

## MINUTES

### NEW YORK STATE RACING AND WAGERING BOARD

#### MEETING OF DECEMBER 21, 1999

A meeting of the New York State Racing and Wagering Board was held on Tuesday, December 21, 1999 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 11:40 a.m.

#### **In Attendance Were:**

Michael J. Hoblock, Jr., Chairman

Joseph Neglia, Member

Bennett Liebman, Member

Edward Martin, Executive Director

Nicole Thuillez, 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

Nicole Robilotto, NYSR&WB

Heather Bennett, The Bennett Firm

Mike Kane, Schenectady Gazette

**OPEN COMMENT PERIOD: None**

A. The Board approved the minutes of the Board meeting held on November 18, 1999.

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

**1. FINGER LAKES REQUEST TO DISTRIBUTE PICK 6 POOL**

For entry into the minutes, on November 17, 1999, approval was granted for the request to amend the Finger Lakes Racing Association's plan of operation for a final 1999 disbursement of the entire pick-six pari-mutuel pool on Tuesday, December 7, 1999.

**2. MONTICELLO RACEWAY REQUEST TO AMEND HARNESS LICENSE – DATES & POST TIMES**

For entry into the minutes, on November 17, 1999, approval was granted for the request by Monticello to cancel the scheduled Monday, December 20<sup>th</sup> racing program and to add a racing program on Thursday, December 23<sup>rd</sup> with a 1:05 p.m. first post.

Additionally, the Board approved a change in first post for all December Wednesdays to 1:05 p.m. and a change of first post to 3:30 p.m. for the Mondays and Tuesdays of December 6<sup>th</sup>, 7<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>.

**3. NYRA REQUEST TO CONDUCT NON-WAGERING RACE – 11/28/99**

For entry into the minutes, on November 17, 1999, approval was granted for the request by NYRA, dated November 11, 1999, to contest an exhibition race on Sunday, November 28, 1999 featuring amateur jockeys.

All riders competing will be members of the Amateur Riders Club of America. Furthermore, this exhibition race will be in addition to the regularly scheduled Sunday pari-mutuel racing program.

**4. NEW YORK CITY OTB REQUEST TO SIMULCAST SAM HOUSTON**

For entry into the minutes, on November 17, 1999, approval was granted for the request by New York City OTB, dated November 12, 1999, to simulcast Sam Houston Race Park in Texas as a bridge signal whenever permitted under the Racing Law.

This approval is valid through December 31, 1999 only, as stipulated in both the Texas Commission and Texas Horsemen' s letter of permission. To continue after December 31, 1999, new letters of permission must be filed with the Board.

The signal may be accepted upon the conclusion of the last race at the operating NYRA track or Finger Lakes (whichever is later) and until 7:30 p.m. No wagering on any race with an advertised post time past 7:30 p.m. may be accepted.

**5. YONKERS RACEWAY REQUEST TO CANCEL LIVE RACING**

For entry into the minutes, on November 23, 1999, approval was granted for the request by Yonkers Raceway to discontinue the presentation of live racing on three consecutive Wednesdays in December. The effected dates are December 1<sup>st</sup>, 8<sup>th</sup> and 15<sup>th</sup>.

**6. NASSAU OTB REQUEST TO SIMULCAST THE FAIR GROUNDS IN NEW ORLEANS**

For entry into the minutes, on November 23, 1999, approval was granted for the request by Nassau OTB for the import of simulcasts, effective November 25, 1999, from the Fair Grounds in New Orleans, Louisiana. This approval is valid through the 1999-2000 Fair Grounds racing season scheduled to end on March 27, 2000.

This approval extends to the Suffolk Regional Off-Track Betting Corporation.

**7. MONTICELLO RACEWAY REQUEST FOR UPCOMING 1999 CALENDAR YEAR**

For entry into the minutes, on November 29, 1999, approval was granted for the request by Monticello Raceway to import the simulcast signal from Balmoral Park effective immediately.

This approval is valid through the life of the submitted contract that is scheduled to expire after December 31, 1999.

\* For entry into the minutes, on November 29, 1999, approval was granted for the importing of the simulcast, effective immediately, from the thoroughbred racetrack known as the Fair Grounds in New Orleans.

