

MINUTES OF THE
BOARD MEETING
OF APRIL 26, 1990

A meeting of the New York State Racing & Wagering Board was held on Thursday, April 26, 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. Coccozzello, Director of Wagering Systems
John Dailey, Director of Racing and OTB
David B. Vaughan, Counsel
Joseph Slakas, Director of of Public Relations
Jim Gallagher, Chief of Racing Operations
Steven Richman, Chief of Off-Track Betting Operations
Arthur Schechter, Director of Audits
Robert Feuerstein, Assistant Counsel
Daniel Goldberg, Assistant Counsel
Ted Garrison, Assistant Counsel
Ronald Sommer, Assistant to the Executive Director
Duke Dranichak, Director of Racing Officials
Bernie Handwerker, Director of Bingo
Archie Mavromatis, Assistant Chief of Racing Operations
Herman Kluge, Director of Audits and Investigations
Edmund Leary, Assistant Chief of Audits & Investigations
Thomas C. Davide, Secretary to the Board

MINUTES OF THE
BOARD MEETING
HELD ON APRIL 26, 1990

A.

1. Approved minutes of the Board Meeting held on March 29, 1990.

B. FOR ENTRY INTO THE MINUTES

1. NYRA/ADDING TRACKS FOR SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association that the following track be added to the the March simulcast schedule.

<u>Date</u>	<u>Day</u>	<u>Race</u>	<u>Track</u>
3/24	Sat.	4th	Thistledown

<u>State</u>	<u>Type of Contract</u>
OH	F

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2. NYCOTBC/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 amend their plan of operation to reflect the closing of its branch at 120-56 Queens Boulevard, Queens, effective with the close of business, March 25, 1990.

3. 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 a promotional activity with Saratoga Raceway drivers, together with a free \$10.00 wager for patrons at its Albany simulcast theater on Thursday evenings, beginning March 29, 1990.

4. NYCOTBC/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 Corporation's to accept wagers on the 1990 Jim Beam Stakes, Saturday, March 31, 1990.

5. YONKERS RACEWAY/PERMISSION TO CONTINUE POLICY OF FREE GENERAL PARKING AND GRANDSTAND

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to continue its policy of free general parking and free grandstand admission throughout the month of April.

6. YONKERS RACEWAY/CHANGES IN BETTING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering on the 9th and 10th races for the George Morton Levy Memorial to be held on Saturday, March 31, 1990.

7. CDROTBC/TO DISPLAY THE DOKES V. RUDDOCK BOXING EVENT

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to display the Dokes v. Ruddock boxing event at its Albany simulcast theater on Wednesday, April 4, 1990.

8. NYCOTBC/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 following:

- 1990 Santa Anita Derby to be run at Santa Anita Park, Arcadia, California; and

- 1990 Preview Stakes to be run at Gulfstream Park, Florida, on Saturday, April 7, 1990; as thoroughbred races of special interest and to offer a free daily double wager on the two special events.

9. SARATOGA RACEWAY/WAIVER OF 30 DAY RULE (4113.5)

For entry into the minutes, the Chairman's prior approval of a request by Saratoga Raceway to waive the "30 day rule" - (4113.50(a)(1) from April 27, to May 15, 1990, due to the track closing from April 8, through April 26, 1990. This rule will allow them to reduce the number of qualifying races.

10. NYRA/APRIL SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of pari-mutuel wagers on various races in the month of April as outlined in its letter of March 23, 1990.

11. 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 promotion:
On Wednesday, April 11, 1990, it will give each paid admission to its Albany's simulcast theater a plastic egg. Each egg will contain one \$2.00 CDC issued wagering coupon, good only on that day for any type of wager but not cashable.

12. YONKERS RACEWAY/"YEAR OF THE HORSE" PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to stage "The Year of the Horse" promotion in honor of the Chinese New Year on Saturday night, April 28, 1990. Free clubhouse admission passes will be distributed to Chinese restaurants in Westchester good for admittance on that evening. In addition, also approved its request to distribute "Horseman Pass Books for the Spring meet.

13. NYRA/ADDENDUM TO APRIL SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of a list of tracks with which NYRA has executed agreements for the simulcast and acceptance of wagers to various tracks in the month of April as outlined in its letter of March 30, 1990.

14. YONKERS RACEWAY/TO MAKE CHANGES IN BETTING FORMAT

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel place and show wagering in the 6th race and to cancel show wagering in 10th race for the George Morton Levy Memorial to be held on April 7, 1990.

15. CDROTBC/TO ACCEPT A DAILY DOUBLE

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to offer a Daily Double wager including the Gotham Stakes (at NYRA) and the Santa Anita Derby (at Santa Anita) on Saturday, April 7, 1990.

16. NYCOTBC/TO WAIVE RULE 4011.22

For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to waive rule 4011.22 requiring ten overnight entries to conduct triple wagering, on the special event-Santa Anita Derby, to be run on Saturday, April 7, 1990.

