

MINUTES OF THE
NYS RACING AND WAGERING BOARD MEETING
MAY 28, 1997

A meeting of the New York State Racing and Wagering Board was held on Wednesday, May 28, 1997 at the New York City office located at One Penn Plaza, New York, New York, 10119.

IN ATTENDANCE WERE:

Michael J. Hoblock, Jr., Chairman
Joseph Neglia, Member
Bennett Liebman, Member
Edward Martin, Executive Director
Stephanie Donato, Secretary to the Board
Robert Feuerstein, Counsel
James Gallagher, Director of Racing Operations
Winnie Donohue, Associate Accountant
Dan Wray, NYCOTB

**MINUTES
MEETING OF MAY 28, 1997
THE N.Y.S. RACING AND WAGERING BOARD**

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETINGS HELD ON APRIL 30, 1997 AND MAY 13, 1997.

B. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN

1. NYRA REQUEST FOR ADDITIONAL TRIFECTA

For entry into the minutes, the Chairman approved on May 12, 1997 the request by NYRA to place an additional Trifecta in the 7th race in accordance with Board rule 4011.22, beginning May 14, 1997 and continuing thereafter on a permanent basis.

2. AMERICAN CHAMPIONSHIP HARNESS SERIES - BOARD DESIGNATION OF HARNESS RACES OF SPECIAL INTEREST PURSUANT TO SECTION 1007(6)(a) OF THE RACING PARI-MUTUEL WAGERING AND BREEDING LAW

For entry into the minutes, on May 19, 1997, the Chairman approved the list of designated races submitted May 16, 1997.

3. NYRA REQUEST TO AMEND LIST OF RACES OF SPECIAL INTEREST

For entry into the minutes, the Chairman approved on May 19, 1997, the request by NYRA to amend list of races of special interest as follows:

	DATE	RACE	TRACK
ADD:	6/28/97	Caesars International	Atlantic City
DELETE:	6/28/97	Arlington Classic	Arlington

4. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION

For entry into the minutes, the Chairman approved on May 19, 1997, the request by Capital OTB to amend its Plan of Operation to appoint Linda C. Casse and James P. Crawford, as the new concessionaires of their Lake George Branch.

This approval is conditioned upon satisfactory return of Ms. Casse's and Mr. Crawford's fingerprint cards.

5. SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT A HANDICAPPING CHALLENGE

For entry into the minutes, the Chairman approved on May 19, 1997, the request by Suffolk Regional OTB to conduct a handicapping challenge at its Tele-A-Race branch, 100 Adams Avenue, Happaug, NY in accordance with the rules and regulations outlined, pursuant to Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law.

6. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

For entry into the minutes, the Chairman approved on May 20, 1997, the request by New York City OTB to amend its Simulcast Plan of Operation as follows:

1. To accept wagers on races run at Finger Lakes Race Track.
2. To simulcast Finger Lakes races into all licensed NYC OTB facilities.
3. To simulcast Finger Lakes races on New York City's Municipal Public Access Cable System "Crosswalks"

7. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1997 HARNESS LICENSE**

For entry into the minutes, the Chairman approved on May 20, 1997, the request by Monticello Raceway to amend its 1997 Harness License by adding June 28, 1997 to its racing schedule.

8. **YONKERS RACEWAY REQUEST FOR THE RACING SCHEDULE FOR THE GREATER WESTCHESTER COUNTY FAIR**

For entry into the minutes, the Chairman approved on May 21, 1997, the request by Yonkers Raceway for approval of the racing schedule for the Greater Westchester County Fair to begin on Thursday, May 22 and conclude on Saturday, June 8, 1997 as outlined in the letter of May 14, 1997.

Permission was also granted to add Wednesday, May 28, 1997.

9. **FINGER LAKES RACING ASSOCIATION - SIMULCAST AGREEMENT WITH LEWISTON RACEWAYS**

For entry into the minutes, the Chairman approved on May 22, 1997, the request by Finger Lakes Racing Association to simulcast its signal to Lewiston Raceways, Inc. and its four affiliated race books for their 1997 racing season.

10. **YONKERS RACEWAY REQUEST TO HOLD A DOUBLE DRAW**

For entry into the minutes, the Chairman approved on May 22, 1997, the request by Yonkers Raceway to hold a double draw on Tuesday for Thursday and Friday nights' race cards.

Approval was also granted to eliminate Wednesday evening harness simulcasting.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **NYRA REQUEST TO OFFER PROMOTION FOR FAN APPRECIATION DAY**

For entry into the minutes, the Board approved on May 2, 1997, the request by NYRA to offer free Grandstand admission or \$2.00 off Clubhouse admission in conjunction with Fan Appreciation Day, Sunday, May 11, 1997.

2. **NYRA REQUEST TO ADD RACES TO THE LIST OF SPECIAL EVENTS**
For entry into the minutes, the Board approved on May 6, 1997, the request by NYRA to add races to the designated list of special events (See April 29 memo).
3. **FINGER LAKES RACING ASSOCIATION TO SIMULCAST ITS SIGNAL**
For entry into the minutes, the Board approved on May 6, 1997, the request by Finger Lakes Racing Association to simulcast its signal to SPW, Inc. (Sports Wire, Inc.) and Scioto Downs for the 1997 racing season.
4. **GUIDELINES FOR 1997-98 SIMULCAST FACILITY LICENSING**
For entry into the minutes, the Board approved on May 6, 1997, the proposed guidelines to govern the 1997-98 simulcast facility licensing process. The guideline are identical to those approved May 14, 1996.
5. **NYRA - PROMOTIONAL VOUCHERS**
For entry into the minutes, the Board approved on May 5, 1997, the request by NYRA to conduct a promotion for patrons on its downstate mailing list. Each mailer would contain a random pari-mutuel voucher, values ranging from \$2.00 to \$100.00, redeemable only on Saturday, May 17, 1997.