**8. VERNON DOWNS REQUEST FOR PROMOTIONAL EVENTS**

For entry into the minutes, on November 29, 1999, approval was granted for the request by Vernon Downs for the awarding of betting vouchers during certain simulcast programs at Vernon Downs. Approved were the awarding of three separate fifty-dollar (\$50) betting vouchers on Wednesday evenings through the

end of 1999. These drawings will take place at 8:00 p.m., 9:00 p.m. and 10:00 p.m. with one voucher being distributed to a winner at each hour.

On Thursday and Friday nights, a single one hundred-dollar (\$100) betting voucher will be awarded at random to one lucky patron. It is understood that a winner of a voucher must be present in order to claim his/her prize.

**9. VERNON DOWNS REQUEST TO SIMULCAST NORTHVILLE DOWNS, TURF PARADISE, ETC.**

For entry into the minutes, on November 29, 1999, approval was granted for the request by Vernon Downs to import Northville Downs (Michigan), Turf Paradise (Arizona), Golden Gate Fields (California), the Fair Grounds (Louisiana) and Philadelphia Park (Pennsylvania) simulcast signals whenever permitted under the Racing Law.

**10. SUFFOLK OTB REQUEST TO CONDUCT HARNESS HANDICAPPING CONTEST**

For entry into the minutes, on December 2, 1999, approval was granted for the request by Suffolk OTB, dated November 24, 1999, to conduct the New Millenium Harness Handicapping Tournament on the evening of Friday,

January 28, 2000, as outlined in the official rules and regulations.

**11. FINGER LAKES REQUEST TO CANCEL LIVE RACING PROGRAM**

For entry into the minutes, on December 6, 1999, approval was granted for the request by Finger Lakes Racing Association to delete Monday, December 13<sup>th</sup> and Tuesday, December 14<sup>th</sup> from the 1999 racing schedule of live presentations.

Finger Lakes Racing Association will conclude the 1999 racing season on Saturday, December 11<sup>th</sup>. Additionally, lacking approval from the representative horsemen' s association under the current contract, all simulcasts will cease after Saturday, December 11, 1999 until such agreement with the horsemen' s association is reached.

**12. VERNON DOWNS REQUEST TO BETTING VOUCHER PROMOTION**

For entry into the minutes, on December 6, 1999, approval was granted for the request by Vernon Downs to hold the January night simulcast voucher-giveaway promotion entitled Y2K. It is understood that the rights for a voucher valued in the amount of at least five hundred dollars (\$500.00) will be awarded, by random drawing, to one customer on January 5<sup>th</sup>. At that time the drawn-winner will also be given the past performances for three races from opening night at the

Meadowlands harness meeting on January 7<sup>th</sup> and be asked to select the winner from each of the three races.

Picking one winner entitles the drawn-winner to an increased value of the voucher to \$750; picking two winners and the voucher value becomes \$1,000; picking all three winners and the voucher value reaches the maximum of \$2,000. Should the drawn-winner have his/her selections in all three races finish second or third (without winning any race) the voucher value is \$750.

### **13. NASSAU OTB REQUEST TO SIMULCAST GOLDEN GATE FIELDS**

For entry into the minutes, on December 13, 1999, approval was granted for the request by Nassau OTB for the importation of the simulcast from Ladbroke – Golden Gate Fields, whenever permitted by the Racing Law. This approval is valid through January 17, 2000, a date that coincides with the expiration of the permission letters from the California Horse Racing Board and the Thoroughbred Owners of California (TOC).

To continue importing the simulcast signal from Ladbroke - Golden Gate Fields after January 17, 2000, new letters of permission from both the California Horse Racing Board and the TOC must be filed with the Board.

This approval also applies to the Suffolk Regional OTB.

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

#### **1. IN THE MATTER OF MICHAEL S. FERRARO**

The Board approved the recommendation of Hearing Officer Creighton Brittell that Mr. Ferraro be found guilty of the violations of Rule 4042.1(f) and determined that the suspension be increased to 15 days and the fine remain \$1,000. The State Steward at Finger Lakes Race Track originally suspended Mr. Ferraro's license for seven (7) days and imposed a \$1,000.00 fine. The disciplinary action was based upon charges that Mr. Ferraro had furnished the incorrect name of a horse to the official timer prior to workout and had encouraged that official to provide incorrect testimony concerning that event.

