

MINUTES
MEETING OF THE NYS RACING & WAGERING BOARD
DECEMBER 18, 1997

A meeting of the New York State Racing and Wagering Board was held on Thursday, December 18, 1997 in the Executive Office located at 1 Empire State Plaza, Suite 1201, Albany, New York 12223.

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:

Jennifer Whalen, NYSR&WB Assistant Counsel
Russell Baller, NYSR&WB Assistant Counsel
Bill Heller, Thoroughbred Times
Leah Walker, Assembly P & C, Racing and Wagering Control
Kyle Hughes, Gannett News
Bill Crowell, Hinman, Straub
Tom Precious, Blood Horse Magazine

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

- A THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD ON NOVEMBER 18, 1997.**
- B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN**
- 1. BUFFALO RACEWAY REQUEST TO AMEND RACING LICENSE**
For entry into the minutes, on December 8, 1997 approval was granted for the request by Buffalo Raceway to end their racing season on Saturday, December 20, 1997 instead of December 31, 1997.
 - 2. FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO DISTRIBUTE PICK 6 POOL**
For entry into the minutes, on November 26, 1997, approval was granted for the request by Finger Lakes Racing Association to distribute the entire Pick 6 Pool on Sunday, November 30, 1997, in accordance with Board Rule 4011.23e.
 - 3. MONTICELLO RACEWAY REQUEST TO AMEND 1997 LICENSE**
For entry into the minutes, on November 14, 1997, approval was granted for the request by Monticello Raceway to amend their post time from 7:35 p.m. to 3:00 p.m. on Wednesday, November 19 and 26, 1997.
 - 4. MONTICELLO RACEWAY REQUEST TO AMEND 1997 LICENSE**
For entry into the minutes, on November 20, 1997, approval was granted for the request by Monticello Raceway to amend its 1997 racing schedule as follows:

ADD: Wednesdays, December 3rd, 10th, 17th, 24th and 31st.
DELETE: Saturdays, December 6th, 13th, 20th, and 27th.
 - 5. MONTICELLO RACEWAY REQUEST TO HOLD A HANDICAPPING CONTEST**
For entry into the minutes, on November 20, 1997, approval was granted for the request by Monticello Raceway to conduct a Top-Capper Contest beginning November 18, 1997 to run every Tuesday until January 30, 1998, as outlined in the rules.
 - 6. MONTICELLO RACEWAY REQUEST TO AMEND 1997 LICENSE**
For entry into the minutes, on December 3, 1997, approval was given for the request by Monticello Raceway to amend their post time on Mondays from 7:35 p.m. to 1:05 p.m. for the month of December beginning December 8, 1997.

7. **MONTICELLO RACEWAY REQUEST TO AMEND 1997 LICENSE**
For entry into the minutes, on December 15, 1997, approval was granted for the request by Monticello Raceway to amend the post time on Tuesday, December 23 and 30, 1997 from 7:35 p.m. to 1:05 p.m.
8. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO AMEND PLAN OF OPERATION**
For entry into the minutes, on December 1, 1997, approval was granted for the request by the New York Racing Association, Inc. to offer free general admission and reduced Clubhouse admission on December 21, 1997.

Permission was also granted to cancel free general and reduced Clubhouse admission on Saturday and Sunday, December 13 and 14, 1997 in conjunction with the Holiday Happening Promotion.
9. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO AMEND PLAN OF OPERATION**
For entry into the minutes, on December 3, 1997, approval was granted for the request by the New York Racing Association, Inc. to offer free general admission or reduced Clubhouse admission to all patrons participating in NYRA's Toys for Tots fundraiser on Saturday and Sunday, December 13 and 14, 1997.
10. **NEW YORK RACING ASSOCIATION, INC. REQUEST TO AMEND SIMULCAST AGREEMENT**
For entry into the minutes, on December 3, 1997, approval was granted for the request by the New York Racing Association, Inc. to add the following site in St. Maarten based upon the agreement with Stevenson & Associates, Inc.: Universal Sport/Casino Royale Maho Beach Hotel, Rhine Road, St. Maarten, Netherlands-Antilles.
11. **YONKERS RACEWAY REQUESTS TO AMEND ITS 1997 RACING AND SIMULCAST LICENSE**
For entry into the minutes, on November 14, 1997, approval was granted for the requests by Yonkers Raceway to amend their 1997 license to include Wednesdays, November 19 and 26, 1997 to its racing schedule and simulcast to out-of-state tracks on those days.
12. **YONKERS RACEWAY REQUEST TO AMEND ITS 1997 RACING SCHEDULE**
For entry into the minutes, on December 8, 1997, approval was granted for the request by Yonkers Raceway to amend their 1997 license to include Wednesday, December 10, 1997 to its racing schedule and to simulcast to out-of-state tracks on that day.
13. **YONKERS RACEWAY REQUEST TO AMEND PLAN OF OPERATION**
For entry into the minutes, on December 12, 1997, approval was granted for the request by Yonkers Raceway to hold a double draw on Friday, December 12th for races to be conducted on Tuesday, December 16 and Wednesday, December 17, 1997.

