

MINUTES OF THE
BOARD MEETING
OF MARCH 25, 1993

A MEETING OF THE NEW YORK STATE RACING & WAGERING BOARD WAS HELD ON THURSDAY, MARCH 25, 1993 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
JOHN DAILEY, DIRECTOR OF RACING AND OTB
ROBERT FEUERSTEIN, COUNSEL
JIM GALLAGHER, CHIEF OF RACING OPERATIONS
ARTHUR SCHECHTER, CHIEF OF AUDITS
HERMAN KLUGE, DIRECTOR OF INVESTIGATIONS AND AUDITS
GALE BERG, ASSISTANT COUNSEL
FELIX HESTER, ASSISTANT COUNSEL
EILEEN CLARKE-BRADY - ASSISTANT CHIEF OF RACING OPERATIONS
VICTOR A. COCOZZIELLO, PROJECT DIRECTOR
TED GARRISON, ASSISTANT COUNSEL
THOMAS C. DAVIDE, SECRETARY TO THE BOARD

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B. FOR ENTRY INTO THE MINUTES

1. YONKERS RACEWAY/SIMULCAST TO AND MERGE POOL
WAGERING AGREEMENT WITH FOXBORO RACEWAY
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY FOR THE SIMULCAST TO FOXBORO RACEWAY AND THE MERGER OF CO-MINGLED POOLS FOR THE DAYS OUTLINED IN THEIR LETTER DATED FEBRUARY 4, 1993.
2. YONKERS RACEWAY/WAGERING FORMAT CHANGE
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE 6TH AND 9TH RACES, DIVISIONS OF THE FILLY MARE AND HOPEFUL SERIES, ON THURSDAY, FEBRUARY 18, 1993 DUE TO THE PRESENCE OF PROHIBITIVE FAVORITES.
3. YONKERS RACEWAY/WAGERING FORMAT CHANGE
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE 10TH RACE, THE 3RD DIVISION OF THE COLT AND GELDING HOPEFUL SERIES, TO BE RUN ON FRIDAY, FEBRUARY 19, 1993 DUE TO A PROHIBITIVE FAVORITE.
4. YONKERS RACEWAY/WAVIER OF BOARD RULE 4108.9
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO WAIVE BOARD RULE 4108.9 (A), TO ALLOW THE RACE SECRETARY TO SEED OR SELECT TWO CLASSES OF RACES NIGHTLY.
5. CDROTBC/TO SIMULCAST THE CHAVEZ V. HAUGEN
PRIZE FIGHTING BOXING MATCH
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO SIMULCAST THE CHAVEZ V. HAUGEN PRIZEFIGHT BOXING MATCH ON FEBRUARY 20, 1993 IN THE TELETHEATER.
6. NYRA/ADDENDUM TO FEBRUARY SIMULCAST SCHEDULE
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY THE NEW YORK RACING ASSOCIATION TO ADD THE LISTED TRACKS TO THE FEBRUARY SIMULCAST SCHEDULE, AS OUTLINED IN THEIR LETTER DATED FEBRUARY 18, 1993.
7. BATAVIA DOWNS/SIMULCASTING FOR SPRING MEET
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY BATAVIA DOWNS FOR THE SIMULCAST OF BATAVIA DOWNS

RACES TO WESTERN REGION OTB, BUFFALO TROTTING ASSOCIATION, VERNON DOWNS AND FINGER LAKES RACETRACK AS OUTLINED IN THEIR REQUEST DATED FEBRUARY 14, 1993.

8. SROTBC/APPOINTMENT OF FRANK R. JONES
AS PRESIDENT

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY SUFFOLK REGIONAL OFF-TRACK BETTING TO AMEND THEIR PLAN OF OPERATION TO REFLECT THE APPOINTMENT OF FRANK R. JONES AS PRESIDENT OF SROTBC CONDITIONED UPON THE NOMINEE'S SATISFACTORY CLEARANCE OF FINGERPRINTS AND OTHER CHECKS.

9. NYRA/PROMOTIONAL SIMULCAST TO THE OCALA
BREEDERS' SALES COMPANY

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY THE NEW YORK RACING ASSOCIATION TO SIMULCAST, FOR VIEWING PURPOSES ONLY, NYRA RACES FOR THE OCALA BREEDERS' SALES COMPANY FOR THE SPECIFIED DAYS AS OUTLINED IN THEIR LETTER DATED FEBRUARY 22, 1993.