#### **2. IN THE MATTER OF LEONARD GROSS**

The Board approved, with Member Liebman abstaining, Hearing Officer Creighton Brittell's recommendation that the ten (10) day suspension of harness owner Leonard Gross' license and a \$1000.00 fine issued by the judges at Monticello Raceway based upon abusive conduct toward a racing official on August 26, 1999, in violation of Board Rules 4119.1 and 4119.2 be affirmed.

**3. IN THE MATTER OF FRANK MULTARI, JR.**

The Board approved Hearing Officer Edward J. Martin' s recommendation that the \$750.00 fine for participating in exacta and triple wagering on the fifth race at Saratoga Raceway on June 1, 1999, in violation of Board Rule 4119.5 be reduced to \$250, provided Mr. Multari is not found to have violated Rule 4119.5 again within the year from the date of the Board' s action.

**4. IN THE MATTER OF ANDREW SANTERAMO**

The Board approved Hearing Officer Creighton Brittell' s recommendation that Mr. Santeramo be found guilty of driving the horse DA BIG MAN with indifference or lack of effort in the sixth race at Yonkers Raceway on March 26, 1999, in violation of Board Rule 4117.4(p). The Board remanded the thirty (30) day suspension for reconsideration by the Hearing Officer in light of the past history of violations by Mr. Santeramo.

**5. IN THE MATTER OF GLENN TATE**

The Board approved Hearing Officer Creighton Brittell' s recommendation that Mr. Tate' s license be revoked on the grounds that he violated Board Rule 4042.5 and the Consent to Conditions for Relicensing, issued on July 15, 1999.

**6. DESIGNATION OF EMPLOYEE TO ADMINISTER OATHS AND ISSUE SUBPOENAS**

The Board approved the designation of Gregory Schreffler, Chief of Audits and Investigations to administer oaths, examine witnesses and issue subpoenas, pursuant to Section 101(9) of the Racing, Pari-Mutuel Wagering and Breeding Law.

**7. READOPTION OF EMERGENCY RULE 5600 et. seq. PERTAINING TO ENFORCEMENT OF GAMES OF CHANCE AND BINGO**

The Board approved the readoption of the amendments to Board Rules 5600.1 et seq. and 5814.6 et seq. These games of chance and bingo rule amendments were previously adopted by the Board as an emergency rule on October 4, 1999, and will expire on January 2, 2000.

**8. BUFFALO RACEWAY REQUEST FOR PERMANENT RULE CHANGE – UNQUALIFIED HORSES**

The Board adopted an emergency amendment to Harness Rule 4113.5. The emergency rule would add Buffalo Raceway to the list of tracks specified in the current rule. Thus, subparagraph 1of the rule 4113.5 would read:

1. The horse does not show a charted line of a current performance meeting the qualifying standards at the track for the class of race. Current performance shall be defined as a start within 30 days of the date of the race to which declared. A performance on or after September 1 of the preceding year shall be considered current for a horse making its first start of the current year before June 1 at Vernon Downs, Saratoga Raceway, Monticello Raceway, Buffalo Raceway and Goshen Historic Track. Official workouts shall be acceptable as qualifying performances for this paragraph for horses with previous satisfactory races.

This is an adoption of an emergency rule, which will become effective upon filing with the Department of State.

**9. BUFFALO RACEWAY REQUEST TO EXTEND PURSE DISTRIBUTION –  
RULE 4118.1(b)**

The Board approved the Buffalo Trotting Association request to waive Section 4118.1(b) of the Rules of the Board and to issue earned purse checks once a week.

This permission is granted for the calendar year 2000, as this is the time period stipulated in the Western New York Horsemen' s Association permission letter.

**10. BUFFALO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$11,431.88**

The Board approved the request by Buffalo Raceway to withdraw \$11,431.88 from their Capital Improvement Fund for reimbursement for various capital expenditures incurred by the track.

