

MINUTES

NEW YORK STATE RACING AND WAGERING SPECIAL BOARD

MEETING OF JUNE 22, 2000

A meeting of the New York State Racing and Wagering Board was held on Thursday, June 22, 2000 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 11:30 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Cheryl Buley, Member

Nicole Thuillez, Secretary to the Board

Robert Feuerstein, General Counsel

Tom Casaregola, Director of Audits and Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Mark Stuart, NYSR&WB

Daryll Messner, NYSR&WB

Bruce Samboy, NYSR&WB

Dianne Landor, NYSR&WB

Nicole Robilotto, NYSR&WB

Stacy Walker, NYSR&WB

Heather Bennett, Bennett Firm

Bill Heller, Thoroughbred Times

Matthew Powers, Crane, Greene & Parente

OPEN COMMENT PERIOD: No comments were made.

A. The Board approved the minutes of the Board meeting held on May 25, 2000.

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

1. NYRA REQUEST TO OFFER GUARANTEED PICK 6 FROM HOLLYWOOD PARK

For entry into the minutes, on May 31, 2000, approval was granted for the request by NYRA for their on-track and telephone customers to wager into the special one million dollar guaranteed pick-six pari-mutuel pool at Hollywood Park on Sunday, June 18, 2000.

If no one anywhere participating in this pick-six pool has all six winners on this one Sunday, NYRA patrons may also participate in the carry-over on Wednesday, June 21, 2000.

2. NASSAU OTB REQUEST TO SIMULCAST FROM ROCKINGHAM

For entry into the minutes, on May 31, 2000, approval was granted for the request by Nassau OTB for the importation of simulcast signals whenever permitted under the Racing Law. This approval is valid throughout the year 2000 Rockingham Park thoroughbred meeting that is scheduled to commence on June 11th and end on September 24th.

This approval extends to the Suffolk Regional Off-Track Betting Corporation.

3. VERNON DOWNS REQUEST TO AMEND PLAN OF OPERATION

For entry into the minutes, on May 31, 2000, approval was granted for the request by Vernon Downs to cancel the eight scheduled and approved Sunday racing dates at Vernon Downs during the months of June and July and the date of Saturday, September 9th of the year 2000.

Also approved was the scheduling of doubleheader programs each Saturday, beginning on July 1st and continuing through November 11th with the exception of

no Saturday matinees on August 5th and 12th because that would conflict with The Syracuse Mile.

Further approved was the transfer of all scheduled Thursday evening racing programs to an afternoon matinee with a first post time of 12:30 p.m. The understanding of the Board is that Vernon Downs, in the year 2000, will have scheduled racing a total of 96 separate race cards. This is eight less than the previously approved 104 programs on the Vernon Downs year 2000 schedule.

4. BUFFALO RACEWAY REQUEST TO ADD THREE THURSDAY PROGRAMS

For entry into the minutes, on June 1, 2000, approval was granted for the request by Buffalo Raceway to add three Thursday racing programs on the 15th, 22nd and 29th of June, 2000.

5. WESTERN OTB REQUEST TO EXTEND CONTRACT WITH BUFFALO RACEWAY

For entry into the minutes, on June 1, 2000, approval was granted for the request by Western OTB for a one-month extension of the Buffalo Raceway simulcast contract with the Western Regional Off-Track Betting Corporation.

This contract is now in effect through June 30, 2000.

6. VERNON DOWNS REQUEST TO IMPORT SIMULCASTS FROM VARIOUS LOCATIONS IN 2000

For entry into the minutes, on June 1, 2000, approval was granted for the request by Vernon Downs to import the year 2000 thoroughbred simulcast from Monmouth Park in New Jersey. This simulcast is permitted whenever applicable under the Racing Law.

After July 25th, this Monmouth Park simulcast would be permitted under the Racing Law on Tuesdays only. During the NYRA-Saratoga racing season no out-of-state contemporaneous thoroughbred simulcasts are allowed under Section 1015 of the Racing Law.

* For entry into the minutes, on June 7, 2000, approval was granted for the request by Vernon Downs to import the year 2000 harness simulcast from Scioto Downs in Ohio.

This simulcast is permitted whenever applicable under the Racing Law and no more than *five* out-of-state harness simulcasts are permitted on any one-day of the year.

This approval is effective immediately.

7. NYRA REQUEST TO MAIL MYSTERY MUTUEL VOUCHER

For entry into the minutes, on June 5, 2000, approval was granted for the request by NYRA, dated May 26, 2000, to issue forty-eight thousand (48,000) \$2.00 vouchers and one thousand (1,000) \$20.00 vouchers to persons listed on the upstate Saratoga and the downstate Aqueduct mailing lists maintained by the New York Racing Association (NYRA). These vouchers may be redeemed at either Saratoga Racecourse or at Aqueduct Racetrack on Whitney Day on Sunday, August 6, 2000.

