

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF JULY 15, 1999

A meeting of the New York State Racing and Wagering Board was held on Thursday, July 15, 1999 at 11:30 a.m. at the New York State Racing and Wagering Board located at 1 Watervliet Avenue Extension, Suite 2 in Albany, New York.

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

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Bennett Liebman, Member

Edward Martin, Executive Director

Stephanie L. Donato, Secretary to the Board

Robert Feuerstein, General Counsel

Tom Casaregola, Acting Director of Audits and Investigations

Jim Gallagher, Chief of Racing Operations

Also in Attendance Were:

Joe Lynch, NYSR&WB

Joel Leveson, NYSR&WB

Nicole Robilotto, NYSR&WB

Dianne Landor, NYSR&WB

Heather Bennett, Bennett Associates

William Sullivan, Monticello Raceway

Tom Precious, The Blood Horse

John Russo, NYRA

John Tierney, NYRA

Jason Bolden

OPEN COMMENT PERIOD:

John Russo, NYRA Counsel, spoke regarding the designation of private properties as NYRA properties for purposes of lasix administration, as were approved last year. NYRA would like to request the designation of properties for this year. John Tierney, head of security for NYRA, spoke regarding security issues. NYRA requested not to have 24-hour security for each barn. Member Liebman suggested stating in the request letter that security be provided until the last lasix horse leaves the barn. Joel Leveson, NYSR&WB requested putting an "In To Go" or "Lasix" card on the stall indicating that the horse has been administered lasix.

The Chairman stated that NYRA would need to identify the properties and submit the documentation to the Board before the 1999 Saratoga Meet and that the Board will consider the request at such time.

Jason Bolden spoke on his own behalf regarding the appeal of the denial of his harness grooms license.

- A.** Approved the minutes of the Board meetings held on June 17, 1999 and
June 25, 1999.

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

- 1. BUFFALO RACEWAY REQUEST TO IMPORT HAZEL PARK RACEWAY**

For entry into the minutes, on June 15, 1999, approval was granted for the request by Buffalo Raceway to import simulcasts from Hazel Park Raceway in Michigan, effective immediately. These simulcasts may be imported whenever permitted under the Racing Law through the end of the 1999 race meeting at Hazel Park Raceway.

The contract is valid through April 5, 2000 and the horsemen's permission letter is valid through December 31, 2000; the import of the Hazel Park simulcast signal is approved through the end of the 1999 Hazel Park Raceway meeting only. This is the time stipulated by the permission letter from the State of Michigan – Department of Agriculture.

2. FINGER LAKES REQUEST TO CHANGE POST TIMES ON FRIDAYS

For entry into the minutes, on June 15, 1999, approval was granted for the request by Finger Lakes, dated June 15, 1999, to change Friday post time to 12:30 p.m. beginning on June 18th through and inclusive of July 23, 1999.

3. VERNON DOWNS REQUEST TO OFFER PICK 6 WAGERING

For entry into the minutes, on June 15, 1999, approval was granted for the request by Vernon Downs, dated June 1, 1999, to offer Pick 6 wagering on races 2 through 7 each evening, beginning on Wednesday, June 16, 1999. Seventy-five percent (75%) of the net Pick 6 pool will be distributed only upon a bettor picking the winner of all legs of the Pick 6 designated races; a consolation payoff will be made to the bettor with the most winning selections less than six. The consolation payoff will be made from the twenty-five percent (25%) of the net Pick 6 pari-mutuel pool with the remaining seventy-five percent (75%) to be carried over to the next racing program.

The pari-mutuel takeout will be the elective twenty-five percent (25%) as provided for in Section 301(4) of the Racing Law.

4. NASSAU OTB REQUEST TO SIMULCAST FROM LOUISIANA DOWNS

For entry into the minutes, on June 18, 1999, approval was granted for the request by Nassau OTB to import the simulcast signal from the thoroughbred track, Louisiana Downs whenever permitted

under the Racing Law. The approval is for the entire 1999 race meeting of Louisiana Downs.

