

**MINUTES OF THE**  
**BOARD MEETING OF**  
**MARCH 30, 1995**

A Meeting of the New York State Racing and Wagering Board was held on Thursday, March 30, 1995, at the Board office located at 120 Broadway, New York, 10271.

**IN ATTENDANCE WERE:**

John Dailey, Acting Chairman

Joseph P. Neglia, Member

Bennett Liebman, Member

Victor A. Coccoziello, Research Associate

Herman Kluge, Director of Audits, Investigations & Licensing

Edmund Leary, Assistant Chief of Audits & Investigations

Arthur Schechter, Chief of Audits & Investigations

Robert Feuerstein, Counsel

Felix Hester, Assistant Counsel

Eileen Clarke-Brady, Assistant Chief of OTB Operations

Brian Barry, Assistant Chief of Racing Operations

Theodore Garrison, Director of Wagering

Andrea Mercado, Assistant Counsel

George D. Dranichak, Director of Racing Officials

Ronald S. Sommer, Chief of Administrative Services

Frank Massimo, Manager of Licensing

Thomas C. Davide, Secretary to the Board

**"MINUTES OF THE"**  
**BOARD MEETING HELD ON**  
**MARCH 30, 1995**  
**FOR THE N.Y.S. RACING & WAGERING BOARD**

**B. ITEMS PREVIOUSLY APPROVED BY THE CHAIRMAN**

1. **NYRA/AGREEMENT WITH CAPITAL REGIONAL  
OFF-TRACK BETTING CORPORATION FOR NYRA  
SIMULCASTS INTO PRIVATE RESIDENCES PURSUANT  
TO SECTION 1003 (1) OF THE RACING, PARI-MUTUEL  
WAGERING AND BREEDING LAW**

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association for approval of an agreement with Capital Regional Off-Track Betting Corporation, to simulcast into private residences within the Capital region via basic-like tier cable system, in accordance with provisions set forth in Section 1003(1) of the Racing, Pari-Mutuel Wagering and Breeding Law and Board Rule 4004.5.

2. **YONKERS RACEWAY/EXOTIC WAGERS COMBINING  
YONKERS RACEWAY & FREEHOLD RACES STARTING  
ON TUESDAY, FEBRUARY 21, 1995**

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to offer Pick 4 and Pick 8 wagering (with a carry over) combining races from Yonkers Raceway and Freehold starting Tuesday, February 21, 1995. These pari-mutuel pools will be interfaced in New Jersey and will be governed by pari-mutuel rules in effect in that jurisdiction.

3. **CDROTBC/TO APPOINT MR. JAMES A. ROCCI &  
MR. FRANK P. GRAZIANO AS CONCESSIONAIRES AT  
ITS NEWLY ESTABLISHED SIMULCAST BRANCH IN  
WHITESBORO**

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to appoint Mr. James A. Rocci and Mr. Frank P. Graziano as Concessionaires at their newly established simulcast branch at 16 Main Street, Whitesboro. This approval is conditioned upon a satisfactory return of Mr. Rocci and Mr. Graziano fingerprint cards.

4. **NYRA/ADDENDUM TO ROSTER OF RACING OFFICIALS**  
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association the amendment to the 1995 Roster of Racing Officials as outlined in their request dated February 24, 1995, pursuant to Board rule 4005.1.
5. **NYRA/AGREEMENT WITH NYCOTBC FOR NYRA SIMULCASTS INTO PRIVATE RESIDENCES PURSUANT TO SECTION 1005 (1) OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW**  
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association pursuant to an agreement with New York City Off-Track Betting Corporation, to simulcast into private residences within the New York City region via basic-like tier cable system, in accordance with provisions set forth in Section 1003(1) of the Racing, Pari-Mutuel Wagering and Breeding Law and Board rule 4004.5.  
This approval is conditioned on weekly reports on handle comparisons and telephone activity -- to be submitted by Thursday of the following week.
6. **SARATOGA HARNESS/PROMOTION**  
For entry into the minutes, the Chairman's prior approval of a request by Saratoga Harness to conduct a free pass promotion on Friday, March 3, 1995, which will allow patrons admission to either harness or simulcasting events for the remainder of 1995.
7. **NYRA/\$25,000 HANDICAPPER'S CHALLENGE (APRIL 22ND AND 23RD)**  
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to offer free admission to 60 participants to compete in the finals of the \$25,000 Handicapper's Challenge to be held on April 22nd and 23rd.
8. **FLRA/AMERICAN TELETIMER CORP., TELETIMER PHOTO FINISH**  
For entry into the minutes, the Chairman's prior approval of a request by Finger Lakes Racing Association the proposed agreement dated March 2, 1995 with American Teletimer Corp. to use their Teletimer MacFinish photo finish equipment at Finger Lakes Race Track.

