

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF AUGUST 14, 2002

A meeting of the New York State Racing and Wagering Board was held on Wednesday, August 14, 2002 at 11:30 a.m. in the Simon Baruch Room located in the Administration Building at the NYS Office of Parks, Recreation and Historic Preservation in Saratoga Springs.

The meeting was called to order at 11:44 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Ed Martin, Executive Director

Sheila Osterhout, Secretary to the Board

Robert Feuerstein, General Counsel

James Kellogg, Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Eric DeGrechie, The Saratogian

Bill Crowell, NYRA

OPEN COMMENT PERIOD: No comments were made.

A. The Board approved the minutes of the Board meeting held on July 23, 2002.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

## 1. WESTERN OTB REQUEST FOR PROMOTION – BATAVIA DOWNS

For entry into the minutes, on July 19, 2002, approval was granted for the request by Batavia Downs, dated July 10, 2002, to conduct the following promotions:

Ø Conduct a drawing for a free Carnival Cruise on Saturday, October 9<sup>th</sup>

Ø Conduct a weekly Friday night handicapping contest through December 13<sup>th</sup>

Ø Offer each customer, age 18 years or older, on Friday, August 2<sup>nd</sup> and Saturday, August 3<sup>rd</sup> a free two-dollar betting voucher upon admission.

All other promotions outlined in the July 10<sup>th</sup> request letter are acknowledged as received by the Board. None of these other requests required specific Board approval. Both the “cruise drawing” and the weekly handicapping contest and finals are to be conducted as outlined in the official rules and regulations as submitted to the Board.

## 2. BUFFALO RACEWAY REQUEST FOR VARIOUS SIMULCAST LOCATIONS FOR 2002

For entry into the minutes, on July 30, 2002, approval was granted for the request by Buffalo Raceway to amend its plan of operation enabling the import of simulcasts from the thoroughbred racetrack in California known as the Del Mar Racecourse.

This imported simulcast may be used whenever permitted under the Racing Law.

## 3. MONTICELLO RACEWAY REQUEST FOR VARIOUS SIMULCAST LOCATIONS FOR 2002

For entry into the minutes, on July 30, 2002, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of the simulcasts from Batavia Downs, effective upon their opening for the year 2002 racing season on Monday, July 29<sup>th</sup>.

\* For entry into the minutes, on August 9, 2002, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of the Pompano Park (Florida) simulcast signal whenever permitted under the Racing Law.

Although the contract is written and agreed to through June 30, 2003, the federally required permission letter from the Florida Standardbred Breeders’ and Owners Association is for the timeframe of July 1, 2002 through December 31, 2002. The Board’s approval, therefore, extends through December 31, 2002. To continue with the Pompano Park simulcast after that date, a new Florida Standardbred Breeders’ and Owners Association permission letter covering the period January 1, 2003 through June 30, 2003 must be filed.

\* For entry into the minutes, on August 12, 2002, approval was granted for the request by Monticello Raceway to amend their simulcast plan of operation enabling the import of simulcasts from Northville Downs in Michigan for the remainder of their year 2002 racing season.

#### **4. NYRA REQUEST TO DESIGNATE RACES AS “ SPECIAL EVENTS”**

For entry into the minutes, on July 30, 2002, approval was granted for the request by NYRA to designate as special events the following Grade III and stakes races:

8/25 Oklahoma Derby (III) Remington Park

9/21 Kentucky Cup Ladies Turf Kentucky Downs

9/21 Kentucky Cup Mile Kentucky Downs

9/21 Kentucky Cup Turf Dash Kentucky Downs

9/21 Kentucky Cup Turf Handicap (III) Kentucky Downs

#### **5. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002**

For entry into the minutes, on August 5, 2002, approval was granted for the request by Finger Lakes to amend their simulcast plan of operation enabling the exportation of simulcasts to Northville Downs in Michigan.

This approval is valid throughout the year 2002.

#### **6. YONKERS RACEWAY REQUEST FOR VARIOUS SIMULCAST LOCATIONS FOR 2002**

For entry into the minutes, on August 5, 2002, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the importation of the simulcast signal for the Syracuse Mile during their 5-program 2002 racing season.

#### **7. NASSAU OTB REQUEST TO SELL LOTTERY TICKETS AT BRANCHES**

For entry into the minutes, on August 5, 2002, approval was granted for the request by Nassau OTB to amend their plan of operation enabling the sale of NYS Lottery products in its branches.

#### **8. NEW YORK CITY OTB REQUEST TO SIMULCAST DEL MAR THOROUGHBRED CLUB**

For entry into the minutes, on August 5, 2002, approval was granted for the request by New York City OTB, dated August 5, 2002, to amend its simulcast plan of operation enabling the import of simulcasts for the year 2002 Summer thoroughbred program from the Del Mar

Thoroughbred Club in California. This simulcast signal may be imported whenever permissible under the Racing Law.

