

## **MINUTES**

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

#### **MEETING OF SEPTEMBER 22, 2005**

A meeting of the New York State Racing and Wagering Board was held on Thursday, September 22, 2005 at 11:00 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 11:13 a.m.

#### **In Attendance Were:**

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

John Cansdale, Executive Director

Gail Pronti, Secretary to the Board

Robert Feuerstein, General Counsel

Joseph Lynch, Chief of Racing Operations

James Kellogg, Audits and Investigations

#### **Also in Attendance Were:**

Daniel Toomey, NYSR&WB

Vivian Davis, NYSR&WB

Kristen Buckley, NYSR&WB

Paul D'Onofrio, Monticello Raceway

Kevin B. Molloy, Suffolk OTB

Stewart Cairns, Associated Press

John Spadafora, WTEN

Dick Powell, RGS

Bill Crowell, Hinman Straub

Tom Precious, Buffalo News

**OPEN COMMENT PERIOD:**

Mr. Dick Powell of RGS presented the Board with a written statement which he presented. A copy is on file in the Board's file. Mr. Powell spoke on behalf of Racing and Gaming Services concerning the subject of rebates.

**A. The Board approved the minutes of the Board meeting held on August 25, 2005.**

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

**1. BATAVIA DOWNS – REQUEST TO AMEND RACING SCHEDULE**

For entry into the minutes, on August 15, 2005, the New York State Racing and Wagering Board approved the amendment to the Batavia Downs plan of operation for the addition of the twelve (12) racing dates to its approved 2005 schedule. To be added are the Mondays of 8/22, 8/29 & 9/12. Also to be added are the Wednesdays of 9/21, 9/28, 10/05, 10/12, 10/19, 10/26, 11/02, 11/09 & 11/16.

Also approved is the cancellation of twelve (12) assigned racing dates during the months of August, September and October in 2005. These dates include the Thursdays of 8/25, 9/01, 9/15, 9/22, 9/29, 10/06, 10/13, 10/20, 10/27, 11/03, 11/10 & 11/17.

**2. CATSKILL REGIONAL OTB – REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005**

For entry into the minutes, on August 12, 2005, the New York State Racing and Wagering Board approved the Catskill Regional OTB request, dated

August 3, 2005, to amend its simulcast plan of operation enabling the importation of the simulcasts from Yavapai Downs in Arizona and Remington Park in Oklahoma during their 2005 race meetings.

3. For entry into the minutes, on August 23, 2005, the NYS Racing and Wagering Board approved the Catskill Regional OTB request dated August 19, 2005, to amend its simulcast plan of operation enabling the importation of the simulcasts from the Delaware County Fair in Ohio. The Delaware County Fair simulcasts may be imported and utilized for wagering whenever in accordance with the New York racing statute.
  
4. For entry into the minutes, on August 30, 2005, the NYS Racing and Wagering Board approved an amendment to the Catskill Regional OTB plan of operation enabling import of simulcasts from the thoroughbred racetrack known as Fairplex Park in California. This approval is valid through September 25<sup>th</sup> of the year 2005 to coincide with the federally required letters of permission issued by the California Horse Racing Board and the Thoroughbred Owners of California (TOC) the representative horsemen's group. This simulcast may be utilized whenever in compliance with the Racing Law.

5. For entry into the minutes, on September 6, 2005, the NYS Racing and Wagering Board approved an amendment to the Catskill OTB agreements with Remington Park in Oklahoma and with Fairplex Park in California. This addendum enables Capital District and Western Regional OTBs in addition to Catskill OTB to import simulcasts from the thoroughbred racetracks known as Fairplex Park in California and from Remington Park in Oklahoma. These simulcasts may be utilized whenever in compliance with the Racing Law.

6. **CATSKILL OTB – AMENDMENT TO PLAN OF OPERATION/  
SIMULCASTS BRANCH CLOSURE**

For entry into the minutes, on September 8, 2005, the NYS Racing and Wagering Board approved an amendment to the Catskill OTB simulcast plan of operation with the closure of the Catskill OTB branch located on Route 9 (North) in Wappingers Falls effective in early September 2005.

