

## **MINUTES**

### **NEW YORK STATE RACING AND WAGERING BOARD**

#### **MEETING OF JUNE 18, 2003**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, June 18, 2003 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 11:43 a.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

Stacy Clifford, NYSR&WB

Dan Wray, New York City OTB

Bob Seefeld, EQTAH

Paul D'Onofrio, Monticello Raceway

Cliff Ehrlich, Monticello Raceway

OPEN COMMENT PERIOD: (Started: 11:30 a.m.) Paul D'Onofrio spoke on behalf of the Monticello Track and Simulcast license applications before the Board. He provided staff with copies of a civil engineering report. Mr. D'Onofrio stated that work is scheduled to commence once the license approval is given. Member Buley asked about the stalls. Mr. Ehrlich stated that work has been done on the barns. Also the problems discussed at the inspection have been addressed and information was provided to the Board. Plans are to

consolidate the horsemen into one area to utilize less space. Demolition work will take place three weeks after the consolidation is completed. The Chairman commended Mr. Ehrlich on the work that has been done but pointed out that the work is only done when pressure is put on Monticello management. Chairman Hoblock hoped that this would not happen again. Member Buley stated that Monticello is an aging facility and management has put a lot of money into the facility. However, we need deadlines for the improvement work to be completed. Mr. Ehrlich thanked the Board and assured them that the improvements will occur. (Ended: 11:43 a.m.)

**A.** The Board approved the minutes of the Board meeting held on May 14, 2003.

**B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.**

**1. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on May 15, 2003, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of simulcasts emanating from Hazel Park, a harness track in Michigan; Lone Star Park, a thoroughbred track in Texas and Scioto Downs, a harness track in Ohio.

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

**2. SARATOGA HARNESS REQUEST TO OFFER PROMOTION □ MEMORIAL DAY**

For entry into the minutes, on May 16, 2003, approval was granted for the request by Saratoga Harness, dated May 14, 2003, to conduct the Memorial Day promotion with Goldstein Automotive and Clear Channel's WPYX-FM radio, involving 25 contestants per the rules as submitted to the New York State Racing and Wagering Board with this request.

**3. YONKERS RACEWAY REQUEST TO CHANGE POST TIMES**

For entry into the minutes, on May 21, 2003, approval was granted for the request by Yonkers Raceway to revise the first post time on two Fridays, June 6<sup>th</sup> and July 4<sup>th</sup>, from 12:00 noon to 7:40 p.m.

**4. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on May 21, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of simulcasts from the year 2003 harness race meeting conducted at Freehold Raceway in New Jersey.

This approval extends to Suffolk Regional OTB as well. The Freehold Raceway simulcasts may be imported whenever permitted under the Racing Law.

\* For entry into the minutes, on May 23, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of thoroughbred racing programs from the Penn National Race Course in Pennsylvania throughout the year 2003 live Penn National race meeting.

This simulcast may be imported and utilized whenever in accordance with the Racing Law. This approval extends to Suffolk Regional OTB as well.

\* For entry into the minutes, on May 23, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of thoroughbred racing programs from Monmouth Park in Oceanport, New Jersey and from Colonial Downs in New Kent, Virginia throughout the year 2003 live race meetings.

This simulcast may be imported and utilized whenever in accordance with the Racing Law. This approval also extends to Suffolk Regional OTB as well.

The Monmouth Park approval extends through June 24, 2003 only. A new horsemen's consent must be submitted to the Board after that date for the simulcast to continue.

\* For entry into the minutes, on May 30, 2003, approval was granted for the request by Nassau Regional OTB to amend simulcast plans of operation for the Catskill, Capital & Western Regional OTB's by enabling the addition of the Catskill, Capital and Western Regional OTB's to import thoroughbred racing programs from the Penn National Race Course in Pennsylvania throughout the year 2003 live Penn National race meeting.

The approval for Suffolk Regional OTB was included with the original Nassau-Penn National agreement.

\* For entry into the minutes, on May 30, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plans of operation enabling the import of mixed thoroughbred-quarter horse racing programs from Los Alamitos Race Course throughout the year 2003 live Los Alamitos race meeting.