10. WROTBC/TO RESERVE A LICENSE TO OPEN A

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY WESTERN REGIONAL OFF-TRACK BETTING CORPORATION TO RESERVE ONE OF THE REMAINING TELETHEATER AUTHORIZATIONS UNDER SECTION 1009 OF THE LAW, SO CONDITIONED UPON THE APPLICATION BEING MADE THEREFORE BY APRIL 1, 1993.

11. CDROTBC/TO RUN A THREE DAY HANDICAPPING

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO CONDUCT A THREE DAY HANDICAPPING CONTEST AT 711 CENTRAL AVENUE ON FEBRUARY 26, 27 AND 28, 1993.

12. YONKERS RACEWAY/WAGERING FORMAT CHANGE

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO OFFER SIMULCAST WAGERING ON BATAVIA DOWNS' SUNDAY MATINEE PERFORMANCES BEGINNING FEBRUARY 28 THROUGH MARCH 28, 1993.

13. YONKERS RACEWAY/WAGERING FORMAT CHANGE

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE OPEN HANDICAP, THE 11TH RACE ON SATURDAY, FEBRUARY 27, 1993. CAMBEST IS A PROHIBITIVE FAVORITE IN THIS RACE AND A LARGE MINUS POOL IS ANTICIPATED.

14. YONKERS RACEWAY WAGERING FORMAT CHANGE

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE FILLIES HOPEFUL FINAL, THE 11TH RACE ON THURSDAY, FEBRUARY 25, 1993.

15. NYRA/MARCH SIMULCAST SCHEDULE

FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY THE NEW YORK RACING ASSOCIATION TO ADD THE CITED

TRACKS TO THE FEBRUARY SIMULCAST SCHEDULE, AS OUTLINED IN THEIR LETTER DATED FEBRUARY 26, 1993.

16. YONKERS RACEWAY/LICENSE AMENDMENT AND REQUEST TO ADD RACES AS A RESULT OF THIS CANCELLATION
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL A PREVIOUSLY SCHEDULED PROGRAM, THE TUESDAY, MARCH 2, 1993 EVENING CARD DUE TO A SHORTAGE OF HORSES; HOWEVER THE BOARD DENIED THEIR REQUEST TO CARD ADDITIONAL RACES IN TUESDAY MATINEE CARDS IF THE HORSE SHORTAGE PERSISTS.
17. YONKERS RACEWAY/SIMULCAST OF THE GEORGE MARTEN LEVY SERIES & THE FINAL TO POCONO DOWN
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO SIMULCAST THE SIX LEGS OF THE GEORGE MORTON LEVY SERIES AND FINAL TO POCONO DOWNS ON THE FOLLOWING DATES: MARCH 6, 13, 20, 27, APRIL 3, 10 AND 24, 1993.
18. YONKERS RACEWAY/CHANGES IN WAGERING FORMAT
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE 11TH RACE ON FRIDAY, MARCH 5 (3RD DIVISION OF THE SAGAMORE PACE) AND THE 7TH AND 11TH RACES (TWO DIVISIONS OF THE GEORGE MORTON LEVY PACE) ON SATURDAY, MARCH 6, 1993.
19. MONTICELLO RACEWAY/SIMULCASTS TO VERNON DOWNS
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY MONTICELLO RACEWAY TO SIMULCAST THEIR RACES TO VERNON DOWNS ON THE FOLLOWING DATES:
TUESDAYS - MARCH 9, 16, 23 AND 30
WEDNESDAYS - MARCH 10, 17, 24 AND 31
(THIS LAST DATE IS OPTIONAL)
MONTICELLO RACEWAY WILL RECEIVE 2.5% OF THE GROSS HANDLE AND THE HORSEMEN'S PURSE ACCOUNT WILL RECEIVE HALF THAT AMOUNT.
20. VERNON DOWNS/PROMOTION
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY VERNON DOWNS FOR THE PROMOTIONS AS OUTLINED IN THEIR LETTER DATED MARCH 1, 1993.
21. YONKERS RACEWAY/RECIPROCAL AGREEMENT WITH THE ONTARIO JOCKEY CLUB
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR DENIAL OF REQUEST BY YONKERS RACEWAY TO ENTER INTO A RECIPROCAL AGREEMENT FOR SIMULCASTING WITH THE ONTARIO JOCKEY CLUB, AS OUTLINED IN THEIR LETTER DATED FEBRUARY 23, 1993 IN WHICH YONKERS RACEWAY WOULD BE AUTHORIZED TO SIMULCAST NON-SPECIAL EVENTS FROM CANADA.
22. NYRA/"BIG APPLE RACING STABLE" PROMOTION
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY THE NEW YORK RACING ASSOCIATION TO OFFER FREE

