

MINUTES OF THE
BOARD MEETING
HELD ON MARCH 29, 1990

A meeting of the New York State Racing & Wagering Board was held on Thursday, March 29, 1990, at the Board offices located at 400 Broome Street, New York, 10013.

IN ATTENDANCE WERE:

Richard F. Corbisiero, Chairman
Joseph P. Neglia, Member
Bennett Liebman, Member
Victor A. Cocozziello, Director of Wagering Systems
John Dailey, Director of Racing and OTB
David Vaughan, Counsel
Joseph Slakas, Director of Public Relations
Jim Gallagher, Chief of Racing Operations
Steven Richman, Chief of Off-Track Betting Corporation
Arthur Schechter, Director of Audits
Robert Feuerstein, Assistant Counsel
Ted Garrison, Assistant Counsel
Daniel Goldberg, Assistant Counsel
Gale Berg, Assistant Counsel
John Barrett, Assistant Counsel
Ronald Sommer, Assistant to the Executive Director
Duke Dranichak, Director of Racing Officials
Bernie Handwerker, Director of Bingo
Thomas C. Davide, Secretary to the Board

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A.

1. Approved minutes of the Board Meeting held on February 26, 1990.

B. FOR ENTRY INTO THE MINUTES

1. WROTBC/TO ACCEPT PICK-3 WAGERING

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to accept Pick-3 wagering on races 4, 5, 6 from Batavia Downs during Batavia's Spring 1990 Meeting from February 26, 1990 through April 21, 1990.

2. WROTBC/TO AMEND SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to simulcast races from Batavia Downs into 44 licensed simulcast branches (all except Batavia) on Sunday and Monday afternoons (matinee programs), beginning February 26, 1990. Also, approved their request to simulcast races from Batavia Downs into 26 licensed branches (as outlined in their letter of February 22, 1990) during the evening hours, beginning February 26, 1990 and continuing through April 21, 1990.

3. YONKERS RACEWAY/LICENSE AMENDMENT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel Wednesdays from their schedule for the month of March--March 7, 14, 21 and 28, 1990.

4. MONTICELLO RACEWAY/LICENSE AMENDMENT

For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to add Wednesdays to their schedule for the month of March--March 7, 14, 21, and 28, 1990.

5. NYRA/SIMULCASTING SCHEDULE FOR MARCH 1990

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks which with whom NYRA has executed agreements for the simulcast and acceptance of pari-mutuel wagers to various tracks in the month of March as outlined in their letter of February 24, 1990.

6. CDROTBC/TO ACCEPT WAGERS

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to accept wagers on the 1990 Anita Handicap to be run on Saturday, March 4, 1990 at Santa Anita Park, Arcadia, California as an out-of-region thoroughbred race of special interest.

7. WROTBC/SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to simulcast races from Monticello Raceway on Wednesday evening, beginning March 7, 1990 when Batavia Downs is dark.

8. NYC, NASSAU AND CATSKILL ROTBC'S TO SIMULCAST MONTICELLO RACEWAY'S SUNDAY MATINEE PROGRAMS

For entry into the minutes, the Chairman's prior approval of a request by New York City, Nassau and Catskill Regional Off-Track Betting Corporations to simulcast Monticello Raceway's Sunday matinee programs, beginning, Sunday, March 4, 1990.

9. NYCOTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to offer for sale in their branches, beginning March 12, 1990, the new Racing Form publication "Metro Turf" at \$1.25 per copy and OTB will retain 3.75 cents per copy sold. The balance will go to Metro Turf. In addition, you will offer free distribution copies of the Sports Eye program on March 10 and 11, 1990 as well as free copies of Metro Turf on March 11, 1990.

10. CDROTBC/TO AMEND SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to amend its simulcast plan of operation to authorize the designated simulcast facilities (branches) to become enhanced telebranches and to approve the concessionaires at these facilities.

The facilities involved are:

<u>Branch</u>	<u>Date of Request</u>
East Greenbush	1/23/90
Plattsburgh	2/2/90
Bridgeport	2/8/90

Concessionaire

Lou Smith
Curtis Theadore Peterson
Carmine Barbone
Jermiah C. Law

11. APPLICATIONS BY CDROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of an application of Capital District Regional Off-Track Betting Corporation to amend its simulcast plan of operation in relation to replacement concessionaires at existing enhanced simulcast facilities.