This approval extends to Suffolk Regional OTB as well.

\* For entry into the minutes, on June 11, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of simulcasts from the "Fair Racetracks" operated by the California Authority of Racing Fairs and from Canterbury Park in Minnesota.

These approvals are also applicable to Suffolk Regional OTB.

## **5. NEW YORK CITY OTB REQUEST TO OFFER PROMOTION □ BELMONT STAKES**

For entry into the minutes, on May 21, 2003, approval was granted for the request by New York City OTB to conduct a sweepstakes drawing entitled "Belmont Stakes Sweepstakes" as per the submitted rules.

Since the value of the prizes available to the winners of this contest is greater than \$5,000, this contest requires registration as a sweepstakes with the Secretary of State of the State of New York.

The Board reserves the right to audit all promotional contests conducted by its licensees.

#### **6. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on May 22, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of harness simulcasts from Indiana Downs in Indiana and from Rockingham Park in New Hampshire during the 2003 live racing seasons.

These simulcasts may be taken whenever in accordance with the Racing Law.

\* For entry into the minutes, on May 30, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Harrington Raceway in Delaware.

This approval is valid for the entire year 2003 racing season.

\* For entry into the minutes, on June 5, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcast signals on the year 2003 Lone Star Park race meeting in Texas.

The simulcasts of the above named racing program will be utilized as imported simulcasts as permitted under the Racing Law.

#### **7. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on May 22, 2003, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the thoroughbred racetrack known as Mountaineer Park located in Chester, West Virginia.

This simulcast may be imported and utilized whenever in accordance with the Racing Law.

\* For entry into the minutes, on May 22, 2003, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the harness racetrack known as Scioto Downs and the thoroughbred racetrack, Lone Star Park in Texas.

These simulcasts may be imported and utilized whenever in accordance with the Racing Law.

\* For entry into the minutes, on May 23, 2003, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the thoroughbred racetrack known as Evangeline Downs, which is located in Lafayette, Louisiana.

This simulcast may be imported and utilized whenever in accordance with the Racing Law.

\* For entry into the minutes, on May 30, 2003, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of thoroughbred racing programs from the Penn National Race Course in Pennsylvania and the harness simulcast from Rockingham Park in Salem, New Hampshire throughout the year 2003 live race meetings of each track.

#### **8. CATSKILL OTB REQUEST TO SIMULCAST MOUNTAINEER PARK**

For entry into the minutes, on May 22, 2003, approval was granted for the request by Catskill Regional OTB to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from the racetrack known as Mountaineer Park in Chester, West Virginia.

This approval is effective immediately and can continue when in compliance with the Racing Law through the end of the year 2003. This approval further extends to Capital, Nassau, Suffolk and Western OTB.

#### **9. NEW YORK CITY OTB REQUEST TO SIMULCAST MOUNTAINEER PARK**

For entry into the minutes, on May 22, 2003, approval was granted for the request by New York City OTB to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from the West Virginia racetrack known as Mountaineer Park.

This approval is effective immediately and can continue when in compliance with the Racing Law through the end of the 2003 Mountaineer Park race meeting.

#### **10. BUFFALO RACEWAY REQUEST TO CANCEL LIVE RACING**

For entry into the minutes, on May 23, 2003, approval was granted for the request by Buffalo Raceway to amend its plan of operation for the cancellation of the scheduled and approved Thursday racing dates of June 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup>, July 3<sup>rd</sup> and 10<sup>th</sup> in 2003.

#### **11. NEW YORK CITY OTB REQUEST FOR TEMPORARY NON-SIMULCAST BRANCH**

For entry into the minutes, on May 23, 2003, approval was granted for the request by New York City OTB to amend its plan of operation enabling the establishment of a temporary branch within Gracie Mansion on Friday, June 6, 2003.

Wagering will be on this one Friday only and on the one race known as the Belmont Stakes.

#### **12. NYRA REQUEST TO OFFER PICK 3 - JUNE**

For entry into the minutes, on May 30, 2003, approval was granted for the request by NYRA to amend its plan of operation in relation to the offering of an additional pick three wager at the applicable 25% takeout on each of the Saturdays of June 14<sup>th</sup>, 21<sup>st</sup> & 28<sup>th</sup>.

