

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF JULY 18, 2001

A meeting of the New York State Racing and Wagering Board was held on Wednesday, July 18, 2001 at 11:30 a.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 11:40 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Edward Martin, Executive Director

Maureen McGrath, 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

Stacy Walker, NYSR&WB

Denise Poole, NYSR&WB

Jennifer Whalen, NYSR&WB

Bill Heller, Thoroughbred Times

Bill Crowell, NYRA

Bennett Liebman

Jason Wheatley, NYS Senate

OPEN COMMENT PERIOD: Bennett Liebman addressed the Board regarding the recent retirement of Member Joseph Neglia.

A. Approve the minutes of the Board meeting held on June 21, 2001.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. BUFFALO RACEWAY REQUEST TO CANCEL RACING - 7/4/01

For entry into the minutes, on June 20, 2001, approval was granted for the request by Buffalo Raceway to amend their plan of operation by canceling the scheduled evening racing program of July 4, 2001.

2. NYRA REQUEST FOR PROMOTION ON WEBSITE

For entry into the minutes, on June 20, 2001, approval was granted for the request by NYRA to conduct the Saratoga Sudden Death Internet handicapping contest throughout the year 2001 Saratoga Race Course race meeting.

The handicapping contest is to be conducted according to the rules and regulations submitted to the Board.

3. MONTICELLO RACEWAY LIST OF SIMULCAST LOCATIONS FOR 2001

For entry into the minutes, on June 26, 2001, approval was granted for the request by Monticello Raceway to amend its plan of operation enabling the import of simulcasts from the year 2001 California Fairs that conduct pari-mutuel racing.

Approved were the fairs at Stockton, Pleasonton, Vallejo, Santa Rosa, San Mateo, Ferndale, Sacramento and Fresno. These imported simulcast signals may be used whenever permitted under the Racing Law.

4. NYRA REQUEST TO DESIGNATE RACE AS "SPECIAL EVENT"

For entry into the minutes, on June 26, 2001, approval was granted for the request by NYRA to amend their simulcast plan of operation by designating the Virginia Derby on Saturday, July 14, 2001 from Colonial Downs as a "special event".

5. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS FOR 2001

For entry into the minutes, on June 26, 2001, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of thoroughbred racing programs from Colonial Downs in New Kent, Virginia throughout the year 2001 live Colonial Downs race meeting.

This approval extends to Suffolk Regional OTB as well.

* For entry into the minutes, on July 11, 2001, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of simulcasts from Pompano Park in Florida through December 31, 2001.

Although the contract with Pompano Park extends through June 30, 2002, the permission letter from the Florida Standardbred Breeders and Owners Association is valid through December 31, 2001. To continue with Pompano Park after December 31, 2001, a new permission letter from the representative Pompano Park horsemen's association, currently the Florida Standardbred Breeders and Owners Association, must be filed with the Board.

This approval extends to Suffolk Regional OTB as well.

6. WESTERN OTB REQUEST TO RELOCATE BRANCH - WATKINS GLEN

For entry into the minutes, on June 26, 2001, approval was granted for the request by Western OTB to amend their plan of operation providing for the relocation of a simulcast branch in Watkins Glen from 110 West 4th Street to an area within the Franklin Street Grille at 413 North Franklin Street.

Before opening at the new location, a valid temporary certificate of occupancy must be filed with the Board.

7. VERNON DOWNS REQUEST TO CHANGE RACE DATES

For entry into the minutes, on June 28, 2001, approval was granted for the request by Vernon Downs to amend their plan of operation as follows:

The continuance of the first post time of 7:35 p.m. on the remaining 2001 Fridays beginning June 29th.

The cancellation of eight consecutive Wednesday dates beginning July 11th.

The addition of the dates of October 25th, 26th, and 27th along with November 1st, 2nd, 3rd, 9th and 10th.

8. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2001

For entry into the minutes, on June 29, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the import of simulcasts from the year 2001 California Fairs that conduct pari-mutuel racing.

Approved were the fairs at Stockton, Pleasonton, Vallejo, Santa Rosa, San Mateo, Ferndale, Sacramento and Fresno. These imported simulcast signals may be used whenever permitted under the Racing Law.

9. MONTICELLO RACEWAY REQUEST TO CONDUCT PROMOTIONAL EVENTS

For entry into the minutes, on July 6, 2001, approval was granted for the request by Monticello Raceway to conduct two non-wagering media races. Both races will be contested on Saturday night, July 7th.

All contestants will be "seasoned" media drivers who will compete using jog carts and will not carry whips.

10. YONKERS RACEWAY REQUEST TO DESIGNATE RACES AS "SPECIAL EVENTS"

For entry into the minutes, on July 6, 2001, approval was granted for the request by Yonkers Raceway to designate the races (other than Breeders Crown or Hambletonian events) contested on the Meadowlands racing programs of July 28th and August 4th as harness "special events" under Section 1007(6)(a) of the Racing Law. The Hambletonian and Breeders Crown races are allowable under Section 906 of the Racing Law.

Also designated as "special events" are the races on the Adios Pace program at the Meadows in Pennsylvania on Saturday, August 11th. These races were designated as "special events" under Section 1007(6)(a) of the Racing Law.

11. FINGER LAKES REQUEST FOR SIMULCAST LOCATIONS FOR YEAR 2001

For entry into the minutes, on July 11, 2001, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of the Finger Lakes thoroughbred simulcast signal to a new customer, Louisiana Downs in Bossier City, valid on and after July 16th.

This approval is valid throughout the remainder of the 2001-racing season at Finger Lakes.

12. YONKERS RACEWAY REQUEST FOR SIMULCAST LOCATIONS FOR YEAR 2001

For entry into the minutes, on July 11, 2001, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the import of the Ocean Downs harness simulcast signal from Maryland.

This approval is valid throughout the entire year of 2001.

* For entry into the minutes, on July 11, 2001, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the import of simulcasts from Pompano Park in Florida through December 31, 2001.

Although the contract with Pompano Park extends through June 30, 2002, the permission letter on file with the Board from the Florida Standardbred Breeders and Owners Association is valid through December 31, 2001. To continue with Pompano Park after December 31, 2001, a new permission letter from the representative Pompano Park horsemen's association, currently the Florida Standardbred Breeders and Owners Association, must be filed with the Board.

13. WESTERN OTB REQUEST TO OFFER HANDICAPPING CONTESTS

For entry into the minutes, on July 11, 2001, approval was granted for the request by Western OTB to conduct a weekend branch handicapping contest promotion on the weekends during July and August of 2001.

The final will be contested at Batavia Downs on September 22, 2001.

14. BUFFALO RACEWAY REQUEST TO EXPAND RACING PROGRAM

For entry into the minutes, on July 12, 2001, approval was granted for the request by Buffalo Raceway to amend their plan of

operation with the addition of a thirteenth race on the Saturday program of July 14, 2001.

Also approved were the pick three wagers on the final three races of the program and a late double wager on races 12 and 13.

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

1. IN THE MATTER OF THOMAS JACKSON

On June 27, 2001, the Board summarily suspended the thoroughbred owner/groom license of Thomas Jackson upon a finding that the public safety and welfare imperatively required this emergency action because on June 9, 2001 he submitted a urine sample which produced a test result positive for cocaine in violation of Board Rule 4042.5(c).

2. IN THE MATTER OF CLEOPHUS LEWIS

On July 5, 2001, the Board summarily suspended the thoroughbred groom license of Cleophus Lewis upon a finding that the public safety and welfare imperatively require this emergency action because on June 27, 2001 he submitted a urine sample that produced a test result positive for cocaine in violation of Board Rule 4042.5(c).