Approval was also granted to cancel Wednesday, December 31, 1997.

14. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND PLAN OF OPERATION**
For entry into the minutes, on December 15, 1997, approval was granted for the request by New York City Off-Track Betting Corporation to offer free admission to NYC OTB simulcast theaters for telephone betting account patrons and others on the mailing list who receive their newsletter "Inside Track", beginning December 15, 1997 through January 26, 1998.

D ITEMS TO APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND PLAN OF OPERATION**
The Board approved the request by Capital OTB to amend its plan of operation to appoint Martin J. Rabideau as the concessionaire at their Malone branch located at 31 Rockland Street.

This approval is conditioned upon receipt of a liquor license and a satisfactory return of Mr. Rabideau's fingerprint cards.
2. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO HOLD HANDICAP TOURNAMENT**
The Board approved the request by Capital OTB to conduct a handicapping contest at the Teletheater to begin Friday, January 9, 1998 and run every Friday through March 13, 1998, as outlined in the rules of the contest. This approval is conditioned upon non-paying patrons being permitted access to participate in the handicap tournament.
3. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO ESTABLISH A SITE ON THE INTERNET**
The Board approved the request by New York City OTB to establish a site (Home Page) on the internet (World Wide Web) to provide information related to NYCOTB operations, activities, promotions as well as up to date racing information to its old and new patrons. No wagering in any form will occur on this site.
4. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION REQUEST FOR INDEPENDENT HANDICAPPING SERVICES**
The Board approved the request by Western Regional OTB to provide independent handicapping services to the corporation.

5. **BUFFALO RACEWAY REQUEST TO EXTEND 30 DAY RULE**
The Board denied the request by Buffalo Raceway to waive Board rule 4113.5 and allow horses to race without a charted line beyond the 30 day period. The Board, however, will seek an emergency rule adoption to the above cited rule and include Buffalo Raceway with those tracks listed in Subdivision (1).
6. **BUFFALO RACWAY REQUEST FOR WITHDRAWAL OF FUNDS FROM THE CAPITAL IMPROVEMENT FUND**
The Board approved the requests by Buffalo Raceway to withdraw a total of \$31,315,83 from the capital improvement funds for various items and projects.
7. **FINGER LAKES RACING ASSOCIATION REQUEST FOR WITHDRAWAL FROM THE CAPITAL IMPROVEMENT FUND**
The Board deferred the request by Finger Lakes Racing Association to withdraw \$162,671.95 from the capital improvement fund dated November 6, 1997 until the next meeting or until more information from Finger Lakes regarding this request is received.
8. **SARATOGA RACEWAY REQUEST FOR WITHDRAWAL FROM THE CAPITAL IMPROVEMENT FUND**
The Board approved withdrawal of \$72,403.02 from the Capital Improvement Fund for advertising and various expenses. A total of \$9,888.45 was withheld from the original request pending receipt of further information regarding the purchase of a 1992 Ford Ranger (\$7,252.50) and five (5) black and white televisions and modulators (\$2,635.95). Once the information has been received, the Board will take action on these additional funds.
9. **NEW YORK RACING ASSOCIATION, INC. REQUEST FOR BLANKET APPROVAL FOR 1998 INTERSTATE SIMULCASTING**
The Board approved the request by the New York Racing Association, Inc. for blanket approval for NYRA's 1998 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 or non-merged pool wagering, if any, and specific rates of compensation.

10. **1998 RACING DATES – CERTIFICATION TO THE TAX COMMISSIONER**

The Board certifies pursuant to Section 228(3)(b)(I) of the Racing, Pari-Mutuel Wagering and Breeding Law that Finger Lakes Race Track, Monticello Raceway, and Yonkers Raceway for 1998 have been assigned at least 90% of program races raced in 1985 or 1986 (whichever year had the fewer). Regarding Saratoga Raceway, the Board has found that it would be uneconomical or impractical for this association to be assigned the prescribed number, and that such findings entitles them to be considered as if they did comply with such requirements. Regarding Batavia Downs, Buffalo Raceway, Vernon Downs and the Syracuse Mile, the Board has not granted a license and have not been assigned dates for 1998. This certification is made for the purpose of confirming the pari-mutuel tax rate to be established in 1998 for Finger Lakes Race Track, Monticello Raceway, Saratoga Raceway and Yonkers Raceway.

