

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF SEPTEMBER 10, 1999

A meeting of the New York State Racing and Wagering Board was held on Friday, September 10, 1999 at 1:15 p.m. at the Racing & Wagering Board Office located at 1 Watervliet Avenue Extension, 2nd Floor, Albany, New York.

The meeting was called to order at 1:30 p.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Bennett Liebman, Member

Edward Martin, Executive Director

Stephanie L. Donato, Secretary to the Board

Via Teleconference:

Joseph Neglia, Member

Robert Feuerstein, General Counsel

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

1. THE MATTER OF ALAN HOFFMAN

The Board approved Hearing Officer Liebman's recommendation that the summary suspension on July 6, 1999 of Mr. Hoffman's license be continued except that his license shall be restored once he: (a) is evaluated by a certified substance abuse counselor and determined to be fit to participate in racing; (b) submits a drug-free urine specimen through the Board's chain of custody program; and (c) signs a consent form for relicensing consistent with the decision of the Hearing Officer, including at least bi-monthly drug testing. The summary suspension, which remains in effect, is based on positive test results for marijuana in a urine sample collected from Mr. Hoffman at Monticello Raceway on June 27, 1999.

2. THE MATTER OF THE CLAIM OF "MY BELLE"

The Board approved Hearing Officer Liebman's recommendation that the July 15, 1999 decision of the Board to void the claim be reconfirmed.

3. THE MATTER OF THE DISQUALIFICATION OF THE HORSE KASHEQUA

The Board approved Hearing Officer Liebman's recommendation that the decision of the judges at Monticello Raceway, which disqualified KASHEQUA from third place in the fourth race on June 27, 1999 and placed her last for causing interference in the first turn, be affirmed.

4. THE MATTER OF THE DISQUALIFICATION OF THE HORSE SO SO CHIC

The Board approved Hearing Officer Brittell's recommendation that the decision of the judges at Buffalo Raceway, which disqualified SO SO CHIC from second place in the second race on June 18, 1999 and placed her fifth based upon a break to and past the finish wire (Rule 4117.10), be upheld as a judgment decision because there was no mistake of law, fraud or manifest mistake of fact.

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