

## **MINUTES**

### **NEW YORK STATE RACING AND WAGERING BOARD**

#### **MEETING OF MAY 14, 2003**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, May 14, 2003 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 11:30 a.m.

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

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Ed Martin, Executive Director

Sheila Osterhout, Secretary to the Board

Robert Feuerstein, General Counsel

Jim Kellogg, Audits & Investigations

Joe Lynch, Chief of Racing Operations

#### **Also in Attendance Were:**

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Paul D'Onofrio, Monticello Raceway

#### **OPEN COMMENT PERIOD: None**

**A.** The Board approved the minutes of the Board meetings held on April 16, 2003 and April 21, 2003.

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

##### **1. FINGER LAKES REQUEST TO OFFER PROMOTIONS IN 2003**

For entry into the minutes, on April 16, 2003, approval was granted for the request by Finger Lakes to conduct a drawing on opening weekend for a trip to the 2003 Kentucky

Derby per submitted contest rules. It is understood that no one is limited to enter this contest and no admittance fee to the racetrack is required to enter the contest.

Additionally, the Board approved the handicapping challenges to be conducted on May 10<sup>th</sup>, June 21<sup>st</sup> and July 19<sup>th</sup> with the finals on August 23<sup>rd</sup>. All winners will be notified by mail and a list of winners must be made available to the general public. Also approved is the distribution of betting vouchers after each leg of each separate handicapping challenge per the submitted rules.

Also approved are the Finger Lakes Lunch Run and the Ballantyne RV/Camper Show race day promotions that include betting vouchers distributions and the "Cash Cube" promotions per the submitted rules.

The promotions as presented for "Senior Days", "Direct Mail Offers" (as indicated), various "Kentucky Derby Glass Giveaway", "Run for the Lilacs" (benefiting Mercy Flight Central), the "Preakness & Belmont Stakes Official Glass Giveaways", and the "Baseball Cap Giveaway Day" are acknowledged and do not require the approval of the Racing and Wagering Board.

## **2. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on April 21, 2003, approval was granted for the request by Finger Lakes to amend its plan of operation enabling the export of simulcast signals to the contiguous State of New Jersey and the New Jersey Sports and Exhibition Authority d/b/a The Meadowlands and Monmouth Park.

Also approved were the agreements with the eight Atlantic City Casinos. This approval is effective immediately.

\* For entry into the minutes, on April 21, 2003, approval was granted for the request by Finger Lakes to amend its plan of operation enabling the export of simulcasts to Philadelphia Park in Pennsylvania including the satellite locations as named on the application. This approval is valid throughout the year 2003 live Finger Lakes Racing Season.

As with all out-of-state phone-betting providers, no New York State residents are permitted to wager on New York horse races with Philly Phonebet.

\* For entry into the minutes, on April 25, 2003, approval was granted for the request by Finger Lakes to amend its simulcast plan of operation enabling the export of simulcasts to locations in contiguous states. Specifically approved is the export to Thistledown Racetrack in Cranwood, Ohio including its satellite location of Mifflin Meadows in Mansfield, Ohio as named on the application and to Freehold Raceway in New Jersey.

The Board further acknowledges the filing of the contract with Sports Creek Raceway in Michigan. All approvals are valid throughout the year 2003 live Finger Lakes Racing season.

\* For entry into the minutes, on April 29, 2003, approval was granted for the request by Finger Lakes to amend its simulcast plan of operation enabling the export of simulcast signals to the Las Vegas Dissemination Company (LVDC).

Although rebates are not permitted in Nevada, this contract did not have the language to prohibit rebates on wagering using Finger Lakes simulcasts. No rebates are permitted.

This approval is effective immediately.

\* For entry into the minutes, on May 7, 2003, approval was granted for the request by Finger Lakes to amend its simulcast plan of operation enabling the export of simulcasts to YouBet, effective immediately. YouBet.com is not to rebate customers based on Finger Lakes wagers. This approval is valid for the entire year 2003 Finger Lakes racing season.

The Board also acknowledges the receipt of an agreement to send the Finger Lakes simulcast to Lone Star Park in Texas during the year 2003 live Finger Lakes racing season.

### **3. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on April 21, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from the Churchill Downs, Inc. owned racetracks of Arlington Park, Churchill Downs (through July 6<sup>th</sup> only), Calder Race Course, Ellis Park, Hoosier Park and Hollywood Park (through July 20<sup>th</sup> only) during the calendar year 2003 and whenever applicable under the Racing Law.

