

MINUTES OF THE
BOARD MEETING
HELD ON DECEMBER 21, 1989

A meeting of the New York State Racing & Wagering Board was held on Thursday, December 21, 1989, at the Board offices located at 400 Broome Street, New York, 10013.

IN ATTENDANCE WERE:

Richard F. Corbisiero, Chairman
Joseph P. Neglia, Board Member
Bennett Liebman, Board Member
Victor A. Coccozziello, Director of Wagering Systems
John Dailey, Director of Racing and OTB
Herman Kluge, Director of Audits and Investigations
David B. Vaughan, Counsel
Jim Gallagher, Chief of Racing Operations
Steven Richman, Chief of Off-Track Betting Operations
Robert Feuerstein, Assistant Counsel
John Barrett, Assistant Counsel
Daniel Goldberg, Assistant Counsel
Ted Garrison, Assistant Counsel
Arthur Schechter, Chief of Audit & Investigations
Bernie Handwerker, Director of Bingo
Thomas C. Davide, Secretary to the Board

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A.

1. Approved minutes of the Board Meeting held on November 26, 1989.
2. Approved minutes of the Special Board Meeting held on December 4, 1989.

B. FOR ENTRY INTO THE MINUTES

1. NYRA/SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of pari-mutuel wagers on various races in the month of December as outlined in their letters of November 26, and November 29, 1989.

2. 1990 RACING DATES

30 For entry into the minutes, the Chairman's prior approval of the Certification to the Commissioner of Taxation and Finance that application by the tracks listed below and the applied for dates, reflect the eligibility of the tracks to continue to be eligible for tax relief, they are required to race at least 90% of the programs/races in 1985 or 1986 (which ever year had the fewer). The statutory requirements and days requested for 1990 have been approved. Finger Lakes, Batavia Downs, Buffalo Raceway, Monticello Raceway, Saratoga Harness, Syracuse Mile, Vernon Downs and Yonkers Raceway.

3. NYRA/SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of pari-mutuel wagers on various races in the month of December as outlined in their letter of November 30, 1989.

4. WROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to amend its simulcast plan of operation and simulcast Yonkers Raceway's Tuesday matinee program into all licensed simulcast facilities commencing Tuesday, 12/5/89.

5. CDROTBC/TO DISPLAY THE LEONARD V DURAN
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to display the Leonard V. Duran boxing match at its Albany Simulcast Theater on Thursday, December 7, 1989. CDROTBC will charge \$25.00, which includes a \$1.00 admission fee for the simulcast theater as well as complimentary refreshments provided by the concessionaires.
6. NYCOTBC/TO AMEND ITS SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to amend its plan of operation and Simulcast Plan of Operation to establish at 2696 Hylan Blvd., Staten Island, New York: (a)- a replacement for their branch at 2626 Hylan Blvd., and (b)- to operate said branch as an enhanced telebranch simulcast facility. In addition, their application to retain Carmine Filocamo as the concessionaire for this facility.
7. WROTBC/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to conduct a December promotional activity in all its branches as outlined in their letter of 12/8/89.
8. NYCOTBC/TO AMEND PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to amend its plan of operation and sell the "Sports Eye" OTB program at all its branches at 50 cents per copy while continuing to distribute its racing profile sheets free of charge in the public areas of the branches, beginning 12/13.
9. WROTBC/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to conduct a once a week drawing for a \$50 OTB Gift Certificate for those who use the new Mark Sense Bet Slips.
10. CDROTBC/TO DISPLAY THE ROLLING STONES CONCERT
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to display the Rolling Stones Concert from Atlantic City via simulcast on Tuesday night, December 19, 1989 at their Albany simulcast Theater and to levy a special admission fee of \$25.00 for this special event.

11. NYRA/OUT OF STATE SIMULCAST
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of an agreement between NYRA and Rockingham Park for the simulcast and acceptance of pari-mutuel wagering on a contingency basis from December 15, 1989 through January 15, 1990.
12. WROTBC/TO CONDUCT AN INFORMAL HOLIDAY PARTY
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to conduct an informal holiday party at their Oswego branch on December 22, 1989.
13. CDROTBC/TO CONDUCT A "SINGLES NIGHT"
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to conduct a "Singles Night" at their Albany simulcast theater on February 8, 1990, to conduct various promotions thereat and to offer a free late daily double wager.
14. CDROTBC/TO ACCEPT WAGERS
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to accept wagers on the 1989 Hollywood Futurity as an out-of-region thoroughbred race of special interest on Sunday, December 17, 1989.

