

**MINUTES OF THE
BOARD MEETING
OF December 28, 1995**

A Meeting of the New York State Racing and Wagering Board was held on Thursday, December 28, 1995, at the Board offices located at 120 Broadway, 13th Floor, New York, New York 10271.

IN ATTENDANCE WERE:

Jerry Bilinski, DVM, Chairman
Joseph P. Neglia, Member
Bennett Liebman, Member
Donna M. Ross, Secretary to the Board
James Gallagher, Special Assistant to Chairman
Robert A. Feuerstein, Chief Counsel
Eileen Clarke-Brady
Frank Massimo, Manager of Licensing
Arthur Schechter, Chief of Audits and Investigation

"MINUTES"
BOARD MEETING HELD IN NEW YORK CITY
THURSDAY, DECEMBER 28, 1995 - 9:30 A.M.
N.Y.S. RACING & WAGERING BOARD

**A. THE BOARD APPROVED THE MINUTES OF BOARD MEETING
HELD IN ALBANY ON WEDNESDAY, NOVEMBER 29, 1995**

**B. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED
BY THE CHAIRMAN**

1. **MONTICELLO RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior denial of request by Monticello Raceway for permission to amend their racing schedule as follows:

Add: Additional racing days during the month of December, 1995, specifically, December 4, 11 and 18.

This request was denied on the basis that there was no authorization for the conduct of harness racing upon the anticipated transfer of ownership as of December 1, 1995. This denial was without prejudice to reconsideration in the event authorization to conduct harness racing is granted or that the transfer does not occur.

2. **FINGER LAKES RACING ASSOCIATION, INC. - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Finger Lakes Racing Association, Inc. to amend their racing schedule as follows:

Add: Saturday, December 9 - 10 race card
Sunday, December 10 - 10 race card
Monday, December 11 - 11 race card
Tuesday, December 12 - 11 race card

3. **YONKERS RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway of November 28, 1995 to offer free general admission and free general parking during the month of December.

4. **MONTICELLO RACEWAY - LICENSE AMENDMENT**

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

Add: Additional racing days during the month of December, 1995, specifically, December 6, 13, 20 and 27.

This request was denied on the basis that there was no authorization for the conduct of harness racing upon the anticipated transfer of ownership as of December 6, 1995.

4. **MONTICELLO (CONT.)**
This denial was without prejudice to reconsideration in the event authorization to conduct harness racing is granted or that the transfer does not occur.
5. **MONTICELLO RACEWAY - LICENSE AMENDMENT**
For entry into the minutes, the Chairman's prior approval of the request by Monticello Raceway for permission to amend their racing schedule to add Mondays, December 11 and 18, 1995.
This approval was issued in reliance on the representation that the closing of title and transfer of Monticello Raceway have been adjourned indefinitely beyond those dates.
6. **NYRA REQUEST TO CONDUCT PARI-MUTUEL WAGERING ON THE DAILY RACE FORM'S AMATEUR RACE**
For entry into the minutes, the Chairman's prior approval of the request by NYRA to conduct part-mutuel wagering (win, place, show and exacta only) on the Daily Racing Form's Amateur Race to be held Sunday, December 10, 1995.
7. **NYRA REQUEST - STEVENSON AND ASSOCIATES, INC. NEW RACE BOOK OUTLET**
For entry into the minutes, the Chairman's prior approval of the request by NYRA for approval of new betting shop for simulcasting pursuant to NYRA's agreement with Stevenson and Associates:
Happy Valley Racing Center
On Prakash - Diamond Towers
Marhill Street
Bridgetown, Barbados
8. **MONTICELLO REQUEST - POST TIME CHANGE**
For entry into the minutes, the Chairman's prior approval of the request by Monticello Raceway to change the post time on Sunday, December 24, 1995 to 1:00 p.m.
Approval was issued to change post time to 1:05 p.m. pursuant to New York State General Business Law Section 7.
9. **YONKERS REQUEST - LICENSE AMENDMENT**
For entry into the minutes, the Chairman's prior approval of the request by Yonkers Raceway to amend its racing schedule to add Wednesdays, December 13, 20 and 27, 1995 to its racing schedule due to an increased horse population.
10. **NYRA REQUEST - FREE GRANDSTAND ADMISSION OR \$1.00 OFF CLUBHOUSE ADMISSION ON SATURDAY, DECEMBER 16, 1995**
For entry into the minutes, the Chairman's prior approval of the request by the NYRA to offer free Grandstand admission or \$1.00 off Clubhouse admission on Saturday, December 16, 1995.