7. **FINGER LAKES – REQUEST TO SIMULCAST VARIOUS LOCATIONS IN  
2005**

For entry into the minutes, on August 15, 2005, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes simulcast plan of operation enabling the exportation of the Finger Lakes simulcast to additional Autotote Enterprises (Connecticut OTB) including the Alhambra Racebook and Casino in Oranjestad, Aruba, the Royal Beach Casino Racebook in Frigate Bay, West Indies, the Barbados OTB Simulcast Center in Bridgetown, Barbados, the Isle of Capri Racebook at the Our Lucaya Casino in Freeport, Grand Bahama Island, the Carina Bay Casino Racebook in Cristiansted, St. Croix, Virgin Islands and the Randall James Racetrack in Fredriksted, St. Croix, Virgin Islands.

8. For entry into the minutes, on August 23, 2005, the NYS Racing and Wagering Board approved an amendment to the Finger Lakes simulcast plan of operation enabling the exportation of the Finger Lakes simulcast in State to the New York City Off-Track Betting Corporation during the remainder of the year 2005 Finger Lakes live racing season.
9. For entry into the minutes, on September 1, 2005, the NYS Racing and Wagering Board approved an amendment to the Finger Lakes simulcast plan of operation enabling import of simulcasts from the thoroughbred racetrack known as Kentucky Downs during its ten-day September schedule of turf races. This approval is valid through the remainder of the year 2005 and the simulcasts may be utilized whenever in compliance with the Racing Law.

**10. MONTICELLO RACEWAY - REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005**

For entry into the minutes, on September 1, 2005, the NYS Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation enabling import of simulcasts from the thoroughbred racetrack known as Kentucky Downs during its ten-day September scheduled of turf races. This approval is valid through the remainder of the year 2005 and both simulcasts may be utilized whenever in compliance with the Racing Law.

11. For entry into the minutes, on September 8, 2005, the NYS Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation enabling import of simulcasts from the thoroughbred racetrack known as Bay Meadows in San Mateo, California. This approval is valid for the remainder of the year 2005 and this simulcast may be utilized whenever in compliance with the Racing Law.

**12. MONTICELLO RACEWAY - REQUEST TO AMEND 2005 RACING SCHEDULE**

For entry into the minutes, on September 1, 2005, the NYS Racing and Wagering Board approved an amendment to the Monticello Raceway plan of operation enabling the addition of five Sunday racing dates in the month of October 2005. On Sunday, October 30<sup>th</sup> the approved first post time is 12:40 p.m. while for each of the preceding four October Sundays of the 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>, the approved first post time is 1:10 p.m.

**13. NASSAU OTB – REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005**

For entry into the minutes, on August 16, 2005, the New York State Racing and Wagering Board approved the Nassau request dated August 12, 2005, to amend its simulcast plan of operation providing for the continued importation of horse racing simulcasts and wagering thereupon from South African racetracks as per the submitted contract with Wyvern N.A.R., Ltd. as agent for Phumelela-Gold Enterprises. This approval is effective immediately and further extends to Capital District Regional OTB, Catskill Regional OTB, Suffolk Regional OTB and Western Regional OTB.

Also approved is the agreement to import thoroughbred simulcasts from the Fairplex Park (Los Angeles County Fair) throughout their annual Fall 2005 racing season that is scheduled to begin on September 9<sup>th</sup> and continue through September 25<sup>th</sup>. This

approval for the Fairplex Park Simulcast imports further extends to Suffolk Regional OTB.

**14. NASSAU OTB – REQUEST TO OFFER HANDICAPPING CONTEST**

For entry into the minutes, on August 19, 2005, the NYS Racing and Wagering Board approved the Nassau Downs OTB promotion involving a handicapping contest with entry fee on Sunday, October 30, 2005, to be conducted at the Race Palace Teletheater. Among the races in this contest will be five NYRA simulcasts along with five other simulcasts from among Calder Race Course in Florida, Churchill Downs in Kentucky and/or Santa Anita Race Course in California. It is understood by the Board that this contest will be conducted per the submitted rules. All money collected as entry fees will be distributed as prizes. This approval is effective immediately.

