

MINUTES OF THE
BOARD MEETING
HELD ON JANUARY 30, 1990

A meeting of the New York State Racing & Wagering Board was held on Tuesday, January 30, 1990, at the Board offices located at 400 Broome Street, New York 10013.

IN ATTENDANCE WERE:

Richard F. Corbisiero, Chairman
Joseph P. Neglia, Member
Bennett Liebman, Member
Victor A. Cocozziello, 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
Archie Mavromatis, Assistant Chief of Racing Operations
Steven H. Richman, Chief of Off-Track Betting Operations
Peggy Anderson, Off-Track Betting Analyst
Joseph Slakas, Director of Public Relations
Arthur Schechter, Director of Audits
Robert Feuerstein, Assistant Counsel
Gale Berg, Assistant Counsel
Ted Garrison, Assistant Counsel
Edmund Leary, Assistant Chief of Audits & Investigations
Bernie Handwerker, Director of Bingo
Ronald Sommer,, Assistant to the Executive Director
Thomas C. Davide, Secretary to the Board

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A.

1. Approved minutes of the Board meeting held on December 21, 1989

B. FOR ENTRY INTO THE MINUTES

1. 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 simulcast plan of operation to charge a \$2.00 admission fee to their enhanced telebranch at 2696 Hylan Blvd., Staten Island, at such time as full food, restaurant service and alcoholic beverages (with SLA approval) are offered to the public.

2. 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 to reflect the closing of its branch at 16 E. 52nd Street, New York City, effective with the close of business on December 20, 1989 and to amend its simulcast plan of operation to add the display of New York Racing Association, Finger Lakes and Yonkers Tuesday matinee simulcast at its licensed simulcast branch at 331 Park Avenue South, New York City, effective December 21, 1989.

3. APPLICATION OF NROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of an application of Nassau Regional Off-Track Betting Corporation to amend its simulcast plan of operation and add its Hicksville Branch as a licensed simulcast facility displaying simulcasts from Yonkers Raceway, effective December 28, 1989.

4. JOCKEY CLUB/APPOINTMENT OF STEWARDS

For entry into the minutes, the Chairman's prior approval of request by the Jockey Club to name Dr. Manuel Gilman as Steward representing The Jockey Club at all NYRA tracks. Also, Mr. Richard Hanson will continue as the Jockey Club Steward at Finger Lakes, and Alternate Steward at the New York Racing Association, along with Mr. William Garges.

5. NYRA/SIMULCAST TO KEENELAND SALES PAVILION
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to simulcast the NYRA daily card from January 4 thru 11, 1990 to Keeneland Sales Pavilion solely for the viewing interest of horsemen attending the sale.
6. YONKERS RACEWAY/LICENSE AMENDMENT
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to add Sunday, December 31, 1989 to the 1989 racing calendar, Post time will be 8:P.M. and 11 races will be conducted.
7. 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 races from Yonkers Raceway into its Central Square simulcast branch, effective January 2, 1990.
8. 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 plan of operation in relation to the simulcasting of races from Buffalo Raceway on Sundays commencing January 7, 1990.
9. 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 Palos Verdes Handicap to be run on December 30, 1989 at Santa Anita Park, California as an out-of-region special event and to allow triple wagering thereon with (6) horses running.
10. NYRA/SIMULCAST TO WINDSOR RACEWAY
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 Windsor Raceway for the simulcast and acceptance of pari-mutuel wagering on various races in the month of January and February as outlined in their letter of December 18, 1989.
11. SROTBC/TO DISPLAY THE COONEY-FOREMAN BOXING MATCH
For entry into the minutes, the Chairman's prior approval of a request by Suffolk Regional Off-Track Betting Corporation to display the Cooney-Foreman boxing match at its Hauppauge simulcast theater on January 15, 1990 and to charge an admission fee (including dinner) of \$30.00.

19. SROTBC/TO OFFER A DELAYED CALL FROM GULFSTREAM RACETRACK
For entry into the minutes, the Chairman's prior approval of a request by Suffolk Regional Off-Track Betting Corporation to offer a delayed call from Gulfstream Race Track on NYRA dark days to SROTBC'S non-simulcast branches as outlined in their letter of January 12, 1990.
20. YONKERS RACEWAY/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to conduct a television giveaway on Monday, January 29th and Saturday, March 3, 1990. All patrons, who enter the track will receive a ballot, which will be available without purchase.
21. NYCOTBC ON BEHALF OF ITSELF, NASSAU, SUFFOLK, CATSKILL AND CDROTBC
For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation on behalf of itself, Nassau, Suffolk, Catskill and Capital District Regional Off-Track Betting Corporations, to simulcast races from Monticello Raceway into all licensed simulcast facilities on Wednesday evening when Yonkers Raceway is dark, beginning on January 17, 1990.
22. SROTBC/TO OFFER THE LIVE CALL
For entry into the minutes, the Chairman's prior approval of a request by Suffolk Regional Off-Track Betting Corporation to offer the live call of races from Gulfstream Park, Florida on Tuesdays in all its branches.

