-state harness track during the weeks of October 7th – 10th, 14th-17th, 21st-24th, and 28th – 31st.

26. **BUFFALO RACEWAY REQUEST TO CONDUCT
A HANDICAPPING CONTEST**

For entry into the minutes, on October 14, 1998 approval was granted for the request by Buffalo Raceway to conduct a handicapping contest on three consecutive Thursdays on October 15th, 22nd, and 29th, with the final round to be held November 12, 1998 as outlined in the rules and regulations with the following revision: prizes for the opening rounds must be equal to or exceed the total of the entry fees for each round.

C ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **MATTER OF MICHAEL ERB AND MISAEL CECILIANO**
For entry into the minutes, the Board summarily suspended the thoroughbred racing licenses of both Michael Erb and Misael Ceciliano on September 17, 1998 for violation of the Board's substantive drug rule (4043.2[f]), the trainer's responsibility rule (4043.4), the prohibition against entering a horse with reason to believe to be disqualified (4042.1[d]), and prohibition against improper acts in relation to racing (4042.1[f]), pending the disposition of a hearing.

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

1. **MATTER OF VIRGIL SCARDINO**
The Board approved the recommendation of Hearing Officer Hoblock that the decision of the stewards at Finger Lakes Race Track not to disqualify the horse EVEN STEVEN which finished second in the fifth race on June 23, 1998 be upheld.
2. **MATTER OF JUAN ROHENA**
The Board approved the recommendation of Hearing Officer Liebman that the decision of the State Steward at Finger Lakes Race Track to suspend Mr. Rohena's license for ten days based upon careless riding in the ninth race on April 8, 1998, in violation of Board Rule 4035.2. be upheld.
3. **THE NEW YORK RACING ASSOCIATION INC. - AND YONKERS RACEWAY SIMULCAST TO THE MEADOWLANDS**
The Board affirmed Chairman Hoblock's approval for NYRA to simulcast its signal to The Meadowlands until December 31, 1998.

Also, the Board approved the Yonkers Raceway request to simulcast Yonkers' races to the The Meadowlands on Monday and Tuesdays until December 31, 1998.
4. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO INSTALL NEW PHOTO FINISH SYSTEM**
The Board approved the request by NYRA to install a state of the art color video/electronic imaging system to provide photo finish services at their three tracks (Aqueduct, Belmont and Saratoga), pursuant to Board rules 4003.19 and 4003.42.

5. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO DESIGNATE A RACE OF SPECIAL INTEREST**

The Board approved the request by NYRA to designate the following as a race of special interest:

<u>Date</u>	<u>Race</u>	<u>Track</u>
11/14/98	Red Stripe Superstakes	Caymanas Park Jamaica

6. **THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR FREE GRANDSTAND ADMISSION**

The Board approved the request by NYRA to offer free grandstand admission and \$2.00 off clubhouse admission on Friday, October 23, 1998.

7. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO CONDUCT PROMOTIONAL EVENTS**

The Board approved the request by NYRA to conduct the following promotional events:

November 26, 1998 (Thanksgiving Day) – offer free general admission and reduced clubhouse admission.

November 27, 1998 – Send via direct mail approximately 50,000 mystery mutuel vouchers to patrons on NYRA's downstate mailing list. The random value of the vouchers are: (1) \$5,000, (100) \$100, (6,899) \$5 and (43,000) \$2. Vouchers are only valid on November 27th.

8. **THE SYRACUSE MILE REQUEST FOR WITHDRAWAL FROM ITS CAPITAL IMPROVEMENT FUND**

The Board approved the request by the Syracuse Mile to withdraw a total of \$14,043.82 from their Capital Improvement Fund for the following:

• Rental of Photo Finish, Timer, Video and Timer	\$10,800.00
• Fax Machine	<u>\$ 213.99</u>
• Sub-Total	\$11,013.99
• Advertising	<u>\$ 3,029.83</u>
Total Application	<u>\$14,043.82</u>

9. **FINGER LAKES RACING ASSOCIATION REQUEST FOR WITHDRAWAL FROM ITS CAPITAL IMPROVEMENT FUND**

The Board approved the request by Finger Lakes to withdraw \$162,401.20 from their Capital Improvement Fund for the following:

- Gas line work/New Sheds/ Air Ironizers \$56,480.94
- Kitchen Equipment \$16,056.71
- Computer and Related Software \$56,385.50
- Park Benches \$15,208.36
- 1983 Dump Truck & Plow \$11,770.00
- Other Misc. Items \$6,499.69

Total CIF Request **\$162,401.20**

10. YONKERS AND MONTICELLO RACEWAYS REQUEST TO AMEND THEIR 1998 HARNES LICENSES

The Board approved the request by Yonkers Raceway to resume Wednesday racing beginning November 1st through December 31, 1998.

