

Board Mtg.  
2/22/95  
approved

**MINUTES OF THE  
BOARD MEETING  
OF JANUARY 25, 1995**

A Meeting of the New York State Racing and Wagering Board was held on Wednesday, January 25, 1995, at the Board office located at 120 Broadway, New York, 10271.

**IN ATTENDANCE WERE:**

Richard F. Corbisiero, Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
John Dailey, Director of Racing & OTB  
Victor A. Cocozziello, Research Associate  
Robert Feuerstein, Counsel  
Gale Berg, Assistant Counsel  
Felix Hester, Assistant Counsel  
Jim Gallagher, Chief of Racing Operations  
Eileen Clarke-Brady, Assistant Chief of OTB Operations  
Joseph Ryan, OTB Analyst  
Joe Lynch, OTB Analyst  
Arthur Schechter, Director of Audits  
Theodore Garrison, Director of Wagering  
Andrea M. Mercado, Assistant Counsel of Indian Gaming  
Edmund Leary, Assistant Chief of Audits & Investigations  
Ronald S. Sommer, Chief of Administrative Services  
Thomas C. Davide, Secretary to the Board

**"MINUTES OF THE"**  
**BOARD MEETING HELD**  
**ON**  
**JANUARY 25, 1995**

**B. ITEMS PREVIOUSLY APPROVED BY THE CHAIRMAN**

1. **MONTICELLO RACEWAY/"ALL TRIPLE NIGHT"**  
For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to offer an "All Triple Day" on Saturday, December 31, 1994 with a post time of 1:05 p.m.
2. **MONTICELLO RACEWAY/POST TIME**  
For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to amend the post time on Wednesday, December 28, 1994 from 4:45 p.m. to 7:35 p.m.
3. **APPRENTICE JOCKEY DALE BECKNER /  
10-DAY EXTENSION**  
For entry into the minutes, the Chairman's prior approval of a request by Jockey Dale Beckner for a 10 day apprentice allowance extension due to an injury.
4. **BUFFALO RACEWAY/ALL TRIFECTA CARD**  
For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway to offer an all trifecta card on Thursday, December 22, 1994.
5. **NYRA/CONTRACT WITH LAS VEGAS DISSEMINATION  
COMPANY FOR THE ACCEPTANCE OF NYRA'S LIVE  
AUDIO-VISUAL SIGNAL BY LICENSED RACE BOOKS IN  
THE STATE OF NEVADA**  
For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association of an agreement with Las Vegas Dissemination Company for the acceptance of NYRA's live audio-visual signal for dissemination to licensed race books in the State of Nevada, pursuant to Board rule 4004.6.
6. **NYRA/WAGERING REQUESTS TO COMMENCE ON  
JANUARY 1, 1995**  
For entry into the minutes, the Chairman's prior approval of

a request by the New York Racing Association, the conditions and wagering requests as outlined in their letter dated December 16, 1994.

7. **NYRA/REDUCED ADMISSION COUPONS**

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Associations to offer the reduced admissions in the NYRA 1995 Annual Calendar, as outlined in their letter dated December 16, 1994.

8. **MONTICELLO RACEWAY/"ALL TRIFECTA NIGHT"**

For entry into the minutes, the Chairman's prior approval of a request by Monticello Raceway to offer an "All Trifecta Night" on Wednesday, December 28, 1994.

9. **YONKERS RACEWAY/CONNECTICUT O.T.B.**

For entry into the minutes, the Chairman's prior approval of a request by Yonkers Raceway the transmission of simulcast signals for the purpose of wagering of Yonkers Raceway races to the State of Connecticut for the year 1995.

10. **NROTBC/TO AMEND ITS PLAN OF OPERATION TO AMEND ITS PLAN OF OPERATION TO CLOSE TWO OTB BRANCHES AS OF FRIDAY, DECEMBER 23, 1994 - PLAINVIEW AND SYOSSET**

For entry into the minutes, the Chairman's prior approval of a request by Nassau Regional Off-Track Betting Corporation the amendment to their plan of operation to close two (non-simulcast) branches as outlined in their letter of December 22, 1994.

11. **BUFFALO RACEWAY/ALL TRIFECTA CARD**

For entry into the minutes, the Chairman's prior approval of a request by Buffalo Raceway to continue their weekly "All Trifecta Night" through February 24, 1995.

12. **CDROTBC/ON BEHALF OF ITSELF AND ON BEHALF OF CATSKILL & WESTERN REGIONAL OFF-TRACK BETTING CORPORATIONS TO APPROVE A SIMULCAST CONTRACT WITH THE MEADOWS HARNESS TRACK FOR THE 1995 CALENDAR YEAR**

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track Betting Corporation to simulcast The Meadows during the calendar year 1995 in accordance with Section 1016 of the Omnibus

Racing Bill subject to all required approvals. In this regard, however, your request to participate in superfecta pools is denied.

