

MINUTES
MEETING OF JANUARY 22, 1998
THE NEW YORK STATE RACING & WAGERING BOARD

A meeting of the New York State Racing and Wagering Board was held on Thursday, January 22, 1998, in the New York City office located at 1 Penn Plaza, 7th Floor, New York, New York 10119.

IN ATTENDANCE WERE:

Michael J. Hoblock, Jr., Chairman
Joseph Neglia, Member
Bennett Liebman, Member
Edward Martin, Executive Director
Stephani L. Donato, Secretary to the Board
Robert Feuerstein, General Counsel
James Gallagher, Chief of Racing Operations
John Signor, Director of Audits and Investigations
Felix Hester, Assistant Counsel
Winnie Donohue, Associate Accountant

ALSO IN ATTENDANCE WERE:

Bill Crowell, Hinman, Straub
Steven H. Richman, New York City OTB
Clyde Hirt, Sports Eye

**MINUTES
MEETING OF JANUARY 22, 1998
THE NEW YORK STATE RACING & WAGERING BOARD**

The Meeting was called to order at 11:40 a.m.

- A. The Board approved the Minutes of the Board Meetings held on December 18, 1997 and January 8, 1998, with the following changes to the proposed Minutes of January 8, 1998:**

Item #5 - Mid-State Raceway 1998 Track License Application – their license shall expire on January 25, 1998, if required documentation is not submitted to the Board.

Item #6 – Genesee Monroe Racing Association, Inc., 1998 Track License Application – their license shall expire on February 15, 1998, if required documentation is not submitted to the Board.

B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN

**1. NEW YORK RACING ASSOCIATION REQUEST TO AMEND
THEIR PLAN OF OPERATION**

For entry into the minutes on December 24, 1997, approval was granted for the request by New York Racing Association to amend its plan of operation to conduct a limited simulcast experiment in conjunction with common pool pari-mutuel wagering at Aqueduct on thoroughbred races conducted at out-of-state thoroughbred tracks on the following days which NYRA will not be conducting live racing:

January 5th, 12th, 16th, 21st, February 2nd, 9th, 18th, 23rd, March 2nd, 9th, 16th

**2. MONTICELLO RACEWAY – SIMULCAST AGREEMENT WITH
ATLANTIC CITY CASINOS**

For entry into the minutes, on December 24, 1997, approval was granted for the request by Monticello Raceway for approval to simulcast its races with Atlantic City Casinos and merge their pools with the Monticello Raceway simulcast pools. The New Jersey State auditor on site at the transmitter center of those outlets will certify that all bets being transmitted by manual merge were in fact placed before the race started.

**3. MONTICELLO RACEWAY REQUEST TO AMEND ITS 1998
HARNESS LICENSE**

For entry into the minutes, on December 24, 1997, approval was granted for the request by Monticello Raceway to amend its 1998 Harness License to change post times on Mondays and Tuesdays from 7:35 p.m. to 1:05 p.m. until further notice.

4. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1998 HARNESS LICENSE**

For entry into the minutes, on January 12, 1998, approval was granted for the request by Monticello Raceway to amend its 1998 Harness License to change post time on Wednesdays beginning January 7, 1998 from 7:35 p.m. to 1:05 p.m.

5. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 5, 1998, approval was granted for the request by Yonkers Raceway to simulcast its signal to the following tracks:

Scarborough Downs	- Daily Basis – Jan.2 thru Dec. 31, 1998
Winner's OTB	- Daily Basis – Jan.2 thru Dec. 31, 1998
Harrington Raceway	- Mondays ONLY – Jan. 2 thru Dec. 31, 1998
Pocono Downs	- Mon., Tues., Thurs. – Jan. 2 thru Dec. 31, 1998
Ocean Downs	- Daily Basis – Jan. 2 – thru Dec. 31, 1998
Pampano Park	- Daily Basis – Jan. 2 – thru Dec. 31, 1998
Raceway Park	- Mon. & Tues. – Jan. 2 thru Dec. 31, 1998
Dover Downs	- Daily Basis – Jan. 2 thru Dec. 31, 1998
Vernon Downs	- Daily Basis – Jan. 2 thru Dec. 31, 1998

6. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 5, 1998, approval was granted for the request by Yonkers Raceway to simulcast its signal to the following tracks:

Monticello Raceway	- Daily Basis – Jan. 2 thru Dec. 31, 1998
Lewiston Raceway	- Daily Basis – Jan. 2 thru Dec. 31, 1998
Beulah Park	- Mondays ONLY – Jan. 2 thru Dec. 31, 1998

7. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 5, 1998, approval was granted for the request by Yonkers Raceway to simulcast its signal to Atlantic City Racecourse on a daily basis in 1998.

8. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 5, 1998, approval was granted for the request by Yonkers Raceway to extend its simulcast agreement with Connecticut Off-Track Betting Corporation through June 30, 1998.

9. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 9, 1998, approval was granted for the request by Yonkers Raceway to simulcast its signal to Suffolk Downs on Thursdays beginning January 8, 1998, until further notice.

10. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 9, 1998, approval was granted for the request by Yonkers Raceway for approval of the contract with several Nevada Pari-mutuel Racebooks subject to the following condition which will apply to the disseminator (Las Vegas Dissemination Company, Inc.):

The disseminator will arrange with Yonkers Raceway to have a fax machine available at Yonkers Raceway to receive an immediate fax copy of the matrix pool, which is to be transmitted to Yonkers Raceway after its closing time pursuant to paragraph 10 of the contract. Such fax copy will be independently time certified by the fax machine in control of Yonkers Raceway, to reflect that such wagering information transmitted to the Yonkers Raceway was, in fact, in possession of the disseminator before the race started at the Yonkers Raceway track. A copy of such fax (and time certificate) will be transmitted by Yonkers Raceway to this Board and the Nevada Gaming Control Board by the end of the day. No wagers will be merged after the start of the race unless such evidence has been received.

11. **YONKERS RACEWAY REQUEST TO AMEND ITS PARKING FEES**

For entry into the minutes, on January 9, 1998, approval was granted for the request from Yonkers Raceway to amend its nighttime parking fees, to take effect January 19, 1998 as follows:

Valet	\$5.00
Preferred	\$4.00
General Parking	Free

12. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 9, 1998, approval was granted for the request by Yonkers Raceway for approval of an agreement with Atlantic City Casinos under which they would simulcast its races to those outlets and the pools will be merged.

These outlets are not permitted to transmit bets into the Yonkers pools unless there are permitted "manual merged procedures to continue after the start of the race". In this connection, it is our understanding that there is a New Jersey State auditor on site at the transmitting center of those outlets whose responsibility it is, among other things, to certify that all bets being transmitted by manual merge procedures after the start of a race were in fact placed before the start of the race. It is upon this understanding that the Board approves the procedure until further notice.

13. **YONKERS RACEWAY REQUEST TO AMEND ITS SIMULCAST PLAN**

For entry into the minutes, on January 14, 1998, approval was granted for the request by Yonkers Raceway to simulcast its signal to the following tracks:

Freehold Raceway – Daily (except Mondays) Jan. 2 thru Dec. 31, 1998
Philadelphia Park - Daily – Jan, 2 thru Dec. 31, 1998

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

1. FINGER LAKES RACING ASSOCIATION, INC. CAPITAL IMPROVEMENT FUND REQUEST

The Board approved the request by Finger Lakes Racing Association, Inc. to withdraw \$68,589.09 from the capital improvement fund for promotional expenses as follows:

Television	\$26,050.00
Radio	17,627.17
Newspaper	9,209.43
Production	13,073.78
Miscellaneous	<u>2,628.71</u>
TOTAL	\$68,589.09

2. NEW YORK RACING ASSOCIATION – ROSTER OF 1998 RACING OFFICIALS

The Board approved the request by New York Racing Association President/Chief Operating Officer, Terry Meyocks, for approval of the officials listed in Category I for the 1998 racing season, pursuant to Board rule 4005.1.

