

MINUTES OF THE
BOARD MEETING
OF MAY 27, 1993

A Meeting of the New York State Racing & Wagering Board was held on Thursday, May 27, 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
Felix Hester, Assistant Counsel
Eileen Clarke-Brady - Assistant Chief of Racing Operations
Victor A. Coccoziello, Project Director

"MINUTES"
OF THE BOARD MEETING HELD ON MAY 27, 1993
FOR THE N.Y.S. RACING & WAGERING BOARD

- A. Approved Minutes of the Board Meeting held on March 25, 1993.

B. FOR ENTRY INTO THE MINUTES

1. NYRA/WALLET GIVEAWAY PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to distribute pari-mutuel wager vouchers, ranging from \$2.00 to \$1,000 in conjunction with the wallet giveaway scheduled on April 17, 1993, Wood Memorial Day.
2. NYRA/ADDENDUM TO APRIL SIMULCAST SCHEDULE
For entry into, the minutes, the Chairman's prior approval of a request by the New York Racing Association to add the cited tracks to the April Simulcast Schedule, as outlined in their letter dated April 15, 1993.
3. NYRA/SIMULCASTS TO BANDERA DOWNS
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to simulcast the cited races to Bandera Downs, as outlined in their letter dated April 19, 1993.
4. FLRA/"\$10,000 STAKES RACE CHALLENGE"
For entry into the minutes, the Chairman's prior approval of a request by Finger Lakes Racing Association, with the Daily Racing Form to conduct a joint promotion to be known as the "\$10,000 Stakes Race Challenge", as outlined in their letter dated April 16, 1993 and the contest rules.
5. YONKERS RACEWAY/SIMULCAST OF RACES TO TRINIDAD AND TOBAGO
For entry into the minutes, the

Chairman's prior approval of a request by Yonkers Raceway to simulcast their races to the Caribbean, specifically Trinidad and Tobago beginning April 19, 1993 as outlined in their letter dated April 14, 1993.

6. CDROTBC/A SIMULCAST AGREEMENT WITH VERNON DOWNS

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation for the simulcast agreement with Vernon Downs conditioned upon Vernon's not being shown or wagered upon outside the harness special betting district (including the teletheater) on any 24 hour day that Saratoga Raceway is running, unless Saratoga gives consent.

7. WROTBC/TO APPROVE A CONTRACT BETWEEN ITSELF AND MID-STATE RACEWAY (VERNON)

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation the simulcast agreement with Vernon Downs conditioned on Vernon's races are not to be show or wagered upon outside the harness special betting district on any 24 hour day that Buffalo Raceway or Batavia Downs is running, unless Buffalo/Batavia gives consent.

8. NYRA/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to distribute pari-mutuel wager vouchers to Brooklyn/Queens customers on direct mailing lists, as outlined in their letter dated April 13, 1993.

9. YONKERS RACEWAY/WAGERING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering in the George Morton Levy Fund race to be run on Saturday, April 24, 1993.

10. YONKERS RACEWAY/SIMULCAST OF THE GEORGE MORTON LEVY PACE FINAL TO

NORTHFIELD PARK

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to simulcast the George Morton Levy Final to Northfield Park on Saturday, April 24, 1993.

11. YONKERS RACEWAY/WAGERING FORMAT CHANGE
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering in the 8th and 11th races on Friday, April 23, 1993, which are divisions of the Season Pacing Series.
12. MONTICELLO RACEWAY/LICENSE AMENDMENT
For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to add Wednesdays in May to their race schedule while deleting previously scheduled Fridays in the same month.
The Board also approved a 5:40 p.m. Post Time for these Wednesdays programs with free admission.
13. NYRA/ADDENDUM TO APRIL SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to add the cited tracks to the April Simulcast Schedule, as outlined in their letter dated April 23, 1993.
14. SARATOGA/RECEIPT OF YONKERS RACEWAY SIMULCAST AND THE ACCEPTANCE OF WAGERS
For entry into the minutes, the Chairman's prior approval of a request by Saratoga Raceway pursuant to the newly amended Sections 1007 (5) (6), of the racing law to accept the 11th and 12th races from Yonkers Raceway on Saturday, April 24, 1993.
15. VERNON DOWNS/RECEIPT OF YONKERS RACEWAY AND BATAVIA DOWNS SIGNAL AND THE ACCEPTANCE OF WAGERS
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs pursuant to a newly amended Section 1007(5)(a) of the Racing Law, to accept the George Morton

Levy Final(11th race) and the Preferred Pace (12th race) from Yonkers Raceway on Saturday, April 24, 1993 and the 7th and 9th races from Batavia Downs on Sunday, April 25, 1993.