13. **CROTBC/TO AMEND ITS SIMULCAST PLAN OF OPERATION AND RELOCATE ITS ENDICOTT OTB BRANCH, UPGRADE ITS STATUS TO AN "ENHANCED TELEBRANCH" AND APPROVE MS ELLEN E. DONNELLY-KELLER AS CONCESSIONAIRE**

For entry into the minutes, the Chairman's prior approval of a request by Catskill Regional Off-Track Betting Corporation to 1) Amend their simulcast plan of operation to relocate their Endicott OTB branch to the Golden Lion Restaurant. 2) Upgrade the Endicott to an "Enhanced TELEBRANCH" (offer food and alcoholic beverage service) conditioned upon the requirement that the bar not be closed off from betting and that betting is always available to patrons. 3) Appoint Ellen E Donnelly-Keller as concessionaire conditioned upon a satisfactory background check and a satisfactory return of her fingerprint cards.

14. **NYRA/12 OUT-OF-STATE SIMULCAST RACES**

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association, pursuant to Section 1014(l) (h) of the law the Board, after consulting the NYRA, has designated Gulfstream races 8 and 9 plus Gulfstream's Saturday races 6 and 7 to be the twelve races for purposes of commissions to the NYRA.

15. **NYRA/JANUARY SIMULCAST SCHEDULE AND ADDENDUM TO SAME - BLANKET APPROVAL FOR ALL SIMILAR REQUESTS FOR 1995**

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association to simulcast races to tracks specified for the month of January, as outlined in their letter dated December 23, 1994 and January 5, 1995.

Consistent with past practice, it is recommended that the transmission of races to out-of-state wagering outlets be given blanket Board approval for 1995 subject to 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 and non-merged pool wagering, if any specific rates of compensation.

16. **NYCOTBC/TO APPROVE A CONTRACT WITH ASSOCIATED PROMOTION GROUP, INC. AND SPORTS EYE, INC.**

For entry into the minutes, the Chairman's prior approval of a request by New York City Off-Track Betting Corporation to enter into an agreement with Associated Promotion Group, Inc. for the production and distribution of a free monthly magazine ("Off-track") and Sports Eye, Inc. for the continued sale of a produced racing program.

17. **CDROTBC/TO APPOINT MR. THOMAS G. CHOLAKIS AS DIRECTOR OF RENSSELAER COUNTY**

For entry into the minutes, the Chairman's prior approval of a request by Capital District Regional Off-Track betting Corporation to amend its plan of operation for new Directors to appoint Mr. Thomas G. Cholakis as Director of Rensselaer County.

18. **NYRA/NOMINATION OF PETER G. SCHIFF AS A MEMBER OF THE BOARD OF TRUSTEES**

For entry into the minutes, the Chairman's prior approval of a request by the New York Racing Association the approval to Mr. Peter G. Schiff to replace Mr. William P. Rogers as a member of the New York Racing Association Board of Trustees.

**C. ITEMS APPROVED BY THE BOARD**

1. **CROTBC/TO AMEND ITS PLAN OF OPERATION TO AUTHORIZE VARIOUS SPORTING AND VIDEO AMUSEMENT DEVICES AND ACTIVITIES AT ITS MIDDLETOWN FACILITY LOCATED IN THE TOWN OF WALKILL**

The Board approved the request by Catskill Regional Off-Track Betting Corporation to amend its plan of operation to allow various sporting and video amusement devices and activities at its Middletown, New York , facility.

2. **IN THE MATTER OF THOMAS DEBONIS/ APPLICATION TO REOPEN**

The Board denied the application to reopen the hearing in the matter of Thomas DeBonis.

