

## MINUTES

MEETING OF JANUARY 21, 1999

### NEW YORK STATE RACING AND WAGERING BOARD

A meeting of the New York State Racing and Wagering Board was held on Thursday, January 21, 1999 at 2:00 p.m. at the New York City office at 1 Penn Plaza, 7<sup>th</sup> Floor, New York, New York.

The meeting was called to order at 2:05 p.m.

**The Board approved the Minutes of the Board Meetings held December 17, 1998 January 5, 1999 and January 7, 1999.**

#### ITEMS:

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[ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD](#)

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- [2. YONKERS RACEWAY REQUEST FOR SIMULCAST AGREEMENTS](#)
- [3. SARATOGA HARNESS REQUEST FOR SIMULCAST AGREEMENTS WITH NORTHVILLE DOWNS AND THE MARYLAND JOCKEY CLUB](#)
- [4. MONTICELLO RACEWAY REQUEST FOR FREE ADMISSION ON DECEMBER 24, 1998 FOR FAN APPRECIATION DAY](#)
- [5. FINGER LAKES REQUEST FOR SIMULCAST AGREEMENT WITH LOS ANGELES TURF CLUB AND NYRA](#)
- [6. NEW YORK CITY OTB REQUEST TO IMPORT SIMULCASTS FROM FAIR GROUNDS, POMPANO PARK AND GOLDEN GATE FIELDS](#)
- [7. NASSAU OFF-TRACK BETTING - SIMULCAST AGREEMENT WITH MAYWOOD PARK, BALMORAL PARK AND TAMPA BAY DOWNS](#)
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- [9. YONKERS RACEWAY - FREE ADMISSION, PARKING AND PROGRAM](#)

- [10. NEW YORK CITY OFF-TRACK BETTING \(ON BEHALF OF ALL OTBs\) SIMULCAST AGREEMENT WITH MEADOWLANDS](#)
- [11. NEW YORK RACING ASSOCIATION - SIMULCAST AGREEMENT WITH MEADOWLANDS](#)
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- [13. YONKERS RACEWAY - SIMULCAST AGREEMENTS WITH ATLANTIC CITY CASINOS, NORTHVILLE DOWNS, FREEHOLD RACEWAY AND OTHERS](#)
- [14. FINGER LAKES - SIMULCAST AGREEMENTS WITH LAUREL, GULFSTREAM PARK AND TURFWAY PARK FREEHOLD RACEWAY AND OTHERS](#)
- [15. NASSAU OFF-TRACK BETTING- SIMULCAST AGREEMENT WITH PHILADELPHIA PARK](#)
- [16. MONTICELLO RACEWAY - SIMULCAST AGREEMENT WITH MARYLAND JOCKEY CLUB \(LAUREL/PIMLICO\)](#)
- [17. MONTICELLO RACEWAY - SIMULCAST OF NYRA, NORTHVILLE DOWNS, FREEHOLD AND GULFSTREAM PARK](#)
- [18. MONTICELLO RACEWAY - ACCEPT SIMULCASTS FROM NORTHFIELD PARK](#)
- [19. NASSAU REGIONAL OFF-TRACK BETTING; SIMULCASTS AND WAGERS FROM SUFFOLK DOWNS](#)
- [20. NASSAU REGIONAL OFF-TRACK BETTING; SIMULCASTS AND WAGERS FROM TURFWAY PARK](#)
- [21. NEW YORK CITY OFF-TRACK BETTING; SIMULCASTS FROM BAY MEADOWS, CAL EXPO, LOS ALAMITOS, HOLLYWOOD PARK, LADBROKE AT THE MEADOWS, PHILADELPHIA PARK, LAUREL RACECOURSE, OAKLAWN, TURFWAY PARK, NORTHFIELD PARK AND TAMPA BAY DOWNS](#)
- [22. NEW YORK CITY OFF-TRACK BETTING - SIMULCASTS FROM CALDER RACECOURSE AND SUFFOLK DOWNS](#)
- [23. SARATOGA HARNESS RACEWAY- SIMULCAST AGREEMENT WITH POMPANO PARK, LADBROKE AT THE MEADOWS, ETC.](#)
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- [25. YONKERS RACEWAY; SIMULCASTS FROM NORTHFIELD AND POMPANO PARK](#)
- [26. YONKERS RACEWAY; SIMULCASTS RACES TO NEVADA IN 1999](#)
- [27. NASSAU REGIONAL OFF-TRACK BETTING; SIMULCAST OAKLAWN PARK FOR THEIR 1999 MEET AND LONE STAR PARK](#)
- [28. SARATOGA RACEWAY; SIMULCAST FROM, GULFSTREAM PARK, BALMORAL ETC. DURING 1999.](#)
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## **ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD**

