

MINUTES OF ITS MEETING

APP- 11/5/81

HELD OCTOBER 9, 1981 10:00 a.m.

A meeting of the New York State Racing and Wagering Board was held on October 9, 1981, 10:30 a.m. at the Board Office, Two World Trade Center, N.Y., N.Y. 10047

The meeting being called on October 6, 1981, public notice of the meeting was given to the Associated Press and UPI and to the public by posting in the Board's reception area on the 74th floor and also on the 44th floor.

PRESENT: John Van Lindt, Chairman; Bertram D. Sarafan, Member; Dr. Joseph O'Dea, Member

ALSO PRESENT: Richard F. Corbisiero, Jr., Executive Director; John Dailey, Director of Policy and Planning; Dorothy Rakowski, Quarter Horse Racing; Victor Coccoziello, Director of Wagering Systems; Salvatore Curiale, Counsel; Nancy Rudolph, Chief of OTB Operations; Kenneth Beh, Director of Public Relations; Dr. Norman Lewis, Chief State Racing Veterinarian; Dominic Coppotelli, Director of Bingo; Eileen Clarke, Assistant OTB Operations; James Gallagher, Assistant Racing Operations; Herman Kluge, Director Investigations, Licensing and Audits; Stephen Cipot, Assistant Director Investigations, Licensing and Audits; David Vaughan, Assistant Counsel; Richard Feuerstein, Assistant Counsel; Theodore Garrison, Assistant Counsel and Thomas C. Davide, Secretary to the Board.

A. MINUTES:

1. The Board approved the minutes of its meeting held August 3, 1981.
2. The Board approved the minutes of its special meeting held August 7, 1981.
3. The Board approved the minutes of its special meeting held September 28, 1981.

B. FOR ENTRY INTO THE MINUTES:

1. SARATOGA HARNESS - LABOR DAY SALUTE TO SENIOR CITIZENS. The Board's prior approval of Sept. 4, 1981 of request by Saratoga Harness Racing, Inc. to continue their annual salute to Senior Citizens on Labor Day.
2. SARATOGA RACEWAY - Make-Up Racing Date. The Board's prior approval of Aug. 14, 1981 of request by Saratoga Raceway for an additional racing day on Sunday, Sept. 13, 1981.

3. BATAVIA DOWNS - License Omission. The Board's prior approval of Aug. 19, 1981 of request by Batavia Downs to amend their Summer-Fall racing dates to clarify their Labor Day schedule.
4. YONKERS - LATE DOUBLE WAGERING. The Board's prior approval of Aug. 19, 1981 of request by Yonkers Raceway to conduct late double wagering on the ninth and tenth races on Sat., Aug. 22, 1981.
5. SARATOGA HARNESS - LABOR DAY. The Board's prior approval of Sept. 1, 1981, of request by Saratoga Harness to offer an admission pass on Labor Day, Sept. 7, 1981, valid only on Sunday, Sept. 13, 1981.
6. MONTICELLO RACEWAY - FREE ADMISSION AND FREE PARKING. The Board's prior approval of Sept. 8, 1981 of request by Monticello Raceway to offer Free General Admission and Free General Parking on the remaining Tuesdays for their current meet commencing with Tuesday, Sept. 15, 1981.
7. NYCOTBC/SIMULCASTING FROM ROOSEVELT AND YONKERS. The Board's prior approval of Aug. 21, 1981 of request by NYCOTBC to amend its plan of operation to initiate the simulcasting of harness racing from both Roosevelt and Yonkers Raceways into the two NYCOTBC Branch Offices.
8. NYCOTBC/Pick-Four - Monticello Raceway. The Board's prior approval of Sept. 4, 1981 of request by NYCOTBC to accept Pick-Four wagers at Monticello Raceway on Fridays and Sundays during their upcoming Fall meeting.
9. SARATOGA HARNESS/RETURN PASSES. The Board's prior approval of Aug. 28, 1981 of request by Saratoga Harness Racing, Inc. to issue return passes this Saturday, evening Aug. 29, 1981 for use on their opening Sunday program, Sept. 13th.
10. BATAVIA DOWNS - RACING DATES - LICENSE AMENDMENT. The Board's prior approval of Sept. 8, 1981 of request by Batavia Downs to race on certain additional days for the remainder of their meet.
11. BATAVIA DOWNS/WROTBC - Reduced Admission. The Board's prior approval of Sept. 18, 1981 of request by Batavia Downs to sell five hundred general admission tickets at a reduced price of one dollar every Monday night starting Mon., Sept. 21, through the balance of the season.
12. SUFFOLK OTBC - RELOCATE PORT JEFFERSON BRANCH. The Board's prior approval of Sept. 17, 1981 of request by Suffolk Regional OTBC to relocate the Port Jefferson branch to a site approximately one and one-half miles west of where they presently are.
13. NYCOTBC - CALDER AND KEYSTONE RACEWAYS ON NYRA'S DARK TUESDAY. The Board's prior approval of Aug. 31, 1981 of request by NYCOTBC to accept wagers on races run at the listed out-of-state tracks.
14. NYRA- DELAWARE PARK TO CONDUCT WAGERING ON THE 1981 WOODWARD STAKES. The Board's prior approval of Sept. 4, 1981 of request by NYRA for