17. MONTICELLO RACEWAY/PROMOTION TO GIVE AWAY \$50 EVERY RACE ON FRIDAYS EFFECTIVE APRIL 13

For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to give away \$50.00 after every race on Fridays beginning on April 13, 1990. Also, approved its request to make entry blanks available to those people outside the gate, so they also may be eligible to win.

18. BUFFALO RACEWAY/PROMOTION AND WAGERING

For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway for promotion and wagering opportunities during 1990 Spring/Summer Season. All were approved with the exception of one. Its request to schedule each month during the Spring/Summer season, one complete race card for which trifecta wagering would be available on all races as outlined in their letter of 4/9/90 was denied.

19. YONKERS RACEWAY/WAGERING FORMAT CHANGES

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel place and show wagering on the 6th and 10th race for the George Morton Levy Memorial to be held on Saturday, April 14, 1990.

20. NYCOTBC/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 Off-Track Betting Corporations to accept wagers on the Oaklawn Handicap to be at the the Oaklawn Jockey Club, Hot Springs, Arkansas; and Blue Grass Stakes, to be run at Keeneland Racetrack, Lexington, Kentucky, as out-of-region thoroughbred races of special interest. Also, approved was its request to waive the provisions of Board rule 4011.22 was relating to the number of overnight entries for triple wagering.

21. NYCOTBC/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 Arkansas Derby, to be run on Saturday, April 21, 1990 as an out-of-region thoroughbred race of special interest.

22. WROTBC/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to offer a free coffee, Easy Bet Slips and Genesee County Mall promotion as outlined in its letters of March 15, and April 9, 1990.

23. NYCOTBC/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to conduct a Triple Crown promotion for each of 1990's Triple Crown events (Kentucky Derby, Preakness and Belmont Stakes) as outlined in its letter of April 10, 1990.

24. YONKERS RACEWAY/WAGERING FORMAT CHANGE

For entry into the minutes the Chairman's prior approval of a request by Yonkers Raceway to cancel show wagering in its betting format for their Handicap Trot to be run on the 6th race on April 20, 1990.

25. NYRA/ADDENDUM TO APRIL SIMULCAST SCHEDULE

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association that the following track be added to the April simulcast schedule:

<u>Date</u>	<u>Day</u>	<u>Race</u>	<u>Track</u>	<u>State</u>	<u>Rate</u>
4/21	Sat.	Wood Memorial	Birmingham	AL	A

26. WROTBC/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Western Regional Off-Track Betting Corporation to expand its current "Second Chance" promotion to all its branches as outlined in its letter of April 9, 1990.

27. YONKERS RACEWAY/WAGERING FORMAT CHANGE

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway to cancel place and show wagering for the 3rd and 10th race for the Big Apple Pace to be held on Saturday, April 21, 1990.

28. APPLICATIONS OF CATSKILL AND CDROTBC'S/TO AMEND SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of the applications of Catskill and Capital District Regional Off-Track Betting Corporations simulcast plans of operation in relation to the simulcasting of races from Finger Lakes Racing Association, Inc., effective April 21, 1990 and consent thereto by Finger Lakes on a daily basis.

29. NASSAU AND SROTBC'S/TO AMEND PLAN OF OPERATION

For entry into the minutes, the Chairman's prior approval of a request by Nassau and Suffolk Regional Off-Track Betting Corporations to amend their simulcast plan of operation to provide for the simulcasting of Finger Lakes races into NROTBC facilities on 33 Tuesdays as well as sixteen additional days during the NYRA and Saratoga Meet, Also, approved its request from Suffolk Regional Off-Track

Betting Corporation to amend their respective simulcast plan of operation in relation to the simulcasting of races from Finger Lakes race track into its simulcast facilities on Tuesdays, beginning April 24, 1990.

30. CDROTBC/PROMOTION

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to offer a promotion for secretaries in honor of Secretaries week on Tuesday, April 24, 1990.

C. PREVIOUSLY APPROVED BY THE BOARD

1. APPRENTICE ALLOWANCE EXTENSION FOR JOCKEY GABRIEL AGUILA

The Board approved the request by Apprentice Jockey Gabriel Aguila for a four (4) day extension of his weight allowance due to days lost as a result of an injury received during the running of a race on March 24, 1990. His allowance when added to his expiration date of March 26, 1990 would expire on April 1, 1990.

2. SUMMARY SUSPENSION/IN THE MATTER OF ALLEN BEALS

The Board approved the summary suspension of Allen Beals for possessing a hypodermic syringe at Yonkers Raceway and using said syringe to inject the horse "Wild Willow", at multiple injection sites and further knowingly causing said horse to be entered for pari-mutuel racing after such injections and administration of drugs, in violation of Racing, Pari-Mutuel Wagering and Breeding Law Section 309(2)(e)(i)(5) and (ii), 9NYCRR 4120.6(a) and 4119.7(a)(3) and (5).