The Board approved the request by Monticello Raceway to amend its post time on Mondays and Tuesdays from 7:35 p.m. to 3:30 p.m. for the month of November.

The Board also granted permission for Monticello to amend its post time from 7:35 p.m. to 3:30 p.m. on Wednesdays until December 31, 1998.

11. CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION REQUEST FOR NEW PUTNAM COUNTY DIRECTOR

The Board approved the request by Catskill OTB to appoint Linda Sweeney as a member of the Board of Directors representing Putnam County.

This approval is conditioned upon a satisfactory return of Ms. Sweeney's fingerprint cards.

12. APPOINTMENT OF CITY OF SCHENECTADY DIRECTOR FOR CAPITAL DISTRICT OFF-TRACK BETTING CORPORATION

The Board determined that the City Council of Schenectady is the appropriate appointing authority for the City's member of the Board of Directors of Capital OTB.

13. WESTERN REGIONAL OFF-TRACK BETTING CORPORATION ACQUISITION OF BATAVIA DOWNS CLOSING ISSUES

The Board took the following action:

1. *Capital Improvement Fund*- The Board authorized the withdrawal of \$1,176.28 from the Capital Improvement Fund escrow account for the

purpose of refunding this overage to the Genesee Monroe Racing Association. The Board expressed its strong belief that this refund should be used to pay outstanding bills of the GMRA.

2. *Payment of Outstanding Purses Earned*- In lieu of a formal escrow agreement, the Board approved the use of the \$16,138.76 to fund the Key Bank account upon which the approximately eighty (80) checks have been prepared, provided the Board receives a written representation from both GMRA and Harris Beach & Wilcox that any unclaimed funds will be retained in the account pending further order of the Board upon application by GMRA or its attorneys. The remaining funds may not be paid to or withdrawn by GMRA or its shareholders without prior Board approval.

The Board authorized the transfer of \$119,128.23 with accrued interest from the cited escrow account to a new horsemen's account to be controlled jointly by the WNYHHA and WROTB. No withdrawals shall be made from this account without the express written approval of the Board. WNYHHA shall transfer the sum of \$219,651.73 plus accrued interest to the new account. Following establishment of the account, WROTB may withdraw its contribution to the escrow account plus accrued interest, and the escrow account may be closed.

The Board issued a preliminary ruling that, in the event WROTB does not obtain a license for live racing to be conducted at Batavia Downs in 1999, the purse monies in the newly established account would become available for purse use at Buffalo Raceway, provided, however, that the funds would be subject to a final ruling of the Board and any statutory obligations and taxes applicable to those funds.

E ITEMS FOR BOARD INFORMATION/ DISCUSSION

1. **THE NEW YORK RACING ASSOCIATION INC. -10-35-E**
NYC OTB simulcasting schedule.
2. **THE NEW YORK RACING ASSOCIATION INC. -10-40-E**
Distribution of purses.
3. **THE NEW YORK RACING ASSOCIATION INC. -10-01-E**
Capital Improvement 5 year plan 1999-2003.
4. **THE NEW YORK RACING ASSOCIATION INC. -10-09-E**
NYTHA financial statement for 1998 Saratoga meet.
5. **THE NEW YORK RACING ASSOCIATION INC. -09-59-E**
Meeting in regards to Belmont Park Clocker's Stand.
6. **BUFFALO RACEWAY-10-03-E**
Racing dates for 1999.
7. **VERNON DOWNS -09-60-E**
Procedures for the cancellation of wagers.
8. **YONKERS RACEWAY -09-51-E**
Cancellation of live racing on 9/14/98.
9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -09-63-E**
United Tote upgrade.
10. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -10-13-E**
Booking the 7th race from Delaware Fairgrounds on 9/23/98.
11. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -10-14-E**
Certificate of occupancy and Short Environmental Form for Star Plaza branch.
12. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -10-28-E**
Attempted robbery at Lansingburgh branch.
13. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -09-61-E**
Summons and complaint from Stella Sokal.
14. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION -09-62-E**
Notice of claim from Colleen M. Mabee.

15. SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION-10-22-E
Certificate of occupancy for Sunrise branch.
16. WESTERN REGIONAL OFF-TRACK BETTING CORPORATION-10-24-E
Fraudulent money in self-vending machines.
17. WESTERN REGIONAL OFF-TRACK BETTING CORPORATION-10-23-E
Robbery at Albion branch.
18. GAMES OF CHANCE-10-06-E
September registration application determinations.
19. BELL JAR -10-02-E
September monthly stats.

The meeting adjourned at 1:30 p.m.