It is understood by the Board that from 11:30 a.m. to 12:30 p.m. at a well designated gate at Saratoga Racecourse and at Gate Four at Aqueduct Racetrack on Sunday, August 6th, a patron with a mystery voucher may be escorted to and from designated windows to redeem that voucher, and do so without paying admission or parking fees. Furthermore, should anyone desire a list of winners, it may be obtained from NYRA by mail request including a self addressed stamped envelope.

8. NASSAU OTB REQUEST TO SIMULCAST FROM WOODBINE

For entry into the minutes, on June 5, 2000, approval was granted for the request by Nassau OTB, dated May 24, 2000, to import the simulcast of the stakes races designated by the Board as "special events" during the year 2000 from the Woodbine International Racecourse in Canada.

Specifically included within this agreement are the stakes races known as the "Queen's Plate" on June 25th, the Atto Mile in September and the Canadian International in October, all of which have historically been designated "special events".

Approval also extends to Suffolk Regional OTB.

9. WESTERN OTB REQUEST TO MAIL PROMOTIONS FOR BELMONT STAKES DAY

For entry into the minutes, on June 5, 2000, approval was granted for the request by Western OTB to mail a voucher promotion scheduled for Belmont Stakes Day on Saturday, June 10, 2000.

It is understood by the Board that 15,500 "self mailers" will be sent to customers on the Western OTB mailing list and each mailer may be redeemed for a two dollar (\$2.00) voucher.

10. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on June 7, 2000, approval was granted for the request by Finger Lakes to export their simulcasts, via Stevenson & Associates, Inc., to the Hippodromo Presidente Remon and its 175 off-track facilities in the Republic of Panama.

These approvals are given in accordance with the Board policy of requiring all agreements involving the export of New York State licensee simulcast signals to be filed with the Board if such are:

- New entities (as is this agreement)
- In-State sites
- Sites in contiguous states

All other exports of in-state simulcast signals to entities not falling within the above three guidelines are approved with the continuing requirement that a monthly list of receiving sites and rates charged be filed with the Board.

11. YONKERS RACEWAY REQUEST TO CANCEL LIVE RACING

For entry into the minutes, on June 8, 2000, approval was granted for the request by Yonkers Raceway to cancel the presentation of live racing on Wednesdays, as approved with the Yonkers Raceway year 2000 track license, for the foreseeable future during the year 2000.

The Board will immediately be notified should a change in the Yonkers horse population result in enabling the resumption of the scheduled Wednesday racing cards.

12. NASSAU OTB REQUEST TO SIMULCAST FROM PENN NATIONAL & LOUISIANA DOWNS

For entry into the minutes, on June 9, 2000, approval was granted for the request by Nassau OTB to import simulcast signals from Penn National in Pennsylvania and Louisiana Downs in Louisiana whenever permitted under the Racing Law.

With Penn National beginning its Sunday programs at 5:00 p.m., this simulcast, like that of Louisiana Downs, may begin only upon the conclusion of the last in-state thoroughbred race from Finger Lakes or the operating NYRA racetrack, whichever is later.

Both approvals extend to the Suffolk Regional Off-Track Betting Corporation.

13. BUFFALO RACEWAY REQUEST TO SIMULCAST FLAMBORO DOWNS

For entry into the minutes, on June 12, 2000, approval was granted for the request by Buffalo Raceway to import simulcast signals from Flamboro Downs. This approval covers the remainder of the year 2000 race meeting at Flamboro Downs.

A reminder is that a maximum of five out-of-state (including out-of-country) harness simulcast signals may be imported in any one day.

14. NASSAU OTB REQUEST TO SIMULCAST FROM CALIFORNIA FAIR GROUNDS

For entry into the minutes, on June 13, 2000, approval was granted for the request by Nassau OTB, dated June 8, 2000, to import the simulcast of the eight, year 2000 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 as "bridge signals" whenever permitted under the Racing Law.

This approval extends to Suffolk Regional OTB.

15. NYRA REQUEST TO ADD TO ROSTER OF RACING OFFICIALS - GREEN

For entry into the minutes, on June 14, 2000, approval was granted for the request by NYRA to appoint Dr. Barbara Green to a position as one of the Association's examining veterinarians.

This approval is in compliance with Board Rule 4005.1.

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

1. IN THE MATTER OF DONALD D. ALLISON

On June 9, 2000, the Board summarily suspended the thoroughbred racing license of Donald D. Allison upon a finding that the public safety and welfare imperatively required this emergency action. The suspension will remain in effect pending further disposition by the Board after a hearing.

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

1. IN THE MATTER OF ANTHONY P. BUFFALINO

The Board deferred this matter until such time as the respondent's attorney can submit records for review by the Hearing Officer.