This approval, effective immediately, extends through the end of the year 2002 Del Mar meeting. To continue next year on this three year agreement, new letters of permission for this simulcast must be secured from the California Horse Racing Board and the Thoroughbred Owners of California and be submitted to the Board before the start of the year 2002 Del Mar racing season.

#### **9. NYRA REQUEST TO OFFER PROMOTION - BELMONT**

For entry into the minutes, on August 9, 2002, approval was granted for the request by NYRA to conduct the Fall 2002 Belmont Park Sudden Death Internet handicapping contest throughout the year 2002 Fall Belmont Park race meeting.

Included this year is a new condition of a ten-dollar entry fee per contestant with all paid entry fees returned to the winners as outlined in the rules.

#### **10. SARATOGA HANRESS REQUEST TO CHANGE RACE DATES - SEPTEMBER**

For entry into the minutes, on August 9, 2002, approval was granted for the request by Saratoga Equine Sports Center to amend their plan of operation enabling a live racing program on Tuesday, September 3, 2002.

This change will replace the originally scheduled Saturday, September 7<sup>th</sup> program, which is now cancelled.

#### **11. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002**

For entry into the minutes, on August 9, 2002, approval was granted for the request by Vernon Downs to amend their simulcast plan of operation enabling the import of simulcasts from Ocean Downs in Maryland and the Plainridge Raceway in Massachusetts during the year 2002, effective immediately.

This approval is valid for the entire year 2002 racing season at each harness racetrack.

#### **12. NASSAU OTB REQUEST FOR VARIOUS SIMULCAST LOCATIONS FOR 2002**

For entry into the minutes, on August 9, 2002, approval was granted for the request by Nassau OTB, dated June 25, 2002, to amend their simulcast plan of operation enabling the import of simulcasts from Ruidoso Downs in New Mexico during their 2002 meeting.

This approval to import the Ruidoso Downs simulcasts also applies to Suffolk Regional OTB. These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

**13. NEW YORK CITY OTB REQUEST TO AMEND EXISTING CONTRACT WITH DEL MAR THOROUGHBRED CLUB**

For entry into the minutes, on August 9, 2002, approval was granted for the request by New York City OTB, dated August 6, 2002, for an addendum to its existing multi-year contract with the Del Mar Thoroughbred Club in California to add all other New York State Regional OTB Corporations as outlined in the letter from Paul A. Porter of Del Mar to Nicholas Romano of New York City OTB. This simulcast signal may be imported whenever permissible under the Racing Law.

This approval, effective immediately, extends through the end of the year 2002 Del Mar meeting. To continue next year on this three year agreement, new letters of permission for this simulcast must be secured from the California Horse Racing Board and the Thoroughbred Owners of California and be submitted to the Board before the start of the year 2003 Del Mar racing season.

**14. CATSKILL OTB REQUEST TO OFFER PROMOTION**

For entry into the minutes, on August 12, 2002, approval was granted for the promotional request by Catskill Regional OTB to award a ten dollar (\$10) credit to all newly opened telephone betting accounts that are opened in response to certain advertisements.

This approval is effective immediately.

**15. WESTERN OTB REQUEST FOR FULL CARD TRIPLE WAGERING - BATAVIA**

For entry into the minutes, on August 12, 2002, approval was granted for the request by Western OTB to amend their plan of operation allowing the conduct of triple (trifecta) wagering on all races with six or more starters at Batavia Downs.

This approval is effective immediately.

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

**1. IN THE MATTER OF NELLIE A. DRIVER**

For entry into the minutes, on June 25, 2002, the Board summarily suspended the harness groom license of Nellie A. Driver upon a finding that the public safety and welfare imperatively require this emergency action.

This suspension will remain in effect pending further disposition by the Board after a hearing.

**2. NEW YORK CITY OTB REQUEST FOR APPROVAL OF TEMPORARY BOARD MEMBER - CASEY**

For entry into the minutes, on August 12, 2002, the Board approved the request by New York City OTB for the appointment of Raymond V. Casey as a temporary member of the Board of Directors of the New York City Off-Track Betting Corporation.

This approval is valid through September 30, 2002 or upon the qualification of a new member, whichever event is the earliest.

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

##### 1. IN THE MATTER OF COLIN A. DENSLEY-BURROWS

The Board approved, with modification, Hearing Officer Baller' s recommendation to uphold the decision of the Presiding Judge at Buffalo Raceway that Mr. Densley-Burrows violated Rule 4111.13 because he caused the horse " Italian Lira" to be withdrawn from the sixth race on May 4, 2002 after declarations had closed and without the permission of the Presiding Judge. The Board found under the circumstances presented, that the violation was inadvertent and may have resulted from miscommunication. The Board ordered that the decision of the Presiding Judge at Buffalo Raceway to impose a fine of two hundred fifty dollars (\$250) is modified to a fine of two hundred fifty dollars (\$250) suspended for six months and thereafter discharged provided that during the next six months (on or before March 16, 2002) there are no further rule violations by respondent, because in the judgment of the Board its aforesaid additional findings mitigate the severity of the violation.