11. **NYRA REQUEST - JANUARY SIMULCAST SCHEDULE**

-BLANKET APPROVAL FOR ALL SIMILAR REQUESTS FOR 1996

For entry into the minutes, the Chairman's approval of the request by the NYRA for approval for the simulcast and acceptance of wagers on various NYRA races for the month of January and blanket approval for 1996 transmission of races to out-of-state wagering outlets subject to the following conditions:

- 1) Consent of the out-of-state racing commission or regulatory authority.
- 2) Advance notice to the Board with a detailed list of dates, outlets, merged and non-merged pool wagering, if any, and specific rates of compensation.

**C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED
BY THE BOARD**

1. **NYRA - NEVADA PARI-MUTUEL BOOK CONTRACT**

For entry into the minutes, the Board's prior approval of the request by the NYRA for the Las Vegas Dissemination Company, Inc. to continue simulcasting NYRA races from January 1 through April 28, 1996 with the following conditions:

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 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.

D. FOR BOARD DETERMINATION

1. **NYCOTB REQUEST TO AMEND ITS PLAN OF OPERATION BY APPROVING
THE FOLLOWING PERSONS AS OFFICERS OF THE CORPORATION**

The Board approved the request of New York City Off-Track Betting Corporation to amend its Plan of Operation by approving the following persons as officers of the Corporation:

- Luther Jones, Vice President of Branch Operations
- Cynthia Smith, Assistant Vice President
- Richard Labriola, Vice President of Telephone Betting
and Customer Service

*Note, President Alex Sherman was submitted by NYCOTBC but has already been conditionally approved by the Board.

2. **HEARING OFFICER REPORT / IN THE MATTER OF BRUCE ALEXANDER**

Bruce Alexander, a thoroughbred trainer, was issued a \$200 fine by the Stewards at Finger Lakes Race Track, for failure to adhere to the Board's claiming rules.

2. **BRUCE ALEXANDER (CONT.)**
The Board approved that the \$200 fine be affirmed and that a second hearing be held to resolve the appeal of the Steward's voiding of the claim of GLOWING DAWN by Mr. Alexander. ~~It is hereby noted that~~ Member Liebman abstained.

3. **HEARING OFFICER REPORT / IN THE MATTER OF CRAIG FAINE**
Craig Faine, a licensed jockey, was issued a ten day suspension by the Stewards at Finger Lakes Race Track for causing interference during the running of the twelfth race on May 2, 1995.
The Board confirmed the suspension. Member Liebman abstained.

4. **HEARING OFFICER REPORT / IN THE MATTER OF JOHN GRABOWSKI**
John Grabowski, a licensed jockey, was issued a ten day suspension by the Stewards at Finger Lakes Race Track, for causing interference during the running of the ninth race on July 1, 1995.
The Board confirmed the suspension. Member Liebman abstained.

5. **HEARING OFFICER REPORT / IN THE MATTERS OF JOHN GRABOWSKI AND PAUL NICOL, JR.**
These matters concern the appeals of jockeys John Grabowski and Paul Nicol, Jr. Both jockeys appealed from ten day suspensions issued to them by the Stewards at Finger Lakes Race Track for foul riding in the fifth race on August 22, 1995.
The Board approved the recommendation that the suspensions be reversed. Member Liebman abstained.

6. **HEARING OFFICER REPORT / IN THE MATTER OF KERWIN JOHN**
Kerwin John, a licensed jockey, was issued a ten day suspension for causing interference during the running of the first race on August 13, 1995, by the Stewards at Finger Lakes Race Track.
The Board confirmed that Kerwin John be found guilty of foul riding upon a finding of gross negligence and that the suspension be increased to twelve days. Member Liebman abstained.

7. **BATAVIA DOWNS - 1996 TRACK LICENSE**
A temporary license for Batavia Downs was approved upon (1) the receipt no later than January 31, 1996 of appropriate documents with regard to change in corporate structure of the Genesee-Monroe Racing Association, Inc. and (2) the receipt no later than March 31, 1996 of audited financial statements for Batavia Downs and related operations for the years 1993, 1994, and 1995. The Board deferred action on the assignment of racedates.

