

MINUTES OF THE
BOARD MEETING
HELD ON FEBRUARY 23, 1989

A meeting of the New York State Racing & Wagering Board was held on Thursday, February 23, 1989, at the Board offices located at 400 Broome Street, New York, 10013

IN ATTENDANCE WERE:

Richard Corbisiero, Jr., Chairman
Joseph P. Neglia, Board Member
Bennett Liebman, Board Member
Victor Coccozziello, Director of Wagering Systems
Herman Kluge, Director of Investigations & Audits
Jim Gallagher, Chief of Racing Operations
Edmund Leary, Assistant Chief of Audits & Investigations
Steven Richman, Chief of Off-Track Betting Operations
David Vaughan, Counsel
Daniel Goldberg, Assistant Counsel
Gale Berg, Assistant Counsel
Arthur Schechter, Chief of Audits
John Barrett, Assistant Counsel
Milton Levine, Off-Track Betting Analyst
Archie Mavromatis, Acting Secretary to the Board
Joseph Slakas, Director of Public Information

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- A. Approved minutes of the Board Meeting Held on January 25, 1989.
- B. FOR ENTRY INTO THE MINUTES
1. MONTICELLO RACEWAY/CHANGE OF POST TIME
For entry into the minutes, the Board's prior approval of a request by Monticello Raceway to change post time from 12:45p.m. to 2:00p.m. on Monday, January 30, 1989.
 2. WROTBC/AMEND SIMULCAST PLAN OF OPERATION AND DISPLAY MATINEE PROGRAM
For entry into the minutes, the Board's prior approval of a request by Western Regional Off-Track Betting Corp., to amend their simulcast plan of operation to display the simulcast of Buffalo Raceway's Sunday Matinee program in 9 additional licensed simulcast facility branches.
 3. NYRA/SIMULCAST OF RACES TO CALIENTE RACE TRACK
For entry into the minutes, the Board's prior approval of a request by The New York Racing Association to simulcast NYRA races to Caliente Race Track and affiliated race books in Mexico.
 4. CDROTBC/TO ACCEPT WAGERS ON RACES RUN AT SANTA ANITA RACETRACK
For entry into the minutes, the Board's prior approval of a request by Capital District Regional Off-Track Betting Corp., to accept wagers on races run at Santa Anita Racetrack on those days when NYRA is not conducting racing due inclement weather.
 5. WROTBC/AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Board's prior approval of a request by Western Regional Off-Track Betting Corp., to amend their simulcast plan of operation in relation to the relocation of their licensed simulcast branch office from 1785 Military Road to 2500 Military Road, Niagara Falls, for the licensing year ending June 30, 1989.

6. WROTBC/AMEND PLAN OF OPERATION
For entry into the minutes, the Board's prior approval of a request by Western Regional Off-Track Betting Corp., to amend their simulcast plan of operation and add their branch located at 3275 Lakeshore, Woodlawn, New York as a licensed simulcast branch for the licensing year ending June 30, 1989.
7. HARNESS LICENSEE DOUGLAS H. KING/SUMMARY SUSPENSION
For entry into the minutes, the Board's prior approval of a request to summarily suspend the license of Dr. Douglas H. King for violation of Board Rules 4419.11(a) and 4119.7(a)(3), (a) (5) and (b).
8. SARATOGA RACEWAY/PROMOTION
For entry into the minutes, the Board's prior approval of a request by Saratoga Raceway to offer general admission, tax exempt passes to be printed in the Times Union, Schenectady Gazette, Glens Falls Post Star, and the Saratogian on January 29, 1989 and February 2, 1989 for use on their opening night, February 3, 1989. Saratoga Raceway also requested to offer general admission, tax exempt passes to be printed in the times Union, Glens Falls Post Star and The Saratogian on February 5, 1989 for admission on February 5, 1989.
9. YONKERS RACEWAY/TRANSMISSION OF SIMULCAST SIGNAL TO PROPOSED TELETHEATER SITE IN WINDSOR LOCKS, CONNECTICUT
For entry into the minutes, the Board's prior approval of a request by Yonkers Raceway to allow their signal to be transmitted to the Windsor Locks, Connecticut which is predicated upon potential reception problems at the site because of proximity of Bradley Airport. The signal is being sent for technical purposes only, and not for pari-mutuel purposes.
10. MONTICELLO RACEWAY/LICENSE AMENDMENT
For entry into the minutes, the Board's prior approval of a request by Monticello Raceway to add Fridays, February 3, 10,17,24 and March 3,10,and 31, 1989 to their racing schedule, post time 7:30p.m.
11. NYRA/EXECUTED AGREEMENT WITH TELE-INFOR, INC., CAESARS PALACE
For entry into the minutes, the Board's prior approval of a request by The New York Racing Association of an agreement between NYRA and Tele-Info, Inc. for the simulcast of NYRA races to Caesar,s Palace and other licensed race books in Nevada.