The approval extends to Suffolk Regional OTB.

5. NASSAU OTB REQUEST TO SIMULCAST FROM POMPANO PARK

For entry into the minutes, on June 18, 1999, approval was granted for the request by Nassau OTB to simulcast Pompano Park in Florida through September 30, 1999. The contract with Pompano Park extends through June 30, 2000; the permission letter from the Florida Standardbred Breeders' and Owners Association is valid through September 30, 1999. To continue with Pompano Park after September 30, 1999, a new permission letter from the representative Pompano Park horsemen's association will have to be filed with the Board.

The approval extends to Suffolk Regional OTB.

6. NEW YORK CITY OTB REQUEST TO SIMULCAST FROM LOUISIANA DOWNS

For entry into the minutes, on June 18, 1999, approval was granted for the request by New York City OTB, dated June 9, 1999, to import the simulcast signal from Louisiana Downs in Bossier City, LA. This simulcast signal may be imported and used whenever permitted under the Racing Law. The contract reads that this agreement may automatically continue after November 15, 1999. This approval is for the entire 1999 Louisiana Downs race meeting only. New letters of permission from the Louisiana division of the H.B.P.A. and the Louisiana State Racing Commission need to be filed with the Board for further approval after the conclusion of the 1999 Louisiana Downs race meeting.

The approval extends to Catskill, Capital and Western Regional OTBs.

7. FINGER LAKES REQUEST TO RUN 4 TWO-YEAR OLD 2-FURLONG RACES

For entry into the minutes, on June 21, 1999, approval was granted for the request by Finger Lakes Racetrack, dated June 17, 1999, which sought to run (2) furlong races on June 25th and June 27th.

The two (2) furlong races requested for July 4th and July 9th are **denied**, pursuant to Board Rule 4021.3 which authorizes these distance races being run until June 30th of each year.

8. MONTICELLO RACEWAY REQUEST TO DELETE THE MATINEE PROGRAM ON 7/3/99

For entry into the minutes, on June 21, 1999, approval was granted for the request by Monticello Raceway, dated June 17, 1999, to delete the matinee program on July 3rd and conduct a full race program for the evening with fireworks to follow.

9. NYRA AMENDMENT TO PLAN OF OPERATION

For entry into the minutes, on June 21, 1999, approval was granted for the request by NYRA, dated June 17, 1999, to offer free general or clubhouse admission by postcard mailing to customers already registered from the voucher drawing previously held on Belmont Stakes Day. The postcard will also be the admission ticket to Belmont Park on any of the July Sunset Fridays only. These dates are July 2nd, 9th, 16th and 23rd.

Also approved was an addition to the NYRA list of 1999 Saratoga Racecourse promotions. It is understood that fifty thousand (50,000) weekday complimentary grandstand admission coupons will be made available to the general public through the Saratoga vicinity Chrysler/Jeep Dealers.

10. CAPITAL OTB AMENDMENT TO MYSTERY BET VOUCHER PROMOTION

For entry into the minutes, on June 21, 1999, approval was granted for the request by Capital OTB, dated June 17, 1999, to distribute 5,000 mystery bet vouchers instead of 4,000 on the following days:

July 31, 1999 First Saturday of Saratoga Meet

August 28, 1999 Traver's Stakes

November 6, 1999 Breeders' Cup

11. NASSAU OTB REQUEST TO SIMULCAST FROM WOODBINE

For entry into the minutes, on June 21, 1999, approval was granted for the request by Nassau OTB, dated May 25, 1999, to import the simulcast of the stakes races known as the "Queen's Plate" from

the thoroughbred track Woodbine Race Course in Ontario on June 27, 1999.

The approval extends to Suffolk Regional OTB.

12. NASSAU OTB REQUEST TO IMPORT 1999 CALIFORNIA FAIR CIRCUIT

For entry into the minutes, on June 21, 1999, approval was granted for the request by Nassau OTB, dated June 16, 1999, to import the simulcast of five of the 1999 California Fairs. Approved were the fairs at Pleasonton, Vallejo, Santa Rosa, San Mateo and Sacramento. The approval is for horse racing only, the Racing Law does not permit mule racing. These imported simulcast signals may be used whenever permitted under the Racing Law.