3. SUMMARY SUSPENSION/SUMMARY SUSPENSION

The Board approved the summary suspension of Stephen Lesko for possessing equipment for a hypodermic injection at Yonkers Raceway with the intent of using said equipment to inject the horse "Mohawk Kateri", which was entered to compete in the fourth race at Yonkers Raceway on April 5, 1990 in violation of Racing, Pari--Mutuel Wagering and Breeding Law Section 309(2)(e)(i)(5) and (ii), 9NYCRR Section 4120.6(a), 4120.2, and 4119.7(a) (3)and (5).

4. SUMMARY SUSPENSION/IN THE MATTER OF DARYL WEBSTER-HARNESS TRAINER/DRIVER

The Board approved the summary suspension of Daryl Webster for violation of Board Rules 4119.11(a) and 4119.7(b).

5. IN THE MATTER OF ALLEN BEALS/TERMINATION OF SUMMARY
SUSPENSION - 45 DAY SUSPENSION

The Board approved the recommendation that the summary suspension of Allen Beals be terminated and Mr. Beals be suspended for 45 days with credit for time served.

D. BOARD DETERMINATION

1. BUFFALO RACEWAY/SIMULCAST OF THE GRADUATE STAKES ON 4/28/90

The Board approved the request by Buffalo Raceway to simulcast the Graduate Stakes to the Meadowlands and Rosecroft Raceway on Saturday, April 28, 1990.

2. BUFFALO RACEWAY/"KENTUCKY DERBY" PROMOTION

The Board approved the request by Buffalo Raceway to move post time to 6:15p.m. on May 5, 1990 (Kentucky Derby Day) with sixteen (16) pari-mutuel races which will be carded following the Kentucky Derby. Also, approved its request for to offer win, place, show and exacta wagering for the first four races and to incorporate the non pari-mutuel cash prize "handicapping opportunities" for paid and unpaid patrons as outlined in their letter of April 18, 1990.

3. NYRA/DAVID M. VANCE-PROSPECTIVE BOARD MEMBER

The Board approved the request by the New York Racing Association to nominate Mr. David Vance as a member to the Board of Trustees.

4. APPLICATION OF WROTBC/TO AMEND PLAN OF OPERATION

The Board approved the application of Western Regional Off-Track Betting Corporation to amend its plan of operation in relation to the relocation of their branch at 25 East Huron Street, Buffalo, to 11-13 East Mohawk Street, Buffalo.

5. BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND WITHDRAWAL

The Board considered the request by Batavia Downs to withdraw \$6,923.88 from the Capital Improvement Fund. After audit, \$80.63 has been denied for computer consultation charges. Therefore the Board has approved the amount of \$6,843.25.

6. BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND WITHDRAWAL

The Board approved the following proposals of Batavia Downs as its Capital Improvement expenditures for 1990;

- 1 - New Barn Roof Improvement to the Drainage System in the backstretch.
- 2 - A Computerized Pass and Admission System.
- 3 - Manure Recycling Facility.
- 4 - The Board also approved the postponement of the Gas Well Construction.

7. HEARING OFFICER REPORT-IN THE MATTER OF SERVEN'S FOR SERVICE - BINGO AND GAMES OF CHANCE SUPPLIER
The Board approved the Hearing Officer's recommendation:
 - 1 - That the licensee's Games of Chance Supplier's license and Bingo Supplier's license be revoked.
 - 2 - That all Games of Chance and Bingo Supplier's license fees be forfeited (1990).
 - 3 - That the records of this matter be sent to local enforcement authorities.

8. HEARING OFFICER REPORT IN THE MATTER OF AMERICAN LEGION HANBRIDGE POST #69 - BINGO LICENSEE
The Board approved the Hearing Officer's recommendation:
 - 1 - That the Licensee's ID# be suspended for six months.
 - 2 - That the License fees be forfeited.
 - 3 - That the Licensee is to fulfill conditions of the regulators before relicensure.

9. YONKERS RACEWAY/PERMISSION TO LOWER ADMISSION PRICES
The Board approved the request by Yonkers Raceway to lower concession prices and charge fifty cents (.50 cents) for its racing program on April 27, 1990 in conjunction with Yonkers' 40th Anniversary Celebration.

10. FINGER LAKES RACETRACK/CAPITAL IMPROVEMENT FUND
The Board approved the request by Finger Lakes to withdraw \$81,250 from the Capital Improvement Fund for the resurfacing of the track.

11. FLRA/CAPITAL IMPROVEMENT FUND APPLICATIONS
The Board considered the requests to withdraw \$105,538.93 from the Capital Improvement Fund. After audit, \$5,334 has been denied in expenditures for repairs and maintenance. Therefore the Board has approved the amount of \$100,204.92.

12. MONTICELLO RACEWAY/CONTRACT WITH THE STATE OF CONNECTICUT
The Board approved the request by Monticello Raceway to allow them to be a back-up operation for the State of Connecticut Wagering System in the event Yonkers Raceway should be unable to race for whatever reason.

13. HUB RAIL RULE/EMERGENCY FILING
The Board approved the emergency adoption of Section 4117.2(c) which will allow the installation of a non-continuous pylon hub rail at any harness tracks.