

MINUTES OF THE
NYS RACING & WAGERING BOARD MEETING
FEBRUARY 11, 1997

A meeting of the New York State Racing and Wagering Board was held on Tuesday, February 11, 1997, at the Albany Office located at 1 Empire State Plaza, Suite 1201, Albany, NY 12223

IN ATTENDANCE WERE:

Joseph Neglia, Member
Bennett Liebman, Member
Stephanie Donato, Secretary to the Board
Robert Feuerstein, General Counsel
James Gallagher, Chief of Racing
Laurie Ammerman, Cuyler News
Steve Richman, NYCOTB
Tom Precious, Albany Times Union, Blood-Horse
Dan Wray, NYCOTB

STATE OF NEW YORK
RACING AND WAGERING BOARD

**MINUTES OF THE
BOARD MEETING HELD IN ALBANY, NEW YORK
TUESDAY, FEBRUARY 11, 1997
NYS RACING & WAGERING BOARD**

A, THE BOARD APPROVED THE MINUTES OF THE BOARD MEETING HELD IN ALBANY, NEW YORK ON JANUARY 15, 1997 WITH THE FOLLOWING ADDITION: THE BOARD EXPRESSED ITS POLICY THAT THE VOTES OF ITS STEWARDS AND JUDGES SHOULD BE AVAILABLE AS PUBLIC RECORDS.

C. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD.

1. BUFFALO RACEWAY REQUEST TO SIMULCAST AND ACCEPT WAGERS ON RACES CONDUCTED AT THE MEADOWLANDS

For entry into the minutes, the Board approved on January 22, 1997, the request by Buffalo Raceway to simulcast and accept wagers on races conducted at the Meadowlands.

2. CATSKILL REGIONAL OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Board approved on January 24, 1997, the request by Catskill Regional Off-Track Betting Corporation to amend its Simulcast Plan of Operation to appoint Mr. Patrick C. Damiani, as the new concessionaire of the Park Avenue Teletheater located in Suffern, New York. The approval was conditioned upon a satisfactory return of Mr. Damiani's fingerprint cards.

3. CAPITAL DISTRICT OTB REQUEST TO AMEND ITS SIMULCAST PLAN OF OPERATION

For entry into the minutes, the Board approved on January 24, 1997, the request by Capital District Off-Track Betting Corporation to amend its Simulcast Plan of Operation to appoint Ms. Mary Elena Sinnott, as the new concessionaire of the Charlestown branch. This approval was conditioned upon a satisfactory return of Ms. Sinnott's fingerprint cards.

4. VERNON DOWNS REQUEST TO CONTINUE SIMULCASTING AND ACCEPTING WAGERS ON RACES CONDUCTED AT THE MEADOWLANDS

For entry into the minutes, the Board approved on January 29, 1997, the request by Vernon Downs to continue simulcasting and accepting wagers on races conducted at the Meadowlands beginning February 1997 and continuing throughout its 1997 racing season.

5. **SARATOGA RACEWAY REQUEST TO SIMULCAST AND ACCEPT WAGERS ON RACES CONDUCTED AT THE MEADOWLANDS**

For entry into the minutes, the Board approved on January 29, 1997, the request by Saratoga Raceway to simulcast and accept wagers on races conducted at the Meadowlands for the month of February, 1997.

6. **MONTICELLO RACEWAY REQUEST TO SIMULCAST AND ACCEPT WAGERS ON RACES CONDUCTED AT THE MEADOWLANDS**

For entry into the minutes, the Board approved on January 24, 1997, the request by Monticello Raceway to simulcast and accept wagers on races conducted at the Meadowlands.

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

For entry into the minutes, the Board approved on February 3, 1997, the request by NYRA to offer free Clubhouse admission on Sunday, February 16, 1997 to patrons who possess an Islander ticket stub from either their February 8, 11, or 15, 1997 game, in conjunction with an Islanders 25th Anniversary promotion.

8. **SUFFOLK REGIONAL OTB REQUEST TO OFFER A FREE \$2.00 BET COUPON ON THE KENTUCKY DERBY**

For entry into the minutes, the Board approved on February 3, 1997, the request by Suffolk Off-Track Betting Corporation to offer a free \$2.00 (Two dollar) bet coupon on the Kentucky Derby in conjunction with the Grand Opening of its new Bohemia branch.

