

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF DECEMBER 3, 2002

A meeting of the New York State Racing and Wagering Board was held on Tuesday, December 3, 2002 at 11:30a.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 11:30 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Ed Martin, Executive Director

Sheila Osterhout, Secretary to the Board

Robert Feuerstein, General Counsel

Gregg Schreffler, Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Jason Wheatley, NYS Senate

Mike Connery, Capital District OTB

Ed Draves, Bolton-St. Johns.

Charles Coppola, Coppola, Ryan, McHugh

Bill Crowell, WEMED

OPEN COMMENT PERIOD: The Chairman welcomed Michael Connery, the new President of Capital OTB.

A. The Board approved the minutes of the Board meeting held on November 13, 2002.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. CAPITAL OTB REQUEST TO REINSTATE CONCESSIONAIRE LAKE GEORGE

For entry into the minutes, on November 15, 2002, approval was granted for the request for the appointment of Christopher Scully and Albert Perrone as the concessionaires for the Lake George branch of the Capital District Regional Off-Track Betting Corporation.

2. FINGER LAKES REQUEST TO DISTRIBUTE PICK-SIX POOL 11/24/02

For entry into the minutes, on November 15, 2002, approval was granted for the request by Finger Lakes to amend its plan of operation for a final year 2002 disbursement of the entire pick-six mutuel pool on Sunday, November 24, 2002.

3. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002

For entry into the minutes, on November 20, 2002, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of the Cal Expo harness simulcast signal.

This approval is valid throughout the remaining year 2002 race meeting for Cal Expo.

4. MONTICELLO RACEWAY REQUEST TO CHANGE POST TIME 12/24/02

For entry into the minutes, on November 21, 2002, approval was granted for the request by Monticello Raceway to amend its plan of operation by changing the first post time on Tuesday, December 24, 2002 (Christmas Eve) to 12:10 p.m. from the previously approved first post time of 1:10 p.m.

5. NEW YORK CITY OTB REQUEST TO OFFER PROMOTION

For entry into the minutes, on November 21, 2002, approval was granted for the request by New York City Off-Track Betting Corporation to conduct a sweepstakes drawing entitled Trip to Las Vegas Sweepstakes as per the submitted rules.

There will be a contest winner at each of the seven New York City OTB restaurant/mini-branches with each prize valued at approximately \$1,500.00. Since the value of the prizes available to the winners of this contest is greater than \$5,000, this contest requires registration as a sweepstakes with the Secretary of State of the State of New York. In additions, proof of such filing must be forwarded to the Board immediately upon receipt.

This approval is effective upon forwarding to the Board proof of such registration with the New York State Secretary of State.

6. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on November 26, 2002, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from the Fair Grounds in New Orleans, Louisiana.

This approval is valid through the end of the 2002-2003 Fair Grounds race meeting scheduled to conclude on March 31, 2003. These simulcasts may be imported whenever permitted under the Racing Law.

* For entry into the minutes, on December 2, 2002, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from the new harness racetrack in Indiana, Indiana Downs.

This approval is valid opening night, December 6th through December 30, 2002.

* For entry into the minutes, on December 2, 2002, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Suffolk Downs in Massachusetts.

This approval is valid immediately and through the end of the 2003 Suffolk Downs race meeting scheduled to conclude in June.

Also approved is the year 2003 agreement with Yonkers Raceway. These simulcasts may be imported whenever permitted under the Racing Law.

7. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002

For entry into the minutes, on November 26, 2002, approval was granted for the request by Nassau OTB to amend its plan of operation enabling the import of simulcast harness racing programs from Dover Downs in Delaware through April 24, 2003.

This approval also extends to Suffolk Regional OTB as well.

8. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002

For entry into the minutes, on December 2, 2002, approval was granted for the request by Vernon Downs to amend their simulcast plan of operation enabling the import of simulcasts from the Fair Grounds in New Orleans, Louisiana during the year 2002-2003 Fair Grounds racing season.

9. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on December 2, 2002, approval was granted for the request by Nassau OTB to amend its plan of operation enabling the import of 2003 simulcast harness racing programs from Balmoral Park and Maywood Park, two harness racetracks in the State of Illinois. These simulcasts may be imported and wagering conducted whenever in accordance with the Racing Law.

An additional approval is for the year 2002-2003 Fair Grounds thoroughbred simulcast to be used whenever in accordance with the Racing Law.

This approval also extends to Suffolk Regional OTB as well.

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

1. NEW YORK CITY OTB REQUEST FOR NEW CONCESSIONAIRE □ KEW GARDENS

For entry into the minutes, on November 15, 2002, approval was granted for the request by New York City OTB to amend their simulcast plan of operation with the establishment of a □mini-branch□ within the confines of the Austin□s Ale House located at 82-70 Austin Street in Kew Gardens, Queens.

This approval is effective immediately.

