

## **MINUTES**

### **NEW YORK STATE RACING AND WAGERING BOARD**

#### **MEETING OF FEBRUARY 16, 2006**

**A meeting of the New York State Racing and Wagering Board was held on Thursday, February 16, 2006 at 11:00 a.m. at the Racing & Wagering Board's Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.**

The meeting was called to order at 11:10 a.m.

#### **In Attendance Were:**

Cheryl Buley, Acting Chairwoman

Michael J. Hoblock, Jr., Member

John Cansdale, Executive Director

Gail Pronti, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits & Investigations

Joseph Lynch, Chief of Racing Operations

#### **Also in Attendance Were:**

Vivian Davis, NYSR&WB

Daniel Toomey, NYSR&WB

Henry M. Madej

Paul D'Onofrio, Monticello Raceway

Steve Bochnak, Assembly

Cliff Ehrlich, Monticello Raceno

Peter Goold, NYSHBDF

John Milgrim, Ottawa News Service

**OPEN COMMENT PERIOD:** Comments began at 11:01 a.m.

Paul D'Onofrio, representing Monticello Raceway, spoke about the agreement reached earlier in the week to have the New York State Racing and Wagering Board arbitrate the contract between Monticello Raceway Management and the Monticello Harness Horsemen's Organization and that it has significantly cooled hostilities between the two. He encouraged the Board to assign the agreed upon race dates for February 20, 2006 through June 30, 2006, with a 4-day race week, Mondays through Thursdays, in the hopes that it would benefit both Management and Horsemen.

Comments ended at 11:09 a.m.

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

##### **1. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2006**

On February 16, 2006, at a special meeting of the New York State Racing and Wagering Board, the Monticello Raceway track and simulcast license applications for 2006 were deferred pending:

- Resolution of the horsemen's contract for 2006.
- Evaluation of information from Monticello Raceway management in support of its position that a CAFO permit is not required.

The Board assigned race dates for Monticello Raceway for February 20, 2006 through June 30, 2006, with a 4-day race week, Mondays through Thursdays, with a 12-race daily maximum with the ability to seek permission from the presiding judge for additional races on a “case-by-case” basis.

The Board will consider further action at a future Board meeting.

Monticello Raceway may remain operational on the basis of continuing rights. Such rights are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. All contracts for sites to receive New York simulcasts must provide that such receiving sites not rebate *in cash* on New York races.
  - b. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.

- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- e. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2006.

**2. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2006**

See Board item number one above.

The meeting was adjourned at 11:22 p.m.