

**MINUTES OF THE
NYS RACING & WAGERING BOARD MEETING
JUNE 23, 1997**

A meeting of the New York State Racing and Wagering Board was held on Monday, June 23, 1997 at the Executive Office located at One Empire State Plaza, Suite 1201, Albany, NY 12223.

IN ATTENDANCE WERE:

Michael J. Hoblock, Jr., Chairman
Joseph Neglia, Member
Bennett Liebman, Member
Edward Martin, Executive Director
Stephanie Donato, Secretary to the Board
Robert Feuerstein, Counsel
Robert Williams, Assistant Counsel
James Gallagher, Director of Racing Operations
Steven H. Richman, New York City OTB
Dan Wray, New York City OTB
Mike Kane, Schenectady Gazette

MINUTES
MEETING OF JUNE 23, 1997
THE N.Y.S. RACING AND WAGERING BOARD

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD ON MAY 28, 1997.

B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN

1. MONTICELLO RACEWAY REQUEST TO REINSTATE \$1.50 ADMISSION FEE

For entry into the minutes, on May 30, 1997, the Chairman approved the request by Monticello Raceway dated May 23, 1997 to reinstate its admission fee of \$1.50 beginning June 1, 1997.

2. NEW YORK RACING ASSOCIATION REQUEST

For entry into the minutes, on May 30, 1997, the Chairman approved the request by NYRA dated May 23, 1997 to offer the following:

1. 2,000 free Clubhouse admission coupons, redeemable on May 31, 1997 in cooperation with WLIR-FM, and 50 free Clubhouse admission coupons, redeemable on June 7, 1997 in cooperation with Anheuser-Busch.

AND

2. On Belmont Stakes Day, June 7, 1997, a coupon contained in NYRA Post Parade Magazine, to be redeemed on June 14, 1997 for free Grandstand or \$2.00 off Clubhouse admission.

3. FINGER LAKES RACING ASSOCIATION REQUEST TO REINSTATE ADMISSION FEE

For entry into the minutes, on June 3, 1997, the Chairman approved the request by Finger Lakes Racing Association dated May 23, 1997 to reinstate an admission fee of \$1.50 beginning June 1, 1997.

4. NEW YORK RACING ASSOCIATION REQUESTS FOR PROMOTIONS

For entry into the minutes, on June 5, 1997, the Chairman approved the requests by NYRA dated May 29 and 30, 1997 to offer the following:

1. In conjunction with WFAN-AM radio coop promotion, to offer 80 free Clubhouse admission coupons, redeemable any day during NYRA's 1997 Belmont Spring/Summer meet.
2. In conjunction with a direct mailing promotion, to offer a coupon for free Grandstand admission at the Saratoga Race Course on one of the following days: July 28, August 4, 11, 18 or 25, 1997.

5. **YONKERS RACEWAY REQUEST TO AMEND ITS LICENSE**
For entry into the minutes, on June 5, 1997, the Chairman approved the request by Yonkers Raceway dated June 4, 1997 to amend its 1997 Harness License by adding Thursday, June 5, 1997 to its racing schedule.
6. **FINGER LAKES RACING ASSOCIATION REQUEST FOR ROSTER CHANGE**
For entry into the minutes, on June 10, 1997, the Chairman approved the request by Finger Lakes Racing Association dated June 4, 1997 to add Frank Bortoff as an Alternate Placing Judge to their 1997 roster of racing officials.
7. **VERNON DOWNS REQUEST TO OFFER "PICK FOUR" WAGERING**
For entry into the minutes, on June 10, 1997, the Chairman approved the request by Vernon Downs dated June 9, 1997 to offer "Pick Four" wagering on races 3, 4, 5, and 6 beginning Thursday, June 12, 1997.
8. **YONKERS RACEWAY REQUEST TO OFFER ROLLING PICK 3 WAGERING**
For entry into the minutes, on June 12, 1997, the Chairman approved the request by Yonkers Raceway dated June 10, 1997 to offer rolling Pick 3 wagering on Tuesday evenings beginning Tuesday, June 17, 1997.
9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT AN INTERNET HANDICAPPING TOURNAMENT**
For entry into the minutes, on June 17, 1997, the Chairman approved the request by Capital OTB to conduct an Internet handicapping tournament via e-mail beginning June 21 through June 25, 1997 adhering to the rules outlined in the June 3, 1997 request. Approval was conditioned upon the statutory requirement that all participants be over the age of 18.
10. **FINGER LAKES RACING ASSOCIATION REQUEST TO SIMULCAST SIGNAL**
For entry into the minutes, on June 17, 1997, the Chairman approved the request by Finger Lakes Racing Association dated June 10, 1997 to simulcast its signal to Birmingham Race Course for the 1997 racing season.
11. **YONKERS RACEWAY REQUEST TO AMEND ITS 1997 HARNESS LICENSE**
For entry into the minutes, on June 17, 1997, the Chairman approved the request by Yonkers Raceway dated June 10, 1997 to amend its 1997 Harness License by adding Thursday evenings to their live racing schedule until further notice.
12. **YONKERS RACEWAY REQUEST TO CARD NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION CHAMPIONSHIP**
For entry into the minutes, on June 18, 1997, the Chairman denied the request by Yonkers Raceway dated June 18, 1997 to card the North American Amateur Drivers Association Championship final on June 20, 1997 with pari-mutuel wagering.

D. ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD

1. DELEGATION TO CHAIRMAN

The Board delegated to the Chairman the power to deal with certain specific categories of request for Board approval. The principal purpose of the delegation was to facilitate Board action.

Within the specific categories, the Chairman may exercise the delegated power without further approval of the other Board Members or may choose to seek approval of the other Members before Board action. However, any Board member who objects to an act pursuant to the exercise of the delegation may raise that issue at the Board meeting following the action.

2. NYRA - REQUEST FOR BOARD OF TRUSTEES CHANGE

The Board approved the request by NYRA to approve J. Bruce Llewellyn, Esq., as a member of the Board of Trustees, pursuant to Section 202 of the Racing, Pari-Mutuel Wagering and Breeding Law. Mr. Llewellyn replaces John Landry on the Board.

3. RULE PROPOSAL/OBSOLETE RULES

The Board voted to repeal the following obsolete rules, thereby eliminating more than 65 pages of rules.

1. Part 4070 - experimental takeout decrease which terminated March 31, 1980.
2. Parts 5201 and 5211 - authority of the Board over off-track betting and the distribution of racetracks and off-track betting pools.
3. Parts 5000 and 5001 concerning the State Lottery, which is no longer, regulated by this agency.

4. RULE PROPOSAL/WHIP RULE

The Board approved the proposal of a new rule, 4035.9 regarding the use of whips on thoroughbred racetracks. The rule enumerates the types of whips allowed and the prohibitions regarding its use.

5. RULE PROPOSAL/AMENDMENT TO PARTS 4024 AND 4026 - REGISTRY OWNERSHIP AND STABLE NAMES

The Board approved the proposal of changes to the Board's thoroughbred rules regarding the registry of ownership and stable names.

The Board voted to propose the repeal of sections 4024.1 and 4024.2 and adoption of a new section 4024.1 to reflect the role of the Board with regard to ownership and removal of the Jockey Club role. Various sections of Part 4026 will be amended to reflect the Board's participation in place of the Jockey Club and Section 4026.6 will reflect the use of electronic communications rather than telegrams.

The Board also approved a proposed amendment to Section 4026.21 regarding the use of stable names.

6. **NEW YORK CITY OTB REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved the request by New York City OTB dated June 6, 1997 to amend its plan of operation to distribute up to twenty-five (25) BetMate units on an on-going basis, with a service charge of \$1.00 per day for the use of the BetMate. NYCOTB may waive the service charge, in those instances where the betting volume of a BetMate holder warrants it.

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

The Board affirmed Hearing Officer Bennett Liebman's recommendation that Mr. Nicol be found not guilty of having engaged in altercation in the jockey's room on August 30, 1996.

8. **MATTER OF EDWIN LONG**

The Board affirmed Hearing Officer Bennett Liebman's recommendation that the fine of \$25 for bringing his horse late to the paddock for the fourth race on August 31, 1996 at Finger Lakes Race Track, and the fine of \$50 for not appearing at a steward's hearing on September 2, 1996 be upheld.