- [1. ST. REGIS MOHAWK TRIBE REQUEST TO AMEND THE TRIBAL-STATE COMPACT](#)
- [2. ST. REGIS MOHAWK TRIBE REQUEST TO AMEND THE TRIBAL-STATE COMPACT](#)
- [3. THE BUFFALO RACEWAY REQUEST TO EXTEND THE "30 DAY RULE" TO 85 DAYS](#)
- [4. THE BUFFALO RACEWAY REQUEST TO WITHDRAW \\$7,229.45 FROM THE CAPITAL IMPROVEMENT FUND](#)
- [5. BUFFALO RACEWAY TRACK LICENSE APPLICATION](#)
- [6. THE FINGER LAKES REQUEST TO AMEND 1999 LIVE RACING CALENDAR](#)
- [7. THE MONTICELLO RACEWAY REQUEST TO WITHDRAW \\$32,347.53 FROM CAPITAL IMPROVEMENT FUND](#)
- [8. THE MONTICELLO RACEWAY REQUEST TO WITHDRAW \\$36,948.82 FROM THE CAPITAL IMPROVEMENT FUND](#)
- [9. THE NEW YORK RACING ASSOCIATION REQUEST TO ADD PETER F. KARCHES AS A NEW MEMBER OF THE BOARD OF TRUSTEES](#)

- [10. SARATOGA HARNESS TRACK LICENSE APPLICATION](#)
- [11. YONKERS RACEWAY TRACK LICENSE APPLICATION](#)
- [12. THE NEW YORK CITY OFF-TRACK BETTING REQUEST TO AMEND ITS PLAN OF OPERATION TO APPOINT MS. DOREEN WONG AS VP OF ADMINISTRATION](#)
- [13. WESTERN OFF-TRACK BETTING - AMENDMENT TO THE PLAN OF OPERATION](#)
- [14. CERTIFICATION TO TAX AND FINANCE - NUMBER OF PROGRAMS/RACES AT STATE RACETRACKS FOR TAX RATE PURPOSES FOR 1998](#)
- [15. MATTER OF MISAEEL CECILIANO](#)
- [16. MATTER OF JAMES CLOUSER](#)
- [17. MATTER OF STANLEY ZOMBICK, JR.](#)
- [18. MATTER OF GREGORY MERTON](#)
- [19. MATTER OF CHRISTOPHER CARRUBBA](#)
- [20. THE NEW YORK RACING ASSOCIATION DISTRIBUTION TO PURSES](#)

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**In Attendance Were:**

Michael J. Hoblock, Jr., Chairman  
Joseph P. Neglia, Member  
Bennett Liebman, Member  
Edward Martin, Executive Director  
Stephanie L. Donato, Secretary to the Board  
Robert Feuerstein, General Counsel  
Tom Casaregola, Acting Director of Audits and Investigations  
Jim Gallagher, Chief of Racing Operations  
Robert Williams, Assistant Counsel

**Also in Attendance Were:**

Nicole Robilotto, NYSRWB  
Sue Miller, NYS Thoroughbred Breeder's Fund  
Ralph M. Evans, NY Thoroughbred Horsemen's Assoc.  
Steve Bochnak, NY Thoroughbred Horsemen's Assoc.  
Clyde Hirt, Sports Eye  
Pete Bouruias, Jockeys' Guild, Inc.  
Robert Flynn, Exec. Director, NY Thoroughbred Horsemen's Assoc.  
John Russo, NYRA  
Robert Connoly, NYRA (not present during meeting)

Ira Block, NYCOTB  
Dan Wray, NYCOTB

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

### **1. VERNON DOWNS REQUEST FOR SIMULCAST AGREEMENTS**

For entry into the minutes, on December 15, 1998, approval was granted for the request by Vernon Downs to simulcast races from Balmoral Park, Maywood Park and Northville Downs, all harness facilities.

Denied was the request to simulcast Turfway Park, a thoroughbred track in Florence, KY. Under current simulcast law, a nighttime thoroughbred simulcast past 7:30 p.m. is not allowed. On Wednesdays, Thursdays and Fridays, Turfway Park has a first post time of 7:30 p.m.

During the afternoon, current simulcast law allows only two thoroughbred out of state imports. Turfway does operate on Saturday and Sunday afternoons. However in New York, in the month of December, Calder is the initial thoroughbred simulcast and the Fair Grounds is the second signal. In addition, Turfway Park is dark on Mondays and Tuesdays.

Should Vernon Downs come to terms with Turfway Park for future meets beginning in January of 1999 and through their winter meet, (racing at 5:30 p.m. on Wednesdays, Thursdays and Fridays), this would be acceptable as "a bridge track" until the 7:30 p.m. cutoff time.

