

**MINUTES OF THE
BOARD MEETING
OF SEPTEMBER 16, 1996**

A Meeting of the New York State Racing and Wagering Board was held on Monday, September 16, 1996, at the Board office located at 1 Empire State Plaza, Suite 1201, Albany, New York 12223. The meeting began at 2:00 p.m.

IN ATTENDANCE WERE:

**Joseph P. Neglia, Member
Bennett Liebman, Member
Donna M. Ross, Secretary to the Board
Robert A. Feuerstein, General Counsel
James Gallagher, Chief of Racing Operations**

ALSO IN ATTENDANCE WERE:

**Tom Precious, Albany Times Union/Blood Horse
Paul Foy, The Daily Gazette
Dan Wray, New York City OTB
Kevin Quinn, Hinman, Straub, Pigors & Manning
(New York Racing Association)**

"MINUTES"
BOARD MEETING HELD IN ALBANY, NEW YORK
MONDAY, SEPTEMBER 16, 1996
N.Y.S. RACING & WAGERING BOARD

- A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN ALBANY, NEW YORK ON AUGUST 14, 1996.**
- B. THE BOARD ACKNOWLEDGED THE FOLLOWING ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN**
1. **YONKERS RACEWAY REQUEST TO OFFER ALL TRIPLE WAGERING**
For entry into the minutes, the Board approved on August 16, 1996 the Yonkers Raceway request to offer all triple wagering on Saturday, August 17 and Saturday, August 24, 1996 in connection with the Cane Pace Elimination and the Cane Pace Final.
 2. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND 1996-97 SIMULCAST PLAN OF OPERATION**
For entry into the minutes, the Board approved on August 17, 1996 the New York City OTB request to amend its 1996-97 Simulcast Plan of Operation to accept wagers and display the simulcast of races at Yonkers Raceway via "Crosswalks" (the municipal public access cable television channel) beginning on Monday, August 19, 1996, pursuant to an executed agreement between the parties.
 3. **NEW YORK RACING ASSOCIATION, INC. STEWARDS REQUEST FOR EXTENSION OF THE APPRENTICE ALLOWANCE OF JOCKEY JOSE TREJO**
For entry into the minutes, the Board approved on August 21, 1996 the Alternate State Steward at the New York Racing Association, Inc. request to extend the apprentice allowance of Jockey Jose Trejo for one (1) day due to inclement weather on July 13, 1996. Mr. Trejo's apprentice allowance now will expire on August 28, 1996.
 4. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1996 HARNESS RACING SCHEDULE**
For entry into the minutes, the Board approved on August 21, 1996 the Monticello Raceway request to amend its 1996 harness racing schedule for the month of September as follows:

ADD: Monday, September 9, 16, 23 and 30
Wednesday, September 4, 11, 18 and 25

5. **YONKERS RACEWAY REQUEST TO SIMULCAST ITS RACES TO KEENELAND RACEWAY**

For entry into the minutes, the Board approved on August 21, 1996 the Yonkers Raceway request to simulcast its races to Keeneland Raceway beginning August 15 through September 10, 1996.

6. **YONKERS RACEWAY REQUEST TO AMEND ITS CONTRACT WITH LADBROKE AT THE MEADOWS**

For entry into the minutes, the Board approved on August 23, 1996 the Yonkers Raceway request to amend its contract with Ladbroke at the Meadows to include Saturday, August 24, 1996.

7. **YONKERS RACEWAY REQUEST TO AMEND ITS CONTRACT WITH DETROIT RACE COURSE**

For entry into the minutes, the Board approved on August 23, 1996 the Yonkers Raceway request to amend its contract with Detroit Race Course to simulcast its race card on Saturday, August 24th and to send its Monday evening cards beginning Monday, September 2, 1996.

8. **YONKERS RACEWAY REQUEST TO SIMULCAST ITS RACES TO HARRINGTON RACEWAY**

For entry into the minutes, the Board approved on August 28, 1996 the Yonkers Raceway request to simulcast its races to Harrington Raceway beginning September 2, 1996 until further notice.

9. **YONKERS RACEWAY REQUEST TO RETURN TO TUESDAY EVENING RACING**

For entry into the minutes, the Board approved on August 28, 1996 the Yonkers Raceway request to return to Tuesday evening racing with a post time of 7:40pm beginning September 3, 1996.