12. CDROTBC/AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Board's prior approval of a request by Capital District Regional Off-Track Betting Corp., to amend their simulcast plan of operation, to accept wagers and display the simulcast of races run at Yonkers Raceway in their New Lebanon Branch, effective February 3, 1989.
13. MONTICELLO RACEWAY/LICENSE AMENDMENT
For entry into the minutes, the Board's prior approval of a request by Monticello Raceway to race Mondays February 6, 13, 20, and 27, 1989 with a 2:00p.m. post time.
14. WROTBC/TO ACCEPT WAGERS ON RACES RUN AT MONTICELLO
The Board approved the request by Western Regional Off-Track Betting Corp., to accept wagers on Monticello Raceway on Monday, February 6, 13, 1989, Also, their request to accept wagers on Monticello Raceway for February 27, 1989 was denied.
15. CAPITAL IMPROVEMENT TREATMENT OF SIMULCASTING CONTRACT BETWEEN SUGARMAN PRODUCTIONS AND BATAVIA DOWNS
For entry into the minutes, the Board's prior denial of a request by Batavia Downs, pursuant to Section 319 of the Racing, Pari-Mutuel Wagering and Breeding Law, of a "Lease of transmission equipment" to the extent of \$144,648 (\$1,764 per day for 82 days) representing the total number of simulcasting days to be transmitted from Batavia to OTB Branches in 1988.
16. YONKERS RACEWAY/SIMULCAST TO LEWISTON RACEWAY
For entry into minutes, the Board's prior approval of a request by Yonkers Raceway to simulcast the 6th and 7th races to Lewiston Raceway on February 8, 1989.
17. MONTICELLO RACEWAY/WITHDRAWAL OF FUNDS FROM CAPITAL IMPROVEMENT FUND FOR PURCHASE OF THE AMTOTE EQUIP.,
For entry into the minutes, the Board's prior approval of a request by Monticello Raceway the release of \$30,000 from its Capital Improvement Fund toward the purchase of the Amtote Equipment.
18. CDROTBC/TO AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Board's prior approval of a request by Capital District Regional Off-Track Betting Corporation to simulcast the evening race cards from Yonkers and Buffalo Raceways on Sunday night, 2/19/89 and Monday night, 2/20/89. On these dates, Saratoga will be conducting a matinee program.