<u>Branch</u>	<u>Date of Request</u>	<u>Concessionaire</u>
Charlestown	1/29/90	K.C.A.J. of Central of
Imperial Racing	2/15/90	- New York
Center/Schenctady		Canteen Corporation

12. SROTBC/TO INCREASE THE PRICE OF ADMISSION

Request by Suffolk Regional Off-Track Betting Corporation to increase the price of the combined admission fee/Sunday brunch at its Hauppauge Simulcast theater from \$9.95 to \$11.95 effective, Sunday, March 11, 1990.

13. YONKERS RACEWAY/SIMULCAST TO GEORGE M. LEVY PACE TO POCONO DOWNS

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to simulcast the George M. Levy Pace to Pocono Downs, Pennsylvania on the following days:

George M. Levy Memorial Pace -

- 1st Leg - Saturday - March 10, 1990
- 2nd Leg - Saturday - March 17, 1990
- 3rd Leg - Saturday - March 24, 1990
- 4th Leg - Saturday - March 31, 1990
- 5th Leg - Saturday - April 7, 1990
- 6th Leg - Saturday - April 14, 1990
- 7th Leg - Saturday - April 28, 1990
- 8th Leg - Saturday - May 5, 1990
- Final Saturday - May 12, 1990

14. YONKERS RACEWAY/CHANGES IN BETTING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to make changes in their betting format for the George M. Levy Memorial to be held on Saturday, March 10, 1990. Also, for the 6th race they delete show wagering and for the 10th race they requested to delete place and show wagering.

15. NYRA/SIMULCAST TO GARDEN STATE PARK

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of an agreement between NYRA and Garden State Park ITW: Atlantic City, Meadowlands and Monmouth Park for the simulcast and

16. CDROTBC/TO AMEND SIMULCAST PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to amend its simulcast plan of operation in relation to the transfer of its simulcast facility license from the East Greenbush Branch to the relocated facility at 166 Columbia Turnpike, East Greenbush, New York.
17. APPLICATION OF CDROTBC/ TO AMEND PLAN OF OPERATION
For entry into the minutes, the Chairman's prior approval of a application by Capital District Regional Off-Track Betting Corporation to amend its plan of operation and simulcast plan of operation to relocate its Plattsburgh branch to 444 Upper Cornelia Street, Plattsburg and to transfer the simulcast facility license from the current branch to the new location.
18. SARATOGA HARNESS/"LUCK OF THE IRISH" WEEKEND PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Saratoga Raceway to have \$1.00 Grandstand Admission all weekend for the dates of: Friday, March 16th, Saturday, March 17th and Sunday, March 18th for the St. Patrick's "Luck of the Irish" Weekend. Also approved, in addition to the above request they will give away a trip for two to Ireland in conjunction with radio station patrons arriving before the first race will receive one entry form. Admission, including a free entry form to the drawing, will be free following the eighth race. The drawing will be held after the 10th race with the winner having to be present.
19. NYRA/POST TIME OF 1:00 P.M. FOR SARATOGA RACE MEETING
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association pursuant to Section 208 of the Racing Law, to change first race post time to 1:00p.m. for the 1990 Saratoga race meeting.
20. NYCOTBC ON BEHALF OF ALL NYSROTBC'S/TO ACCEPT WAGERS
For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation on behalf of all New York State Regional Off-Track Betting Corporations to accept wagers on the 1990 Florida Derby, to be run on Saturday, March 17, 1990 at Gulfstream Park, Florida as an out-of region thoroughbred race of special interest.
21. WROTBC/PROMOTIONS
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to undertake a promotion relating to the Triple Crown and New York State Lottery as outlined in their letter of February 28, 1990.

22. CDROTBC/TO BROADCAST THE SIMULCASTS FROM MONTICELLO VIA CABLE
For entry into the minutes, the Chairman's prior denial of a request by Capital District Regional Off-Track Betting Corporation to broadcast the simulcasts from Monticello Raceway via cable television on Wednesday evenings, beginning March 14, 1990.

23. CDROTBC/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to conduct the following promotional event on March 17, 1990: To conduct a cash giveaway booth contest at their Albany Simulcast theater on March 17, 1990. The promotion will involve cash and not pari-mutuel wagering coupons. It will not require an admission fee and contestants will be selected on a first come basis.

24. YONKERS RACEWAY/PERMISSION TO CHANGES IN BETTING FORMAT FOR THE GEORGE M. LEVY MEMORIAL ON MARCH 17TH
For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to make two changes in their betting format for the George Morton Levy Memorial to be held on Saturday, March 17, 1990 and to delete show wagering for the the 9th and 10th races.

