

**MINUTES OF THE BOARD MEETING  
HELD ON DECEMBER 20, 1996**

A meeting of the New York State Racing and Wagering Board was held on Thursday, December 20, 1996, at the Executive Office located at 1 Empire State Plaza, Suite 1201, Albany, New York 12223-1151.

**IN ATTENDANCE WERE:**

**Joseph P. Neglia, Member**  
**Bennett Liebman, Member**  
**Stephanie Donato, Secretary to the Board**  
**Robert Feuerstein, General Counsel**  
**James Gallagher, Chief of Racing Operations**  
**George D. Dranichak, Director of Racing Officials**

**ALSO IN ATTENDANCE WAS:**

**Tom Precious, Albany Times Union**

**NYS RACING AND WAGERING BOARD  
MINUTES OF THE BOARD MEETING  
ALBANY, NEW YORK  
FRIDAY, DECEMBER 20, 1996**

**A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD NEW YORK, NEW YORK ON NOVEMBER 21, 1996.**

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

**1. FINGER LAKES RACING ASSOCIATION SIMULCAST PLAN**

For entry into the minutes, the Board approved on November 20, 1996 the Finger Lakes Racing Association request to simulcast the New York Racing Association, Inc. and out-of-state races during live racing beginning November 25th through the end of the 1996 meet and again for the 1997 meet through April 22, 1997.

**2. YONKERS RACEWAY REQUEST TO CANCEL PROGRAM ON NOVEMBER 27, 1996.**

For entry into the minutes, the Board approved on November 25, 1996 the Yonkers Raceway request to cancel the Wednesday, November 27, 1996 racing program due to a shortage of horses.

**3. MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 RACING SCHEDULE**

For entry into the minutes, the Board approved on November 25, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule by adding Wednesday, November 27, 1996.

**4. MONTICELLO RACEWAY REQUEST TO AMEND 1996 HARNESS SCHEDULE**

For entry into the minutes, the Board approved on November 25, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule as follows:

ADD:           Mondays, December 2,9,16,23, and 30  
                  Wednesdays, December 4, 11,18  
DELETE:       Saturdays, December 7,14,21 and 28.

**5. BUFFALO RACEWAY REQUEST TO CONDUCT AN "ALL TRIPLE NIGHT"**

For entry into the minutes, the Board approved on November 26, 1996 the Buffalo Raceway request to conduct an "All Triple Night" on Saturdays beginning November 30, 1996 through December 31, 1996.

6. **FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO DISTRIBUTE THE ENTIRE PICK 6 POOL**

For entry into the minutes, the Board approved on November 26, 1996 the Finger Lakes Racing Association, Inc. request to distribute the entire Pick 6 Pool on Saturday, November 30, 1996.

7. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO HOLD A "MEN'S SHOPPING NIGHT"**

For entry into the minutes, the Board approved on November 27, 1996 the Capital District Regional Off-Track Betting Corporation request to hold a "Men's Shopping Night" at the Albany Tele-Theater on December 18, 1996 beginning at 6:00 p.m. Approval was also granted for a free \$2.00 bet voucher to be issued for that evening only.

8. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE**

For entry into the minutes, the Board approved on November 27, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule as follows:

**DELETE:** Wednesdays, December 4, 11, and 18.

9. **YONKERS RACEWAY REQUEST TO AMEND ITS RACING SCHEDULE**

For entry into the minutes, the Board approved on November 27, 1996 the Yonkers Raceway request to amend its 1996 racing schedule as follows:

**ADD:** Wednesdays, December 4, 11 and 18.

10. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS 1996-1997 SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Board approved on November 29, 1996 the New York City Off-Track Betting Corporation request to amend its 1996-1997 Simulcast Plan of Operation as follows:

1. to accept wagers on races run at Finger Lakes Race Track
2. to simulcast Finger Lakes races into all licensed NYCOTB Simulcast facilities, and
3. To simulcast Finger Lakes races on New York City's Municipal Public Access Cable System "Crosswalks" on Channel 73.

11. **SUMMARY SUSPENSION OF WALTER CASE, JR.**

For entry into the minutes, the Board approved on December 4, 1996 the summary suspension of the license of Walter Case, Jr.