ADMISSION TO PARTICIPATE IN THE "BIG APPLE RACING STABLE" PROMOTION AS OUTLINED IN THEIR LETTER DATED MARCH 10, 1993.

23. YONKERS RACEWAY/SIMULCAST OF THE SAGAMORE PACE TO POCONO DOWNS
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO SIMULCAST THE SAGAMORE PACE TO POCONO DOWNS ON FRIDAY, MARCH 12, 1993.
24. NYRA/ADDENDUM TO MARCH SIMULCAST SCHEDULE
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY THE NEW YORK RACING ASSOCIATION TO ADD THE CITED TRACKS TO THE MARCH SIMULCAST SCHEDULE, AS OUTLINED IN THEIR LETTER DATED FEBRUARY 18, 1993.
25. NYCOTBC/PROMOTION
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY NEW YORK CITY OFF-TRACK BETTING CORPORATION TO CONDUCT A SWEEPSTAKES PROMOTION "SURE BET SWEEPSTAKES" TO RUN FROM APRIL 25 TO JULY 18, 1993.
26. YONKERS RACEWAY/WAGERING FORMAT CHANGE
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY YONKERS RACEWAY TO CANCEL SHOW WAGERING IN THE 10TH RACE ON FRIDAY, MARCH 12, 1993 DUE TO THE ENTRY PRESENCE OF DIRECT FIVE-0 AND THE POTENTIAL MINUS POOL. ALL OTHER REQUESTS, AS OUTLINED IN THEIR DATED MARCH 9, 1993 WERE DENIED AS THE EVENTS WERE HIGHLY COMPETITIVE IN QUALITY AND WAGERING OPPORTUNITY.
27. CDROTBC/HANDICAPPING CONTEST
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY CAPITAL DISTRICT REGIONAL OFF-TRACK CORPORATION TO CONDUCT TWO HANDICAPPING CONTESTS AT THE PLATTSBURG AND BRIDGEPORT OTB BRANCHES ON APRIL 1, 1993.
28. CDROTBC/TO EXPAND ITS GOLDEN HORSHOES CLUB MEMBERSHIP
FOR ENTRY INTO THE MINUTES, THE CHAIRMAN'S PRIOR APPROVAL OF REQUEST BY CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO EXPAND ITS GOLDEN HORSESHOW CLUB MEMBERSHIP AT ITS TEN ENHANCED BRANCH OFFICE LOCATIONS.

C. ITEMS APPROVED BY THE BOARD

1. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY GEORGINA FROST
THE BOARD APPROVED THE REQUEST BY APPRENTICE JOCKEY GEORGINA FROST FOR A 44 DAY EXTENSION OF HER APPRENTICE ALLOWANCE, AS A RESULT OF DAYS LOST DUE TO INJURY AND WEATHER CONDITIONS. THE NEW EXPIRATION DATE WILL BE APRIL 27, 1993.