The approval extends to Suffolk Regional OTB.

13. FINGER LAKES REQUEST TO SIMULCAST FROM WOODBINE RACE COURSE

For entry into the minutes, on June 23, 1999, approval was granted for the request by Finger Lakes to import the simulcast of the stakes races known as the "Queen's Plate" from the thoroughbred track, Woodbine Race Course in Ontario on June 27, 1999. Should this race be divided into two divisions, both divisions may be imported.

14. MONTICELLO RACEWAY REQUEST TO IMPORT FROM WOODBINE RACE COURSE

For entry into the minutes, on June 23, 1999, approval was granted for the request by Monticello Raceway to import the simulcast of the stakes races know as the "Queen's Plate" from the thoroughbred track, Woodbine Race Course in Ontario on June 27, 1999. Should this race be divided into two divisions, both divisions may be imported.

15. NYRA REQUEST TO SIMULCAST DESIGNATED RACES OF SPECIAL INTEREST

For entry into the minutes, on June 23, 1999, approval was granted for the request by NYRA, dated June 17, 1999, to designate the following as races of special interest:

<u>Date</u>	<u>Race</u>	<u>Track</u>
07/17/99	De Francis Dash (I)	Laurel
08/08/99	Haskell Inv. H. (I)	Monmouth
08/14/99	Sorority S. (III)	Monmouth
08/28/99	Gardenia S.(III)	Ellis
09/05/99	Remington Park Derby (III)	Remington

16. NASSAU OTB REQUEST TO IMPORT FROM ELLIS PARK

For entry into the minutes, on June 23, 1999, approval was granted for the request by Nassau OTB, dated June 18, 1999, to import simulcasts from the 1999 race meeting at Ellis Park through September 6th. This simulcast signal may be used whenever permitted under the Racing Law.

The approval also extends to Suffolk Regional OTB.

17. NEW YORK CITY OTB REQUEST TO SIMULCAST FROM ELLIS PARK

For entry into the minutes, on June 25, 1999, approval was granted for the request by New York City OTB, dated March 23, 1999, to import simulcasts from the 1999 race meeting at Ellis Park through September 6th. This simulcast signal may be used whenever permitted under the Racing Law.

The approval also extends to Catskill, Capital and Western Regional OTBs.

18. NYRA REQUEST FOR AN INTEGRATED RECEIVER DECODER

For entry into the minutes, on June 28, 1999, approval was granted for the request by NYRA, dated June 18, 1999, to issue an IRD (digital) decoder to Robert H. and Bea Roberts of Post Time Training in Ocala, Florida. It is acknowledged that the Roberts are licensed New York State owners in 1999 that race horses at the NYRA racetracks.

19. CAPITAL OTB REQUEST TO IMPORT 1999 CALIFORNIA FAIR CIRCUIT

For entry into the minutes, on June 28, 1999, approval was granted for the request by Capital OTB, dated June 16, 1999, to import the simulcast of five of the 1999 California Fairs. Approved were the fairs at Pleasanton, Vallejo, Santa Rosa, San Mateo and Sacramento. This approval is for horse racing only, the Racing Law does not permit mule racing. These imported simulcast signals may be used whenever permitted under the Racing Law.

The approval extends to Catskill Regional OTB.

20. NASSAU OTB REQUEST TO IMPORT FROM THISTLEDOWN RACING

For entry into the minutes, on June 28, 1999, approval was granted for the request by Nassau OTB, dated June 16, 1999, to import the simulcast of the designated special event known as the Ohio Derby contested on July 24th at Thistledown Racetrack in Ohio. Should this named race be split into divisions, approval is granted for both divisions.

The approval extends to Suffolk Regional OTB.

