

**MINUTES OF THE
NYS RACING & WAGERING BOARD MEETING
JULY 17, 1997**

A meeting of the New York State Racing and Wagering Board was held on Thursday, July 17, 1997 at the New York City Office located at One Penn Plaza, 7th Floor, New York, NY 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
Steven H. Richman, New York City OTB

**MINUTES
MEETING OF JULY 17, 1997
THE NYS RACING AND WAGERING BOARD**

A. THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD ON JUNE 23, 1997.

B ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE CHAIRMAN

1. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO ISSUE PROMOTIONAL VOUCHERS

For entry into the minutes, on June 23, 1997, the Chairman approved the request by Capital District Regional OTB to issue promotional bet vouchers, in conjunction with the opening day of the Saratoga Flat Track meet on July 23, 1997, to issue 2183 Mystery Bet Vouchers to its members of the Golden Horseshoe Club and Handicap Players List.

The Board also granted permission for Capital OTB to conduct a series of Handicapping Contests, over a period of six (6) Wednesdays, beginning Wednesday, July 23 through August 27, 1997 at its Tele-Theater, 711 Central Avenue, Albany, NY.

2. CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO SIMULCAST THE HOLYFIELD/TYSON CHAMPIONSHIP FIGHT

For entry into the minutes, on June 23, 1997, the Chairman approved the request by Capital District OTB to simulcast the Holyfield/Tyson Championship fight into their Tele-Theater, 711 Central Avenue, with an admission charge of \$20.00 on Saturday, June 28, 1997.

3. SARATOGA RACEWAY REQUEST TO OFFER AN ALL TRIPLE CARD AND ADD A DAILY DOUBLE

For entry into the minutes, on June 26, 1997, the Chairman approved the request by Saratoga Raceway to offer an all-triple card and add an additional daily double to the Saturday, June 28, 1997 racing program.

4. NEW YORK RACING ASSOCIATION REQUEST TO AMEND THE LIST OF

RACES OF SPECIAL INTEREST

For entry into the minutes, on June 26, 1997, the Chairman approved the request by the New York Racing Association to amend the list of races of special interest as follows:

	Date	Race	Track
DELETE:	08/09/97	Sorority Stakes	Monmouth Park

5. **NEW YORK RACING ASSOCIATION REQUEST TO AMEND THE LIST OF RACES OF SPECIAL INTEREST**

For entry into the minutes, on June 27, 1997, the Chairman approved the request by the New York Racing Association to amend the list of races of special interest as follows:

	Date	Race	Track
DELETE:	06/28/97	Caesars International Handicap	Atlantic City

6. **FINGER LAKES RACING ASSOCIATION REQUEST TO OFFER SIMULCAST WAGERING**

For entry into the minutes, on June 30, 1997, the Chairman approved the request by Finger Lakes Racing Association to offer simulcast wagering on Belmont, Laurel Race Course and Hollywood Park Races 4 through 7 on Finger Lakes dark days July 2,3,9,10,16, and 17, 1997. The Board also approved the Finger Lakes request to offer simulcast wagering from July 23rd to September 1st on the Saratoga Racecourse meet everyday and Del Mar Race Course races 3 through 6 on dark days only.

7. **NEW YORK RACING ASSOCIATION REQUEST TO OFFER FREE ADMISSION**

For entry into the minute, on June 30, 1997, the Chairman approved the request by the New York Racing Association to offer the following free admission:

1. 1,000 free Clubhouse admission coupons, redeemable only on Saturdays during the Saratoga Meeting in cooperation with Amtrak
2. 1,000 free Grandstand admission coupons, redeemable on a designated date to be determined during the Saratoga meet in cooperation with Coors Brewing
3. 5,000 free Grandstand admission coupons, redeemable on a designated date to be determined during the Saratoga meet in cooperation with Garden Way Inc.
4. Free Grandstand admission redeemable with a \$2.00 losing NYS Lottery ticket on Friday, July 25, 1997 in cooperation with the NYS Lottery.

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

For entry into the minutes, on June 30, 1997, the Chairman approved the request by Yonkers Raceway to simulcast their races to the Red Mile on Friday, July 4th and all Saturdays in July.

9. **MONTICELLO RACEWAY REQUEST TO AMEND ITS 1997 HARNESS RACING SCHEDULE**

For entry into the minutes, on June 30, 1997, the Chairman approved the request by Monticello Raceway to amend its 1997 Harness racing schedule as follows:

ADD: Monday, July 21st

Wednesdays, July 2nd, 9th, 16th, 23rd and 30th

In accordance with the Board's desire to protect the interests of the racing fan, it is assumed there will be a sufficient number of horses to race on these additional evenings and that horses will not run more times per week than advisable.