**15. NASSAU OTB – REQUEST TO OFFER HANDICAPPING CONTEST**

For entry into the minutes, on August 23, 2005, the NYS Racing and Wagering Board approved a Nassau Downs OTB promotion involving a no fee handicapping contest involving all Nassau Downs branches, its OTB-equipped restaurant and its Race Palace

teletheater that each offer wagering through Nassau Downs OTB. This approval is per the submitted rules from the application dated August 18, 2005. This approval is effective immediately.

**16. NEW YORK CITY OTB – AMENDMENT TO PLAN OF OPERATION**

For entry into the minutes, on August 19, 2005, the NYS Racing and Wagering Board approved the amendment to the plan of operation of NYCOTB for the closure of a branch (Branch #096) located within the borough of Manhattan at 828 Ninth Avenue, New York, New York. It is understood that the last day of operation of this branch will be September 5, 2005.

Also approved is the ability to add this branch to the previously approved telephone betting account promotion in conjunction with the closure of the Yonkers Raceway and the Bronx branches of NYCOTB.

**17. NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on August 30, 2005, the NYS Racing and Wagering Board approved the amendment to the plan of operation of NYCOTB for the relocation of a branch (Branch #4906) located within the borough of The Bronx at 696 East 241<sup>st</sup> Street to a nearby location at 801 East 241<sup>st</sup> Street in this same Borough. It is understood that this relocation will take place at the end of August or the first week in September of 2005. This relocation includes a transfer of the 2005 simulcast license issued for 696 East 241<sup>st</sup> Street to be applicable to the 801 East 241<sup>st</sup> Street branch for the remainder of the year 2005.

**18. NYRA – REQUEST TO ADD/REMOVE RACING OFFICIALS**

For entry into the minutes, on September 8, 2005, the NYS Racing and Wagering Board approved the NYRA request to appoint Michael Muzio to a position as one of the New York Racing Association's paddock/patrol judges. This approval is in compliance with Board Rule 4005.1.

**19. SARATOGA GAMING AND RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005**

For entry into the minutes, on August 23, 2005, the NYS Racing and Wagering Board approved the amendment to the Saratoga Gaming and Raceway simulcast plan of operation enabling Saratoga Gaming and Raceway to import simulcasts from Retama Park, a thoroughbred racetrack in Texas and from the Red Mile, a harness track located in Lexington, Kentucky. This approval is effective immediately and both simulcasts may be taken whenever in compliance with current Racing Law in New York.

The Board also acknowledges the receipt of the Saratoga Gaming and Raceway export contract that is a renewal of its contract enabling the export of its simulcast signal to Hoosier Park, a racetrack located in Indiana.



20. **SARATOGA GAMING AND RACEWAY – REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on September 6, 2005, the NYS Racing and Wagering Board approved the amendment to the Saratoga Gaming and Raceway plan of operation enabling Saratoga Gaming and Raceway to implement the schedule of offered wagering pari-mutuel pools for the racing program of Saturday, September 17<sup>th</sup>, 2005, as outlined in the request to the Racing and Wagering Board dated August 31, 2005.

Also approved is the ability to conduct a total of 14 pari-mutuel races on Saturday night, September 17<sup>th</sup>, the New York Sire Stakes “Night of Champions.”

21. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT HANDICAPPING CONTEST**

For entry into the minutes, on August 15, 2005, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation’s promotional request to conduct a thoroughbred handicapping contest per the rules listed on the request letter and application dated August 10, 2005. This approval is for the handicapping contest to be conducted at The Racing Forum on Saturday, October 15, 2005.

22. **SYRACUSE MILE – REQUEST TO OFFER “MYSTERY VOUCHER” PROMOTION**

For entry into the minutes, on August 18, 2005, the NYS Racing and Wagering Board approved the “Mystery Voucher” promotion scheduled for Saturday August 20<sup>th</sup> per the submitted rules.

It was noted that the New York State Racing and Wagering Board did not receive a timely application for any change in “the pari-mutuel plan of operation” for the Board-licensed Syracuse Mile, enabling the Syracuse Mile to conduct a betting voucher giveaway on Saturday, August 20, 2005. Such oversights in the future in failing to obtain Board approval for any activities that require an approved change in the “approved plan of operation” will result in disciplinary action.

23. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT PROMOTION**

For entry into the minutes, on August 26, 2005, the NYS Racing and Wagering Board approved a Western Regional OTB’s plan of operation/promotion allowing for the conduct of a Monday Daily Double promotion as listed in the submitted request dated August 25, 2005.

24. **WESTERN REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on September 1, 2005, the NYS Racing and Wagering Board approved the amendment to the Batavia Downs' plan of operation for the addition of the Wednesday of November 23<sup>rd</sup>, 2005 as an approved new racing date for Batavia Downs.

Also approved is the cancellation of the approved and assigned racing date of Monday, September 12<sup>th</sup>, 2005.

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

#### **1. MEDICATION RULE TEXT REVISIONS**

For entry into the minutes, the Board approved a revised version of the medication rule text, which the Board previously approved and sent to The Governor's Office of Regulatory Reform (GORR) in July 2005. While reviewing matters raised by GORR, Board staff recognized that certain other changes were needed for consistency and to avoid confusion. These revisions are consistent with the intent of the Board's approval of the rule package.

The changes to the prior text that was approved by the Board are referenced below:

- The initial appearance of 4120.2 at the beginning of the text was in error. It has been deleted and the order of the text is properly the thoroughbred rule (4043.2) followed by the harness rule (4120.2)
- The incorrect references to the "start of the racing program" have been replaced with the correct language "scheduled post time of the race in which the horse is to compete."
- Language has been added where missing for all categories (except new paragraph d) to provide that substances ingested shall be deemed administered at the time of eating or drinking and that it is the trainer's responsibility to prevent such ingestion. This provides for consistency of language where appropriate.
- The text of 4043.2(c) and 4120.2(c) have been changed at the first sentence appearing after "(8) Sucralfate" by deleting "injection (including intravenous injection known as jugging)" and inserting "by any means". This makes the language consistent with the "by any means" change in the opening sentence of these paragraphs.
- The text of 4043.2(e) and 4120.2(e) has been changed to place phenylbutazone and flunixin back in the 48 hour category. The earlier text version removed

these from the proposed new (e)(14). Because either of these two drugs are to be allowed until 24 hours by intravenous injection only, their removal from the 48-hour category put them in the one-week category, which was unintended. These two drugs are put back into the 48-hour category and there is an exception added at the end of these paragraphs to address the permitted use of one of the two drugs between 24 and 48 hours.

These amendments have been sent to the Governor's Office of Regulatory Reform (with appropriate paperwork) for consideration pursuant to Executive Order. If approved for publication in the *New York State Register*, the rules would be published with an appropriate period for public comment.

**2. YONKERS RACEWAY – CONSTRUCTION PERMIT - VIDEO LOTTERY TERMINALS**

For entry into the minutes, on August 15, 2005, the New York State Racing and Wagering Board approved the August 3, 2005 request by Yonkers Raceway for construction work for the proposed installation of 5,500 Video Lottery Terminals, pursuant to Section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

The construction approved is described in the New York State Office of General Services construction permit dated July 7, 2005. Any additional approval of this Board will be required prior to any other construction related to this project.

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

**1. IN THE MATTER OF DR. LOUIS GRASSO, JR.**

On September 22, 2005, the New York State Racing and Wagering Board approved Hearing Officer Russell H. Baller, Jr.'s recommendation that the refusal to license Dr. Louis Grasso, Jr. to participate in pari-mutuel harness racing as a veterinarian applicant be upheld. The refusal was based upon the finding that Dr. Grasso's experience, character and general fitness are such that his participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally.

**2. IN THE MATTER OF IAN KAUFMAN**

On September 22, 2005, the New York State Racing and Wagering Board approved Hearing Officer Russell H. Baller, Jr.'s recommendation that the imposition of a sixty (60) day suspension and \$1,000 fine be upheld based upon the post-race mepivacaine positive of BROTHER BILLY A, which competed in the fifth race on July 23, 2004, at Yonkers Raceway, in violation of Board Rules 4120.2 and 4120.4. The suspension and fine are to be implemented in the event Mr. Kaufman is relicensed or is eligible to participate in another state.

