

**MINUTES OF THE  
BOARD MEETING  
OF AUGUST 8, 1995**

**A Meeting of the New York State Racing and Wagering Board was held on Tuesday, August 8, 1995, at the Board office located at 1 Empire State Plaza, Suite 1201, Albany, New York 12223.**

**IN ATTENDANCE WERE:**

**Jerry Bilinski, DVM,, Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
James Gallagher, Special Assistant to Chairman  
Robert A. Feuerstein, Counsel  
Donna M. Ross, Secretary to the Board  
Arthur Schechter, Chief of Audits & Investigations  
Gale Berg, Assistant Counsel  
Eileen Clarke-Brady, Assistant Chief of OTB Operations**

**"MINUTES"**  
**BOARD MEETING HELD IN ALBANY ON**  
**TUESDAY, AUGUST 8, 1995 - 10:30 A.M.**  
**FOR THE N.Y.S. RACING & WAGERING BOARD**

**MEETING ADJOURNED AT 12:05 P.M.**

**A. THE BOARD APPROVED THE MINUTES OF BOARD MEETING**  
**HELD ON THURSDAY, JUNE 29, 1995.**

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

1. **EXTENSION OF AN APPRENTICE JOCKEY ALLOWANCE FOR RAMON PEREZ**

For entry into the minutes, the Chairman's prior approval of the Stewards at the New York Racing Association requesting an extension of Ramon Perez's jockey allowance for two (2) days due to inclement weather. His apprenticeship, which was to expire on July 6, 1995, will now be extended to July 8, 1995.

2. **YONKERS RACEWAY - ALL TRIPLE CARD ON MONDAY, JULY 3, 1995 AND JULY 10, 1995**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to conduct all trifecta cards on Monday, July 3 and Monday, July 10, 1995.

3. **YONKERS RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to amend the racing schedule to include Wednesday evenings beginning July 5, 1995. Post time will be 8:00 p.m.

4. **FINGER LAKES - SIMULCAST OF THE FINGER LAKES BUDWEISER BREEDERS' CUP ON JULY 4, 1995**

For entry into the minutes, the Chairman's prior approval of request by Finger Lakes Racetrack to simulcast the Finger Lakes-Breeders' Cup on Tuesday, July 4, 1995 to the following sites:

New York Racing Association, Delaware Park, L'Hippodrome de Montreal, Windsor Raceway and Rockingham Park.

5. **NYRA - ADDITIONS TO THE ROSTER OF RACING OFFICIALS**

For entry into the minutes, the Chairman's prior approval of request by the New York Racing Association add Howard L. Battle as Saratoga Racing Secretary and Handicapper, and David B. Huffman as a racing Official (placing or paddock judge) pursuant to Board rule 4005.1.

6. **BATAVIA DOWNS - CAPITAL IMPROVEMENT**

For entry into the minutes, the Chairman's prior approval of request by Batavia Downs Raceway to withdraw \$29,960 from the Capital Improvement Fund for the new heating and air conditioning equipment in the simulcast area. This is in addition to the \$30,000 withdrawal for the same project approved on May 15, 1995.

7. **NYRA - ADDITIONAL RACES OF SPECIAL INTEREST**

For entry into the minutes, the Chairman's prior approval of request by the New York Racing Association to add the Salvatore Mile from Monmouth Park on July 29, 1995 and the Arlington Handicap from Arlington International on August 6, 1995 to those races designated as special events.

8. **VERNON DOWNS - TRIFECTA CARDS**

For entry into the minutes, the Chairman's prior approval of request by Vernon Downs Raceway to conduct an all Trifecta Card (excluding race nine, which has only five entries) on Saturday, July 15, 1995.

9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO OFFER A HANDICAPPING TOURNAMENT FROM JULY 21 THROUGH AUGUST 28, 1995 PURSUANT TO SECTION 908 OF THE RACING, Pari-Mutuel WAGERING AND BREEDING LAW**

For entry into the minutes, the Chairman's prior approval of request by Capital District Regional Off-Track Betting Corporation (CDROTBC) to conduct a handicapping tournament beginning July 21, 1995 through August 28, 1995 (the NYRA Saratoga Meet) pursuant to Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law. The tournament will take place every day of the Saratoga Meet at CDROTBC's Teletheater, 711 Central Avenue, Albany, New York. Consistent with Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law, CDROTBC is charging \$10.00 per play each and every day and will use all payments as prize money.

10. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION TO APPROVE A PROMOTIONAL CAMPAIGN IN THREE OF ITS BRANCHES**

For entry into the minutes, the Chairman's prior approval of request by Suffolk Regional Off-Track Betting Corporation (SROTBC) to offer a free, random select, voucher promotional campaign in three (3) of its branches namely: Hauppauge, Centerreach and Bay Shore. SROTBC will begin this promotion on Monday, July 24, 1995 in its regular Hauppauge branch. The week of July 31st, the promotion will take place in its Centerreach branch and during the week of August 7th, in its Bay Shore branch.

11. **BATAVIA DOWNS - CAPITAL IMPROVEMENT**

For entry into the minutes, the Chairman's prior approval of request by Batavia Downs Raceway to withdraw \$7,730.64 for a new office copier. The present machine is not working and there is a need for immediate replacement. The total price for the equipment including installation is indicated to be \$7,730.64, of which 1/3 - \$2,576.88 is a down payment, and two \$2,576.88 payments are due at later dates.

12. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO OFFER A FREE \$2.00 VOUCHER AT THE SCOREBOARD IN THE TELEBRANCH DURING THE SARATOGA MEET**

For entry into the minutes, the Chairman's prior approval of request by Capital District Regional Off-Track Betting Corporation (CDROTBC) to offer a free \$2.00 Daily Double bet voucher every Thursday with the purchase of a lunch at The Scoreboard in CDROTBC's Telebranch. The promotion is to commence on July 27, 1995 and will be in effect every Thursday during the 1995 Saratoga NYRA Meet. There is no admission charge at The Scoreboard on Thursdays.

13. **YONKERS RACEWAY - SIMULCAST AGREEMENT WITH NEVADA PARI-MUTUEL ASSOCIATION**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to simulcast races to as many as 39 licensed Pari-Mutuel race books in hotels and casinos (currently 21 sites) in Nevada via the Las Vegas Dissemination Company. The term of this agreement has been amended from what appears in the letter of request. The contract when executed and approved by the respective regulatory authorities will continue through September 30, 1995. Yonkers Raceway will receive \$500 per day for those simulcasts of which the horsemen will receive half. The process whereby the bets will be interfaced at Yonkers are similar to the protocol (approved by the Board on April 19, 1995) in place at NYRA with Las Vegas Disseminator Company, with certain conditions.

14. **MONTICELLO RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to amend the racing schedule for the month of August as follows:

Add: Wednesdays, August 2nd, 9th, 16th, 23rd and 30th, 1995

Post Time - 7:30 p.m.

15. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION AND CLOSE TWO BRANCH OFFICES: BETHPAGE AND NORTH BALDWIN**

For entry into the minutes, the Chairman's prior approval of request by Nassau Regional Off-Track Betting Corporation to amend its Plan of Operation to close two branch offices: Bethpage - 940 Broadway, Bethpage and North Baldwin - 1211 Grand Avenue, Baldwin.

**C. ITEMS APPROVED BY THE BOARD**

1. **SUMMARY SUSPENSION/THOROUGHBRED JOCKEY/DARREN R. MUINO**

The Board approved Counsel's recommendation to summarily suspend Darren R. Muino immediately upon a finding by the Board that the public safety and welfare imperatively require this emergency action.

2. **NYRA - NEVADA Pari-Mutuel BOOK CONTRACT**

The Board approved a request by the New York Racing Association (NYRA) for contract with the Las Vegas Disseminator Company, Inc. to simulcast NYRA races to the Nevada Pari-Mutuel Race Books with certain conditions.

