

**MINUTES**  
**MEETING OF MAY 28, 1998**  
**NEW YORK STATE RACING AND WAGERING BOARD**

A meeting of the New York State Racing and Wagering Board was held on Thursday, May 28, 1998, in the Executive Office, located at 1 Empire State Plaza, Suite 1201, Albany, New York 12223.

The meeting was called to order at 11:45 a.m.

**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  
James Gallagher, Chief of Racing Operations  
John Signor, Director of Audits and Investigations  
George Dranichak, Director of Racing Officials

**Also in Attendance Were:**

Russ Baller, NYSR&WB  
Jennifer Whalen, NYSR&WB  
Nicole Robilotto, NYSR&WB  
Judy Crane, NYSR&WB  
David Fellows, Governor's Office of State Operations  
Steve Bochnak, NY Thoroughbred Horsemen's Assoc.  
Joe Landry, NY Capital Consultants  
Bill Crowell, Hinman Straub

**A The Board approved the Minutes of the Board Meetings held on April 23, 1998, May 5, 1998 and May 19, 1998.**

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

**1. MONTICELLO RACEWAY REQUEST TO CONDUCT PROMOTIONAL EVENT**

For entry into the minutes, on April 21, 1998 approval was granted for the request by Monticello Raceway to conduct a Walter Case promotional event on Wednesday nights. Mr. Case's driving percentage money will be donated to local fans. A drawing will be held on the final Wednesday of the month and monies accrued will be given away.

This promotional event is open to paying and non-paying customers. Monticello Raceway shall pay no inducement to secure Mr. Case's appearance for Wednesday performances and Mr. Case will bear whatever tax consequences result from the donations of his driving fees to fans that win these drawings.

**2. YONKERS RACEWAY- SIMULCAST AGREEMENT**

For entry into the minutes, on April 21, 1998, approval was granted for the request by Yonkers Raceway to simulcast their signal to Scioto Downs on Mondays, Tuesdays and Thursdays beginning May 4, 1998 until further notice.

**3. NEW YORK RACING ASSOCIATION REQUEST FOR KENTUCKY DERBY DAY PROMOTION**

For entry into the minutes, on April 22, 1998, approval was granted for the request by the New York Racing Association to issue a \$2.00 Kentucky Derby day voucher, valid only on Saturday, May 2, 1998 to customers who purchase a special \$25 Derby Day buffet in the Equestrian dining room.

**4. MONTICELLO RACEWAY REQUEST TO AMEND LICENSE**

For entry into the minutes, on April 22, 1998, approval was granted for the request by Monticello Raceway to amend their post time on Mondays and Tuesdays from 1:05 p.m. to 3:30 p.m. beginning May 4, 1998. The post time for Monday, May 25, 1998, will remain at 1:05 p.m.

Permission is also granted for Monticello Raceway to add Saturday, May 23, 1998, to its racing schedule with a post time of 7:35 p.m.

5. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO AMEND SIMULCAST PLAN OF OPERATION**

For entry into the minutes, on May 7, 1998, approval was granted for the request by New York City OTB to amend its simulcast plan of operation as follows:

1. To accept wagers on races run at Cal Expo Race Track.
2. To simulcast Cal Expo races into all licensed NYCOTBC simulcast facilities.
3. To simulcast Cal Expo races on New York City's Municipal Public Access Cable System "Crosswalks" on Channel 71 and/or 73.

6. **YONKERS RACEWAY REQUEST TO AMEND REGULAR RACING SCHEDULE**

For entry into the minutes, on May 5, 1998, approval was granted for the request by Yonkers Raceway to amend its regular racing schedule during the Greater Westchester County Fair beginning Thursday, May 21<sup>st</sup> and concluding on Sunday, June 7, 1998.

Racing will be conducted on Mondays (except Memorial Day, May 25<sup>th</sup>), Tuesdays, Thursdays, Fridays and Saturdays with a post time of 7:40 p.m. Simulcasting will be offered on Wednesdays.

Yonkers will offer free admission to all patrons, however, patrons will have to pay a \$6.00 admission fee to the fair. Yonkers will issue free passes two weeks prior to the fair to accommodate its regular patrons. Parking during the fair will be \$4.00.

Live racing is not approved for Wednesday, May 27, 1998.

7. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**

For entry into the minutes, on May 5, 1998, approval was granted for the request by Finger Lakes Racing Assoc. to simulcast its signal to Northville Downs for their 1998 live racing season.

8. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**

For entry into the minutes, on May 5, 1998, approval was granted for the request by Finger Lakes Racing Assoc. to simulcast its signal to Rockingham Venture, Inc. for their 1998 live racing season.

9. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**

For entry into the minutes, on May 5, 1998, approval was granted for the request by Finger Lakes Racing Assoc. to simulcast its signal to Hazel Park Raceway for their 1998 live racing season.

10. **FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO OFFER PROMOTIONAL EVENT**

For entry into the minutes, on May 5, 1998, approval was granted for the request by Finger Lakes Racing Assoc. to offer the following promotional event:

Saturn Ride and Drive Event. Utechniques from Rochester, Minnesota will set-up a driving course for Saturn cars. Sales people from surrounding Saturn dealerships will be invited to test drive the new cars. This event will take place in Finger Lakes' parking lot on May 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. May 6<sup>th</sup> will be the set-up date.

11. **MONTICELLO RACEWAY REQUEST TO OFFER PROMOTIONAL EVENT**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Monticello Raceway to conduct a promotional event called "Welcome to Summer Promotion" series where patrons will have a chance to win \$1,000, \$5,000, \$10,000 or a 1998 truck. This promotion will begin June 1<sup>st</sup> and run through July 4, 1998 or while card supplies last.

At the end of this series, all patrons with losing tickets can enter a second drawing wherein fifty (50) tickets will be drawn and each patron will receive a \$50 bet voucher.

The rules are as follows:

1. There is no purchase necessary to play. The first scratch-off card is free for all patrons and anyone asking for a ticket.
2. Must be 18 years or older with valid picture identification to get a card and win.
3. Promotion runs until July 4<sup>th</sup>, or while card supplies last, or until all winning tickets are distributed.
4. Current employees or racing participants of Monticello Raceway are not eligible.
5. Photocopied or altered cards will be void.
6. Winners are responsible for all taxes.
7. Winner is subject to game rules listed on back of scratch card.
8. \$50.00 betting voucher is good at Monticello Raceway only.

12. **VERNON DOWNS REQUEST TO SIMULCAST FROM PIMLICO RACE COURSE**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Vernon Downs to simulcast the full race card from Pimlico Race Course in Baltimore, Maryland featuring the Preakness Stakes on Saturday, May 16, 1998.

13. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION REQUEST TO CONDUCT PROMOTION**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Capital OTB to conduct a mystery bet voucher promotion on Preakness Day, Saturday, May 16, 1998.

This approval is conditioned upon random distribution.

14. **FINGER LAKES RACING ASSOCIATION, INC.- SIMULCAST AGREEMENT**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Finger Lakes Racing Assoc., to simulcast its signal to Seabrook Greyhound Park for their 1998 live racing season.

15. **NEW YORK RACING ASSOCIATION INC. REQUEST TO OFFER FREE GRANDSTAND ADMISSION**

For entry into the minutes, on May 5, 1998, approval was granted for the request by NYRA to offer free grandstand admission to patrons with a valid college identification card on Saturday, May 23 and Sunday, May 24, 1998.

16. **BUFFALO RACEWAY REQUEST TO CONDUCT PROMOTIONAL EVENT**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Buffalo Raceway to conduct a promotional event where eight names will be selected in a random drawing. The patron whose horse wins the race will win a \$250 betting voucher and the other seven contestants will win a \$25 betting voucher. In the event of a scratch the patron will be entitled to a \$25 bet voucher.

**Request Withdrawn.**

17. **BUFFALO RACEWAY REQUEST TO AMEND LICENSE**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Buffalo Raceway to amend its license to race Thursdays, August 13<sup>th</sup> and 20<sup>th</sup> during the Erie County Fair.

The Board also grants approval for all triple wagering on those two days.