##### 2. IN THE MATTER OF JAMES M. DUNN

The Board approved Hearing Officer Baller' s recommendation that the decision of the judges at Buffalo Raceway, which suspended Mr. Dunn' s driving license for eight (8) days for violation of Board Rule 4117.4(a) while driving the horse COME ON KITTY in the ninth race on April 26, 2002, be upheld.

##### 3. IN THE MATTER OF PHILIPPE LAFRAMBOISE

The Board approved Hearing Officer Baller' s recommendation that the decision of the Presiding Judge at Buffalo Raceway, which imposed a suspension of ten (10) days for violation of a prior suspension order (9 NYCRR 4119.7(a)(5) and 4100.1(3,4) be upheld.

##### 4. IN THE MATTER OF THOMAS NICHOLS

The Board approved Hearing Officer Baller' s recommendation that the appeal of the refusal to issue Mr. Nichols a cleaning services harness license be deemed withdrawn pursuant to 9 NYCRR 5402.3(b)(vii), and the decision to refuse the license be upheld.

##### 5. IN THE MATTER OF MICHAEL AND BRENDA OHOL

The Board approved Hearing Officer Baller' s recommendation that the individual appeals be deemed withdrawn pursuant to 9 NYCRR 5402.3(b)(vii) and that the denial of the harness

license applications of Respondents Brenda Ohol as an owner/trainer and Michael Ohol as an owner be upheld.

#### 6. IN THE MATTER OF VERNON T. SMITH

The Board approved Hearing Officer Baller' s recommendation that the decision of the judges at Buffalo Raceway, which suspended Mr. Smith' s driving license for eight (8) days for violation of Board Rule 4117.4(b) while driving the horse HAYLEY' S PRINCESS in the third race on May 3, 2002, be upheld.

#### 7. IN THE MATTER OF KERIN WARNER

The Board approved Hearing Officer Baller' s recommendation that the appeal from the decision of the judges at Monticello Raceway, which suspended Mr. Warner' s driving license for eight (8) days for violation of Board Rule 4117.4(a) while driving in the eighth race on April 14, 2002, be deemed withdrawn pursuant to 9 NYCRR 5402.3(b) (vii), and the decision of the Judges be upheld.

#### 8. EQUINE MEDICATION RULES – PROPOSAL OF DRAFT TEXT (Sections 4043.2 and 4120.2)

The Board proposed the draft text to amend the thoroughbred and harness equine drug rules to permit drug administrations to be time-based in accordance with a list issued by the Board. With the exception of the furosemide sections of those rules, the following text would replace the current language of §4120.2 and 4043.2:

“ Drugs and medications are permitted to be used only in accordance with a list that will be prepared and distributed by the Board on a periodic basis after approval by the Board. The list shall be divided on the basis of time – based permitted use prior to the start of a racing program. The original list shall not be more restrictive than the existing provisions of Rule 4043.2. Any modifications thereto shall be approved in writing by the Board.”

The harness text would reference 4120.2.

#### 9. CAPITAL OTB REQUEST TO ADD E-Z BET LOCATION - COHOES

The Board deferred the request by Capital OTB to amend their simulcast plan of operation to include a new E-Z Bet wagering facility in Cohoes pending further investigation.

#### E. ITEMS FOR BOARD INFORMATION/DISCUSSION

##### 1. FINGER LAKES ANNUAL DESK REVIEW FOR 2001 - 08/02-07-E

Annual desk review of Finger Lakes' financial statements for 2001.

2. GAMES OF CHANCE – BINGO REGISTRATION NUMBERS – JULY/AUGUST - 08/02-10-E

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between July 9, 2002 - August 2, 2002.

3. GAMES OF CHANCE – BELL JAR TICKETS – JULY/AUGUST - 08/02-09-E

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between July 9, 2002 - August 2, 2002.

4. INDIAN GAMING LICENSING STATISTICS – JULY 2002 - 08/02-15-E

Licensing statistics for the month of July 2002. Also included are the certifications for Turning Stone and Akwesasne.

5. LICENSING – CURRENT LICENSING COUNT - 08/02-11-E

Current licensing count as of August 5, 2002

6. AMERICAN HORSE SLAUGHTER PREVENTION ACT - H.R. 3781 - 08/02-20-E

To prevent the slaughter of horses in and from the US for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

**The meeting was adjourned at 12:13 p.m.**