#### **D. FOR BOARD DETERMINATION**

1. **HEARING OFFICER REPORT/IN THE MATTER OF JUAN R. DAVILA AND CRAIG FAINE**  
The Board approved, member Liebman dissenting the Hearing Officers' recommendation, that the 10-day suspension of Juan R. Davila be dismissed, and that the 10-day suspension of Craig Faine be confirmed.
2. **HEARING OFFICER REPORT/IN THE MATTER JAMES MORRILL**  
The Board approved the Hearing Officers' recommendation that the 10-day suspension be confirmed and served at the discretion of the Presiding Judge where he is participating.
3. **HEARING OFFICER REPORT/IN THE MATTER OF JOSEPH J. BADAMO**  
The Board approved, member Liebman, dissenting the Hearing Officers' recommendation that the 10-day suspension of Mr. Badamo be confirmed.
4. **HEARING OFFICER REPORT/IN THE MATTER OF MITCHELL HADE**  
The Board approved, member Liebman, dissenting the Hearing Officers' recommendation that the 8-day suspension of Mr. Hade be confirmed.
5. **HEARING OFFICER REPORT/IN THE MATTER OF NICHOLAS TANTALO**  
The Board approved, member Liebman dissenting the Hearing Officers' recommendation that the two \$100 fines to Mr. Tantalo be confirmed.
6. **HEARING OFFICER REPORT/IN THE MATTER OF HORACE ARMSTRONG**  
The Board approved the Hearing Officers' recommendation that the 60-day suspension of Mr. Armstrong be confirmed.
7. **APPLICATION OF NYCOTBC/FOR EXEMPTIONS UNDER SECTION 5204.16 OF THE BOARD'S RULES (RESTROOMS)**  
The Board approved the application by New York City Off-Track Betting Corporation for exemptions under Section 5204.16 of the Board's Rules (Restrooms) as outlined in their letters of March 23rd and June 22, 1994.

8. **BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND  
APPLICATIONS DATED 10/31, 11/7, 11/17, 11/29 AND  
12/9/94 REQUESTING \$16,266.64**

The Board reviewed the application by Batavia Downs to withdraw \$16,266.64 from the Capital Improvement Fund by applications dated October 21, November 7, November 17, November 29 and December 9, 1994 requesting \$16,266.64.

The following items were included in the applications:

Simulcast Receiver & Equipment	\$ 5,123.95
Air Conditioner Compressor-Simulcast Area	675.65
Electrical Work Simulcast Area	<u>367.00</u>
Total to Outside Vendors	6,166.60
New Simulcast Area Renovated by Track Labor	<u>2,878.40</u>
Total Capital Improvement Items	\$ 9,045.00

Veterinarian Services Blood Gas Analyzer

	\$ 4,625.00
Air Cond. & Heater Repairs	1,290.96
TV Repairs	743.30
Recharging Fire Extinguishers	227.38
Decoder Rental	<u>335.00</u>
Questionable Items	<u>7,221.64</u>
Total Requested	\$16,266.64

The \$7,221.64 listed above for questionable items shall be disallowed, \$4,625 for veterinarian services, \$335 for the decoder, and \$2,261.64 for the repair expenditures represented by the three other items. the remaining \$9,045.00 is approved on a preliminary basis subject to later audit.

The \$9,045 shall be charged against the \$65,000 obligation to be repaid to the capital improvement fund as cited in the Board's order dated July 11, 1994.

9. **YONKERS RACEWAY/JANUARY SIMULCAST REQUEST  
BLANKET APPROVAL FOR ALL SIMILAR REQUESTS IN  
1995**

The Board approved the request by Yonkers Raceway to simulcast the transmission of races to out-of-state wagering locations be given blanket Board approval for 1995 subject to the following conditions:

- 1) Consent by the out-of-state racing commission or regulatory authority.
- 2) Consent by the Standardbred Owners Association (SOA).

3) Advance notice to the Board with a detailed list of dates, outlets, merged and non-merged pool wagering, if any, and specific rates of compensation.

10. **BUFFALO RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED JANUARY 6, 1995 REQUESTING \$177,991.90**

The Board approved the request by Buffalo Raceway to withdraw \$177,991.90 from the Capital Improvement Fund, on a preliminary basis subject to a later audit by application dated January 6, 1995.

11. **BUFFALO RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED DECEMBER 9, 1994 REQUESTING \$18,413.75**

The Board approved the request by Buffalo Raceway to withdraw \$18,413.75 from the Capital Improvement Fund on a preliminary basis subject to a later audit by application dated December 9, 1994.

12. **FLRA/CAPITAL IMPROVEMENT FUND APPLICATION DATED 12/16/94 REQUESTING \$10,155.99**

The Board approved the request by Finger Lakes Racing Association to withdraw \$10,155.99 from the Capital Improvement Fund on a preliminary basis subject to a later audit by application dated December 16, 1994.

13. **BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND APPLICATIONS DATED 12/5 & 12/19/94 REQUESTING \$7,897.94**

The Board approved the request by Batavia Downs to withdraw \$7,897.94 from the Capital Improvement Fund by applications dated December 5 and 19, 1994.