Each of these newly approved pick three wagers will be comprised of one NYRA stakes race and two out-of-state stakes races.

### **13. YONKERS RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on May 30, 2003, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the export of simulcast signals from Yonkers Raceway for use by World Gaming Services through Starnet Communications, Inc.

This approval is conditioned on the understanding that no wagering occurring through World Gaming Services emanates from New York State. In the event that such New York State wagering does in fact occur and/or the World Gaming Services/Starnet Communications knowingly accepts New York State residents as customer, this approval is rescinded.

\* For entry into the minutes, on June 4, 2003, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the import of the simulcast signal from Batavia Downs during its year 2003 live race meeting scheduled to begin in July.

Also approved is the agreement with Hawthorne Race Course to import their harness simulcast signals during 2003. To continue with the Hawthorne thoroughbred signals on and after September 28<sup>th</sup>, a new federally required letter of permission from the representative Illinois Thoroughbred Horsemen's group must be filed with the Board.

### **14. FINGER LAKES REQUEST TO OFFER HANDICAPPING CONTEST**

For entry into the minutes, on June 4, 2003, approval was granted for the promotional request by Finger Lakes, dated May 30, 2003, to conduct a handicapping contest on Saturday, September 13, 2003, as per the submitted rules.

### **15. FINGER LAKES REQUEST TO MOVE PICK 4**

For entry into the minutes, on June 4, 2003, approval was granted for the request by Finger Lakes to amend its plan of operation to conduct its daily Pick Four wagering on the final four races of its program, effective immediately.

### **16. VERNON DOWNS REQUEST TO CHANGE POST TIME - 6/7/03**

For entry into the minutes, on June 4, 2003, approval was granted for the request by Vernon Downs to amend its plan of operation with a new first post time of 7:15 p.m. on the one date of Saturday, June 7, 2003.

## **17. CAPITAL OTB REQUEST FOR PROMOTION - BELMONT STAKES**

For entry into the minutes, on June 4, 2003, approval was granted for the request by Capital District Regional OTB, dated May 29, 2003, to distribute on Sunday, June 7<sup>th</sup> at Capital's Bridgeport branch located at 585 Route 31 in Bridgeport a two-dollar (\$2.00) betting voucher to the first 200 patrons to enter the branch. These same first 200 Bridgeport patrons will receive a "Belmont Stakes Glass" and a "Belmont Stakes Tee-shirt". Other Capital OTB merchandise will be distributed to customers throughout the day.

Also approved is the distribution on Friday, June 6<sup>th</sup> at Capital's Cortland branch located at 294 Tompkins Street Extension in Cortland of a two-dollar (\$2.00) betting voucher to the first 100 patrons to enter the branch. These same first 100 Cortland patrons will receive a "Belmont Takes Glass" and a free program. Other Capital OTB merchandise will be distributed to customers throughout the day.

Further approved is the distribution on Friday, June 6<sup>th</sup> at Capital's Albany Teletheater located at 711 Central Avenue, of a two-dollar (\$2.00) betting voucher to the first 400 patrons to enter the Teletheater. These same first 400 patrons will receive a "Belmont Stakes Glass" and a free program. Other Capital OTB merchandise will be distributed to customers throughout the day. On Saturday, June 7<sup>th</sup>, Capital OTB will distribute a five-dollar (\$5.00) betting voucher to the first 100 patrons to the Albany Teletheater. The first 800 Albany Teletheater patrons will receive a "Belmont Stakes Tee-shirt" and a free program. There will be no entry fee drawings for "FUNNY CIDE" merchandise and other Capital OTB merchandise, which will be distributed to customers throughout the day.

The Racing & Wagering Board reserves the right to audit the results of all vouchers or other corporation provided wagering promotions conducted by its licensees.

## **18. NEW YORK CITY OTB REQUEST TO SIMULCAST EVANGELINE DOWNS & PENN NATIONAL**

For entry into the minutes, on June 4, 2003, approval was granted for the request by New York City OTB to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from the Louisiana racetrack known as Evangeline Downs and the Pennsylvania racetrack known as Penn National.