The approved Buffalo CIF request consists of:

Backstretch

New Roof (Paddock Building)	\$5,935.00
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General & Administrative

Snow Plow 12 foot Blade	\$4,000.00
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Patrons & Services Area

Amplifiers (sound system)	<u>\$1,496.88</u>
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<b>Total Approved Application</b>	<u><b>\$11,431.88</b></u>
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## 11. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$301,196.14

The Board approved the request by Finger Lakes to withdraw \$298,453.05 from their Capital Improvement Fund for reimbursement of various capital expenditures incurred by the track. The **Board denied an expenditure of \$2,743.09** for the purchase of a sign on the Thruway advertising Finger Lakes Racetrack. The Board deemed this expense to be appropriately classified as Advertising & Promotional expenses.

The approved Finger Lakes Racetrack CIF request consists of:

### Racing Strip, Barns, Backstretch

<b><u>Barn Renovations</u></b>	<u>\$124,884.00</u>
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(Including siding, painting replacement of wood boards etc, )

### Other

Heater (paddock Chute)	\$5,253.70
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Chain Link Fence (Backside)	4,006.55
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Split Rail Fence (For Horsewalk)	3,448.41
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Retaining Wall (For main track)	2,407.50
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Fire Hoses (Barn area)	2,274.15
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(2) Sofa and (4) Bar stools(For Jockey Room)	917.03
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(4) Small Refrigerators (For paddock and chute)	<u>641.83</u>
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(2) Washing Machines (For Jockey Room)	<u>699.84</u>
Sub-Total Other Racing Strip, Barns ,Backstretch	1
<b>Total Other Racing Strip, Barns ,Backstretch</b>	<u>1</u>

General & Administrative

**Maintenance Equipment**

Skid Steel Loader (46 horsepower with attachments)	\$29,327.63
Lift Picker (For slit stones on track oval surface)	20,223.00
Track Sealer	18,639.00
Lime Spreader ( For Track Surface)	7,490.00
Wheel Assembly for Harrow	<u>511.33</u>
Sub-Total maintenance Equipment	\$

**Other**

Message Alarm (Main Office)	\$1,829.38
File Cabinet with lock (For Controllers Office)	962.95
Flammable Liquid Storage Tank (For Maintenance)	894.74
Air Conditioners	817.48
Security Door	802.50
Silver Coating (maintenance building)	800.00
Fax Machine (Main Office)	708.86
Money Bags (For Mutual Tellers)	707.37
(2) VCR's (NYS Board & General Manager' s offices' )	652.17
(2) VCR' s	
Calculators for Mutual	613.60

Computers Monitors	<u>582.12</u>
<b>Sub-Total Other</b>	\$
<b>General and Administrative Total</b>	<u>\$85,562.13</u>
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<i>Patron Services and Areas</i>	
Intergraph Computer for CCTV (video room) & two monitors	\$21,394.65
( 9 Pair ) Entry Door in Grandstand Complex	14,800.00
(36) Picnic Tables for Patrons	9,808.14
Reupholsters & Refinish 70 chairs in Box Seats	6,248.80
Food Heating Trays	3,744.98
Trash Receptacles (Outside Main Gate)	1,122.60
Deli Case Stand	2,614.01
Refrigerator (Refrigerator for Paddock)	3,898.01
Deep fryer (For concessions stands)	975.84
Ceiling Fans(for Grand Stands)	925.03
(4) wheel Chairs	813.16
Light Message for Clubhouse	787.00
Amplifier for Clubhouse	691.76
Air Conditioner for CCTV	<u>533.93</u>
<b>Patron Services Sub-Total</b>	1
<b>Total Application Approved</b>	<u><b>\$298,453.05</b></u>

**12. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$22,267.42**

The Board approved the request by Monticello Raceway to withdraw \$19,274.13 from their Capital Improvement Fund for reimbursement of various capital

expenditures incurred by the track. The Board **denied an expenditure of \$2,993.29** for the purchase of a computer located offsite (New York City).