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### **2. YONKERS RACEWAY REQUEST FOR SIMULCAST AGREEMENTS**

For entry into the minutes, on December 15, 1998 approval was granted for the request by Yonkers Raceway to export simulcasts from Yonkers Raceway in 1999 to:

Atlantic City Racecourse  
Harrington Raceway  
Pompano Park  
Beulah Park  
Hinsdale Greyhound Park  
Raceway Park  
Buffalo Raceway  
Lewiston Raceway  
Saratoga Raceway

Dover Downs  
Meadows (The)  
Scarborough Downs  
Excelsior Casino N.V. (Aruba)  
Monticello Raceway  
Suffolk Downs  
Garden State Park  
Ocean Downs  
Vernon Downs  
Pocono Downs  
Winners' OTB (Maine)

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### **3. SARATOGA HARNESS REQUEST FOR SIMULCAST AGREEMENTS WITH NORTHVILLE DOWNS AND THE MARYLAND JOCKEY CLUB**

For entry into the minutes, on December 15, 1998, approval was granted for the request by Saratoga Harness to import simulcasts of the races from Northville Downs in Michigan and from the Maryland Jockey Club, representing both Pimlico/Laurel racetracks. The approvals were valid immediately and extend through the life of the contracts that expired on December 31, 1998.

Additional approval was granted to Saratoga Harness to export its simulcast signal to Pompano Park in Florida and to Yonkers Raceway. Both contracts are valid for thirty days and are automatically renewed for an additional thirty-day period, upon agreement of both parties. This may occur for an indefinite period of time.

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### **4. MONTICELLO RACEWAY REQUEST FOR FREE ADMISSION ON DECEMBER 24, 1998 FOR FAN APPRECIATION DAY**

For entry into the minutes, on December 21, 1998, approval was granted for the request by Monticello Raceway to offer free admission on the matinee race card of Christmas Eve, December 24, 1998.

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### **5. FINGER LAKES REQUEST FOR SIMULCAST AGREEMENT WITH LOS ANGELES TURF CLUB AND NYRA**

For entry into the minutes, on December 21, 1998, approval was granted for the request by Finger Lakes to import simulcast signals from the Los Angeles Turf Club (Santa Anita Park) from December 26, 1998 through April 19, 1999 and from the New York Racing Association (NYRA) for the 1999 calendar year. The NYRA simulcasts will take place only when in accord with the New York Racing Law.

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## **6. NEW YORK CITY OTB REQUEST TO IMPORT SIMULCASTS FROM FAIR GROUNDS, POMPARNO PARK AND GOLDEN GATE FIELDS**

For entry into the minutes, on December 21, 1998, approval was given for the request by New York City OTB to import simulcasts from the Fair Ground, Pompano Park and Golden Gate Fields, beginning on January 1, 1999. This approval also applies to Capital, Catskill and Western Regional OTB Corporations, however, the approval of the amendment to the Catskill Off-Track Betting Corporation's Plan of Operation is conditioned upon the payment of outstanding fines and/or obligations to the New York State Racing and Wagering Board prior to Catskill's receipt of the simulcast signal and related wagering.

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## **7. NASSAU OFF-TRACK BETTING - SIMULCAST AGREEMENT WITH MAYWOOD PARK, BALMORAL PARK AND TAMPA BAY DOWNS**

For entry into the minutes, on December 23, 1998, approval was granted for the request by Nassau Off-Track Betting (and on behalf of Suffolk Off-Track Betting) to simulcast and accept wagers on the races contested at Maywood Park and Balmoral Park during their 1999 meets and Tampa Bay Downs beginning December 19, 1998 through May 2, 1999.

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## **8. NASSAU OFF-TRACK BETTING - SIMULCAST AGREEMENT WITH NORTHFIELD PARK**

For entry into the minutes, on December 23, 1998, approval was granted for the request by Nassau Off-Track Betting (and on behalf of Suffolk OTB) to simulcast Northfield Park in Ohio for calendar year of 1999.

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## **9. YONKERS RACEWAY - FREE ADMISSION, PARKING AND PROGRAM**

For entry into the minutes, on December 24, 1998, approval was granted for the request by Yonkers Raceway to offer free admission, parking and to distribute free programs to all patrons attending the races on December 26, 1998 and January 2, 1999.

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## **10. NEW YORK CITY OFF-TRACK BETTING (ON BEHALF OF ALL OTBs) SIMULCAST AGREEMENT WITH MEADOWLANDS**

For entry into the minutes, on December 24, 1998, approval was granted for the request by **New York City Off-Track Betting Corporation** (on behalf of all Regional OTB's) to accept the

simulcast signal from The Meadowlands from December 26, 1998 through and inclusive of August 7, 1999, contingent upon consent of the relevant tracks for the matinee programs scheduled at The Meadowlands.

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## **11. NEW YORK RACING ASSOCIATION - SIMULCAST AGREEMENT WITH MEADOWLANDS**

For entry into the minutes, on December 24, 1998, approval was granted for the request by New York Racing Association to export the New York Racing Association's simulcast signal for the calendar year of 1999 to The Meadowlands in East Rutherford, New Jersey. This includes racing conducted at Aqueduct Racetrack, Belmont Park and Saratoga Racecourse.