Also approved is the year 2003 simulcast contract with the harness racetrack known as Scioto Downs in Ohio.

Should Monticello Raceway desire to continue with Churchill Downs during their scheduled Fall meet of October 26<sup>th</sup> through November 29<sup>th</sup>, a new permission letter from the Kentucky Division of the H.B.P.A. must be filed with the Board.

Should Monticello Raceway desire to continue with Hollywood Park during their scheduled Fall meet of November 11<sup>th</sup> through December 21<sup>st</sup>, a new permission letter from the Thoroughbred Owners of California (TOC) must be filed with the Board.

\* For entry into the minutes, on April 25, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of harness simulcasts from The Red Mile in Lexington, Kentucky; Ocean Downs in Ocean City, Maryland and from the in-state harness racetrack of Vernon Downs.

\* For entry into the minutes, on May 6, 2003, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the export of harness simulcasts from Monticello Raceway during its 2003 live racing season to The Meadows and its listed satellite locations and account wagering partners.

This approval is effective immediately.

### **4. SUFFOLK OTB REQUEST TO CONDUCT PROMOTION KENTUCKY DERBY**

For entry into the minutes, on April 21, 2003, approval was granted for the request by Suffolk Regional OTB to conduct a year 2003 Kentucky Derby promotion on the afternoon of Saturday, May 3<sup>rd</sup>.

Suffolk Regional OTB is not charging any fee whatsoever to enter either promotion. At each branch, one drawn winner will receive a twenty-five dollar (\$25) gift certificate redeemable for lunch or dinner at Suffolk OTB's Teletheater, The Racing Forum. A second drawn

winner at each branch will receive a cash prize of five hundred dollars (\$500). This promotion is to be conducted under the rules as submitted to the Board.

#### **5. WESTERN OTB REQUEST TO IMPORT NYRA**

For entry into the minutes, on April 21, 2003, approval was granted for the request by Western Regional OTB to amend its simulcast plan of operation with the approval of a two-year contract with the New York Racing Association (NYRA).

By this agreement, Western OTB is enabled to import simulcasts on the NYRA racetracks of Aqueduct Racetrack, Belmont Park and Saratoga Race Course.

#### **6. NEW YORK CITY OTB REQUEST TO OFFER VOUCHER PROMOTION - KENTUCKY DERBY**

For entry into the minutes, on April 22, 2003, approval was granted for the request by New York City Off-Track Betting Corporation to amend its plan of operation enabling the distribution of 2,500 vouchers with a value of \$7,100.00 in the quantities and denominations as outlined in the submitted promotional application. This approval is specifically for the NYCOTB promotion in conjunction with Churchill Downs to take place at the Nasdaq National Market on Friday, April 25, 2003 with the redemption of the Kentucky Derby wagering vouchers to take place per the submitted rules.

The Racing and Wagering Board reserved the right to audit the results of this voucher promotion. This approval is effective immediately.

#### **7. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on April 25, 2003, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from Delaware Park in Stanton, Delaware during the year 2003.

This simulcast may be imported whenever permitted by the Racing Law.

#### **8. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on April 25, 2003, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of simulcasts from the year 2003 harness race meeting conducted at Harrington Raceway in Delaware.

This approval extends to Suffolk Regional OTB as well. The Harrington Raceway simulcasts may be imported whenever permitted under the Racing Law.

\* For entry into the minutes, on May 6, 2003, approval was granted for the request by Nassau Regional OTB, dated April 25, 2003, to amend its simulcast plan of operation enabling the importation of the simulcasts from Yavapai Downs in Arizona during their 2003 meeting that begins on May 24<sup>th</sup> and concludes on September 2<sup>nd</sup>.

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

\* For entry into the minutes, on May 13, 2003, approval was granted for the request by Nassau Regional OTB (on behalf of Suffolk Regional OTB) to amend its simulcast plan of operation enabling the import of simulcasts from the year 2003 harness race meeting conducted at Ocean Downs in Ocean City, Maryland.

This approval extends to Suffolk Regional OTB as well. The Ocean Downs simulcasts may be imported whenever permitted under the Racing Law.

#### **9. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2003**

For entry into the minutes, on April 29, 2003, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the export of simulcast signals to Autotote Enterprises, Inc. in Connecticut.