21. FINGER LAKES REQUEST FOR SUMMER PROMOTIONS

For entry into the minutes, on July 1, 1999, approval was granted for the request by Finger Lakes, dated June 25, 1999, to offer promotional events from July 28th through September 30th, as outlined in their letter. However, pursuant to statute, all patrons wishing to enter the handicapping contest, but not wishing to enter the track, must be accommodated.

22. MONTICELLO RACEWAY REQUEST TO OFFER FREE ADMISSION ON MONDAYS

For entry into the minutes, on July 1, 1999, approval was granted for the request by Monticello Raceway, dated June 25, 1999, to

offer free admission on Mondays during the summer programs, beginning Monday, July 5, 1999.

23. MONTICELLO RACEWAY REQUEST FOR UPCOMING 1999 CALENDAR YEAR

For entry into the minutes, on July 1, 1999, approval was granted for the request by Monticello Raceway for the simulcast contracts allowing the import of simulcast signals from Delaware Park in Delaware, Hollywood Park in California and Pompano Park in Florida.

The approval for Delaware Park is valid throughout their 1999 race meeting scheduled to end on October 31st. The Hollywood Park approval is valid through the end of their Spring-Summer meeting on July 19th. Although the submitted contract with Pompano Park extends through June 30, 2000, the Pompano Park approval coincides with the Florida Commission and horsemen's letters of permission that expire on December 31, 1999.

To continue importing simulcasts after December 31, 1999, new letters of permission from the Florida Standardbred and Owners Association and the Florida Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering must be submitted to the Board.

Approved simulcasts may be utilized whenever permissible under the Racing Law.

24. SARATOGA HARNESS REQUEST TO IMPORT RACES FROM VARIOUS TRACKS

For entry into the minutes, on July 1, 1999, approval was granted for the request by Saratoga Harness to import the simulcasts from Calder Racecourse effective immediately and continuing through November 2, 1999.

For the Tropical-At-Calder race meeting that begins after November 2nd, a new contract along with Florida Commission and Florida H.B.P.A. letters of permission need to be filed with the Board.

25. VERNON DOWNS REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on July 1, 1999, approval was granted for the request by Vernon Downs, dated June 25, 1999, to offer the following promotional events:

Saturday, July 3rd - Free T-shirts to the first 2000 patrons. A free drawing (open to all) for free concert tickets after each race along with a local radio station's disc jockey giving away free prizes. Also, the band "Calypso" will perform in Founders Park from 7:30 – 9:30 p.m. A fireworks show will follow the evening's last live race.

Monday, July 5th - Free admission to all patrons attending the 1:30 p.m. matinee program, plus food specials.

Sunday, July 11th - Annual K-Rockathon concert.

Sunday, July 18th - A professional rodeo.

Sunday, August 15th - Concert featuring fireworks.

**26. VERNON DOWNS REQUEST TO CHANGE POST TIME ON
7/3/99**

For entry into the minutes, on July 1, 1999, approval was granted for the request by Vernon Downs, dated June 30, 1999, to conduct a seven-race program instead of the usual nine with the late daily double wager on races 6 and 7 on July 3, 1999.

The Board also grants approval to conduct a non-betting race for 2-year old pacers at 7:15 p.m. before the live racing program.

**27. VERNON DOWNS REQUEST TO OFFER PROMOTION ON
7/23/99**

For entry into the minutes, on July 1, 1999, approval was granted for the request by Vernon Downs, dated June 30, 1999, to conduct "The Great Horseshoe Toss" promotion on Friday, July 23, 1999, in Founders Park from 5:30 p.m. to 7:00 p.m., as outlined in their letter.

**28. YONKERS RACEWAY REQUEST TO SIMULCAST FROM
OCEAN DOWNS**

For entry into the minutes, on July 1, 1999, approval was granted for the request by Yonkers Raceway for approval of the contract between Yonkers Raceway and Ocean Downs (Ballys at Ocean

Downs), in Maryland to import Ocean Downs simulcasts on Wednesdays and Fridays during the month of July, 1999.

