

**MINUTES**

**NEW YORK STATE RACING AND WAGERING BOARD**

**MEETING OF DECEMBER 20, 2000**

**A meeting of the New York State Racing and Wagering Board was held on Wednesday, December 20, 2000 at 11:30 a.m. at the Racing & Wagering Board' s Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.**

**The meeting was called to order at 11:37 a.m.**

**In Attendance Were:**

**Michael J. Hoblock, Jr., Chairman**

**Joseph Neglia, Member**

**Cheryl Buley, Member**

**Maureen L. McGrath, Secretary to the Board**

**Robert Feuerstein, General Counsel**

**Tom Casaregola, Director of Audits and Investigations**

**Joe Lynch, Chief of Racing Operations**

**Also in Attendance Were:**

**Dianne Landor, NYSR&WB**

**Stacy Walker, NYSR&WB**

**Yancey Roy, Gannett News**

**Paul D'Onofrio, Monticello - Finger Lakes**

**Thomas Cholakis, Capital OTB**

**Robert Cardillo, New York City OTB**

**Rob Raylman, Coppola Ryan & McHugh**

**Charles Coppola, Coppola Ryan & McHugh**

**Tom Precious, Blood Horse/Buffalo News**

**Bill Crowell, Hinman, Straub, Pigors & Manning, PC**

**Marty Tuczinski, Capital OTB**

**OPEN COMMENT PERIOD: No comments were made.**

**A. The Board approved the minutes of the Board meeting held on November 29, 2000.**

**B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.**

**1. FINGER LAKES REQUEST TO OFFER PICK SIX**

**For entry into the minutes, on November 28, 2000, approval was granted for the request by Finger Lakes to amend their plan of operation for a final year 2000 disbursement of the entire pick-six pari-mutuel pool on Saturday, December 2, 2000.**

**2. FINGER LAKES REQUEST TO IMPORT SIMULCASTS FROM FAIR GROUNDS, GOLDEN GATE FIELDS, ETC.**

**For entry into the minutes, on December 7, 2000, approval was granted for the request from Finger Lakes for an amendment to the Finger Lakes Racing Corporation's simulcast plan of operation enabling the import of simulcast signals from the Fair Grounds in Louisiana, Golden Gate Fields in California, Calder Racecourse in Florida, Hollywood Park in California, Suffolk Downs in Massachusetts and Turf Paradise in Arizona.**

**All simulcast signals may be utilized whenever permitted under the Racing Law.**

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

**1. IN THE MATTER OF STEPHEN PETRE**

**For entry into the minutes, on November 29, 2000, the Board summarily suspended the harness groom license of Stephen Petre. On November 16, 2000, he submitted a urine sample for testing, following an official request, which produced a test result positive for cocaine in violation of Board Rule 4119.11 and the Consent to Conditions for Relicensing, dated November 16, 2000.**

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

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

**1. IN THE MATTER OF THE BINGHAMTON LOYAL ORDER OF MOOSE  
LODGE 1013**

**The Board approved the recommendation of Hearing Officer Ritchko-Buley that the Board suspend the entity' s games of chance identification number until such time as the Lodge meets its obligations by paying at least one-third of its net proceeds derived from games of chance to worthy causes for the calendar year 1997 pursuant to Rule 5624.21(c)(2).**

**2. IN THE MATTER OF JOHN DAVILA, JR.**

**The Board approved the recommendation of Hearing Officer Dranichak determined that the decision of the State Steward at Finger Lakes Race Track, which suspended the license of John Davila, Jr. for failure to use his best efforts, in violation of Board Rules 9E NYCRR §§4022.12, 4022.21 and 4035.4 be confirmed and that the penalty be reduced from 60 days to 15 days to be served at the discretion of the State Steward at Finger Lakes Race Track.**

**3. IN THE MATTER OF HOLY ROSARY CHURCH OF HAWTHORNE**

**The Board approved the recommendation of Hearing Officer Ritchko-Buley that the Board suspend the games of chance license and that no games of chance license shall be issued until such time as the Racing and Wagering Board determines that the respondent has submitted the financial statements of bell jar operations for the fourth quarter of 1997, the second and third quarters of 1998, and the second and fourth quarters of 1999.**

**4. IN THE MATTER OF PAMELA QUINTER**

The Board approved Hearing Officer Dranichak's recommendation that the decision of the Stewards at Finger Lakes, which denied Quinter's request to disqualify the horse "PINFEATHER" and to place her horse "PENDING PROSPECT" first, be affirmed.

**5. IN THE MATTER OF THE DISQUALIFICATION OF NEVADA SMITH IN THE 1<sup>ST</sup> RACE ON 9/15/00 AT YONKERS RACEWAY**

The Board approved Hearing Officer Creighton Brittell's recommendation that the decision of the judges to disqualify NEVADA SMITH in the first race at Yonkers Raceway on September 15, 2000 be confirmed.