16. CROTCH/TO AMEND THEIR SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Catskill Regional Off-Track Betting Corporation to establish a simulcast theater at its Mt. Fuji branch in Hillburn, New York, which is presently licensed as an enhanced simulcast branch, and to charge an admission fee of \$3.00.

17. SARATOGA RACEWAY//WAIVER OF THE 30-DAY RULE

For entry into the minutes, the Chairman's prior approval of a request by Saratoga Raceway to waive Board Rule 4113.5(1) through and inclusive of May 9, 1993.

18. YONKERS RACEWAY/WAGERING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering in the Open Pace on Saturday, May 1, 1993, due to the presence of Survivor Gold and the anticipation of a minus pool.

19. BUFFALO RACEWAY/ALL TRIFECTA NIGHT

For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway to conduct Trifecta cards on April 30, June 5, July 3 and July 31.
Further, the Board also approved the 4th annual "Marathon of Racing" in conjunction with Derby Day.

20. VERNON DOWNS/RECEIPT OF BUFFALO RACEWAY SIGNAL AND ACCEPTANCE OF WAGERS

For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs in accordance with newly amended Section 1007(5)(a) of the Racing Law, to accept two races from Buffalo Raceway on Wednesday, April 28, 1993.

21. MONTICELLO RACEWAY/CONTRACT WITH THE STATE OF CONNECTICUT
For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway of a contract with the State of Connecticut the event Yonkers Raceway does not race for whatever reason.
Said Agreement will be in effect from May 1, 1993 through and inclusive of April 30, 1996.
22. WROTEC/TO APPOINT EUGENE C. MAZZOLA AS MEMBER OF THE BOARD OF DIRECTORS
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to appoint Eugene C. Mazzola as a new member of the Board of Directors.
23. NYRA/MAY SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to Association to simulcast various races to the tracks specified during the month of May, as outlined in their letter dated April 29, 1993.
24. BUFFALO RACEWAY/RECEIPT OF VERNON DOWNS SIGNAL AND ACCEPTANCE OF WAGERS
For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway in accordance with newly amended Section 1007(5) (a) of the Racing Law, to accept the 6th and 9th races from Vernon Downs on Sunday, May 2, 1993.
25. YONKERS RACEWAY/WAGERING FORMAT
For entry into the minutes, the Chairman's prior denial of a request by Yonkers Raceway to cancel Show wagering in the 7th race on Tuesday, May 4, 1993.
26. NYRA/MAY SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to add the cited tracks to the May Simulcast Schedule, as outlined in

their letter dated April 30, 1993.

27. YONKERS RACEWAY/WAGERING FORMAT
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel Show wagering in the 7th race on Saturday, May 8, 1993, the Filly and Mare Open Pace, due to a prohibitive favorite in a short field.
28. VERNON DOWNS/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs of a promotion for Memorial Day, May 31, 1993, as outlined in their letter dated April 29, 1993.
29. VERNON DOWNS/RECEIPT OF YONKERS RACEWAY SIMULCAST SIGNAL
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs in accordance with newly amended Section 1007(5)(a) of the Racing Law, to accept the Filly and Mare Open Pace from Yonkers Raceway on Saturday, May 8, 1993.
30. NYRA/SIMULCASTS TO MANOR DOWNS
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to simulcast the cited races to the Manor Downs, as outlined in their letter dated May 7, 1993.
31. NYRA/ADDENDUM TO MAY SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to Simulcast the cited races to the May Simulcast Schedule as outlined in their letter dated May 10, 1993.
32. SROTBC/TO APPROVE THE CONTRACT BETWEEN FLRA AND SROTBC
For entry into the minutes, the Chairman's prior approval of a request by Suffolk Regional Off-Track Betting Corporation to approve the contract between Suffolk Downs and Finger Lakes Racing Association, Inc. for the period April 19, 1993 thru December 31, 1993.