This approval is subject to full compliance with the racing and simulcast rules and regulations in effect in the State of New Jersey.

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## **12. BUFFALO RACEWAY, MONTICELLO RACEWAY, SARATOGA RACEWAY, VERNON DOWNS AND YONKERS RACEWAY - SIMULCAST AGREEMENT WITH MEADOWLANDS**

For entry into the minutes, on December 24, 1998, approval was granted for the request by Buffalo Raceway, Monticello Raceway, Saratoga Raceway, Vernon Downs and Yonkers to accept the simulcast signal from The Meadowlands from December 26, 1998 through and inclusive of August 7, 1999 contingent upon consent of the relevant tracks for the matinee programs scheduled at The Meadowlands.

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## **13. YONKERS RACEWAY - SIMULCAST AGREEMENTS WITH ATLANTIC CITY CASINOS, NORTHVILLE DOWNS, FREEHOLD RACEWAY AND OTHERS**

For entry into the minutes, on December 30, 1998, approval was granted for the request by Yonkers Raceway to import the simulcast harness racing programs from Northville Downs in Michigan.

Also approved were the export of Yonkers Raceway simulcasts to the Atlantic City Casinos, Connecticut Off-Track Betting, Hazel Park and Northville Downs in Michigan, Freehold Raceway in New Jersey and Colonial Down in Virginia. It is understood that the Colonial Downs simulcasts will be on Mondays and Tuesdays only.

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## **14. FINGER LAKES - SIMULCAST AGREEMENTS WITH LAUREL, GULFSTREAM PARK AND TURFWAY PARK FREEHOLD RACEWAY AND OTHERS**

For entry into the minutes, on December 30, 1998, approval was granted for the request by Finger Lakes Racing Association, Inc. to import the Gulfstream Park (Florida) simulcast for the dates of January 3 through March 16, 1999.

The Board also approved the import of the Maryland Jockey Club (Laurel and Pimlico Race Courses) and Turfway Park (Kentucky) during 1999, whenever allowed by the Racing Law.

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### **15. NASSAU OFF-TRACK BETTING- SIMULCAST AGREEMENT WITH PHILADELPHIA PARK**

For entry into the minutes, on December 31, 1998, approval was granted for the request by Nassau Off-Track Betting (including Suffolk Off-Track Betting) to simulcast and accept wagers on the races contested at Philadelphia Park commencing January 1 through December 31, 1999.

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### **16. MONTICELLO RACEWAY - SIMULCAST AGREEMENT WITH MARYLAND JOCKEY CLUB (LAUREL/PIMLICO)**

For entry into the minutes, on December 31, 1998, approval was granted for the request by Monticello Raceway to import the simulcast, effective January 1 through December 31, 1999.

The approval letter noted that:

1. The two races, The Preakness Stakes and the Pimlico Special, need separate agreements as listed in Exhibit 5 of the contract.
2. The Horsemen's Agreement expires on June 30, 1999 and a new one will have to be filed with the Board for any simulcasts taken from the Maryland Jockey Club during 1999 after that date.

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### **17. MONTICELLO RACEWAY - SIMULCAST OF NYRA, NORTHVILLE DOWNS, FREEHOLD AND GULFSTREAM PARK**

For entry into the minutes, on December 31, 1998, approval was granted for the request by Monticello Raceway to import the simulcast, effective January 1 through December 31, 1999, from the New York Racing Association (NYRA). Also approved were the importation of simulcasts from Northville Downs through April 3, 1999 and Gulfstream Park through their 1999 meeting that ends on March 16<sup>th</sup>.

**NOT** approved at this time was the request to simulcast Freehold Raceway during 1999. A permission letter from NYRA is required for this simulcast. The current permission letter from NYRA expired on December 31, 1998.



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## **18. MONTICELLO RACEWAY - ACCEPT SIMULCASTS FROM NORTHFIELD PARK**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Monticello Raceway to accept simulcasts from Northfield Park in Ohio effective immediately.

The approval letter noted that permission from the Ohio Harness Horsemen's Association, Inc. will be needed for the simulcast of Northfield Park after March 31, 1999.

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## **19. NASSAU REGIONAL OFF-TRACK BETTING - SIMULCASTS AND WAGERS FROM SUFFOLK DOWNS**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Nassau Off-Track Betting (including Suffolk Off-Track Betting) to simulcast and accept wagers on the races contested at Suffolk Downs commencing January 1 through June 5, 1999 and from September 25 through December 11, 1999.

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## **20. NASSAU REGIONAL OFF-TRACK BETTING - SIMULCASTS AND WAGERS FROM TURFWAY PARK**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Nassau Off-Track Betting (on behalf of Suffolk Off-Track Betting) to simulcast and accept wagers on the races contested at Turfway Park during their 1999 race meet.