11. **DESIGNATION OF OFFICERS AND EMPLOYEES**

The Board approved the designation of the following employees to administer and issue subpoenas:

James Gallagher, Chief of Racing Operations

Russell Baller, Assistant Counsel

Jennifer Whalen, Assistant Counsel

Thomas Casaregola, Chief of Audits & Investigations

Joseph Lynch, Racing & Wagering Investigator

12. **MATTER OF ROBERT MESSINA**

The Board confirmed Hearing Officer Bennett Liebman's recommendation that Mr. Messina be found guilty of misuse of the whip at Finger Lakes Race Track on August 22, 1997, and that the \$200 fine by the State Steward be affirmed.

13. **MATTERS OF ARTHUR E. GREENE AND JERRY CONRAD**

The Board confirmed Hearing Officer Bennett Liebman's recommendation that Mr. Conrad be found guilty of misusing the whip at Finger Lakes Race Track on June 21, 1997 and that the seven day suspension imposed by the State Steward be affirmed. The Board also confirmed Mr. Liebman's recommendation that Mr. Green be found not guilty of misuse of the whip, in violation of Board rule 4022.12 in regard to this incident at Finger Lakes Race Track on June 21, 1997 and that the \$250 fine imposed by the State Steward be dismissed.

In addition, the Board authorized Counsel's office to bring charges against Mr. Greene for violation of Board rules based upon this incident. Counsel's office will work with Finger Lakes to establish rules for misuse of the whip at morning workouts/training.

14. **ADOPTION OF THOROUGHBRED WHIP RULE**
 The Board approved the adoption of the Thoroughbred Whip Rule with a minor modification to change the length of the "popper" from 3" to 4" which makes the rule consistent with the length of the whip in use now.
15. **ADOPTION OF EXPANDED WAGERING RULES**
 The Board approved the adoption of expanded wagering rules. When requests for these wagering formats are approved, the Board will condition the approval upon a requirement that information is posted notifying patrons as to how the wagering formats work.
16. **1998 TRACK APPLICATION FOR YONKERS RACING CORPORATION**

The Board approved the track license application submitted by Yonkers Racing Corporation for 1998 for the conduct of pari-mutuel harness racing at Yonkers Raceway as follows:

January 2nd – December 31st 308 Programs

Racing Mondays (except May 25), Tuesdays, *Wednesdays, Thursdays (except Thanksgiving Day, November 26, and Christmas Eve, December 24), Fridays (except Christmas Day, December 25) and Saturdays.

*Yonkers Raceway is requesting to race on Wednesdays throughout the year. However, these days will be deleted from the schedule if there are insufficient horses available.

Wagering Format

RACE#	WPS	DD	EXACTA	QUINELLA	TRIPLE	OTHER (Pick 3) (Pick 4)
1	X	X	X			
2	X		X			X
3	X		X		X	
4	X		X			
5	X		X			X
6	X		X		X	
7	X		X			
8	X		X			X
9	X		X		X	
10	X		X			
11	X	X	X			
12	X		X		X	

On Mondays, Fridays and Saturdays, Yonkers Raceway will offer triple wagering on all races.

- *In 9 race cards
- **In 10 race cards
- ***In 11 race cards

All prospective capital improvements for 1998 will be covered under separate cover following an annual inspection with track management, the horsemen's association and the Board as set forth in Section 319 of the Racing, Pari-Mutuel Wagering and Breeding Law. *Please note, however, track management and the President of the Saratoga Harness Horseperson's Association have agreed on improvements to be made.

The current contract between Saratoga Raceway and the Saratoga Harness Horseperson's Association has expired, all terms and conditions remain in effect until a new contract is finalized.

Approval of this license is conditioned upon the receipt of an occupational license application from Mr. Daniel Gerrity, a director of the corporation.