18. **VERNON DOWNS REQUEST TO CONDUCT PROMOTIONAL EVENTS**

For entry into the minutes, on May 7, 1998, approval was granted for the request by Vernon Downs to conduct the following promotional events:

1. May 10<sup>th</sup> – Offer free admission to all patrons attending Vernon's Mother's Day program. A Mother's Day dinner special will start at 5:30 p.m.
2. May 16<sup>th</sup> – Offer free admission to all patrons attending Vernon's live racing program on the night of the Preakness Stakes.
3. May 24<sup>th</sup> and 25<sup>th</sup> – Hold a Boat Show in the grandstand, sponsored by several area dealers.
4. May 25<sup>th</sup> – Give away free Vernon Down caps to the first 2,000 admission paying patrons.
5. May 25<sup>th</sup> – Singer Joe Angerosa will put on a "Tribute to Elvis" concert on the apron to the track's grandstand and Vernon will donate \$1.00 from every paid admission to the National Kidney Foundation.

19. **NEW YORK RACING ASSOCIATION INC, REQUEST FOR TRIFECTA WAGERING**

For entry into the minutes, on May 12, 1998, approval was granted for the request by NYRA to add a trifecta wager to the last race (usually the 9<sup>th</sup> race) of each day. The last NYRA race each day offers the following pools: superfecta, trifecta, win, place, show and exacta.

20. **VERNON DOWNS REQUEST TO OFFER ADVANCED WAGERING**

For entry into the minutes, on May 15, 1998, approval was granted for the request by Vernon Downs to offer advanced wagering on that evening's live racing.

21. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**

For entry into the minutes, on May 15, 1998, approval was granted for the request by Finger Lakes Racing Assoc., Inc. to simulcast its signal to Retama Development Corporation (Retama Park) for their 1998 live racing season.

22. **FINGER LAKES RACING ASSOCIATION, INC. – SIMULCAST AGREEMENT**

For entry into the minutes, on May 15, 1998, approval was granted for the request by Finger Lakes Racing Assoc., Inc. to simulcast its signal to Calder Race Course, Inc. and twenty-three of its satellite sites for their 1998 live racing season.

23. **NEW YORK RACING ASSOCIATION INC. REQUESTS REGARDING SPECIAL EVENTS**

For entry into the minutes, on May 15, 1998, approval was granted for the request by the New York Racing Association to delete from the list of special events The Red Bank Handicap(III) on May 25, 1998 at Monmouth Park, due to all New York sites taking Monmouth's full card that day.

Permission is also granted to designate the following races as special events:

<u>Date</u>	<u>Race</u>	<u>Track</u>
6/13/98	Baltimore Breeders' Cup Handicap(III)	Pimlico
7/4/98	Prairie Meadows Cornhusker (III)	Prairie Meadows
7/18/98	Frank J. DeFrancis Memorial Dash(II)	Laurel
7/19/98	Ohio Derby (II)	Thistledown
7/25/98	Robert F. Carey Memorial Handicap(III)	Hawthorne
7/26/98	Delaware Handicap(III)	Delaware

24. **NEW YORK CITY OFF-TRACK BETTING CORPORATION REQUEST TO SIMULCAST FROM PIMLICO RACE COURSE**

For entry into the minutes, on May 15, 1998, approval was granted for the request by New York City OTB to simulcast races 1 and 2 from Pimlico Race Course on Preakness Day, Saturday, May 16, 1998 over the Crosswalk network.

25. **MONTICELLO RACEWAY REQUEST TO AMEND LICENSE**

For entry into the minutes, on May 20, 1998, approval was granted for the request by Monticello Raceway to amend their post time for Mondays and Tuesdays from 1:05 p.m. to 3:30 p.m. for the month of June.

Permission is also granted for Monticello Raceway to add Saturday, June 27, 1998, to its racing schedule with a post time of 7:35 p.m.

26. **YONKERS RACEWAY REQUEST FOR ALL TRIPLE WAGERING**

For entry into the minutes, on May 21, 1998, approval was granted for the request by Yonkers Raceway to conduct an all triple wagering race card on Tuesday, May 26, 1998, due to the fact that they will not be racing Monday, May 25, 1998.

27. **BUFFALO RACEWAY REQUEST TO CONDUCT PROMOTIONAL EVENT**

For entry into the minutes, on May 21, 1998, approval was granted for the request by Buffalo Raceway to conduct a corporate pace promotion that will consist of a series of exhibition races run consecutive Fridays, May 29<sup>th</sup>, June 5<sup>th</sup>, and June 12<sup>th</sup>, after the third race on those evenings.

There will be no wagering on these races and admission is free.

