

**MINUTES**  
**NEW YORK STATE RACING AND WAGERING BOARD**  
**MEETING OF OCTOBER 9, 2001**

A meeting of the New York State Racing and Wagering Board was held on Tuesday, October 9, 2001 at 1:00 p.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 1:05 pm.

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

Gregg Schreffler, Chief of Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Walker, NYSR&WB

Jennifer Whalen, NYSR&WB

Rick Goodell, NYSR&WB

Denise Poole, NYSR&WB

David Handel

Marc Mosher

Sarita Mosher

Bill Heller, Thoroughbred Times

Jason Wheatley, NYS Senate

Bill Crowell, NYRA

OPEN COMMENT PERIOD: Mr. Handel spoke on behalf of Marc Mosher. Marc Mosher also addressed the Board regarding his appeal.

A. The Board approved the minutes of the Board meeting held on September 20, 2001.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

#### 1. MONTICELLO RACEWAY LIST OF SIMULCAST LOCATIONS FOR 2001

For entry into the minutes, on September 20, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of simulcast signals and wagering upon Fairplex Racetrack (The Los Angeles County Fair) from California during their year 2001 racing season.

Also approved is the agreement with Arlington Park to export the Monticello Raceway simulcasts to Arlington Park and its thirty (30) satellite OTB's.

\* For entry into the minutes, on October 5, 2001, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of simulcasts from Louisiana Downs, the Fall 2001 race meeting at Keeneland Racecourse in Lexington, Kentucky and the Fall harness meeting at Colonial Downs in Virginia.

Also approved was the addendum to the existing contract with the New York Racing Association providing for the import of the Breeders Cup Day races on October 27th.

All out-of-state simulcast signals may be utilized whenever applicable under the current Racing Law.

## 2. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2001

For entry into the minutes, on September 20, 2001, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the import of simulcast signals from the thoroughbred racetrack in Kentucky known as Kentucky Downs and from Rockingham Park, a thoroughbred racetrack in New Hampshire.

Also approved is the import of simulcast signals from Harrington Raceway in Delaware through the remainder of their year 2001 race meeting. These imported simulcast signals may be used whenever permitted under the Racing Law.

## 3. VERNON DOWNS REQUEST TO SIMULCAST FROM VARIOUS LOCATIONS IN 2001

For entry into the minutes, on September 20, 2001, approval was granted for the request by Vernon Downs to amend their simulcast plan of operation enabling the import of simulcast signals from the Fall 2001 race meeting at Keeneland Racecourse in Lexington, Kentucky.

This out-of-state simulcast signal may be utilized whenever applicable under the current Racing Law.

## 4. CAPITAL OTB REQUEST TO CLOSE BRANCH - ALBANY

For entry into the minutes, on September 20, 2001, approval was granted for the request by Capital OTB to amend their plan of operation enabling the closing of the Albany County off-track betting facility in the City of Albany located at 40-42 Central Avenue on or after October 31, 2001.

## 5. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS FOR 2001

For entry into the minutes, on September 20, 2001, approval was granted for the request by Nassau OTB (on behalf of Suffolk OTB) to amend their simulcast plan of operation enabling the import of thoroughbred simulcast signals from Turf Paradise in Arizona during their 2001 meeting, Fairplex Park in California for their remaining year 2001 race meeting, Kentucky Downs in Kentucky for their 2001 ten-day race meeting, for the Fall 2001 Oak Tree at Santa

Anita meet and for the Thistledown thoroughbred simulcast.

The approval to import the simulcasts listed above further applies to Suffolk Regional OTB. All simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

#### 6. SUFFOLK OTB REQUEST TO CONDUCT HANDICAPPING CONTEST

For entry into the minutes, on September 20, 2001, approval was granted for the request by Suffolk OTB, dated September 17, 2001, to conduct the 2001 Suffolk OTB Harness Tournament II on Saturday, November 3, 2001, as outlined in the submitted official rules and regulations.

This approval is specific to a one-day contest on November 3, 2001.