The Mutuel Department will be reimbursed for the vouchers entered into the pool.

D. ITEMS FOR BOARD DETERMINATION

1. **CAPITAL DISTRICT OTB REQUEST TO AMEND ITS PLAN OF OPERATION**
The Board approved the request by Capital OTB to amend its plan of operation to appoint Diane Palma as a member of its Board of Directors representing Albany County and replacing John DiNuzzo. Approval was conditioned upon a satisfactory return of Ms. Palma's fingerprint cards.
2. **NEW YORK CITY OTB REQUEST TO MERGE PARI-MUTUEL POOLS**
The Board approved the request by New York City OTB to directly merge their pari-mutuel pools with each and every out-of-state race track for which they accept wagers, in accordance with industry standards (ITSP), when technically feasible.
3. **MATTER OF STEVE ADIKA**
The Board affirmed Hearing Officer Bennett Liebman's recommendation that jockey agent Adika be found guilty of creating a disturbance by disruptive behavior but that the fine be reduced from \$500 to \$100, as a result of an incident at the Saratoga Race Course on August 10, 1996.

4. **MATTER OF THE DISQUALIFICATION OF FLYIN FELLA IN THE SIXTH RACE OF DECEMBER 17, 1996 AT MONTICELLO RACEWAY**

The Board upheld Mr. Liebman's recommendation that the decision of the judges to disqualify Flyin Fella for interference be affirmed but that the placement of Flyin Fella be modified from last to third place.

5. **RULE PROPOSAL/WAGERING FORMATS**

The Board approved the proposal of a rule to provide for authorization of expanded forms of wagering in New York State. This rule provides for a variety of wagers not previously authorized in New York State including superfecta, twin trifecta and Pick (n) pools.

6. **BATAVIA DOWNS - CAPITAL IMPROVEMENT FUND APPLICATION**

The Board approved withdrawal of \$3,142.65 from the capital improvement fund for items contained in the applications dated October 25, 31 and November 12 and 19, 1996 totaling \$5,589.39. The sum of \$2,446.74 was disallowed for maintenance items. These include the drum for the printer (\$209.52), the stone dust for track maintenance (\$1,739.07), the software for the 1995 IRS filings (\$107.), the backup tapes for the purse system (\$286.90) and restaurant supplies (\$104.).

This approval is granted on a preliminary basis subject to a later audit.

7. **FLRA - CAPITAL IMPROVEMENT FUND REQUEST**

The Board approved the request from Finger Lakes Racing Association to withdraw \$52,353.83 from the capital improvement fund for the following projects:

National Football League Viewing Facility	\$23,579.92
Windows and Doors - Race Secretary's Office & Back side Kitchen	12,679.50
Exhaust Fan - Backside Kitchen	2,867.60
Roof Walkways - Grandstand Building	4,850.00
Theatre Seating - Lower Clubhouse (Balance)	3,306.00
Wisconsin Engine - Water Truck	3,152.30
Laser Printer - Racing Office	<u>1,918.51</u>
	\$52,353.83

This approval is issued on a preliminary basis subject to a later audit.

8. **YONKERS RACEWAY - CAPITAL IMPROVEMENT REQUEST**

The Board approved the request by Yonkers Raceway dated January 31, 1997 to withdraw \$187,571.00 from the Capital Improvement Fund in connection with the demolition of the grandstand and relocation of racing related services to the clubhouse.

This approval is issued upon Yonkers Raceway relocating a lighting pole to the left of the judge's stand back beyond the judge's view of the stretch.

This approval is also conditioned on a preliminary basis subject to a later audit.

9. **BUFFALO RACEWAY - CAPITAL IMPROVEMENT FUND REQUEST**

The Board approved the request by Buffalo Raceway for withdrawal of \$30,300.13 from the Capital Improvement Fund based on applications dated February 4, 1997 and November 27, 1996.

February 4, 1997 Application	
Used 1983 Eagle Wagon	\$ 600.00
Video Equipment for Photofinish & Time Systems	4,901.24
New Glass Doors for Clubhouse	<u>1,345.00</u>
TOTAL	\$6,846.24

November 27, 1996 Application	
ATM Cash Machine in Raceway Lobby	\$ 9,975.00
Storm Sewer in Paddock	10,105.89
Folding Machines for Mailings	1,779.00
Flashing on Grandstand Roof	960.00
New Betting Lines in Clubhouse & Grandstand	<u>634.00</u>
TOTAL	\$23,453.89

This approval is issued on a preliminary basis subject to a later audit.

E ITEMS FOR BOARD INFORMATION

1. **SUFFOLK REGIONAL OTB - CERTIFICATE OF OCCUPANCY FOR 300 KNICKERBOCKER AVENUE, BOHEMIA, NY (Airport Branch)**
2. **NYRA - MAY SIMULCAST SCHEDULE**
3. **NYRA - VOUCHER PROMOTION**
4. **FLRA - ADDITIONAL SIMULCAST SITES IN THE CARIBBEAN**
5. **NEW YORK CITY OTB - To act as a Hub for Bridge Simulcast from Hollywood Park on Sunday, May 11, 1997.**
6. **NYRA - Meeting with the Office of Fire Prevention and Control**
7. **DESIGNATED RACE "POLICY"**
8. **FLRA - Deletion of Additional Simulcast Sites in the Caribbean (Refer to E Item 4)**
9. **NYRA - "SUPERFECTAS"**
10. **NYRA - Certification from the NYTHA for the Belmont Spring/Summer Meet and the Financial Statement for the Aqueduct Spring Meet**

The meeting was adjourned at 11:55 a.m.