

**MINUTES**  
**MEETING OF SEPTEMBER 17, 1998**  
**NEW YORK STATE RACING AND WAGERING BOARD**

A meeting of the New York State Racing and Wagering Board was held on Thursday, September 17, 1998 at 1:00 p.m. in New York City, at the offices of the Public Service Commission located at One Penn Plaza, 8<sup>th</sup> Floor, New York, New York.

The meeting was called to order at 1:15 p.m.

**In Attendance Were:**

Michael J. Hoblock, Jr., Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
Edward Martin, Executive Director  
Stephanie L. Donato, Secretary to the Board  
Robert Feuerstein, General Counsel  
Jim Gallagher, Chief of Racing Operations  
John Signor, Director of Audits and Investigations

**Also in Attendance Were:**

Felix Hester, NYSRWB  
Joe Lynch, NYSRWB  
Judy Crane, NYSRWB  
Steve Bochnak, NYTHA  
Dennis Brida, NYTHA  
Bob Flynn, NYTHA  
Bill Crowell, Hinman Straub  
Martin L. Lieberman, NYRA  
Patricia Farren, Cahill, Gordon and Reindel  
Thomas Cholakis, Capital OTB  
Marty Tuczinski, Capital OTB  
Ron Ceisler, NYC OTB  
Bill Carnevale, NYC OTB  
Joel Greenspan, NYC OTB  
Dan Wray, NYC OTB  
Allen Gutterman, NYC OTB  
Ira H. Block, NYC OTB  
John Aiello, NYCCO  
Susan Chin, District Council 37  
Bill Finley, NY Daily News  
David Grening, Daily Racing Form  
Clyde Hirt, Sports Eye  
Ed Fontaine, NY Post

**A** The Board approved the Minutes of the Board Meeting held on, August 19, 1998.

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

1. **YONKERS RACEWAY REQUEST TO SIMULCAST TO HIPPODROME**

For entry into the minutes, on August 26, 1998 approval was granted for the request by Yonkers Raceway to simulcast "The Yonkers Trot" on Saturday August 29, 1998 to the Hippodrome de Montreal.

2. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1998 HARNESS RACING SCHEDULE**

For entry into the minutes, on August 26, 1998 approval was granted for the request by Monticello Raceway to amend its 1998 Harness Racing schedule in September as follows:

ADD: Wednesday, September 2, 1998 with a 3:30 p.m. post time.

DELETE: Friday, September 4, 1998.

Permission was also granted for Monticello to change its post time from 7:35 p.m. to 3:30 p.m. on the following days:

Mondays - September 14, 21, and 28

Tuesdays- September 1, 8, 15, 22, and 29

Wednesdays- September 9, 16, 23, and 30

Thursday- September 10

3. **THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR RACES OF SPECIAL INTEREST**

For entry into the minutes, on August 26, 1998 approval was granted for the request by NYRA to designate the following as races of special interest:

<u>Date</u>	<u>Race</u>	<u>Track</u>
9/19/98	River Cities Breeders' Cup III	Louisiana Downs
9/26/98	Louisiana Downs Handicap	Louisiana Downs
9/27/98	Super Derby XIX (I)	Louisiana Downs
10/3/98	Virginia Derby	Colonial Downs
10/10/98	Hawthorne Derby(II)	Hawthorne
10/18/98	Canadian International (I)	Woodbine

4. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST FOR A RACE OF SPECIAL INTEREST**

For entry into the minutes, on August 26, 1998 approval was granted for the request by NYC OTB on behalf of all OTBs to designate the Del Mar Race Track Pick 6 held on September 7, 1998 as a race of special interest.

There will be no thoroughbred special event simulcasts after 7:30 p.m.

5. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION  
SIMULCAST AGREEMENTS**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by Nassau OTB to simulcast the races contested at Colonial Downs beginning September 7<sup>th</sup> through October 11<sup>th</sup> and Oak Tree (Santa Anita Park) beginning September 30<sup>th</sup> through November 9, 1998.
6. **FINGER LAKES RACING ASSOCIATION, INC. –  
SIMULCAST AGREEMENT**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by Finger Lakes to offer the Lady Fingers and Aspirant stake races to Del Mar Race Track and its satellites on Saturday, August 29, 1998.
7. **VERNON DOWNS –SIMULCAST AGREEMENT**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by Vernon Downs to accept the simulcast signal from Garden State Park commencing on September 4<sup>th</sup> through December 12, 1998.
8. **THE NEW YORK RACING ASSOCIATION INC. REQUEST  
TO OFFER TRIFECTA WAGERING**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by NYRA to offer trifecta wagering on the sixth race on Saturday, August 29, 1998, Travers Day.
9. **THE NEW YORK RACING ASSOCIATION INC. REQUEST  
TO CONDUCT A PROMOTIONAL EVENT**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by NYRA to conduct a mystery mutuel voucher promotion on September 19, 1998 at Belmont Park as outlined in the rules and regulations submitted.
10. **VERNON DOWNS REQUEST TO AMEND HORSEMEN'S CONTRACT**  
For entry into the minutes, on August 27, 1998 approval was granted for the request by Vernon Downs to amend their contract with the Harness Horse Association of Central New York. This agreement will require that all participating drivers receive a minimum of \$10.00 for their services.

The fees for drivers finishing one (1) through five (5) in a race would continue to be deducted from the owner's percentage. If the 5% driver fee is less than \$10, the difference will be made up from the owner's percentage earned. Drivers not finishing in the top five of a race will be deducted from the track's purse account. Exclusions to this amendment will include two-year-old "baby races", New York Sire Stakes and special events, such as amateur and media races.

11. **VERNON DOWNS REQUEST TO CONDUCT A PROMOTIONAL EVENT**

For entry into the minutes, on August 27, 1998 approval was granted for the request by Vernon Downs to conduct the following promotional event:

**Labor Day, Monday, September 7-** "Coors Light Day at the Races"- Coors Light will promote this holiday matinee program and will make a feature race trophy presentation. The first 1,000 patrons attending will receive a free Vernon Downs phone card.

Vernon Downs will conduct an owners exhibition race in addition to a "race under saddle" exhibition for riders of harness horses. The day's racing will also include New York Sires late-closing events for 2 year old pacers and 3 year old trotters.

12. **FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO CONDUCT PROMOTIONAL EVENTS**

For entry into the minutes, on August 27, 1998 approval was granted for the request by Finger Lakes to conduct the following promotional events:

September 2<sup>nd</sup> thru September 7<sup>th</sup> - Conclude Saratoga simulcast wagering.

All Saturdays beginning September 5<sup>th</sup> thru December 1998 - Show as many as 10 NCCA college football games in designated areas.

All Sundays beginning September 6<sup>th</sup> thru December 1998 - Show all NFL football games in designated area. Free admission and food and beverage specials on NFL Sundays.

Monday, September 7<sup>th</sup> - America's Day at the Races. Free giveaways provided by TOBA, \$1.00 admission, music and pony rides.

Sundays, September 13<sup>th</sup>, 20<sup>th</sup>, and 27<sup>th</sup> - Direct Mail offers for admission, program, tip sheets and prizes. Finger Lakes will divide mailing list of 30,000 into three 10,000 redemption segments.

Saturday, September 26<sup>th</sup> - Final round of FLRA/OTB Handicapping contest. Qualifiers from semi-final round met at FLRA to compete with mythical money for grand prize of \$1,000 and entry into Penn National Contest. All contestants receive free admission, program and luncheon. Prizes awarded for 2-10 finishers as well.

Saturday, November 7<sup>th</sup> - Simulcast wagering on all Breeders' Cup championship races.

13. **VERNON DOWNS REQUEST TO AMEND ITS 1998  
HARNESS RACING LICENSE**

For entry into the minutes, on August 27, 1998 approval was granted for the request by Vernon Downs to amend its harness racing license for the rest of the 1998 racing season as follows:

Eliminate Sunday night racing and add Wednesday evenings with a post time of 7:00 p.m., beginning September 2<sup>nd</sup> until October 31, 1998.

14. **VERNON DOWNS REQUEST TO INSTALL A PASSING LANE**

For entry into the minutes, on August 27, 1998 final approval was granted for the request by Vernon Downs to install a passing lane in the homestretch, pursuant to Board rule 4117.17.

15. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION  
REQUEST TO AMEND ITS PLAN OF OPERATION**

For entry into the minutes, on September 3, 1998 approval was granted for the request by Suffolk OTB to amend its plan of operation and install automatic teller machines (ATM's) into four (4) of its facilities.