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## **21. NEW YORK CITY OFF-TRACK BETTING - SIMULCASTS FROM BAY MEADOWS, CAL EXPO, LOS ALAMITOS, HOLLYWOOD PARK, LADBROKE AT THE MEADOWS, PHILADELPHIA PARK, LAUREL RACECOURSE, OAKLAWN, TURFWAY PARK, NORTHFIELD PARK AND TAMPA BAY DOWNS**

For entry into the minutes, on January 8, 1999, approval was granted for the request by New York City Off-Track Betting (on behalf of Capital, Catskill, Nassau, Suffolk and Western) to import the simulcasts from Bay Meadows, Cal Expo, Los Alamitos, Hollywood Park, Ladbroke at the Meadows, Philadelphia Park, Laurel Racecourse, Oaklawn, Turfway Park, Northfield Park and Tampa Bay Downs beginning on January 1, 1999.

This approval also applies to Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations.

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## **22. NEW YORK CITY OFF-TRACK BETTING - SIMULCASTS FROM CALDER RACECOURSE AND SUFFOLK DOWNS**

For entry into the minutes, on January 8, 1999, approval was granted for the request by New York City Off-Track Betting to import the simulcasts from Calder Racecourse and Suffolk Downs beginning on January 1, 1999.

This approval also applies to Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations.

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## **23. SARATOGA HARNESS RACEWAY- SIMULCAST AGREEMENT WITH POMPANO PARK, LADBROKE AT THE MEADOWS, ETC.**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Saratoga Raceway to import simulcasts from Freehold Raceway in New Jersey, Ladbroke at the Meadows in Pennsylvania, Northfield Park in Ohio, Oaklawn Park in Arkansas, Pompano Park in Florida and Yonkers Raceway.

Based on the live racing schedule in November 1998, Saratoga Harness qualifies under the Racing Law to present, in any one week, **four** evenings (or days) of out-of-state harness simulcasts [Section 1016 (2) (f)].

Also, on any one scheduled simulcast date, no more than **five** out-of-state harness tracks are to be presented [Section 1016 (2)].

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## **24. YONKERS RACEWAY- SIMULCAST AGREEMENT WITH VERNON DOWNS, SARATOGA HARNESS AND LADBROKE AT THE MEADOWS**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Yonkers Raceway to import simulcasts from Vernon Downs, Saratoga Harness and Ladbroke at the Meadows in Pennsylvania during their 1999 racing seasons.

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## **25. YONKERS RACEWAY- SIMULCASTS FROM NORTHFIELD AND POMPANO PARK**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Yonkers Raceway to import simulcasts from Northfield Park in Ohio and Pompano Park in Florida during their 1999 racing seasons.

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## **26. YONKERS RACEWAY- SIMULCASTS RACES TO NEVADA IN 1999**

For entry into the minutes, on January 8, 1999, approval was granted for the request by Yonkers Raceway to approve the contract with the several Nevada Pari-Mutuel Racebooks, subject to the following condition, which will apply to the disseminator (Las Vegas Dissemination Company, Inc.):

The disseminator will arrange with Yonkers Raceway to have available a fax machine at Yonkers Raceway to receive an immediate fax copy of the matrix of any pool which is to be transmitted to Yonkers Raceway after its closing time, pursuant to paragraph 10 of the contract; such fax copy will be independently time certified by the fax machine in control of Yonkers Raceway to reflect that such wagering information transmitted to the Yonkers Raceway was, in fact, in the possession of the disseminator before the race started at the Yonkers Raceway track; a copy of such fax (and time certificate) will be transmitted by Yonkers Raceway to this Board and the Nevada Gaming Control Board by the end of the day. No wagers will be merged after the start of the race unless such evidence has been received.

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## **27. NASSAU REGIONAL OFF-TRACK BETTING - SIMULCAST OAKLAWN PARK FOR THEIR 1999 MEET AND LONE STAR PARK**

For entry into the minutes, on January 11, 1999, approval was granted for the request by Nassau Regional Off-Track Betting to simulcast Oaklawn Park in Arkansas for their 1999 meeting that begins on January 29<sup>th</sup> and concludes on April 10<sup>th</sup>.

The request pertaining to the FIRST of three race meetings at Laurel Race Course has been approved through March 28, 1999. The Laurel first meeting of

January 1 - March 28 is the only meet for which the State of Maryland Department of Labor, Licensing and Regulation (DLLR) has issued simulcast export approval. In addition, Maryland Horsemen's approval extends through June 30, 1999 only.

The request, dated December 31, 1998, concerning the import of the simulcast signal from Lone Star Park in Texas is "on hold" at the Board pending receipt of Texas Commission and the representative Horsemen's Association letters of permission. The 1999 dates for the Lone Star live meeting are April 15<sup>th</sup> through July 25<sup>th</sup>.