33. VERNON DOWNS/SIMULCAST OF THE HANOVER-HEMPT THREE YEAR OLD PACE ON 5/15/93
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs to simulcast the Hanover & Hempt Three Year Old Pace to the Red Mile, Rosecroft Raceway and Itw's and Buffalo Raceway - ITW with Batavia Downs on Saturday, May 15, 1993, as outlined in their letter of May 12, 1993.
34. YONKERS RACEWAY/WAGERING FORMAT CHANGE
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering in the 5th and 11th races on Saturday, May 15, 1993 due to the presence of prohibitive favorites, Due to Swing Back and Survivor Gold, respectively in short fields.
35. BUFFALO RACEWAY/RECEIPT OF VERNON DOWNS SIMULCAST SIGNAL AND WAGERS FOR THE HANOVER-HEMPT THREE YEAR OLD PACE ON SATURDAY, MAY 15, AND 1 RACE ON SUNDAY, THURSDAY AND FRIDAY THRU MAY 30, 1993
For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway, in accordance with newly amended 1007(5)(a) of the Racing Law, to accept the simulcast of the Hanover Hempt Three Year Old Pace on Saturday, May 15, 1993 and one race on Sunday, May 16, 1993 from Vernon Downs.
36. VERNON DOWNS/RECEIPT OF BUFFALO RACEWAY SIMULCAST SIGNAL ON WAGERS FOR ONE RACE ON SATURDAY, MAY 15, 1993
For entry into the minutes, the Chairman's prior approval of a request by Vernon Downs, in accordance with newly amended 1007(5)(a) of the Racing Law, to accept one race from Buffalo Raceway on Saturday, May 15, 1993.
37. SROTBC/TO CONDUCT A PREAKNESS FLOWER GIVEAWAY ON SATURDAY, 5/15/93
For entry into the minutes, the Chairman's prior approval of a request by Suffolk Regional Off-Track Betting Corporation to conduct a

Preakness Flower Giveaway on Saturday,
May 15, 1993 throughout Suffolk's
branches.

38. NYRA/MAY SIMULCAST SCHEDULE
For entry into the minutes, the
Chairman's prior approval of a
request by the New York Racing
Association, to add the cited tracks to
the May Simulcast Schedule as outlined in
their letter dated May 12, 1993.
39. NYRA/ADDENDUM TO MAY SIMULCAST
SCHEDULE
For entry into the minutes, the
Chairman's prior approval of a
request by the New York Racing
Association, to add the cited tracks to
the May Simulcast Schedule as outlined in
their letter dated May 15, 1993.
40. PARI-MUTUEL TAXES FOR 1993
For entry into the minutes, the
Chairman's prior approval that
Pursuant to the statute regarding
"reduced" pari-mutuel taxes, for 1993,
all tracks will be subject to a 1/2 of
higher tax rate except Syracuse Mile,
Inc.
41. NYRA/SIMULCASTS TO LOUISIANA
For entry into the minutes, the
Chairman's prior approval of a request
by the New York Racing Association to
simulcast the Colin, Riva Ridge, Nassau
County Handicap and The Belmont Stakes to
be run on June 5, 1993 to Evangeline
Downs and the respective ITW's in
Louisiana as outlined in their letter
dated May 5, 1993.

C. ITEMS APPROVED BY THE BOARD

1. YONKERS RACEWAY/RECEIPT OF VERNON DOWNS
SIMULCAST SIGNAL AND THE ACCEPTANCE OF
WAGERS THEREON DURING ITS RACE CARD
The Board approved the request by
Yonkers Raceway in accordance with a
with the newly amended Section 1007(5)
(a) of the Racing, Law, to accept the
simulcast signal and wagers on three

Vernon Downs races on Thursday, April 22 and Friday, April 23, 1993.

2. IN THE MATTER OF BRUCE L. MATTISON
SUMMARY SUSPENSION
The Board approved Counsel's recommendation that the harness racing license of Bruce L. Mattison be summarily suspended.
3. GUIDELINES FOR 1993-94 SIMULCAST
FACILITY LICENSING
The Board approved the proposed guidelines to govern the 1993-94 simulcast facility licensing process for all the New York State Off-Track Betting Corporations and all the New York State Race Tracks from July 1, 1993 through June 30, 1994.

D. FOR BOARD DETERMINATION

1. APPRENTICE ALLOWANCE EXTENSION/
JOCKEY CEASAR BISONO
The Board approved the request by Jockey Ceasar Bisono for a 7 day extension of his apprentice allowance as a result of days lost due to inclement weather (snow). His current expiration date is July 3, 1993. The new expiration date is July 10, 1993.
2. BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND
APPLICATION DATED 3/4/93 AMENDED 4/14
REQUESTING \$12,659.25
The Board approved the request by Batavia Downs to withdraw \$12,6559.25 from the Capital Improvement Fund on a preliminary basis subject to a later audit.
3. NYRA/TEN RACE CARDS DURING THE 1993
SARATOGA RACE MEETING
The Board approved the request by the New York Racing Association, to offer ten races during the 1993 Saratoga Race Meeting on the following dates: July 28, 29 and 30, 1993; and August 4, 5, 7, 11, 12, 14, 15, 18, 19, 20, 22, 25 and 26, 1993.
Also, a request for Wednesdays and Thursdays during said meet to offer a

Steeplechase event Daily Double wagering in the 1st and 2nd races, 2nd and 3rd races and the 9th and 10th races.