9. **FINGER LAKES SIMULCAST CONTRACT WITH BUFFALO RACING ASSOCIATION**  
For entry into the minutes, the Chairman's prior approval of a request by Finger Lakes Racing Association to simulcast their races to Buffalo Raceway pursuant to the contract submitted with your letter of March 17, 1995.
10. **FINGER LAKES SIMULCAST CONTRACT WITH MONTICELLO RACEWAY**  
For entry into the minutes, the Chairman's prior approval of a request by Finger Lakes to simulcast their races to Monticello Raceway pursuant to the contract submitted with their letter of March 17, 1995.
11. **NYRA/SPECIAL INTEREST SIMULCAST - OAKLAWN HANDICAP**  
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to simulcast the Oaklawn Handicap on April 15, 1995.
12. **FINGER LAKES/ATLANTIC CITY CASINOS**  
For entry into the minutes, the Chairman's prior approval of a request by Finger Lakes Racing Association for approval of an Agreement between Finger Lakes and Trump's Castle for simulcasting of the 1995 live racing season.

**C. ITEMS APPROVED BY THE BOARD**

1. **FLRA/CAPITAL IMPROVEMENT FUND REQUEST**  
The Board approved the request by Finger Lakes Racing Association to withdraw \$335,000 from the Capital Improvement Fund for by application dated March 9, 1995 for the following items:
 

Infield tote and Message Board	\$200,000
Manure Bins and Roll-Off Truck	<u>135,000</u>
<b>TOTAL -</b>	<b>\$335,000</b>

The approval is for a preliminary withdrawal subject to the later submission of the vendor bills and check payments for Board review.

**D. BOARD DETERMINATION**

1. **MONTICELLO RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED FEBRUARY 9, 1995 REQUESTING \$26,068.35**

The Board approved the request by Monticello Raceway to withdraw \$26,068.35 from the Capital Improvement Fund for the following items:

New Underground Wiring For Infield Lighting	\$22,093.30
Photocopier for Race Office	<u>3,975.05</u>
	<b>\$26,068.35</b>

The approval is on a preliminary basis subject to a later audit.

2. **MONTICELLO RACEWAY/ADVERTISING & PROMOTION EXPENDITURES**

The Board approved the request by Monticello Raceway to withdraw \$11,612.17 from the Capital Improvement Fund for advertising and promotion expenses for 1994.

3. **BUFFALO RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED FEBRUARY 22, 1995 REQUESTING \$13,972.85**

The Board approved the request by Buffalo Raceway to withdraw \$13,972.85 from the Capital Improvement Fund for the following capital improvements:

Am Tote Computer Capability for Tax Dept. Data	\$11,000.00
Renovation of Veterinarian Office	1,889.82
Marketing Software for Computer	948.00
Connectors for Audio Video Equip.	<u>135.03</u>
TOTAL -	<b>\$13,972.85</b>

The approval is on a preliminary basis subject to a later audit.

4. **HEARING OFFICER REPORT/IN THE MATTER OF CATARINO TEODORO**

The Board approved the Hearing Officers' recommendation that Mr. Teodoro remain suspended pending satisfactory completion of a recognized substance abuse program with waiver of confidentiality authorizing disclosure of the programs diagnosis, evaluation and prognosis to the Board, and that he test negative.

5. **HEARING OFFICER REPORT/IN THE MATTER OF CHRISTOPHER ENGELHART**

The Board approved the Hearing Officer's recommendation that Mr. Engelhart be suspended for violation of the Board's equine drug rules but modified the penalty to be twenty days.

6. **HEARING OFFICER REPORT/IN THE MATTERS OF DEBRA GAMPIETRO AND LOUIS RUSSO**

The Board approved the Hearing Officers' recommendation that Ms Gampietro is not culpable. Mr. Russo is to be issued a penalty of 30 days as imposed by the Board based upon his provision of false information.

7. **HEARING OFFICER REPORT/IN THE MATTER OF GERALD HADE**

The Board approved the Hearing Officers' recommendation that the appeal of Gerald Hade be dismissed.

8. **MARCH 15, 1995 AGREEMENT BETWEEN THE NYRA AND THE NYHBPA**

THIS ITEM IS DEFERRED.

9. **DESIGNATION OF HEARING OFFICERS**

The Board approved the designation of Member Bennett Liebman and Member Joseph P. Neglia for purposes of indefinite general referral of cases for hearing pursuant to Articles 2, 3, 5, and 10 of the Racing, Pari-Mutuel Wagering and Breeding Law. This designation will allow either Board Member to preside over administrative matters as hearing officer. A Board Order reflecting this designation is on file in the Secretary's Office.