These approvals are effective immediately and can continue when in compliance with the Racing Law through the end of the 2003 Evangeline Downs and Penn National race meetings.

## **19. WESTERN OTB REQUEST TO AMEND FREEHOLD RACEWAY CONTRACT**

For entry into the minutes, on June 4, 2003, approval was granted for the request for an addendum to the Catskill Regional OTB simulcast plan of operation. This approval enables Catskill Regional OTB to be a part of the

Western OTB contract with Freehold Raceway for the import of simulcasts from the year 2003 harness race meeting conducted at Freehold Raceway in New Jersey.

This approval extends through December 31, 2003. To continue on this contract in 2004, new federally required permission letters issued by the New Jersey Racing Commission and the Standardbred Breeders and Owners Association of New Jersey, Inc. must be filed with the Board.

## **20. BUFFALO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on June 11, 2003, approval was granted for the request by Buffalo Raceway to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from Lone Star Park in Texas. Also approved is the import of harness simulcast signals from Rockingham Park in New Hampshire during the year 2003 race meetings of both race tracks.

## **21. CATSKILL OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on June 11, 2003, approval was granted for the request by Catskill Regional OTB Corporation to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from the Ohio racetracks known as Thistledown and River Downs. This approval is effective immediately and can continue whenever in compliance with applicable Racing Law.

To continue importing simulcasts under these open-ended contracts after December 31, 2003, new federally required letters of permission from the Ohio State Racing Commission and from the representative horsemen's groups at Thistledown and River Downs must be filed with the Board.

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

### **1. PROPOSAL FOR ADOPTION OF EMERGENCY RULEMAKING TO IMPLEMENT CHAPTER 434 OF THE LAWS OF 2002 □ VOLUNTARY EXCLUSION OF PERSONS FROM RACETRACKS/OTBs AND VOLUNTARY LIMITS ON ACCOUNT WAGERING**

For entry into the minutes, on May 19, 2003, the Board approved the emergency adoption of rules to implement Chapter 434 of the Laws of 2002. These rules will be effective for ninety (90) days upon filing with the Secretary of State. These rules contain the identical text to those adopted by the Board on February 4, 2003, which expired on May 14, 2003.

### **2. WESTERN OTB REQUEST FOR CERTIFICATION OF BOARD OF DIRECTORS**

For entry into the minutes, on June 4, 2003, approval was granted for the request by Western Regional OTB for certification reflecting the appointment of each of the current Board of Directors by their respective municipalities,



pursuant to Section 502(6) of the Racing, Pari-Mutuel Wagering and Breeding Law. The following members have been approved by the Board:

Participating Municipality Board Representative

City of Buffalo Daniel J. Carnevale

Cattaraugus County James K. Johnston

Cayuga County Joseph Mastroianni

Chautauqua County Roger E. Ruckman

Erie County Gregory L. Davis, Esq.

Genesee County Richard E. Siebert

Livingston County Thomas P. Wamp

Monroe County Eugene C. Mazzola

Niagara County Robert L. Seger

Orleans County George E. Herring, Jr.

Oswego County Edward J. Sohoski

City of Rochester T. Andrew Brown, Esq.

Schuyler County Philip C. Smith

Seneca County William R. White

Steuben County Charles D. Henderson (Chairman)

Wayne County Joseph Gallo

Wyoming County Carole Butler

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

**1. IN THE MATTER OF STEPHEN HADDON**

The Board adopted the recommended findings and conclusions, which dismissed one of the three post-race mepivacaine positives of horses trained by Stephen Haddon which competed at Yonkers Raceway on September 9, 2002 (BJ'S CLIPPER and BJ'S SNOWDRIFT). The equine positives were in

violation of Board Rules 4120.2(f) and 4120.4. The Board modified the penalty from 180 days suspension with a \$1500 fine to a penalty of 180 days with a \$1500 fine, with 60 days suspended and to be deemed waived provided Mr. Haddon does not violate the Board's equine drug rules within the one-year period beginning on the first date of suspension.