2. IN THE MATTER OF JOSEPH KRAJCZEWSKI, JR.

The Board approved Hearing Officer Dranichak's recommendation that the appellant be held in default and be required to serve the 60-day suspension imposed by the Presiding Judge at Monticello Raceway due to two equine post-race positives. Specifically, on November 28, 1999 the horses TOLOA RABA and GO GLOBAL, trained by Mr. Krajczewski, had raced while the metabolite of the drug phenytoin was present in the system of each horse, in violation of Board Rules 4120.2(f) and 4120.4.

3. IN THE MATTER OF THOMAS MERTON

The Board denied the appeal by harness trainer-driver applicant Thomas Merton "without prejudice to reapply in 2001" from the October 19, 1999 decision to refuse him a license to participate in pari-mutuel racing.

The refusal was based upon the finding that Merton had violated Board Rules §4117.4(n), 4119.5 and 4119.7(a)(5) and that his character and fitness are such that his participation in harness racing would be inconsistent with the public interest and the best interest of racing generally.

4. IN THE MATTER OF DARYL WEBSTER

The Board approved Hearing Officer Brittell's recommendation that the year 2000 harness owner-trainer license refusal be upheld. The refusal was based upon the opinion that the applicant's character and general fitness are inconsistent with the best interests of racing based upon his history of personal substance abuse and the fact that he furnished a urine sample in connection with his application that tested positive for the presence of marijuana.

5. DELEGATION OF POWERS TO THE CHAIRMAN

The Board approved resolutions for the Board members to explicitly delegate to the Chairman the power to deal with certain categories of requests for Board approval following the appointment of Cheryl Buley as a new Board member.

Within the specific categories, and as implemented, the Chairman may exercise the delegated power without further approval of the other Board members or may choose to seek approval of the other members before acting. If the Chairman acts, any Board member who objects to an act taken pursuant to the exercise of the delegation may raise that issue at the Board meeting following the action.

6. RE-ADOPTION OF GAMES OF CHANCE AND BINGO RULES - NYCRR 5600

The Board approved the request for re-adoption of Board regulations pertaining to the operation, licensing, conduct and enforcement of Games of Chance and Bingo emergency rule amendments for 30 days. These amendments were previously adopted by the Board as an emergency rule on March 27, 2000, and will expire June 26, 2000. These amendments will be submitted as emergency rules. The rules will be filed absent the proposed amendments to Rule 5820.8.

7. FINAL ADOPTION OF GAMES OF CHANCE AND BINGO RULES - NYCRR 5600

The Board approved the request for final adoption of Board regulations pertaining to the operation, licensing, conduct and enforcement of Games of Chance and Bingo Rules, absent the proposed amendments to Rule 5820.8. Staff will make an amendment to delete the \$1.00 minimum charge from Rule 5820.8.

Upon final adoption, the amendments will be submitted to the Department of State through a Notice of Adoption. The amended rules will be effective when the Notice of Adoption appears in the State Register.

8. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$200,914.41

The Board approved the request by Finger Lakes to withdraw \$200,914.41 from their Capital Improvement Fund for reimbursement of capital improvement expenditures.

Backstretch & Barns – 76%

(5) Barns Roofs	\$112,150.01
(2) Barns Rewired	36,292.94
One (1) Utility Pole (Backside)	<u>3,910.16</u>
Total Backstretch	\$152,353.11

General & Administrative – 14 %

Phone System Upgrade - main office	\$9,219.10
Snow Blower attachment for tractor	8,988.00
Central Air (For CCTV Room)	5,476.25

Consultants travel and lodging costs for installation and testing of software program <i>TrackMaster</i> for Horsemen' s Bookkeeper.	1,898.66
Counter Tops (For Race Office)	1,075.85
(2) Time Clocks (For Food Services)	947.68
Desk and File Cabinet (For Payroll & General Manager)	<u>522.16</u>
Total General and Administrative	\$28,127.70
<u>Patron Services & Areas – 10%</u>	
Grandstand Balcony (I-Beams)	\$13,500.00
(20) 27' ' Monitors	<u>6,933.60</u>
Total Patron Service & Areas	\$20,433.60
<u>Total Application</u>	<u>\$200,914.41</u>

9. MONTICELLO RACEWAY REQUEST TO EXPORT VARIOUS OUTLETS FOR 2000 CALENDAR YEAR

The Board deferred the export of the video simulcast signal from Monticello Raceway for use by World Gaming Services through Starnet Communications, Inc. until an amendment is made to the agreement to include new language regarding verification of wagering from New York State.

10. CAPITAL OTB REQUEST FOR APPROVAL OF CONCESSIONAIRE - BRIDGEPORT

The Board approved the appointments of Nadine Bieloski and John Vanderwerken as the concessionaires at the Bridgeport branch of Capital District Regional Off-Track Betting Corporation.

11. CATSKILL OTB REQUEST TO APPOINT NEW BOARD OF DIRECTOR - EVANS

The Board approved the appointment of Mr. William Evans to the Catskill Regional Off-Track Betting Corporation's Board of Directors. Mr. Evans will be representing the County of Chenango.

The meeting was adjourned at 12:30 p.m.