**D. FOR BOARD DETERMINATION**

1. **FINGER LAKES - LICENSE AMENDMENT**

The Board approved a request by Finger Lakes Racetrack to amend the racing schedule as follows:

**Add:** Wednesday, October 11, 1995 (Post Time 1:15 p.m.)  
Mondays, November 6, 13, 20 and 27, 1995 (Post Time 11:30 a.m.)  
**Delete:** Fridays, November 10, 17 and 24, 1995

Additionally, the Board approved the request to change post times to 12:00 p.m. on Sundays, beginning October 29, 1995. The Board also approved post time changes to 12:30 p.m. on Mondays, October 2, 16 and 23, 1995.

2. **NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. - AMENDMENT TO ITS BY-LAWS**

The Board approved the amendments to the By-Laws of the Jockey Injury Compensation Fund, Inc. (NYJICF), as set forth in its letter dated June 19, 1995. In addition, the Board approved the amendment to Article VIII, Section 3 to delete "equal" in the phrase "the additional equal sums necessary...", conditioned upon receipt of proof of adoption of this change by the NYJICF's Board of Directors. Such proof has been received in the form of Managing Director Gail Gray's letter dated August 21, 1995.

3. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT A NEW DIRECTOR, MR. JOHN P. DINUZZO, AS DIRECTOR OF ALBANY COUNTY**

The Board approved the request by Capital District Regional Off-Track Betting Corporation to amend its Plan of Operation and appoint Mr. John P. Dinuzzo as Director of Albany County conditioned upon a satisfactory return of his fingerprint cards.

4. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT A NEW DIRECTOR, MR. JOHN T. O'NEILL, AS DIRECTOR OF WARREN COUNTY**

The Board approved the request by the Capital District Regional Off-Track Betting Corporation to amend its Plan of Operation and appoint Mr. John T. O'Neill as Director of Warren County.

5. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND APPROVE ITS APPLICATION FOR THIRTEEN (13) SIMULCAST FACILITY LICENSES**

The Board approved the request by Suffolk Regional Off-Track Betting Corporation (SROTBC) of its Simulcast Plan of Operation for 1995-1996 and its application for thirteen (13) Simulcast Facility Licenses conditioned upon receipt of documentation from the Suffolk County Fire Marshall's Office, that each simulcast facility has been inspected and is in compliance with the New York State Uniform Fire and Building Code. SROTBC has 90 days, from August 28, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.

6. **BATAVIA DOWNS - CAPITAL IMPROVEMENTS**

The Board approved the request by Batavia Downs Raceway for permission to withdraw \$5,634.15 from the Capital Improvement Fund for the following items:

New Stone Road Trailer Park Area	\$3,940.00
New Transmission for 1987 Chevy 4x4	788.40
Two Coffee Urns - Simulcast Room	190.46
Public Address System - Simulcast Room	324.22
Pressure Regulator Heater - Simulcast Room	211.79
Toilet Bowl Activation - Simulcast Room	30.24
Safety Glass Grandstand Door	<u>149.04</u>
	<u>\$5,634.15</u>

The approval of the \$5,634.15 requested is subject to later audit and the loan provisions of Section 319.

7. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND ITS APPLICATION FOR FIFTEEN (15) SIMULCAST FACILITY LICENSES**

The Board approved the request by Nassau Regional Off-Track Betting Corporation (NROTBC) of its Simulcast Plan of Operation for 1995-1996 and its application for fifteen (15) Simulcast Facility Licenses conditioned upon receipt of written confirmation from an appropriate local official, pursuant to Section 1003(2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law for its simulcast branches in North Lawrence and Garden City Park. NROTBC has 90 days, from August 25, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.

8. **HEARING OFFICER REPORT/IN THE MATTER OF ART MADRID, JR.**

The Board confirmed the Hearing Officer's recommendation that jockey Art Madrid, Jr., be found guilty of violating Board rule 4035.2 and that the ten day suspension be confirmed.