18. **1998 TRACK LICENSE APPLICATION FOR FINGER LAKES RACING ASSOCIATION, INC.**

The Board approved the track license application submitted by Finger Lakes Racing Association, Inc. for the conduct of pari-mutuel thoroughbred racing at Finger Lakes Racetrack as follows:

Racing Dates for Finger Lakes Racetrack:

Finger Lakes Racetrack is requesting 170 racing programs in 1998, as follows:

April 3rd – December 1st 170 Programs

APRIL – Racing Sunday, April 19 and 26, Monday, April 20 and 27, Tuesdays, Wednesday, April 8 and 15, Friday, April 3 and 10 and Saturdays; MAY – OCTOBER – Racing Sundays, Mondays (except September 28), Tuesdays, Wednesday, May 27, September 9 and 30; October 14, Thursday, September 10, Fridays (except September 11) and Saturdays; NOVEMBER – DECEMBER – Racing Sundays, Mondays, Tuesdays (except November 3), Wednesday, November 4 and Saturdays.

Wagering Format

RACE#	WPS	DD	EXACTA	QUINELLA	TRIPLE	OTHER (Pick 3)
1	X	X	X			
2	X		X			
3	X		X		X	
4	X		X			
5	X		X			X
6	X		X		X	
7	X	X*	X			
8	X		X			
9	X	X	X		X*	
10	X		X		X**	
11	X*	X*	X			
12	X*		X		X*	

*12 race program only

**11 or 12 race programs

***Finger Lakes also requests permission for Trifecta wagering on all races on one program per month.

All prospective capital improvements for 1998 will be covered under separate cover following an annual inspection with track management, the horsemen's association, jockey guild representatives and the Board as set forth in Section 229 of the Racing, Pari-Mutuel Wagering and Breeding Law.

At the present time, Finger Lakes is negotiating a new contract with the FL-HBPA, Inc. The expired contract will be used as a guideline until the new contract is in place. Upon receipt, it will be circulated for informational purposes.

This license is conditioned upon the submission of an occupational license application for Mr. William Bissett, a director of the corporation and a copy of the most recent financial statement.

19. **MONTICELLO RACEWAY – 1998 TRACK LICENSE APPLICATION**

The Board approved the track license application submitted by Monticello Raceway Management, Inc. for the conduct of pari-mutuel harness racing at Monticello Raceway as follows:

Racing Dates for Monticello Raceway:

Monticello Raceway is requesting 210 racing programs as follows:

January 4 th – March 31 st	51 Programs
April 1 st – June 30 th	48 Programs
July 3 rd – September 30 th	59 Programs
October 4 th – December 30 th	<u>52 Programs</u>
	210 Programs

JANUARY – MARCH – Racing Sundays, Mondays, Tuesdays and Wednesdays; APRIL – JUNE – Racing Sundays (except April 5 and 12), Mondays (except April 6 and 13), Tuesdays and Wednesdays; JULY – SEPTEMBER – Racing Sundays, Mondays (except in August), Tuesdays, Wednesdays (except September 2), Thursday, September 10 and Fridays (except September 11, 18 and 25), and Saturdays; OCTOBER – DECEMBER – Racing Sundays, Mondays, Tuesdays and Wednesdays.

Wagering Format:

The following betting format will be offered in these programs:

RACE#	WPS	DD	EXACTA	QUINELLA	TRIPLE	OTHER
1	X	X	X			
2	X		X			
3	X		X		X	
4	X		X			
5	X	X	X			
6	X		X			
7	X		X		X	
8	X	X	X			
9	X		X			
10	X		X		X	
11	X		X		X*	
12	X		X		X**	

* 11 race programs

**12 race programs

All trifecta cards will be offered on Sunday, Tuesday and Wednesday evenings throughout the year.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

- 1. MONTICELLO RACEWAY – Letter to NYC OTB regarding its signal**
- 2. NEW YORK RACING ASSOCIATION, INC. –Response letter to Capital OTB’s Request for authorization to provide its Live Call over its Web Site.**
- 3. VERNON DOWNS – Response letter on rebates**
- 4. CAPITAL DISTRICT REGIONAL OTB – Additional tracks to be added to Internet Live Race Call**
- 5. CAPITAL DISTRICT REGIONAL OTB – Certificate of Occupancy for Troy Atrium**
- 6. CAPITAL DISTRICT REGIONAL OTB – Cancellation of Wagers**
- 7. CAPITAL DISTRICT REGIONAL OTB – Handicapping Tournament update – To be held 2/28 & 3/1/98**
- 8. CATSKILL REGIONAL OTB – Installation of Touchscreen Amusement Devices**
- 9. WESTERN REGIONAL OTB – Cancellation of Wagers**
- 10. RED STRIPE SWEEPSTAKES – No accessible Simulcast signal of this Special Event on November 15, 1997.**