If the arrangements as outlined in Exhibit B are amended the Board will be so notified and Suffolk OTB will seek Board authorization.

16. **THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR  
ADDITIONAL RACES**

For entry into the minutes, on September 3, 1998 approval was granted for the request by NYRA to add one race to Saturday, September 5<sup>th</sup> and Sunday, September 6<sup>th</sup> race programs.

The Board also granted permission for NYRA to run ten races during the Belmont Meeting on all Saturdays and Sundays, as well as on Columbus Day, October 12<sup>th</sup>; with the exception of Saturday, October 10<sup>th</sup> Breeders Cup Preview, when eleven (11) races will be run. Nine (9) races will be offered on all weekdays.

17. **VERNON DOWNS REQUEST TO OFFER TRIFECTA WAGERING**

For entry into the minutes, on September 4, 1998 approval was granted for the request by Vernon Downs to offer all trifecta wagering on Labor Day, Monday, September 7, 1998.

18. **MONTICELLO RACEWAY REQUEST TO AMEND ITS PLAN  
OF OPERATION**

For entry into the minutes, on September 4, 1998 approval was granted for the request by Monticello Raceway to amend its plan of operation and add the simulcast of the harness stakes race known as "The Cane Pace" on Saturday afternoon September 5, 1998, from Freehold Raceway

in New Jersey to Monticello Raceway. The Cane Pace has been designed as a special event.

19. **NEW YORK CITY OFF-TRACK BETTING CORPORATION  
- SIMULCAST AGREEMENT**

For entry into the minutes, on September 4, 1998 approval was granted for the request by NYC OTB on behalf of all OTBs to simulcast the nighttime harness programs from Garden State Park in New Jersey and the daytime thoroughbred cards from Colonial Downs in Virginia.

20. **NEW YORK CITY OFF-TRACK BETTING CORPORATION  
- SIMULCAST AGREEMENT**

For entry into the minutes, on September 9, 1998 approval was granted for the request by NYC OTB on behalf on all OTBs to simulcast the thoroughbred programs from Fairplex (Los Angeles County Fair in Pomona, California) and Turf Paradise in Phoenix, Arizona.

The required California regulatory approval and the approval from the horseman's association representing the Fairplex horsemen will be forthcoming.

**C ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY BOARD**

1. **THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR  
AUTHORIZATION REGARDING OFF-PREMISES PROPERTIES**

For entry into the minutes, on September 4, 1998 approval was granted for the request by NYRA for authorization to deem certain off-premises properties to be NYRA property for the purpose of compliance with Board Rule 4043.2(b)(6).

This written approval is retroactive to the first date of the 1998 Saratoga Race Course Meet and is limited to this Meet. This approval is further limited to the four off-track premises, whose owners and/or lessees have submitted written consents to this arrangement, (as reflected in the attached documents) including recognition of the fact that the premises will be subject to the Rules of the Board.

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

- 1. MATTER OF TROY ROSSI**  
The Board approved the recommendation of Hearing Officer Liebman that trainer-driver Troy Rossi's harness racing license be revoked based upon violation of Racing, Pari-Mutuel Wagering and Breeding Law Section 309(2)(e) and Board Rule 4119.11(b) for failure to provide his urine specimen, as directed by the Presiding Judge at Monticello Raceway on June 9, 1998.
- 2. MATTER OF ANDRE GAGNON**  
The Board approved the recommendation of Hearing Officer Liebman that harness groom Andre J. Gagnon's harness racing license be revoked based upon violation of Board Rule 4119.11 (human drug rules) and failure to comply with conditions established for the voluntary surrender of his racing license.
- 3. MATTER OF BENJAMIN AFANADOR**  
The Board approved the recommendation of Hearing Officer Liebman that the ten-day suspension of Jockey Benjamin Afanador for careless riding in the first race of May 24, 1998 at Finger Lakes Race Track, in violation of Board Rule 4035.2, be affirmed.
- 4. MATTER OF THE PROTEST OF CHRISTOPHER MEGLIO**  
The Board approved the recommendation of Hearing Officer Liebman that the protest of harness owner Christopher Meglio against the running of the eighth race at Saratoga Raceway on June 4, 1998, be denied upon the ground that the track substantially complied with Board Rule 4111.10(a) when the race was reconditioned.
- 5. MATTER OF RALPH D'ALESSANDRO**  
The Board approved the recommendation of Hearing Officer Liebman that the decision of the State Steward at Finger Lakes Race Track to fine trainer Ralph D'Alessandro \$50 for not appearing at the May 3, 1998 hearing in violation of Board Rule 4022.11 be affirmed, and that the fine of \$50 for smoking in the shed row be dismissed.
- 6. WEIGHT ALLOWANCE FOR APPRENTICE JOCKEYS RULE**  
The Board approved the final adoption of rules 4032.1 and 4032.4 which prescribe weight allowances for apprentice jockeys.
- 7. PROPOSAL TO AMEND PICK 6 WAGERING RULE 4011.23**  
The Board approved for both emergency adoption and as a proposal, this amendment to modify subdivision (g) of Rule 4011.23 which provides