4. HEARING OFFICER REPORT/
IN THE MATTER OF TIMOTHY LONG
The Board approved the Hearing Officer's recommendation that Mr. Timothy Long be issued a groom's license subject to appropriate monitoring by the Board's Stress Assistance Officer.

5. FLRA/CAPITAL IMPROVEMENT FUND
The Board approved the request by Finger Lakes Racing Association to withdraw \$147,978.17 on a preliminary basis subject to the loan provisions of Section 228-a. The \$4,375 for the 500 tons of sand are to be excluded as a maintenance expenditure.

6. MONTICELLO RACEWAY/CAPITAL IMPROVEMENT
FUND APPLICATION DATED 9/22/92
REQUESTING \$16,002
The Board approved the request by Monticello Raceway of an application dated September 22, 1992 to withdraw \$16,002 from the Capital Improvement Fund which involves the purchase of the photo finish and timing equipment from Jones Precision Photo Finish, Inc. and Contempo United Timing Corporation.

7. MONTICELLO RACEWAY/CAPITAL IMPROVEMENT
APPLICATION DATED 4/7/93
\$58,393.38
The Board approved the request by Monticello Raceway of an application dated April 7, 1993 to withdraw \$58,393.38 from the Capital Improvement Fund as outlined in Memo of Jim Gallagher dated May 4, 1993.

8. MONTICELLO RACEWAY/CAPITAL IMPROVEMENT
FUND APPLICATION DATED 1/29/93
REQUESTING \$78,827.15
The Board approved request by Monticello Raceway of an application dated January 29, 1993 to withdraw \$78,827.15 from the Capital Improvement Fund. The Board (in 1992) had authorized approval of \$94,423.85 for advertising and promotional costs.

Accordingly, the Board hereby authorized the withdrawal of \$35,238.08 which will bring the 1992 total to \$129,661.93.

9. MONTICELLO RACEWAY/CAPITAL IMPROVEMENT
FUND APPLICATION DATED 4/14/93
REQUESTING \$5,312.01

The Board approved the request by Monticello Raceway to withdraw \$5,312.01 from the Capital Improvement Fund by application dated April 14, 1993 which involves 1993 advertising and promotional expenses.

10. SARATOGA RACEWAY/CAPITAL IMPROVEMENT
FUND APPLICATION DATED 4/19/93
REQUESTING \$24,867.25

The Board approved the request by Saratoga Raceway to withdraw \$24,867.25 from the Capital Improvement Fund by application dated April 19, 1993 as outlined in Memo of Jim Gallagher dated May 7, 1993 (on file in the Secretary's office).

11. FLRA/CAPITAL IMPROVEMENT FUND APPL.
DATED APRIL 29, 1993 REQUESTING
\$143,099.77

The Board hereby approves the withdrawal of \$142,514.27 from Finger Lakes Racing Association from the Capital Improvement Fund on a preliminary basis subject to later audit. The \$585.50 for the used engine is disallowed as a repair.

12. HEARING OFFICER REPORT/
IN THE MATTER OF HENRY WESTBROOK JR.

The Board approved the Counsel's recommendation that Mr. Henry Westbrook, Jr. be held in default and that he serve the imposed eight day suspension at the discretion of the Judges at the track where he is racing.

13. RULE PROPOSALS

The Board approved the following proposed rules:

1) Sections 4003.24 & 4207.13 to amend its thoroughbred and quarterhorse rules regarding first aid requirements at the track.

2) Section 4033.3 to amend its thoroughbred rules to mandate the use of

safety vests by jockeys.

3) Section 4003.51 to amend its thoroughbred rules regarding purse payments to horsemen's organizations.

14. FIRST AID RULE/FINAL ADOPTION

The Board approved the Final Adoption Section 4101.34 requiring each harness track to have present in the public area an emergency medical technician and an ambulance certified by the New York State Department of Health. The existing requirement of a physician is replaced by the EMT, unless otherwise required by the New York State Department of Health regulations.

15. NYCOTBC/TO AMEND THEIR SIMULCAST PLAN OF OPERATION

The Board approved the request by New York City Off-Track Betting Corporation to amend their simulcast plan of operation by approving Modification No. 3 to the March 1987 contract between NYCOTBC and Marvin H. Sugarman Productions, Inc.

The 1987 contract (on file in the Secretary's office) will expire on May 30, 1993.