9. **HEARING OFFICER REPORT/IN THE MATTER OF GLENN A. MACARTNEY**  
The Board confirmed the Hearing Officer's recommendation that Glenn A. Macartney's license as a harness groom be revoked.
10. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION TO APPROVE ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND ITS APPLICATION FOR FORTY-SEVEN (47) SIMULCAST FACILITY LICENSES (INCLUDING ONE SIMULCAST THEATER)**  
The Board approved the request by Western Regional Off-Track Betting Corporation (WROTBC) of its Simulcast Plan of Operation for 1995-96 and its application for forty-seven (47) Simulcast Facility Licenses (Including one Simulcast Theater) conditioned upon receipt of documentation that each simulcast facility is in compliance with the New York State Uniform Fire and Building Code. WROTBC has 90 days, from August 30, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.
11. **NEW YORK CITY OFF-TRACK BETTING CORPORATION TO APPROVE ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND ITS APPLICATION FOR 72 SIMULCAST FACILITY LICENSES (INCLUDING THREE (3) SIMULCAST THEATERS)**  
The Board approved the request by New York City Off-Track Betting Corporation (NYCOTBC) of its Simulcast Plan of Operation for 1995-1996 and its application for seventy-two (72) Simulcast Facility Licenses (including three (3) Simulcast Theaters). This approval is conditioned upon: (a) Receipt of written confirmation from an appropriate local official, pursuant to Section 1003(2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law for the twenty-one (21) new simulcast facilities, and (b) receipt of documentation that each of the 72 simulcast facilities are in compliance with the New York State Uniform Fire and Building Code. NYCOTBC has 90 days, from August 30, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.
12. **APPLICATION OF BATAVIA DOWNS RACEWAY FOR A 1995-1996 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Batavia Downs Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1995 through and inclusive of June 30, 1996.
13. **APPLICATION OF BUFFALO RACEWAY FOR A 1995-96 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Buffalo Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1995 through and inclusive of June 30, 1996.

14. **APPLICATION OF MONTICELLO RACEWAY FOR A 1995-96 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Monticello Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting for the period of July 1, 1995 through and inclusive of June 30, 1996.
15. **APPLICATION OF SARATOGA RACEWAY FOR A 1995-96 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application of Saratoga Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1995 through and inclusive of June 30, 1996.
16. **APPLICATION OF VERNON DOWNS RACEWAY FOR A 1995-1996 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Vernon Downs Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1995 through and inclusive of June 30, 1996.
17. **APPLICATION OF YONKERS RACEWAY FOR A 1995-96 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Yonkers Raceway for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1995 through and inclusive of June 30, 1996.
18. **APPLICATION OF FINGER LAKES RACETRACK FOR A 1995-96 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**  
The Board approved the application by Finger Lakes Racetrack for a 1995-96 Simulcast Facility License together with a Simulcast Plan of Operation for track-to-track simulcasting of races for the period of July 1, 1995 through and inclusive of June 30, 1996.
19. **NEW YORK RACING ASSOCIATION - 1995 SARATOGA RACE COURSE SIMULCAST TO AQUEDUCT RACETRACK**  
The Board approved the request by the New York Racing Association, Inc. (NYRA) of its Simulcast Plan of Operation for 1995-96, together with NYRA's application for a Simulcast Facility License for Aqueduct Racetrack during the Saratoga Race Meeting.



20. **APPLICATION OF CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION FOR ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND ITS APPLICATION FOR TWENTY-TWO (22) SIMULCAST FACILITY LICENSES (INCLUDING ONE SIMULCAST THEATER)**

The Board approved the request of Catskill Regional Off-Track Betting Corporation (CROTBC) of its Simulcast Plan of Operation for 1995-1996 and its application for twenty-two (22) Simulcast Facility Licenses (including one Simulcast Theater). This approval is conditioned upon documentation from each jurisdiction within the corporation that each simulcast facility has been inspected and is in compliance with the New York State Uniform Fire and Building Code. CROTBC has 90 days, from August 29, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.

21. **NEW YORK RACING ASSOCIATION - AMENDMENT TO THE ROSTER OF RACING OFFICIALS**

The Board approved the request of the New York Racing Association, Inc. to amend its roster of racing officials and add Mike Lakow as Racing Secretary and Handicapper for Belmont and Aqueduct Racetracks.

22. **NEW YORK RACING ASSOCIATION - AMENDMENT TO RACING SCHEDULE**

The Board approved the request of the New York Racing Association, Inc. to amend its 1995 racing schedule beginning Friday, September 1, 1995 through Sunday, October 29, 1995, six days racing (dark Tuesdays), and beginning Monday, October 30, 1995 through Sunday, December 31, 1995, five days racing (dark Mondays and Tuesdays).

23. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO APPROVE ITS SIMULCAST PLAN OF OPERATION FOR 1995-96 AND ITS APPLICATION FOR 49 SIMULCAST FACILITY LICENSES INCLUDING ONE SIMULCAST THEATER AND ONE SPECIAL DEMONSTRATION PROJECT**

The Board approved the request of Capital District Regional Off-Track Betting Corporation (CDROTBC) of its Simulcast Plan of Operation for 1995-96 and its application for forty-nine (49) Simulcast Facility Licenses including one Simulcast Theater and one Special Demonstration Project conditioned upon receipt of documentation that each simulcast facility has been inspected and is in compliance with the New York State Uniform Fire and Building Code. CDROTBC has 90 days, from August 29, 1995, to meet the above conditions. Failure to adhere to these conditions may result in disciplinary actions including fines and license suspensions pursuant to Section 1005 of the Racing, Pari-Mutuel Wagering and Breeding Law.

24. **BATAVIA DOWNS - CAPITAL IMPROVEMENTS**

The Board approved the request of Batavia Downs Raceway to withdraw \$12,203.73 from the Capital Improvement Fund for the following items:

Two Computers and Accessories	\$ 7,239.27
Twelve 25" RCA Televisions	4,354.56
Foam Pylons for Racing Oval	<u>609.90</u>
	<u>\$12,203.73</u>

The approval of the \$12,203.73 requested is subject to later audit and the loan provisions of Section 319.

25. **FINGER LAKES - CAPITAL IMPROVEMENTS**

The Board approved the request of Finger Lakes Racetrack to withdraw \$10,245.62 from the Capital Improvement Fund for the following items:

Computer and Printer for Audio/Visual Supervisor	\$ 2,198.29
Computer for Asst. to Group Sales Director	1,671.96
Panasonic Fax Machine for Publicity	2,470.63
Three Chairs for TV Control Room and Supervisor	<u>971.97</u>
Sub-Total (Office Equipment)	7,312.85
Blacktop Sealer-Entrances and Track Entrances	1,969.92
Split Rail Fencing at Entrances	<u>962.85</u>
	<u>\$10,245.62</u>

The approval of the \$10,245.62 requested is subject to later audit and the loan provisions of Section 228-a.

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

The Board, with Member Neglia dissenting, approved the March 15, 1995 Agreement between the New York Horsemen's Benevolent and Protective Association, Inc. (NYHBPA) and the New York Racing Association, Inc. (NYRA) conditioned upon the following:

1. Agreement and conditions of approval to be posted in the entry room (on glass enclosed bulletin board) at each NYRA track for the duration of its term;
2. Written representation from the NYHBPA that
  - (a) it shall determine the list of qualified owners entitled to the one percent monies in good faith and using its best efforts;
  - (b) it shall file such list, including amounts owed, with the Racing and Wagering Board;
  - (c) it shall notify qualified owners of the amount of money owed and provide each with a form to be returned in which the owner elects to contribute the money to the NYHBPA or chooses to receive the monies. A non response shall not be deemed to be a contribution;
  - (d) it shall provide quarterly status reports to the Racing and Wagering Board;

(e) it shall maintain a complete list of forms setting forth the choice of owners and any other correspondence for inspection by the Board, including letters and/or postcards addressed but returned for reasons such as "addressee unknown", "moved, no forwarding address";

(f) it shall promptly provide a list of names and request addresses from the Racing and Wagering Board for such individuals who cannot be located and if necessary, of individuals other than the managing owner;

(g) it shall notify the Board of the location of the escrow account and of any changes;

(h) it shall, notwithstanding the term of one year set forth in the Agreement, make available monies for refund to owners who seek payment of the 1%, at any time within a period not less than three (3) years from the date the escrow account is funded;

(i) it shall provide an accounting of the funds when the escrow is terminated and at the end of the three year period set forth in (h) above, at which time it will request the Board's determination as to disposition of "unclaimed funds"; and

(j) it shall provide to the Board for review and approval, a representative letter to be sent to the owners, prior to the mailing to the qualified owners.