The approval applies to both Nassau Regional Off-Track Betting and as agent for Suffolk Regional Off-Track Betting.

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## **28. SARATOGA RACEWAY- SIMULCAST FROM, GULFSTREAM PARK, BALMORAL ETC. DURING 1999**

For entry into the minutes, on [January 14, 1999](#), approval was granted for the request by Saratoga Raceway for the imports of the simulcasts from Gulfstream Park in Florida, Balmoral and Maywood Parks in Illinois, Monticello Raceway and the New York Racing Association tracks (NYRA) during 1999.

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## **29. MONTICELLO RACEWAY - SIMULCAST FROM OAKLAWN PARK FOR THEIR 1999 MEET, ETC.**

For entry into the minutes, on [January 14, 1999](#), approval was granted for the request by Monticello Raceway to import the simulcast signal from Oaklawn Park for its 1999 season that concludes on April 10<sup>th</sup>. Also approved for the calendar year of 1999, were the export of simulcasts to Bally's Ocean Downs in Maryland, Scarborough Downs in Maine, Freehold Raceway in New Jersey and Raceway Park in Ohio, effective immediately.

A copy of the letter may be used as proof of New York State Racing and Wagering Board (State Commission) approval and furnished to the above four out-of-state racetracks as required by the Interstate Horseracing Act of 1978.

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

### **1. ST. REGIS MOHAWK TRIBE REQUEST TO AMEND THE TRIBAL-STATE COMPACT**

The Board approved the request by the St. Regis Mohawk Tribe to amend the Tribal-State Compact between the St. Regis Mohawk Tribe and the State of New York, Appendix A, Approved Games. The proposed Amendment would permit the St. Regis Mohawk Tribe to operate a new gaming activity, Let It Ride.

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### **2. ST. REGIS MOHAWK TRIBE REQUEST TO AMEND THE TRIBAL-STATE COMPACT**

The Board approved the request by the St. Regis Mohawk Tribe to amend the Tribal-State Compact between the St. Regis Mohawk Tribe and the State of New York, Appendix A, Approved Games. The proposed Amendment would permit the St. Regis Mohawk Tribe to operate a new gaming activity, Caribbean Stud Poker.

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### **3. THE BUFFALO RACEWAY REQUEST TO EXTEND THE "30 DAY RULE" TO 85 DAYS**

The Board approved an Emergency Rule Making to amend Rule 4113.5 to include Buffalo Raceway in order to remove an impediment to qualification of horses which have not raced from December 5, 1998 through February 28, 1999.

The Board would like to amend the rule permanently in the event the racing calendar does not change next year in the Western Region.

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### **4. THE BUFFALO RACEWAY REQUEST TO WITHDRAW \$7,229.45 FROM THE CAPITAL IMPROVEMENT FUND**

Request by Buffalo Raceway, application dated December 22, 1998, to withdraw \$7,229.45 from their Capital Improvement Fund for reimbursement for various capital expenditures incurred by the track.

The two computers, with a total cost of \$5,251.00, listed on the December 22, 1998 request were withdrawn.

The Buffalo CIF request approved consisted of:

Satellite Dish \$ 1,078.45  
Cable Equipment 900.00

Total Approved \$ 1,978.45

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### **5. BUFFALO RACEWAY TRACK LICENSE APPLICATION**

The Board approved the Buffalo Raceway 1999 track license application based upon satisfaction of the conditions set forth at the December 1998 meeting.

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### **6. THE FINGER LAKES REQUEST TO AMEND 1999 LIVE RACING CALENDAR**

The Board approved the request by Finger Lakes Racing Association to amend the 1999 Track Application to:

**ADD:** Monday, April 5<sup>th</sup>

**DELETE:** Wednesday, April 7<sup>th</sup>

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## **7. THE MONTICELLO RACEWAY REQUEST TO WITHDRAW \$32,347.53 FROM CAPITAL IMPROVEMENT FUND**

The Board approved the request by the Monticello Raceway by application dated December 18, 1998 to withdraw \$32,347.53 from the Capital Improvement Fund for reimbursement for various capital expenditures incurred by the track.

- The Monticello CIF request approved consisted of:

- Televisions \$12,232.35  
Lawn Mower 2,588.20  
Camera 1,800.00  
Satellite Dish 1,049.88  
Four (4) water heaters 706.06

Total Recommended Approval \$18,376.49

The following items were deferred subject to further review. (1) A 1989 Chevy pick-up truck to be used by the Maintenance Department. (2) A refurbished blood analysis system used to test the horse's blood for tampering.

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## **8. THE MONTICELLO RACEWAY REQUEST TO WITHDRAW \$36,948.82 FROM THE CAPITAL IMPROVEMENT FUND**

The Board approved the request by the Monticello Raceway, by application dated December 15, 1998 to withdraw \$36,948.82 from the Capital Improvement Fund for reimbursement for advertising and promotional expenses.