12. **NEW YORK RACING ASSOCIATION, INC. REQUEST FOR BLANKET APPROVAL FOR ITS 1997 INTERSTATE SIMULCASTING**

For entry into the minutes, the Board approved on December 6, 1996 the New York Racing Association, Inc. request for blanket approval for its 1997 interstate simulcasting with 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.

In addition, the Board approved the NYRA agreement with Stevenson and Associates to provide the NYRA simulcast to approved sites in the Caribbean.

13. **EMERGENCY RAFFLE RULE**

For entry into the minutes, the Board approved on December 10, 1996 the second readoption of the Emergency Raffle Rule, 5624.3, initially adopted on July 22, 1996, and readopted on October 15, 1996.

14. **MONTICELLO RACEWAY REQUEST TO OFFER ALL TRIFECTA WAGERING**

For entry into the minutes, the Board approved on December 11, 1996 the Monticello Raceway request to offer all trifecta wagering on Monday nights beginning Monday, December 16 and continuing on the 23rd and 30th. The approval was granted through the end of 1996.

**D. ITEMS FOR BOARD CONSIDERATION**

1. **1997 TRACK APPLICATION OF BUFFALO TROTTING ASSOCIATION, INC.**

The Board approved the following racing dates for Buffalo Raceway:

January 1st - July 26th	119 Programs
October 22nd - December 31st	<u>38 Programs</u>
	157 Programs

**January - December** - Racing Wednesdays, Thursdays, Fridays and Saturdays, except Wednesday, December 24th (Christmas Eve), January 2 and November 27 Thanksgiving).

All trifecta cards will be offered on Friday evenings.

2. **1997 TRACK LICENSE APPLICATION FOR FINGER LAKES RACING ASSOCIATION, INC.**

The Board approved 170 racing programs for Finger Lakes Racetrack as follows:

April 5th - December 3rd

**April** - Racing Sundays, Mondays, Tuesdays and Saturdays

**May - October** - Racing Sundays, Mondays, Tuesdays, Wednesday, May 28, September 3 October 15; Thursday, September 4, Fridays (except September 5) and Saturdays

**November & December** - Racing Sundays, Mondays, Tuesdays (except November 4 and 11), Wednesday, November 5 and 12 and Saturdays

3. **1997 TRACK LICENSE FOR GENESEE MONROE RACING ASSOCIATION, INC.**

The Board approved 53 racing programs for Batavia Downs as follows:

July 30th - October 18th

July - Monday, July 30 and Tuesday, July 31

August - Mondays, Wednesday, Thursdays, Fridays and Saturdays

September - Monday, September 1, Wednesdays, Thursdays, Fridays and Saturdays

October - Wednesdays, Thursdays, Fridays and Saturdays

This approval is based on the condition that Batavia Downs submits no later than January 31, 1997 financial data and a plan to meet its financial obligations.

4. **1997 TRACK LICENSE APPLICATION FOR SARATOGA HARNESS RACING, INC.**

The Board approved the following one hundred forty programs for Saratoga Raceway as follows:

February 1 - November 29

February - Racing Sundays, Fridays and Saturdays;

March - Sunday, 2, 9 and 16; Friday, 7, 14, 21 and 28;  
Saturday, 1, 8, 15 and 22

April - Sundays, Fridays and Saturdays

May - Monday, May 26, Thursdays, Fridays and Saturdays

June - Thursdays, Fridays and Saturdays

July - Tuesdays, Wednesday, July 2, 23 and 30, Thursdays, Fridays  
and Saturday 12, 19 and 26

August - Sunday, August 31, Tuesdays, Wednesdays, Thursdays,  
Fridays and Saturdays

September - Thursday, September 18 and 25, Friday, September 19  
and 26 and Saturday, September 20 and 27

October - Monday, October 13, Thursdays, Fridays and Saturdays

November - Tuesday, November 11, Wednesday, November 26,  
Thursday, November 6, 13 and 20, Fridays and Saturdays

5. **1997 TRACK APPLICATION FOR YONKERS RACING CORPORATION**

The Board approved the following racing dates for Yonkers Raceway:

January 2nd - December 31st

Racing Mondays (except May 26th), Tuesdays, Wednesdays, June 18 and 25

July 2, 9, 16, 23 and 30; August 6, 13, 20 and 27; November 26 and December 31;