28. **FINGER LAKES RACING ASSOCIATION, INC. REQUEST TO RUN TWO FURLONG RACES**

For entry into the minutes, on May 26, 1998, approval was granted for the request by Finger Lakes Racing Assoc. to run two furlong races on June 6<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup> for two year olds.

29. **VERNON DOWNS REQUEST TO AMEND HARNESS LICENSE**

For entry into the minutes, on May 26, 1998, approval was granted for the request by Vernon Downs to amend its harness racing license as follows:

1. Eliminate Sunday night racing and add Wednesday evenings starting June 3, 1998.
2. Amend post time for Wednesday through Saturday racing programs to 7:00 p.m. from 6:30 p.m.

30. **VERNON DOWNS REQUEST TO CONDUCT PROMOTIONAL EVENTS**

For entry into the minutes, on May 26, 1998, approval was granted for the request by Vernon Downs to conduct the following promotional events:

1. Saturday, June 6<sup>th</sup> – Free admission to Vernon's live evening program in conjunction with the Belmont Stakes Day.
2. Friday, June 19<sup>th</sup> – Kiss 102 radio station in conjunction with Coors Light Beer, will advertise admission to Vernon Downs for \$1.02. Vernon will only collect \$1.00 at the grandstand and clubhouse gates.

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

1. **MATTER OF RONALD WITTENBERG**

For entry into the minutes, on April 14, 1998, the Board summarily suspended Ronald Wittenberg's license to participate in pari-mutuel harness racing effective April 14, 1998, pending the disposition of a hearing for attempting to influence the outcome of a pari-mutuel race on April 11, 1998 at Buffalo Raceway.

2. **MATTER OF RICHARD DIETZ**

For entry into the minutes, on April 28, 1998, the Board summarily suspended Richard Dietz's license to participate in pari-mutuel harness racing effective April 28, 1998, pending the disposition of a hearing for appearing at Saratoga Raceway while metabolites of the drug marijuana were present in his system in violation of Board Rule 9 NYCRR Section 4119.11(a), and the Consent to Conditions for Reinstatement, dated April 6, 1998.



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

**1. SYRACUSE MILE 1998 TRACK LICENSE APPLICATION**

The Board approved the track license application submitted by The Syracuse Mile, Inc. for the conduct of pari-mutuel harness racing on August 7, 8, 9, 14, 15, and 16, 1998 at The Syracuse Mile.

**2. SYRACUSE MILE REQUEST FOR WITHDRAWAL FROM CAPITAL IMPROVEMENT FUND**

The Board approved the request by the Syracuse Mile to withdraw \$3,947.10 from their Capital Improvement Fund account for advertising and promotional expenses. This amount represents 50% of one percent of the on-track handle, the maximum allowable reimbursement for advertising and promotional expenses.

**3. PROPOSED AMENDMENT TO NEW YORK JOCKEY INJURY COMPENSATION FUND, INC.**

The Board approved the request by the New York Jockey Injury Compensation Fund to amend Article 8 of the By-Laws and Plan of Operation to add a new paragraph #10, in accordance with Section 213-a(8)(a), as follows:

The Corporation may pay in the first instance or reimburse the Corporation's insurer for the payment for medical treatment rendered to an employee who is eligible to receive workers' compensation benefits from the Corporation for an injury or illness which is not required to be reported in accordance with subdivision #2 of Section 110 of the Workers' Compensation Law. In no event shall such payments, in the aggregate, exceed \$50,000 in any one calendar year, and shall not exceed \$500 for any one claim.

**4. NEW YORK CITY OFF-TRACK BETTING CORPORATION JOB SECURITY AGREEMENT WITH LOCAL 751, TREASURER'S AND TICKET SELLERS UNION**

The Board approved the request by New York City, Nassau Regional, Suffolk Regional and Catskill Regional Off-Track Betting Corporation's to include a job security agreement with the Treasurer's and Ticket Sellers Union, Local 751. This agreement covers members of the union employed at the New York Racing Association's tracks for 1998 and 1999, and Yonkers Raceway, during the period

January 1, 1998 through December 31, 1998 pursuant to Section 530 of the Racing, Pari-Mutuel Wagering and Breeding Law in regard to the plan of operation, as well as Section 1010 relative to the simulcast plan of operation.

5. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION  
REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved the request by Western Regional OTB to amend its plan of operation to open a new simulcast branch facility located at 110 West 4<sup>th</sup> Street, Watkins Glen, New York. The new branch facility is located within the Savoy Restaurant.