**3. IN THE MATTER OF IAN KAUFMAN**

On September 22, 2005, the New York State Racing and Wagering Board approved Hearing Officer Russell H. Baller, Jr.'s recommendation that the harness racing

trainer/driver/groom license of Ian Kaufman which was summarily suspended by the Board on June 21, 2005, be revoked finding that on or about June 20, 2005, he administered the drug flunixin by injection to a horse scheduled to compete at Yonkers Raceway later that day, and thereby attempted to influence the outcome of a race, in violation of Board Rules 4102.2, 41219.9(a)(3), 4120.2(d), 4120.4 and 4120.6(a) that he possessed hypodermic equipment in violation of Board Rule 4120.6, and made a misrepresentation to a racing official concerning the injection, in violation of Board Rule 4119.7(a).

#### **4. CAPITAL OTB – REQUEST TO ADD NEW E-Z BET LOCATION - POTSDAM**

On September 22, 2005, the NYS Racing and Wagering Board approved the Capital District Regional OTB request originally received May 25, 2005, to conduct wagering and display simulcasts at Ton's Sports Bar, located at 169 ½ Market Street in Potsdam, New York (St. Lawrence County). It is understood that at this new E-Z Bet location, all wagering is self-service and initiated using cash, 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).

In addition, it is expected that Capital OTB, using its own security and audit employees will inspect the Ton's Sports Bar E-Z Bet facility and certify that all rules and laws concerning the conduct of wagering in New York State, are being followed. A copy of the results of all Capital security checks involving E-Z Bet locations must be filed with the Board in a timely manner.

Further, the Secretary to the Board must be immediately notified in writing should a change in any operating procedure become effective at this approved E-Z Bet facility.

#### **5. CAPITAL OTB – REQUEST TO ADD NEW E-Z BET LOCATION - CATSKILL**

On September 22, 2005, the NYS Racing and Wagering Board approved the Capital District Regional OTB request originally received July 12, 2005, to conduct wagering and display simulcasts at Catskill Lanes, Inc., located at West Bridge Street in Catskill, New York (Greene County). It is understood that at this new E-Z Bet location, all wagering is self-service and initiated using cash, 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).

In addition, it is expected that Capital OTB, using its own security and audit employees will inspect the Catskill Lanes, Inc. E-Z Bet facility and certify that all rules and laws concerning the conduct of wagering in New York State, are being

followed. A copy of the results of all Capital security checks involving E-Z Bet locations must be filed with the Board in a timely manner.

Further, the Secretary to the Board must be immediately notified in writing should a change in any operating procedure become effective at this approved E-Z Bet facility.

**6. SUFFOLK REGIONAL OTB – REQUEST TO ADD NEWQUIK-BET BRANCH – BABYLON (SUFFOLK COUNTY)**

On September 22, 2005, the NYS Racing and Wagering Board approved the Suffolk Regional OTB request dated June 7, 2005, to conduct wagering and display simulcasts at Salty Dog Pub located at 11 Railroad Avenue in Babylon, New York (Suffolk County). It is understood that at this new Quik-Bet location, all wagering is self-service and initiated using cash, 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).

In addition, it is expected that Suffolk OTB, using its own personnel, will occasionally inspect the Salty Dog Pub Street Quik-Bet facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

Furthermore, the Secretary to the Board is to be notified in writing in a timely manner should a change in ownership or procedure be implemented that affects the operation of this approved Quik-Bet facility.

**7. PROPOSED RULE MAKING – THOROUGHBRED RULE PART 4038 – CLAIMING RACES**

On September 22, 2005, the NYS Racing and Wagering Board approved the attached rule making proposal, which would amend Part 4038, *Claiming Races*. The amendments represent a change in claiming of thoroughbred race horses. The proposed changes are summarized below.

- \* Proposed rule 4038.1 *Who may make claim*, would allow any licensed owner (or his duly authorized agent) to claim, rather than only the managing owner (or his duly authorized agent). The requirement that the owner must have started a horse at the meet, is expanded to include the previous meet.

- \* Proposed rule 4038.2 *Minimum price for claim*, deletes the phrase concerning entry for at least the winner's share of the purse. Under present language, the secretary must write races with claiming prices that are at least 60% of the purse.
  
