

**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF DECEMBER 23, 2002**

A meeting of the New York State Racing and Wagering Board was held on Monday, December 23, 2002 at 1:30 p.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 1:40 p.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  
Tom Casaregola, Director of Audits & Investigations  
Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB  
Mike DeMarco, NYSR&WB  
Gregg Schreffler, NYSR&WB  
Dick Powell  
Charles Coppola, Coppola, Ryan, McHugh  
Tom Precious, Buffalo News/Bloodhorse  
Steve Bochnak, NYS Assembly  
Yancey Roy, Gannett  
John Signor, Capital District Regional OTB  
Robert Carchillo, NYC OTB  
Charles Knauss, Harness Breeding Fund  
Bill Crowell, WEMED  
Erik Kriss, Syracuse Post-Standard  
Andrew Goodell, Vernon Downs  
Jim Wise, Vernon Downs  
Martin Gersten, Vernon Downs  
Hoolae Paa, Vernon Downs

OPEN COMMENT PERIOD: None.

A. The Board approved the minutes of the Board meeting held on December 3, 2002.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on December 5, 2002, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from Sunland Park in New Mexico through the completion of their 2003 racing program. This simulcast may be imported and wagering conducted whenever in accordance with the Racing Law.

This approval extends to Capital, Catskill, New York City, Suffolk and Western Regional OTB as well.

## 2. YONKERS RACEWAY REQUEST TO CANCEL LIVE RACING □ 12/31/02

For entry into the minutes, on December 6, 2002, approval was granted for the request to amend the Yonkers Raceway plan of operation enabling the cancellation of the previously scheduled and approved live racing program on Tuesday, December 31, 2002.

## 3. BUFFALO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on December 12, 2002, approval was granted for the request by Buffalo Raceway to amend its simulcast plan of operation enabling the import of harness simulcasts from Harrington Raceway in Delaware during the Winter-Spring 2002-2003 racing season.

These simulcast signals may be imported whenever in accordance with the Racing Law.

## 4. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on December 12, 2002, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Saratoga Harness during the calendar year 2003.

## 5. NYRA REQUEST TO AMEND APPROVED RACING DATES FOR 2003

For entry into the minutes, on December 12, 2002, approval was granted for the request by NYRA for a June 2003 change in racing dates. Approved is a change of the first post time to 1:00 p.m. (from the previously approved 3:00 p.m.) on Acorn Stakes Day, Friday, June 6, 2003.

## 6. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003

For entry into the minutes, on December 12, 2002, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the instate harness tracks of Yonkers Raceway and Saratoga Harness.

Also approved are the importation of simulcasts from Indiana Downs and Gulfstream Park in Florida.

## 7. FINGER LAKES REQUEST TO OFFER HANDICAPPING CONTEST - 2003

For entry into the minutes, on December 18, 2002, approval was granted for the request by Finger Lakes, dated December 12, 2002, to conduct three Simulcast Handicapping Challenges and a final.

The challenges will be contested on the Saturday afternoons of January 18<sup>th</sup>, February 15<sup>th</sup> and March 15<sup>th</sup> in 2003. The finals, comprising a field of contestants, will be conducted as outlined in the official rules and regulations as submitted to the Board.

Additionally approved are the drawings for the vouchers in the number of and amounts stated during the first three Saturdays of the handicapping contests as outlined in this application.

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

##### 1. WESTERN OTB REQUEST FOR APPROVAL OF BOND ANTICIPATION NOTE

For entry into the minutes, on December 16, 2002, approval was granted by the Board for the request by Western Regional Off-Track Betting Corporation, dated December 13, 2002, for the issuance of a Bond Anticipation Note (BAN) in the amount of \$7,000,000 pursuant to Section 508(1) 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 ANGEL SERRANO

The Board approved Hearing Officer Baller's recommendation that the decision of the State Steward at Finger Lakes Race Track, which suspended Mr. Serrano's license for ten (10) days for causing interference while riding JEKEBE during the fourth race on August 19, 2002, in violation of Board Rule 4035.2, be affirmed.

##### 2. WESTERN OTB/BATAVIA DOWNS TRACK LICENSE APPLICATION FOR 2003

The Board approved the Batavia Downs year 2003 track and simulcast licenses and assigned the requested racing dates through February 1, 2003.

The Board will consider the assignment of further racing dates upon receipt of a signed and fully executed contract with the Western New York Harness Horsemen's Association covering the remainder of the 2003 racing season.

##### 3. WESTERN OTB/BATAVIA DOWNS SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 2.

##### 4. BUFFALO RACEWAY TRACK LICENSE APPLICATION FOR 2003

The Board approved the Buffalo Raceway year 2003 track and simulcast license applications.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi's, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.

- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

The Board also approved the request to waive the 72-hour purse distribution requirement set forth in Rule 4118.1(b).

#### 5. BUFFALO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 4.

#### 6. FINGER LAKES TRACK LICENSE APPLICATION FOR 2003

The Board deferred the Finger Lakes year 2003 track and simulcast license applications pending receipt of a signed and fully executed contract with the Finger Lakes Horsemen□s Benevolent and Protective Association covering the 2003 racing season and corrections of the two deficiencies cited in the September fire inspection.