procedures in the event of scratches or declared non-starters in any pick-six race after wagering begins on the pick-six pool. This modification would provide the bettor with an opportunity to designate an alternate selection in the event their selected horse is scratched.

**8. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO AMEND ROSTER OF RACING OFFICIALS**

The Board approved the request by Finger Lakes to amend its 1998 roster of racing officials by adding Raymond D. Royston as a substitute placing judge for the remainder of the 1998 meet.

**9. MONTICELLO RACEWAY REQUEST FOR WITHDRAWAL FROM ITS CAPITAL IMPROVEMENT FUND ACCOUNT**

The Board approved the request by Monticello Raceway to withdraw \$40,067.28 from their Capital Improvement Fund for the following:

Cafeteria Simulcast Room:

Glass Enclosure & Installation	\$13,015.00
Carpeting & Installation	7,884.00
Air Filters	4,670.00
Painting	3,424.00
Electrical Work (Ross Electric)	<u>807.63</u>
<b>Sub-Total (Simulcast Room)</b>	<b>\$29,800.60</b>

Kitchen Equipment:

Auto Fryer (for food stands)	\$6,842.65
Ice Machine (for food stands)	<u>3,424.00</u>
<b>Sub-Total (Kitchen Equipment)</b>	<b>\$10,266.65</b>
<b>Total</b>	<b><u>\$40,067.28</u></b>

**10. THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR VIDEO PATROL CAMERAS**

The Board approved the request by NYRA to install an additional video patrol camera at Aqueduct, Belmont and Saratoga in order to provide the Stewards, at their request, with a head on view of the horses in the front stretch of the inner turf course, in accordance with Board Rule 4003.20.

**11. THE NEW YORK RACING ASSOCIATION INC. REQUEST FOR PICK 6 WAGERING**

The Board approved the request by NYRA to offer a \$1 million guaranteed pick 6 pool on races 4 through 9 on Saturday, October 24, 1998, New York Showcase Day at Belmont Park.

The pool will be disbursed on October 24, 1998 in accordance with Board rule 4011.23(e).



12. **THE NEW YORK RACING ASSOCIATION INC. REQUEST TO OFFER A PROMOTIONAL EVENT**

The Board approved the request by NYRA to offer the following promotional event:

**October 17-18-** Handicapping Tournament on the weekend of October 17-18, 1998 to be called "The Belmont Park Fall Championship Handicapping Challenge". Entries will be limited to 300 (maximum two per person). The fee is \$300.

The entry money (\$90,000) will be returned as prize money.

Races eligible for this contest will be those offered on that weekend at Belmont Park, Keeneland and Canadian International simulcast.

In addition 50% of the races must be conducted in New York, pursuant to Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law. If free admission to the track is provided for contestant, this is to be noted in the rules.

13. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO RELOCATE PHOENIX BRANCH**

The Board approved the request by Western OTB to relocate the 3 Rivers Shopping Center, Phoenix, New York branch to a newly constructed OTB owned simulcast branch at 228 Huntley Road, Town of Schroepel, Phoenix. The new branch will open in October and the old branch will be closed.

The Board also granted permission to transfer the existing simulcast license to the new location.

Approval is conditioned upon receipt of the Certificate of Occupancy and written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy the facility are in compliance with all applicable local ordinances.

14. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved the request by Capital OTB to amend its plan of operation, effective October 1, 1998, as follows:

1. Reduce the teletheater admission fee from \$3.00 to \$2.00 for those patrons arriving before 6:00 p.m.

2. Charge a \$1.00 admission fee to the teletheater for patrons arriving at

6:00 p.m. or later.