9. **DESIGNATION OF OFFICERS AND EMPLOYEES TO ADMINISTER OATHS AND ISSUE SUBPOENAS**

The Board designated the following persons to administer oaths, examine witnesses and issue subpoenas, pursuant to Racing Law Section 101(9):

Robert Feuerstein, Counsel
Gale D. Berg, Assistant Counsel
Felix Hester, Assistant Counsel
Robert T. Williams, Assistant Counsel
Edward J. Martin, Executive Director
Stephanie L. Donato, Secretary to the Board
Edmund J. Leary, Assistant Chief of Audits & Investigation
Dominick Bologna, Racing Investigator
Carl Sgrizzi, Racing Investigator
Joel Leveson, Racing Investigator
Ciro Pastore, Racing Investigator
George Dranichak, Director of Racing Officials
Daryll Messner, GOC Inspector 2
Bruce Samboy, Manager Gaming Operations
Alfred Maunz, Assistant Manager, Gaming Operations
Robert Froehlich, Investigator
Charles Henderson, Investigator
Michael Borrell, Investigator

Eugene Cole, Investigator
Guy Fraccola, Investigator
William Schroh, Investigator
William Ruth, Investigator
Robert Flynn, Investigator

10. **MATTER OF DAVID KOSLOWSKY**

The Board approved Hearing Officer Bennett Liebman's recommendation that Mr. Koslowsky be found to have violated Board rule 4117.4(f) for crowding a horse and placing a wheel under him thereby causing interference in the third race at Vernon Downs on August 10, 1996, and that the eight-day suspension be affirmed.

11. **MATTER OF DANIEL C. JACOBS**

The Board approved Hearing Officer Bennett Liebman's recommendation that Mr. Jacobs be found to have violated Board Rule 4043.2 and 4043.4 when a horse he trained, BEAR IN MOTION, raced on October 7, 1995, with 3 hydroxypromazine, the metabolite of promazine, in its system. The Board modified the penalty from a fifteen-day suspension and \$1,500 fine to a suspension of thirty days and a \$500 fine.

12. **APPLICATION BY MIDWEST GAME SUPPLY COMPANY FOR GAMING ENTERPRISE REGISTRATION TO CONDUCT GAMING RELATED BUSINESS WITH THE ONEIDA CASINO**

The Board approved the request by Midwest Game Supply Company for registration under Section 7 of the Nation-State Compact. Approval was granted for a two-year registration pursuant to results of State Police investigations, which were submitted to the Board where they were reviewed and analyzed.

13. **APPLICATION BY WESTERN TEMPORARY SERVICES OF UTICA / SYRACUSE INCORPORATED FOR GAMING ENTERPRISE REGISTRATION TO CONDUCT GAMING RELATED BUSINESS WITH THE ONEIDA CASINO**

The Board approved the request by Western Temporary Services of Utica / Syracuse Incorporated for registration under Section 7 of the Nation-State Compact. Approval for a two-year registration was granted pursuant to results of State Police investigations, which were submitted to the Board where they were then reviewed and analyzed.

14. **MONTICELLO RACEWAY - CAPITAL IMPROVEMENT FUND REQUEST**

The Board approved the request by Monticello Raceway dated May 23, 1997 to withdraw \$13,950.00 from the Capital Improvement Fund for reimbursement to the purse account for the Quickway Series. This amount represents 1/2% of 1% of the on-track handle excluding triples for the period of January 1 through

May 20, 1997.

15. **FINGER LAKES RACING ASSOCIATION - CAPITAL IMPROVEMENT FUND REQUEST**
The Board approved the requests by Finger Lakes Racing Association dated April 9, May 23, and June 5, 1997 to withdraw a total of \$354,909.93 from the Capital Improvement Fund.

16. **MATTER OF CARLOS CAMILO**
The Board approved Hearing Officer Bennett Liebman's recommendation that Mr. Camilo be found to have violated Board Rule 4035.2, by riding carelessly in the sixth race on November 3, 1996 at Finger Lakes Race Track, and that the ten day suspension be confirmed.