3. The NYHBPA will discontinue the litigation which challenged the Board's February 22, 1993 and February 24, 1994 Findings and Orders.

4. Upon request to the NYRA and/or the NYHBPA, the Empire State Thoroughbred Horsemen's Association (ESTHA) will be provided access to a duplicate copy of the relevant lists of owners and addresses for the purpose of sending a separate letter to those owners. The expense of such mailing and the cost of the copies of the duplicate lists, is to be borne by the ESTHA. The NYHBPA will provide the Board with written consent to these conditions and the model letters to sent to the owners. Thereafter, the Board will execute an Order authorizing the transfer of monies subject to the Agreement and conditions established by the Board. The consent and model letter, as well as any questions, should be forwarded to the Board's Counsel.

Chairman Bilinski represented that in the event any monies were payable to him as an owner for the relevant meetings, he would donate the monies to the fund for disabled jockeys.

27. **NYRA - SIMULCAST AGREEMENT WITH NEVADA PARI-MUTUEL ASSOCIATION**

The Board approved the request of the New York Racing Association (NYRA), Inc. for the continuation of the contract with the Nevada Pari-Mutuel Racebooks for the Belmont Fall Meeting, which runs from September 1, 1995 through October 29, 1995. The current daily compensation rate is \$12,000 for the period of July 21, 1995 through August 28, 1995, and may be adjusted slightly for the Belmont Fall Meeting. No other charges in the contract are approved. Also, the contract is subject to the following conditions which will apply to the disseminator (Las Vegas Dissemination Company, Inc.): The disseminator will arrange with the NYRA to have available a fax machine at the NYRA to receive an immediate fax copy of the matrix of any pool which is to be transmitted to the NYRA after its closing time pursuant to paragraph 10 of the contract; such fax copy will be independently time certified by the fax machine in the control of the NYRA to reflect that such wagering information as will be transmitted to the NYRA

was, in fact, in the possession of the disseminator before the race started at the NYRA track, a copy of such fax (and time certificate) will be transmitted by the NYRA to this Board and the Nevada Gaming Control Board by the end of the day. No wagers will be merged after the start of the race unless such evidence has been received.

28. **RULE FOR THE RACE DAY ADMINISTRATION OF FUROSEMIDE**

The Board approved the adoption of the proposed rule amendments authorizing the race day administration of furosemide, to be effective September 1, 1995.

29. **BATAVIA DOWNS - CAPITAL IMPROVEMENTS**

The Board approved the request of Batavia Downs Raceway to withdraw \$13,500 from the Capital Improvement Fund to purchase the photo finish and timing equipment from the companies previously providing such services, and copies of the checks for the balance are to be submitted to the Racing and Wagering Board when paid. The approval of the \$13,500 requested is preliminary and subject to later audit.

30. **HEARING OFFICER REPORT/IN THE MATTER OF RAUL SANCHEZ**

The Board confirmed the Hearing Officer's recommendation that Raul Sanchez' license as a thoroughbred trainer be suspended for fifteen (15) months (with credit for time served since February 13, 1995) and imposed a fine in the amount of \$2,500.00.

31. **NYRA - DISTRIBUTION OF DECODERS**

The Board approved, pursuant to Board rule 4004.6, the New York Racing Association's (NYRA) request to lease B-MAC decoders to owners who reside out-of-state in order that they may receive the NYRA encrypted racing program for entertainment purposes or in conjunction with wagering through licensed pari-mutuel facilities. This approval is conditioned upon the following conditions:

- 1) That NYRA distributes decoders to licensed out-of-state owners who sign the NYRA affidavit; and
- 2) Only to those jurisdictions which authorize Pari-Mutuel wagering; and
- 3) In each and every instance, NYRA will make a specific request to the Board prior to the issuance of a B-MAC decoder.

32. **HEARING OFFICER REPORT/IN THE MATTER OF TIMOTHY LANPHER**

The Board confirmed the Hearing Officer's recommendation that Timothy Lanpher, a harness trainer and driver, be found guilty of violating Board rules 4117.4(k) and 4117.4(l) and that the eight day suspension be confirmed.