

Minutes of Meeting of the New York

State Racing and Wagering Board

Friday, October 19, 1979 10:30 A.M.

A meeting of the New York State Racing and Wagering Board was held on Friday, October 19, 1979 at the Board Office, Two World Trade Center, New York.

The meeting being called on Wednesday October 17, 1979, public notice of the meeting was given to the Associated Press and UPI and to the public by posting in the Board's reception area on the 74th floor and also on the 44th floor.

PRESENT: John Van Lindt, Chairman; Bertram D. Sarafan, Member; Dr. Joseph O'Dea, Member

ALSO PRESENT: John Dailey, Director of Policy and Planning; Richard Corbisiero, Director of Wagering Systems; Sal Ferrara, Director of Audits, Investigations and Licensing; Dean Alfange, Director of Quarter Horse; Jacob Iberger, Chief of Racing Operations; Kenneth Beh, Director of Public Relations; Bernard Golar, Assistant Commissioner and Director of OTB Regulations; Sal Curiale, Assistant Counsel; Lois A. White, Assistant Counsel; Ted Garrison, Assistant Counsel and Thomas C. Davide, Secretary to the Board.

A. Minutes.

1. Minutes. The Board approved the minutes of its meeting held Tuesday, September 18, 1979.

B. For Entry Into the Minutes.

1. Hearing Officer Report in the Matter of Long Beach Elks #2066. The Board's prior approval of September 20, 1979, of the submitted statement of facts and the recommendation of Hearing Officer Corbisiero dated September 20, 1979.

2. Batavia Downs/Double Header Program. The Board's prior denial of September 24, 1979 of request by Batavia Downs dated September 11, 1979 to race 11 double headers on Saturdays from September 22, 1979 through December 1, 1979. The Board notified Batavia Downs that they

may request to hold double headers on Saturdays after the close of Finger Lakes Race Track, November 13, 1979.

3. NYRA/Post Time. The Board's prior approval of September 24, 1979 of request by The New York Racing Association dated September 20, 1979 to move post time up to 12:30 PM, (1:05 PM on Sundays), beginning on October 17, 1979 at Aqueduct.
4. Saratoga Harness/Promotions. The Board's prior approval of September 24, 1979 of request by Saratoga Raceway dated September 17, 1979 to hold promotions regarding the 2,000th win of Driver J. P. Morel, on the evening. If this is accomplished all patrons would receive a free admission good for any one night of the meet. In addition, a driving match with drivers from Vernon Downs is planned, if Saratoga drivers lose, free admission would be provided to all patrons.
5. Saratoga Harness/Promotions. The Board's prior approval of September 24, 1979 of request by Saratoga Raceway dated August 2, 1979 for permission for special discounts on admission prices involving a bus package deal. Request also involves reduced price admission connected with an auto giveaway promotion.
6. NYCOTB/"Keystone Delayed Race Calls". The Board's prior approval of September 24, 1979 of request by NYCOTB dated September 19, 1979 to provide a 10 minute delayed broadcast into branches, of races run at Keystone Race Track, on NYRA "dark" Tuesdays beginning October 2, 1979 and continuing through December 31, 1979.
7. NYCOTB/Calder and Keystone. The Board's prior approval of September 24, 1979 of request by NYCOTB dated September 18, 1979 to accept wagers on races run at Calder Race Course, on NYRA dark Tuesdays beginning October 2, 1979 through the 1979 calendar year.
8. NYRA/Photo Contest. The Board's prior approval of September 24, 1979 of request by the New York Racing Association, Inc. dated September 18, 1979 to hold a promotion in conjunction with "Hirsch Photo", whereby all patrons entering the track, through the "Grandstand Gates" and carrying a camera will be admitted free; additional "free admission", etc. will be offered at the "Hirsch Photo" store to the first 1,000 persons entering the contest.
9. New York Racing Association, Inc./Pre-race Testing. The Board's prior approval of September 13, 1979 whereby pursuant to Section 4012.6 of the Rules, the Board designated the New York Racing Association, Inc. to begin Pre-race testing at its race tracks on or about March 30, 1980.
10. Finger Lakes/Columbus Day Racing Program. The Board's prior approval of October 2, 1979 of the request by Finger Lakes dated September 25, 1979 to conduct a ten-race program on Columbus Day, October 8. In addition the track will offer a special Columbus Day Party menu.
11. NYCOTB-Roosevelt Raceway, Pick-Four. The Board's prior approval of October 5, 1979 of the request by NYCOTB dated September 26, 1979 to continue the Pick-Four wager at Roosevelt Raceway during its upcoming

meeting. It is the intention of NYCOTB with Roosevelt's concurrence, to accept Pick-Four wagers on Thursdays and Saturdays to coincide with their weekly television broadcasts. In the event of a network preemption, NYCOTB will have the option to shift the Pick-Four to the rescheduled air date. The NYCOTB has designated the 4th, 5th, 7th and 8th as the Pick-Four races during this meeting. The Board will receive under separate cover the endorsement of Roosevelt Raceway.