(C) PREVIOUSLY APPROVED BY THE BOARD

1. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY ZACHARY O. SEBRETH
For entry into the minutes, the Board's prior approval of a request by Jockey Zachary O. Sebretth for a 162-day extension of his weight allowance due to days lost as a result of a disabling injury.
His allowance, when added to his current expiration date of January 6, 1990 would expire on June 17, 1990.
2. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY IRIS DE JESUS
For entry into the minutes, the Board's prior approval of a request by Jockey Iris DeJesus for a 3-day extension of her apprentice allowance, due to dates lost to racing being canceled because inclement weather on November 16, 23, and December 22, 1989.
Her allowance, when added to her current expiration date of January 15, 1990 would expire on January 18, 1990.

3. HEARING OFFICER REPORT IN THE MATTER OF JOHN DESIMONE
The Board approved the Hearing Officer's recommendation that John DeSimone be relicensed as a trainer only, as per consent and agreement.
4. IN THE MATTER OF KYLE DIBENEDETTO
The Board approved the agreement signed by Mr. DiBenedetto, whereby his license would be reinstated as a trainer only, as per consent and agreement.
5. IN THE MATTER OF HARNESS TRAINER TROY ROSSI
The Board approved the summary suspension of license harness trainer Troy Rossi for testing positive for marijuana on 1/13/90.

D. BOARD DETERMINATION

1. HEARING OFFICER REPORT IN THE MATTER OF SAM ALAIMO, OWNER
The Board approved the Hearing Officer's recommendation that Mr. Alaimo be held in default and consequently that the judges' decision disallowing the protest herein be confirmed.
2. HEARING OFFICER REPORT IN THE MATTER OF JAMES R. ALLEN
The Board approved the recommendation of the Hearing Officer that the refusal of Mr. Allen's license be confirmed.
3. HEARING OFFICER REPORT IN THE MATTER OF BARRY PROBBER
The Board approved the recommendation of the Hearing Officer that the judges' 8-day suspension of Mr. Probber's license be confirmed.
4. FLRA/CAPITAL IMPROVEMENT FUND
The Board approved the request by Finger Lakes to withdraw \$15,992,73 from its Capital Improvement Fund.
5. CDROTBC/PROMOTION
The Board approved the request by Capital District Regional Off-Track Betting Corporation to conduct arm wrestling and dart tournaments as a promotional activity at their Albany Simulcast Theater and to charge a small entry fee to participate in these games of skill. Also, the Board approved the request to offer trophies and small awards (prizes not cash) to the winning participants.
6. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY JEFF CARLE
The Board approved the request by Apprentice Jockey Jeff Carle for a seven day extension of his weight allowance due to days lost as a result of a race injury and days lost due to inclement weather. His allowance, when added to his current expiration date of February 4, 1990, would now expire on February 11, 1990.

7. HEARING OFFICER REPORT IN THE MATTER OF ROBERT RICK DEBONIS
The Board approved the Hearing Officer's recommendation that Mr. Robert Rick DeBonis be suspended for a period of 90 days, with credit for time already served and that he be required to submit to urine testing.
8. NYRA/INSTALLATION OF "TINY TIMS"
The Board approved the request of NYRA dated December 14, 1989 to install "TINY TIMS" at its NYRA racetracks. This approval is conditioned upon their being programmed for use solely in the public areas of the track (to which admission is normally charged) and to remove their ability to cancel bets once such bets are sent to the Tote computer.
9. WROTBC/PROMOTION
The Board approved the request by Western Regional Off-Track Betting Corporation to undertake a promotional campaign for their Olean branch including give-aways, prizes, free food and non-alcoholic beverages on selected dates.
10. WROTBC/TO STUDY AND EVALUATE
The Board approved the Western Regional Off-Track Betting Corporation's request for permission to more fully study and evaluate the following concepts:
1. Moving its headquarters into a new or remodeled owned facility from its current leased facility; and
 2. construct and implement a new operations/computer center to serve WROTBC needs and serve as a centralized computer/ interface center for the Western Region's racetracks.
- The Board has no objections to the study and evaluation, but the Board reserves any judgment on the feasibility or desirability of such goals at this time.
11. PROPOSED RULES FOR EMERGENCY ADOPTION
The Board approved the emergency adoption of the proposed rules as follows: The proposed rules would add two (2) new sections 5620.20 and 5621.21 and amendments to bingo sections 5812.10, 5820.12 and 5820.14 and amendments to games of chance sections : 56001. (m), (t), 5603.7, 5620.1(q), 5620.1(r), 5620.1(s), 5620.1(t), 56203.(c)(2), 56203.(d)(4), 5620.3(e)(1)(2)(3)(4)(5)(6)(7)(8)(9)(10) and (11), 5620.4(d)(1)(2)(3)(4)(5)(6) and (7), 5620.4(e)(1)(2)(3)(4)(5)(6)(7) and (8), 5620.5(f)(2), 5620.6(b)(3)and (4), 5620.8(b)(3), 5620.9(b)(3), 5620.11(b)(2), 5620.12(c)(6) and (7)(i), 5620.13(b)(2), 5620.14(b)(3), 5620.15(e), 5620.16(f) 5620.17(c), 5620.18(f), 5620.19(c)(1), 5621.1, 5621.4 heading, 5621.4, 5621.12. 5622.22 and 5624.16.