The Board also granted permission for Capital OTB to call in all previously issued complimentary day passes as of December 31, 1998. No passes will be honored after December 31, 1998. Capital will utilize the media to inform patrons of this change, however, if a patron arrives at the teletheater on January 1, 1999 with a pass, he or she will be issued a complimentary pass for one day and informed the complimentary pass is no longer valid.

**15. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND PLAN OF OPERATION**

The Board approved the request by Capital OTB to amend its plan of operation to appoint Michael Mongin as the new Fulton County Director.

Approval is conditioned upon a satisfactory return of the federal fingerprint card.

**16. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND PLAN OF OPERATION**

The Board approved the request by Capital OTB to amend its plan of operation to appoint Peter Bylina as the new Montgomery County Director.

Approval is conditioned upon a satisfactory return of the federal fingerprint card.

**17. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved, with Member Liebman abstaining, the request by Capital OTB to amend its simulcast plan of operation to extend the simulcast experiment with Meadowgreens Golf Club for an additional 180 days, through and inclusive of March 17, 1999.

In furtherance of a meeting with Racing Board staff on September 14, 1998, Capital District Regional Off-Track Betting Corporation will send it security staff to the Meadowgreens for periodic visits. In addition, Capital will ensure the OTB wagering funds are not commingled with the Meadowgreens' restaurant business monies thus creating a more efficient operation where OTB funds are deposited directly into a Capital OTB bank account.

This approval is conditioned upon whatever future determinations the New York State Racing and Wagering Board may decide to impose on the Meadowgreens simulcast site during the extension of this experiment.

**18. NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved the request by NYC OTB to amend its plan of operation to extend the Board's approval of July 23, 1998 to permit NYC OTB to broadcast in-home over the Crosswalks network a live call (audio-only) and a delayed tape replay of the races run at out-of-state concurrent tracks for which wagering is authorized pursuant to Racing Law Section 1017 during the period from and after September 11, 1998 as NYRA continues to withhold its signal from New York City OTB in home.

**19. THE NEW YORK RACING ASSOCIATION INC. REQUEST TO OFFER TRIFECTA WAGERING**

The Board denied the request by NYRA to offer trifecta wagering on a field with five wagering interests on any Grade I race or a race with a minimum purse of \$500,000.

NYRA advised the Board that Belmont will host a non-wagering race for the Amateur Riders of America on either October 11<sup>th</sup> or 18<sup>th</sup>. Post time will be 12:30 p.m.

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

1. **GAMES OF CHANCE-09-13-E**  
Bingo ID#'s issued for August.
2. **GAMES OF CHANCE-09-15-E**  
Bell Jar submissions for August.
3. **NEW YORK JOCKEY INJURY COMPENSATION FUND-09-32-E**  
Amendment to Worker's Compensation Law.
4. **WORKER'S COMPENSATION COVERAGE IN HARNESS RACING-08-81-E**  
Responses to J. Gallagher memo of August 24, 1998.
5. **VERNON DOWNS-09-10-E**  
New York Sire Stakes.
6. **THE NEW YORK RACING ASSOCIATION INC.-08-53-E**  
Aqueduct tunnel repair update.
7. **THE NEW YORK RACING ASSOCIATION INC.-08-70-E**  
Distribution of Integrated Receiver Decoders (IRD's).
8. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION-08-79-E**  
Report on system failure that occurred on Wednesday, August 12, 1998.
9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION-09-12-E**  
Notice of claim Lemma v. CDROT B.
10. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION-09-11-E**  
Short environmental assessment form for the Star Plaza Shopping Plaza branch.
11. **CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION-09-34-E**  
Closing of Vails Gate branch.
12. **NEW YORK CITY OFF-TRACK BETTING CORPORATION-08-77-E**  
Wagering system irregularity on Saturday, August 15<sup>th</sup> at Saratoga Race Course.
13. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION-09-33-E**  
Reports on robberies at several branches.
14. **NOTICES OF ADOPTION PUBLISHED IN STATE REGISTER-09-36-E**
  1. Top weight for overnight and claiming handicaps
  2. Harness rules governing whips

The meeting was adjourned at 2:25 p.m.