C. BOARD APPROVAL

1. NYRA/REQUEST TO SIMULCAST OCALA BREEDERS' SALES
The Board approved the request the New York Racing Association of viewing only (no betting) of NYRA simulcast to Ocala Breeders' Sales Co. for their sales dates as follows:
 1. Winter Mixed Sale - January 20-27, 1990
 2. Two Year Olds in Training Sale -
March 10 - March 17, 1990
 3. Two Year Olds in Training Sale -
April 7 - 14, 1990
 4. Two Year Olds in Training Sale -
June 9 - 16, 1990
2. NYCOTBC ON BEHALF OF ALL NYSROTBC'S/TO ACCEPT WAGERS
The Board approved the request by New York City Off-Track Betting Corporation on behalf of all New York State Regional Off-Track Betting Corporations to accept wagers on races run at Calder Race Course, Miami, Florida, on NYRA dark days for the period of November 1, 1989 through June 30, 1990.

3. HEARING OFFICER REPORT IN THE MATTER OF RICHARD CIARMELLO
AND JOHN LASKY

The Board approved the Hearing Officer's recommendation that the judges' decision in placing said horse be confirmed and that Mr. Richard Ciarmello and John Lasky appealed the disqualification of their horse from 1st to 3rd in the sixth race of Monticello Raceway on 9/10/89 in that their driver violated harness rule 4117.4(1).

4. YONKERS RACEWAY/REQUEST TO PROVIDE PROMINENT OWNERS WITH
DECODERS TO VIEW YONKERS RACEWAY RACES

The Board denied the request by Yonkers Raceway to provide decoders to Mr. Guida and Mr. Printz, two prominent horse owners, so they could view Yonkers Raceway at their homes.

5. HEARING OFFICER REPORT IN THE MATTER OF WENDELL BLAKE

The Board approved the Hearing Officer's recommendation that the decision placing Mr. Blake's horse from second to seventh be confirmed, and that the 8-day suspension against subject be voided.

6. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY GABRIEL AGUILA

The Board approved the request by Jockey Gabriel Aguila for a 63-day extension of his weight allowance due to days lost of a result of a disabling injury.

His allowance, when added to his current expiration date of January 19, 1990 would now expire on 3/23/90.

7. HEARING OFFICER REPORT IN THE MATTER OF JOSE SANTOS

The Board approved the Hearing Officer's recommendation that a penalty of five days to run from August 1, 1990 through and including August 5, 1990 be issued to Mr. Jose Santos for careless riding in the second race at Saratoga Race Track on August 18, 1989.

8. NYRA/1990 DESIGNATED OFFICIALS

The Board approved the request by the New York Racing Association of its designated officials in Categories I, II and III for the 1990 Racing Season.

9. NYRA/INSTANT TRIPLE

The Board approved the request by the New York Racing Association to institute an "instant" Triple on another otherwise sufficient race (10 entries initially with at least 7 to go to post; no entries or fields) should the 9th race Triple have to be cancelled. This is conditioned upon there being sufficient lead time to make the public--

both on- and off-track -- aware of such rescheduling, such time being not later than post time of the race before the race on which the new Triple will be scheduled. Also, the other request concerning "Daily Triple" is still awaiting final rule drafting.

10. FINGER LAKES 1990 TRACK LICENSE

The Board has approved the application of Finger Lakes Race Track for its 1990 Racing License.

11. BATAVIA DOWNS 1990 TRACK LICENSE

The Board has approved the application of Batavia Downs for its 1990 Racing License.

12. BUFFALO RACEWAY'S 1990 TRACK LICENSE

The Board has approved the application of Buffalo Raceway for its 1990 Racing License.

13. MONTICELLO RACEWAY'S 1990 TRACK LICENSE

The Board has approved the application of Monticello Raceway for its 1990 Racing License.

14. SARATOGA RACEWAY'S 1990 TRACK LICENSE

The Board has approved the application of Saratoga Raceway for its 1990 Racing License.

15. SYRACUSE MILE'S 1990 TRACK LICENSE

The Board has approved the application of Syracuse Mile for its 1990 Racing License.

16. VERNON DOWNS 1990 TRACK LICENSE

The Board has approved the application of Vernon Downs for its 1990 Racing License.

17. YONKERS RACEWAY'S 1990 TRACK LICENSE

The Board has approved the application of Yonkers Raceway for its 1990 Racing License.

18. SARATOGA RACEWAY/CAPITAL IMPROVEMENT FUND

The Board has approved the request by Saratoga Raceway to withdraw \$296,638.76 from the Capital Improvement Fund has been reviewed. After audit \$18,643.44 has been disallowed, therefore the Board has approved the amount of \$277,995.32.