2. NEW YORK JOCKEY INJURY COMPENSATION FUND ASSESSMENT FORMULA FOR 2003

For entry into the minutes, on November 19, 2002, approval was granted for the request by the New York Jockey Injury Compensation Fund (JICF) for an amendment to their plan of operation relating to the assessment of the cost of insurance and operations for the year 2003. The Fund has ascertained the total funding necessary in order to pay the costs of workers□ compensation insurance as required under Section 213-a of the Racing, Pari-Mutuel Wagering and Breeding Law.

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

1. IN THE MATTER OF MICHAEL DAVILA

The Board approved Hearing Officer Baller□s recommendation that the decision of the State Steward at Finger Lakes Race Track, which suspended Mr. Davila□s license for ten (10) days for causing interference while riding QUICK SEZ ME during the fourth race on September 14, 2002 in violation of Board Rule 4035.2, be upheld.

2. IN THE MATTER OF JOSE DAVID OSORIO

The Board approved Hearing Officer Baller□s recommendation that the decision of the State Steward at Finger Lakes Race Track, which suspended Mr. Osorios□s license for ten (10) days for causing interference during the third race on August 23, 2002 in violation of Board Rule 4035.2, be upheld.

3. IN THE MATTER OF WENDY PENA

The Board approved Hearing Officer Baller□s recommendation that the thoroughbred stable employee license of Wendy Pena be revoked because her experience, character and general fitness are such that her participation in racing is inconsistent with the public interest, convenience and necessity or with the best interests of racing generally.

4. IN THE MATTER OF JUAN SEREY

The Board deferred this matter for one month until the January 2003 meeting, per the request by respondent□s attorney.

5. IN THE MATTER OF ROBERT D. VERNEY

This Report involved appeals of two separate driving violations issued at Batavia Downs. The Board approved Hearing Officer Baller's recommendation that the driving violation on August 26, 2002 (8th race) for violation of Board Rule 4117.4(o) be upheld. As to the appeal of the driving violation on September 4, 2002 (9th race), the Board modified Hearing Officer recommended Finding of Fact number eight to read: Giving appropriate weight to the experience of the judges and their opportunity to view the alleged violation live during the running of the race, the evidence supports their position in connection with the charge that on September 4, 2002, Mr. Verney violated Board Rule 4117.4(j) by allowing another driver to improve his position going into the first turn in the 9th race at Batavia Downs on September 4, 2002, because this gives appropriate weight to such factors and that the decision of the Presiding Judge, that respondent allowed another to improve his position going into the first turn in the 9th race at Batavia Downs on September 4, 2002 in violation of 9(E) NYCRR Section 4117.4(j). Accordingly the Board upheld the violation. After review of the penalties imposed for the two violations, the Board modified the 4117.4(j) suspension to be four (4) days because the violation occurred early in the race when respondent, albeit mistakenly, thought it was to his advantage and that for his two (2) violations, the total license suspension of respondent Robert D. Verney is twelve (12) days.

6. NYRA REQUEST FOR RACING DATES FOR 2003

The Board approved the request by the New York Racing Association for 261 racing programs among the three NYRA racetracks for the year 2003.

Approved were the following dates:

Aqueduct Racetrack

Winter Spring January 1st May 4th

Fall October 29th December 31st

Belmont Park

Spring May 7th July 20th

Fall September 5th October 26th

Saratoga Racecourse

Summer July 23rd September 1st

7. CAPITAL OTB REQUEST TO APPOINT NEW PRESIDENT - CONNERY

The Board approved an amendment to the plan of operation to reflect the appointment of Michael Connery as the newly elected President of the Capital District Regional Off-Track Betting Corporation.

8. SUFFOLK OTB REQUEST TO APPOINT NEW BOARD OF DIRECTOR HEMENDINGER

The Board approved the appointment of Mr. Herbert Hemendinger to the Suffolk Regional Off-Track Betting Corporation Board of Directors.

9. REQUEST TO EXTEND PERIOD OF TIME FOR OTB MONTHLY REPORTS

The Board approved an extension for the filing of monthly reports by the Off-Track Betting corporations. This action will allow OTB corporations to file monthly reports 45 days after the end of each month. This will remain in effect through the end of the 2003 calendar year.

Section 524 (3) of the Racing, Pari-Mutuel Wagering and Breeding Law requires the OTB corporations to submit monthly reports fifteen days after the end of each month. Further, Section 524 (4) of the Racing Law allows that the Racing and Wagering Board may for good cause shown grant a reasonable extension of time for the filing of any such report. The Board believes that the providing of accurate and updated information is essential for a proper review of the monthly reports submitted by the regional Off-Track Betting corporations.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE LICENSED BINGO & GAMES OF CHANCE SUPPLIERS - NOVEMBER - 09/02-11-E

List of manufacturers/suppliers licensed for 2002, by the Charitable Gaming Unit, between November 1, 2002 November 21, 2002.

2. GAMES OF CHANCE BINGO REGISTRATION NUMBERS NOVEMBER - 09/02-13-E List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between November 1, 2002 November 21, 2002.

3. GAMES OF CHANCE BELL JAR TICKETS NOVEMBER - 09/02-12-E List of bell jar tickets authorized/denied by the Charitable Gaming Unit between

November 1, 2002 November 21, 2002.

The meeting was adjourned at 11:56 a.m.