

MINUTES

NEW YORK STATE RACING AND WAGERING SPECIAL BOARD

MEETING OF AUGUST 9, 2000

Updated October 11, 2000

A meeting of the New York State Racing and Wagering Board was held on Wednesday, August 9, 2000 at 11:30 a.m. in the Simon Baruch Room (2nd Floor) at the Administration Office Building in the Saratoga Spa State Park.

The meeting was called to order at 11:35 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Cheryl Buley, Member

Ed 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

Also in Attendance Were:

Dianne Landor, NYSR&WB

Nicole Robilotto, NYSR&WB

Stacy Walker, NYSR&WB

Steve Bochnak, Magna Entertainment

David Grening, Daily Racing Form

Kevin J. Plunkett, Thacher, Proffitt & Wood

Tom Precious, Buffalo News/Blood Horse

Michael Galvin

Bill Crowell, Hinman Straub

OPEN COMMENT PERIOD: The Board heard statements presented in relation to the application of Dr. Michael Galvin for reconsideration of the sixty (60) day suspension of his license to participate as a veterinarian in pari-mutuel thoroughbred racing, pursuant to the Board's Findings and Order dated November 18, 1998, or in the alternative to reopen the adjudicatory proceeding pursuant to Board Rule 9 NYCRR 5402.10(b) and (c) (2), on the basis of newly discovered evidence. A copy of the transcripts are on file with the Secretary's Office.

A. The Board approved the minutes of the Board meetings held on July 19, 2000 and July 24, 2000.

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

1. NYRA REQUEST TO OFFER MYSTERY VOUCHER PROMOTION

For entry into the minutes, on July 20, 2000, approval was granted for the request by NYRA, dated July 16, 2000, to issue 45,538 "mystery amount" wagering vouchers to be redeemed on each of two specified promotion days. Each issued voucher is valid one specific day at Belmont Park on either Saturday, September 9th or Saturday, October 21, 2000, with the redeemable date printed on the voucher.

It is understood that from 12:00 p.m. to 1:00 p.m. at Gate Six at Belmont Park on each designated Saturday, a patron with a mystery voucher valid for that day may be escorted to and from designated windows to redeem the voucher. In so redeeming a voucher, the customer may 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.

2. NYS OTB SIMULCASTING NETWORK (ON BEHALF OF ALL OTB's EXCEPT NYC) REQUEST TO DESIGNATE RACES OF SPECIAL INTEREST

For entry into the minutes, on July 20, 2000, approval was granted for the request by NYS OTB Simulcasting Network to designate as thoroughbred "Special Events", in compliance with Section 905-a of the Racing Law, the following Graded stakes races:

- Saturday, August 19th - The Beverly D. (GR.I) - Arlington Park
- Sunday , August 27th - The Philip J. Iselin (GR.II) - Monmouth Park
- Sunday, August 27th - The Remington Park Derby (GR.III) - Remington Park

3. SUFFOLK OTB REQUEST TO CONDUCT 3RD HANDICAPPING CHALLENGE

For entry into the minutes, on July 20, 2000, approval was granted for the request by Suffolk OTB, dated July 14, 2000, to conduct the 2000 Suffolk OTB Handicapping Challenge on Saturday, September 16, 2000, as outlined in the official rules and regulations.

This is the third handicapping contest of this year at Suffolk OTB. As is stated in the contest rules, the contestant that accumulates the most points over the three contests receives automatic entry and seeding for the world championship handicapping contest at PENN NATIONAL racetrack in Pennsylvania in October. Furthermore, the winner of the Penn National free entry is solely responsible for his (her) own hotel and travel expense to Grantville, Pennsylvania and Penn National.

This approval is specific to a one-day contest on September 16, 2000.

4. MONTICELLO RACEWAY REQUEST FOR SIMULCASTS FOR YEAR 2000

For entry into the minutes, on July 27, 2000, approval was granted for the request by Monticello Raceway to import simulcasts from the Del Mar Thoroughbred Club in California effective immediately.

This approval is valid through the end of the 2000 Del Mar race meeting scheduled to end on September 13, 2000. These simulcasts may be imported whenever permitted under the Racing Law.

* For entry into the minutes, on August 2, 2000, approval was granted for the request by Monticello Raceway to import simulcast harness racing programs from Garden State Park in Cherry Hill, New Jersey throughout the 2000 Garden State harness race meeting.

This approval extends through December 16, 2000.

5. **NYRA REQUEST FOR RACES OF SPECIAL INTEREST FOR YEAR 2000**

For entry into the minutes, on July 27, 2000, approval was granted for the request by NYRA to designate an additional stakes race during August as a "special event" as specified under Section 905-a of the Racing Law.

