

**MINUTES OF THE  
BOARD MEETING  
OF JUNE 29, 1995**

A Meeting of the New York State Racing and Wagering Board was held on Thursday, June 29, 1995, at the Board office located at 120 Broadway, New York, New York 10271.

**IN ATTENDANCE WERE:**

Jerry Bilinski, DVM., Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
James Gallagher, Special Assistant to Chairman  
Robert A. Feuerstein, Counsel  
Donna M. Ross, Secretary to the Board  
Herman Kluge, Director of Audits, Investigations & Licensing  
Arthur Schechter, Chief of Audits & Investigations  
Edmund Leary, Assistant Chief of Audits & Investigations  
Felix Hester, Assistant Counsel  
Joseph Ryan, OTB Operations Analyst  
Brian Barry, Assistant Chief of Racing Operations  
Theodore Garrison, Director of Wagering  
Andrea Mercado, Assistant Counsel  
Ronald Sommer, Chief of Administrative Services  
Frank Massimo, Manager of Licensing

**"MINUTES"**  
**BOARD MEETING HELD ON**  
**JUNE 29, 1995**  
**FOR THE N. Y. S. RACING & WAGERING BOARD**

**A. THE BOARD APPROVED THE MINUTES OF BOARD MEETING**  
**HELD ON THURSDAY, MAY 25, 1995.**

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

1. **YONKERS RACEWAY - SPORTSCHANNEL "SUMMER RACING - 95"**  
For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway to broadcast three live races per Saturday night, from June 17 through September 16, 1995 at 10:00 p.m. on SportsChannel. For the majority of the shows, the races will be the 7th, 8th and 9th races on Saturday nights. Among other races that will be broadcast are the Yonkers Trot on July 9, the Art Rooney Pace on July 30, the International Trot on August 19, the Cane Pace on August 26 and the New York Night of Champions on September 16, 1995.
2. **EXTENSION OF AN APPRENTICE JOCKEY ALLOWANCE FOR RODNEY SOODEEN**  
For entry into the minutes, the Chairman's prior approval of the Stewards at the New York Racing Association requesting an extension of the apprentice allowance of Jockey Rodney Soodeen for 190 days due to injuries sustained at Gulfstream Park, Philadelphia Park and Hialeah Park. Mr. Soodeen's apprentice allowance will expire on October 26, 1995.
3. **CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION TO RELOCATE ITS ELMIRA SIMULCAST BRANCH TO A NEW FACILITY AT THE GRAND CENTRAL PLAZA IN THE TOWN OF HORSEHEADS**  
For entry into the minutes, the Chairman's prior approval of request by Catskill Regional Off-Track Betting Corporation to amend its simulcast plan of operation to relocate the simulcast branch in Elmira to the Grand Central Plaza in the town of Horseheads, New York. The approval was conditioned upon the receipt of a Certificate of Occupancy.
4. **NYRA -AMENDMENT TO THE LIST OF THOROUGHBRED RACES OF SPECIAL INTEREST**  
For entry into the minutes, the Chairman's prior approval of request by the New York Racing Association, Inc. (NYRA) to add the Golden Gate Handicap on June 24th from Golden Gate Fields and the Caesar's International Handicap from Atlantic City on June 25, 1995. Further, NYRA requested to delete the Hollywood Gold Cup on July 2, 1995 because a revised post time of 6:40 (EDT) would be much later than their last post time of 5:35 p.m.

5. **MONTICELLO RACEWAY - LICENSE AMENDMENT**  
For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to amend the racing schedule as follows:  
**Add:** Mondays, June 5th, 12th, and 19th, 1995 (Post Time 7:30 p.m.)  
Wednesdays, June 7th, 14th, 21st and 28th, 1995 (Post Time 7:30 p.m.)
6. **DESIGNATION OF THE "BATTLE OF LAKE ERIE" AS A HARNESS RACE OF SPECIAL INTEREST**  
For entry into the minutes, the Chairman's prior approval of requests by Yonkers Raceway, Vernon Downs and Buffalo Raceways - ITW Batavia Downs to accept the "Battle of Lake Erie" race on Saturday, June 3, 1995 from Northfield Park, pursuant to Section 1007 (6)(a) of the Racing, Pari-Mutuel Wagering and Breeding Law. Vernon Downs will be the in-state wagering hub for this race. Yonkers Raceway will also accept two New York Sire Stakes from Vernon Downs that evening. This will be the third event so designated this year. Please Note: The proposed omnibus bill will increase the number of harness special events to fifty (50).
7. **FINGER LAKES - SIMULCAST TO CHARLES TOWN RACES RACES**  
For entry into the minutes, the Chairman's prior approval of request by Finger Lakes Racetrack to simulcast full racing programs to Charles Town Races, Inc. on Mondays beginning June 5, 1995 through December 5, 1995.
8. **MONTICELLO RACEWAY - "ALL TRIPLE NIGHTS"**  
For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to offer triple wagering for all races on Tuesdays, June 6th, 13th, 20th and 27th, 1995. Post Time will be 7:35 p.m.
9. **FINGER LAKES - SIMULCAST OF ITS RACING PROGRAM TO SOUTHLAND GREYHOUND PARK**  
For entry into the minutes, the Chairman's prior approval of request by Finger Lakes Racetrack to simulcast its racing program on Mondays and Tuesdays to Southland Greyhound Park beginning June 12 through and inclusive of December 5, 1995.
10. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION TO RELOCATE ITS HUDSON FALLS SIMULCAST BRANCH TO AN ENHANCED SIMULCAST FACILITY (ENHANCED TELEBRANCH) IN FORT EDWARD AND TO APPOINT MR. JOHN BICKFORD AS CONCESSIONAIRE**  
For entry into the minutes, the Chairman's prior approval of request by Capital District Regional Off-Track Betting Corporation to amend its simulcast Plan of Operation to relocate its Hudson Falls simulcast branch to an enhanced simulcast facility (enhanced telebranch) in Fort Edward, Washington County. Approval was granted conditioned upon a satisfactory return of John Bickford's fingerprint cards and receipt of a Certificate of Occupancy and an amended liquor license.

11. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT SEBASTIAN CARNEVALE AS DIRECTOR FOR THE CITY OF BUFFALO**

For entry into the minutes, the Chairman's prior approval of request by Western Regional Off-Track Betting Corporation to amend its plan of operation to appoint Sebastian Carnevale as Director for the City of Buffalo. Mr. Carnevale has submitted the following: a) an application for an amendment to its plan of operation for new Directors, b) fingerprint cards and c) check in the amount of \$74.00 requisite fee.

A background investigation was made on Sebastian Carnevale and nothing derogatory was uncovered. Sebastian Carnevale is replacing Lewis J. Sinatra, who resigned.

12. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT ANGELINE B. FRANZESE AS DIRECTOR REPRESENTING SCHUYLER COUNTY**

For entry into the minutes, the Chairman's prior approval of request by Western Regional Off-Track Betting Corporation to amend its plan of operation to appoint Angeline B. Franzese as Director representing Schuyler County. Ms. Franzese has submitted the following: a) an application for an amendment to its plan of operation for new Directors, b) fingerprint cards and c) check in the amount of \$74.00 requisite fee. A background investigation was made on Angeline B. Franzese and nothing derogatory was found. Angeline B. Franzese is replacing Phil Smith who has resigned.

13. **YONKERS RACEWAY - LICENSE AMENDMENT**

For entry into the minutes, the Chairman's prior approval of request by Yonkers Raceway for permission to amend the racing schedule as follows:

**Change:** Post Time for all Tuesdays will be 8:00 p.m. starting June 20, 1995.

14. **BATAVIA DOWNS CAPITAL IMPROVEMENT**

For entry into the minutes, the Chairman's prior approval of request by Batavia Downs Raceway for approval of the immediate withdrawal of \$3,160 from the Capital Improvement Fund. The payment is to be made to NYNEX for the new telephone conduit which will replace an existing conduit now under a building on the parcel sold last year by Batavia.

NYNEX required a payment in advance of the work according to their letter. This work is to be done before the adjoining area is paved, otherwise the cost may be higher.

15. **MONTICELLO RACEWAY - AMENDMENT TO "ALL TRIPLE NIGHTS"**

For entry into the minutes, the Chairman's prior approval of request by Monticello Raceway to amend their letter of June 2, 1995, to offer "All Triple Nights" to Wednesdays, June 21st and June 28th instead of Tuesdays, June 20th and June 27th, 1995.

16. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO SIMULCAST A BOXING MATCH INTO THE TELETHEATER, 711 CENTRAL AVENUE ON SATURDAY, JUNE 24, 1995**

For entry into the minutes, the Chairman's prior approval of request by Capital District Regional Off-Track Betting Corporation (CDROTBC) to simulcast the Jones vs. Pazienza boxing match into the Teletheater, 711 Central Avenue on Saturday, June 24, 1995. CDROTBC is paying eight hundred dollars (\$800.00) for the picture. The payments are as follows:

Joe Hand Promotions	\$775.00
Innovative Sports Marketing	<u>25.00</u>
	\$800.00

CDROTBC is selling tickets for \$10.00 each.

17. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION TO SUBLEASE A PORTION OF ITS RIVERHEAD OTB BRANCH TO AN INDIVIDUAL FOR THE PURPOSE OF OPENING A BAR**

For entry into the minutes, the Chairman's prior approval of request by Suffolk Regional Off-Track Betting Corporation (SROTBC) for permission to sublease an unused portion (storage area) of its Riverhead OTB branch to an individual, who wants to open a bar. The Chief of Racing Operations and the Counsel of the Board agree with the sublease as long as it is segregated from the OTB operation. Approval was granted for SROTBC to sublease a portion of its Riverhead OTB branch to an individual for the purpose of opening a bar as long as SROTBC verifies in writing that it has no interest in or is involved in any way with the bar and that the OTB will not be directly accessible to the bar through a common doorway.

18. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION TO USE J & R VENDING CORPORATION AS VENDING MACHINE CONCESSIONAIRE (NICHOLAS L. RACANELLI AND NICHOLAS J. DEPASQUALE) WITHIN ELEVEN BRANCHES**

For entry into the minutes, the Chairman's prior approval of request by Suffolk Regional Off-Track Betting Corporation (SROTBC) to amend its simulcast plan of operation to sign an agreement with J & R Vending Corporation as vending machine concessionaire (namely, Nicholas L. Racanelli and Nicholas J. DePasquale). The necessary documents were submitted by SROTBC. An investigation was conducted on the two above individuals and nothing derogatory was uncovered. Approval was granted based upon a satisfactory return of their fingerprint cards.

**C. ITEMS APPROVED BY THE BOARD**

1. **SUMMARY SUSPENSION/HARNESS GROOM/GLENN A. MACARTNEY**

The Board approved Counsel's recommendation to summarily suspend Glenn A. Macartney immediately upon a finding by the Board that the public safety and welfare imperatively required this emergency action.

**D. FOR BOARD DETERMINATION**

1. **NEW YORK CITY OFF-TRACK BETTING CORPORATION TO AMEND ITS PLAN OF OPERATION TO APPOINT NEW OFFICERS TO ITS CORPORATION**

The Board approved the request by New York City Off-Track Betting Corporation to amend its Plan of Operation to appoint new officers to its corporation namely:

David Bagliebter - General Counsel

Doreen Wong - Corporate Secretary/EEO Director

Thomas Werblin - Vice President of Marketing

The approval is conditioned upon the satisfactory return of the individuals fingerprint cards.

2. **MONTICELLO RACEWAY- CAPITAL IMPROVEMENTS**

The Board approved the request by Monticello Raceway to withdraw \$26,891.24 from the Capital Improvement Fund for the following items:

1995 Ford F-150 Truck	\$20,594.29
Snow Plow Attachments	2,878.30
Sander Attachment	<u>3,418.65</u>
	\$26,891.24

The approval is subject to the loan provisions of Section 319.

3. **HEARING OFFICER REPORT/IN THE MATTER OF RALPH D'ALESSANDRO**

The Board approved the Hearing Officer's recommendation that Mr. D'Alessandro be found guilty of violating Board rule 4022.11 and that the \$100 fine be confirmed.

4. **HEARING OFFICER REPORT/IN THE MATTER OF NICHOLAS TANTALO**

The Board approved the Hearing Officer's recommendation that Mr. Tantalo be found not guilty of violating Board rules 4022.11, 4022.13 and 4022.21.

5. **HEARING OFFICER REPORT/IN THE MATTER OF CARLOS V. DOMINGUEZ**

The Board approved the Hearing Officer's recommendation that Mr. Dominguez be found guilty of violating Board rule 4022.11 and that the \$50.00 fine be confirmed.

6. **FINGER LAKES - CAPITAL IMPROVEMENTS**

The Board approved the request by Finger Lakes Racetrack to withdraw \$94,028.13 from the Capital Improvement Fund for various items. The approval is subject to the loan provisions of Section 228-a.

7. **NEW YORK RACING ASSOCIATION - USE OF DECODERS OUTSIDE OF NEW YORK FOR VIEWING PURPOSES OF OWNERS**

The Board deferred this item.

8. **HEARING OFFICER REPORT/IN THE MATTER OF MITCHELL HADE**

The Board approved the Hearing Officer's recommendation that Mitchell Hade be found not guilty of the charge that he struck another licensee.

9. **HEARING OFFICER REPORT/IN THE MATTER OF WALTER CASE, JR.**

The Board confirmed the recommendation of the Hearing Officer to revoke the 1994 harness license of Walter Case, Jr. with provision that he may reapply for licensing on October 8, 1995. Prior to relicensing, he must be retested and found to be drug free and further, obtain written clearance from his substance rehabilitation program that he is fit to return to work.

The Board voted two to one, with Member Liebman dissenting as to the rationale for revocation, that an insufficient time had passed to provide reasonable assurance of rehabilitation.

The Board voted two to one, with Member Neglia dissenting, that the period of ineligibility for licensing should be through October 7, 1995. Member Neglia voted for relicensing upon appropriate conditions after the expiration of nine months from the date of the original suspension.