#### 7. FINGER LAKES SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 6.

#### 8. MONTICELLO RACEWAY TRACK LICENSE

The Board approved the issuance of a temporary Monticello Raceway year 2003 track and simulcast licenses until May 1, 2003. The Board will review the physical condition and maintenance of the track premises prior to May 1, 2003.

The Board also approved 12 races each day as a maximum with additional races to be approved by the Board on a case-by-case basis.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi□s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number

they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

#### 9. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 8.

#### 10. NYRA SIMULCAST LICENSE APPLICATION FOR 2003

The Board deferred the New York Racing Association year 2003 simulcast license application pending receipt of a valid fire inspection by authorities within the locality in which Belmont Park is located.

#### 11. SARATOGA HARNESS TRACK LICENSE APPLICATION FOR 2003

The Board deferred the Saratoga Equine Sports Center year 2003 track and simulcast license applications pending receipt of a signed and fully executed contract with the Saratoga Harness Horsepersons Association, Inc. covering the 2003 racing season.

#### 12. SARATOGA HARNESS SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 11.

#### 13. SYRACUSE MILE TRACK LICENSE APPLICATION FOR 2003

The Board deferred the Syracuse Mile year 2003 track license application pending receipt of further information concerning operation of the meet.

#### 14. TIOGA PARK TRACK LICENSE APPLICATION FOR 2003

The Board deferred the Tioga Park year 2003 track and simulcast license applications pending receipt of further information and staff review.

#### 15. TIOGA PARK SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 14.

#### 16. YONKERS RACEWAY TRACK LICENSE APPLICATION FOR 2003

The Board approved the Yonkers Raceway year 2003 track and simulcast license applications.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi□s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.

- Eliminating any cancellation delay ☐ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

The Board also approved the request to waive the 72-hour purse distribution requirement set forth in Rule 4118.1(b).

#### 17. YONKERS RACEWAY SIMULCAST LICENSE APPLICATION FOR 2003

See Board item number 16.

#### 18. CAPITAL OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board approved the Capital District Regional Off-Track Betting Corporation year 2003 simulcast license application.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi☐s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi☐s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay ☐ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

#### 19. CATSKILL OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board approved the Catskill Regional Off-Track Betting Corporation year 2003 simulcast license application.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi☐s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi☐s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay ☐ no cancellations after the start of the race.

- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

## 20. NASSAU OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board approved the Nassau Regional Off-Track Betting Corporation year 2003 simulcast license application.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi□s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.

The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

## 21. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board approved the New York City Off-Track Betting Corporation year 2003 simulcast license application.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi□s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.

· The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

## 22. SUFFOLK OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board approved the Suffolk Regional Off-Track Betting Corporation year 2003 simulcast license application.

The licenses are issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi□s, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi□s, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

#### 23. WESTERN OTB SIMULCAST LICENSE APPLICATION FOR 2003

The Board deferred the Western Regional Off-Track Betting Corporation year 2003 simulcast license application pending receipt of delinquent monthly and daily financial reports due to the Racing and Wagering Board as well as fire inspection reports for all facilities.

#### 24. SYRACUSE MILE REQUEST TO WITHDRAW FROM CIF - \$2,608.59

The Board approved the request by the Syracuse Mile to withdraw \$2,608.59 from its Capital Improvement Fund for advertising and promotional expenses.

Syracuse Mile is to be reminded of the statutory obligation to deposit monies to its account and that failure to abide by this may affect future requests.

#### 25. VERNON DOWNS TRACK LICENSE APPLICATION FOR 2003

The Board refused, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 307(1) and (5) and Section 320, to grant the application of Mid-State Raceway, Inc. for a license to conduct pari-mutuel harness racing at Vernon Downs during the calendar year 2003 because:

1. The issuance of such license would not serve the public interest, convenience or necessity and the best interests of racing generally; and
2. The applicant corporation and/or its officers and directors have failed to conduct racing in accordance with the terms and conditions of its 2002 Track license and violated the Orders of the Board incorporated as conditions of licensing in the track license issued on or about July 2, 2002.

#### 26. VERNON DOWNS SIMULCAST LICENSE APPLICATION FOR 2003

The Board refused, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 1003(1), to grant the application of Mid-State Raceway, Inc. for a license to display the simulcast of horse races on which pari-mutuel wagering shall be permitted because the applicant is not authorized to conduct pari-mutuel wagering.



## E. ITEMS FOR BOARD INFORMATION/DISCUSSION

### 1. INDIAN GAMING LICENSING STATISTICS NOVEMBER 2002 - 12/02-05-E

Licensing statistics for the month of October 2002. Also included are the certifications for Turning Stone and Akwesasne.

### 2. GAMES OF CHANCE BINGO REGISTRATION NUMBERS NOVEMBER/DECEMBER 12/02-24-E List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between November 22, 2002 December 13, 2002.

### 3. GAMES OF CHANCE BELL JAR TICKETS NOVEMBER/DECEMBER - 12/02-25-E List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 22, 2002 December 13, 2002.

### 4. USTA - LETTER TO CHANGE RULES OF RACING AND STAKES REGULATION 12/02-06-E

The intent would be to eliminate the possibility that more than one foal out of one mare in a given year, foaled by the method known as Embryo Transplant (ET), will be allowed to race or be bred in our jurisdiction.

### 5. WAGERING CONTROLS 12/02-26-E

Items to be considered regarding increased controls over pari-mutuel wagering activities.

The meeting was adjourned at 3:32 p.m.