The "Gardenia Stakes", a Grade III race scheduled for Saturday, August 26th is emanating from Ellis Park in Henderson, Kentucky, a Churchill Downs, Inc. property.

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

For entry into the minutes, on July 27, 2000, approval was granted for the request by Vernon Downs to import the year 2000-harness simulcasts from Pompano Park in Florida.

This simulcast is permitted whenever applicable under the Racing Law and no more than five out-of-state harness simulcasts are permitted on any one date of the year.

* For entry into the minutes, on August 2, 2000, approval was granted for the request by Vernon Downs to import the simulcast signal from Bally's Ocean Downs in Maryland, effective immediately. This approval is valid for the entire year 2000 Bally's at Ocean Downs race meeting.

This simulcast may be imported whenever permissible under current Racing Law.

7. **CATSKILL OTB REQUEST TO CLOSE BRANCH - ROCKLAND COUNTY**

For entry into the minutes, on July 27, 2000, approval was granted for the request by Catskill OTB for the closure of the Catskill Regional Off-Track Betting non-simulcast branch in New City.

8. **SYRACUSE MILE REQUEST TO CHANGE WAGERING FORMAT**

For entry into the minutes, on July 31, 2000, approval was granted for the request by Syracuse Mile to amend the plan of operation at the Syracuse Mile to conduct late double wagering on races seven and eight on each of the five racing programs presented at its year 2000 race meeting.

9. **NASSAU OTB REQUEST TO SIMULCAST GARDEN STATE PARK**

For entry into the minutes, on July 31, 2000, approval was granted for the request by Nassau OTB to import simulcast harness racing programs from Garden State

Park in Cherry Hill, New Jersey throughout the year 2000 Garden State harness race meeting.

This approval extends to Suffolk Regional OTB as well.

10. NEW YORK CITY OTB REQUEST TO SIMULCAST DEL MAR THOROUGHBRED CLUB

For entry into the minutes, on July 31, 2000, approval was granted for the request by New York City OTB, dated July 28, 2000, to simulcast the year 2000 Summer thoroughbred program from the Del Mar Thoroughbred Club in California. This simulcast signal may be imported whenever permissible under the Racing Law.

This approval, effective immediately, extends to the other New York State regional off-track betting corporations of Capital, Catskill, Nassau, Suffolk and Western OTB.

11. FINGER LAKES REQUEST FOR ADDITION TO ROSTER OF RACING OFFICIALS - MARTINEZ

For entry into the minutes, on August 1, 2000, the request by Finger Lakes was **DENIED** for the appointment of Carmen Martinez to the position of alternate placing judge pursuant to Board Rule 4004.1.

It has been determined that licensee Carmen Martinez recently became Carmen Martinez-Colon, the wife of a year 2000 licensed jockey that has competed and is eligible to compete at Finger Lakes Racetrack. In the performance of some required duties as a racing official, it would not be in the public interest to have a currently licensed jockey's spouse performing such duties.

12. BUFFALO RACEWAY REQUEST TO SIMULCAST GARDEN STATE PARK, DEL MAR & LOUISIANA DOWNS

For entry into the minutes, on August 2, 2000, approval was granted for the request by Buffalo Raceway for the simulcast contracts between Buffalo Raceway and the New Jersey harness racetrack known as Garden State Park, the California thoroughbred racetrack known as Del Mar Turf Club, and the thoroughbred racetrack known as Louisiana Downs.

All approvals are effective immediately.

13. YONKERS RACEWAY REQUEST TO SIMULCAST FROM GARDEN STATE PARK

For entry into the minutes, on August 2, 2000, approval was granted for the request by Yonkers Raceway to import simulcast harness racing programs from

Garden State Park in Cherry Hill, New Jersey throughout the year 2000 Garden State harness race meeting.

This approval extends through December 16, 2000.

14. CATSKILL OTB REQUEST TO CLOSE BRANCH - BROOME COUNTY

For entry into the minutes, on August 2, 2000, approval was granted for the request by Catskill OTB for the closure of the Catskill Regional Off-Track Betting non-simulcast branch in Endicott.

15. WESTERN OTB REQUEST TO EXTEND CONTRACT WITH BUFFALO RACEWAY

For entry into the minutes, on August 2, 2000, approval was granted for the request by Western OTB for approval of the newest extension of the Buffalo Raceway simulcast contract with the Western Regional Off-Track Betting Corporation.

This contract is now in effect through December 31, 2000.