Board approval of the submitted proposed terms and conditions whereby NYRA and Delaware Park have agreed to an arrangement under which Delaware Park will accept pari-mutuel wagering at its racetrack on the 1981 Woodward Stakes.

15. NYRA - CONTRACTS WITH CENTENNIAL TURF CLUB, INC. AND DELAWARE PARK RACING ASSOCIATION. The Board's prior approval of Aug. 5, 1981 of request by NYRA to permit Centennial Turf Club, Inc. and Delaware Park Racing Association to accept pari-mutuel wagering for the 1981 Whitney and Travers.
16. FINGER LAKES / LABOR DAY. The Board's prior approval of Aug. 13, 1981 of request by Finger Lakes Racing Assoc., Inc. to distribute tickets to their patrons on Sept. 7, 1981, Labor Day.
17. Yonkers Raceway - Promotions. The Board's prior approval of Aug. 13, 1981 of request by Yonkers Raceway to conduct certain promotions for their upcoming meet Aug. 9 through Nov. 7, 1981.
18. SARATOGA HARNESS - GENERAL ADMISSION TAX-EXEMPT PERMITS. The Board's prior approval of Aug. 20, 1981 of request by Saratoga Harness Racing, Inc. to print 15,000 general admission tax-exempt permits which will be good any one day from Aug. 24 through Aug. 27, 1981.
19. YONKERS RACEWAY - PROMOTIONS. The Board's prior approval of Aug. 7, 1981 of request by Yonkers Raceway to hold certain promotions during the Aug. 9 through Nov. 7 meet.
20. NYRA - CONTRACTS WITH CALDER RACE COURSE AND ARLINGTON PARK CONTRACTS WITH CENTENNIAL TURF CLUB, INC. The Board's prior approval of Aug. 14, 1981 of request by NYRA to permit Calder Race Course and Arlington Park to accept pari-mutuel wagering for the 1981 Travers; Marlboro and Matron and 1981 Jockey Club Gold Cup and Champagne and Centennial for the Marlboro and Matron and Jockey Club Gold Cup and Champagne.
21. YONKERS RACEWAY - "TOTE BAG" GIVE-A-WAY. The Board's prior approval of Sept. 17, 1981 of request by Yonkers Raceway to have a "Tote Bag" give-a-way.
22. SYRACUSE MILE, INC./PROMOTIONS. The Board's prior approval of Aug. 13, 1981 of request by Vernon Downs to conduct certain promotions as outlined in their letter of request.
23. NYCOTBC/KEYSTONE/CALDER. The Board's prior approval of Aug. 28, 1981 of request by NYCOTBC to provide delayed audio broadcasts of race calls from Keystone on "dark" Tuesdays and on any other days when racing might be cancelled at a NYRA track.
24. WROTBC- OSWEGO BRANCH. The Board's prior approval of Sept. 17, 1981 of request by WROTBC to amend its plan of operation to include an additional branch office in Oswego County.
25. VERNON DOWNS/PROMOTIONS. The Board's prior approval of Sept. 1, 1981 of request by Vernon Downs to conduct certain promotions as outlined in their letter of request dated Aug. 28, 1981.