#### 7. BUFFALO RACEWAY REQUEST TO CANCEL DATES

For entry into the minutes, on September 24, 2001, approval was granted for the request by Buffalo Raceway to amend their plan of operation by canceling the six previously approved racing dates scheduled during the month of December 2001.

These dates include December 5th, 7th, 8th, 12th, 14th and 15th.

#### 8. NYRA REQUEST TO EXPORT SIMULCAST TO ACOMA PUEBLO

For entry into the minutes, on September 24, 2001, approval was granted for the request by NYRA to amend their simulcast plan of operation by adding the Acoma Pueblo's Sky City Casino as an additional recipient to its listed simulcast affiliates under The Downs at Albuquerque (New Mexico), effective immediately.

#### 9. SUFFOLK OTB REQUEST TO OFFER PROMOTION

For entry into the minutes, on September 24, 2001, approval was granted for the request by Suffolk OTB to amend their plan of operation involving the promotion directed at Suffolk OTB telephone account holders in conjunction with the Tel-A-Race II. Specifically approved is the ten-dollar gift certificate for the First Place restaurant within the Tel-A-Race II.

The Board also acknowledges the further promotions that include a free admission, a free program, the use of a personal handicapping booth, a gift of a specially designed clock, calculator and calendar and a tour of the club within the Tel-A-Race named "Winners Circle".

#### 10. NYRA REQUEST TO DESIGNATE RACES AS "SPECIAL EVENTS"

For entry into the minutes, on October 1, 2001, approval was granted for the request by NYRA

to amend their simulcast plan of operation by designating the following out-of-state stakes races scheduled on Sunday, October 8th as a "special event". Approved is the Four Stake Pick Four that will have a 16% takeout and is to be "hubbed" at the Keeneland Race Course in Kentucky. Kentucky wagering rules apply.

The Four Stake Pick Four will consist of the Shadwell Keeneland Turf Mile and the Overbrook Spinster Stakes from Keeneland, along with Oak Tree Breeders' Cup Mile and the Goodwood Breeders' Cup Handicap from the Oak Tree at Santa Anita race meeting.

#### 11. YONKERS RACEWAY REQUEST FOR SIMULCAST LOCATIONS FOR THE YEAR 2001

For entry into the minutes, on October 1, 2001, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the import of the harness simulcast signals from The Red Mile in Kentucky.

This simulcast signal may be utilized whenever permitted under the Racing Law. This approval is effective immediately.

#### 12. NYRA REQUEST TO OFFER GUARANTEED PICK 6 WAGERING POOL ON BREEDERS' CUP DAY

For entry into the minutes, on October 5, 2001, approval was granted for the request by NYRA to offer a guaranteed \$5 million dollar pick-six on World Thoroughbred Championship Day (Breeders' Cup Day) on Saturday, October 27th. The entire pick-six pari-mutuel pool is to be disbursed on October 27th with no carryover. The \$5 million guarantee is to be underwritten by The Breeders' Cup Ltd.

The Board has approved that any carryover resulting from regular pick-six wagering on Friday, October 26th may be carried over to the next regularly scheduled NYRA program consisting of at least six NYRA races on or after Sunday, October 28, 2001.

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

##### 1. WESTERN OTB REQUEST FOR CERTIFICATION OF BOARD OF DIRECTORS

For entry into the minutes, on September 24, 2001, the Board approved the request by Western OTB, dated September 17, 2001, for certification reflecting that the appointment of each of the current Board of Directors by their respective municipalities has been approved by the New York State Racing and Wagering Board, 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 Robert J. Kane, Esq. (Chairman)

Monroe County Eugene C. Mazzola

Niagara County Richard P. Winter

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 James L. Stevers

Steuben County Charles D. Henderson (Vice-Chairman)

Wayne County Joseph Gallo

Wyoming County Carole Butler

**2. IN THE MATTER OF JOHN G. INGRAM**

For entry into the minutes, on September 28, 2001, the Board summarily suspended the thoroughbred racing license of John G. Ingram upon a finding that the public safety and welfare imperatively required this emergency action.