**6. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$60,050.59**

The Board approved \$58,732.35 of Monticello's request to withdraw \$60,050.59 from its Capital Improvement Fund. The Board denied \$1,318.24 for the cost of uniforms for the security guards. The Board classifies uniforms as a supply, not a capital improvement.

**7. NYRA REQUEST FOR APPROVAL OF INDEPENDENT AUDITOR**

The Board approved the New York Racing Association's (NYRA) request of December 14, 2000 to have Arthur Anderson, LLP engaged as their independent auditors for the year ending December 31, 2000.

Section 231(a) (3) of the New York State Racing, Pari-Mutuel Wagering and Breeding Law requires NYRA to file a report with the Board regarding a change in independent auditors. NYRA needs to file this report in accordance with this statutory provision.

The Board has continued interest in reviewing the internal controls and operations of NYRA's mutuel department and will seek a special audit of this unit after the conclusion of the current state and federal investigations.

**8. NYRA - YEAR 2001 RACING DATES**

The Board approved the New York Racing Association request for 262 racing programs among the three NYRA racetracks for the year 2001.

Approved were the following dates:

Aqueduct Racetrack

**January 1<sup>st</sup> - May 6<sup>th</sup> (Winter - Spring)**

**October 31<sup>st</sup> - December 31<sup>st</sup> (Fall)**

**Belmont Park**

**May 9<sup>th</sup> - July 22<sup>nd</sup> (Spring)**

**September 7<sup>th</sup> - October 28<sup>th</sup> (Fall)**

**Saratoga Racecourse**

**July 25<sup>th</sup> - September 3<sup>rd</sup>**

**9. SYRACUSE MILE REQUEST TO WITHDRAW FROM CIF - \$18,000 & 2,892.09**

**The Board approved \$16,366.78 of Syracuse Mile' s request to withdraw \$18,000.00 from its Capital Improvement Fund. The remaining \$1,633.22 of the \$18,000 request and the entire advertising request of \$2,892.09 could not be considered due to a lack of sufficient funds in the Capital Improvement account.**

**10. YONKERS RACEWAY REQUEST TO WITHDRAW FROM CIF - \$100,000**

**The Board approved the withdrawal of \$100,000 from Yonkers' Capital Improvement Fund account, as requested in their letter of November 13, 2000. This application was for expenses, previously approved by the Board related to the demolition of the Grandstand and the relocation of racing related services to the Clubhouse.**

**11. BUFFALO RACEWAY TRACK LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 track license for Buffalo Raceway, valid through December 31, 2001.**

**12. BUFFALO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 simulcast license for Buffalo Raceway, valid through December 31, 2001.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and**

**Wagering Board. The pari-mutuel betting conducted under both licenses shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**13. FINGER LAKES TRACK LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 track license for the Finger Lakes Racing Association, valid through December 31, 2001.**

**14. FINGER LAKES SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 simulcast license for the Finger Lakes Racing Association, valid through December 31, 2001.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted under both licenses shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**15. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 track license for Monticello Raceway, valid through December 31, 2001.**

**16. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 simulcast license for Monticello Raceway, valid through December 31, 2001.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted under both licenses shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**17. NYRA SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved the New York Racing Association, Inc.'s application for three (3) simulcast licenses to simulcast and accept wagers on races run at Saratoga Race Course, Belmont and at Aqueduct Race Track. Additionally, the right to conduct concurrent bridge and special event simulcasting within**

**the provisions of the Racing, Pari-Mutuel Wagering and Breeding Law at each of its facilities is approved. New to the upcoming year and approved by the Board is NYRA's opening of Aqueduct Racetrack for simulcast wagering on selected otherwise "dark days". The opening of Aqueduct Racetrack on such selected dark days for simulcasts and wagering further enables operation of NYRA ONE account wagering on the same dark days. The simulcast licenses are valid through December 31, 2001.**

**The simulcast licenses are issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted under such licenses shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**18. SARATOGA HARNESS TRACK LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 track license for Saratoga Harness, valid through December 31, 2001.**

**19. SARATOGA HARNESS SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved a year-2001 simulcast license for Saratoga Harness, valid through December 31, 2001.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted under both licenses shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**20. VERNON DOWNS TRACK LICENSE APPLICATION FOR 2001**

**The Board deferred action on Mid-State Raceway, Inc.'s applications for a year 2001 Track License and a year 2001 Simulcast License.**

**These license application deferrals result from the following:**

- o Non fulfillment of the statutory requirement to forward financial payments due the harness and thoroughbred breeding funds in a timely manner.**

- **Concern with the legal ownership of the on-site hotel in which pari-mutuel wagering is conducted. Submission of the "signed closing papers" could clear up this matter.**
- **An application for license for a director of the corporation, Joel Gosler, has yet to be received by staff of the Board.**
- **Concern with a section of the barn area utilized to stable racing standardbreds not being secured.**

**Both license applications will again be considered at the regularly scheduled January 2001 Board meeting after review and discussion of the above concerns.**