## **2. IN THE MATTER OF KATHLEEN MILLER**

The Board adopted the recommended findings and conclusions that the three post-race lidocaine positives of horses trained by Kathleen Miller which competed at Saratoga Raceway on November 16, 2002 (UNCLE ROAD RUNNER) and November 23, 2003 (SPIKE O'HARA and WITCH N RAID) were in violation of Board Rules 4120.2(f) and 4120.4. The Board modified the penalty from a 90 day suspension plus a \$250 fine to a penalty of 90 days and \$500 fine, with 30 days suspended and to be deemed waived provided Ms. Miller does not violate the Board's equine drug rules within the one-year period beginning on the first date of suspension. The Board found mitigating factors, including the inadvertent administration and prior clean record of the appellant.

## **3. IN THE MATTER OF JUAN SEREY**

The Board approved Hearing Officer Baller's recommendation that the license of thoroughbred trainer Juan Serey, and any privileges or rights related to such a license, be revoked and any pending applications be denied. This determination is based upon findings that he maliciously and/or in wanton or willful disregard of the rights of race horse owner Mario Serey, wrongfully did transfer, dispose of and/or sell race horses worth \$139,000 and withdraw \$42,762.56 from Mario Serey's horseman's account in violation of Board Rules 4002.9.

## **4. RULE MAKING PROPOSAL - BINGO RULE AMENDMENTS (5800)**

The Board approved the proposed amendments to 9 NYCRR Part 5800 which will help authorized organizations operate bingo games more efficiently and profitably, and relax existing regulations, whenever possible.

The proposal will be submitted to the Governor's Office of Regulatory Reform with Notice of Intent to Propose and other required submissions. Publication in the *New York State Register* as a proposal would occur only after receipt of approval for publication.

## **5. RULE MAKING PROPOSAL PROGRAMMING OF JOCKEYS (4025.33)**

The Board approved an amendment to thoroughbred rule 9 E NYCRR 4025.33 with regard to the naming of back-up riders. The Rule will be amended so that back-up riders will not need to be named at the time of entry.

## **6. RULE MAKING PROPOSAL □ THOROUGHBRED RULES PARTS 4022, 4024 & 4038**

The Board approved amendments to thoroughbred rule Part 4022 (Stewards), Part 4024 (Registration of Horses), and Part 4038 (Claiming Races) as rule proposals. The amendments to these Parts represent a renewed initiative to advance thoroughbred rules changes to clarify and simplify the rules, make the rules consistent with existing practice, and where appropriate remove regulatory restrictions and requirements.

The proposal will be submitted to the Governor's Office of Regulatory Reform with Notice of Intent to Propose and other required submissions. Publication in the *New York State Register* as a proposal would occur only after receipt of approval for publication.

## **7. RULE MAKING PROPOSAL □ HARNESS RULES PARTS 4101, 4102**

The Board approved amendments to harness rule Part 4101 (Licenses) and Part 4102 (Violations) as rule proposals. The amendments to these Parts represent a renewed initiative to advance harness rule changes to clarify and simplify the rules, make the rules consistent with existing practice, and where appropriate remove regulatory restrictions and requirements.

The proposal will be submitted to the Governor's Office of Regulatory Reform with Notice of Intent to Propose and other required submissions. Publication in the *New York State Register* as a proposal would occur only after receipt of approval for publication.

## **8. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$28,425.78**

The Board approved \$17,343.02 of the request by Finger Lakes Racing Association, Inc., dated May 6, 2003, to withdraw \$28,425.78 from their Capital Improvement Fund for capital improvement expenditures.

In addition, the Board denied without prejudice \$11,082.76 expended for repairs on a John Deer tractor 4030. Staff was informed during the physical inspection that this tractor needed to be sent back for additional repairs and was not at the track available for inspection.

### **Backstretch & Barns (89%)**

Replace steel plate on bottom of Float Harrow \$1,058.23

Clegg Soil Tester 2,354.00

Engine Repairs John Deer Tractor 4255 11,983.06

**Total Backstretch** \$15,395.29

### **Other (11%)**

File Cabinets and counter top □ Racing Office \$ 634.61

Simulcast Power Supply 501.44

Reader Boards & Brochure Rack 811.68

**Total Other** \$1,947.73

**Total Approved** \$17,343.02

**9. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$13,077.62**

The Board approved the request by Finger Lakes Racing Association, Inc., dated April 29, 2003, to withdraw \$13,077.62 from their Capital Improvement Fund for capital improvement expenditures.