10. **FINGER LAKES RACING ASSOCIATION REQUEST TO SIMULCAST ITS SIGNAL**

For entry into the minutes, on July 2, 1997, the Chairman approved the request by Finger Lakes Racing Association to simulcast its signal to Louisiana Downs for the 1997 Finger Lakes Breeders' Cup race to be run on July 4, 1997.

D ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD

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

The Board conditionally approved the request by New York City OTB for approval of its Simulcast Plan of Operation for 1997-98 and its application for seventy (70) Simulcast Facility Licenses for the period July 1, 1997 through June 30, 1998. (Together with Item D19).

The approval was conditioned upon submission of written confirmation that all such facilities are in compliance with all applicable local ordinances, as outlined in Section 1003 (2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law, by September 24, 1997.

2. **NASSAU REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION**

The Board conditionally approved the request by Nassau OTB for approval of its Simulcast Plan of Operation for 1997-98 and its application for fourteen (14) Simulcast Facility Licenses for the period July 1, 1997 through June 30, 1998.

The approval is conditioned upon the submission of a letter from the Nassau County Board of Fire Marshals indicating that all simulcast facilities are in compliance with all applicable local ordinances, as set forth in Section 1003 (2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law, by September 24, 1997.

3. **FINGER LAKES RACE TRACK REQUEST FOR THE 1997-98 SIMULCAST LICENSE WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board approved the request by Finger Lakes Race Track for the 1997-98 Simulcast Facility License together with the Simulcast Plan of Operation for track-to-track simulcasting of races for the period of July 1, 1997 through and inclusive of June 30, 1998.

4. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO EXERCISE ITS OPTION TO EXTEND ITS CONTRACT WITH AMTOTE INTERNATIONAL, INC.**

The Board approved the request by New York City OTB to exercise its option to extend its contract with AmTote International, Inc. for a period of thirty (30) months from April 25, 1998 through October 24, 2000.

5. **MATTER OF THE DISQUALIFICATION OF BACHELOR BOB (Vernon Downs, 8th race of October 12, 1996)**

The Board upheld Hearing Officer Bennett Liebman's recommendation that the decision of the judges at Vernon Downs to disqualify Bachelor Bob from first place and replace him seventh in the eighth race on October 12, 1996 not be disturbed. The disqualification was based on interference.

6. **MATTER OF THE 1997 LICENSE APPLICATION OF THOMAS MERTON**

The Board approved Hearing Officer Bennett Liebman's recommendation that the denial of Mr. Merton's 1997 application to be licensed as a harness trainer-driver be affirmed.

7. **MATTER OF THE DISQUALIFICATION OF ALAMOSA**

(Non-betting race of September 19, 1996 at Yonkers Raceway)

The Board approved Hearing Officer Bennett Liebman's recommendation that the decision of the judges at Yonkers Raceway to disqualify ALAMOSA from first place and replace him sixth for causing interference while on a break in a non-pari-mutuel race on September 19, 1996, be upheld.

8. **MATTER OF RUSSELL McKEEVER**

The Board reinstated ~~that~~ Mr. McKeever's license subject to his provision of a negative urine sample and consent to and compliance with the Board's standard conditions for reinstatement.

9. **CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION AND APPLICATION FOR TWENTY-FOUR (24) SIMULCAST FACILITY LICENSES**

The Board conditionally approved the request by Catskill Regional OTB for approval of its 1997-98 Simulcast Plan of Operation along with its Application for 24 Simulcast Facility Licenses.

The approval was conditioned upon submission of written confirmation that all such facilities are in compliance with all applicable local ordinances, as outlined in Section 1003(2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law. In addition, a more

detailed explanation of security measures employed to protect the facilities was requested, as set forth in Section 1003 (2)(b). The additional documentation is to be submitted by September 24, 1997.

10. **SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION AND APPLICATION FOR FOURTEEN (14) SIMULCAST FACILITY LICENSES**

The Board conditionally approved the request by Suffolk Regional OTB for approval of its 1997-98 Simulcast Plan of Operation and its application for 14 Simulcast Facility Licenses, in accordance with Section 1003 (2) of the Racing, Pari-Mutuel Wagering and Breeding Law.

The approval was conditioned upon submission of a letter from the Suffolk County Board of Fire Marshals indicating that all simulcast facilities are in compliance with all applicable local ordinances, as set forth in Section 1003 (2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law, by September 24, 1997.

11. **BATAVIA DOWNS REQUEST FOR A 1997-98 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board approved the request by Batavia Downs for a 1997-98 Simulcast Facility License, together with its Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1997 through and inclusive of June 30, 1998, pursuant to Section 1003, 1007 and 1010 of the Racing, Pari-Mutuel Wagering and Breeding Law.