8. **BUFFALO RACEWAY - 1996 TRACK LICENSE**

The Board approved Buffalo Raceway's request for 162 racing programs in 1996, as follows:

Racing Dates

January 3rd - July 27th 120 Programs

October 16th - December 28th 42 Programs

162 Programs

January - December - Racing Wednesdays, Thursdays, Fridays and Saturdays, except Thursday, November 28 (Thanksgiving) and Wednesday, December 25 (Christmas)

9. **FINGER LAKES RACING ASSOCIATION - 1996 TRACK LICENSE**

The Board approved the request of Finger Lakes Racing Association for 172 racing programs in 1996, as follows:

Racing Dates

April 5th - December 3rd 172 Programs

April - Racing Sunday, April 14, 21 and 28; Monday, April 15 and 22; Tuesdays, April 9, 16 and 23, Wednesday, April 10, Friday, April 5 and Saturdays

May - October - Racing Sundays, Mondays, Tuesdays, Wednesday, July 17 and August 28, Thursday, July 4, 18 and August 29, Fridays and Saturdays

November - December - Racing Sundays, Mondays, Tuesdays (except November 5), Wednesday, November 6, Friday, November 1, Saturdays

The Board acknowledged receipt of notification of a transfer of ownership of all shares of the Finger Lakes Racing Association from Canandaigua Enterprises Corp. to Sportsystems Corporation, and had no objection to this transfer.

10. **MONTICELLO RACEWAY - 1996 TRACK LICENSE APPLICATION**

The Board approved Monticello Raceway's request for 179 racing programs in 1996, as follows:

January 2nd - March 30th 50 Programs

April 2nd - June 30th 42 Programs

July 2nd - September 29th 50 Programs

October 1st - December 29th 37 Programs

179 Programs

January - March - Racing Sundays, Mondays, Tuesdays, Saturdays

April - June Sundays except April 7 (Easter Sunday), Monday, April 15, 22 and 29, May 27, Tuesdays and Saturdays

July - September - Racing Sundays, Monday, September 2, Thursday, July 4, Fridays, July 5, 12, 19 and 26 and August 2, 9, 16, 23 and 30 and Saturdays

October - December - Racing Sundays, Tuesdays (except November 5 and December 24) and Saturdays

11. **SARATOGA RACEWAY - 1996 TRACK LICENSE**

The Board approved the request of Saratoga Raceway for 143 racing programs in 1996, as follows:

February 16th - November 30th 143 Programs

February - Racing Sundays, Monday, February 19, Fridays and Saturdays

March - Racing Sunday, March 3, 10, 17 and 24, Fridays and Saturdays

April - Racing Sunday, April 14, 21 and 28, Friday, April 12, 19 and 26 and Saturday, April 13, 20 and 27

May - Racing Sundays, Monday, May 27, Thursdays, Fridays and Saturdays

June - Racing Tuesdays, Thursdays, Fridays and Saturdays

July - Racing Tuesdays, Wednesday, July 3 and 31, Thursdays, Fridays and Saturdays

August - Racing Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays

September - Racing Monday, September 2, Thursday, September 19 and 26, Friday, September 20 and 27 and Saturday, September 21 and 28

October - Racing Monday, October 14, Thursdays, Fridays and Saturdays

November - Racing Wednesday, November 27, Thursday, November 7, 14 and 21, Fridays and Saturdays

12. **SYRACUSE MILE - 1996 TRACK LICENSE**

The Board approved the request of Syracuse Mile for 7 racing programs in 1996, as follows:

Racing Dates

August 2nd - August 17th 7 Programs

13. **VERNON DOWNS - 1996 TRACK LICENSE**

The Board approved the request of Vernon Downs for 138 racing programs in 1996, as follows:

Racing Date

February 2nd - March 30th 18 Programs

April 1st - June 30th 49 Programs

July 1st - September 30th 49 Programs

October 6th - November 25th 22 Programs

138 Programs

February - March - Racing Fridays and Saturdays

April - Racing Thursdays, Fridays and Saturdays

May - June - Racing Wednesdays, Thursdays, Fridays, Saturdays and Monday, May 27th

July - August - Racing Wednesdays, Thursdays, Fridays, Saturdays

September - Racing Thursdays, Fridays, Saturdays and Monday, September 2nd

October - Racing Thursdays (except October 31), Fridays and Saturdays

November - Racing Fridays and Saturdays

14. **YONKERS RACEWAY - 1996 TRACK LICENSE**

The Board approved the request of Yonkers Raceway for 276 racing programs in 1996, as follows:

Racing Dates

January 2nd - December 31st 276 Programs

Racing Mondays (except May 27th), Tuesdays (except December 24th), Wednesday, January 3, 10, 17, 24 and 31, June 19 and 26, July 3, 10, 17, 24 and 31, August 7, 14, 21 and 28, and November 27, Thursdays (except November 28), Fridays and Saturdays (Incorporates a letter dated December 8, 1995 from Robert Galterio, General Manager, requesting to add Wednesdays in January)