**Backstretch & Barns (44%)**

Renovate Men's Room □ Dorm #2 \$5,700.00

**Other (56%)**

Installation of Tinted Windows □ Jockey Room

and other offices 1,835.05

Repairs to floor and walls □ Jockey Steam

Room 4,579.42

VHF Radios for EMS personnel 963.15

**Total Other** \$7,377.62

**Total Approved** \$13,077.62

**10. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2003**

The Board deferred the Monticello Raceway year 2003 track and simulcast license applications until the July 2003 Board Meeting.

The Board will consider the status of the physical plant in relation to further action.

**11. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2003**

See Board item number 10.

**12. CAPITAL OTB REQUEST TO ADD NEW E-Z BET LOCATION - TROY**

The Board deferred the request to add a new E-Z Bet location at the Alpha Recreation, II, Inc. in Troy until the July 2003 Board Meeting.

### **13. NEW YORK CITY OTB REQUEST TO APPOINT EXECUTIVE VP □ VANLINDT**

The Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation reflecting the appointment of John VanLindt as the New Vice-President for Operations and Business Development.

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

The Board approved the Batavia Downs 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.

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

See Board item number 14.

## **E. ITEMS FOR BOARD INFORMATION/DISCUSSION**

### **1. INDIAN GAMING LICENSING STATISTICS □ APRIL/MAY 2003 - 05/03-15-E**

**Licensing statistics for April 1, 2003 through May 31, 2003. Also included are the certifications for Turning Stone, Akwesasne and Seneca Niagara.**

### **2. GAMES OF CHANCE □ BINGO REGISTRATION NUMBERS □ MAY/JUNE □**

06/03-09-E

**List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between May 2, 2003 □ June 6, 2003.**

### **3. GAMES OF CHANCE □ BELL JAR TICKETS □ MAY/ JUNE □ 06/03-08-E**

**List of bell jar tickets authorized/denied by the Charitable Gaming Unit between**

**May 2, 2003  June 6, 2003.**

**4. GAMES OF CHANCE LICENSED BINGO & GAMES OF CHANCE SUPPLIERS  
MAY/JUNE - 06/03-10-E**

**List of manufacturers/suppliers licensed for 2003, by the Charitable Gaming Unit, between May 2, 2003  June 6, 2003.**

**5. STATE REGISTER  PUBLICATION OF NOTICE OF EMERGENCY RULEMAKING   
VOLUNTARY EXCLUSION FROM WAGERING SITES, ETC. (9 NYCRR PARTS 4044,  
4123, 4237, 5212) - 06/03-07-E**

**These amendments became effective upon filing at the Department of State on May 19, 2003 and will be in effect for a period of ninety (90) days through August 16, 2003.**

**6. NYRA REQUEST TO AMEND SIMULCAST PLAN OF OPERATION - 06/03-12-E**

**NYRA has reported that its inter-track simulcast from Saratoga Racecourse from July 23<sup>rd</sup> through September 1<sup>st</sup> will be sent to Belmont Park instead of Aqueduct Race Track, as in previous years.**

**7. LICENSING  CURRENT RACING LICENSING COUNT AS OF JUNE 2003 -**

06/03-13-E

**The current racing licensing count as of June 11, 2003 are as follows:  
total receipts 6506 and total licenses 4482.**

**8. SUFFOLK OTB ANNUAL DESK REVIEW FOR 2002 - 05/03-11-E**

**Annual desk review of Suffolk Regional OTB Corporation's 2002 financial statements.**

**9. VERNON DOWNS APPOINTS NEW VICE PRESIDENT  DALLAS - 06/03-17-B**

**Vernon Downs has appointed a new Assistant Vice-President for the Hospitality Division of the company, Jack Dallas. Mr. Dallas will be responsible for the food and beverage operations of Vernon Downs and for the operation of the hotel located on the property.**

**The Board meeting was adjourned at 12:50 p.m.**