12. **BUFFALO RACEWAY REQUEST FOR A 1997-98 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board approved the request by Buffalo Raceway for a 1997-98 Simulcast Facility License, together with the Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1997 through and inclusive of June 30, 1998, pursuant to Section 1003, 1007, 1010 of the Racing, Pari-Mutuel Wagering and Breeding Law.

13. **VERNON DOWNS REQUEST FOR A 1997-98 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board approved the request by Vernon Downs for a 1997-98 Simulcast Facility License, together with its Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1997 through and inclusive of June 30, 1998, pursuant to Section 1003, 1007 and 1010 of the Racing, Pari-Mutuel Wagering and Breeding Law.

14. **NYRA - 1997 SARATOGA RACE COURSE SIMULCAST TO AQUEDUCT RACETRACK**

The Board approved the request by NYRA for approval of its 1997 Simulcast Plan of Operation together with its application for a Simulcast Facility License for Aqueduct Race Track during the Saratoga Meeting to be run on a daily basis from July 23, 1997 to

September 1, 1997 except Tuesdays. Approval is pursuant to provisions of Section 1003 and 1007 of the Racing, Pari-Mutuel Wagering and Breeding Law.

Further, pursuant to provisions of Section 1003 (4) the Board has amended the plan of operation and approved it with the following conditions:

“NYRA has never had any job security agreement with employees of another racetrack or off-track betting corporations within the simulcast district where the applicant is located.

Lacking any such agreements, NYRA hereby provides for job security by undertaking to indemnify the losses sustained by employees of off-track betting corporation or the racetrack within the district due to adverse impact on job security from simulcasting pursuant to this plan of operation.

In determining whether adverse impact to job security of the off-track betting corporation and racetrack employees have occurred as a result of simulcasting, the applicant will consider all factors relating to the loss of a job by a covered employee”.

15. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION FOR 1997-98 AND ITS APPLICATION FOR FORTY-FIVE (45) SIMULCAST FACILITY LICENSES**

The Board approved the request by Western Regional OTB for approval of its Simulcast Plan of Operation for 1997-98 and its application for 45 Simulcast Facility Licenses.

The license was issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law.

16. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION FOR 1997-98 AND ITS APPLICATION FOR FIFTY (50) SIMULCAST FACILITY LICENSES**

The Board conditionally approved the request by Capital District Regional OTB for approval of its Simulcast Plan of Operation for 1997-98 and its Application for 50 Simulcast Facility Licenses.

This approval is conditioned upon submission of written confirmation that all such facilities are in compliance with all applicable local ordinances, as outlined in Section 1003(2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law. In addition, a more detailed explanation of the security measures employed to protect said facilities, as set forth in Section 1003 (2)(b) was requested. All additional documentation is to be submitted by September 24, 1997.

Prior to the relocation of the Troy Atrium branch to 4th Street and Fulton Street, the Board will require the submission of a certificate of occupancy.

17. **SARATOGA RACEWAY REQUEST FOR APPROVAL OF ITS 1997-98**

SIMULCAST FACILITY LICENSE TOGETHER WITH ITS SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING

The Board approved the request by Saratoga Raceway for approval of its 1997-98 Simulcast Facility License, together with its Simulcast Plan of Operation for track-to-track simulcasting from July 1, 1997 through and inclusive of June 30, 1998.

Pending further review, the Board did not act on the part of the plan to conduct a rebate program.

This license was issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law.

18. **MONTICELLO RACEWAY REQUEST FOR A 1997-98 SIMULCAST FACILITY LICENSE TOGETHER WITH A SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board conditionally approved the request by Monticello Raceway for a 1997-98 Simulcast Facility License together with the Simulcast Plan of Operation for track-to-track simulcasting for the period of July 1, 1997 through and inclusive of June 30, 1998.

This approval was conditioned upon submission of a more detailed explanation of the security measures employed at Monticello Raceway as set forth in Section 1003 (2)(b) of the Racing, Pari-Mutuel Wagering and Breeding Law, no later than September 24, 1997.

19. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST FOR AMENDMENT TO 1997-98 SIMULCAST PLAN OF OPERATION**

The Board approved the request by New York City OTB to amend its 1997-98 Simulcast Plan of Operation to include the following:

1. Letter of agreement between NYRA and NYCOTB extending the term of the agreement between the parties dated January 1, 1996 (expired June 30, 1997) for the display of simulcasts from NYRA and related matters through September 12, 1997
2. Letter of agreement dated June 26, 1997 between Yonkers Racing Corporation and NYCOTB extending the term of the agreement between the parties dated August 14, 1996 (expired June 30, 1997) for the display of simulcasts from Yonkers and related matter through September 30, 1997. (Together with Item D1)

20. **NYRA - POST TIME CHANGES IN THE UPCOMING SARATOGA MEET**

The Board approved the request by NYRA to have a 12:30 p.m. post time on Saturday, August 23, 1997 (Travers Day) and Monday, September 1, 1997 (Labor Day).