12. NYCOTB/The Laurel Futurity and Washington D.C. International. The Board's prior approval of October 5, 1979 of request by NYCOTB dated September 26, 1979 to open negotiations with the management of Laurel Race Course, Inc. and where necessary, the State Racing Commission to accept wagers on: 1. The Laurel Futurity and 2. The Washington D.C. International.
13. Saratoga Raceway - Columbus Day week Promotions. The Board's prior approval of October 9, 1979 of request by Saratoga Raceway dated October 1, 1979 to conduct the following promotions during the week of October 8th through October 13th; Monday, October 8th six \$100 Gift Certificates will be given away, Tuesday, October 10th - three \$100 Gift Certificates will be given away, October 11th - three \$100 Gift Certificates will be given away, October 13th - six \$100 Gift Certificates will be given away, also a free pass will be given to every patron at the track.
14. NYRA/Winterizing Belmont Training Track. The Board's prior approval of October 19, 1979 of request by NYRA dated September 24, 1979 to winterize the Belmont Training Track. The plans for this project have been forwarded to the Board's consulting architect Lionel Levy for his review and comments.
15. Yonkers Raceway/Hudson Valley National Bank. The Board's prior approval of October 11, 1979 of request by Yonkers Raceway dated October 10, 1979 to hold a promotion with the Hudson Valley National Bank for Saturday evening, October 13, 1979. The bank will distribute free clubhouse admission coupons to its customers. The feature race on Saturday will be named for the bank, and a trophy will be presented to the winner.

C. For Board Approval:

1. Tioga Park/First Instance Funds. The Board directed Mr. Alfange to write an unpaid final letter to Mr. Nuckel, stating that unless these funds in the amount of \$8,311.45, are paid no dates or license will be issued to Tioga Park, and that legal action will be taken against Tioga Park. In addition, the Board directed Counsel to refer this matter to the Attorney General's Office for collection.
2. Repeal of Part 5000 NYCRR. The Board approved the repeal of Part 5000 NYCRR relating to the Lottery as suggested by the Senate-Assembly Administrative Regulations Review Commission.
3. Proposed Rule (new) 4111.35- Authorized Agents. The Board approved Proposed Rule (new) 4111.35 which limits the number of owners which can be represented by an authorized agent for the purpose of declaring a horse or horses. This is a final approval of Rule 4111.35.

4. Proposed Rule 4101.37. The Board approved Proposed Rule 4101.37, for publication.
5. Finger Lakes/Prepaid Admission Tickets (Clubhouse). The Board approved request by Finger Lakes Racing Association dated October 4, 1979 to offer for sale Prepaid admission tickets for their 1980 racing season, at \$1.50 each including all taxes.
6. NYRA/Invitational Handicapper's Challenge IV. The Board approved request by NYRA dated October 3, 1979 to hold its New York Invitational Handicapper's Challenge IV. This event is similar to the promotions conducted during Aqueduct's 1978 Spring and Fall Meetings and Aqueduct's finalists will be provided free admission to Aqueduct. On November 17 and 18 the twenty-one remaining finalists will be provided free admission to Aqueduct.
7. Hearing Officer Report in the Matter of Gilberto Laiz (Jockey). The Board affirmed the Hearing Officer's recommendation that the suspension of Jockey Laiz be for 15 days and directed that the Findings and Order of the Board be restricted to the facts of the incident. The Board did not accept the recommendations relating to the suspension notice and Trainer Rosello.
8. Hearing Officer Report in the Matter of - William O'Donnell (Driver). The Board affirmed the decision of the judges to suspend Mr. O'Donnell for five-days as recommended by Hearing Officer Rooks in his Hearing Officer Report dated September 1979.
9. Hearing Officer Report in the Matter of - John Richards (Driver). The Board affirmed the decision of the judges to suspend Mr. Richards for five-days as recommended by Hearing Officer Rooks in his Hearing Officer Report dated October 1979.
10. Hearing Officer Report in the Matter of - Tom Bossard (Driver). The Board affirmed the decision of the judges to suspend Mr. Bossard for five-days; and also to confirm disqualification from 1st to placing of 6th, as recommended by Hearing Officer Rooks in his Hearing Officer Report dated September 1979.
11. Hearing Officer Report in the Matter of - Del MacTavish, Jr. (Driver). The Board deferred action on this matter.
12. Hearing Officer Report in the Matter of - Leon Wunderlich (Driver). The Board affirmed the decision of the judges to suspend Mr. Wunderlich for five-days and also to confirm the disqualification from 1st to placing of 8th as recommended by Hearing Officer Rooks in his Hearing Officer Report dated October 1979.
13. Hearing Officer Report in the Matter of - Robert Delgado. The Board deferred action on this matter.
14. Hearing Officer Report in the Matter of -Michael Bokman. The Board affirmed the decision of the steward for disqualification, as recommended by Hearing Officer Sarafan in his Hearing Officer Report dated October 10, 1979.

15. Rule 4002.9 (b) 1. The Board approved Rule 4002.9 (b) 1, which was submitted for final approval.
16. Finger Lakes/Change of Post Time. The Board approved request by Finger Lakes dated October 10, 1979, to change their Post Time, commencing with Sunday, October 28, 1979, they request permission to commence racing on Sundays at 1:05 PM and on all other days at 12:30 PM.
17. NYRA/1980 Racing Dates. The Board approved request by the New York Racing Association dated October 10, 1979 for the list of racing dates for 1980.

D. For Board Notice and Discussion:

1. Agency Action - N.Y.S. Register, 9/26/79 re: Determination of Age for Standardbred Horses. NOTED
2. Agency Action - N.Y.S. Register, 9/26/79 re: Trifecta or Triple Pari-Mutuel Pools at Quarter Horse Race Tracks. NOTED
3. Agency Action - N.Y.S. Register, 9/26/79 re: Minimum Amount Wagered in Quinella Pool. NOTED
4. Agency Action - N.Y.S. Register, 10/3/79 re: Early Closing Events, Stakes and Futurities. NOTED
5. Proposed Agency Action- N.Y.S. Register, 9/12/79 re: Number of Stockholders in a Corporation Which Owns Race Horses. NOTED
6. Memo of J. Dailey, 10/9/79 re: Rule Amendment