25. WROTBC/PROMOTION
For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to extend their Easy-Bet Slip promotion to their Phoenix branch.

26. NYCOTBC/TO ACCEPT TRIPLE WAGERING
For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation on behalf of all New York State Regional Off-Track Betting Corporations to accept triple wagering on the Florida Derby, on Saturday, March 17, 1990, by waiving rule 4011.22.

27. NYRA/TO ADD THISTLEDOWN TRACK TO THE MARCH SIMULCAST SCHEDULE
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to add the following to their March simulcast schedule.

<u>Date</u>	<u>Day</u>	<u>Race</u>	<u>Track</u>	<u>State</u>
3/16	Friday	9th race	Thistledown	OH

Type of Contract
F

28. CDROTBC/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to amend its simulcast plan of operation in relation to the replacement concessionaire at CDROTBC's enhanced simulcast branch, Plaza East. The New concessionaire will be K.C.A.J. of Central New York, Inc.

29. YONKERS RACEWAY/CHANGES IN BETTING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to make two changes in their betting format for the George Morton Levy Memorial to be held on Saturday, March 24, 1990 and delete place and show wagering for the 9th and 10th races.

30. MONTICELLO RACEWAY/TO ADD FRIDAYS TO SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to add Friday, April 6, Friday, April 13, Friday, April 20 and Friday, April 27, 1990 to their racing schedule, Also, to schedule nine (9) race cards with three (3) trifectas on these dates and to cancel the race cards on Tuesday, April 10 and Tuesday April 17, 1990.

(C) PREVIOUSLY APPROVED BY THE BOARD

1. NYRA/SEATING AND ADMISSION PRICES FOR THE DESIGNATED SPECIAL EVENTS DURING 1990

For entry into the minutes, the Board's prior approval of a request by the New York Racing Association for seating and admission prices for designated special events during 1990 for the following schedule.

Belmont Stakes Day, June 9, 1990

Reserved Seats will be priced at \$10.00 for the Clubhouse and portion of the Grandstand overlooking the finish line and \$5.00 for the balance of the reserved seats;

Saratoga 1990 Race Meeting

Reserved Seats will be priced at \$5.00 for the Clubhouse and that portion of the Grandstand available on a race meeting basis only. Additionally, Saratoga Box Seats will be priced at \$10.00

Breeders' Cup Event Day, October 27, 1990

Box Seats assigned to Breeders' Cup limited will be priced at \$150.00, the balance at \$50.00. Clubhouse Reserved Seats will be priced at \$35.00, \$30.00 or \$25.00, based on location and Grandstand Reserved Seats will be priced at \$25.00, \$20.00 and \$15.00, based on location. General admission will be \$5.00 while Clubhouse admission will be \$10.00.

2. IN THE MATTER MICHAEL FERRARO AND EDWARD J. BABCOCK/
SUMMARY SUSPENSION

The Board approved the summary suspension of Michael Ferraro and Edward J. Babcock, pursuant to Racing Pari-Mutuel Wagering and Breeding Law Sections 101 and 213 9NYCRR Sections 4002.9 (a), 4042.1(f) and subdivision 3 of Section 401 of the New York State Administrative Procedure Act, upon finding that the public, health, safety or welfare imperatively requires this emergency action. Said respondents were indicted in the United States Federal Court, for conspiracy related to the 8th race at Finger Lakes Race Track on September 26, 1989.

3. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY GABRIEL AGUILA

For entry into the minutes, the Board's prior approval of a request by Jockey Gabriel Aguila for a 3 day extension of his weight allowance due to days lost as a result of inclement weather, November 16, 23, and December 22, 1989. This extension of his allowance to his current expiration date of March 23, 1990 would expire on March 26, 1990.

D. BOARD DETERMINATION

1. HEARING OFFICER REPORT IN THE MATTER OF JOCKEY ANGEL CORDERO

The Board approved with member Bennett Liebman abstaining. the Hearing Officer's recommendation that the suspension of Jockey Angel Cordero be upheld and that the penalty be served during racing days at Saratoga.

2. NYRA/FREE GRANDSTAND ADMISSION FOR THE HORSEFAIR PROMOTION

The Board approved the request by the New York Racing Association to offer free grandstand admission to persons attending the HorseFair activities, arriving at Belmont Park prior to 11:00a.m. during the period of June 4 through June 10, 1990.