21. **YONKERS RACEWAY REQUEST FOR 1997-98 SIMULCAST FACILITY LICENSE TOGETHER WITH ITS SIMULCAST PLAN OF OPERATION FOR TRACK-TO-TRACK SIMULCASTING**

The Board conditionally approved the request by Yonkers Raceway for a 1997-98

Simulcast Facility License together with its Simulcast Plan of Operation for track-to-track simulcasting for the period July 1, 1997 through and inclusive of June 30, 1998.

The approval was conditioned upon the receipt of a letter from an appropriate local official stating that the "location of the track and the number of patrons expected to occupy the facility are in compliance with local ordinances", as set forth in Section 1003 (2)(f) of the Racing, Pari-Mutuel Wagering and Breeding Law, before September 24, 1997.

22. **BATAVIA DOWNS -CAPITAL IMPROVEMENT FUND APPLICATIONS
TOTALING \$60,020.84**

The Board reviewed and approved the request to withdraw capital improvement monies totaling \$60,020.84 for the following projects, subject to the conditions set forth .

Application dated June 5, 1997

Proposal for new power supply to horseman trailer:

- Provide new power service for trailer
- Pull new power lines in conduit from overhead 125/250 volt transformer

Setting up new Power Panel

- Reconfigure new cabling to new power panel
- Driving proper new ground rounds

\$ 5,200.00

Application dated June 13,1997

Heavy duty Pick-up Truck \$25,572.79
Light duty Pick-up Truck 13,129.43

\$38,702.22

Application dated June 20, 1997

Horsemen's Bookkeeping Software **\$ 2,650.00**

Application dated June 27, 1997

Satellite Dish **\$ 918.00**

Application dated July 9, 1997

Equipment to upgrade Track Kitchen:

Used: Range	\$ 400.00
Char Broiler	350.00
Steam Table	300.00
Dishwasher	50.00
(3) Freezers	150.00
Hot Water Heater	100.00
Compressor	300.00
Furnace	1,000.00

New: Fryer	847.80
Ice Machine	2,407.32
Flat Top Grill	778.68
Equipment plumbing & hookups (32 hrs. @ \$34.26)	1,096.32
(2) 25" TV monitors	540.00
Redecoration (Interior) Materials	640.00
Labor /80 hours @ \$12.00	960.00
Redecoration (Exterior) – Materials	380.00
Labor/60 hours @ \$12.00	720.00
Fans/Lighting (6) @ \$71.99 + tax	466.50
(12) Lighting (spots) @ \$22.00	264.00
Electrical Work (contract)	800.00
Total	<u>\$12,550.62</u>

GRAND TOTAL **\$60,020.84**

Batavia Downs must submit an itemized breakdown of expenses relative to these capital improvement projects, including cancelled checks, payroll records (where applicable) and proof (title) that the vehicles purchased are in the name Genesee-Monroe Racing Association, Inc.

The approval is conditioned upon the submission no later than July 25, 1997 of a balance sheet and cash flow statement with schedules detailing receivables, payables and capital improvement fund accounts, together with an explanation of Batavia Downs' plan for the conduct of the racing meet and payment of its financial obligations.

Thereafter, Batavia Downs must submit bi-weekly statements to the Board after the date of the original submission, in the same format.

23. **BATAVIA DOWNS – LICENSE AMENDMENT**

The Board approved the request by Batavia Downs to change post time on Wednesdays and Thursdays during the meet from 7:30 p.m. to 2:30 p.m.

The approval is conditioned upon the submission no later than July 25, 1997, of a balance sheet and cash flow statement with schedules detailing receivables, payables and capital improvement fund accounts, together with an explanation of Batavia Downs' plan for the conduct of the racing meet and payment of its financial obligations.

E ITEMS FOR BOARD INFORMATION

1. CAPITAL DISTRICT REGIONAL OTB
-Issue of Promotional Bet Vouchers
2. NYRA
-Notification to conduct a Race Meeting at Aqueduct Racetrack
3. NYRA
-Roster of Racing Officials
4. CAPITAL DISTRICT REGIONAL OTB
-Certificate of Occupancy for 174 Main Avenue, Wynantskill, NY
5. CAPITAL DISTRICT REGIONAL OTB
-New Board of Director Member
6. NEW YORK CITY OTB
-Amendment Agreement #2 with AmTote
7. NYRA
-Amendment to Pick Six Rule
8. NYRA
-You Bet Inc.Update

The meeting was adjourned at 1:15 p.m.