26. CAPITAL DISTRICT OTBC/AMEND PLAN OF OPERATION TO INCLUDE THE COUNTY OF ONEIDA AND TO OPEN EIGHT (8) BRANCHES. The Board's prior approval of Aug. 21, 1981 of request by Capital District OTBC for the inclusion of Oneida County as a participating member of the Corp.
27. NYCOTBC/Prix de l'Arc de Triomphe. The Board's prior approval of Sept. 17, 1981 of request by NYCOTBC to accept exclusive off-track wagers on the Prix de l'Arc de Triomphe as part of its Special Events program.
28. NYCOTBC/WAIVER OF RULE 4011.22. The Board's prior approval of Aug. 10, 1981 of request by NYCOTBC for a waiver of Rule 4011.22 which requires ten betting interests "overnight" in order to have triple wagering.

C. FOR BOARD APPROVAL:

1. OMITTED
2. 1981-1982 CORNELL CONTRACT. The Board approved the submitted contract amendment to the original 1977 agreement between the Board and Cornell University relating to the drug testing and research program.
3. CATSKILL OTBC - "Monday Morning Quarter Back", Tuesday Threesday. The Board denied requests by Catskill OTBC to conduct a promotions entitled "Be a Monday morning Quarterback" at OTB" and request to renew their "Tuesday Threesday" promotion.
4. CAPITAL OTBC - Franchise to Transmit Closed Circuit Television. The Board denied request by Capital OTBC for approval of the submitted Franchise and operation of a closed circuit transmission within the parimeters of that Franchise between Capital OTBC and the Town of Champlain.
5. LICENSING OF ALL THOROUGHBRED EMPLOYEES. The Board deferred action on this matter until a later date.
6. REVISION OF RULE 4122.17. The Board deferred action on this matter until a later date.
7. PROPOSED RULES - 4101.37; 4101.38; 4101.40; 4205.1; 4205.11; 4205.12; 4205.13; 4205.14; 4205.16; 4205.17; 4002.8; 4002.19; 4002.20; 4002.21; 4002.23; 4002.24; 4002.25; 4032.1; 4002.22; 4032.2; 4032.3; 4032.4; 4032.5; 4032.6; 4032.7; 4032.8; and 4032.9. The Board approved the submitted proposed rules relating to Standards and Qualifications.
8. PROPOSED RULE - OWNERSHIP. The Board approved the submitted proposed rules relating to multiple ownership.

9. OMITTED

10. NYCOTBC - RESTRICTION ON WAGERING BY OTB EMPLOYEES. The Board denied request by NYCOTBC that the Rules and Regulations be reviewed to make certain changes.
11. APPRENTICE ALLOWANCE - Jack L. Kaenel. The Board denied request by Apprentice Jockey Jack L. Kaenel for an extension of his apprenticeship.
12. Hearing Officer Report in the Matter of Sylvia Ungaro. The Board adopted recommendation to deny a 1981 license to applicant, Sylvia Ungaro.
13. VERNON DOWNS - Annual Toy Night. The Board approved request by Vernon Downs to conduct their "Annual Toy Night" on Friday, October 9, 1981.
14. VERNON DOWNS - Capital OTB Promotions. The Board approved request by Vernon Downs to conduct the submitted joint promotion with Capital District Off-Track Betting Corp.
15. APPRENTICE ALLOWANCE - Ricky Lee Frazier. The Board approved request by Apprentice Jockey Ricky Lee Frazier, for an extension on his apprenticeship.
16. MONTICELLO RACEWAY - Cancel Wednesday Night Racing. The Board approved request by Monticello Raceway to cancel racing on Wednesday evening, November 25, 1981 due to the Thanksgiving Eve holiday.
17. OMITTED - same as #8
18. HEARING OFFICER REPORT IN THE MATTER OF - Gus Toplensky. The Board deferred action on this matter until a later date.
19. OMITTED
20. FINGER LAKES - PROMOTIONS. The Board approved request by Finger Lakes Racing Association, Inc. for approval of the submitted promotions.
21. 1981 Pinkerton Contract. The Board approved the submitted agreement between Pinkerton's and the Board.
22. WROTBC/LIVE CALLS - FINGER LAKES. The Board approved request by Western Regional Off-Track Betting Corporation, Inc. to broadcast the "live" calls of the Finger Lakes thoroughbred races into all WROTBC branch offices, but the Board deferred their request to broadcast live calls over Cable TV networks.
23. WROTBC/AMEND PLAN OF OPERATION (BRANCHES). The Board approved request by Western Regional Off-Track Betting Corporation, Inc. to relocate two parlors, extend operations for six months in Ripley and relocate site in Buffalo for a two year period.