15. **NYRA - 1996 RACING DATES**

The Board approved the request of the NYRA for racing days in 1996, as follows:
1996 NYRA Racing Schedule:

Days

Aqueduct Winter

Monday, January 1 through Saturday March 30 65
(Dark - Mondays & Tuesdays, except January 1 & January 15, Martin Luther King, Jr., February 19, President's Day)
(Dark - Wednesdays, January 17 and February 21)
(Dark - Sunday, March 31, Palm Sunday)

Aqueduct Spring

Monday, April 1 through Sunday, April 28 21
(Dark - Mondays & Tuesdays, except April 1 & 8)
(Dark - Sunday, April 7, Easter Sunday)

Belmont Spring

Wednesday, May 1 through Monday, July 22 61
(Dark Mondays & Tuesdays, except Monday, May 27, Memorial Day & July 11)
(Dark Wednesday, May 29)

Saratoga

Friday, July 26 through Monday, September 2 34
(Dark All Tuesdays)

Belmont Fall

Friday, July 26 through Monday, September 2 33
(Dark Mondays & Tuesdays, except Monday, October 14 Columbus Day)
(Dark Wednesday, October 16)

Aqueduct Fall

Wednesday, October 23 through Sunday, December 29 50
(Dark Mondays & Tuesdays, except Tuesday, November 5
Election Day, Monday, November 11, Veteran's Day & Monday December 23)
(Dark Wednesdays, November 6 & 13 and December 25, Christmas)

16. **NYRA - 1996 ROSTER OF RACING OFFICIALS**

The Board approved the roster of officials submitted by the New York Racing Association, Inc. for the 1996 racing season. These included officials listed in Category I for the 1996 racing season, as well as those listed in Category II to serve as substitutes in the event of the temporary absence of the designated officials in capacities other than steward or veterinarian, as well as those listed in Category III who serve as Alternate Stewards for the New York Racing Association, Inc. or the Jockey Club. Further, the Board approved the request to add Terral Wilson as Placing and Patrol Judge and William Boland as the Alternate New York Racing Association, Inc. Steward who were inadvertently omitted from the original request.

17. **1996 Racing Dates - Certification to the Commissioner of Taxation and Finance**

The Board approved and certified pursuant to subdivision 3 of Section 228 of the New York State Racing, Part-Mutuel Wagering and Breeding Law and subdivision 5 of Section 318 of such law (as added by Chapter 261 of the Laws of 1988 Sections 110 and 114) that racing associations or corporations which operate Finger Lakes Race Track., Buffalo Raceway, Monticello Raceway, Syracuse Mile and Yonkers Raceway have been assigned for 1996 at least 90% of the programs/races raced in 1985 or 1986 (whichever year had the fewer). The racing corporations which operate Saratoga Raceway and Vernon Downs have been assigned fewer than the minimum statutory number as set forth in Section 318(5)(b)(i) and have submitted statistical and other data from which the Board has determined that the assignment of such lesser number is for good cause due to factors beyond the control of such corporations or because it would be uneconomical or impractical for such corporations to be assigned the prescribed number. The Board deferred action on the assignment of the racedates to the corporation which operates Batavia Downs.

18. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION TO ESTABLISH A SECOND OTB ENHANCED TELEBRANCH IN CORTLAND, NEW YORK AND TO APPOINT DEAN AND PETER BERARDI AS CONCESSIONAIRES**

The Board approved the request of Capital District Off-Track Betting Corporation to amend its simulcast plan of operation to:

- 1) Establish a second OTB enhanced telebranch at a pre-existing restaurant, ROCCI'S located at 294 Tompkins Street Extension, Cortland, New York and;
- 2) To appoint Dean Berardi and Peter Berardi as concessionaires.

19. **TRIFECTA RULE ADOPTION**

The Board formally adopted the proposed trifecta Rules 4011.22(i) 4122.41, 4217.14(i), 4011.15(m), 4011.20(f), 4122.39(h), 4122.42(l), 4217.13(h), 4217(l), 4011.22(g), 4122.41(h) and 4217.14(h).

20. **MONTICELLO RACEWAY - LICENSE AMENDMENT**

The Board approved the request of Monticello Raceway to add Monday, January 1, 1996 (Post-Time 1:05 p.m.) to its 1996 Harness Track License.