Approval is effective July 1, 1998, conditioned upon the receipt of a certificate of occupancy.

6. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING  
CORPORATION REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved the request by Capital OTB to amend its plan of operation to appoint John Chiarmonte as the new Albany County Director.

Approval is conditioned upon a satisfactory return of Mr. Chiarmonte's fingerprint cards.

7. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION  
REQUEST TO AMEND ITS PLAN OF OPERATION**

The Board approved request by Capital OTB to amend its plan of operation to appoint William Desormeau, Jr., as the vending concessionaire to twenty-one of its branches.

Approval is conditioned upon a satisfactory return of Mr. Desormeau's fingerprint cards.

8. **SARATOGA RACEWAY REQUEST FOR WITHDRAWAL FROM CAPITAL  
IMPROVEMENT FUND**

The Board approved the request by Saratoga Raceway to withdraw \$22,256.90 from their Capital Improvement Fund account.

9. **YONKERS RACEWAY REQUEST FOR WITHDRAWAL FROM CAPITAL  
IMPROVEMENT FUND**

The Board approved the request by Yonkers Raceway to withdraw an additional \$250,000 from their Capital Improvement Fund account for expenses related to the demolition of the grandstand.

10. **MATTER OF ROBERT PEREZ**

The Board approved the recommendation of Hearing Officer Liebman that the decision of the stewards not to disqualify PROPHET'S WARNING, who finished first in the eighth race on December 20, 1997 at Aqueduct Race Track, be upheld.

11. **MATTER OF ROBERT MEDEIROS**

The Board approved the recommendation of Hearing Officer Liebman that the decision of the Presiding Judge at Yonkers Raceway, in which a fine of \$250.00 was imposed upon Mr. Medeiros for failing to honor his declaration in violation of Board rule 4111.13, be modified and reduced to \$75.00.

Member Neglia voted to sustain the violation with no fine.

12. **MATTER OF JOHN GRABOWSKI**

The Board approved the recommendation of Hearing Officer Liebman that the decision of the State Steward at Finger Lakes Race Track, which suspended the license of John Grabowski for careless riding causing interference, be upheld and that the penalty be increased from ten to twelve days due to "the manifest negligence of his ride".

13. **MATTER OF ALAN HOFFMAN**

The Board approved the recommendation of Hearing Officer Liebman that trainer-driver Alan Hoffman be found guilty of having attempted to tamper with the outcome of a pari-mutuel race, and that he be suspended for period of one year beginning December 23, 1997 through December 22, 1998.

With Member Liebman abstaining, the Board ordered that Mr. Hoffman will be eligible to seek reinstatement after December 22, 1998 only upon reapplication, which application will be subject to evaluation and determination prior to any further participation by Mr. Hoffman in New York State harness racing.

**E ITEMS FOR BOARD INFORMATION/ DISCUSSION**

1. **NEW YORK CITY OFF-TRACK BETTING CORPORATION – 05-11-E**  
Board Meeting held April 30, 1998
2. **FINGER LAKES RACING ASSOCIATION – 05-10-E**  
Results of tests conducted on Superfecta, Twin Trifecta and Tri-Superfecta Wagers
3. **YONKERS RACEWAY – 04-56-E**  
Amendment to current claiming rule
4. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION –04-60-E**  
Organizational Chart
5. **CAPITAL DISTRICT REGIONAL OFF-TRACK BETTING CORPORATION – 05-21-E**  
Simulcast agreement with Scioto Downs
6. **SUFFOLK OFF-TRACK BETTING CORPORATION – 05-06-E**  
Cessation of operation by concessionaire at the Tel-A-Race simulcast theater
7. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION – 05-34-E**  
Special board meeting held May 14, 1998
8. **WESTERN REGIONAL OFF-TRACK BETTING CORPORATION – 05-33-E**  
Robbery at Geneseo branch office
9. **CATSKILL OFF-TRACK BETTING CORPORATION – 04-61-E**  
Organizational chart
10. **CATSKILL OFF-TRACK BETTING CORPORATION – 05-37-E**  
Board meeting held May 7, 1998
11. **VERNON DOWNS SIMULCAST AGREEMENTS – 05-54-E**  
Simulcast schedules and contract agreements with various tracks

The meeting adjourned at 12:35p.m.