

MINUTES
MEETING OF THE NYS RACING AND WAGERING BOARD
NOVEMBER 18, 1997

A meeting of the New York State Racing and Wagering Board was held on Tuesday, November 18, 1997 in the Legislative Chamber of the Monroe County Office Building, 39 West Main Street, Rochester, New York 14692.

IN ATTENDANCE WERE:

Michael J. Hoblock, Jr., Chairman
Joseph Neglia, Member
Bennett Liebman, Member
Stephanie L. Donato, Secretary to the Board
Edward Martin, Executive Director
Robert Feuerstein, Counsel
James Gallagher, Director of Racing Operations
John Signor, Director of Audits and Investigations

ALSO IN ATTENDANCE:

Edward Hamilton, NYSR&WB
Nicole Robilotto, NYSR&WB
Theresa McCrum, NYSR&WB
Steven H. Richman, NYC OTB
Robert Unger, NYC OTB
Anne Relyea for Gerard DiMarco
William F. Brown, WBTA Radio
John Dwyer, GCIDA
Ed DeJameson, City of Batavia

MINUTES
MEETING OF NOVEMBER 18, 1997
THE NYS RACING AND WAGERING BOARD

A THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD OCTOBER 22, 1997.

B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED NY THE CHAIRMAN.

1. MONTICELLO RACEWAY REQUEST TO AMEND ITS 1997 HARNESS LICENSE

For entry into the minutes, on October 24, 1997, approval was given for the request by Monticello Raceway to amend its 1997 Harness racing schedule as follows:

ADD: Wednesdays, November 5th, 12th, 19th and 26th –
Post time 7:35 p.m.

DELETE: Saturdays, November 1st, 8th, 15th, 22nd and 29th.

2. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO SIMULCAST ITS SIGNAL

For entry into the minutes, on October 24, 1997, approval was given for the request by Finger Lakes Racing Association to simulcast its signal to Yonkers Raceway for the remainder of the remainder of the 1997 racing season.

3. MONTICELLO RACEWAY REQUEST TO AMEND THEIR POST TIME

For entry into the minutes, on October 24, 1997, approval was given for the request by Monticello Raceway to amend the post time to 1:05 p.m. on Sundays, beginning November 2, 1997.

4. NEW YORK RACING ASSOCIATION REQUEST TO AMEND THEIR SIMULCAST SCHEDULE

For entry into the minutes, on October 27, 1997, approval was given for the request by the New York Racing Association to simulcast the \$3,000,000 Red Stripe Superstakes (I) from the Caymanas in Jamaica to be held on Saturday, November 15, 1997. This race will be included in the initial "12" special event races at a higher tax rate.

Permission was also granted to offer free general and reduced clubhouse admission on Saturday, December 13 and Sunday, December 14, 1997 as part of the Holiday Happening promotion.

5. NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION

For entry into the minutes, on October 24, 1997, approval was given for the request by New York City Off-Track Betting Corporation to amend its simulcast plan of operation to add the first floor of its 991 Second Avenue, Manhattan facility (a simulcast branch) as part of the simulcast theater (lower level) on Monday evening, November 3, 1997 for the running of the 1997 Melbourne Cup and related activities to accommodate the American Australian Association's Annual Dinner participants.

6. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS 1997-98 SIMULCAST PLAN OF OPERATION**

For entry into the minutes, on November 7, 1997, approval was given for the request by New York City Off-Track Betting Corporation to amend its 1997-98 Simulcast Plan of Operation to extend the simulcast agreement with the New York Racing Association, Inc. to November 12, 1997.

7. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT ADVANCED WAGERING**

For entry into the minutes, on November 7, 1997, approval was given for the request by New York City Off-Track Betting Corporation to conduct advanced wagering on Friday, November 7, 1997 on the 1997 Breeders' Cup to be run on Saturday, November 8, 1997.

8. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND THEIR SIMULCAST PLAN OF OPERATION**

For entry into the minutes, on November 12, 1997, approval was given for the request by Suffolk Regional Off-Track Betting Corporation to amend its simulcast plan of operation and reduce the admission fee at Tel-A-Race from \$5.00 to \$2.00.

9. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT LIVE RACE CALL OVER THEIR INTERNET SITE**

For entry into the minutes, on November 13, 1997, approval was given for the request by Capital District Regional OTB for blanket approval to conduct live race calls to authorized telephone account holders over its Internet Site, provided CDROTB advises the Board in writing one day prior to additional tracks being included for live race call purposes. Approval was granted for one year, ending November 15, 1998.

D ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

**1. RULE PROPOSAL – TO ASSIST COMPULSIVE GAMBLERS –
INTERNET POSTING**

The Board approved a rule proposal to assist compulsive gamblers. Each racing association which maintains a web site on the Internet, shall post on its home page, a message designed to assist compulsive gamblers.

This rule will apply to thoroughbred, harness, quarter horse and off-track betting corporations.

**2. RULE PROPOSALS FOR CANCELLATION OF PARI-MUTUEL
TICKETS**

The Board approved rule proposals (4009.28, 4122.47, 4215.27 and 5206.7) for the cancellation of pari-mutuel tickets with the following conditions:

- wagers through computers cannot be cancelled
- the dollar amounts are \$500 for straight wagers, \$100 for multiples and \$50 for exotics and super-exotics.

3. MATTER OF CARMINE FUSCO

The Board approved the recommendation of Investigator Dominick Bologna to re-instate Carmine Fusco's harness driver/trainer license subject to his consent to and compliance with the Board's standard conditions for reinstatement, and the provision of a negative urine sample.

4. MATTER OF WILLIAM CLARK, JR.

The Board approved Hearing Officer Bennett Liebman's recommendation that Mr. Clark's license be revoked on the grounds that convictions and additional pending charges establish that his continued licensing is inconsistent with the best interests of racing generally. Mr. Liebman further recommended that Mr. Clark should be eligible to reapply in one year and that his licenses should be restored if he provides evidence of rehabilitation and is not convicted of further criminal offenses.

**5. SYRACUSE MILE, INC. REQUEST FOR WITHDRAWAL OF FUNDS
FROM THE CAPITAL IMPROVEMENT ACCOUNT**

The Board approved the request by Syracuse Mile, Inc. to withdraw \$267.00 from the capital improvement fund for the cost of upgrading the computer system

**6. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING
CORPORATION REQUEST TO HOLD A HANDICAPPING
TOURNAMENT**

The Board conditionally approved the request by Capital OTB to conduct a handicapping tournament called the "Challenge IX" at its Albany Tele-Theater Clubhouse in late February or March 1998.

This approval is conditioned upon notification to the New York State Racing and Wagering Board as to the actual dates of the contest. Further, at least 50% of the races included in the handicapping tournament must be New York races, in accordance with Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law.

7. **NEW YORK CITY OFF-TRACK BETTING CORPORATION –
DAVID CORNSTEIN**

The Board determined that section 502(16) of the Racing, Pari-Mutuel Wagering and Breeding Law does apply to New York City Off-Track Betting Corporation and David Cornstein as Chairman of the Board of this corporation.

Chairman Hoblock and Member Neglia voted in the affirmative and Member Liebman voted in the negative.

8. **NEW YORK CITY OFF-TRACK BETTING CORPORATION –
REQUEST TO INSTALL AUTOMATED TELLER MACHINES TO ALL
NEW YORK CITY OFF-TRACK BETTING FACILITIES**

The Board approved the request by New York City Off-Track Betting Corporation to amend its plan of operation and install automatic teller machines (ATM's) into twenty-two (22) of its facilities as outlined in Exhibit A. The Board must be informed in writing of the additional facilities where ATM's will be installed up to the approved number of forty(40).

In addition, the Board conditioned approval upon a transaction surcharge not to exceed \$1.00, without prior written consent of the Board.

9. **NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. – 1998
PREMIUM FORMULA ASSESSMENT FOR WORKER'S
COMPENSATION COVERAGE OF JOCKEYS AND EXERCISE RIDERS**

The Board approved the New York Jockey Injury Fund assessment plan for 1998.

E ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **CAPITAL REGIONAL OFF-TRACK BETTING CORPORATION –
(Compliance letter from Rensselaer County)**
2. **CAPITAL REGIONAL OFF-TRACK BETTING CORPORATION –
(’97 Presentation to Senate Committee re: Internet)**
3. **NEW YORK CITY OFF-TRACK BETTING CORPORATION –
(Highlights 1994 – Present)**
4. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION –
(Letter regarding implementation of ARCI Uniform Rules)**
5. **YONKERS RACEWAY – Apprentice Rider Rule**
6. **NEW YORK RACING ASSOCIATION – Statement for ’97 Belmont Fall meet from
The NYTHA**

The meeting was adjourned at 10:00 a.m.