10. **FINGER LAKES RACING ASSOCIATION - SIMULCAST AGREEMENT WITH ROCKINGHAM PARK**

For entry into the minutes, the Board approved on September 5, 1996 the Finger Lakes Racing Association request to send its signal to Rockingham Park for the remainder of its 1996 racing season.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **FINGER LAKES RACING ASSOCIATION REQUEST FOR ALTERNATE PLACING JUDGE**

For entry into the minutes, the Board deferred on August 29, 1996 the Finger Lakes Racing Association request to amend the 1996 roster of racing officials and add Anthony Aruck as an Alternate Placing Judge.

2. **CONTINUATION OF THE LICENSE OF MONTICELLO RACEWAY MANAGEMENT, INC. TO CONDUCT HARNESS RACE MEETS WITH MUTUEL BETTING**

For entry into the minutes, the Board approved on August 28, 1996 the Monticello Raceway Management, Inc. request to conduct a harness horse race meeting with pari-mutuel betting through October 15, 1996. This temporary license is issued pursuant to the provisions of Article Three of the New York State Racing, Pari-Mutuel Wagering and Breeding Law. All races conducted shall be subject to the supervision of, and the parimutuel betting conducted also shall be subject to the supervision of, and the regulations of the Commissioner of Taxation and Finance.

3. **NEW YORK CITY OFF-TRACK BETTING CORPORATION TO CONTINUE THE BETMATE PILOT PROJECT**

For entry into the minutes, the Board approved on August 28, 1996 the New York City OTB request for an additional sixty (60) day continuation of a "pilot" or "test" project utilizing Amtote's new BetMate betting terminals in the residences of twelve (12) telephone betting customers with the same conditions as applied to the initial period of approval. This approval was given to New York City OTB through October 30, 1996.

D. FOR BOARD DETERMINATION

1. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Board deferred on September 16, 1996 the request by Western Regional OTB to amend its Simulcast Plan of Operation to open a new simulcast branch at 5810 Transit Road, Lockport, Niagara County, New York. The Board decided to defer action on this request until an on-site inspection is conducted.

2. **MATTER OF ROSE FLORKIEWICZ**

For entry into the minutes, the Board approved on September 16, 1996 Hearing Officer Liebman's recommendation that Rose Florkiewicz' license be suspended for violation of Board Rule 4002.19 until such time as she presents proof of satisfaction of the judgement for monies owed to an exercise rider.

3. **DISQUALIFICATION OF TREASURE DIAMOND/MATTER OF WAYNE HARRINGTON**

For entry into the minutes, the Board approved on September 16, 1996 Hearing Officer Liebman's recommendation that the appeal of owner George Boychuk regarding the equine drug positive test of Treasurer Diamond be dismissed as untimely. Also, the Board ruled that trainer Wayne Harrington be authorized to file an appeal of the suspension of his license.

4. **MATTER OF DEAN BUTLER**

For entry into the minutes, the Board approved on September 16, 1996 Hearing Officer Liebman's recommendation that jockey Dean Butler be found not guilty of violating Board Rule 4035.2 in the seventh race at Aqueduct Racetrack on April 27, 1996.

5. **BATAVIA DOWNS REQUEST FOR WITHDRAWAL FROM CAPITAL IMPROVEMENT FUND**

For entry into the minutes, the Board approved on September 16, 1996 the request by Batavia Downs for the following capital improvements within the meaning of Section 319 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law:

A. Application dated October 6, 1995 and November 2, 1995 for:

Tables & Chairs - Simulcast Area	\$15,722.00
Tote Board Renovation	532.44
Brackets for Betting Machine Installation	440.17
Electrical connections to Sub-Station	320.00
Delivery - Simulcast Tables	97.34
Sub Total	\$17,111.95

B. Application dated October 31, 1995 and August 19, 1996 for monthly lease payments of a Canon NP 6050 Copier System through August 3, 1996.

Sub Total **\$ 4,410.00**

C. Application dated November 21, 1995, December 13, 1995 and May 29, 1996 for:

Horsemen's Barn Area Lavatory	\$ 3,650.00
White Lawn Tractor	2,590.92
New Lighting - Simulcast Area Bar	410.00
3 Two Way Radios	388.77
Simulcasting Parts	113.80
Sub Total	\$ 7,153.49

The sum of \$250.00 for the Ricoh copier maintenance agreement was disallowed.