Thursdays (except Thanksgiving Day, November 27 and Christmas Day, December 25),  
Fridays and Saturdays

6. **1997 TRACK LICENSE APPLICATION FOR MONTICELLO RACEWAY MANAGEMENT, INC.**

The Board approved the following racing dates for Monticello Raceway, along with an amendment to include January 1st (New Years Eve Day - night racing):

January 1st - March 25th	45 Programs
April 1st - June 30th	52 Programs
July 1st - September 30th	56 Programs
October 4th - December 30th	<u>52 Programs</u>
	205 Programs

January - March - Racing Sundays (except March 23, Palm Sunday), Mondays (except January 20 and March 24), Tuesday and Wednesdays (except March 26);

April - June - Racing Sundays, Mondays, Tuesdays and Wednesdays;

July - September - Racing Sundays, Mondays (except July 21 and 28, August 4, 11, 18 and 25), Tuesdays, Fridays (except September 5, 12, 19 and 26), and Saturdays

October - December - Racing Sundays, Mondays, Tuesdays and Saturdays

7. **REQUEST BY CAPITAL DISTRICT OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT THE CLUB ON THE GREEN RESTAURANT AT THE NEW CONCESSIONAIRE AT ITS GUY AVENUE, AMSTERDAM LOCATION**

The Board approved the Capital District Regional Off-Track Betting Corporation request to amend its simulcast plan of operation to appoint the Club on the Green Restaurant along with its principals Michael and Barbara Russo, as the new concessionaire of the Guy Park Avenue, Amsterdam branch. This approval is contingent upon the satisfactory return of fingerprint information.

8. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO ADD A NEW MEMBER TO THE BOARD OF TRUSTEES**

The Board approved the request of Martin L. Lieberman, Vice President and General Counsel of NYRA to approve Robert S. Evans as a member of the Board of Trustees, pursuant to Section 202 of the Racing, Pari-Mutuel Wagering and Breeding Law.

9. **MATTER OF JOSE RAMIREZ**

The Board approved the indefinite suspension of the license of thoroughbred racing groom Jose Ramirez based on positive human drug test results at Belmont Park on September 14, 1996.

10. **MATTER OF DARRELL MERRIL**  
The Board revoked the license of harness racing groom Darrell Merrill based on positive human drug test results for marijuana at Yonkers Raceway on October 1, 1996.

11. **MID-STATE RACEWAY INC. REQUEST FOR 1997 TRACK LICENSE APPLICATION**

The Board denied Vernon Downs application for a license to conduct 39 racing programs in 1997 as follows:

May 3rd - September 1st 39 Programs  
May - September - Racing Monday, May 26, and September 1,  
Thursday, July 3, 10, 17, 24 and 31  
Fridays (except May 2)  
Saturdays (except August 2, 9 and 16)

This application was denied upon the grounds that Mid-State Raceway has not applied for the minimum number of programs required pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Section 307 (5-a) and that a proper case has not been made for the issuance of a license, consistent with the requirements of Racing Law Section 307(1).

12. **BUFFALO RACEWAY - 1997 TRACK LICENSE AMENDMENT**

The Board approved Buffalo Raceway request to amend its 1997 Track License application as follows:

**DELETE:** Wednesday, January 1

**ADD:** Thursday, January 2

Post time will be 7:30 p.m. (See also Item D-1)

13. **MATTER OF PAUL NICOL, JR.**

The Board approved the appeal by jockey Paul Nicol, Jr. of a \$50 fine issued by the State Steward at Finger Lakes Race Track for lodging a frivolous claim of foul in the second race of June 22, 1996.

14. **MATTER OF KERWIN JOHN**

The Board denied the appeal by jockey Kerwin John from a ten day suspension issued by the State Steward at Finger Lakes Race Track based upon a careless ride in the seventh race of October 10, 1995.

15. **MATTER OF CRAIG FAINE**

The Board denied the appeal by jockey Craig Faine from a ten day suspension issued by the State Steward at Finger Lakes Race Track based upon a careless ride in the eighth race of October 6, 1995.

16. **DESIGNATIONS TO ISSUE SUBPOENAS**

The Board approved the designation of Ms. Stephanie Donato, Secretary to the Board to issue subpoenas, pursuant to Section 107(9).

Board Meeting was adjourned at approximately 11:45a.m.