The approved Monticello Raceway CIF request consists of:

**General & Administrative:**

(1) Mita Photo Copier (Accounting)	\$9,095.00
(2) Computers & Related Software	5,930.02
1) 1986 GMC Pick-Up (Maintenance)	1,350.00
(1) 1986 Plymouth Van (Maintenance)	1,123.50
(2) Fax machines	416.96
(1) VCR (Judges Booth)	<u>96.26</u>
<b>Sub-Total</b>	<u>\$18,011.74</u>

**Backstretch Area**

Chairs & Sectional (Driver Lounge)	\$ 513.60
Water Heater (Barn G)	<u>192.40</u>
<b>Sub-Total</b>	<u>\$706.00</u>

**Patron Services & Areas**

(1) 12,000 BTU Air Conditioner (Video Room)	<u>556.39</u>
<b>Total Approved Application</b>	<u>\$19,274.13</u>

**13. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$104,000**

The Board approved \$26,000 of Monticello's request to withdraw \$104,000 for the new Tote System. The \$26,000 represents the total amount of 1999' s weekly (13) payments to Autotote Systems, Inc. allocable to on-site racing operations. The approval was made as Monticello' s 1999 backstretch improvements exceed tote system costs.

Board approval of future withdrawals from the Capital Improvement Fund for tote system costs will be limited to the amount of Monticello's total backstretch improvements in the year 2000, not to exceed \$104,000 for a calendar year.

**14. NYRA - STEWARD REQUEST FOR EXTENSION OF APPRENTICESHIP – MOLINA**

The Board approved the request by the Assistant State Steward for an extension of the apprentice allowance afforded jockey Tommy Molina. Mr. Molina was sidelined for a total of forty-five (45) days after being injured during the running of a race on May 6, 1999 through June 21, 1999 at Aqueduct Racetrack.

The original date of the expiration of his ability to claim the five-pound apprentice allowance was December 2, 1999. His new expiration date will be January 16, 2000. During this extended time period, Tommy Molina will be eligible to claim his five-pound apprentice allowance in all overnight races (other than stakes or handicaps).

**15. YONKERS RACEWAY REQUEST TO WITHDRAW FROM CIF - \$645,000**

The Board approved \$445,000 of the application related to demolition of the grandstand and deferred approval of the remaining \$200,000 until such time as an additional \$200,000 is deposited into Yonkers CIF account.

**16. 2000 RACING DATES – CERTIFICATION TO TAX AND FINANCE**

Certification was deferred pending approval of all track license applications.

**17. BUFFALO RACEWAY 2000 TRACK LICENSE APPLICATION**

The Board deferred, until January 3, 2000, action on the Buffalo Raceway applications for both the track and simulcast licenses necessary for conducting harness racing and participating in simulcasts during the period January 1, 2000 through December 31, 2000. To be addressed in writing and submitted to the Board is the following:

- o The horsemen's contract covering the year 2000.

On January 3, 2000, the Board will again consider the Buffalo Raceway applications and take such action as may be appropriate.

**18. BUFFALO RACEWAY 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 17.

**19. BUFFALO RACEWAY 2000 TRACK LICENSE APPLICATION FOR SYRACUSE MILE**

The Board deferred the track license application for the Syracuse Mile necessary for conducting live harness racing during August of 2000. Required in writing

from Buffalo Raceway is an affirmation that provisions will be made to have in operating order on all five potential race dates the following necessities:

- A Photo Patrol System
- A Photo Finish Camera System
- An Automatic Timing System

The track license for the Syracuse Mile will again be considered at the January 2000 Board meeting.

## **20. FINGER LAKES 2000 TRACK LICENSE APPLICATION**

The Board deferred action on Finger Lakes applications for a year 2000 track license and a year 2000 simulcast license until January 3, 2000.

Both deferrals resulted from the deficiencies in the applications as follows:

- The lack of a horsemen's contract for the year 2000.
- The lack of an affirmation in writing that the December 2, 1999 inspection by the Town of Farmington Fire and Safety Code inspector was completed, including a copy of that report.

On January 3, 2000, the Board will again consider both licenses and will take such action as may be appropriate. The outstanding items should be furnished to the Board prior to January 3, 2000.