9. **CAPITAL DISTRICT OTB REQUEST TO AMEND ITS PLAN OF OPERATION**

For entry into the minutes, the Board approved on February 3, 1997, the request of Capital District Off-Track Betting Corporation to amend its Plan of Operation to establish a new branch (betting only) located at 40/42 Central Avenue in Albany County.

10. **CAPITAL DISTRICT OTB REQUEST TO CONDUCT A HANDICAPPING CONTEST**

For entry into the minutes, the Board approved on February 3, 1997, the request pursuant to Section 908 of the Racing, Pari-Mutuel Wagering and Breeding Law, by the Capital District Off-Track Betting Corporation to conduct a handicapping contest called the "Challenge VII" at its Albany Tele-Theater Clubhouse on Friday and Saturday, March 8 and 9, 1997.

11. **SUMMARY SUSPENSION OF CARMINE MACEDONIA**

For entry into the minutes, the Board approved on February 6, 1997, the summary suspension of Carmine Macedonia for violation of Board rule 4119.11(b) and 4119.11(a). The suspension will remain in effect pending a hearing and/or disposition in accordance with the applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law and the State Administrative Procedure Act.

D. ITEMS FOR DETERMINATION

1. REQUEST BY CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION TO PLACE TICKET ISSUING MACHINES AT THE SCHENECTADY COUNTY MUSEUM FOR "PROMOTIONAL WAGERING" FOR THE 1997 KENTUCKY DERBY

The Board approved Capital District OTB's request for Board approval to place Ticket Issuing Machines on premises of Schenectady County Museum for "promotional wagering" for the Kentucky Derby.

2. MATTER OF ANGEL GARCIA

The Board upheld Mr. Liebman's recommendation that the license of Angel Garcia be revoked based upon the finding that he engaged in inappropriate behavior with a horse at Aqueduct Race Track on November 26, 1996.

3. MATTER OF MICHAEL R. SIGNORE

The Board upheld Mr. Liebman's recommendation that the license of Michael R. Signore remain suspended for the balance of six months, as measured from the summary suspension date, based upon the findings that he violated Board rules as a result of his positive test.

4. FINGER LAKES - 1997 ROSTER OF RACING OFFICIALS

The Board approved the Finger Lakes Race Track request of its 1997 roster of racing officials, pursuant to Board rule 4005.1.

5. NYRA SPECIAL EVENTS

The Board approved NYRA's request for permission to designate the following thoroughbred races as special events:

Date	Race	Track
2/15/97	Barbara Fritchie Handicap	Laurel
2/17/97	General George Handicap	Laurel
3/09/97	New Orleans Handicap	Fair Grounds
3/15/97	Fair Grounds Oaks	Fair Grounds
3/16/97	Louisiana Derby	Fair Grounds
3/29/97	Explosive Bid Stakes	Fair Grounds
4/05/97	Flamingo Stakes	Hialeah
4/19/97	Hialeah Turf Cup Handicap	Hialeah
4/20/97	Lone Star Derby	Lone Star Park
4/26/97	National Jockey Club Handicap	Sportsman's
5/04/97	Sixty Sails Handicap	Sportsman's
5/10/97	Illinois Derby	Sportsman's

6. 1997 TRACK LICENSE APPLICATION FOR SYRACUSE MILE

The Board approved the following dates for the Syracuse Mile:

Racing Dates For Syracuse Mile
 August 2nd through August 17th 7 programs
 Racing - August 2nd, 3rd, 9th, 10th, 15th, 16th and 17th
 Wagering Format

RACE#	WPS	DD	EXACTA	QUINELLA	TRIPLE	OTHER
1	X	X	X		X	
2	X	X	X			
3	X		X			
4	X		X			
5	X		X		X	
6	X		X			
7	X	X	X		X	
8	X	X	X			
9	X		X		X	
10	X		X		*X	
11	X		X		*X	
12	X		X		*X	

* Note: Depending on the horse population an 11 or 12 race card will be offered, and an all trificeta card will be offered on the last race day.

7. MONTICELLO RACEWAY CAPITAL IMPROVEMENT/ADVERTISING AND PROMOTION

The Board approved Monticello Raceway's request for permission to withdraw \$11,895.33 from the capital improvement fund for advertising and promotion expenditures.