2. IN THE MATTER OF RICHARD PAPA/AMENDED FINDINGS AND ORDER
THE BOARD APPROVED THE RECOMMENDATION THAT THE FINDINGS AND ORDER IN THIS MATTER DATED NOVEMBER 2, 1992, BE AMENDED TO RESCIND THE NINETY DAY PORTION OF THE SUSPENSION WHICH WAS TO BE STAYED AND TERMINATED PROVIDED PAPA DID NOT INCUR A CONFIRMED POST-RACE POSITIVE WITHIN ONE YEAR OF THE BOARD DETERMINATION.
3. NYCOTBC/FREE PROFILE SHEETS
THE BOARD APPROVED THE REQUEST BY NEW YORK CITY OFF-TRACK BETTING CORPORATION TO TEST SUBSTITUTING FREE PROFILE SHEETS AT OTB BRANCHES FOR TWO WEEKS AND, IF SUCH TEST IS SUCCESSFUL AND A SURVEY TAKEN IN CONNECTION THEREWITH IS ENCOURAGING, TO THEREAFTER ELIMINATE THE FREE PROFILE SHEETS AND OFFER IN SUBSTITUTION A PROGRAM AT A PRICE OF 75 CENTS.
4. IN THE MATTER OF WALTER CASE, JR./ SUMMARY SUSPENSION
THE BOARD APPROVED THE RECOMMENDATION THAT MR. WALTER CASES' LICENSE BE SUMMARILY SUSPENDED UPON A FINDING THAT THE PUBLIC SAFETY AND WELFARE IMPERATIVELY REQUIRE THIS EMERGENCY ACTION.

D. BOARD DETERMINATION

1. SARATOGA RACEWAY/CAPITAL IMPROVEMENT
ON APRIL 30 AND JULY 23, 1992 THE BOARD APPROVED THE WITHDRAWAL OF \$76,019.32 AFTER DISALLOWING \$4,636.48, ON A PRELIMINARY BASIS, SUBJECT TO A LATER AUDIT. THE FOLLOW-UP AUDIT HAS BEEN COMPLETED. IN ADDITION TO THE PREVIOUSLY DISALLOWED \$4,636.48, A \$732.82 EXPENDITURE FOR 80 PLYWOOD BOARDS HAS BEEN DEEMED A REPAIR ITEM, NOT A CAPITAL IMPROVEMENT. IT WAS DETERMINED THAT \$5,369.30 OF THE \$80,655.80 REQUESTED BE DISALLOWED AND THAT THE REMAINING \$75,286.50 BE APPROVED ON A FINAL BASIS. AS SUCH, SARATOGA RACEWAY WILL RESTORE \$732.82 TO THE CAPITAL IMPROVEMENT FUND.
2. HEARING OFFICER REPORT/IN THE MATTER OF LAWRENCE LOMBARDO
THE BOARD APPROVED THE HEARING OFFICER'S RECOMMENDATION THAT A DEFAULT BE ENTERED AND THAT MR. LOMBARDO'S LICENSE BE REVOKED.
3. IN THE MATTER CRAWFORD V. BOARD
THE BOARD TOOK NOTE OF THE SUPREME COURT'S DECISION ANNULING THE BOARD'S FINDINGS AND ORDER, AND THEREBY REVISED THE ORDER OF FINISH OF THE 8TH RACE OF JUNE 28, 1991, AT SARATOGA RACEWAY.

4. YONKERS PARI-MUTUEL TICKET OF JUNE 26, 1989
ON JANUARY 30, 1990 THE BOARD CONSIDERED THE DISPOSITION OF PROCEEDS OF A \$400 WINNING DAILY DOUBLE BET (\$35,800 PROFIT) ISSUED AT YONKERS RACEWAY ON SIMULCAST NYRA RACES OF JUNE 26, 1990.

THE BOARD ORIGINALLY DECIDED THAT NEITHER PARTY (AUTOTOTE AND BETTOR) SHOULD GET THE PROCEEDS; THAT IT WAS AN UNDERPAYMENT OF THAT AMOUNT TO BETTORS IN THAT POOL, AND SHOULD GO INTO A SUBSEQUENT POOL AS WITH OTHER UNDERPAYMENTS.

AUTOTOTE AND THE OTHER INDIVIDUAL APPELLANTS HAVE AGREED THAT FOR THEIR PURPOSES THEY WILL SETTLE FOR HALF EACH WHICH WAS APPROVED BY THE BOARD.

5. HEARING OFFICER REPORT/IN THE MATTER OF KARYN PHILIPP
THE BOARD APPROVED THE HEARING OFFICER'S RECOMMENDATION THAT THE DECISION OF THE STEWARDS BE CONFIRMED.

6. RACING, PARI MUTUEL WAGERING AND BREEDING LAW
SECTION 101.9 DESIGNATIONS
THE BOARD APPROVED THE RECOMMENDATION TO DESIGNATE THE INDIVIDUALS OUTLINED IN ROBERT FEUERSTEIN'S MEMO DATED MARCH 23, 1993.