- \* Proposed rule 4038.4 *Sale, transfer restricted*. This change involves allowing NYRA circuit horses to be claimed and shipped to Finger Lakes. The benefit is to the owner who can decide which New York track to enter his horse/s. Racetracks can enforce its own policies restricting sale or transfer of claimed horses.
  
- \* Proposed rule 4038.5 *Requirements for claim; determination by stewards* substitutes "racing secretary" for "clerk of course." The new language designates the stewards as making the initial determination that a claim is sufficiently accurate to identify the claim. Substitution of the phrase "in cash" for "in a manner approved by an association official" permits the tracks to accept bank checks, certified checks, wire transfers, irrevocable letters of credit and credit cards at their discretion. The "association official" is substituted by "racing secretary or his designee." This clarifies who it is that makes the call of what types of transactions are acceptable. The substitution of "test barn" for "paddock" reflects that every claimed horse to be tested pursuant to 4038.17 *Horses claimed-testing*.



- \* New language in 4038.6 *Opening of sealed claim*, provides that the “claim box and envelope shall remain unopened until after the results of the race are made official.”
- \* Proposed rule 4038.19 *Certain voidable claims*, provides for a claim to be voidable by the claimant if there is a post-race positive test,” or if the test results of a previous race have not been cleared by the date of the claim and result in a post-race positive test.” Also the misrepresentation of age or sex is added as a voidable circumstance with the confines of this rule.

This proposal will now 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. CERTIFICATION OF YEAR 2005 – ASSIGNED RACING DATES FOR THE NYS DEPARTMENT OF TAX & FINANCE**

The New York State Racing and Wagering Board certifies, pursuant to Section 318(5) of the Racing, Pari-Mutuel Wagering and Breeding Law, that Monticello Raceway Management, Inc. (Monticello Raceway) has been assigned at least 90% of program races raced in 1985 or 1986 (whichever year had the fewer) for 2005.

This certification is made for the purpose of confirming the pari-mutuel tax rate to be established in 2005 for each racetrack.

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

#### **1. STATE REGISTER – EMERGENCY RULEMAKING – EXCESS TCO2 TESTING 08/05-40-E**

On September 1, 2005, the NYS Racing and Wagering Board approved the submission to the Department of State of the attached Emergency Rulemaking for testing of excess TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2 and procedures for guarded quarantine and voidable claims.

The emergency rule will be in effect for 90 days and will expire on November 29, 2005.

#### **2. STATE REGISTER – EMERGENCY RULEMAKING – VETERINARIAN MEDICATION RULE 9E NYCRR 4005.5 – 08/05-41-E**

On September 1, 2005, the NYS Racing and Wagering Board approved the submission to the Department of State the attached Emergency Rulemaking for allowing veterinarians employed by the NYS Racing and Wagering Board and licensed thoroughbred racing

associations to administer race day medications to horses. The rule is necessary to allow the administration of medications to horses stabled in limited access security barns.

The emergency rule will be in effect for 90 days, and will expire on November 29, 2005.

3. **ANNUAL INSPECTION OF BUFFALO RACEWAY – 09/05-07-E**

Attached is Staff's report of the 2005 inspection of Buffalo Raceway.

Changes were made this year concerning procedures followed and documentation required on inspections, and are reflected in the attached report. Staff will now review CIF requests and make recommendations to the Board based upon the track's budget as revised by Staff.

4. **INDIAN GAMING - LICENSING STATISTICS – 09/05-01-E**

Licensing statistics for August 1, 2005 through August 31, 2005. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida

5. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS – 09/05-09-E**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between August 11 – September 7, 2005.

6. **GAMES OF CHANCE – BELL JAR TICKETS – 09/05-10-E**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between August 11 – September 7, 2005.

7. **LICENSING – CURRENT RACING LICENSING COUNT AS OF**

**AUGUST 31, 2005 – 09/05-11-E**

The current racing licensing counts as of August 31, 2005 are as follows: total receipts 11,146 and total licenses 8,365 for the year 2005.

**F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED**

**CONDITIONS MET   X        2.    NYRA REQUEST TO AMEND RACING**

Date:

**OFFICIALS – SIMONCINI**

Conditioned date: 4/13/05

Conditioned upon a satisfactory suitability check by

Audits & Investigations and FBI print return.

**The meeting was adjourned at 12:00 noon.**