29. NYC OTB REQUEST TO SIMULCAST DEL MAR THOROUGHBRED CLUB

For entry into the minutes, on July 6, 1999, approval was granted for the request by New York City OTB, dated June 30, 1999, to simulcast the 1999 Summer thoroughbred program whenever permissible under the Racing Law.

Although this agreement is structured to continue after the conclusion of the 1999 Del Mar Thoroughbred Club race meeting, new commission and horsemen approvals need to be filed with the Board for any Del Mar simulcast imports after September 8, 1999.

30. NYRA REQUEST TO OFFER FREE ADMISSION

For entry into the minutes, on July 6, 1999, approval was granted for the request by NYRA, dated July 2, 1999, to offer free general admission coupons totaling one thousand (1,000), in conjunction with a promotion of 12-packs of the Molson Beer brands of Golden, Canadian and Ice. These coupons may be redeemed for free admission on any Wednesday during the 1999 Saratoga race meeting.

Also approved was the request to distribute one thousand (1,000) free general admission coupons in conjunction with a promotion of 4-packs of Guinness Draft beer. These coupons may be redeemed for free admission on any Friday during the 1999 Saratoga race meeting.

For New York Showcase Day on Saturday, October 23, 1999, the Board has approved the offering of a guaranteed one million-dollar pick-six pool on races five through ten. It is understood that should no participant in this Saturday pick-six pool select all six winners, the net pool will be carried over to Sunday, the final day of the Fall Belmont Park meeting. On that Sunday, the entire pick-six pool will be distributed on the participant selecting the most winners on races three through eight.

31. BUFFALO RACEWAY REQUEST TO SIMULCAST LOUISIANA DOWNS

For entry into the minutes, on July 6, 1999, approval was granted for the request by Buffalo Raceway to import simulcasts from Louisiana Downs in Bossier City, effective immediately. The approval extends throughout the 1999 Louisiana Downs racing season.

The simulcast may be imported whenever permitted under the Racing Law.

32. VERNON DOWNS REQUEST TO OFFER EIGHT RACE PROGRAM ON 7/7/99

For entry into the minutes, on July 6, 1999, approval was granted for the request by Vernon Downs to conduct an eight (8) race program on Wednesday, July 7, 1999. Also approved was the request to have the late double on the final two races of the program, races seven and eight, on the Wednesday, July 7th card.

An eight-race program is not a full racing program as defined in the Racing Law. Therefore, the abbreviated card of Wednesday, July 7th may have an effect on the number of days Vernon may simulcast out-of-state harness races next month (August of 1999).

Section 1016(2)(f) of the Racing Law states "that no harness track may accept wagers or display the simulcast signal from an out-of-state harness track on more than four days in any week unless in the immediately preceding calendar month an average of four or more live programs per week were conducted, nor shall it accept wagers on more than five days in any week unless in the immediately preceding calendar month an average of five or more live racing programs were conducted at such track."

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD, CAPTIONED BELOW AND ON FILE IN THE SECRETARY'S OFFICE.

1. REVISION TO PROPOSED GAMES OF CHANCE RULE AMENDMENT

For entry into the minutes, on June 18, 1999, approval was granted to amend the requirement, as currently written, that encrypted bar code information includes the ticket count. The amendment would delete this requirement.

2. SUMMARY SUSPENSION OF ALAN HOFFMAN

For entry into the minutes, on July 8, 1999, the Board approved that Alan Hoffman's license rights are summarily suspended upon a finding that the public safety and welfare imperatively require this emergency action.

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

1. MATTER OF JASON BOLDEN

The Board approved Hearing Officer Martin's recommendation that the 1999 license refusal be affirmed with the opportunity for Mr. Bolden to reapply in January 2000.

2. MATTER OF THE CLAIM OF "MY BELLE"

The Board approved Hearing Officer Liebman's recommendation that the decision of the stewards at Belmont Park, which denied the Rocker Pony Stable request to void the claim of "My Belle" from the fourth race on May 19, 1999, be reversed based upon the finding that the transfer of ownership was improper as prohibited by Agriculture and Markets Law Section 95-c.5 in the absence of a negative test for equine infectious anemia within twelve months of the ownership transfer.