16. CAPITAL OTB REQUEST TO SIMULCAST WOODBINE & MOHAWK RACEWAYS

For entry into the minutes, on August 8, 2000, approval was granted for the request by the Capital District Regional Off-Track Betting Corporation for approval of the contract with the Ontario Jockey Club for the simulcasts of the harness races emanating from Mohawk Raceway and Woodbine International Racecourse.

Approval is effective immediately and valid throughout the remainder of the calendar year of 2000.

This approval further extends to Catskill and Western OTB.

17. NASSAU OTB REQUEST TO SIMULCAST WOODBINE & MOHAWK RACEWAYS

For entry into the minutes, on August 8, 2000, approval was granted for the request by the Nassau Regional Off-Track Betting Corporation for approval of the contract with the Ontario Jockey Club for the simulcasts of the harness races emanating from Mohawk Raceway and Woodbine International Racecourse.

Approval is effective immediately and valid throughout the remainder of the calendar year of 2000.

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

18. NEW YORK CITY OTB REQUEST TO SIMULCAST WOODBINE & MOHAWK RACEWAYS

For entry into the minutes, on August 8, 2000, approval was granted for the request by New York City Off-Track Betting for approval of the contract with the Ontario Jockey Club for the simulcasts of the harness races emanating from Mohawk Raceway and Woodbine International Racecourse.

This approval is effective immediately and valid throughout the remainder of the calendar year of 2000.

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

1. IN THE MATTER OF TERRY M. HUTCHINSON

On July 25, 2000 the Board summarily suspended the thoroughbred groom license of Mr. Hutchinson based upon his relevant substance abuse history in 1999 and the fact that on July 17, 2000, Mr. Hutchinson tested positive to a urine test. The sample tested positive for cocaine and marijuana.

The suspension will remain in effect pending further disposition by the Board after a hearing.

2. IN THE MATTER OF MARIO RUSSO

On July 25, 2000, the Board summarily suspended the harness owner-trainer license of Mr. Russo based upon the presence of the drug etorphine in the post-race urine of the horse, NATURE BOY, trained by Mr. Russo, which competed in the 7th race at Monticello on June 27, 2000. The horse finished 2nd.

The suspension will remain in effect pending further disposition by the Board after a hearing.

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

1. IN THE MATTER OF DR. MICHAEL GALVIN

The Board denied, with Member Buley abstaining, the application by thoroughbred veterinarian Michael Galvin to reopen the Findings and Order dated November 18, 1998. The Board modified the penalty imposed from the judicially

confirmed sixty (60) day suspension to a forty-five (45) day suspension with a fifteen thousand (15,000) dollar fine in lieu of the alternative penalty proposed by the applicant, and ordered that the license of Dr. Michael J. Galvin be suspended for forty-five (45) days from August 16, 2000 and that a fine in the amount of \$15,000 be imposed.

2. PROPOSED CONSENSUS RULE MAKING FOR DATE OF BIRTH LICENSE

The Board approved the request for proposals to amend Board Rules 9 NYCRR 4002.7, 4101.24 and 4205.1 to implement the Board requested statutory changes to a date of birth occupational licensing procedure. The relevant bill (S. 7078) was signed into law as Chapter 128 of the Laws of 2000. This law amends Racing, Pari-Mutuel Wagering and Breeding Law Sections 213, 309 and 409 to provide for a date of birth occupational licensing system for thoroughbred, harness and quarterhorse racing. These amendments are proposed to be effective January 1, 2001.

3. RULE PROPOSALS TO ADDRESS RACEDAY ADMINISTRATION OF "MILKSHAKES" AND OTHER PROHIBITED SUBSTANCES

The Board deferred the request for adoption by emergency rule making and for proposal by standard rule making of procedures to amend Parts 4120, 4012 and 4043 of the Board's rules to establish effective substantive prohibitions for thoroughbred and harness racing and procedures to implement post-race testing in harness racing for total carbon dioxide levels in blood. The item was deferred due to a New Jersey court decision regarding the testing procedures for "milkshaking".

4. FINGER LAKES REQUEST FOR ADDITION TO ROSTER OF RACING OFFICIALS

The Board approved the appointment of David J. Mattice to the position of alternate placing judge, pursuant to Board Rule 4004.1.

5. NYRA REQUEST FOR ADDITIONAL ANNEXATION OF PROPERTIES FOR SARATOGA MEET

The Board approved the annexation of an additional property known as the H. James Bond /Payson Stables for the purpose of the lasix administration program for the year 2000 Saratoga race meeting.

This approval is effective immediately.

6. SUFFOLK OTB REQUEST TO APPOINT NEW PRESIDENT - KNAPP

The Board approved the appointment of Marie E. Knapp as the new President of the Suffolk County Regional Off-Track Betting Corporation.

The meeting was adjourned at 1:45 p.m.