Steward appointed by NYRA
Director of Racing
Racing Secretary & Handicapper
Ass't Racing Sec. & Handicapper (Saratoga)
*Ass't Racing Sec. & Handicapper
*Ass't Racing Sec. & Handicapper
Starter
Ass't Starter
Ass't Starter
Chief Examining Vet.
Examining Vet.
Examining
Examining Vet.
Clerk of Scales
Ass't Clerk of Scales
Placing and Patrol Judge
*Paddock & Patrol Judge
*Ass't Paddock & Patrol Judge
Placing & Patrol Judge
Placing & Patrol Judge

David Hicks
Frank Gabriel, Jr.
Michael S. Lakow
Ben Huffman
Don Combs
Michael F. Prunetti
Robert W. Duncan
Richard Brosseau
James Tsitsiragos
Dr. Neil A. Cleary
Celeste Kunz, D.V.M.
John Maguire, D.V.M.
Anthony Verderosa, D.V.M.
Sal Sciara
Gary Handfield
John B. Hennegan
Neal F. Cutrone
Mario Sclafani
Andrew Byrnes
Paul J. Campo

Placing & Patrol Judge
Placing & Patrol Judge
Placing, Patrol Judge & Timer
Stakes Coordinator/Placing & Patrol Judge
Horse Identifier
Ass't Horse Identifier

Sentell L. Taylor, Jr.
William Boland
Stephen Foster
William Keen
James Zito
Janet Reid

May act in the capacity of Patrol or Placing Judge
In addition, the Board approved the request to utilize employees listed in Category II to serve as substitutes in the event of the temporary absence of designated officials in capacities other than steward or veterinarian.

Carol Delgado
Sergio Lozano-Paz
William Nemeti
Janet Reid

In addition, the Board granted approval to utilize officials listed in Category III as Alternate Stewards to serve for NYRA or the Jockey Club Steward.

William Boland
John B. Hennegan
Don Combs
Mike Prunetti
Robert Duncan
William Keen

3. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND THEIR PLAN OF OPERATION

The Board granted conditional approval to Capital OTB's request to amend its plan of operation to appoint Tod Greci as a member of its Board of Directors representing Columbia County. Approval is condition upon a successful background investigation and an interview to determine understanding of the role of a corporate OTB Director as well as the managerial and operational concerns that have been raised about Capital OTB by the investigatory and auditing staff of the Racing and Wagering Board.

4. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION

The approved the request by Capital OTB to amend its plan of operation to appoint Thomas F. O'Donnell as a member of its Board of Directors representing Cortland County. Approval is condition upon a successful background investigation and an interview to determine understanding of the role of a corporate OTB Director as well as the managerial and operational concerns that have been raised about Capital OTB by the investigatory and auditing staff of the Racing and Wagering Board.

5. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION
REQUEST TO CONDUCT A HANDICAPPING CHALLENGE**

The approved the Board request by Suffolk Regional OTB to conduct the Third Handicapping Challenge contest on February 28, 1998 at Tel-A-Race, 100 Adams Avenue, Hauppauge, New York, conditioned on appropriate representation to the public that at least 50% of the races must be NY races.

6. **MATTER OF HECTOR DIAZ**

The Board approved Hearing Officer Bennett Liebman's recommendation that Hector Diaz be found guilty of brandishing a pitchfork during an altercation on April 7, 1997, at Finger Lakes Race Track and that the fine imposed by the State Steward be reduced from \$500 to \$300.

7. **MATTERS OF PAUL NICOL, JR.**

The Board approved Hearing Office Bennett Liebman's recommendation that jockey Paul Nicol, Jr., be found guilty and that the penalties be confirmed in three separate matters at Finger Lakes Race Track.