Included among the Connecticut recipients are all Autotote Enterprises satellite locations included on the submitted contract, which include the Mohegan Sun Sports Book, Shoreline Star and Plainfield Greyhound. Also included are the simulcast facilities of Sports Haven, Bradley, New Britain, Bristol, Torrington and Hartford plus the six regular OTBs that are non-simulcast.

This approval is effective immediately.

\* For entry into the minutes, on May 6, 2003, approval was granted for the request by Saratoga Harness to amend its plan of operation enabling the import of simulcasts from the Churchill Downs, Inc. owned racetracks.

These approvals from Churchill Downs and for Hollywood Park are partial year approvals. Churchill Downs is approved through July 7<sup>th</sup> while Hollywood Park is approved through July 20<sup>th</sup>. To continue on with Churchill Downs and Hollywood Park signals during their scheduled Fall 2003 race meets, new federally required letters of permission must be obtained from the Kentucky Racing Commission and the Kentucky HBPA for Churchill Downs and from the California Horse Racing Board and TOC for Hollywood Park, then filed with the Board.

#### **10. WESTERN OTB REQUEST TO SIMULCAST VERNON DOWNS**

For entry into the minutes, on April 29, 2003, approval was granted for the request by Western Regional OTB to amend its simulcast plan of operation enabling the import of simulcast signals from Vernon Downs to all Western OTB branches, its Teletheater and Batavia Downs.

This approval is effective immediately.

#### **11. FINGER LAKES REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on May 6, 2003, approval was granted for the request by Finger Lakes to amend its plan of operation for a final disbursement of the entire pick-six pari-mutuel pool on Tuesday, May 20, 2003.

Also approved was a new daily Pick Four wager on races four through seven commencing on Friday, May 23, 2003.

## **12. FINGER LAKES REQUEST FOR ADDITIONAL RACING OFFICIAL - PAMBIANCHI**

For entry into the minutes, on May 13, 2003, approval was granted for the appointment of Leo J. Pambianchi as racing secretary for the Finger Lakes Racing Association, effective immediately.

This approval is required under Section 4005.1 of the Board's thoroughbred racing rules.

## **13. SARATOGA HARNESS REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on May 13, 2003, approval was granted for the request by Saratoga Harness to amend its plan of operation enabling a new first post time of 4:15 p.m. each of three consecutive Fridays beginning on June 13, 2003.

## **14. YONKERS RACEWAY REQUEST TO CHANGE POST TIMES - FRIDAYS**

For entry into the minutes, on May 13, 2003, approval was granted for the request by Yonkers Raceway to amend its plan of operation enabling a revised first post time on Fridays only to begin at 12:00 noon.

This approval is effective on the first requested Friday of May 23<sup>rd</sup> and continues through Friday, July 18, 2003, a total of nine Friday matinees.

## **15. CAPITAL OTB REQUEST TO OFFER PROMOTION**

For entry into the minutes, on May 13, 2003, approval was granted for the request by Capital District Regional OTB, dated May 7, 2003, to distribute to the first 100 customers entering the New Lebanon Racing center a free two-dollar betting voucher along with other Preakness Stakes and OTB related items on Thursday, May 15<sup>th</sup>.

Also approved is a Friday, May 16<sup>th</sup> promotion at the 20 Mall in the Star Plaza, Guilderland where Capital OTB will distribute a two-dollar betting voucher along with other promotional items including a Preakness item, OTB apparel and a NYRA program to the first 100 customers entering this one branch for the day's racing.

Further approved is the promotion to take place on the actual Preakness Day, Saturday, May 17<sup>th</sup> at the Albany Teletheater. Approved is the ability to distribute a free two-dollar win wager on the Kentucky Derby winner FUNNY CIDE that is scheduled to compete in the one race known at The Preakness Stakes. This win wager on FUNNY CIDE would be distributed to the first 700 customers to enter the Teletheater on this one day. Additionally, each of these customers would receive a free Preakness hat, a NYRA program, free Preakness past performances and an OTB item.

The Racing and Wagering Board reserves the right to audit the results of all voucher or other corporation provided wagering promotions conducted by Capital OTB.

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

### **1. NYRA SIMULCAST LICENSE APPLICATION FOR 2003**

For entry into the minutes, on May 6, 2003, the Board approved the simulcast license for Belmont Park with the understanding that further materials will follow pending completion of a full fire inspection by July 1, 2003.

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

**1. IN THE MATTER OF LUIS CHAVEZ □ 02/60 NYRA**

The Board approved Hearing Officer Britell's recommendation that the decision of the State Steward at Aqueduct Race Track, which imposed a ten-day suspension for careless riding, while riding the horse "ALL LINE" in the December 6, 2002 third race, in violation of Board Rule 4035.2 be affirmed.