3. YONKERS RACEWAY/SIMULCAST THE BIG APPLE RACE TO POCONO POCONO
DOWNS ON SATURDAY, APRIL 21

The Board approved the request by Yonkers Raceway to simulcast the Big Apple Race on Saturday, April 21, to Pocono Downs, Pennsylvania.

4. HEARING OFFICER REPORT IN THE MATTER OF MICHAEL REED AND BEVERLY MYERS

The Board confirmed the finding of the Hearing Officer in the matter of Michael Reed and imposed a \$500 fine. In the matter of Beverly Myers the Board confirmed the finding of the Hearing Officer but did not accept his recommendation of a \$250 fine but imposed a \$500 fine.

5. STATE TAX CERTIFICATION

Pursuant to Laws of 1988, Chapter 261 the Board certified the State Tax within 80 days after the end of the calendar year (March 21 in regular years, March 20 in leap years) whether all of the tracks except NYRA) expended during the preceding year (or the average of the two preceding years) at least 1/2 of 1% of their total on-track handle during such preceding year for capital improvements, capital repairs and special promotions combined.

6. APPLICATION OF CDROTBC/TO AMEND PLAN OF OPERATION

The Board denied the application of Capital District Regional Off-Track Betting Corporation to amend their plan of operation to reflect the appointment of Donald F. Smith as the St. Lawrence County member of the Board of Directors of the Corporation.

7. RULE PROPOSAL/SECTIONS 5205.4 and 5206.3

The Board approved the proposed rules which would require Off-Track Betting Corporations to post the results, winnings and refunds for each race for a 30-day period.

8. VERNON DOWNS/PROMOTIONS

The Board approved the request by Vernon Downs to conduct promotions during their 1990 harness racing season as outlined in their letter of March 14, 1990.

9. FLRA/ROSTER OF RACING OFFICIALS

The Board approved the request of the Finger Lakes list of racing officials for their 1990 racing season as outlined in its letter of February 21, 1990.

10. PROPOSED RULES FOR FINAL ADOPTION

The Board approved the final adoption of the proposed rules as follows: The proposed rules would add two (2) new sections 5620.20 and 5621.21 and amendments to bingo sections 5812.10, 5820.12, and 5820.14 and amendments to games of chance sections: 5600.1(m), 5600.1(t), 5603.7, 5620.1(q), 5620.1(r), 5620.1(s), 5620.1(t), 5620.3(c)(2), 5620.3(d), 5620.3(e) (1) (2)(3)(4)(5)(6)(7)(8)(9)(10) and (11), 5620.4(d) (1)(2)(3)(4)

(5)(6) and (7), 5620.4 (e)(1)(2)(3)(4)(5)(6)(7) and (8), 5620.5(f)(2), 5620.6(b)(3) and (4), 5620.8(b)(3), 5620.9(b)(3), 5620.11(b)(2), 5620.12(c)(6) and (7) (i), 5620.13(b)(2), 5620.14(b)(3), 5620.15(e), 5620.16(f), 5620.17(c), 5620.18(f), 5620.19(c)(1), 5621.1, 5621.4 heading, 5621.4, 5621.12, 562.22, and 5624.16.

11. FLRA/LICENSE AMENDMENT

The Board approved the request by Finger Lakes to postpone their opening day of March 31, 1990 until Good Friday, April 13, 1990.

Said postponement will enable FLRA to resurface its racetrack now rather than in May.

12. SARATOGA HARNESS/PROMOTIONAL REQUEST AND WAGERING FORMAT CHANGE

The Board approved the request by Saratoga Raceway to add an additional triple for their "Triple Your Pleasure" at Saratoga Raceway on closing night, Saturday, April 7, 1990. Also, approved their request to supplement this promotion with three cash giveaways of \$333 and gift certificates for \$33 from Bonfare and food specials involving dinner for four (for the price of three).

13. FLRA/CAPITAL IMPROVEMENT FUND EXPENDITURES

The Board approved the request by Finger Lakes to withdraw \$243,750 on April 5, 1990 from the Capital Improvement Fund. The balance of \$71,250 has been deferred until audit is completed.

14. FOR FINAL ADOPTION/CERTIFICATION OF ANNUAL EXPENDITURES FOR ENHANCEMENTS RULES - SECTIONS 4003.12 AND 4101.7

The Board approved the following harness and thoroughbred rules (4003.12 and 4101.7) which establish procedures under which the Board must certify non-compliance with statute.