On September 20, 2001 he furnished a urine sample at Belmont Park, which subsequently tested positive for the drug marijuana. The September 20, 2001 sample was submitted in the course of Mr. Ingram' s reinstatement following his August 23, 2001 voluntary surrender of his racing license.

The current positive drug test constitutes a violation of Board Rule 4042.5(a) and (c). 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 JORGE HIRALDO

The Board approved Hearing Officer Baller' s recommendation that the decision of the State Steward at Finger Lakes Race Track, which imposed a ten-day suspension based upon interference while riding the horse " Evie' s Appeal" in the fourth race on July 14, 2001, in violation of Board Rule 4035.2 be affirmed.

##### 2. IN THE MATTER OF MARC G. MOSHER

The Board approved Hearing Officer Baller' s recommendation that Mr. Mosher be found guilty of the charges (a) that on February 20, 2001, he improperly attempted to influence the outcome of a pari-mutuel race by administering and/or causing the administration by hypodermic injection of substances to the horse " Too Much Data" , which was scheduled to compete in the 12th race on that day; (b) that on or about February 20, 2001 at Monticello Raceway, he removed or caused the removal of the dead horse " Too Much Data" from the grounds of the track without the required death certificate and appropriate written consent; (c) that on or about February 27, 2001 and on various dates, he misrepresented the facts and circumstances concerning the death of " Too Much Data" and solicited and/or caused others to misrepresent these facts and circumstances. The Board also approved the recommendation that Mr. Mosher' s license be revoked for a period of two years from April 11, 2001, relating to an incident at Monticello Raceway on February 20, 2001, which involved the horse " Too Much Data" .

The Board modified Hearing Officer Finding Seven to clarify that respondent reported that " Too Much Data" " went down" to Dr. Smith, who then contacted the judges. The judges then contacted Dr. Fairbairn, who signed a scratch slip.

##### 3. IN THE MATTER OF YESID PIMENTEL

The Board approved Hearing Officer Baller' s recommendation that the decision of the State Steward at Belmont Park, which suspended Mr. Pimentel' s license for ten days based on interference during the eighth race on May 25, 2001, in violation of Board Rule 4035.2 be

affirmed.

#### 4. IN THE MATTER OF HEATHER SERINO

The Board deferred action pending further information regarding service of Notice of Hearing.

#### 5. IN THE MATTER OF ANGEL SERRANO

The Board approved Hearing Officer Baller' s recommendation that the decision of the State Steward at Finger Lakes Race Track, which imposed a ten-day suspension based upon interference while riding the horse " Evie' s Thunder" in the seventh race on July 15, 2001, in violation of Board Rule 4035.2 be affirmed.

#### 6. IN THE MATTER OF ANGEL SERRANO

The Board approved Hearing Officer Baller' s recommendation that the decision of the State Steward at Finger Lakes Race Track, which imposed a ten-day suspension based upon interference while riding the horse " Turkish Taffy" in the first race on July 20, 2001, in violation of Board Rule 4035.2 be affirmed.

#### 7. IN THE MATTER OF JOAN YANNI

The Board approved Hearing Officer Baller' s recommendation that the decision of the judges at Saratoga Raceway, which denied the application to disqualify the horse " Miss Dial Tone" from first place in the fourth race on July 4, 2001 at Saratoga Raceway for interference due to an alleged break before the finish line be affirmed inasmuch as there is no mistake of law, fraud or a manifest mistake of fact.

#### 8. ADOPTION 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

The Board approved an amendment to Rule 4025.10, which will 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.

#### 9. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$34,050.89

The Board approved the request by Finger Lakes Racing Association, dated July 24, 2001, to withdraw \$34,050.89 from their Capital Improvement Fund for Advertising and Promotional



expenses.

The approved Finger Lakes request consists of:

Advertising Media Amount

Print \$27,179.69

Radio 3,726.20

Subtotal - Advertising \$30,905.89

Promotional

10,000 Fortune Hunter (name of ticket)

scratch off tickets given away on Memorial

Day, patrons had opportunity to win prizes 3,145.00

Total Approved \$34,059.89

#### 10. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$20,898.94

The Board approved the request by Finger Lakes Racing Association to withdraw \$20,898.94 from its Capital Improvement Fund for capital improvement expenditures.