19. MONTICELLO RACEWAY/REQUEST TO CHANGE POST TIME
For entry into the minutes the Board's prior approval of a request by Monticello Raceway to change their post time on Mondays from 2:00p.m. to 2:30p.m.
20. WROTBC/TO ACCEPT WAGERS ON YONKERS RACEWAY EVENING PROGRAM FOR SUNDAY, FEBRUARY 19, 1989
For entry into the minutes, the Board's prior approval of a request by Western Regional Off-Track Betting Corp., to accept wagers on Yonkers Raceway evening program on Sunday, February 19, 1989, at the following branches: 1. Oswego, 2. Central Square, 3. Phoenix, and 4. Auburn. Each of these branches is located within the Vernon Downs Special Betting District and Vernon Downs is not currently conducting a harness race meeting.
21. YONKERS RACEWAY/SIMULCAST TO LEWISTON RACEWAY
For entry into the minutes, the Board's prior approval of a request by Yonkers Raceway to simulcast the 6th and 7th races to Lewiston Raceway on Wednesday, February 15, 1989 to Lewiston, Maine.
22. APPRENTICE JOCKEY TOM TURNER EXTENSION OF WEIGHT ALLOWANCE
For entry into the minutes, the Board's prior approval of a request by Mr. Turner to extend his weight allowance for one day due to snow cancellation, his allowance would now expire on February 20, 1989.
23. SARATOGA RACEWAY/PROMOTION
For entry into the minutes, the Board's prior approval of a request by Saratoga Raceway to run ads in the following newspapers for the Presidents Holiday program on February 20, 1989:
- | NEWSPAPER | AD TO RUN |
|----------------------------|------------|
| Albany Times Union | 2/17/&2/19 |
| Schenectady Gazette | 2/17&2/18 |
| The Saratogian | 2/17&2/19 |
| Glens Falls Post Star | 2/17&2/19 |
| Gloversville Leader Herald | 2/17 |
| Amsterdam Recorder | 2/17 |
- The Ads will contain a coupon for free grandstand admission. The tax exempt pass will be good on either February 17, 18, 19, or 20, 1989.

C. BOARD APPROVAL

1. IN THE MATTER OF JOCKEY JOSE ROMERO
The Board confirmed the decision of the stewards that Jose Romero be suspended for ten (10) days for careless ride on October 26, 1988 at Aqueduct in the 5th race aboard "Battlefront", as recommended by the Hearing Officer.

2. IN THE MATTER OF SAL MARCHESE
The Board confirmed the decision of the judges that Mr. Marchese be suspended for eight (8) days and his horse be placed in fourth for violating Rule 4117.4(1), in the 3rd race at Batavia Downs on August 17, 1988, as recommended by the Hearing Officer.

3. IN THE MATTER OF SALLEY CORLEW
The Board confirmed the decision of the judges that Mrs. Corlew's horse "Determined Chad" be placed 2nd behind "Heavy Money" because of interference in the 7th race on September 3, 1988 at Saratoga Raceway, as recommended by the Hearing Officer.

4. IN THE MATTER OF HERVE FILION
The Board confirmed the decision of the judges that Mr. Filion be set down for eight (8) days because he violated Rule 4117.4(m) in that he excessively slowed down the field during the 2nd quarter of the 3rd race on July 19, 1988 at Yonkers Raceway, as recommended by the Hearing Officer.

5. IN THE MATTER OF GARY PAFK
The Board confirmed the decision of the judges that Mr. Pafk be suspended for eight (8) days, and his horse "Keith's Skipper" be disqualified for coming down to his left and interfering with the horse "Hobo's Image", as recommended by the Hearing Officer.

6. IN THE MATTER OF ROBERT BOMPCZYK
The Board confirmed the decision of the judges to suspend Mr. Bompczyk for eight (8) days, for violation of Rule 4117.4(a) on August 5, 1988 in the seventh race at Batavia Downs, because he changed lane so as to interfere with a competing horse, as recommended by the Hearing Officer.