24. OMITTED

25. PROPOSED RULE 5204.15 (Calculation of Odds and Pay-Off Prices).
The Board deferred action on this matter.
26. CAPITAL OTBC - Include County of Franklin. The Board approved request by Capital OTBC to amend their plan of operation to include Franklin County. It is understood that this approval is to become effective November 5, 1981, that the proposed site on Route 37, in St. Regis is not located within the St. Regis Indian Reservation and that the second site will be located at 127 E. Main St in Malone.
27. PROPOSED RULE CHANGES - 4105.1 and 4105.17. The Board approved the submitted proposed rule changes (4105.1 and 4105.17) relating to Veterinarians at Harness Tracks.
28. WRDTBC - NEW DIRECTORS. The Board deferred action on this matter.
29. LICENSE FEES - PROPOSED RULE AMENDMENTS. The Board deferred action on this matter until a later date.
30. Hearing Officer Report in the Matter of - Joe Rich, Jr. The Board adopted recommendation and confirmed 15 day suspension of license.
31. Hearing Officer Report in the Matter of - Dave Columbo. The Board adopted recommendation and confirmed 15 day suspension of license.
32. Hearing Officer Report in the Matter of - Joe Beszczynski, Jr.
The Board adopted recommendation and confirmed 5 day suspension of license.
33. Hearing Officer Report in the Matter of - Jose Delgado. The Board adopted recommendation and confirmed 5 day suspension of license.
34. PROPOSED RULES - Transmission of Racing Information. The Board approved the submitted rules relating to transmission of racing information.

D. FOR BOARD NOTICE AND DISCUSSION:

1. New York State Register - Agency Action - 7/29/81 re: Admission to the Paddock Area in Harness Racing - NOTED
 2. New York State Register - Agency Action - 8/12/81 - re: Various Rule Subjects - NOTED
 3. New York State Register - Agency Action - 9/16/81 - re: Foreign Substances in Race Horses - NOTED
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1. Memo of J. Iberger, 8/7/81 - Video Machine Games - Saratoga Raceway - NOTED
 2. Memo of N. Rudolph, 7/16/81 - Capital's broadcast of delayed audio calls in Saratoga - NOTED

3. Memo of N. Rudolph, 9/11/81 - Letter to D. Groth - NOTED
4. Memo of N. Rudolph, 9/11/81 - Letter to D. Etkin - NOTED
5. Memo of N. Rudolph, 9/11/81 - Letter of D. Groth - NOTED
6. Memo of J. Iberger, 8/14/81 - Monticello Raceway Fan Appreciation Night, letter of 7/28/81 - NOTED
7. Letter of G. Lawrence, 8/17/81 - endorsement denied - NOTED
8. Letter of T. Rooney, 8/17/81 - discount pari-mutuel tickets offered by Catskill OTB - ad - NOTED
9. Letter of N. Rudolph, 8/20/81 - Capital OTB, amend plan of operation - NOTED
10. Letter of J. Pautler, 7/30/81 - Public Hearing - NOTED
11. Memo of N. Rudolph, 8/4/81 - Letter of T. Lebrecht - NOTED
12. Memo of N. Rudolph, 9/30/81 - Simulcasting - Capital - NOTED
13. Memo of H. Kluge, 8/18/81 - NYRA Trustee
14. Memo of N. Rudolph, 9/30/81 - Nassau OTB, Change of Address for the Secretary of the Board of Directors - NOTED
15. Memo of N. Rudolph, 9/30/81 - Letter from D. Groth - "Slot Shoppes"- NOTED
16. Memo of N. Rudolph, 9/30/81 - Prohibition of Toilet Facilities in Branch Locations- NOTED