## **21. FINGER LAKES 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 20.

## **22. MONTICELLO RACEWAY 2000 TRACK LICENSE APPLICATION**

The Board deferred action, until January 3, 2000, on the Monticello Raceway's application for a year 2000 track license. The track license deferral further resulted in a deferral for the simulcast license application.

On January 3, 2000, both applications will again be considered upon the receipt of either of two affirmations:

- A current fire inspection by the department locally responsible for such inspections and resulting affirmations.

- A certification from the responsible local fire department or governmental agency that the inspection submitted by the outside firm, The Sullivan Fire Protection Corporation of South Fallsburgh, is the accepted statutorily required local affirmation.

### **23. MONTICELLO RACEWAY 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 22.

### **24. NYRA 2000 SIMULCAST FACILITY LICENSE APPLICATION**

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 at Aqueduct Race Track for the period of July 26, 2000 through September 4, 2000. 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.

Further, pursuant to provisions of Section 1003(4), the Board amended NYRA's plan of operation and approved it with the following modifications:

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

These 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 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. SARATOGA HARNESS 2000 TRACK LICENSE APPLICATION**

The Board deferred action on Saratoga Harness Racing, Inc.'s applications for a year 2000 Track License and a year 2000 Simulcast License until the January 2000 meeting. These deferrals result from documents and/or financial reports submitted by Saratoga Harness Racing to the Board that conflict with applicable Pari-Mutuel Racing and Breeding Law. Immediate concerns are:

- Contributions by Saratoga Harness Racing, Inc. to its the Capital Improvement Fund from all participating years must be made whole. Contributions required by statute, under Section 319 of the Racing Law, were not full and complete for 1998, the last full-year report filed with Board and for years previous to 1998 in which Saratoga Harness, Inc. participated. Following the formula used in 1998, staff of the Board is concerned that 1999 contributions may also not be full and complete.
- The new horsemen's contract signed and dated December 1, 1999 has yet to be approved by the Board because of staff concerns that certain sections of this contract may not conform to current Racing Law. (e.g. The affirmation within this new contract that it conforms to Chapter 346 of the Laws of 1973.)

Both licenses will once again be considered before the Board at its January 2000 meeting, scheduled to be held during the third week of the month.

## **26. SARATOGA HARNESS 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 25.

## **27. VERNON DOWNS 2000 TRACK LICENSE APPLICATION**

The Board deferred action on Mid-State Raceway, Inc.'s applications for a year 2000 Track License and a year 2000 Simulcast License.

These deferrals result from the following:

- Language in the horsemen's letter must conform to Section 307 (5-b) of the Racing, Pari-Mutuel Wagering and Breeding Law that reads:  
5-b. Notwithstanding any inconsistent provision of subdivision five-a of this section and article ten of this chapter, where the board certifies by December first of the proceeding year that the number of standardbred horses eligible for competition is less than that of the base year as defined in subdivision five-a of this section, and only if the authorized horsemen's association concurs as evidenced by a written agreement between the track and the horsemen's association, a licensee pursuant to this section may submit and the board may accept a license application requesting a reduced number of race dates where it is in the best interest of racing within this state and provided that the licensee

shall not be penalized or required by the board to diminish simulcasting activities or incur an increased tax liability as a result of a board sanctioned reduction in its live racing activity under this subdivision.

- The horsemen's contract submitted by Mid-State Raceway, Inc. to the Board.

Staff of the Board is concerned that certain terms within this contract may conflict with applicable Racing Law. An immediate concern is elimination by the contract of any statutory payments that might be due the horsemen's purse account should business and resulting handle rise above the guaranteed purse money (the 1999 level) as prescribed in this new contract.

- The fire report submitted to the Board from the Davis-Ulmer Sprinkler, Co., Inc. In order to conform to Racing, Pari-Mutuel Wagering and Breeding Law, such approval must be local. Therefore, approval from the local departmental or governmental agency responsible for inspections in the Town of Vernon or Oneida County; or an affirmation by such local departmental or governmental agency that the report from Davis-Ulmer Sprinkler, Co. Inc. is sanctioned by that local department or agency.