7. IN THE MATTER OF PAUL BRIDGEMAN
The Board confirmed the ruling of the judges that the sixty (60) day suspension be served by license, as recommended by the Hearing Officer. Mr. Bridgeman was suspended for sixty (60) days because his horse "Pirate David" raced with lasix in its system at Buffalo Raceway in the 11th race on May 23, 1988.
8. JOCKEY JORGE MILIAN/WEIGHT ALLOWANCE EXTENSION
The Board denied, on the recommendation by the stewards, the request by Apprentice Jorge Milian for a 404 day extension of his weight allowance, based on compensating him for the time he was suspended for testing positive for cocaine.
9. FLRA/CAPITAL IMPROVEMENT FUND
The Board approved the request of Finger Lakes Racing Association to withdraw \$87,130 from its Capital Improvement Fund towards the sprinkler system installed by E.G. Synder Company at Finger Lakes Racetrack.
10. BATAVIA DOWNS/WAGERING
The Board approved the request by Batavia Downs to move the first daily double in the 2nd and 3rd races and move the trifecta from the 3rd race to the 4th race, when their meet resumes on February 27, 1989.
11. FLRA/LICENSE AMENDMENT
The Board approved the request by Finger Lakes Racing Association to race on Friday, March 24, and Saturday, March 25, 1989. These dates would be added to the 171 day schedule previously approved.
12. FLRA/PROMOTION
The Board approved the request by Finger Lakes Racing Assoc., to print and distribute various tickets as outlined in their letter of February 2, 1989.
13. FLRA/PROMOTION
The Board approved the request by Finger Lakes Racing Association to print and distribute 2,000 coupons for free clubhouse admission. Coupons will be distributed to shoppers at Long Ridge Mall from March 23rd through March 25, 1989.
14. NYRA/PROMOTION
The Board approved the request by the New York Racing Association to offer a sweepstakes promotion on Sunday, July 30, 1989 whereby a random drawing will take place after the 6th race on that date. The prizes will include a 1989 weekend trip for two, to Saratoga and included in the trip will be free admission to Saratoga Race Course.

15. NYRA/PROMOTION
The Board approved the request by the New York Racing Association to offer a Spring mailer promotion, whereby NYRA will offer a \$1.00 off clubhouse and grandstand coupon redeemable on the following days: March 17, 25, April 8, 30, and May 6, 1989.
16. NYRA/HORSECOURSE PROGRAM
The Board approved the request by The New York Racing Association to offer a free grandstand admission on Saturday, April 15, 1989 and free clubhouse admission on Wednesday, April 26, 1989 to horsecourse graduates.
17. NYRA/PROMOTION
The Board approved the request by The New York Racing Association to distribute to each paid admission on Saturday, April 22, 1989, a promotional coupon book. The coupon book offers \$1.00 off clubhouse or grandstand admission on April 28, and 29; on May 7, 10, 17, 20, 24, 28; June 21, and 25, and July 1, 21, 24, and 30, 1989.
18. BUFFALO RACEWAY/"INSIDE TRACK" PROMOTION
The Board approved the request by Buffalo Raceway of an "Inside Track" card which can be purchased for \$25.00 and will offer patrons the following values:
1. Free \$5.00 Daily Double Wager-every ten visits.
2. Free clubhouse admission.
3. Free preferred parking.
4. Free reserved grandstand seating.
5. 2-for-1 Dining every Thursday night.
6. Free Early Bird coffee every Wednesday night.
19. IN THE MATTER OF BARRY PROBBER
The Board confirmed the decision of the judges that Mr. Probber be suspended for 8 days and his horse "Vanisher" be placed Last because he violated Rule 4117.4(a) in the 5th race on October 26, 1988 at Yonkers Raceway, as recommended by the Hearing Officer.
20. RICHARD CASTILLO/EXTENSION WEIGHT ALLOWANCE
The Board approved, as recommended by the stewards, to extend his apprentice weight allowance for 14 days due to days lost during the recent strike. His allowance will now expire on June 29, 1989.
21. ROLONDO SOTO/EXTENSION WEIGHT ALLOWANCE
The Board approved, as recommended by the stewards, the request by Mr. Soto to extend his weight allowance for 15 days due to days lost during the recent strike. His allowance, when added to his current expiration date of November 13, 1989.
22. JOCKEY RUSTY WOOLSEY/EXTENSION WEIGHT ALLOWANCE
The Board approved, as recommended by the stewards, the request by Jockey Rusty Woolsey to extend his allowance for 15 days due to days lost during the recent strike. His allowance would now expire on July 31, 1989.