D. Application dated August 28, 1996 for:

Six - 25" TV's for Simulcast Area	\$ 2,203.20
Software for Horsemen Purse System	3,346.51
Trailer Park Lighting	_____135.00
Sub Total	\$ 5,684.71

The sum of \$1,085.01 for the heating maintenance work was denied.

E. Application dated August 9, 1996 requesting approval to withdraw \$19,539.00 for payment to Charles E. Coon & Sons, Inc. Track Consultants, for the resurfacing of the racing strip.

Sub Total **\$19,539.00**

Accordingly, the total sum of \$53,899.15 was approved as capital improvement expenditures, subject to the loan provisions of Section 319. The Board approved this amount, subject to offset of a deficiency in the capital improvement accounts in the amount of \$45,976.00. Thus, the Board approved the actual withdrawal of \$7,923.15.

The actual deficiency amount has not been finally determined pending review by the Board and the track, as well as, calculation by the track of the interest attributable to monies which should have been deposited in 1995. This latter requirement is set forth in a letter dated July 26, 1996 and must be completed no later than September 30, 1996.

6. **YONKERS RACEWAY REQUEST FOR WITHDRAWAL FROM CAPITAL IMPROVEMENT FUND**

For entry into the minutes, the Board approved on September 16, 1996 the request by Yonkers Raceway to withdraw funds from the capital improvement fund for expenses related to the reconfiguration of the racing surface.

The following items were considered:

Finish Line Relocation	\$386,060.04
Sound System Relocation	171,401.13
Carpenter Shop Relocation	33,191.48
Judges Booth Relocation	344,352.14
Demolition Grandstand	150,000.00
Engineer and Survey Billings	_____3,590.00
Total	\$1,088,594.79

Based upon a partial obstruction of the view of the racetrack from the new judges stand, which will not be removed until the actual demolition of the building structure begins, the Board deferred consideration of the requested \$150,000 for the razing of

the grandstand . Thus, the Board approved \$938,594.79 in expenditures. This withdrawal is subject to the loan provisions of Section 319 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

7. **OATHS AND SUBPOENAS**

For entry into the minutes, the Board approved on September 16, 1996 the list of designees to administer oaths, examine witnesses and issue subpoenas, pursuant to Section 101(9) of the Racing, Pari-Mutuel Wagering and Breeding Law, that was proposed by memorandum of Counsel Robert Feuerstein dated September 11, 1996.

8. **HARNESS RACES OF SPECIAL INTEREST**

For entry into the minutes, the Board approved on September 16, 1996 the request by the Capital District Regional OTB to accept all races from the Delaware Fair Grounds including The Jugette on September 18, 1996 and The Jug on September 19, 1996 as harness races of special interest.

9. **THOROUGHBRED RACES OF SPECIAL INTEREST**

For entry into the minutes, the Board approved on September 16, 1996 the request by the New York Racing Association to designate the following events as thoroughbred races of special interest:

Date	Race	Track
9/21/96	Isle of Capri Louisiana Downs H.	Louisiana Downs
9/28/96	River Cities Breeders' Cup	Louisiana Downs
10/12/96	Bay Meadows BC Derby	Bay Meadows
10/26/96	Bessarabian Stakes	Woodbine
10/26/96	Swynford Stakes	Woodbine
*10/26/96	Autumn Stakes	Woodbine

*Please note this race is included in the initial 12 races with a high tax rate. This approval was granted with Section 905-a of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

10. **DRAFT RULE PROPOSAL ON WAGERING**

For entry into the minutes, the Board approved on September 16, 1996 to move forward with a preliminary draft rule proposal that ultimately would allow authorization of expanded forms of wagering in New York State. The preliminary draft rule would be modeled on a suggestion offered by Member Liebman in his memorandum of August 19, 1996 to James Gallagher.

11. **YONKERS RACEWAY REQUEST TO EXTEND AUTHORITY TO UTILIZE
NEW JUDGES STAND**

For entry into the minutes, the Board approved on September 16, 1996 the request by Yonkers Raceway to extend authorization to utilize the new judges stand at its new location in the clubhouse pending modification to the structure. Authority was granted for an additional 60 days, through November 14, 1996.

The Meeting was adjourned at approximately 2:45pm