Backstretch (51%)

Gas Water Heaters - Barn

\$868.84

Water Pumps -Water Truck

3,209.68

Utility Pole near Barn 16

6,527.00

Subtotal - Backstretch

\$10,605.52

Other (49%)

Harrow Tails

\$875.94

Tiller Cultivator

323.00

Weedeater

193.66

Sodium Lights for Stairwells

844.95

Video Amplifiers

620.87

12' Harrow and sales tax

7,435.00

Subtotal - Other

\$10,293.42

Total Approved

\$20,898.94

#### 11. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$36,824.32

The Board approved the request by Monticello Raceway to withdraw \$36,824.32 from its Capital Improvement Fund for reimbursement of capital improvement expenditures.

Backstretch (42%)

Hot water heater – Barn I \$ 247.33

Blacktop for backstretch 74.90  
Toilet for grooms, water heater in Barn R 1,467.40  
Supplies for manure pits and barn repairs 2,860.60  
Roof repairs to Barns E and N 2,460.00  
Repair of barn speakers with new cable 8,400.00  
Total Backstretch \$15,510.23

Other (58%)

1989 Ford Ranger Pickup \$ 1,350.00  
8' screen front projector 2,000.00  
Lens for Judge' s backstretch view 2,400.00  
1970 Allis Chalmers Tractor 7,500.00  
10 television sets 2,403.19  
Steering box for Kubota tractor 589.48  
New typewriter for accounting office 209.71  
Installation of Network Wiring – 8 locations 1,070.00  
Toilets and sinks – bathrooms in grandstand 2,116.35  
Weed trimmer, Billy Goat Vacuum 1,675.36  
Total Other \$21,314.09

Total Approved \$36,824.32

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

##### 1. BUFFALO RACEWAY ANNUAL DESK REVIEW FOR YEAR 2000 - 09/01-38-E

Staff completed their annual desk review of Buffalo Trotting Association, Inc. 2000 financial

statements.

2. MONTICELLO RACEWAY ANNUAL DESK REVIEW FOR YEAR 2000 -  
09/01-39-E

Staff completed their annual desk review of Monticello Raceway's 2000 financial statements.

3. SYRACUSE MILE ANNUAL DESK REVIEW FOR YEAR 2000 - 09/01-40-E

Staff completed their annual desk review of The Syracuse Mile, Inc. 2000 financial statements.

4. VERNON DOWNS ANNUAL DESK REVIEW FOR YEAR 2000 - 10/01-01-E

Staff completed their annual desk review of Mid-State Raceway, Inc. 2000 financial statements.

5. CATSKILL OTB ANNUAL DESK REVIEW FOR YEAR 2000 - 10/01-03-E

Staff completed their annual desk review of Catskill Regional Off-Track Betting Corporation's 2000 financial statements.

6. NASSAU OTB ANNUAL DESK REVIEW FOR YEAR 2000 - 09/01-41-E

Staff completed their annual desk review of Nassau Regional Off-Track Betting Corporation's 2000 financial statements.

7. NEW YORK CITY OTB ANNUAL DESK REVIEW FOR YEAR 2000 - 09/01-42-E

Staff completed their annual desk review of New York City Off-Track Betting Corporation's 2000 financial statements.

8. SUFFOLK OTB ANNUAL DESK REVIEW FOR YEAR 2000 - 10/01-02-E

Staff completed their annual desk review of Suffolk Regional Off-Track Betting Corporation's 2000 financial statements.

9. WESTERN OTB ANNUAL DESK REVIEW FOR YEAR 2000 - 09/01-43-E

Staff completed their annual desk review of Western Regional Off-Track Betting Corporation's 2000 financial statements.

10. MEDICATION ADVISORY COMMITTEE - 10/01-08-E

Report of meeting held on August 27, 2001.

The meeting was adjourned at 2:00 p.m.