The first matter is an appeal from the decision of the State Steward to suspend Mr. Nicol's license for ten days for foul riding in the third race of May 24, 1997.

The second matter is an appeal from the Decision of the State Steward to suspend Mr. Nicol's license for ten days for foul riding in the third race of June 28, 1997.

The third matter is an appeal from the imposition of a \$200 fine for a fight on May 16, 1997.

The two suspensions will be served consecutively.

8. **EMERGENCY ADOPTION AND PROPOSAL OF BELL JAR RULES**

The Board approved the following Bell Jar Rules for both emergency adoption and proposal. The Board previously approved the emergency adoption and proposal of the related rule amendments on October 22, 1997, March 27, 1997 and on March 20, 1997.

The approved rule revisions are summarized below:

1. Section 5608.3(b) revised to require manufacturers of bell jar tickets to provide winner verification codes for prizes \$50 or greater instead of for prizes in greater than two and one half percent of the total payout of the deal.
2. Section 5608.3© ticket construction modified adding "500 watts" minimum to the amount of high intensity light bell jar tickets must withstand in order to prevent detection of concealed numbers, colors or symbols.

3. Section 5608.4 and section 5608.8 separate invoice provisions for manufacturers and suppliers of bell jar tickets.
4. Section 5609.1(e)(1)(v) modified changing language pertaining to electronic currency validator from "must be approved by the board" to read "must meet the following standards".....
5. Section 5609.1(e)(1)(v) modified such that language reads internal space of the bell jar vending machine "shall" not be accessible from outside instead the language "may not" be accessible from the outside.
6. Section 5609.1(e)(1)(ix) and 5609.1 (e)(1)(xiv) modified changing language of the sections from "all player" buttons on bell jar vending machine to read "all play" buttons.....
7. Section 5610.2 (b) modified changing the language of the section to include coin operated mechanical non-electrical dispensing machine "which was designed specifically as postage stamp machine".

9. NEW YORK RACING ASSOCIATION – BID PROCEDURES

The Board approved competitive bid procedures for all contracts entered into by NYRA for the procurement of goods or services of a value in excess of \$250,000.

10. REQUEST BY NASSAU REGIONAL OTB TO AMEND ITS PLAN OF OPERATION TO APPOINT GREGORY P. PETERSON AS A BOARD OF DIRECTOR REPRESENTING NASSAU COUNTY

The Board approved Nassau County OTB's, request to amend to its plan of operation and name Gregory P. Peterson as Chairman of the Board of Directors. Approval was conditioned upon a satisfactory return on Mr. Peterson's fingerprint cards.

E ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **LETTER FROM NYS TAX & FINANCE**
(Re: Superfecta & Alternate Pick 6)
2. **BATAVIA DOWNS**
(Letter re: Amended schedule for upcoming year and mitigating circumstances for Section 307)
3. **FINGER LAKES RACING ASSOCIATION**
(Materials in regard to 1998 track license)
4. **NEW YORK RACING ASSOCIATION**
(Out-of-state simulcasting -- approval granted 12/18/97)
5. **NEW YORK RACING ASSOCIATION**
(1997 Lasix report)
6. **NEW YORK RACING ASSOCIATION**
(Statement for '97 Fall Aqueduct meet from NYTHA)
7. **SARATOGA HARNESS TRACK**
(Section 318(5)(a) Provision)
8. **CATSKILL REGIONAL OTB**
(Local approvals)
9. **CATSKILL REGIONAL OTB**
(Compliance notification)
10. **SUFFOLK REGIONAL OTB**
(Press release re: Revenue raised for Suffolk County)
11. **CAPITAL REGIONAL OTB**
(Live Calls)
12. **CAPITAL REGIONAL OTB**
(Additional track to be added to Live Race Call)
13. **CAPITAL REGIONAL OTB**
(Supplement to Handicap Challenge IX)
14. **CAPITAL REGIONAL OTB**
(Broadcast of Live Racing over its Internet Site)