- The Monticello CIF request for approved consisted of:

Shows and Concerts:

"The Coasters" Concert \$ 7,250.00  
Fireworks 5,000.00  
DJ Entertainment 800.00  
Car Show Promotion 696.00  
Balloonist for Family Day 100.00  
"Legends" Musical entertmt. 2,500.00

\$16,346.00

Giveaways:

T-shirts \$ 3,215.00

Sunglasses 2,898.96  
Tickets for Concert 2,300.00  
"Monticello" Wallets 1,342.32  
6 inch NFL footballs  
for Superbowl promotion 787.33  
Posters 213.96  
Plaques and advertising 435.00

- \$11,192.57

Promotions:

Driving Contest Prizes \$ 6,000.00  
Handicapping Contest Prizes 2,040.00  
Adv. for "The Coaster's" Conc. 225.00  
Adv. for the car show 500.00  
General Advertisement 275.00  
Trophy for Driving contest 80.25  
Transp. for car show judge 290.00  
\$ 9,410.25

Total Approved \$36,948.82

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## **9. THE NEW YORK RACING ASSOCIATION REQUEST TO ADD PETER F. KARCHES AS A NEW MEMBER OF THE BOARD OF TRUSTEES**

The Board approved the request by the New York Racing Association to name Mr. Peter F. Karches as a member of the New York Racing Association Inc. Board of Trustees, pursuant to Section 202 of the Racing, Pari-Mutuel Wagering and Breeding Law. Mr. Karches replaces John Peace on the Board of Trustee.

Mr. Karches is the President and Chief Operating Officer of Morgan Stanley & Co. Inc. and is a licensed thoroughbred owner.

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## **10. SARATOGA HARNESS TRACK LICENSE APPLICATION**

The Board approved the Saratoga Harness 1999 track license application based upon satisfaction of the conditions set forth in the December 1998 meeting.

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## **11. YONKERS RACEWAY TRACK LICENSE APPLICATION**

The Board continued the conditional approval of the Yonkers Raceway 1999 track license application for ten (10) days pending receipt of the lease agreement. The approval is unconditional upon receipt of the documents.

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## **12. THE NEW YORK CITY OFF-TRACK BETTING REQUEST TO AMEND ITS PLAN OF OPERATION TO APPOINT MS. DOREEN WONG AS VP OF ADMINISTRATION**

The Board approved the request by New York City Off-Track Betting to amend its plan of operation to appoint Ms. Doreen Wong as Vice President of Administration of the Corporation in addition to her duties as Secretary of the Corporation.

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## **13. WESTERN OFF-TRACK BETTING - AMENDMENT TO THE PLAN OF OPERATION**

The Board approved the request by Western Off-Track Betting to amend the Plan of Operation to renew the contract with Todd Haight to provide independent handicapping services beginning December 15, 1998 through December 31, 1999.

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## **14. CERTIFICATION TO TAX AND FINANCE - NUMBER OF PROGRAMS/RACES AT STATE RACETRACKS FOR TAX RATE PURPOSES FOR 1998**

In accordance with Section 228 (3)(b)(ii) and Section 318 (5)(b)(ii) of the Racing, Pari-Mutuel Wagering and Breeding Law, by January 31, 1999 the Board must certify that racing associations or corporations in 1998 have conducted at least ninety percent (90%) of the programs and races so conducted during 1985 or 1986 (whichever had the fewer) for the prescribed tax rate; or, if any association or corporation failed to conduct such number for good cause due to factors beyond its control or because the Board found it would be uneconomical or impractical for such association or corporation to conduct such number, that the Board so certify to that circumstance.

During 1998, Finger Lakes Race Track, Buffalo Raceway, Monticello Raceway, Syracuse Mile and Yonkers Raceway did conduct the required number of programs and races.

For 1998, the Board found that for Saratoga Raceway and Vernon Downs, it would have been uneconomical or impractical for these associations to be assigned the prescribed number, pursuant to Section 318 (5)(b)(ii) so that such finding entitles them to be considered as if they did comply with such requirements. Batavia Downs was not assigned racing dates by the New York State Racing and Wagering Board in 1998.



Accordingly, the Board certified that Finger Lakes, Buffalo Raceway, Monticello Raceway, Saratoga Raceway, Syracuse Mile, Vernon Downs and Yonkers Raceway have complied with Section 228(3)(b)(ii) or Section 318 (5)(b)(ii) of the Racing, Pari-Mutuel Wagering and Breeding Law for the purpose of establishing the pari-mutuel tax rate for 1998.