3. ADOPTION OF RULES FOR COMPULSIVE GAMBLING POSTING ON INTERNET

The Board approved adoption of the rule to assist compulsive gamblers. This adoption would require each racing association that maintains a website on the Internet is to be required to post on its home page a message designed to assist compulsive gamblers. The rule applies to thoroughbred, harness, quarterhorse and off-track betting corporations and would add new sections 4003.54, 4101.40, 4204.14 and 5204.1 to 9E NYCRR.

4. DESIGNATION OF ATTORNEYS

The Board approved the designation of Assistant Counsel Mark A. Stuart and Assistant Counsel Rick Goodell to exercise the power to administer oaths, examine witnesses and to issue subpoenas to compel witnesses and the production of documents, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 101(9).

5. BUFFALO RACEWAY REQUEST TO ADD RACING DATES

The Board approved the request by Buffalo Raceway, dated June 25, 1999, to amend its 1999 harness racing schedule by adding the following racing dates:

August: Wednesday, August 25th; Thursday, August 26th--

Post time 1:15 p.m.

December: Wednesdays, 8th and 15th; Thursdays, December 9th

and 16th; Fridays, December 10th and 17th; Saturdays,

December 11th and 18th – Post time 7:30 p.m.

6. MONTICELLO RACEWAY REQUEST TO OFFER TRIFECTA WAGERING

The Board approved the request by Monticello Raceway to have triple (trifecta) wagering on every racing program on all qualified races. Currently, Monticello has approved all-triple programs three programs a week on Sundays, Tuesdays and Wednesdays.

This approval is effective immediately through Labor Day, at which time a report is due. The report should indicate the impact all trifecta racing has had on revenues, the number of additional trifecta races held and the number of trifecta races that could not be held because of a shortage of horses.

7. CAPITAL OTB REQUEST TO APPOINT NEW DIRECTOR OF ST. LAWRENCE COUNTY

The Board approved the request by Capital District Regional OTB, dated May 7, 1999, to amend its plan of operation and appoint Mr. Robert Shawn Gray as the new director representing St. Lawrence County.

8. NASSAU OTB 1999 SIMULCAST PLAN OF OPERATION

The Board approved the request by Nassau OTB for approval of the 1999 Simulcast Facility Licenses for 14 branch operations.

9. NATIONAL STEEPLECHASE ASSOCIATION, INC. REQUEST TO CONDUCT STEEPLECHASE AT SARATOGA

The Board approved the request by the National Steeplechase Association, Inc., dated July 13, 1999, to conduct non-betting steeplechase races at the Saratoga Racecourse Open House on July 25, 1999, in accordance with Section 207 of the Racing Law.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. BUFFALO RACEWAY – 06-56-E

Consent for inter-track wagering

2. NYRA – BELMONT - 06-65-E

Emergency repair of Barn 8

3. NYRA - 07/99-02-E

Formal notification that NYRA intends to conduct a Winter race meeting at Aqueduct Racetrack during the months of December 1999 through April 2000.

4. VERNON DOWNS - 06-34-E

Sale of common stock

5. CAPITAL OTB - 07/99-11-E

Annual Desk Review

6. CATSKILL OTB - 07/99-08-E

Annual Desk Review

7. NASSAU OTB - 06-57-E

Fire inspections of all Nassau OTB facilities

8. NASSAU OTB - 07/99-09-E

Annual Desk Review

- 9. SUFFOLK OTB - 07/99-05-E**

June Board Meeting

- 10. SUFFOLK OTB - 07/99-10-E**

Annual Desk Review

- 11. WESTERN OTB - 06-36-E**

**Niagara County Legislature resolution request to re-open
Lockport Branch**

- 12. WESTERN OTB - 07/99-12-E**

Annual Desk Review

The meeting adjourned at 1:30 p.m.