The following items are included in the approval;

Catskill Amateur Driving Event - Purses	\$ 3,600.00
Amateur Drivers International Trot purses	2,000.00
Jimmy Sturr - Entertainment - June 30, 1996	2,800.00
T-Shirt Giveaway September 22, 1996	<u>3,495.33</u>
	\$11,895.33

8. YONKERS RACEWAY CAPITAL IMPROVEMENT FUND ADVERTISING AND PROMOTION

The Board approved the Yonkers Raceway request for approval to withdraw \$33,771.27 from the capital improvement fund for 1996 advertising and promotion expenditures. The present request for \$33,771.27 will bring the total 1996 withdrawal to \$185,730.67 which is the maximum allowed.

9. YONKERS RACEWAY CAPITAL IMPROVEMENT

The Board approved Yonkers Raceway's request to withdraw \$150,000 from the Capital Improvement Fund representing the initial payment deposit for the contract to demolish the old grandstand.

10. REQUEST BY NYCOTB TO AMEND ITS SIMULCAST/PLAN OF OPERATION TO (1) ESTABLISH NEW SIMULCAST FACILITY AT 38-04 BROADWAY, ASTORIA QUEENS AND (2) APPOINT 38-04 TAVERN, INC., D/B/A MARY MCGUIRES RESTAURANT AS THE CONCESSIONAIRE

The Board approved the New York City Off-Track Betting Corporation request of an amendment to its Simulcast/Plan of Operation to:

- 1) Establish a new simulcast facility at 38-04 Broadway, Astoria Queens, NY and
- 2) Appoint 38-04 Tavern, Inc. D/B/A Mary McGuire's Restaurant (Principal Officers: Kenneth J. McGuire and George W. Pyle) as the concessionaire.

Board approval is conditioned upon the Site-Selection Board approval.

11. YONKERS RACEWAY - SIMULCAST AGREEMENTS WITH POCONO DOWNS, LEWISTON RACEWAY, SCARBOROUGH DOWNS, POMPANO RACEWAY AND HARRINGTON RACEWAY.

The Board approved Yonker's request for permission to simulcast Yonkers' races on a daily basis in 1997 to the following tracks:

Lewiston Raceway	Scarborough Downs
Pompano Raceway	Harrington Raceway
Pocono Downs	

12. MATTER OF FRANK ALVARADO

The Board voted to uphold Mr. Liebman recommendation that the ten day suspension be affirmed for violation of Board Rule 4035.2. This matter involves the appeal by jockey Frank Alvarado from a ten day suspension issued by the State Steward at Belmont Park for careless riding in the second race on September 29, 1996.

13. MATTER OF CLIFFORD DOOLEY

The Board voted to uphold Mr. Liebman's recommendation that the ten day suspension be affirmed for violation of Board Rule 4035.2. This matter involves the appeal by apprentice jockey Clifford Dooley from a ten day suspension issued by the State Steward at Aqueduct Race Track for careless riding in the second race on November 27, 1996.

14. MATTER OF FREDERICK C. GRANT

The Board voted to uphold Mr. Liebman's recommendation that the summary suspension be discontinued without prejudice to reconsideration of the suspension if the suppression order is reversed on appeal. This matter involves the 1996 hearing with regard to the Board's August 10, 1995, summary suspension of the harness racing license of Frederick C. Grant. The suspension resulted after consideration of a racing related criminal charge filed against Mr. Grant.

15. MONTICELLO RACEWAY - REQUEST TO ELIMINATE RECALLS

The Board approved Monticello's request for Board permission to eliminate the current recall pole, which will put Monticello Raceway in line with other upstate tracks and alleviate the amount of recalls. However, there will still be a need for a recall in the case of broken equipment, interference or if a horse falls before the word "go" is given by the starting judge. The Board instructed the Director of Racing Officials to communicate with the Harness Judges to assure that horses are declared non-starters if they are non-competitive at the start due to the absence of the recall.

ADDENDUM TO AGENDA

16. JOSEPH SHAFFER

The matter of Joseph Shaffer and the protest of the 4th Race of September 29, 1995, at Batavia Downs was discussed and is to be the subject of further review by the Board.

The meeting was adjourned at 12:00 noon.