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#### **15. MATTER OF MISAEL CECILIANO**

The Board approved the recommendation of Hearing Officer Hoblock that Mr. Ceciliano be found guilty of violating the rules charged (4043.2{f}, 4043.4, 4042.1 {d}{f}), that his thoroughbred owner-trainer license be revoked, and that he not be allowed to reapply for a license for two years from the September 17, 1998 suspension date.

Member Liebman suggested forwarding this case to local law enforcement for review of possible race fixing. Chairman Hoblock agreed.

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#### **16. MATTER OF JAMES CLOUSER**

The Board approved the recommendation of Hearing Officer Hoblock that the appeal be dismissed as untimely from the sixth race at Monticello Raceway on June 29, 1998, in violation of Board Rule 4120.2 (b) (6).

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#### **17. MATTER OF STANLEY ZOMBICK, JR.**

The Board approved the recommendation of Hearing Officer Liebman that the appellant be found guilty of violating Rule 4117.4(n) with a reduction in penalty to fifteen (15) days from the 10<sup>th</sup> race at Vernon Downs on September 18, 1998.

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#### **18. MATTER OF GREGORY MERTON**

The Board approved the recommendation of Hearing Officer Liebman that the eight-day suspension for violation of Board Rule 4117.4 (k) be affirmed from the 7<sup>th</sup> race at Vernon Downs on June 11, 1998.

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#### **19. MATTER OF CHRISTOPHER CARRUBBA**

The Board approved the recommendation of Hearing Officer Liebman that Mr. Carrubba be found guilty for violation of Board Rule 4120.6 (a) (1) and that the \$500 fine be affirmed from the July 2, 1998 race at Vernon Downs.

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## **20. THE NEW YORK RACING ASSOCIATION DISTRIBUTION TO PURSES**

The Board deferred action on the issue of the New York Racing Association distribution to purses of revenues received from simulcasting, pursuant to contract with an off-track betting corporation. A response must be received by NYRA and the NYTHA by February 22, 1999 for the February 25, 1999 Board meeting.

Previous, at the December 17, 1998 meeting, the Board had deferred action on this issue of whether the revenues received by the New York Racing Association (NYRA), pursuant to an expired contract with the New York City Off-Track Betting Corporation (NYCOTB), had been appropriately distributed to purses at NYRA, pursuant to the provisions and requirements of the Racing, Pari-Mutuel Wagering and Breeding Law (Racing Law). The item was deferred for thirty (30) days at the request of NYRA and the New York Thoroughbred Horsemen's Association (NYTHA) in order to provide an opportunity for the NYRA and NYTHA to present a proposal to address the issue.

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

### **1. FINGER LAKES -01-15-E**

**Consent to Buffalo Raceway to accept The Meadowlands' matinee simulcast signal from December 26 through August 7, 1999.**

### **2. FINGER LAKES - 01-22-E**

**Capital Improvements (\$1,048,700).**

### **3. NEW YORK RACING ASSOCIATION - 12-49-E**

**Daily Report filed.**

### **4. NEW YORK RACING ASSOCIATION - 12-62-E**

**Report on the revised drawings for the renovations to the "Clocker's Stand" at Belmont Park.**

### **5. NEW YORK RACING ASSOCIATION - 01-24-E**

**Revision to the 1999 NYRA Application for racing for January 1<sup>st</sup> through March 7<sup>th</sup>. NYRA will card eight races on January 20<sup>th</sup> -22<sup>nd</sup> and February 17<sup>th</sup> -19<sup>th</sup> while scheduling a 6-day race week.**

**6. NEW YORK RACING ASSOCIATION - 01-29-E**

**Vehicular tunnel repair.**

**7. NEW YOR RACING ASSOCIATION - 01-39-E**

**1998 Lasix Report issued from its Horse Identification Department**

**8. 1998-99 MEADOWLANDS HARNESS SIMULCAST - 01-13-E**

**Contractual cost to Saratoga Harness and Vernon Downs.**

**9. MONTICELLO RACEWAY - 12-60-E**

**Extension agreement to Horsemen's contract.**

**10. SARATOGA HARNESS - 01-31-E**

**Gary Dudka, new presiding President of Saratoga HHA, Inc.**

**11. SARATOGA HARNESS - 01-33-E**

**Annual CIF Inspection**

**12. YONKERS RACEWAY - 01-23-E**

**Facility Inspection**

**13. CAPITAL DISTRICT OFF-TRACK BETTING - 12-48-E**

**Whitehall Branch - Certificate of Occupancy**

**14. CAPITAL DISTRICT OFF-TRACK BETTING - 12-47-E**

**Meadowgreens Experiment - agreement with AFSCME**

**15. SUFFOLK OFF-TRACK BETTING - 01-16-E**

**Sunrise Highway Branch - Certificate of Occupancy**

**16. WESTERN OFF-TRACK BETTING - 01-14-E**

**Board of Directors meeting held on December 3, 1998**

The meeting adjourned at 3:40 p.m.

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