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

1. IN THE MATTER OF DANIEL J. CAPPELLO, JR.

The Board approved Hearing Officer Cheryl Ritchko-Buley's recommendation that the imposition by the Presiding Judge at Saratoga Raceway of an eight (8) day license suspension based upon a charge that while driving the horse JUSTIN' S EMPIRE in the 13th race on February 17, 2001, Mr. Cappello took back quickly in front of a horse or a field of horses so as to cause confusion or interference among the trailing horses, in violation of Board Rule 4117.4(e) be affirmed.

2. IN THE MATTER OF JAMESTOWN LOYAL ORDER OF MOOSE LODGE NUMBER 1681

The Board approved the suspension of the Games of Chance License and Identification Number of the Jamestown Loyal Order of Moose Lodge Number 1681 upon a finding that it has violated the terms of the Stipulation of Settlement Agreement. The

suspension should remain in effect until full payment of the arrearages for 1999 and 2000 are made. Thereafter, reapplication for a license and identification number may be submitted.

3. PROPOSAL OF RULE TO ALLOW THE UNCOUPLING OF HORSES WITH COMMON OWNERSHIP OR TRAINING IN RACES WITH A GROSS PURSE OF \$1,000,000 OR MORE and WITHDRAWAL OF THE RELATED CONSENSUS RULE MAKING

The Board withdrew the consensus rule making proposal and approved the rule for proposal via standard rule making procedures. These amendments would allow the uncoupling, for pari-mutuel purposes, of thoroughbred horses with common ownership or training in races with a gross purse of one million dollars or more.

4. CAPITAL OTB REQUEST FOR NEW E-Z BET LOCATION - ROME

The Board approved the Capital District Regional OTB request, dated February 21, 2001, to conduct wagering and display simulcasts at DeMatteo's Restaurant at 705 East Dominick Street in Rome, New York (Oneida County). At this new E-Z Bet location, all wagering is self-service and initiated using a winning ticket or voucher only. The amount limit in the issuance of any voucher to a customer at any one time will be five hundred dollars (\$500).

The Capital District Regional OTB, using its own security employees, will occasionally inspect the DeMatteo's Restaurant E-Z Bet facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

The Secretary to the Racing and Wagering Board is to be notified, in writing, in a timely manner whenever a change in procedure affects the operation of this approved E-Z Bet facility.

5. NYRA REQUEST FOR ANNEXATION OF PROPERTIES FOR SARATOGA MEET

The Board approved the annexation of properties to the NYRA grounds in compliance with Board rules addressing the administration of furosemide only on the grounds of a licensed or franchised racing association or corporation during the time period from 4 to 4 ½ hours before the scheduled post time of the race in which the horse is to compete. This allows the official examining veterinarian to conduct pre-race examinations and administration of race-day Lasix to horses that are part of the lasix program at the

approved sites. NYRA is to provide security during the time periods encompassing the furosemide administration until the horse leaves the property to race.

Included are the properties of Stonerside North (Trainer Bill Mott; Assistant Trainer - Dave Wallace - Nelson Ave. Estate), the Malone Property (Trainer Bill Hebert - 34 Nelson Ave.), Lambholm (Trainer Roy Lerman - 39 Gridley St.), Hunter's Hollow (Dr. Bill Barnes, D.V.M. - 63 Henning Road), the Edward Miller Stables (Trainer Edward Miller - 13 Gridley St.) and the H. James Bond Stable (Trainer - H. James Bond - Gridley St.). Bill Mott is an authorized agent for the property owner, the Stonerside Stud Corporation incorporating Stonerside North (Robert McNair). This approval is effective immediately.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. CAPITAL OTB THEFT AT CENTRAL AVE BRANCH - 06/01-22-E

A theft occurred at the 40 Central Avenue, Albany branch. The incident, in which \$3,505.00 was taken, occurred on June 19, 2001.

The meeting was adjourned at 12:15 p.m.