23. JOCKEY EDWARD CRUZ/APPRENTICE ALLOWANCE EXTENSION
The Board approved, as recommended by the stewards, the request by Edward Cruz to extend his apprentice allowance for sixteen (16) days due to days lost during the recent strike. His allowance would now expire on May 29, 1989.
24. SARATOGA RACEWAY/PROMOTION
The Board approved the request by Saratoga Raceway to print 10,000 general admission, tax exempt passes to be distributed through the "Punk Limmer" promotions in connection with bowling leagues in the "North Country". The passes will be valid at any of its harness programs through July 1, 1989.
25. NYCOTBC/TO AMEND PLAN OF OPERATION
The Board approved the request by New York City Off-Track Betting Corporation to reflect the closing of three branches on the dates indicated: 1. 470 Kings Hwy, Bklyn (BO#2159), 12/21/88; 2. 322 E. 204th St., Bronx, (BO#4140), 12/21/88, 3. 333 Seventh Ave., Manhattan (BO#1069), 1/29/89.
26. BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND
The Board approved the request by Batavia Downs to withdraw \$67,731.38 from its Capital Improvement Fund to cover costs of the clubhouse restaurant expansion.
27. NYCOTBC/AMEND PLAN OF OPERATION
The Board approved the request by New York City Off-Track Betting Corporation to amend plan of operation to reflect the relocation of their Branch (#2117) from 1204 Neptune Ave. to 1208 Neptune Ave, Bklyn effective at the close of business on September 26, 1988.
28. NYCTOBC/AMEND PLAN OF OPERATION
The Board approved the request by New York City Off-Track Betting Corp., to amend its plan of operation to reflect the opening of a branch at 158 West 29th St., Manhattan, effective January 30, 1989, and to waive the requirements of Board Rule 5204.9 for this location, so that a curtain may be hung in the window of this new branch.
29. BOARD RESOLUTION
The Board approved the proposed resolution which empowers the Chairman to effect the policy of the Board in certain enumerated categories in order to facilitate handling of these matters.

30. IN THE MATTER OF JOSEPH RICCO JR.
The Board approved the Hearing Officer report which recommended the continuation of the suspension of Joseph Ricco Jr. The Board also approved the summary suspension of the Harness license of Mr. Rocco Jr.
31. PETITION BY THE COUNTY OF ONTARIO, NEW YORK FOR A BOARD DETERMINATION
The Board denied the request by the County of Ontario for a determination in the dispute between Ontario County and The Capital District Regional Off-Track Betting Corporation, regarding the surcharge revenue distributions.
32. WROTBC/AMEND PLAN OF OPERATION
The Board denied the request by Western Regional Off-Track Betting Corporation to amend their plan of operation to install Self Vending Terminals, as "Stand Alone" terminals in facilities other than OTB Branches.
33. CDROTBC/PROMOTION
The Board approved the request to undertake promotional activities during the period of July 1, 1988 through June 30, 1989. The Board has approved the following:
100,000 free admissions to the simulcast theater, (reduced from 150,00)
100,000 two for one admissions,
150,000 t-shirts, cups and glasses for paid admissions or other promotional activities,
75,000 calculators, hats, tote bags and two for one dinners with paid admissions other promotions.
- 34.-37. PROPOSED RULES
The Board approved the initiation of the proposal process for amendments to the following rules.
Proposed Rule § 5207.3 of the Board's Off-Track Betting Rules.
Proposed Rule § 4113.5 Subdivision(a), paragraph(1) of §4113.5(Unqualified Horses) of the Board's Harness Racing Rules.
Proposed Rules § 4109.3 Subdivision(k) of § 4109.3 of the Board's Harness Racing Rules.
Proposed Rules § 4012.3 Section one. A new paragraph (6) is added to subdivision (a) of Section 4012.3 of the Board's Thoroughbred Racing Rules.
Section two- A new paragraph (6) is added to subdivision (a) of 4120.8 of the Board's Harness Racing Rules.
Section three - A new paragraph (6) is added to subdivision (a) of Section 4218.3 of the Board's Quarter Horse Racing rules.

38.

MONTICELLO RACEWAY/CAPITAL IMPROVEMENT FUND

The Board approved the request by Monticello Raceway to withdraw \$100,000 from the Capital Improvement Fund toward the purchase of Amtote Equipment.

39.

NYRA SUMP LEASE

The Board approved the request pursuant of Section 209-a of the Racing, Pari-Mutuel Wagering and Breeding Law, of a lease from the New York Racing Association to Village of Floral Park of parcel at Belmont Park for purposes of Village sump.