**21. VERNON DOWNS SIMULCAST LICENSE APPLICATION FOR 2001**

**See Board Item number 20.**

**22. YONKERS RACEWAY TRACK LICENSE APPLICATION FOR 2001**

**The Board deferred action on the track license and the simulcast license applications from Yonkers Raceway until the January 2001 meeting. The reason for the deferral is:**

- **The Board does not have a current fire inspection of the Yonkers Raceway property on file.**
- **Within the simulcast license application, a question (Question 16-F) was not answered adequately. A plan must be developed and submitted to the Board as well as details of the plan must be conveyed to all employees and vendors should a fire, natural disaster or other acts of God ever occur.**

**During January 2001, the Board will again consider both Yonkers applications. A current inspection report certified by the local appropriate departmental or governmental authority in the City of Yonkers and a plan of action should a fire, natural disaster or other act of God occur should be submitted to the Board prior to the January 2001 Board meeting.**

**23. YONKERS RACEWAY SIMULCAST LICENSE APPLICATION FOR 2001**

**See Board Item number 22.**

**24. CAPITAL DISTRICT OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved the Capital Regional Off-Track Betting Corporation's simulcast plan of operation for the year 2001 and the application for simulcast licenses for forty-nine (49) branches, seventeen (17) operating EZ-Bets and one teletheater facility.**



**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasting conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**25. CATSKILL OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved the Catskill Regional Off-Track Betting Corporation's simulcast plan of operation for the year 2001 and the application for twenty-four (24) simulcast licenses.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**26. NASSAU OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board deferred the Nassau Regional Off-Track Betting Corporation request to approve their simulcast plan of operation for the year 2001 and the application for thirteen (13) simulcast licenses. The Board deferred this application due to:**

- o Monthly financial reports due the Board are in arrears by three months. The Board is in receipt of the month of August, 2000. As of December 15<sup>th</sup>, monthly reports through November were due.**
- o Daily financial reports have been received through July of 2000 and are in serious arrearage.**

**This application will again be considered by the Board at its next meeting in January of 2001.**

**27. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved the New York City Off-Track Betting Corporation's simulcast plan of operation for the year 2001 and the application for sixty-seven (67) branch simulcast licenses, four (4) simulcast licenses within operating restaurants and three (3) simulcast licenses for teletheaters.**

**This license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**28. SUFFOLK OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The Board approved Suffolk Regional Off-Track Betting Corporation's simulcast plan of operation for the year 2001 for thirteen (13) simulcast licenses.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the NYS Racing and Wagering Board. The pari-mutuel betting conducted shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**29. WESTERN OTB SIMULCAST LICENSE APPLICATION FOR 2001**

**The approved Western Regional Off-Track Betting Corporation's simulcast plan of operation for the year 2001 and its application for forty-three (43) simulcast licenses and one teletheater license.**

**The simulcast license is issued pursuant to the provisions of Article X of the Racing, Pari-Mutuel Wagering and Breeding Law. All simulcasts conducted shall be subject to the supervision of, and the reasonable rules, regulations, directives and orders, from time to time prescribed by the New York State Racing and Wagering Board. The pari-mutuel betting conducted shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by the Commissioner of Taxation and Finance.**

**30. WESTERN OTB TRACK LICENSE APPLICATION FOR 2001 FOR BATAVIA DOWNS**

**The Board deferred action on the Western Regional Off-Track Betting Corporation request for a year 2001 track license to operate Batavia Downs.**

**This application for a track license cannot be considered at this time as the operating corporation, Western Regional Off-Track Betting Corporation, is not currently authorized under the Racing, Pari-Mutuel Wagering and**

**Breeding Law to possess a valid track license to operate a live harness meeting.**

**31. NYRA REQUEST FOR APPROVAL OF RACING OFFICIALS FOR YEAR 2001**

**The Board approved the NYRA request for all officials and employees listed as belonging in Categories I, II, or III to perform duties at the New York Racing Association's tracks during the year 2001 racing season with the exception of Dr. Kathy Ball. Dr. Ball, listed as a Category I employee, has yet to be individually approved by the Board and is not listed on the State of New York Department of Education roster as a certified, licensed New York veterinarian.**

**Dr. Barbara Greene, also a Category I examining veterinarian, is not listed on the State of New York Department of Education roster as a certified, licensed New York veterinarian.**

**This approval is in compliance with Board Rule 4005.1.**

**32. TAX AND FINANCE CERTIFICATION OF YEAR 2001 RACING DATES**

**The Board approved certification to the New York State Department of Taxation and Finance of the year 2001 assigned racing dates as complying with Section 228(3) and Section 318(5) of the Racing Law. Certification was made for all tracks except Yonkers Raceway, Vernon Downs and Batavia Downs.**

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

**1. SUFFOLK OTB BOARD MEETING - 12/00-14-E**

**Monthly Board of Directors meeting held on November 28, 2000.**

**2. NYTHA INCOME STATEMENT FOR BELMONT - 12/00-26-E**

**Financial reports for 2000 Belmont Fall meet.**

**Meeting was adjourned at 1:20 p.m.**