12. NYRA/HANDICAPPER'S CHALLENGE PROMOTION

The Board approved the request by the New York Racing Association to conduct the New York Invitational Handicappers' Challenge as outlined in their letter of January 8, 1990. Also, the Board approved the request for free admission to be granted to finalists and semi-finalists of the contest and no purchase is necessary and entry forms are available outside the admission booth areas of the track.

13. APPLICATION OF CDROTBC/TO AMEND PLAN OF OPERATION

The Board approved the application of Capital District Regional Off-Track Betting Corporation to amend its plan of operation to establish a new branch at 166 Columbia Turnpike, East Greenbush, and to close its existing branches in East Greenbush and Rensselaer.

14. IN THE MATTER OF CHRIS ANTLEY, JOCKEY

The Board decided to act on Chris Antley's application for licensure on or after March 15, 1990. It is anticipated that should Chris Antley continue to make progress toward rehabilitation and continue to test clean that a license will be granted at that time, subject to close monitoring and drug testing by the Board.

15. PROPOSED RULES FOR FINAL ADOPTION

The Board approved the following proposed rules for final adoption: Sections 4009.19, 4009.20, 4011.20, and 4011.23 of the thoroughbred racing rules to increase the number of horse participating in a thoroughbred race.

16. HEARING OFFICER REPORT IN THE MATTER OF PATRICK MURPHY

The Board approved the recommendation of the Hearing Officer that the refusal of Mr. Murphy's license be confirmed (Chairman Corbisiero abstained from voting).

17. HEARING OFFICER REPORT IN THE MATTER OF GENERAL WASHINGTON

The Board approved the recommendation of the Hearing Officer that Mr. Washington's denial of a license to participate in harness racing be confirmed.

18. RULE PROPOSALS

The Board approved the following proposed rule as amendments and/or repeals to its thoroughbred, harness and quarterhorse rules. These changes are merely technical in nature, and will enable the Board to act more effectively.

The rules affected are:

4004.4 4100.7
4001.1 4105.4 4200.4 4202.1 4202.2 4202.3 4203.1
4001.2
4001.3
4001.20
4001.21
4001.22
4001.23
4001.24
4001.25
4001.30

19. HEARING OFFICER REPORT IN THE MATTER OF JOSEPH J. BADAMO, JR.

The Board approved the Hearing Office's recommendation that Mr. Badamo's jockey license as jockey be revoked.

20. YONKERS RACEWAY LATE ISSUED \$400 WINNING DAILY DOUBLE TICKET ON NYRA RACES WORTH \$36,200

The Board considered for the status of the \$400 winning Daily Double ticket from the 1st

NYRA Daily Double pool of June 26, 1989 which ticket failed to issue promptly from a ticket issuing machine at Yonkers Raceway and which is presently in the possession of Robert Galterio, General Manager, Yonkers Raceway.

It was the Board's decision that such ticket should be cashed by Yonkers Raceway and, should there be no objections, the proceeds distributed as follows: \$400 to Autotote, the Tote vendor, to reimburse it for its assumption of liability for the amount of the bet and the balance, \$35,800, to be inserted into a future NYRA Daily Double pay-off to reimburse the public for the underpayment of a forementioned Daily Double caused by the malfunctioning of the Tote system.

Objections to the Board's decision may be made until February 20, 1990 addressed to Thomas C. Davide, Secretary to the Board.

In the interim, Yonkers Raceway is directed to cash such ticket and hold the proceeds pending further directions.