The following items were included:

Totalisator Software Charge for New		
Breakage Multiples		\$4,000.00
Video Room Equip. for Sattelite Trans.		1,423.44
Refurbish Heater for New Simul. Room		733.28
Mutuel Safe Security Hookup to Police Sta.		455.82
Plumber Instal. of Ice Machine-Simul. Rm.		364.77
Circuit Board Breath-Analyzer		134.00
<b>SUB-TOTAL</b>		<b>\$ 7,111.31</b>
Rental for Decoders for Satellite		
Signal	\$635.00	
Install Main Fuses Barn area	151.56	786.56
<b>TOTAL REQUESTED</b>		<b>\$7,897.87</b>



The \$786.56 requested for the rental of decoders and the installing of fuses is denied as an operating expense. The remaining \$7,111.31 is approved on a preliminary basis subject to later audit and the loan provisions of Section 319.

The \$7,111.31 shall be charged against the \$65,000 obligation to be repaid to the capital improvement fund as cited in the Board's order dated July 11, 1994.

14. **MONTICELLO RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED 12/20/94 REQUESTING \$36,244.39**

The Board reviewed the request by Monticello Raceway to withdraw \$36,244.39 from the Capital Improvement Fund by application dated December 20, 1994.

The following items were included:

New Roof-Barns "H", "M" and "O"	\$31,500.00
Totalisator Software-New Breakage Multiples	<u>4,000.00</u>
<b>SUB-TOTAL</b>	<b>\$35,500.00</b>
Blood Gas Analyzer Supplies	<u>744.39</u>
<b>TOTAL REQUESTED -</b>	<b>\$36,244.39</b>

The Board hereby denied the \$744.39 as operating expenses and approves the \$35,500 for withdrawal on a preliminary basis subject to a later audit.

15. **SARATOGA RACEWAY/CAPITAL IMPROVEMENT FUND APPLICATION DATED DECEMBER 8, 1994 REQUESTING \$32,738.94 FOR ADVERTISING AND PROMOTION EXPENDITURES**

The Board approved the request by Saratoga Raceway to withdraw \$32,738.94 from the Capital Improvement Fund by application dated December 8, 1994 for advertising and promotion expenditures.

16. **BATAVIA DOWNS/CAPITAL IMPROVEMENT FUND APPLICATIONS DATED 8/20 AND 9/30/94 REQUESTING \$13,319.22**

The Board reviewed the request by Batavia Downs to withdraw \$13,319.22 from the Capital Improvement Fund by applications dated August 20, 1994 and September 30, 1994.

The following items were contained in those applications:

Legal Fees Re: Mortgage from M&T Bank	\$ 6,382.86
Land Survey for Sale of Track Land Parcel	3,800.00
Environmental Site Assessment for Bank	<u>1,000.00</u>

Items not Related to Racing Meet	\$11,182.86
Stone Dust & Sand for Racing Strip	1,872.50
Video Adapter for Computer	<u>112.30</u>
<b>SUB-TOTAL</b>	<b>\$ 1,984.80</b>
Install Main Fuses Barn Area	<u>151.56</u>
Items for Conducting Racing Meet	<b>\$ 2,136.36</b>

**TOTAL REQUESTED - \$13,319.22**

The Board approves only \$1,984.80 of the requested amount for withdrawal. This covers the cost of the stone dust, sand and the video adapter. the remaining \$11,334.42 shall be denied, \$11,182.86 for items unrelated to the conduct of a racing meet - these are legal fees, land survey, and the environmental assessment - and \$151.56 for the main fuse installation duplicated in the December 19, 1994 application.

17. **NYRA/UNCOUPLING OF ENTRIES IN ALLOWANCE, HANDICAP AND STAKE RACES DEFERRED ITEM.**

18. **JAMES J. DEVAUX/REINSTATEMENT RECOMMENDATION**

The Board approved the Hearing Officers' recommendation that the license of James J. DeVaux be reinstated as a driver/trainer.

19. **NYRA/1995 ROSTER OF RACING OFFICIALS**

The Board approved the request by the New York Racing Association the approval of NYRA's roster of racing officials for 1995, as outlined in their letter dated January 16, 1995, pursuant to Board Rule 4005.1.

20. **CERTIFICATION TO THE COMMISSIONER OF TAXATION AND FINANCE REGARDING THE NUMBER OF PROGRAMS/RACES AT THE STATE'S RACETRACKS IN 1994 FOR TAX RATE PURPOSES**

The Board approves the certification in accordance with Section 228(3) and Section 318 (5)(b)(ii) of the Racing, Pari-Mutuel Wagering and Breeding Law by January 31, 1995 the Board must certify that racing associations or corporations in 1994 have conducted at least ninety percent (90%) of the programs and races so conducted during 1985 or 1986 (whichever had the fewer) for the prescribed tax rate; or that if any association or corporation

failed to conduct such number for good cause due to factors beyond its control or because the Board found it would uneconomical or impractical for such association or corporation to conduct such number.