Both licenses will again be considered at the regularly scheduled January 2000 Board meeting after review and discussion of this concern.

**28. VERNON DOWNS 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 27.

**29. YONKERS RACEWAY 2000 TRACK LICENSE APPLICATION**

The Board deferred action on the track license and the simulcast license applications from Yonkers Raceway until the January 2000 meeting. The reason for this deferral was:

- The Board does not have a current fire inspection of the Yonkers Raceway property on file.

During January 2000, the Board will again consider both Yonkers applications. Please provide a current inspection report certified by the local appropriate departmental or governmental authority in the City of Yonkers prior to the third week of January, 2000.

**30. YONKERS RACEWAY 2000 SIMULCAST FACILITY LICENSE APPLICATION**

See Board item number 29.

**31. CAPITAL OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**



The Board approved the Capital OTB Simulcast Plan of Operation for the year 2000 and the application for simulcast licenses for fifty (50) branches, ten (10) operating EZ-Bets and one teletheater facility.

This 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.

### **32. CATSKILL OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**

The Board approved the Catskill OTB Simulcast Plan of Operation for the year 2000 and the application for twenty-four (24) simulcast licenses.

These 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 shall also be subject to the supervision of, and the reasonable regulations from time to time prescribed by, the Commissioner of Taxation and Finance.

### **33. NASSAU OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**

The Board deferred the request to approve the Nassau OTB Simulcast Plan of Operation for the year 2000 and the application for thirteen (13) simulcast licenses and 1 non-simulcasting license. The Board deferred this application due to:

- Financial reports due the Board are in arrears by two months.

This application will be again be considered by the Board at its next meeting in January of 2000.

### **34. NEW YORK CITY OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**

The Board approved the request to amend the New York City OTB Simulcast Plan of Operation for the year 2000 and the application for sixty-seven (67) branch simulcast licenses, three (3) 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.

**35. SUFFOLK OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**

The Board approved Suffolk Regional OTB Corporation's request to amend its simulcast plan of operation for the year 2000 for fourteen (14) simulcast licenses.

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.

**36. WESTERN OTB 2000 SIMULCAST FACILITY LICENSE APPLICATION**

The Board approved Western Regional OTB Corporation's Simulcast Plan of Operation for the year 2000 and its Application for forty-three (43) simulcast licenses.

These 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 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.

**37. WESTERN OTB 2000 BATAVIA DOWNS TRACK LICENSE APPLICATION**

The Board deferred action on the Western Regional OTB Corporation request for a year 2000 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.

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

**1. CAPITAL OTB – NOTICE OF CLAIM - 08/99-18-E**

**Lottotron, Inc. v. CDROTBC**

**2. CAPITAL OTB – NOTICE OF CLAIM - 09/99-45-E**

**Beatrice Smith v. CDROTBC**

**3. CAPITAL OTB -- INCIDENT REPORT - 10/99-09-E**

**Unruly patron at Erie Boulevard West, Rome**

**4. CAPITAL OTB -- INCIDENT REPORT - 10/99-10-E**

**Vandalism at South Street, Glens Falls**

**5. CAPITAL OTB -- INCIDENT REPORT - 10/99-47-E**

**Larceny from Lottery Terminal at Erie Blvd. West, Rome**

**6. CAPITAL OTB -- INCIDENT REPORT - 10/99-50-E**

**Robbery at Central Avenue, Albany**

**7. CAPITAL OTB -- INCIDENT REPORT - 10/99-51-E**

**Non-employee assault at Turner Street, Utica**

**8. CAPITAL OTB -- NOTICE OF CLAIM - 11/99-06-E**

**Elvera & Peter DiCaprio v. CDROTBC**

**9. CAPITAL OTB - NOTICE OF CLAIM - 11/99-32-E**

**Donna L. St. Peter , Individually and as p/n/g of Ann St. Peter, an infant  
under the age of eighteen years v. CDROTBC**

**10. SARATOGA HARNESS – REGARDING CIF - 12/99-23-E**

**Saratoga Harness has elected to discontinue participation in the Capital  
Improvement Fund, effective January 1, 2000.**

**The meeting was adjourned at 2:15 p.m.**