**2. IN THE MATTER OF LUIS CHAVEZ □ 03/07 NYRA**

The Board approved Hearing Officer Brittell's recommendation that the decision of the State Steward at Aqueduct Race Track, which imposed a ten-day suspension for careless riding, while riding the horse "SEEING SIGNS" in the January 24, 2003 third race, in violation of Board Rule 4035.2 be affirmed.

**3. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$27,835.53**

The Board approved the request by Monticello Raceway to withdraw a total of \$27,835.53 from its Capital Improvement Fund for reimbursement of Advertising and Promotional Expenditures.

**Advertising and Promotional Expenditures**

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**Amount**

Fireworks Show \$ 5,000.00

Advertising with NYC OTB Shows 14,300.00

Prizes & Promotions 8,535.53

**Total Approved \$27,835.53**

**4. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$34,594.34**

The Board approved the request by Monticello Raceway to withdraw a total of \$34,594.34 from its Capital Improvement Fund for reimbursement of capital improvement expenditures.

**Backstretch (45%)**

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New roof on Track Kitchen \$ 6,650.00

Barn repairs and three new water heaters

Barns J, G & Paddock 1,690.19

Repairs to Stalls in Barn M 367.28

Repairs to stalls in Barns S & Y 577.00

New water heaters, Barns S & F 431.53

Installation of new heating unit

in testing stalls 3,837.26

New vantage strip heater for paddock 2,177.45

**Total Backstretch Items \$ 15,730.71**

**Other (55%)**

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New water cooler for office 223.63

New Grandstand Roof 18,640.00

**Total Other Items \$18,863.63**

**Total Approved \$ 34,594.34**



## **5. SYRACUSE MILE TRACK LICENSE APPLICATION FOR 2003**

The Board denied the Syracuse Mile year 2003 track license application without prejudice to reapplication. This denial is based upon the apparent inability of the applicant to proceed with a pari-mutuel harness race meeting.

## **6. CATSKILL OTB REQUEST TO APPOINT NEW BOARD OF DIRECTOR - VALEANT**

The Board approved the appointment of Mr. Joseph Michael Valeant to the Catskill Regional Off-Track Betting Corporation's Board of Directors.

Mr. Valeant will be representing the County of Chemung on the Catskill Regional Off-Track Betting Corporation's Board.

## **7. WESTERN OTB SIMULCAST LICENSE APPLICATION FOR 2003**

The Board approved the Western Regional Off-Track Betting Corporation year 2003 simulcast license application.

This license is issued contingent upon compliance with the following conditions:

- Conditioning the continued use of Hitachi's, bet mates or other similar devices by providing that no cancellations are allowed to be placed on them.
- Limiting the issuance/use of Hitachi's, bet mates or other similar devices to one per person/betting interest.
- Eliminating any cancellation delay □ no cancellations after the start of the race.
- The name, address, social security number and date of birth must be obtained from each individual who opens a day account (temporary wagering account) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

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

### **1. FIVE YEAR RULE REVIEW □ PUBLICATION IN STATE REGISTER**

□ 04/03-16-E

**The submitted Rule Review Notice was published in the *State Register* on April 9, 2003. Comment has been invited through May 26, 2003.**

**2. LICENSING ☐ CURRENT RACING LICENSING COUNT AS OF APRIL 2003 - 05/03-04-E**

**The current racing licensing count as of May 5, 2003 are as follows: total receipts 4670 and total licenses 3261.**

**3. GAMES OF CHANCE ☐ BINGO REGISTRATION NUMBERS ☐ APRIL/MAY ☐ 05/03-03-E**

**List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between April 8, 2003 ☐ May 1, 2003.**

**4. GAMES OF CHANCE ☐ BELL JAR TICKETS ☐ APRIL/MAY ☐ 05/03-01-E**

**List of bell jar tickets authorized/denied by the Charitable Gaming Unit between April 8, 2003 ☐ May 1, 2003.**

**5. GAMES OF CHANCE LICENSED BINGO & GAMES OF CHANCE SUPPLIERS APRIL/MAY - 05/03-02-E**

**List of manufacturers/suppliers licensed for 2003, by the Charitable Gaming Unit, between April 8, 2003 ☐ May 1, 2003.**

**The meeting was adjourned at 11:55 p.m.**